



**COUNTY OF SAN MATEO  
ENVIRONMENTAL SERVICES AGENCY**

**Date:** August 1, 2001  
**Set Time:** 9:00 a.m.  
**Hearing Date:** August 14, 2001

**To:** Honorable Board of Supervisors

**From:** Marcia Raines, Director of Environmental Services *MR*

**Subject:** EXECUTIVE SUMMARY: Consideration of an appeal of a decision by the Planning Commission to deny a Coastside Design Review Permit and a Coastal Development Permit Exemption to construct a new single-family residence on a 5,000 sq. ft. parcel located on the south side of 2nd Street, 50 feet west of Farallone Avenue in the unincorporated Montara area of the County. This project is not appealable to the California Coastal Commission.

**RECOMMENDATION**

Deny the appeal and uphold the decision of the Planning Commission to deny the Design Review permit and Coastal Development Permit Exemption, County File Number PLN 1999-00215, by making the findings.

**PROPOSAL**

The applicant is proposing to construct a new 3-level single-family residence, with 2,968 sq. ft. of floor area and a 460 sq. ft. attached garage on a 5,000 sq. ft. parcel.

**PLANNING COMMISSION ACTION**

Staff's approval of this project was appealed by neighbors. The Planning Commission granted the appeal with a vote of 5-0 and denied the project. This decision was based primarily on concerns about the proposed structure retaining and blending with the natural landform, unnecessary removal of trees to accommodate the proposed development, and the proposed structure's harmony with the shape, size, and scale of adjacent buildings in the community. The Planning Commission also indicated to the applicant the opportunity to redesign the project and return to them for a decision.

## **BACKGROUND**

The property owners, Thomas and Alice Mahon, have requested design review approval for a new single-family residence. The project was approved administratively and appealed to the Planning Commission by a group of interested persons. The appellants objected to the design and siting of the residence, staff's independent approval of the proposed project in relationship to an adjacent project proposed by the applicants, and inconsideration of alternate site design. The appellants were concerned with the proposed design in relationship to the adjacent community and the project's compliance with the County's Standards of Review and Local Coastal Program (LCP). The Planning Commission granted the appeal and denied the project. The property owners have appealed this decision to the Board of Supervisors.

## **SUMMARY**

The property owners' primary issues include: (1) compliance with all applicable zoning regulations; (2) non-applicability of the floor area ratio regulations; (3) other large developments have been recently approved; and (4) inaccurate information with regard to size and scale of neighboring structures was presented at the Planning Commission hearing.

The project does comply with all applicable zoning regulations with regard to height, lot coverage, and setbacks. However, the project site is also located in a Design Review District and, therefore, is subject to the applicable design review standards. The Planning Commission found that the project is not in compliance with the applicable County Design Review Standards, specifically, those standards requiring new structures to blend with and retain the natural landform, minimize removal of trees to accommodate proposed development, and be in harmony with the shape, size, and scale of adjacent buildings in the community.

With regard to the floor area ratio issue, this project was submitted prior to the adoption of an urgency interim ordinance, which regulates floor area ratio, and is not subject to the floor area ratio limitations. The project was not denied based on floor area limitation.

With regard to other approvals involving large developments in the vicinity of the project site, staff has found that two large developments have been approved in the past 1-1/2 years within the block of the project site. Lastly, with regard to inaccurate information relating to size and scale of neighboring structures having been presented at the Planning Commission hearing, staff is of the opinion that accurate information from the County Assessor's records was presented to the Planning Commission.

Staff recommends that the Board of Supervisors uphold the decision of the Planning Commission to deny the project.

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**To:** Honorable Board of Supervisors

**From:** Marcia Raines, Director of Environmental Services *MR*

**Subject:** Consideration of an appeal of a decision by the Planning Commission to deny a Coastside Design Review Permit and a Coastal Development Permit Exemption pursuant to Sections 6565.4 and 6328.5 of the County Zoning Regulations to construct a new single-family residence on a 5,000 sq. ft. parcel located on the south side of 2nd Street, 50 feet west of Farallone Avenue in the unincorporated Montara area of the County. This project is not appealable to the California Coastal Commission.

File Number: PLN 1999-00215 (Mahon)

**RECOMMENDATION**

Deny the appeal and uphold the decision of the Planning Commission to deny the Design Review permit and Coastal Development Permit Exemption, County File Number PLN 1999-00215, by making the findings contained in Attachment A.

**PROPOSAL**

The applicant is proposing to construct a new 3-level single-family residence, with 2,968 sq. ft. of floor area and a 460 sq. ft. attached garage on a 5,000 sq. ft. parcel.

**BACKGROUND**

Report Prepared By: Lily Toy, Senior Planner, Telephone 650/363-1841

Applicants/Owners: Thomas and Alice Mahon

Location: South side of 2nd Street, 50 feet west of Farallone Avenue, Montara

APN: 036-014-200

Size: 5,000 sq. ft.

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

General Plan Designation: Medium Low Density Residential (6.1 – 8.7 units/acre)

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Vacant

Flood Zone: Zone “C,”; Areas of Minimal Flooding

Environmental Evaluation: Exempt under Section 15303, Class 3 of the California Environmental Quality Act (CEQA).

Setting: The project site is located at the northwestern corner of Montara, two blocks east of Cabrillo Highway. The 5,000 sq. ft. parcel has an average slope of approximately 22 percent which slopes in a northerly direction uphill from 2nd Street. There is one existing pine tree located at the northwest section of the property and three existing pine trees in front of the property within the public right-of-way. The parcel to the east is vacant; the parcel to the west is currently under construction (2-story residence) and the remaining surrounding neighborhood is developed with one- and two-story single-family residences.

Chronology: (See Attachment I)

## **DISCUSSION**

### **A. PREVIOUS ACTION**

Staff’s approval of this project was appealed by neighbors. The Planning Commission voted 5-0 to grant the appeal and deny project. The decision was based primarily on concerns about the proposed structure retaining and blending with the natural landform, unnecessary removal of trees to accommodate the proposed development, and the proposed structure’s harmony with the shape, size, and scale of adjacent buildings in the community. The Planning Commission also indicated to the applicant that there is the opportunity to redesign the project for further Planning Commission review.

## B. BACKGROUND

During the appeal to the Planning Commission, the appellants stated that the structure is not in harmony with the adjacent buildings in the community. The proposed structure will consist of 2,968 sq. ft. of livable area, excluding the 2-car garage. The average livable area of the nearby residences, within 300 feet of the project site, is approximately 1,852 sq. ft. with one-third (1/3) of these residences with a livable area of 2,400 sq. ft. or greater. In the initial decision, staff found the proposed structure was in harmony with the shape, size, and scale of adjacent buildings in the community. However, the Planning Commission found that the design is not in compliance with the applicable County Design Review Standards.

Secondly, the appellants stated that this project was inappropriately segregated and considered apart from the adjacent project, which was submitted simultaneously with this project. The appellants stated that staff had historically viewed this as a single development since we had addressed both projects in one letter. Staff generated one letter to address the two projects based on efficiency and not based on the fact that staff considered the two applications as a single development.

Thirdly the appellants stated that staff had not explored an alternate site design put forward by the Mid-Coast Community Council Planning and Zoning Subcommittee. During the Design Review process, staff did consider the alternative put forward by the Mid-Coast Community Council, which involved a reorientation of the parcels to front onto Farallone Avenue versus 2nd Street. In staff's letter to the applicant, dated December 31, 1999, this alternative was suggested. During the redesign process, the applicant discussed with County staff the alternative lot configurations. Based on staff's opinion, the alternative would result in more building bulk along 2nd Street, which is on the downhill side. Staff concluded, at that time, that on balance with other standards of review that the applicant's revised plans would have the least impact. The Planning Commission found that re-orientating the parcels to front onto Farallone Avenue would eliminate the need to remove the three trees located along 2nd Street. Therefore, the Planning Commission found that the project would require excessive removal of trees. Subsequent to the Planning Commission decision, the applicant has submitted a tree removal permit application with an arborist report which indicates the declining health of 3 of the 4 four trees involved in this project (See Attachment J).

Lastly the appellants stated that this project is not in compliance with the LCP. The project site is located within the Single-Family Exclusion area of the Coastal Zone and thus qualifies for a Coastal Development Permit Exemption under Section 6328.5.e of the County Zoning Regulations.

The Planning Commission granted the appeal and denied the project with a vote of 5-0. The property owners have appealed this decision to the Board of Supervisors.

### C. KEY ISSUES OF THE APPEAL

The key issues of the applicant are listed (in *italics*) below, each followed by staff's response.

1. *Planning staff has found that the project complies with all applicable regulations and guidelines of the R1/S17 zone. This zone has a 28-foot height limit, which indicates a 2-story zone, and the project complies. The Community Design Manual clearly shows 1- and 2-story homes differing in height and size adjacent to each other. This home complies with all of these guidelines.*

Staff's Response: This is true. The development does comply with all applicable zoning regulations with regard to height, lot coverage, and setbacks. However, the project site is also located in a Design Review District and, therefore, is subject to the applicable design review standards as listed in Section 6565.4 of the Zoning Regulations. It is also true that the Community Design Manual does clearly show, with regard to structural shapes and scale, one- and two-story homes adjacent to each other. However, the graphics clearly depict structures that are relatively the same height to create a harmonious appearance from the street (see Attachment "C"). The Planning Commission found that the proposed project is not in compliance with all the design review standards; specifically with the following standards:

- a. Is not designed and situated so as to retain and blend with the natural vegetation and landform in that the proposed structure does not blend with the natural contours of the site.
  - e. Results in unnecessary removal of trees for the construction of the proposed structure or paved areas in that the proposed development is not designed around major trees.
    - (1) Is not in harmony with the shape, size and scale of adjacent buildings in the community in that the proposed structure does not relate to adjacent buildings and to the neighborhood.
2. *The project was "grandfathered" by the Supervisors with regard to the "Urgency Interim Ordinance" and is not subject to either new FAR limitations or new height measurement standards.*

Staff's Response: This is true. This project was submitted prior to the adoption of the urgency interim ordinance for the Mid-Coast and is not subject to the floor area ratio limitations. The urgency interim ordinance does not regulate the measurement of height any differently than the regulations prior to the urgency interim ordinance.

3. *The project was actually approved more than 6 months before that approval was withdrawn by the Planning Division due to a possible error by the Planning Division.*

Staff's Response: This is true. As indicated on the chronology (Attachment I) section of this report, staff did approve this project. However, after finding that the public notice to neighbors was not completed during the processing of the application, this approval was revoked. Subsequently, staff approved the project following the appropriate public noticing.

4. *Mahons have invested in drilling wells, working to procure permits and have formally merged parcels in reliance on the original approval.*

Staff's Response: Staff issued a Coastal Development Exemption (County File No. CDX 98-0093) for the drilling of two domestic wells on June 17, 1998 (prior to permit submittals for construction). The Mahons have been able to successfully drill two wells in anticipation of developing two single-family residences. With regard to the merger, staff required the applicant, as a part of the design review process, to formally merge the parcels to comply with the Board's policy to merge substandard lots within the S-17 district at the time of development.

5. *The prime appellant, during the Planning Commission hearing, Renata Bingham, has a significant personal conflict of interest in the disposition of the Mahon's property due to her son's failed attempt to purchase the property when it was available. Bingham has in fact contacted the owners several times since their purchase and has inquired about purchasing the property from them.*

Staff's Response: Staff is not aware of this issue. Staff believes that this is a private issue.

6. *Incorrect information regarding typical "scale" of homes in the neighborhood was supplied to the Planning Commission at the "Hearing" as all homes to the east of the project on 2nd Street are at least partial 2-story homes. And the majority are 2-story homes (approximately 45 feet by 40 feet) built with approximately 1,800 sq. ft. per floor, originally with over 2,500 sq. ft. of living area and with a total of approximately 3,600 sq. ft. of interior space including garage space and other originally undeveloped areas. It appears that the majority of these have developed additional space as living area. In fact, the appellant, Bingham, appears to have also done illegal construction by walling off half of her 1st story garage space as living space or an illegal unit.*

Staff's Response: Staff has found that there are homes located east of the project site that have been developed with over 2,400 sq. ft. of living area, not including garage areas (see Attachment "E"). Staff relied on the County Assessor's information to make this determination. The County Assessor's information is approximate and does not include any illegally converted areas. Therefore, there may, in fact, be residences with greater living areas than indicated on the Assessor's records. Furthermore, the County is not aware that Bingham has done any illegal construction.

- 7a. *Two large 2-story projects have been approved and are now under construction adjacent to the applicant's project site, specifically a major addition on 3rd Street and a large new home on 2nd Street.*
- 7b. *There are two newly permitted "larger" projects adjacent to the project site. One is a large new home to the west and one is a large addition to an existing smaller home to the southwest.*

Staff's Response: This is true. Planning staff processed and approved these two Coastside Design Review applications. A project for a new 3-level, 4,332 sq. ft. house with an attached 2-car garage was approved in November 1999, on the west adjacent parcel to the project site. Additionally, a project for a 2,095 sq. ft. second story addition onto an existing 1,367 sq. ft. single-family residence located at 247 3rd Street (located southwest of the project site) was approved in March 2000. These two projects are currently under construction.

8. *Planning staff inaccurately based their analysis of neighboring home size on appraisers data of original declared "living area" without regard for the available "undeveloped" or garage" space enclosed by structures.*

Staff's Response: As indicated in staff's response to issue no. 6, Planning staff relied on the County Assessor's records to determine livable areas of neighboring homes. The Assessor's records are approximate and would include all legally converted areas to livable space, however, do not incorporate any non-livable areas, such as uninhabitable attics and basements, or any illegal garage conversions. Therefore, Planning staff did not include any illegally converted areas, which may have been included on appraisal reports issued by real estate appraisers.

9. *The proposed project is in fact smaller than the 3,600 sq. ft. homes in total floor space with "bulk" and appears smaller and has less impact as the garage area is mostly below grade.*

Staff's Response: The project proposes 2,968 sq. ft. of living area and a 460 sq. ft. attached garage which totals 3,468 sq. ft. of floor area. The proposed structure is designed so the garage slab is 4-1/2 feet below the finished grade of the house, which sets half the height of the garage into the slope of the parcel). The structure is designed with 2-1/2 stories exposed on top of the grade at the front of the house and 2 stories exposed on top of the grade at the back of the house.

10. *The project's street impact of the project was unfairly compared by appellants and interested parties with nearby homes built on level or down-sloping lots. Any home built on an upslope is going to be more visible, and apparently larger, from the street than a same-size home built on a down-slope. Most homes on the north side of 3rd Street just east of the project site are such multi-story down-slope homes and feature 2+ and 3-story walls facing north and facing neighboring properties. The property owners have taken significant steps to mitigate this.*



Staff's Response: This is true. Upslope properties are more visible. However, the Community Design Manual and the Design Review Guidelines indicate that proposed structures, whether on down-slope parcels or up-slope parcels, should relate in size and scale to adjacent buildings and to the neighborhood in which they are located. The property owners have redesigned the structure to blend more with the natural landform of the property (see Attachment "D"). Although the structure will appear from the street as a 3-story structure, the property owners have incorporated several methods to reduce the bulk. The redesign sets the garage into the slope, therefore, reducing the height of the structure in relationship to the street level. In addition, the redesign incorporates a curved driveway versus a straight driveway designed such that an onlooker's eye is directed not to the lowest level, which is the garage, but to the front entry of the residence located on the second level of the structure, therefore, de-emphasizing the lower level. [Subsequent to the Planning Commission hearing, the applicant has submitted a second revision, which incorporates a traditional straight driveway, which is centered on the lot]. Furthermore, the design has incorporated five (5) different planes at the street elevation and is designed such that the ultimate height of the structure is brought further away from the street, therefore, eliminating some of the mass from the street.

11. *There is no mention of differing height standards for up-sloping and down-sloping lots in the Community Design Manual or in the Design Review Guidelines or in the R1-S17 Zoning Regulations. The project is typical of what has been permitted in the area, particularly on Farallone Avenue's upslope lots.*

Staff's Response: This is true. The height requirements are consistent throughout the R1/S17 Zoning District. The property owners indicate that this project is typical of what has been permitted in the area, particularly on Farallone Avenue's upslope lots. However, the Planning Commission found that this project is not in compliance with the Design Review Regulations as indicated in staff's response to issue no. 1.

12. *The project was incorrectly characterized by interested parties at the Planning Commission hearing as having a significant larger floor area ratio than it does. This was acknowledged by Terry Burnes at the hearing. This incorrect representation seemed to affect the Planning Commissioners even when there was no floor area ratio affecting or applicable to the project.*

Staff's Response: The Planning Commission, as indicated in staff's response to issue no. 1, found that this project is out of scale. While this project is not subject to any floor area ratio regulation, the Planning Commission may have used the floor area as one of the indicators to compare scale and size. However, the Planning Commission did not deny this project based on floor area ratio.

13. *The home immediately behind the project site is smaller, but is a 2-story home.*

Staff's Response: This is true. The home located adjacent to the south is a smaller residence and is a 2-story structure. The County Assessor's records indicate that the home consists of 600 sq. ft. of living area and a 590 sq. ft. basement.

14. *The project has minimal shading impact and blocks no public or private views and it has not been alleged by any party that the project will shade any other property or block any views, public or private.*

Staff's Response: This is true. The project is in compliance with the Design Review Regulations and Community Design Review Manual with regard to views. The Planning Commission did not deny the project based any view issue.

15. *The project is not located in a view corridor and will be virtually invisible from the 2nd Street view corridor.*

Staff's Response: This is true. The project will not interrupt any existing view corridor, specifically the 2nd Street view corridor to the west. The Planning Commission did not deny the project based any view corridor issue.

16. *The property owners have worked in good faith with Planning staff and the Mid-Coast Community Council and have modified and re-engineered plans several times at significant expense to reduce apparent bulk and visual impact. Though "grandfathered," the plans now effectively comply with the "urgency ordinance's" approach to height limits (stepping and use of actual rather than average grade).*

Staff's Response: The property owners have redesigned their project to better blend with the natural land form and to eliminate some bulk at the front of the residence (additionally refer to staff's response to issue no. 10). Additionally, the redesign does comply with the proposed height regulations which measures height from the natural grade.

## C. PROJECT COMPLIANCE WITH COUNTY REGULATIONS

### I. Conformance with General Plan

The Planning Commission found that the project does not comply with several Design Review Standards which is also supported in the County's General Plan. Therefore, the Planning Commission found the proposed project is not in conformance with the County General Plan. The following specific General Plan policies are applicable:

Visual Quality and Urban Land Use. Visual Quality Policy 4.35 (*Urban Area Design Concept*) seeks to: (a) maintain and, where possible, improve upon the appearance and visual character of development in urban areas [of which the Montara area is included]; and (b) to ensure that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality. Urban Land Use Policy 8.14 (*Residential Land Use Compatibility*) seeks to protect and enhance the character of existing single-family areas. The Planning Commission found that the project does not blend into the natural landform, is not in harmony with adjacent buildings in the community, and proposes the unnecessary removal of trees. Therefore is not in conformance with the General Plan.

2. Conformance with Local Coastal Program Policies

This project site is located within the Single-Family Exclusion Area of the Coastal Zone and thus qualifies for a Coastal Development Permit Exemption under Section 6328.5.e of the County Zoning Regulations.

3. Conformance with Zoning Regulations

- a. Development Regulations. The project site is zoned R-1/S-17 and is located within a Design Review Overlay District. The project components comply with all applicable zoning regulations, including setbacks, lot coverage, and height.
- b. Design Review. The project is located within a Design Review Overlay District, and must comply with the applicable Coastside Design Review standards. The Planning Commission found that the proposed project is not in compliance with all the design review standards; specifically with the following standards:
  - (1) Is not designed and situated so as to retain and blend with the natural vegetation and landform in that the proposed structure does not blend with the natural contours of the site.
  - (2) Results in unnecessary removal of trees for the construction of the proposed structure or paved areas in that the proposed development is not designed around major trees.
  - (3) Is not in harmony with the shape, size and scale of adjacent buildings in the community in that the proposed structure does not relate to adjacent buildings and to the neighborhood.

D. ENVIRONMENTAL REVIEW

The project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 (construction of new small facilities or structures).

E. REVIEW BY THE MID-COAST COMMUNITY COUNCIL

The Mid-Coast Community Council has reviewed this project several times during this past year and a half, and suggested that staff request an arborist report to address tree removal and to preserve as many trees as possible, suggested the requirement of a higher number of mature trees of a significant size, and requested staff to conduct a survey of the existing housing stock to verify the perceived relationship of the proposed houses to the surrounding neighborhood.

During the decision process, staff considered the Mid-Coast Community Council's comments and considered the alternative from the Mid-Coast Community Council, which involved a reorientation of the parcels to front onto Farallone Avenue versus 2nd Street. In staff's letter to the applicant, dated December 31, 1999, this alternative was suggested. During the redesign process, the applicant discussed with County staff the alternative lot configurations. Based on staff's opinion, the alternative would result in more building bulk along 2nd Street, which is on the downhill side (see Attachment D.4). Staff included in the staff report to the Planning Commission conditions of approval requesting an arborist report and that a larger mature tree be planted. Additionally staff has conducted a survey of the existing housing stock as discussed in staff's response to issue item no. 6 above.

Staff has notified the Council to inform them that an appeal of the proposed project has been scheduled for a public hearing before the Board of Supervisors.

ATTACHMENTS

- A. Recommended Findings of Denial
- B. Location Map
- C. Site Plan
- D. Community Design Manual Graphics
- E. Elevations
- F. Survey of Housing Stock
- G. Letter of Decision, dated January 16, 2001
- H. Applicant's Appeal Application and Appeal Letter
- I. Chronology
- J. Arborist Report

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COUNTY OF SAN MATEO  
ENVIRONMENTAL SERVICES AGENCY

**RECOMMENDED FINDINGS OF DENIAL**

Permit or Project File Number: PLN1999-00215

Hearing Date: August 14, 2001

Prepared By: Lily Toy

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS**

Based on the staff report and evidence presented at the hearing, the Board of Supervisors finds:

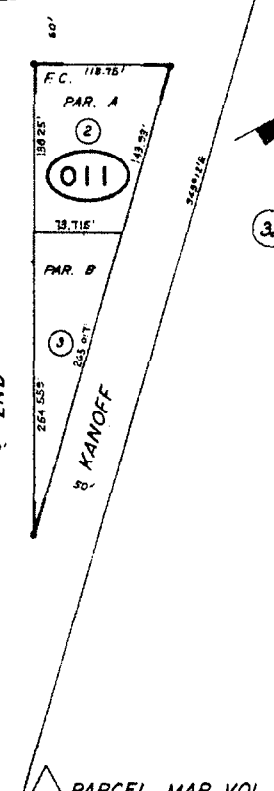
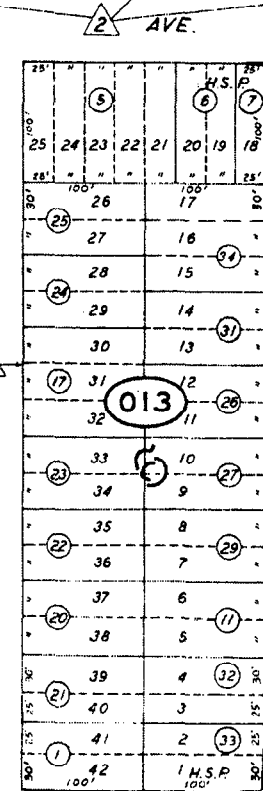
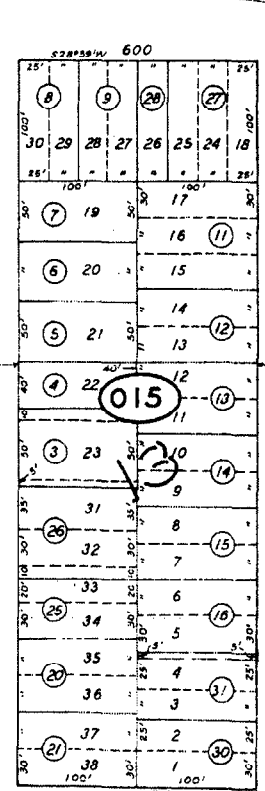
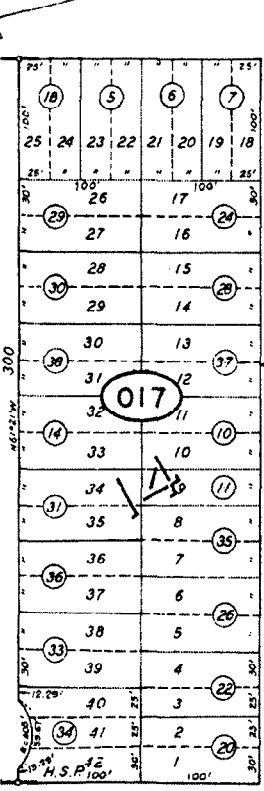
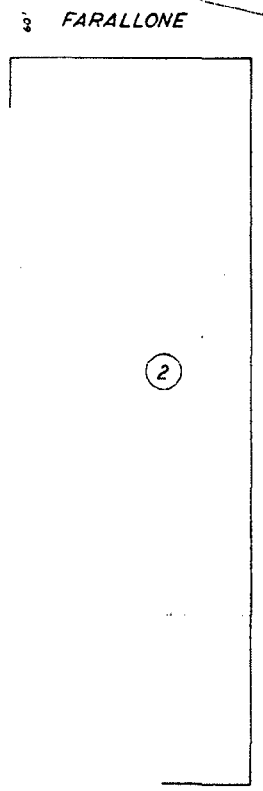
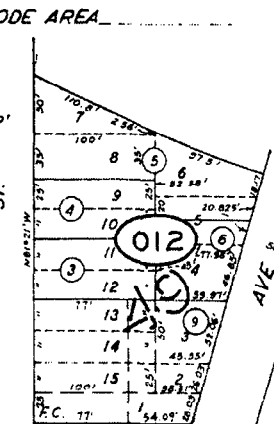
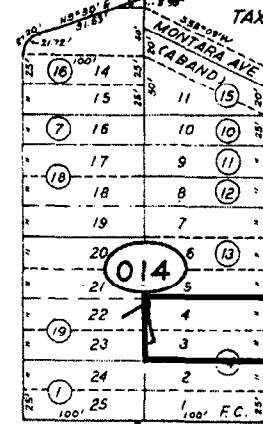
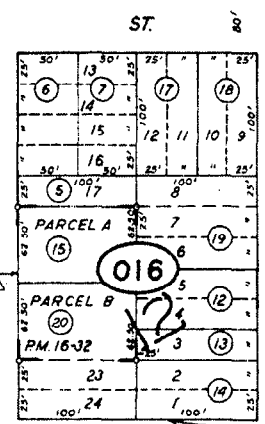
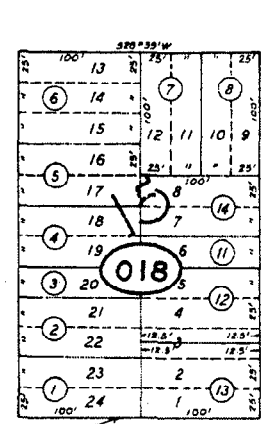
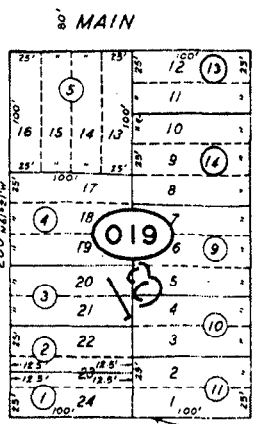
Regarding the Coastal Development Exemption

1. That the proposed residence conforms to Section 6328.5(e) of the County Zoning Regulations and is located within the area designated as a Categorical Exclusion Area.

Regarding the Coastsides Design Review

2. This project has been reviewed under and found to be not in compliance with the Standards of Review Criteria as stipulated in Chapter 28.1 of the San Mateo County Zoning Regulations. Specifically, with the following standards:
  - (a) Is not designed and situated so as to retain and blend with the natural vegetation and landform in that the proposed structure does not blend with the natural contours of the site;
  - (b) Results in unnecessary removal of trees for the construction of the proposed structure or paved areas in that the proposed development is not designed around major trees; and
  - (c) Is not in harmony with the shape, size and scale of adjacent buildings in the community in that the proposed structure does not relate to adjacent buildings and to the neighborhood.

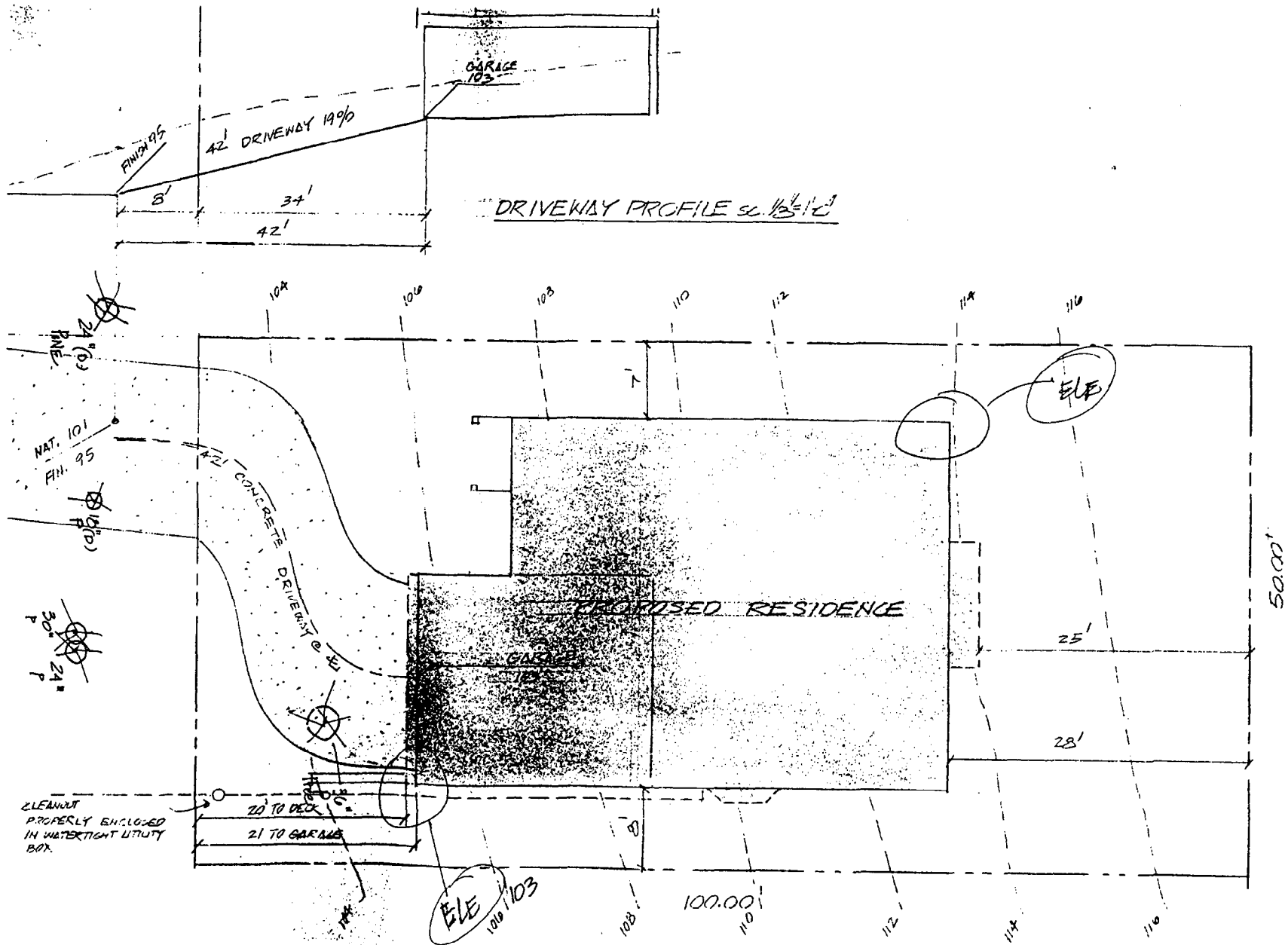
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ASSessor's MAP COUNTY OF SAN MATEO, CALIF

- 1 HANEMAN'S SEASIDE PARK TRACT RSM 4/63
- 2 FARALLONE CITY LOTS 45 46 47 48 49 50 51
- 3 PARCEL MAP VOL 16/32





# STRUCTURAL SHAPES

- Simple structural shapes should be used to unify building design and to maintain an uncluttered community appearance.
- As roofs are a visually dominant feature in a community, it is important that simple shapes, non-reflective surfaces, and a simple range of materials and colors be used in their construction.
- Stacks, vents, antennas and other equipment should be organized to emerge together, screened from view and located on the least noticeable side of the roof.



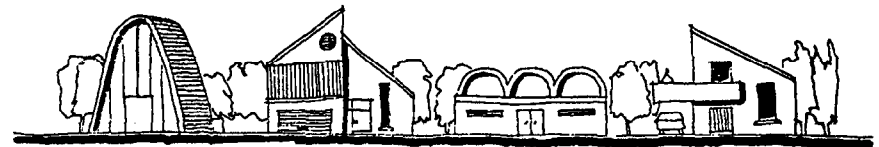
THIS

Structure relates in size and scale with adjacent buildings.



NOT THIS

Continuous repetition of shapes and forms without variation creates a dull, uninteresting appearance.



NOT THIS

Conflicting shapes, forms and styles create an unharmonious appearance.



# SCALE



THIS

Structures relate in size and scale, creating a harmonious appearance from the street.

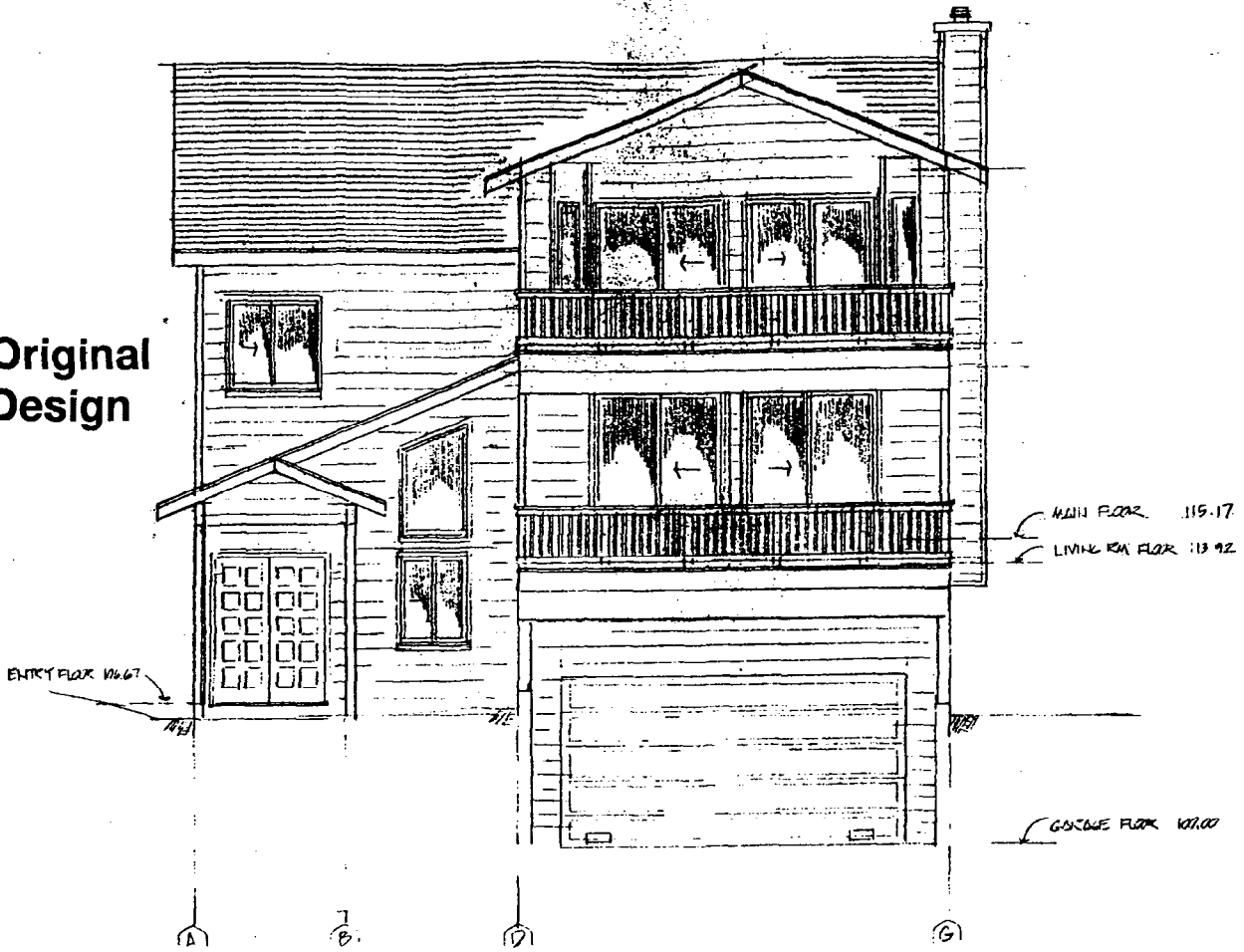
- Structures should relate in size and scale to adjacent buildings and to the neighborhood in which they are located.



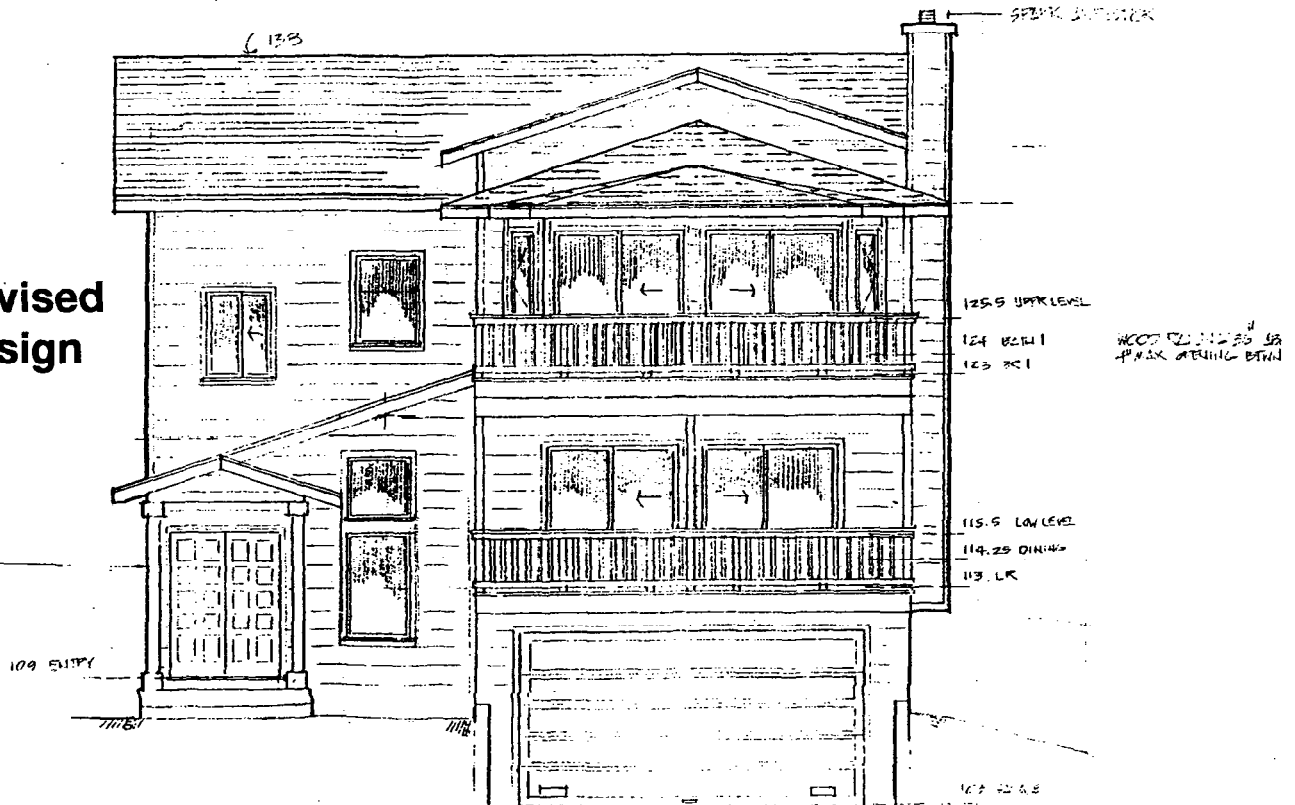
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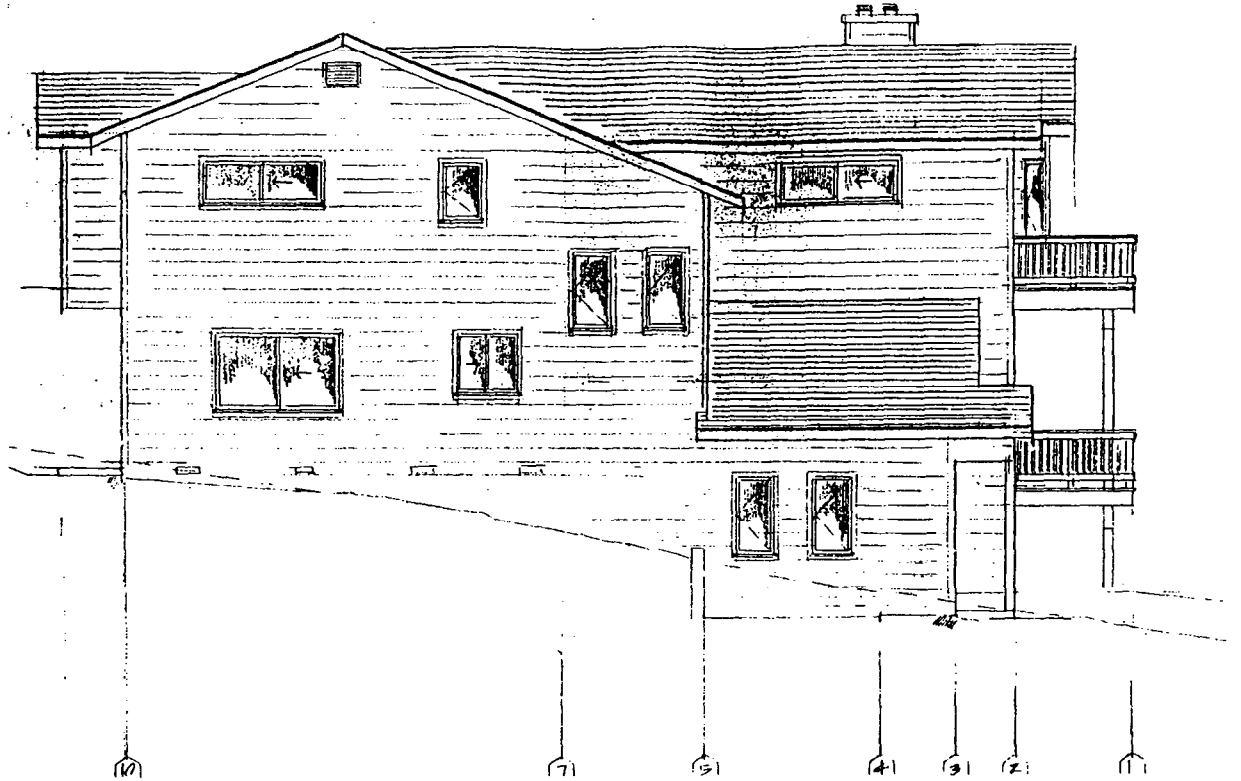
Structure does not relate to adjacent buildings, interrupting the visual rhythm of the streetscape.

**Original Design**

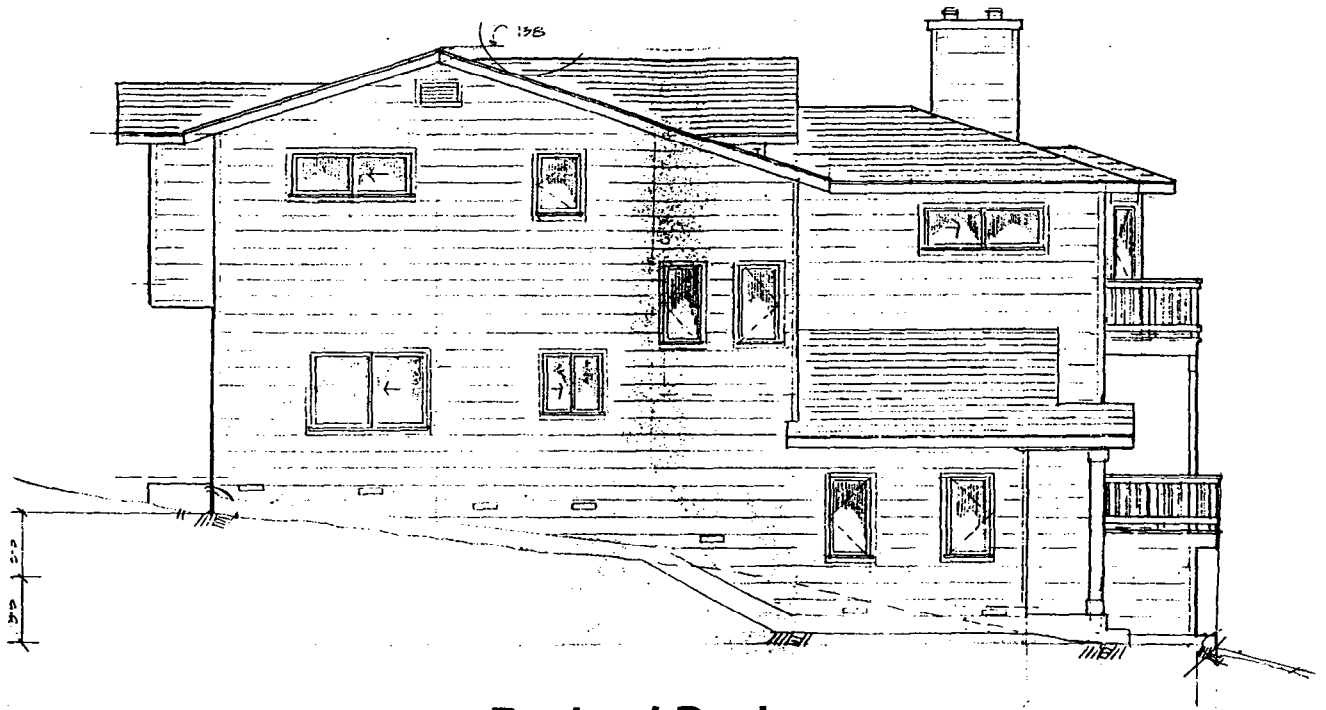


**Revised Design**

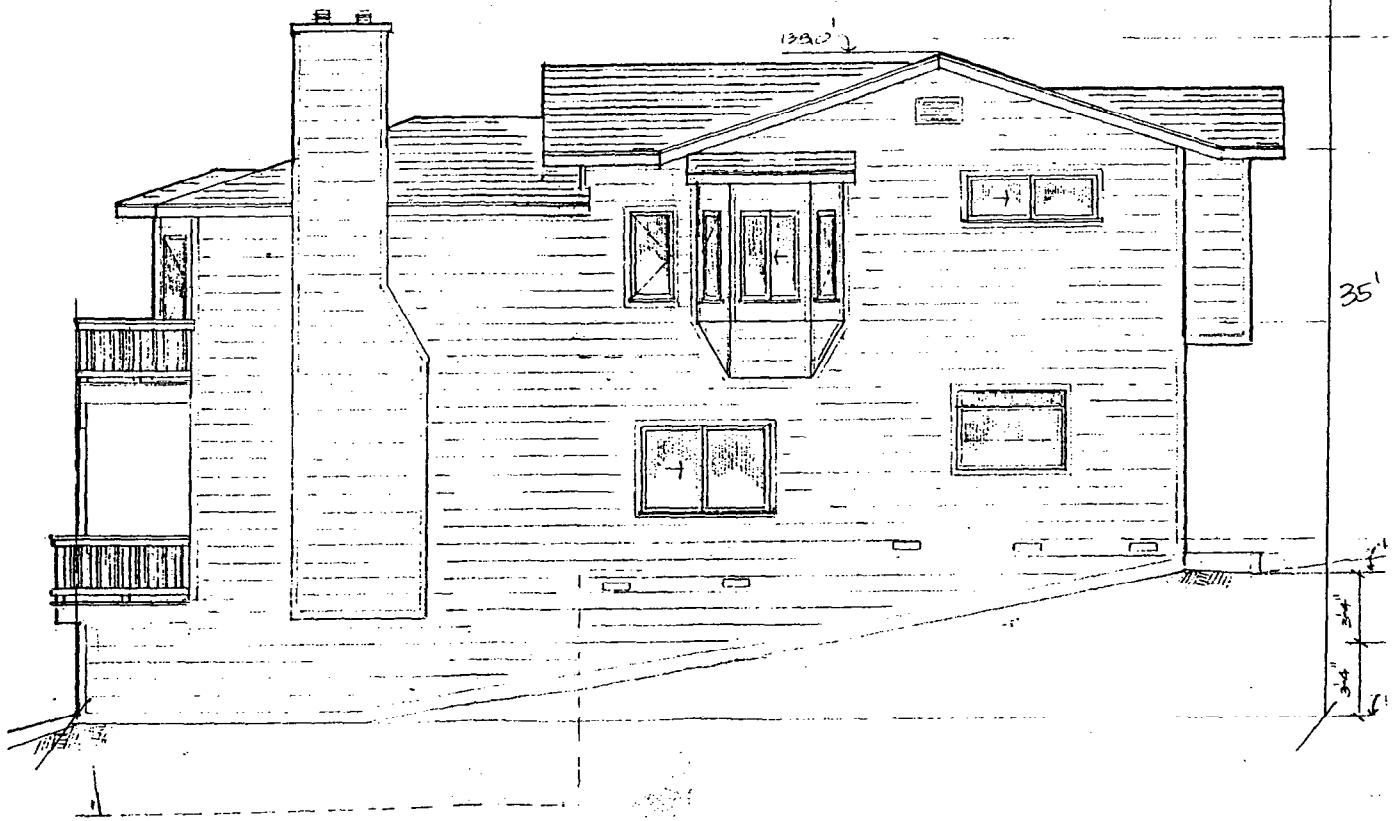




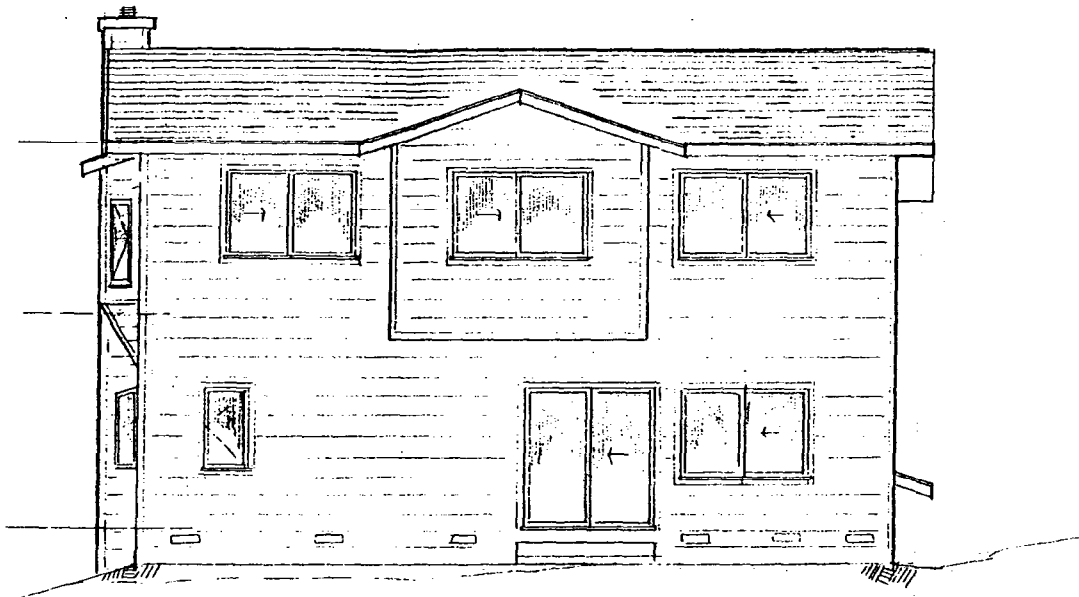
**Original Design**



**Revised Design**

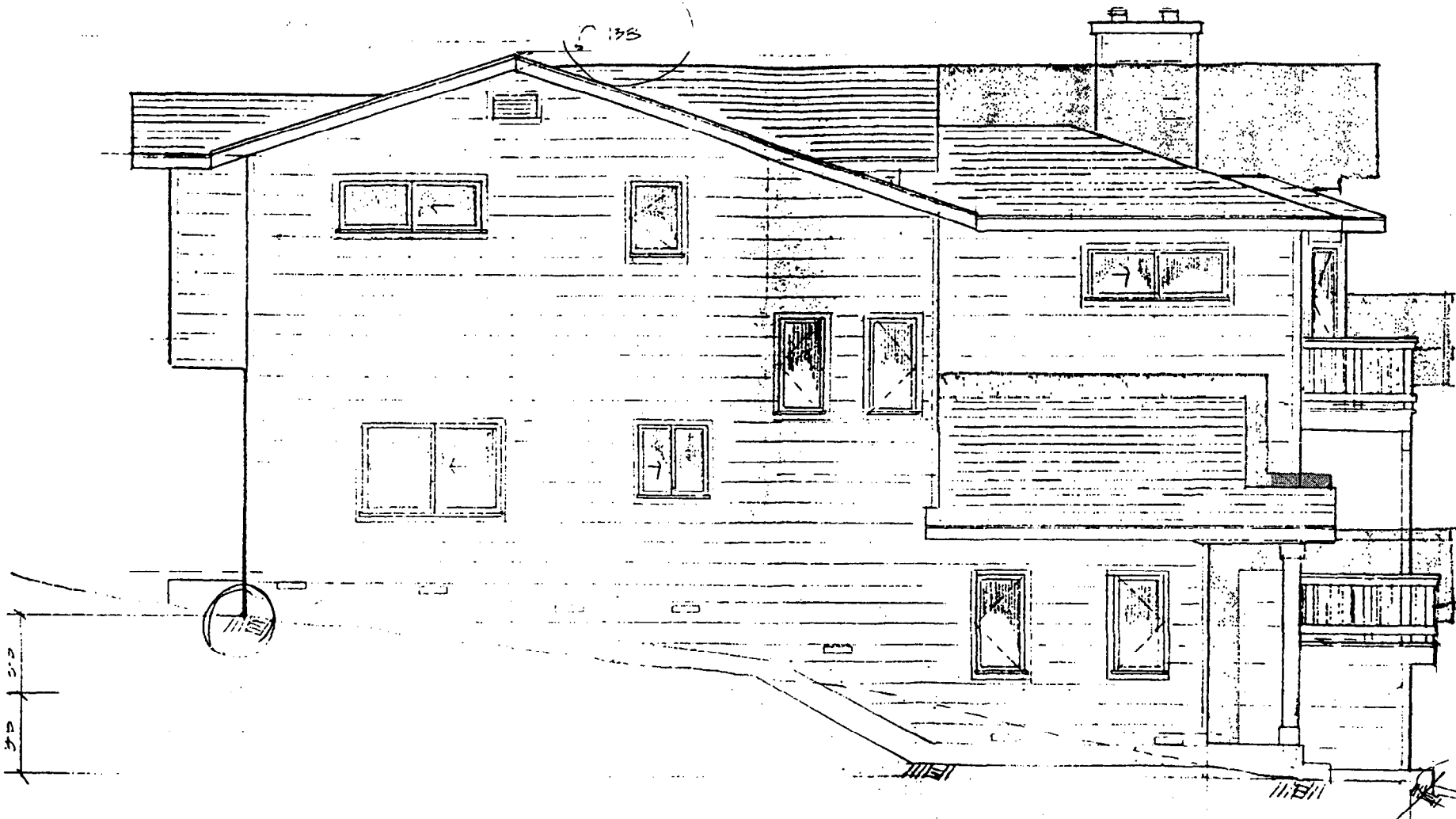


**West Elevation**



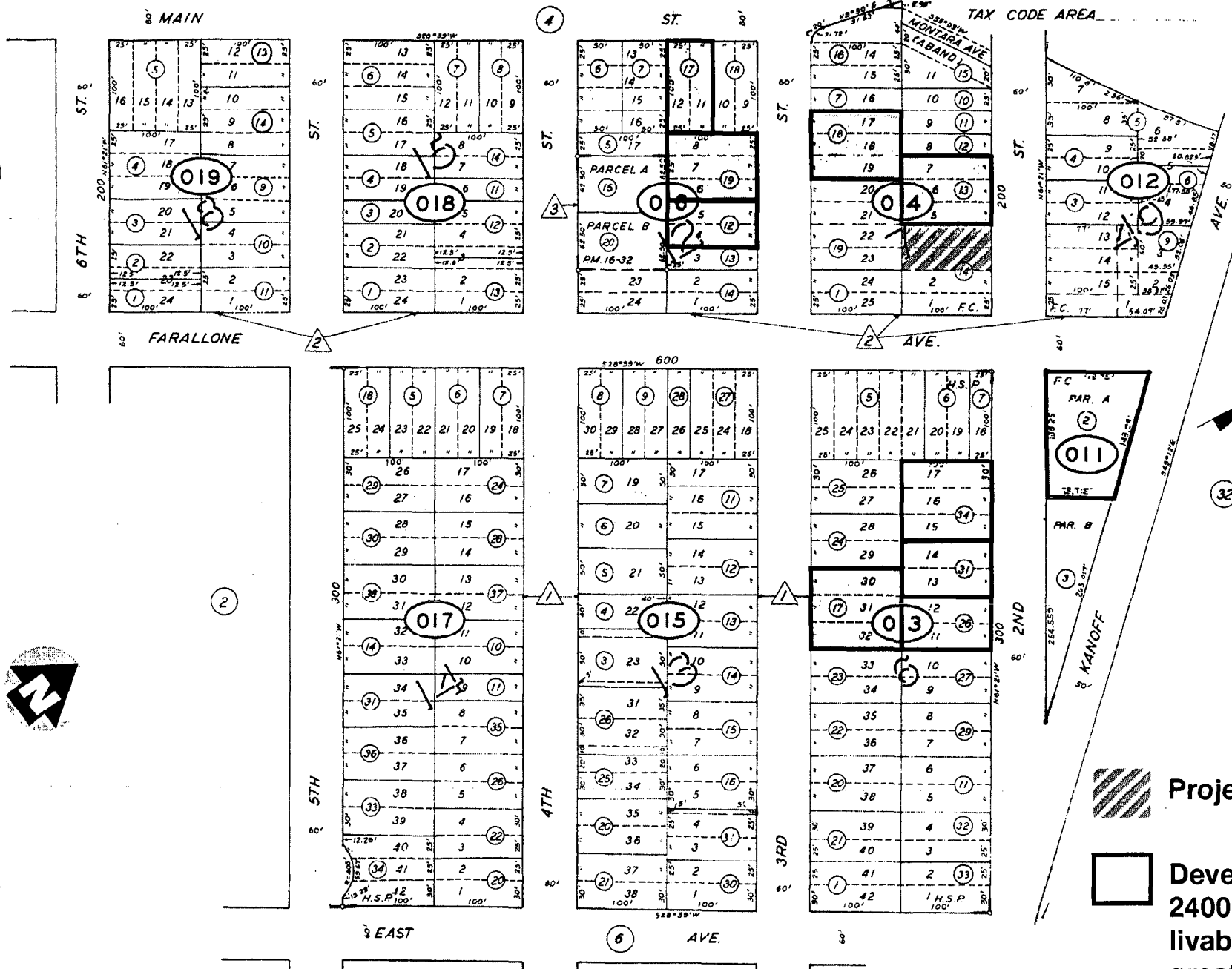
**Rear (North) Elevation**



19



**East Elevation depicting the elimination of bulk**

36-1



-  Project Site
-  Developed with 2400 sq. ft. of livable areas or greater.

ASSESSOR'S MAP COUNTY OF SAN MATEO, CALIF

Rose Jacobs Gibson  
Richard S. Gordon  
Mary Griffin  
Jerry Hill  
Michael D. Nevin



Planning and Building Division

**County of San Mateo**

Planning Administrator  
Terry L. Burnes

Mail Drop PLN122 · 455 County Center · 2nd Floor · Redwood City  
California 94063 · Telephone 650/363-4161 · Fax 650/363-4849

Please reply to: Lily Toy  
(650) 363-1841

January 16, 2001

DOT FILE

Renata Bingham et al  
P.O. Box 370855  
Montara, CA 94037

**Subject:** File Number PLN1999-00215  
**Location:** 2<sup>nd</sup> Street, Montara  
**APN:** 036-014-140

On January 10, 2001, the San Mateo County Planning Commission considered your request of an appeal of a decision by the Planning Director to approve a Coastside Design Review Permit and a Coastal Development Permit Exemption pursuant to Sections 6565.4 and 6328.5 of the County Zoning Regulations to construct a new single-family residence on a 5,000 sq. ft. parcel located on the south side of 2<sup>nd</sup> Street, west of Farallone Avenue in the unincorporated Montara area of the County.

The Planning Commission found that based on information contained in the application and staff report, and the evidence and testimony presented at the public hearing, the project, as submitted to and approved by staff, failed to comply with the design standards of Zoning Regulations Section 6565.7, specifically paragraphs a, e and l, as follows, and granted the appeal, reversed the decision of staff and denied design review approval for this project. Regarding the most directly applicable design standards, the project:

- a. Is not designed and situated so as to retain and blend with the natural vegetation and landform in that the proposed structure does not blend with the natural contours of the site.
- e. Results in unnecessary removal of trees for the construction of the proposed structure or paved areas in that the proposed development is not designed around major trees.
- l. Is not in harmony with the shape, size and scale of adjacent buildings in the community in that the proposed structure does not relate to adjacent buildings and to the neighborhood.

Renata Bingham et al  
January 16, 2001  
Page 2

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on January 25, 2000.**

Sincerely,



Kan Dee Rud  
Planning Commission Secretary  
Pcd0110L.7kr.doc

cc: Public Works  
Building Inspection  
Environmental Health  
Assessor  
City of Half Moon Bay Planning Director  
Half Moon Bay Fire Protection District  
Montara Sanitary District  
Thomas and Alice Mahon  
Chair, MCCC



San Mateo County Environmental Services Agency

Planning and Building Division

County Government Center - 590 Hamilton St. - Redwood City CA 94063  
Mail Drop PLN 122 - 415 - 363 - 4161

Application for Appeal

- To the Planning Commission
- To the Board of Supervisors

1. Appellant Information

Name: THOMAS & ALICE MAHON

Phone, W: 650-728-7714 H: \_\_\_\_\_

Address: Pc Box 204  
MOSS BEACH  
CA Zip: 94038

2. Appeal Information

Permit Numbers involved: PLN 1999-00215

I have read and understood the attached information regarding appeal process and alternatives.

- yes
- no

I hereby appeal the decision of the:

- Staff or Planning Director
- Zoning Hearing Officer
- Design Review Committee
- Planning Commission

Appellant's Signature:

Thomas S. Mahon

Date: 1-17-2001

made on JANUARY 10 2001 to approve/deny the above-listed permit applications.

3. Basis for Appeal

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

(SEE ATTACHED)

Tom and Alice Mahon  
P.O. Box 204  
Moss Beach, CA 94038  
650-728-7714

**To: San Mateo County Planning and Building Division, Supervisors and County Clerk**

Date: 01/17/00

**Re: Appeal of Planning Commission Denial of PLN 1999-00215 (01/10/00)**

Honorable Supervisors,

We wish to request a hearing and wish to appeal the decision of the Planning Commission denying PLN 1999-00215 for the following reasons.

- 1.) **Planning Staff has found that the project complies with all applicable regulations and guidelines of the R1/s17 zone. This zone has a 28' height limit which indicates a 2 story zone and the project complies. The community Design Manual clearly shows 1 and 2 story homes differing in height and size adjacent to each other. This home complies with all of these guidelines.**
- 2.) **The project was "grandfathered" by the Supervisors with regard to the "urgency Interim Ordinance" and is not subject to either new FAR limitations or new height measurement standards.**
- 3.) **The project was actually approved for more than 6 months before that approval was withdrawn by the Planning Division due to a possible error by the Planning Division.**
- 4.) **Mahons have invested in drilling wells, working to procure permits and have formally merged parcels in reliance on the original approval.**
- 5.) **The Prime Appellant (Renata Bingham) has a significant personal interest conflict in the disposition of the Mahon's property due to her son's failed attempt to purchase the property when it was available. Bingham has in fact contacted Mahons several times since their purchase and has inquired about purchasing the property from them.**
- 6.) **Incorrect information regarding typical "scale" of homes in the neighborhood" was supplied to the Planning Commission at the "Hearing" as all homes to the east of the project on 2<sup>nd</sup> street are at least partial 2-story homes.**

And the majority are 2-story homes 2 levels approximately 45' x 40') built with approximately 1,800 square feet per floor, originally with over 2,500 square feet of living area and **with a total of approximately 3,600 square feet of interior space** including garage space and other originally undeveloped areas. It appears that the majority of these have developed additional space as living area. In fact, the appellant Bingham appears to have also done illegal construction walling off ½ of her 1<sup>st</sup> story garage space as living space or an illegal unit.

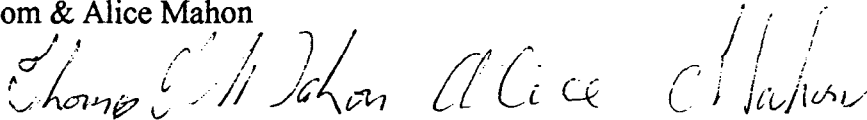
- 7.) Two large 2-story projects have been approved and are now under construction adjacent to the Mahon project (a major addition on 3<sup>rd</sup> St. and a large new home on 2<sup>nd</sup> street.).
- 8.) **Planning Staff inaccurately based their analysis of neighboring home size on appraisers data of original declared "living area"** without regard for the available "undeveloped" or "garage" space enclosed by structures.
- 9.) **The Proposed Mahon project is in fact smaller than the 3,600 square foot homes in total floor space and "bulk" and appears smaller and has less impact as the garage area is mostly below grade.**
- 10.) **The Mahon street impact of the project was unfairly compared by appellants and interested parties with nearby homes built on level or down-sloping lots.** Any home built on an upslope is going to be more visible (and apparently larger) from the street than a same-size home built on a down-slope. Most homes on the north side of 3<sup>rd</sup> street just east of the project are such multi-story down-slope homes and feature 2+ and 3-story walls facing north and facing neighboring properties. Mahons have taken significant steps to mitigate this.
- 11.) **There is no mention of differing height standards for up-sloping and down-sloping lots** in the Community Design Manual or in the Design Review Guidelines or in the R1/s17 zoning regulations. The Mahon project is typical of what has been permitted in the area, particularly on Farralone uplope lots.
- 12.) **The Mahon project was incorrectly characterized** by interested parties at the "hearing" as having a significantly larger FAR than it does. This was acknowledged by Terry Burnes at the hearing. This incorrect representation seemed to effect the Planning Commissioners even when there was no FAR affecting or applicable to the project.
- 13.) **There are two newly permitted "larger" projects adjacent to the Mahon project.** One is a large new home to the west and one is a large addition to an existing smaller home to the south west.
- 14.) The home immediately behind Mahon's project is smaller, but is a 2-story home.

- 15.) **The project has minimal shading impact and blocks no public or; private views and it has not been alleged by any party that the Mahon project will shade any other property or block any views, public or private.**
- 16.) **The Mahon project is not located in a view corridor and will be virtually invisible from the 2<sup>nd</sup> Street view corridor.**
- 17.) **Mahons have worked in good faith with Planning Staff and the MCC and have modified and re-engineered plans several times at significant expense to reduce apparent bulk and visual impact. Though "grandfathered" The plans now effectively comply with the "urgency ordinance's " approach to height limits (stepping & use of actual rather than average grade).**

We will submit evidence to support the facts stated here.

Sincerely,

Tom & Alice Mahon

A handwritten signature in cursive script that reads "Tom & Alice Mahon". The signature is written in dark ink and is positioned below the typed name.

**CHRONOLOGY**

<u>Date</u>	<u>Action</u>
February 19, 1999	- Coastside Design Review application submitted
February 19, 1999 to March 1, 1999	- Design Review Project Site Posting Period
March 1, 1999	- Planning Staff conducted a field inspection and verified the posting of the property
March 2, 1999	- Project Conditionally Approved By Staff
October 18, 1999	- Staff found that public noticing was not complete
October 19, 1999	- Staff revoked the Design Review permit approval
October 19, 1999	- Staff called the applicant to inform them of the revocation due to the lack of proper public noticing
October 21, 1999	- Staff sent out the site posters to the applicant to post on the project site
October 22, 1999	- Public notice was mailed out to property owners within 300 feet of the project site
October 23 through November 2, 1999	- Public comment period
November 3, 1999	- Applicant phoned staff and informed staff that the site poster has been posted on the project site
November 4 through November 14, 1999	- Site posting period
November 4, 1999	- Referred project to Mid-Coast Community Council's Planning and Zoning Subcommittee for review and comment

- November 23, 1999 - Received comments from Mid-Coast Community Council
- December 31, 1999 - Staff issued status letter informing applicant the need to redesign or to request for a decision
- May 4, 2000 - Applicant submitted revised plans
- May 23, 2000 - Applicant submitted revised plans
- June 5, 2000 - Referred revised plans to Mid-Coast Community Council
- July 25, 2000 - Received comments from Mid-Coast Community Council
- October 10, 2000 - Project Conditionally Approved By Staff
- October 11, 2000 through October 25, 2000 - Appeal period
- October 17, 2000 - Merger request for the two lots recorded
- October 24, 2000 - Appeal filed
- January 10, 2001 - Planning Commission public hearing
- January 17, 2001 - Appeal filed.
- January 17, 2001 - Staff discusses with the applicant the alternative of redesigning the project for Planning Commission's review versus pursuing the appeal to the Board of Supervisors. Staff asked the applicant to inform staff of their intent.
- April 2, 2001 - Applicant informs staff that he would like to pursue the appeal to the Board of Supervisors.
- August 14, 2001 - Board of Supervisors' public hearing

ATTACHMENT J



BARTLETT TREE EXPERTS

1315 CARROL STREET, SAN FRANCISCO, CA 94124

July 5, 2001

Mr. Tom Mahon  
 P. O. Box 204  
 Moss Beach, CA 94038

Re: Monterey Pines on 2<sup>nd</sup> St. Montara, California

Dear Mr. Mahon:

As you requested I inspected the three Monterey Pines (*Pinus radiata*) located on your property on 2<sup>nd</sup> St. Montara. Two of these trees are located along 2<sup>nd</sup> street in the County Right Of Way. The third tree is located inside the lot. The reason of my inspection was to evaluate the condition of the trees with respect to the construction plans for the site.

The Monterey Pine tree located in your lot (Tree # 1) for the purpose of this report is 39 inches in diameter at 4.5 feet above grade (DBH), the most western tree (tree # 2) in the County Right Of Way is a double leader tree that is 40 inches and 21.5 inches in diameter at 4.5 feet above grade, the third tree (tree # 3) next to tree # 2 has 21.5 inches of DBH. These trees are approximately 50 to 60 feet tall and their canopies spreads 20 to 40 feet wide.

The Monterey Pine, Tree # 1, presents extensive dead branches, poor structure with weak attachments of main branches, extensive beetle infestation (turpentine beetles) and Pine Pitch Canker ( *Fusarium subglutinans*) fungus disease. This tree is in a stage of decline due to the beetle infestation as well as the Pine Pitch Canker fungus that could kill the tree within the next 2 to 5 years.

Tree # 2 with a double leader presents a high risk due to the breakage of the smaller leader that is resting partially in the ground, however it could fall at any time. This tree is showing several beetle attacks especially at the base level where the smaller leader broke. There is a great amount of dead branches that is indicative of the stage of decline. Pine Pitch Canker fungus is infecting the upper branches and the tree could be killed within the next 2 to 5 years.



# BARTLETT TREE EXPERTS

1315 CARROL STREET, SAN FRANCISCO, CA 94124

Tree # 3, the smallest of the three trees is also in a stage of decline due to the beetle attack as well as the Pine Pitch Canker fungus. This tree has a great amount of dead branches.

Looking to the construction plans, Tree # 1 is located where the garage will be built, which represents a problem of space for the construction and a limitation for the survival of the tree.

Trees # 2 and # 3 are located where the driveway will be built. The driveway entry will be located on 2<sup>nd</sup> St. It will be 20 feet wide and it will require an excavation of 6 feet to match the street level. This excavation has to be performed in a ratio of 2:1 that will remove the entire root system from these trees.

Taking into consideration the stage of decline of the trees that are being attacked by beetles as well as infected by Pine Pitch Canker, the poor structure of the trees and the bad location in regards to construction plans, I recommend the removal of the three trees and the replacement with a smaller tree or shrub species appropriate to the site and conditions.

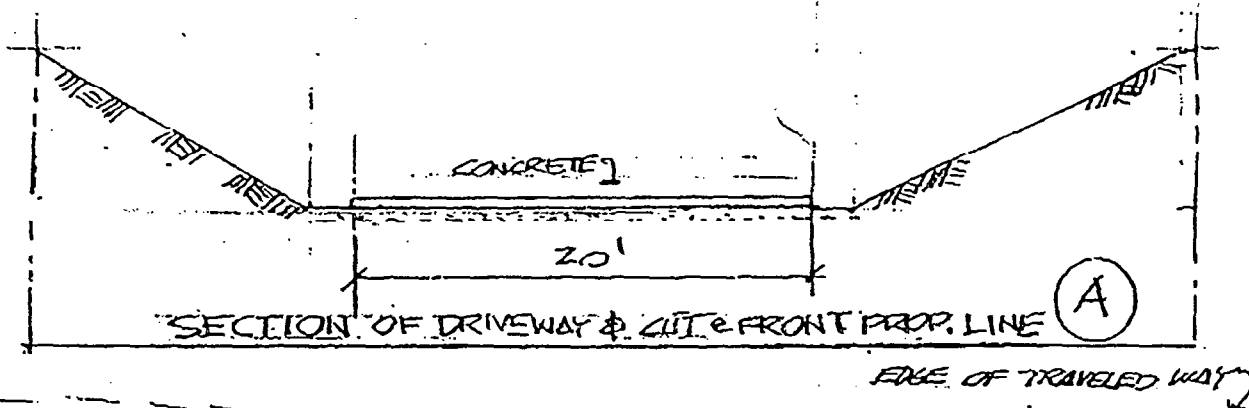
I'm attaching pictures showing: the stage of decline of the trees with extensive amounts of deadwood (picture # 1), bark beetle attack (picture # 2), breakage of leader due to poor structure (picture # 3), symptoms of Pine Pitch Canker (picture # 4), a copy of the section of the plans showing the location of the trees in reference to the construction and a proposal for the work to be performed.

If I can be of further assistance to you, please feel free to call me.

Sincerely,

Juan C. Carrasco  
 Certified Arborist WC-ISA # 3576  
 Pest Control Adviser PCA # AA07031

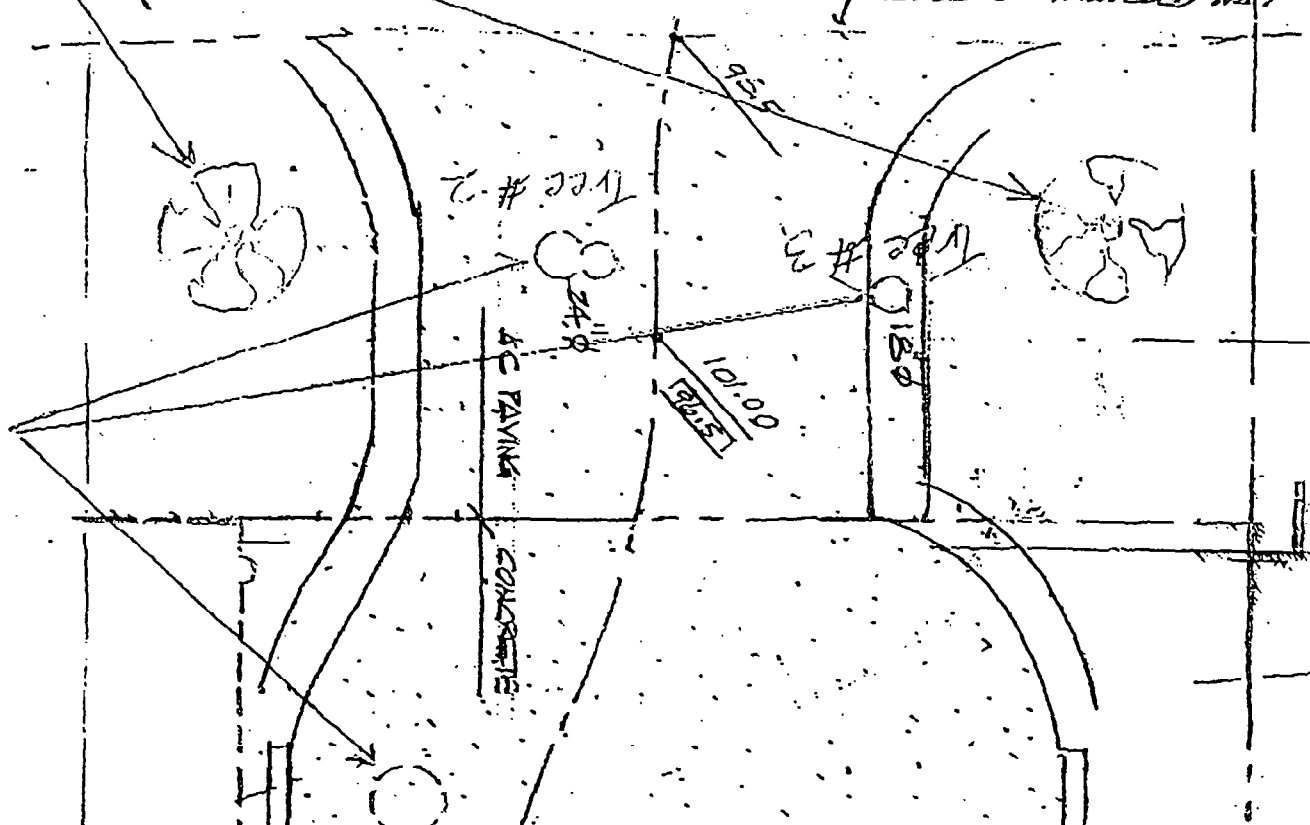




2ND STREET TO FARALLONE AVE.

93.83  
96.00

EDGE OF TRAVELED WAY



TREES TO BE REMOVED