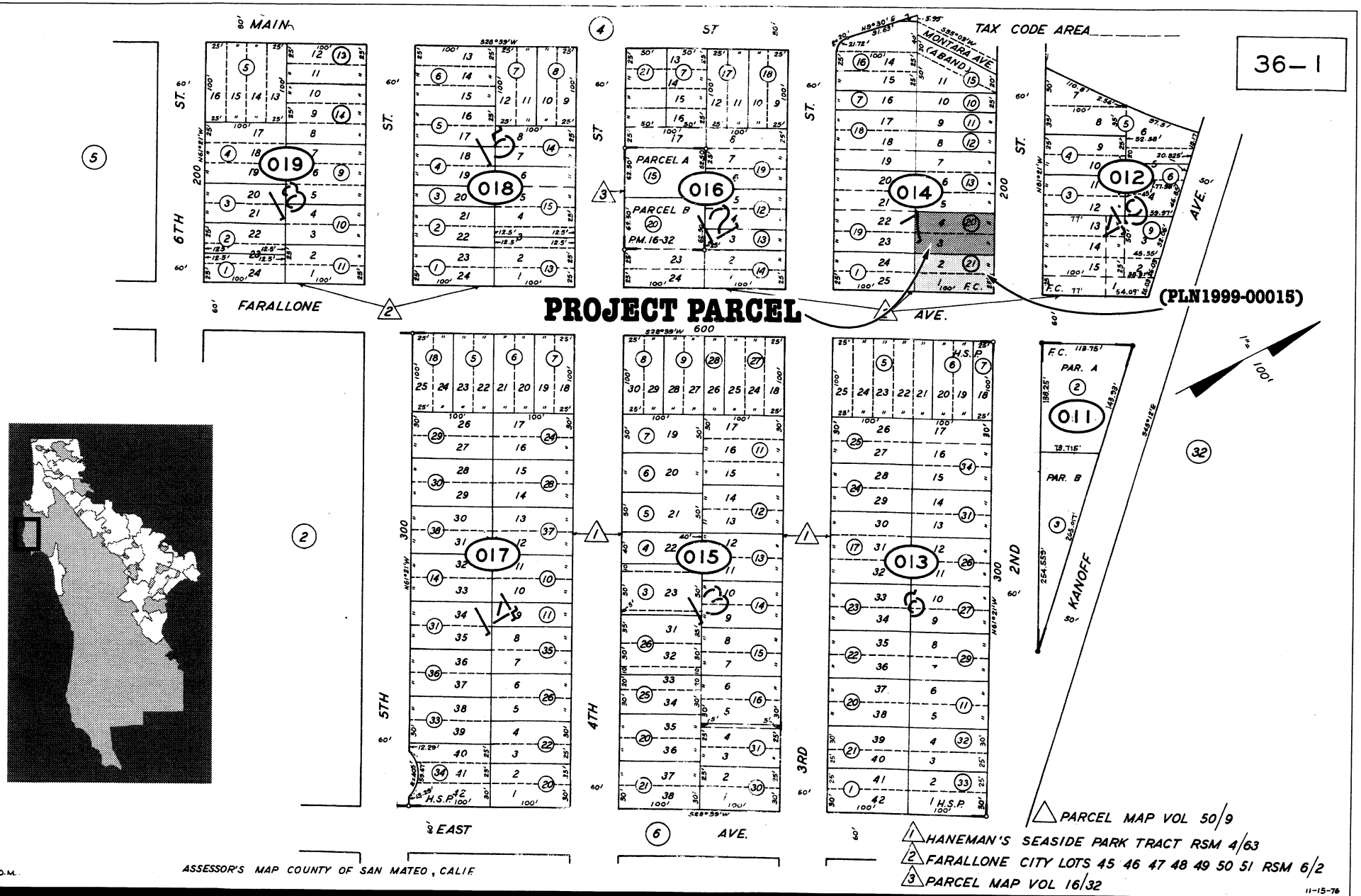



## San Mateo County Board of Supervisors Meeting

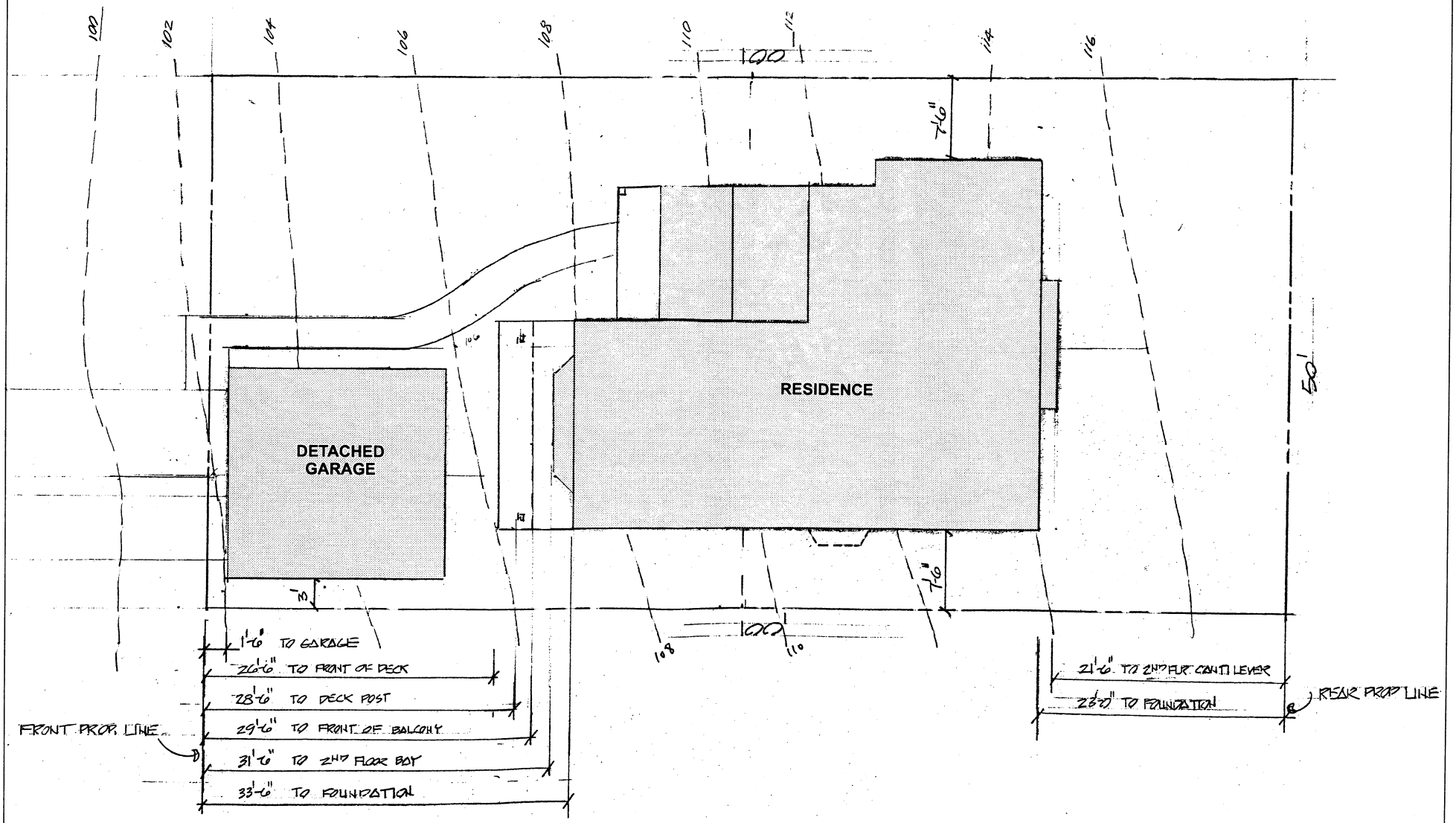
Applicant: **Mahon**

Attachment: C

File Numbers: **PLN1999-00215**

CDR8\plan99-215 01-24-05rev rp

ATTACHMENT C




**PLANS CONSIDERED BY PLANNING COMMISSION ON 4/14/04**

## San Mateo County Board of Supervisors Meeting

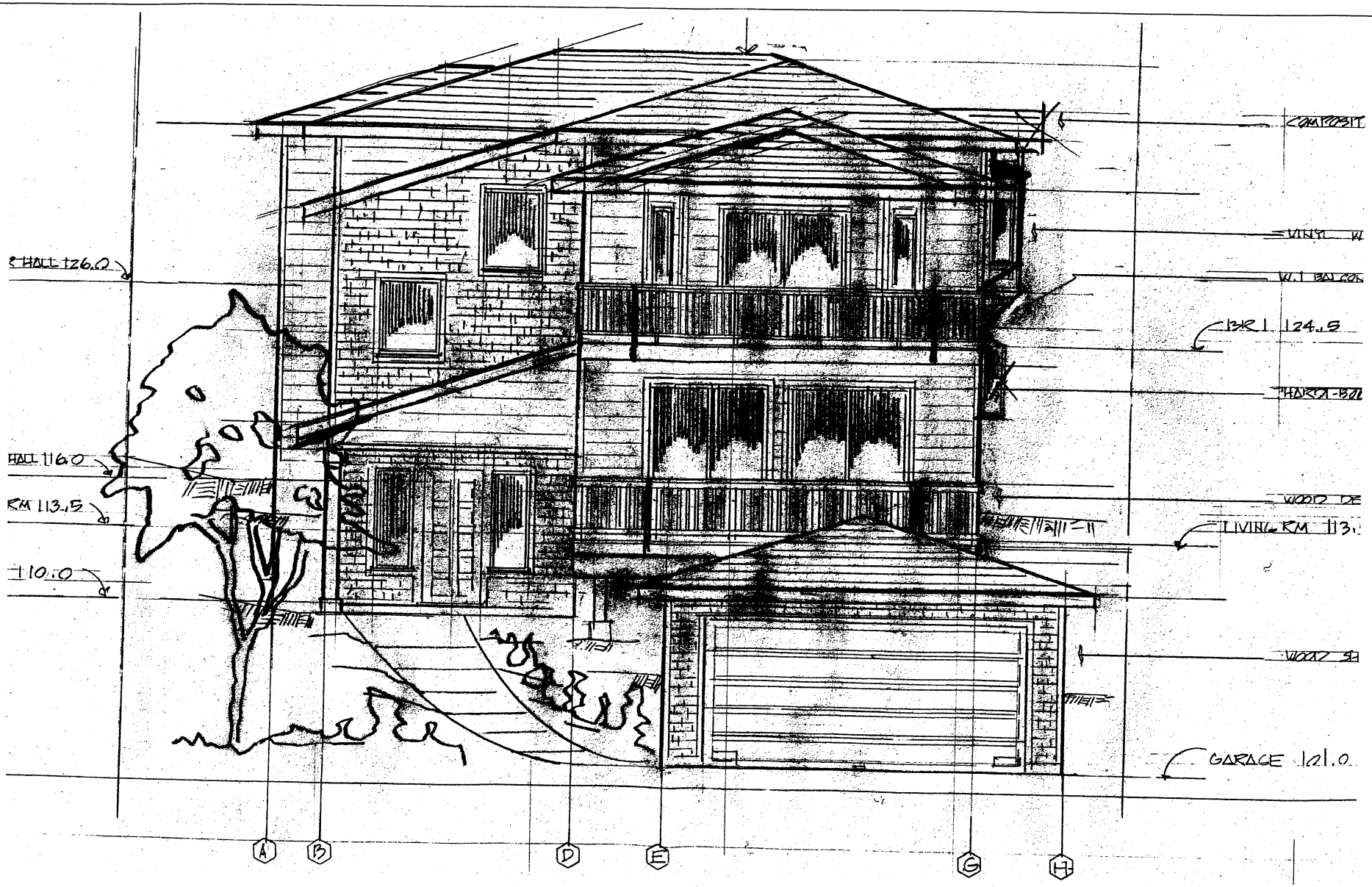
Applicant: **Mahon** Attachment: D.

File Numbers: **PLN1999-00215**

CDR8\plan99-215 rev 01-24-04 rp



ATTACHMENT D.

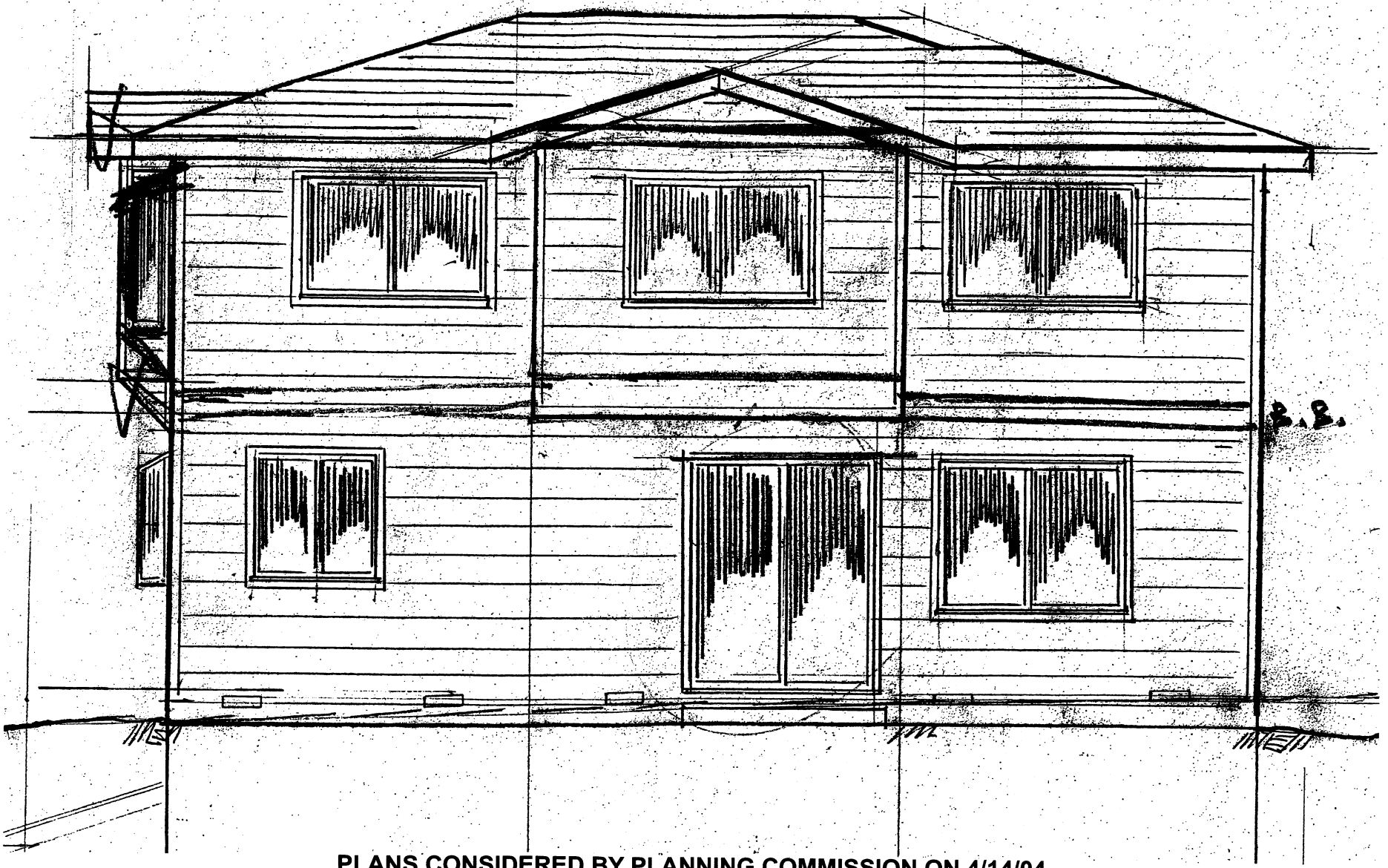



**PLANS CONSIDERED BY PLANNING COMMISSION ON 4/14/04**

## San Mateo County Board of Supervisors Meeting

Applicant: **Mahon** Attachment: E.

File Numbers: **PLN1999-00215**



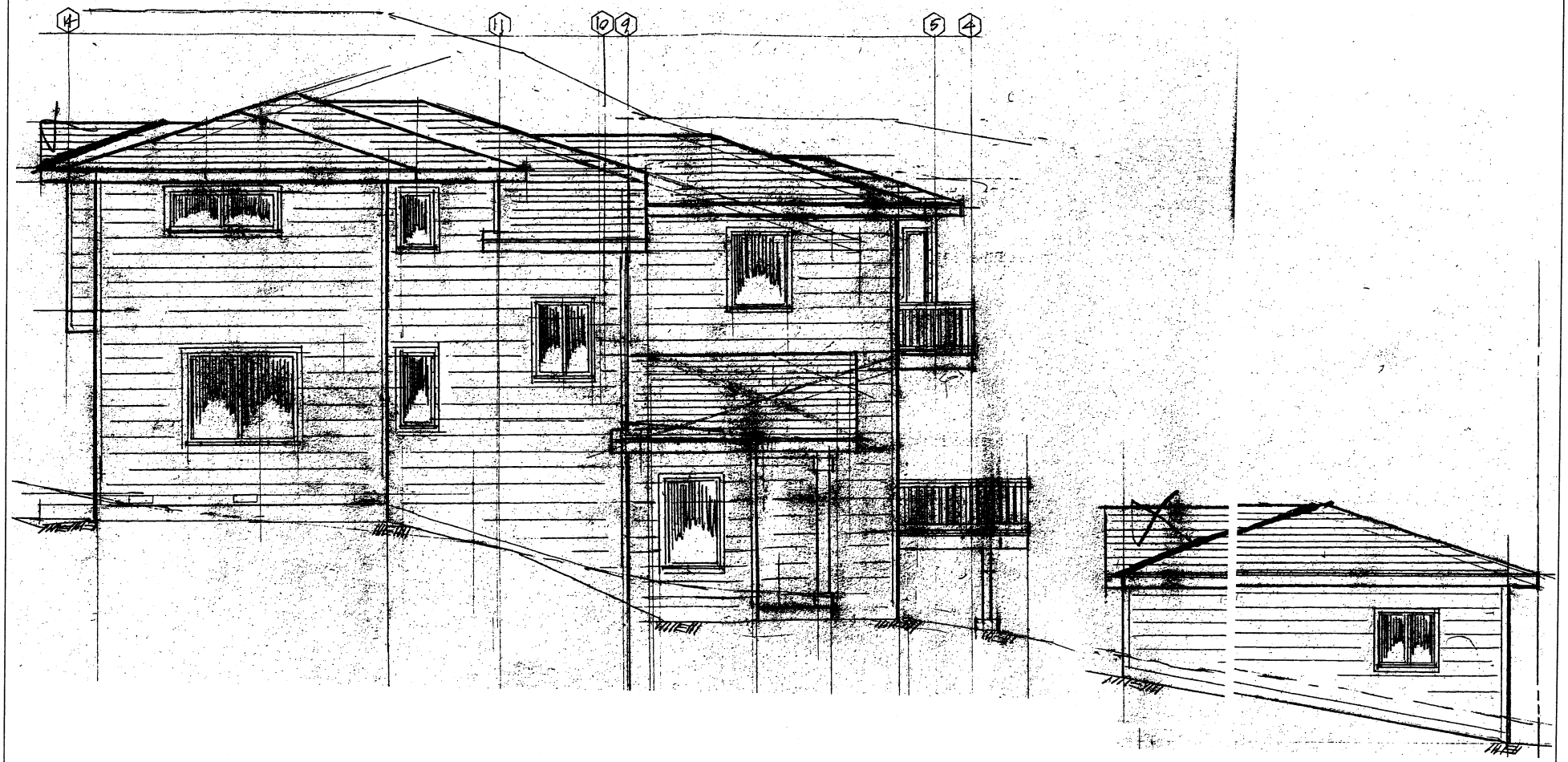
PLANS CONSIDERED BY PLANNING COMMISSION ON 4/14/04

**San Mateo County Board of Supervisors Meeting**

Applicant: **Mahon**

Attachment: E.

File Numbers: **PLN1999-00215**



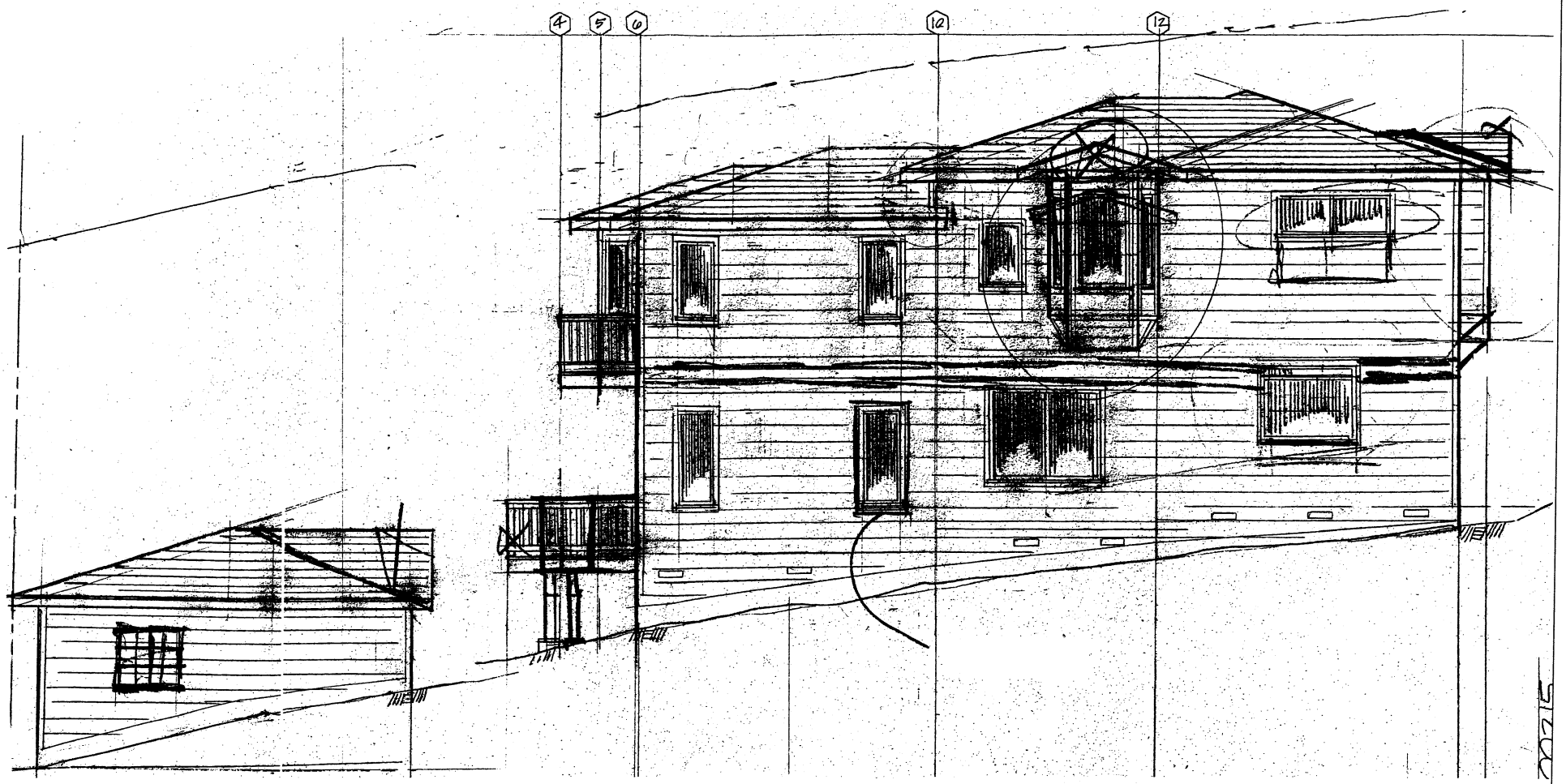
**PLANS CONSIDERED BY PLANNING COMMISSION ON 4/14/04**

## San Mateo County Board of Supervisors Meeting

Applicant: **Mahon**

Attachment: E.

File Numbers: **PLN1999-00215**




**PLANS CONSIDERED BY PLANNING COMMISSION ON 4/14/04**

## San Mateo County Board of Supervisors Meeting

Applicant: **Mahon**

Attachment: E.

File Numbers: **PLN1999-00215**

ATTACHMENT F.

# PROJECT FILE

Please reply to: Gabrielle Rowan
(650) 363-1829

April 20, 2004

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

Dear Mr. and Mrs. Mahon:

**Subject:** **File Number PLN1999-00215**
Location: Second Street, Montara
APN: 036-014-200

On April 14, 2004, the San Mateo County Planning Commission considered after remand 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 2nd Street in the unincorporated Montara area of the County. This project was remanded to the Planning Commission by the Board of Supervisors.

Based on information provided by staff and evidence presented at the hearing the Planning Commission made findings for denial as attached.

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 **7:00 p.m. on May 3, 2004**.

If you have questions regarding this matter, please contact the Project Planner listed above.

Sincerely,

Kan Dee Rud
Planning Commission Secretary
Pcd0414o_7krmahon.doc

COUNTY OF SAN MATEO
ENVIRONMENTAL SERVICES AGENCY

**FINDINGS OF DENIAL**

Permit or Project File Number:
PLN 1999-00215

Board Meeting Date: April 14, 2004

Prepared By: Gabrielle Rowan

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Coastal Development Exemption, Find:

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 Coastside Design Review, Find:

2. That 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. 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.

Pcd0414o_7krmahon.doc

ATTACHMENT G.

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 I. AND ALICE MAHON

Address: P.O. BOX 204
MOSS BEACH, CA.
Zip: 94038

Phone, W: (650) 728 H: 7714

## 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

made on APRIL 14, 2004 to approve/deny the above-listed permit applications.

Appellant's Signature: Thomas I Mahon

Date: 5-2-2004

## 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 SHEET FOR DESCRIPTION OF APPEAL, LABELED: "APPEAL OF PLN1999-00215 DATED 5-2-2004".

APPEAL of PLN1999-00215 DATED 5-2-2004

1.)House has been designed to conform and blend with the natural contours of the site by 2 methods. Firstly, by use of separated floor elevations at each floor; both first and second floors are elevated lower in the front section of the structure, following the existing grade contour of the site. Secondly, conformance with the existing landform has been achieved by a continued down-sloping of the roof and employment of hipped roof style in the direction of the slope of the lot.

2.) Structure is in harmony with the shape, size and scale of the only visible adjacent house. proposed house is lower in height than, and smaller in size than immediately adjacent house. Furthermore, proposed house employs very similar design, use of exterior materials, and massing as adjacent house.
Immediately adjacent house is the only house visible on the same side of the street for visually relating to scale of street. House across the street is not visible due to large & dense growth of foliage and trees.

3.) This appeal incorporates all oral & written comments previously given or filed in support of this project located in the unincorporated community of Montara, County of San Mateo, described as lots 3 and 4 of block 7, Farallone city Map, Lots 45 46 47 48 49 50 51 RSM 6/2, since the year 1999.

4.) All rights are reserved and no waivers granted or implied in this appeal of the project denial.

Note: Appellant will propose an alternative design to the project denied April 14th, 2004, in order to incorporate the suggestions by community members at that hearing. This alternative includes:
Reducing the apparent size & massing of the house by restoring the front setback, re-incorporation of the garage into the principal structure, incorporation of hipped roof above garage to surround a smaller balcony at lower level .

**Planning & Zoning Committee of the Midcoast Community Council**
PO Box 64, Moss Beach CA 94038
*Serving 12,000 residents*

September 29, 2002 Email/Fax attachment

Ms. Lily Toy
San Mateo County Planning and Building Division
Mail Drop PLN122, 455 County Center
Redwood City, CA 94063
650.363.1841 - FAX: 650.363.4849

RE:
PLN 1999-00215: Coastside Design Review and Coastal Development Permit Exemption to construct a new two-story 2,982 sq. ft. single family residence
Location: South side of 2nd Street approximately 50 feet west of Farallone Avenue, Montara APN: 036-014-140, -200, -210
Applicant: Thomas Mahon Owner: Thomas Mahon
Planner: Lily Toy

The above application was reviewed by the MCC Planning and Zoning committee on 9-20-02. I was unable to reach Mr. Mahon prior to our review. If Mr. Mahon would like to have us review the item again, we will be happy to do so. We received both written and public comment regarding this item, Arborist's Report attached.

The committee reviewed the new proposal against the previous plans submitted by the applicant, and found that there has been no obvious design change or improvements to accommodate the concerns of the neighborhood. Our comments and suggestions follow.

1. The structure should articulate to the topography of the sight, the front elevation should step down to fit the natural grade of the site.
2. **Front Elevation**: By lowering the front 1/3 of the house to natural grade the home will appear lower and less massive.
3. **Right Elevation**: There is no articulation between the 1st and 2nd stories; this is compounded because the project does not conform to the topography of the site.
4. **Left Elevation**: even though there is more roof articulation on this elevation the center section still appears to have the appearance of a 3 story home increasing the size volume and scale of a project that does not fit into the neighborhood character.

5. **Rear Elevation**: the pop out appears to be hanging out in space and is not related to the structure, rather just a visual impact consuming more visual space and volume, this area would be better suited if it was pulled into the house with a hip roof to minimize the size.
6. **Pop-out**: Over the entire project, the pop-out details do not add to the articulation rather enhances the large scale of the home.
7. **Detail and Trim**: A color palette & landscaping plan should be submitted. The exterior window, door and corner detail should be specified at a minimum 6" detail. Color samples should be submitted.
8. **Application**: A new and current application should be submitted to correctly reflect the current plans.
9. **Adjacent property**: What are the plans for the adjacent property and house design?

Over all the committee felt this project still needs definition and articulation. This is a very sensitive site with many small cottages. The proposed home appears larger than it needs to. With Design review in effect no other homes in this area or community will be built to this size, scale, LC or FAR. Every effort should be made to ensure this home will fit into the future development of the area. We would like to suggest that an architect be hired to assist in the finite details that will help this project conform to the site and neighborhood.

Please contact me if you have any questions.

Sincerely,

Karen Wilson

Karen Wilson
Chair, MCC Planning and Zoning Committee
Post Office Box 371273
Montara, CA 94037
650-728-3292 – Montara100@att.net

ATTACHMENT I

**Planning & Zoning Committee of the MidCoast Community Council**
PO Box 64, Moss Beach CA 94038
*Serving 12,000 residents*

March 18, 2004 Via Email

Ms. Gabrielle Rowan
San Mateo County Planning and Building Division
Mail Drop PLN122, 455 County Center
Redwood City, CA 94063
650.363.1841 - FAX: 650.363.4849

RE: PLN 1999-00215: Coastside Design Review and Coastal Development Permit
PLN 1999-00015: Coastside Design Review and Coastal Development Permit

The above applications were reviewed by the MCC Planning and Zoning Committee on Wednesday, March 17, 2004. Mr. Mahon did not attend the meeting or respond to my invitation to meet prior to the meeting to avoid any neighborhood conflict. We received both written and public comment regarding this item.

Our meeting ran very late (after 11:30 PM), and today our members have previous work commitments. The issues surrounding these cases are too numerous and complex to respond to fully in such a short timeframe, so in this letter I have summarized our position. A more detailed letter will follow next week.

The Committee voted to unanimously to request that County planning staff deny PLN1999-00015, and to request that the Planning Commission deny PLN1999-00215 as currently submitted. Our decision was based primarily on the basis of the following points:

- Plans submitted were inadequate in detail, and did not include any information on materials, finishes, landscaping, tree removal, grading, or driveway slope and access. Information provided on floor area and coverage was either sketchy (PLN1999-00215) or non-existent (PLN1999-00015). The plans were only on legal size sheets instead of blueprint size, with no easily verifiable scale or dating and incomplete elevations and site plans.

- Plans that were provided showed potential gross errors, such as (PLN1999-00215) a detached garage in the front yard setback and with only a 3` side setback. The slope of the lot does not qualify this project for that exemption.

- We see no indication from these plans that any of the earlier issues regarding compatibility with the size, scale and character of the surrounding community have been addressed.

- Other issues and alternatives, such as re-orienting the lots, lowering the houses toward grade, and increased stepping of the design for better conformance with the topography, have not been addressed.

- Plans that were supplied to the Committee for PLN1999-00015 were substantially different from those supplied to the neighbors in the notification mailing. The neighbors had received no notification of any action regarding PLN1999-00215.

The Committee stands by its earlier recommendations for denial on both these projects, and we see no reason from the supplied materials to change that position.

Thank you for your consideration of these issues. We have heard considerable concern from the neighbors about these projects, enough to warrant a full hearing on the matter. Please keep us informed of the status of these projects. Our Committee will do whatever we can to help reach a compatible solution between the neighborhood and the property owners.

Karen Wilson
Vice Chair, MidCoast Community Council, Planning and Zoning Subcommittee

ATTACHMENT E


# MidCoast Community Council
## Planning and Zoning Committee

An elected Municipal Advisory Council to the San Mateo County Board of Supervisors
*Serving 12,000 coastal residents*
http://mcc.sanmateo
E-mail: mcc@lists.sanmateo.org
Post Office Box 64, Moss Beach, CA 94038-0064
Office Fax: (650) 728-2129


April 12, 2004

FAX

San Mateo County Planning Commission
455 County Center
Redwood City, CA 94063

Honorable Commissioners:

Subject: PLN1999-00215
Location: 2nd Street near Farallone Street, Montara

The MidCoast Community Council Planning and Zoning Committee (Committee) makes the following recommendation on this project. The Committee members are predominantly MCC members with the exception of two appointees: Chuck Kozak, long time MCC member, past chair of P & Z and MCC, and Neil Merrilees, appointee with a degree in architecture from UC Berkeley with a minor in urban planning.

On December 31, 1999 the applicant was given the option of one of two choices by Paul M. Koenig, Director of Environmental Services:

1. Revise your two projects to address the issues identified above (attached). We would then re-review your projects for compliance with applicable Zoning Regulations and/or Design Review Standards.

2. Request a final decision by Planning Staff. At this point in time, we would deny your projects based on the issues identified above. This decision could be appealed to the Planning Commission.

It appears that the applicant has chosen option 2. The Committee agrees with the Planning and Building letter of December 31, 1999 and recommends denial of this permit application for the following reasons:

**Is the design of the structure appropriate to the use of the property and in harmony with the shape, size, and scale of adjacent buildings in the community?**

- This parcel is located near a main pedestrian access point to the trails of Montara Mountain, designated open-space that will soon be part of the Golden Gate National Recreation Area. It is not unusual, to see many walkers, hikers, and dog owners in this area.

**Scale, character and topography:**

The proposed house cannot even be described as slightly better than its previous design, as no changes have been made that have any visual effect, does not retain and blend with the natural surroundings. It is still out of scale with neighboring homes.

1. The front elevation facing Farallone still presents a 36 ft high, 3-story appearance.
2. The second story does not step back to follow the slope, so the structure's apparent mass is still large and will still loom over 2nd St.
3. The detached garage will enlarge the apparent mass not decrease it. By detaching the garage the applicant was attempting to reduce apparent mass by following the site contour. The mass of the garage, and the structure, will appear larger because of the garage's close proximity to the street. This would be the only house in the neighborhood with a zero-setback garage door facing the street. This presents an urban, auto-centric facade uncharacteristic of the rural atmosphere.
4. The east and west elevations present 2-story flat walls, with awkward pop-out and window configurations, and do not appear to fit in with the site.
5. The second story overhangs increase the apparent mass. They should be brought in within the footprint of the house.
6. Portions of the entire second story need to be pulled to provide daylight to the lots. There are no daylight planes on the house.
7. Even with altering the front roof forms to hip, the apparent mass of the structure has only been moderately reduced; it still will overwhelm neighboring homes.
8. The proposed structure continues to be above average in apparent mass for the neighborhood. It is placed on a lot that is below average in size for the surrounding neighborhood, making it incompatible in scale with the adjacent buildings in the neighborhood.
9. Using only the minimum set backs and maximum mass of the structures, will cause each home to appear to be even larger, and more out of character with the community.

**Trees:**

Because of its location near the urban/open-space boundary and in the scenic corridor the preservation of trees on this parcel and on its right-of-way is crucial to protecting the community and neighborhood character as well as the natural setting. The development has made no accommodation to preserve and conform to the existing trees. In actuality, it

Manipulating the County, Planning Department and this Commission should not be tolerated. Ignoring the Design Review recommendations does permanent long-term damage to a beautiful community, the gate-way to the MidCoast, and to the happiness and beauty of the area as noted so long ago when the design review standards were created in implemented in 1980.

**Deficiencies of submission:**

The Committee finds the plans we have seen are incomplete:

- The location and size of existing trees and trees to be removed are not indicated on the site plan, as required.
- Placement of existing or proposed well and/or septic is not indicated on site plan, as required.
- Roof and siding color-scheme samples have not been provided, as required.
- A landscape plan, designed to blend with the natural surroundings, has not been provided, as required.

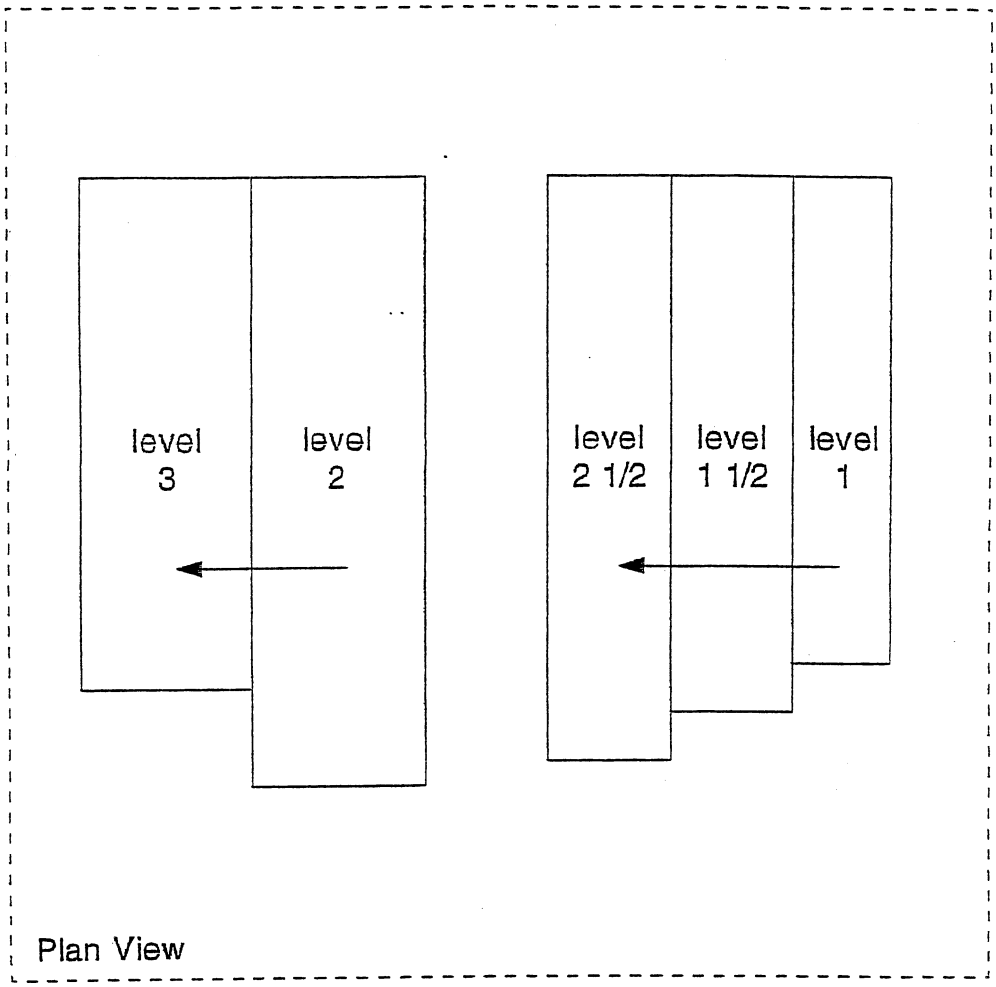
In conclusion, despite the length of time to implement acceptable modifications, we find that no substantial changes have been made in accord with the requests of the MCC and the County. Please deny the project with the same findings as were made in the December 31, 1999 letter sent by Paul Koenig.

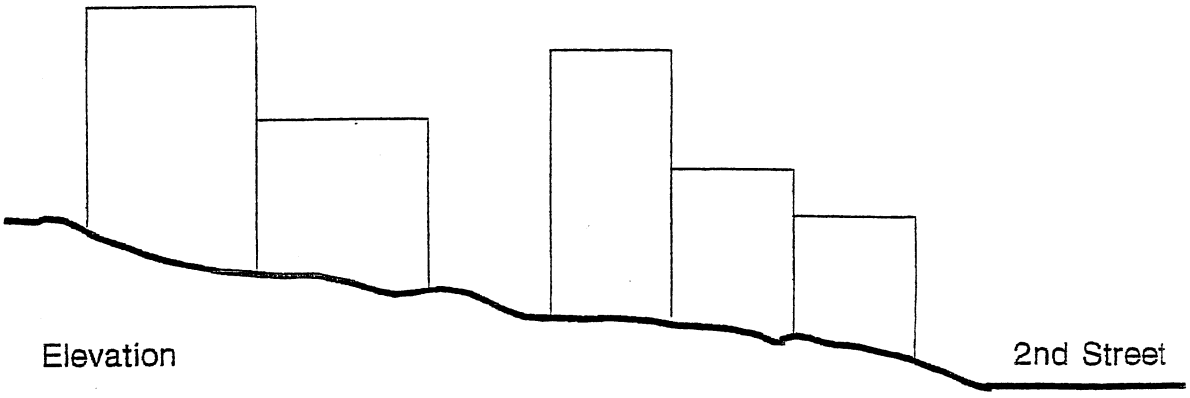
Sincerely,

Karen Wilson,
For the Planning and Zoning Committee

Recommended re-orientation

Exhibit A.2
Schematic proposal for structure to follow grade of land to reduce appearance of mass and height. Structures in E-W orientation.



# THE ZUMBRUN LAW FIRM

*A Professional Corporation*

February 11, 2004

Ms. Marcia Raines
Planning Director
San Mateo County Planning & Building Division
County Office Building
455 County Center
Redwood City, CA 94063

CERTIFIED MAIL/
RETURN RECEIPT REQUESTED
7001 2510 0003 7064 6864

Dear Ms. Raines:

Re: Notice of "Deemed Approved" Permit; Coastside Design Review Permits, Coastal Development Permit Exemptions and Building Permits for Mr. and Mrs. Thomas Mahon; San Mateo County file numbers PLN1999-00215 and BLD 1999-00710, PLN 1999-00015 and BLD 1999-00695

Mr. and Mrs. Mahon have retained this firm to represent them regarding the above-referenced permits and permit exemptions. Because the time limits under the Permit Streamlining Act (Gov. Code, §§ 65920, *et seq.*) have expired and public notice has properly been given, the Mahons' permits and permit exemptions are deemed approved.

The Permit Streamlining Act provides that a lead agency must approve or disapprove a project within sixty (60) days after it determines that the project is exempt from CEQA. (Gov. Code, § 65950(a)(4).) On April 7, 1999, the San Mateo County Building and Planning Division filed a Notice of Categorical Exemption for the above projects, starting the time limits provision.

Neighboring property owners, who were duly noticed of the project, appealed the project to the Planning Commission, which tolled the time limits under the Permit Streamlining Act until the appeal was complete. (See Gov. Code, § 65922(b).) The Planning Commission granted the appeal, reversing a staff decision to approve the permits. The Mahons appealed the Commission's decision to the County Board of Supervisors on January 17, 2001. The San Mateo County Board of Supervisors remanded the matter to the County Building and Planning Division on August 14, 2001, completing the appeals process and restarting the 60-day time limit.

3800 Watt Avenue
Suite 101
Sacramento, CA 95821

Tel 916-486-5900
Fax 916-486-5959

Although the 60-day period expired on October 13, 2001, the last plan submission in this matter was made on July 11, 2002. Even giving the county the benefit of this late date, the 60-day time limit would have expired on September 9, 2002. This expiration date has long since passed, and the permits and permit exemptions are deemed approved.

Sincerely,

Ronald A. Zumbrun

RONALD A. ZUMBRUN
Managing Attorney

**COUNTY COUNSEL**
THOMAS F. CASEY III

**CHIEF DEPUTIES**
CHRISTINE E. MOTLEY
MICHAEL P. MURPHY

# COUNTY COUNSEL

**COUNTY OF SAN MATEO**
HALL OF JUSTICE AND RECORDS • 6TH FLOOR
400 COUNTY CENTER • REDWOOD CITY, CA 94063-1662
TELEPHONE: (650) 363-4250 • FACSIMILE: (650) 363-4034
*Please respond to: (650) 363-1960*

**DEPUTIES**
MARY M. ASH
JOHN C. BEIERS
DEBORAH PENNY BENNETT
BRENDA B. CARLSON
PETER K. FINCK
PORTOR GOLTZ
LEIGH HERMAN
LISA SOTO HERNANDEZ
JUDITH A. HOLIBER
KIMBERLY A. MARLOW
MIGUEL MARQUEZ
JOHN D. NIBBELIN
PAUL A. OKADA
MARY K. RAFTERY
MIRUNI SOOSAIPILLAI
WILLIAM E. SMITH
V. RAYMOND SWOPE III
LEE A. THOMPSON
CAROL L. WOODWARD

March 9, 2004

*Via Facsimile (916-486-5959) and U.S. Mail*

Ronald A. Zumbrun
3800 Watt Avenue, Suite 101
Sacramento, CA 95821

***Re: Permit Streamlining Act; San Mateo County file numbers PLN 1999-00215 and BLD 1999-00710, PLN 1999-00015 and BLD 1999-00695***

Dear Mr. Zumbrun:

I am writing in response to your letter of February 11, 2004 to Marcia Raines concerning the above-referenced projects. In your letter, you cite the Permit Streamlining Act and claim that the Mahons' two projects are now deemed approved because the time for the County to act has passed.

Under the Permit Streamlining Act ("PSA"), the County has 60 days to act (to approve or disapprove) a project which has been determined to be exempt under CEQA. (Govt. Code §65950). The 60 days begins running when the CEQA determination is made. Time does not run during the pursuit of an administrative appeal. (Govt. Code §65922).

However, before the projects can be "deemed approved," the PSA requires an additional step. Because public notice is required before a decision can be made to approve or disapprove each of the above-referenced projects, the applicant must send the County a notice, with seven days' warning, that it intends to give the public notice itself because the PSA deadlines have not been met. Even then, the project will not be "deemed approved" until 60 days after the applicant gives the public notice himself. (Govt. Code §65956). These steps give the County a chance to correct any delays. Therefore, the projects have not been deemed approved because you have not provided the required notice under section 65956.

Please be informed that the County Planning Division will be taking the necessary steps to move both projects to decision right away. In the case of the project designated as PLN1999-00215, Planning staff will be sending out public notice of a hearing before the Planning

Commission, and scheduling the hearing. For PLN1999-00015, Planning staff will be sending out the public notice required for a staff level decision, and making the decision after the appropriate steps have been taken.

Please contact me if you would like to discuss this matter further.

Very truly yours,

THOMAS F. CASEY III, COUNTY COUNSEL

By: _____
Miruni Soosaipillai, Deputy

TFC:MS/ag

cc: Marcia Raines, Director, Environmental Services Agency
Terry Burnes, Planning Administrator
Gabrielle Rowan, Planner

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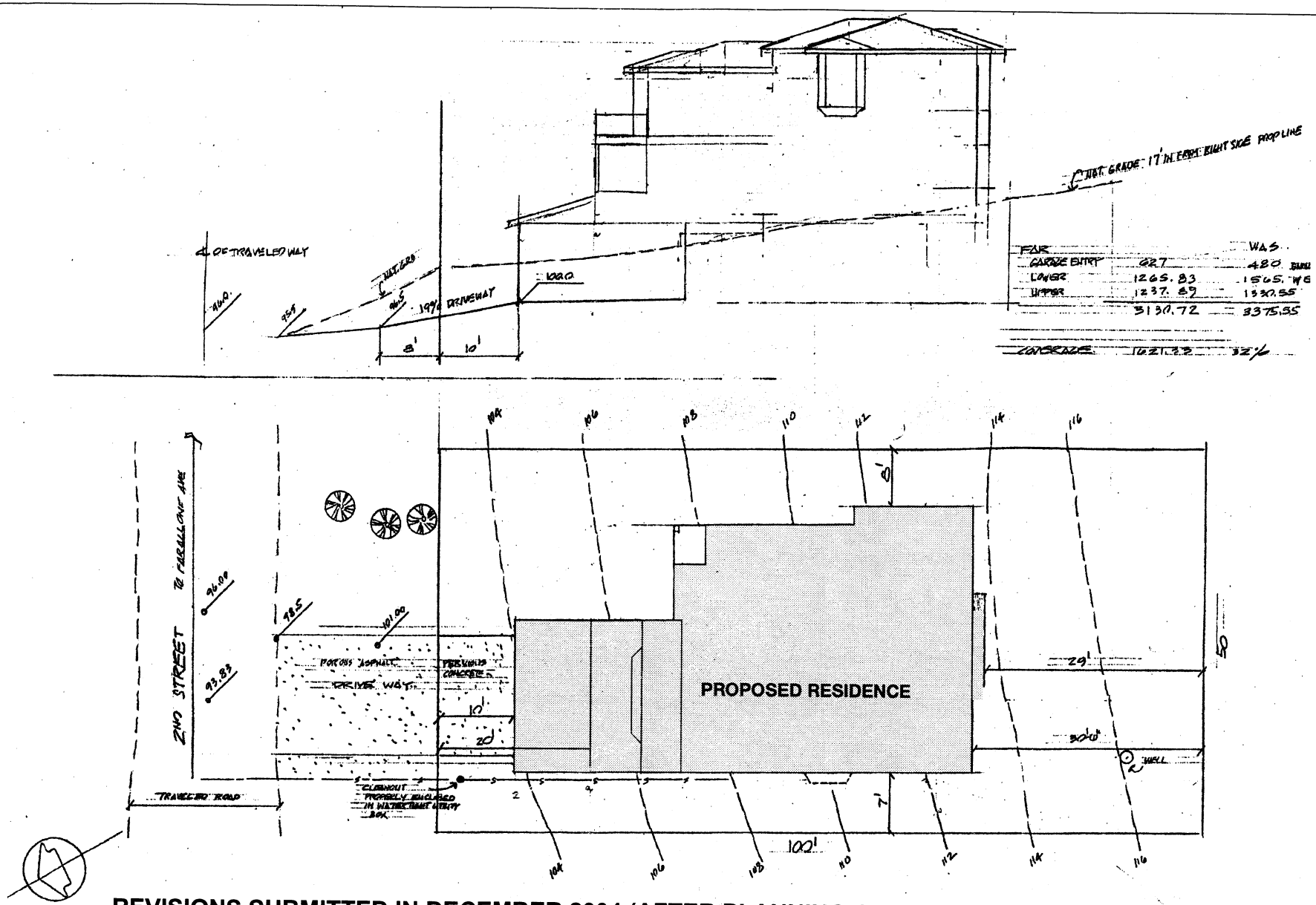



**REVISIONS SUBMITTED IN DECEMBER 2004 (AFTER PLANNING COMMISSION'S 4/14/04 DENIAL)**

## San Mateo County Board of Supervisors Meeting

Applicant: **Mahon**

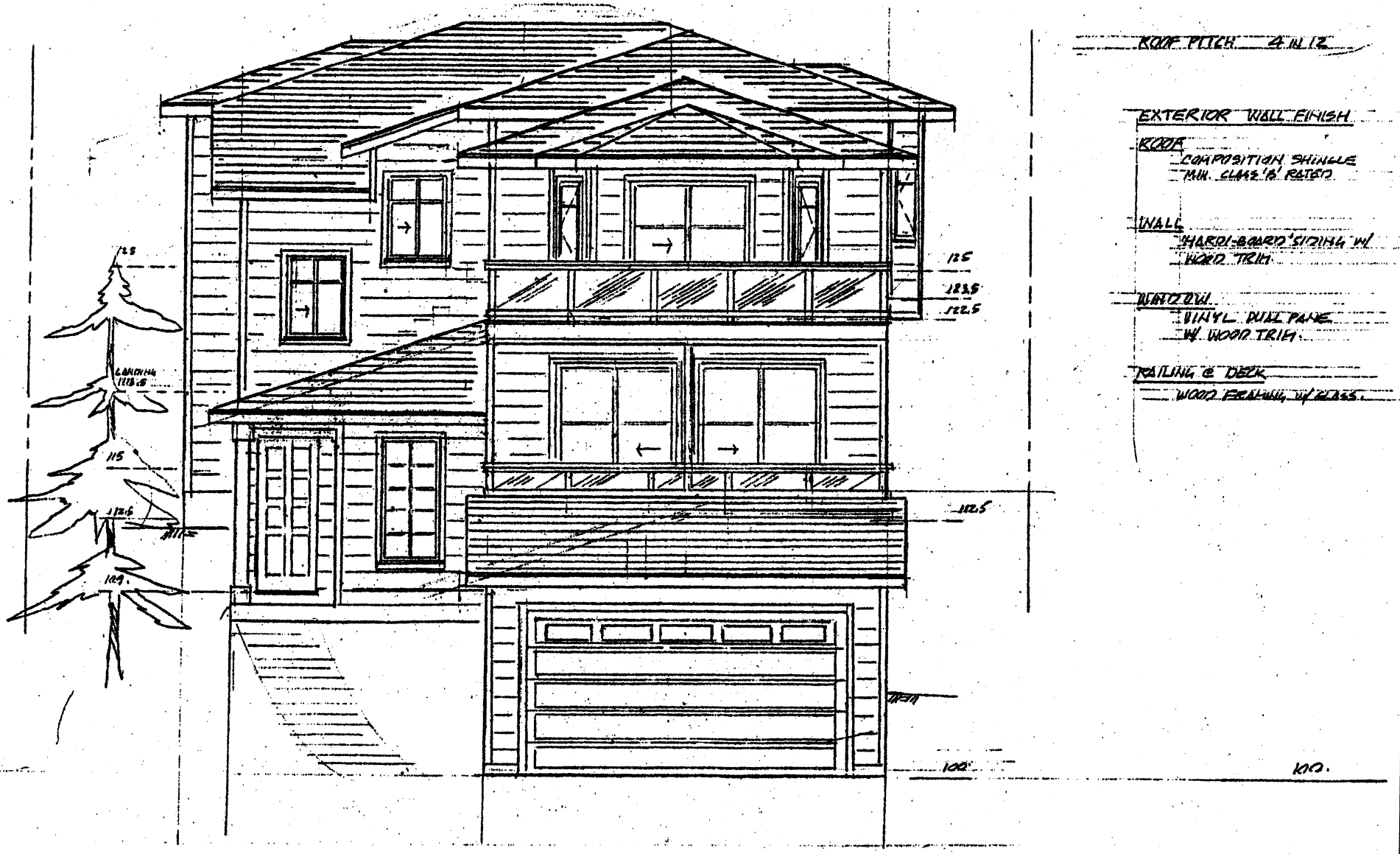
Attachment: L.

File Numbers: **PLN1999-00215**





ATTACHMENT L.




**REVISIONS SUBMITTED IN DECEMBER 2004 (AFTER PLANNING COMMISSION'S 4/14/04 DENIAL)**

## San Mateo County Board of Supervisors Meeting

Applicant: **Mahon** Attachment: M.

File Numbers: **PLN1999-00215**

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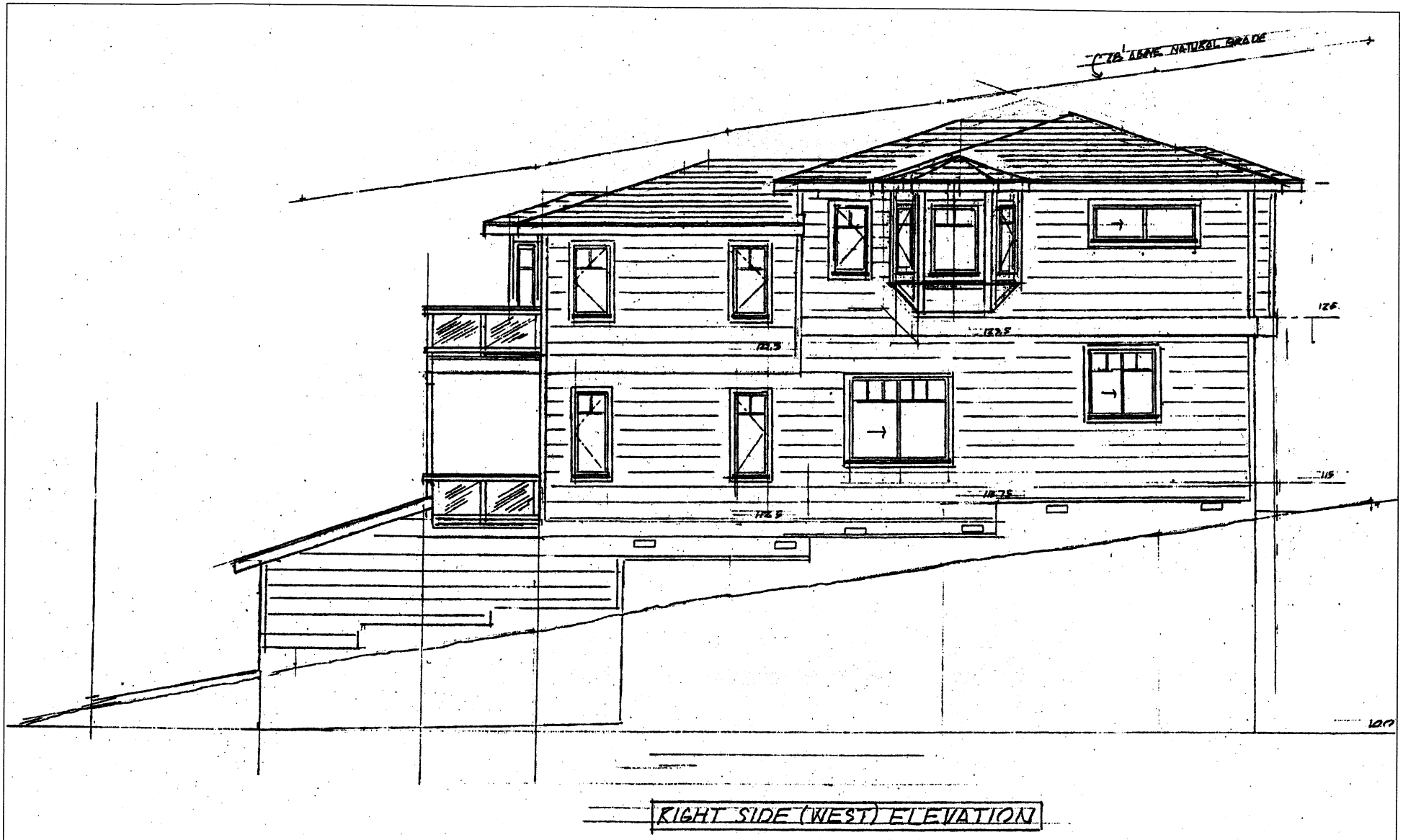
ATTACHMENT M.



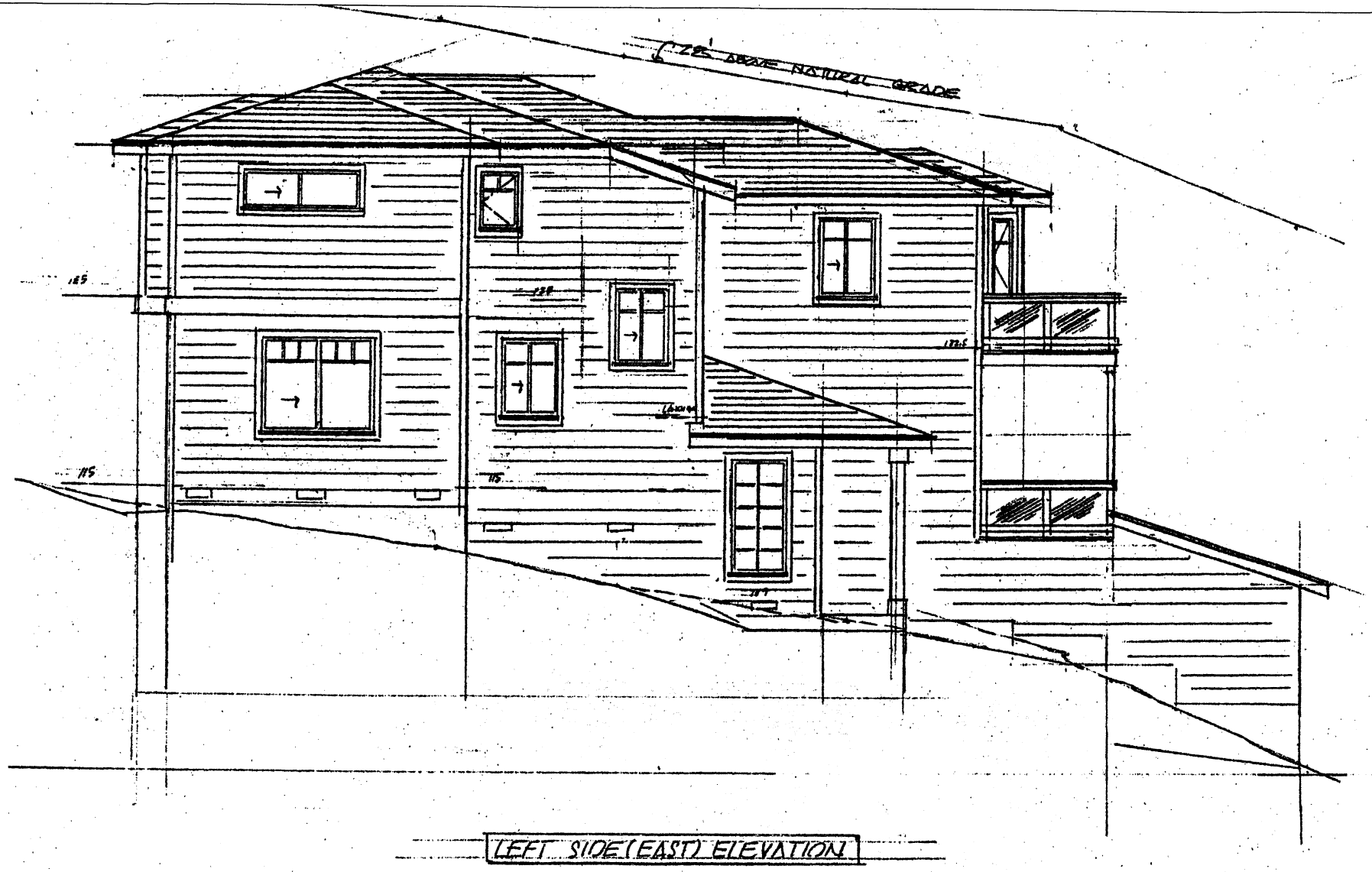

**REVISIONS SUBMITTED IN DECEMBER 2004 (AFTER PLANNING COMMISSION'S 4/14/04 DENIAL)**

## San Mateo County Board of Supervisors Meeting

Applicant: **Mahon**

Attachment:

File Numbers: **PLN1999-00215**

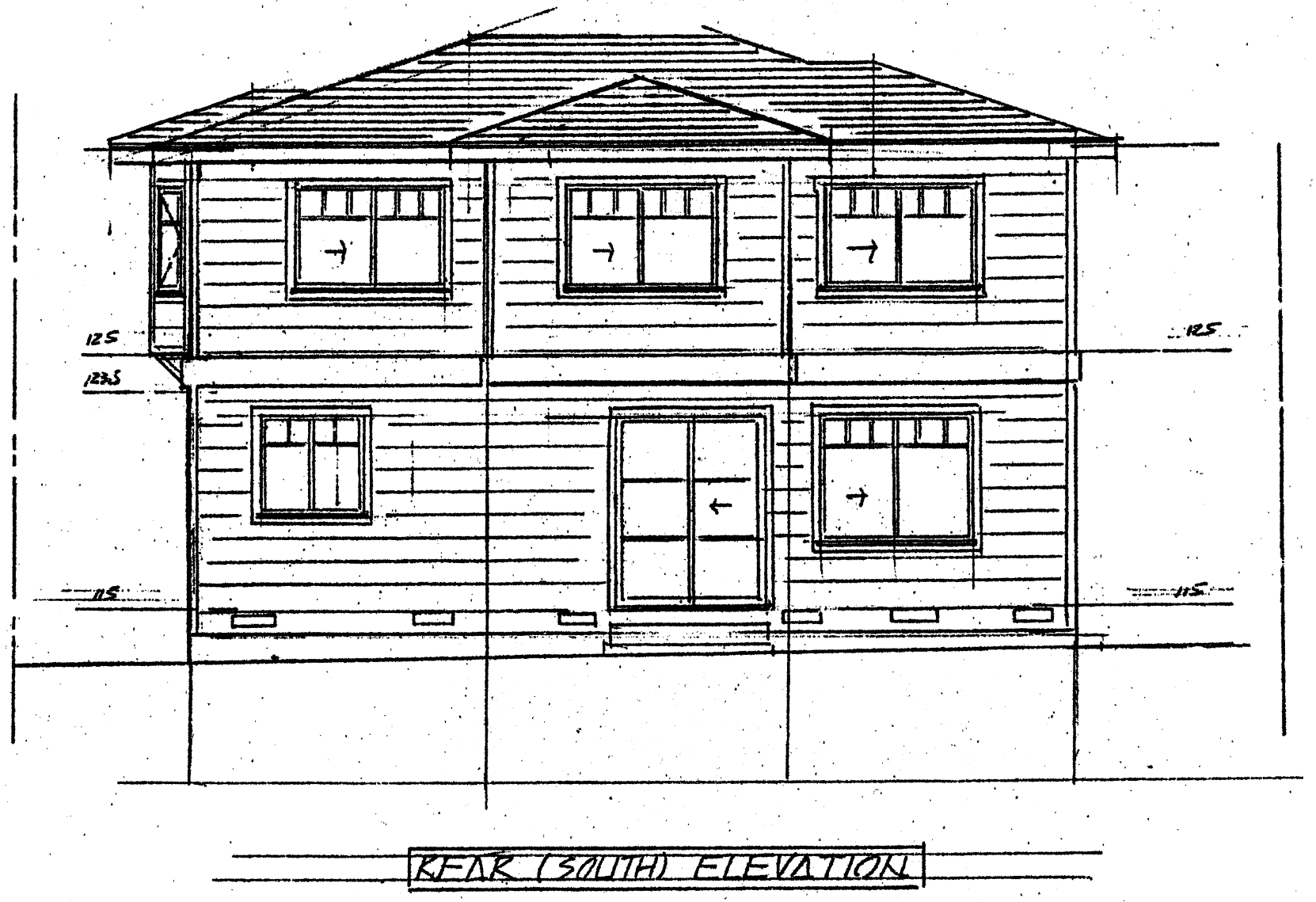



**REVISIONS SUBMITTED IN DECEMBER 2004 (AFTER PLANNING COMMISSION'S 4/14/04 DENIAL)**

## San Mateo County Board of Supervisors Meeting

Applicant: **Mahon** Attachment:

File Numbers: **PLN1999-00215**




**REVISIONS SUBMITTED IN DECEMBER 2004 (AFTER PLANNING COMMISSION'S 4/14/04 DENIAL)**

## San Mateo County Board of Supervisors Meeting

Applicant: **Mahon** Attachment:

File Numbers: **PLN1999-00215**

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