

Application for Appeal

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Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

- To the Planning Commission
- To the Board of Supervisors

AUG 20 2010

San Mateo County
Planning Division

Name: Dr. Ramin Shahidi

Address: 502 Palm Avenue

Phone, W: 650-923-3002 H:

Los Altos, CA

Zip: 94022

Permit Numbers involved:

PLN 2008-00066

~~PLN 2010-00221~~ PLN 2010-00221

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:

[Signature]

Date:

8-18-10

made on August 11 2010, to approve/deny the above-listed permit applications.

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?

please refer to attachment 1.

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AUG 20 2010

San Mateo County
Planning Division

PLN 2008-00066
PLN 2010-00221
21 Bishop Lane, Weekend Acres
074-303-190

Application for Appeal

ATTACHMENT 1

3. BASIS FOR APPEAL (Continued from previous page)

The purpose of this appeal is to request reversal of the Planning Commission decision made on August 11, 2010 to deny Dr. Ramin Shahidi the requested Minor Subdivision – PLN2008-00066 and related Variance PLN2010-00221.

PLN2008-00066 – MINOR SUBDIVISION:

Proposed Subdivision Revisions:

- Increase the original proposed 12' driveway to 15'
- Include a 5' wide and 50' deep emergency fire-access easement on "Parcel A" – 50' from Bishop Lane
- Include a 5' setback on the rear 50' segment of "Parcel A" – Such 5' setback shall be paved to allow for vehicular access if necessary

The aforementioned revisions are graphically illustrated on the attached revised minor subdivision map (Attachment 2). These revisions create a minor subdivision that includes a collective 20' wide access substantially complying with County requirements and greatly exceeding any driveway access in the Bishop Lane neighborhood.

SECTION 7096 FINDINGS REQUIRED

That there are SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING the property

The nature and character of existing neighborhood roadway and driveway systems is THE special circumstance and condition that supports the justification for an exception to the 20-foot driveway requirement:

- a. Bishop Lane is a dead end narrow private road ONLY 13-feet wide at its entrance;
- b. **Majority, if not all, existing private driveways on Bishop Lane range in size from 10-12 feet in width;**
- c. In 1988, the County Board adopted Resolution No. 50893, in response to the residents of Bishop Lane, directing the Public Works Director to allow Bishop Lane to remain in its existing condition (13-foot private road).

A subdivision that includes a 20-foot wide driveway would:

- a. Exceed the width of Bishop Lane itself by seven (7) feet;
- b. Exceed all existing private driveways by a range of five to eight feet;
- c. Contradict the intentions of the residents and Board Resolution No. 50893, which directed County Public Works Director to retain existing 13-foot width of Bishop Lane;
- d. Reduce the frontage and size of proposed subdivision Parcel A – Inconsistent with required minimum standards for Zoning District;
- e. Require shifting of proposed residence for Parcel A and need to remove existing heritage coast live oak – In violation of County Ordinances;

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A subdivision that includes a private driveway greater than 13 feet would be highly un-necessary and inconsistent with historic efforts by neighborhood and County of San Mateo to maintain the existing character of Weekend Acres. Further, there can be shown no significant or legitimate 'public interest' in the matter here involving a minor subdivision on a small private lane.

OR that exception is necessary for the preservation and enjoyment of substantial property rights of the owner/subdivider

- a. The property, as improved, is not built to the capacity allowed by the Medium Density Residential land use designation – The proposed minor subdivision would allow the substantial property rights allowed by the Medium Density Residential development standards.
- b. Furthermore, due to stringent loan qualifications, if the minor subdivision is not granted, Dr. Shahidi will not be able to obtain the construction loan financing necessary for improving the two parcels.
- c. Importantly, there is clear and recent **precedence** for granting this exception. Among others, the county recently granted similar exceptions for properties located at 264 Sequoia Trail and 901 Berkeley Avenue where the driveway requirements were reduced to merely 10 feet and 18 feet wide respectively. Thus, Dr. Shahidi would be not be granted any special privileges because a survey indicates that other properties have been granted development rights currently being denied to the applicant.
- d. Lastly, this minor subdivision would not have a detrimental effect to the neighborhood or any Committee; nor would it materially impair the public interest or adversely impact the General Plan.

PLN2010-00221 – VARIANCE:

The subject minor subdivision proposes a 15-foot creek setback from the top-of-bank (top retaining wall) and approximate 30-foot setback from the lower retaining wall. In order to accomplish such a set-back a variance is requested regarding the required 20-foot front setback of Parcel B – A proposed reduction of setback to 12 feet. Without the proposed variance, a creek setback cannot be accomplished nor creation of a feasible building envelope for Parcel B.

CONCLUSION

In light of the above evidence, the findings for an exception are supported by substantial evidence. It would therefore appear an arbitrary and capricious government action denying substantive due process to deny Dr. Shahidi his flag lot access and minor subdivision. For the above reasons, the decision should be reversed.

TENTATIVE MAP TWO (2) LOT SUBDIVISION

ALL THAT CERTAIN REAL PROPERTY IS DESCRIBED IN CERTAIN REELS RECORDED AS DOCUMENTS, 2001-2018, SAN MATEO OFFICIAL RECORDS, AND BEING A PORTION OF LOTS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 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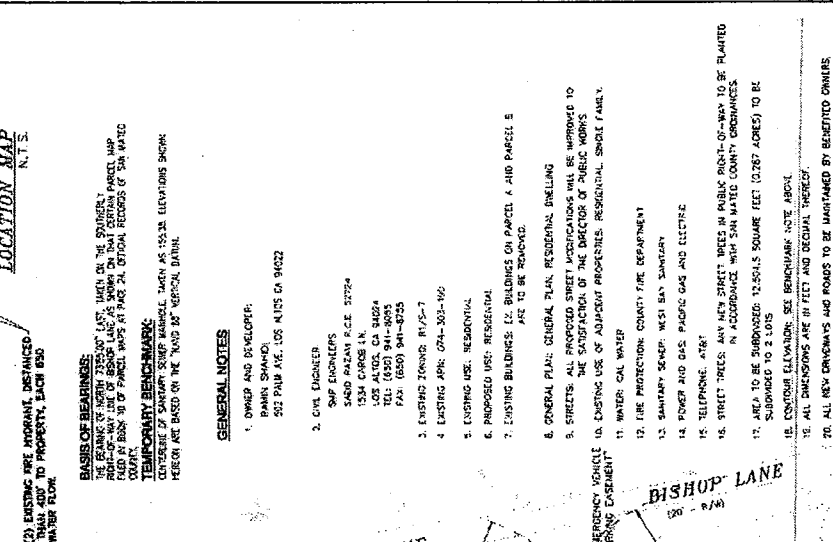
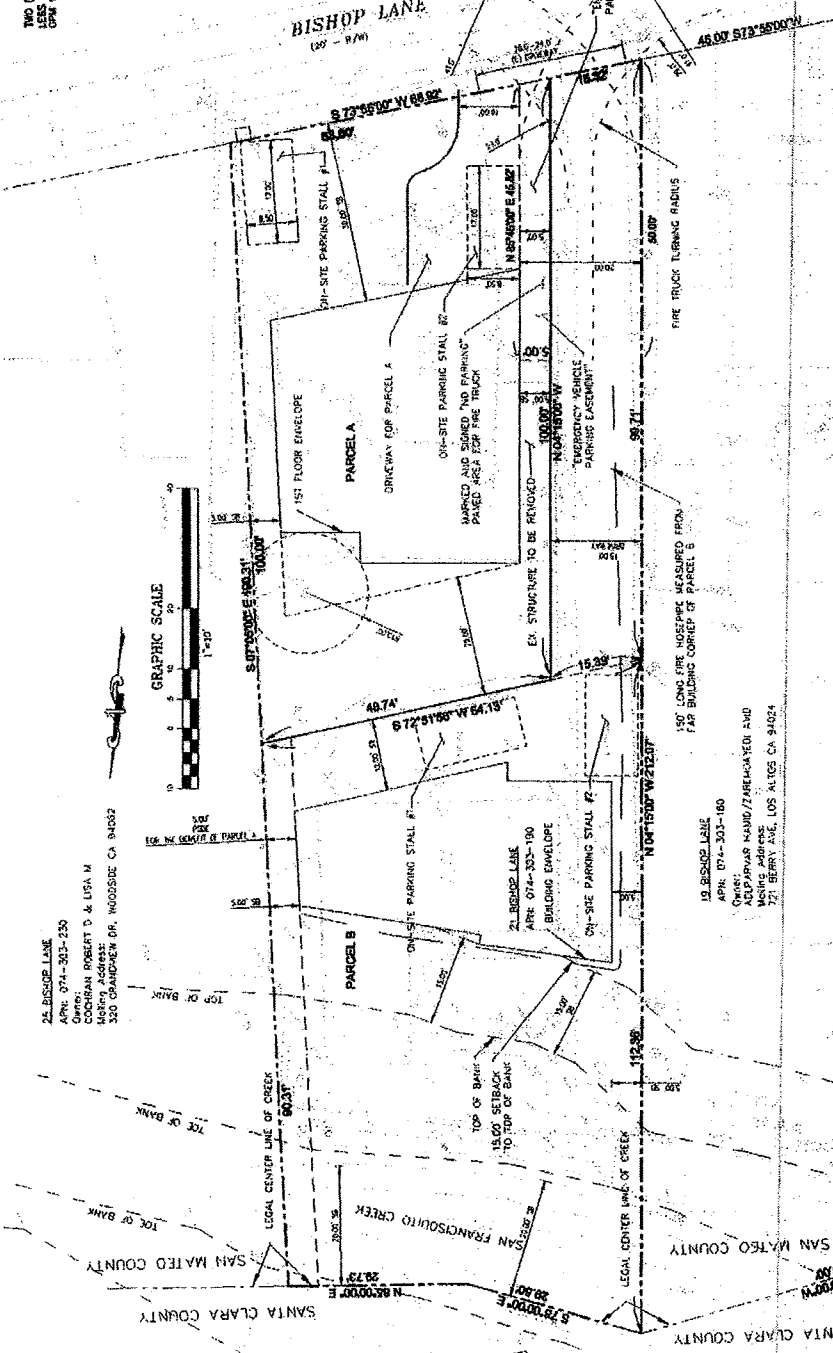
CITY OF MENLO PARK COUNTY OF SAN MATEO STATE OF CALIFORNIA
 SCALE: 1"=10'
 APRIL 2010
SMP ENGINEERS
CIVIL ENGINEERS
 1554 CAROL LANE
 LOS ALTOS, CA 94024

BUILDING ENVELOPE AREA TABLE

PARCEL A	1,725	64 FT.	PARCEL B	1,075	50 FT.
PROPOSED LOTS					
PARCEL A	5,023.5		0.115		
PARCEL B (WITH DRIVEWAY)	7,482		0.172		
TOTAL (EXISTING LOT)	12,505.5		0.287		
ENVELOPE PORTION OF PARCEL B	1,488		0.034		
PARCEL B (WITHOUT DRIVEWAY)	3,884		0.137		

LOT AREA TABLE

PROPOSED LOTS	SQ. FT.	ACRES
PARCEL A	5,023.5	0.115
PARCEL B (WITH DRIVEWAY)	7,482	0.172
TOTAL (EXISTING LOT)	12,505.5	0.287
ENVELOPE PORTION OF PARCEL B	1,488	0.034
PARCEL B (WITHOUT DRIVEWAY)	3,884	0.137



GENERAL NOTES

- OWNER AND DEVELOPER: PAMIR SHAHIDI, 202 PAUL AVE, LOS ALTOS CA 94022
- CIVIL ENGINEER: SMP ENGINEERS, 1554 CAROL LANE, LOS ALTOS, CA 94024
- EXISTING ZONING: R1/2S-7
- EXISTING USE: RESIDENTIAL
- EXISTING BUILDINGS (2): BUILDINGS ON PARCEL A AND PARCEL B ARE TO BE REMOVED.
- CONCEPT PLAN: GENERAL PLAN, RESIDENTIAL DENSIFICATION
- STREETS: ALL PROPOSED STREET MODIFICATIONS WILL BE IMPROVED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS
- EXISTING UTILITIES: WATER, GAS AND ELECTRIC
- WATER: CAL WATER
- FIRE PROTECTION: CONTACT FIRE DEPARTMENT
- SEWER: WEST BAY SANITARY
- POWER AND GAS: PACIFIC GAS AND ELECTRIC
- TELEPHONE: AT&T
- STREET TREES: ANY NEW STREET TREES IN PUBLIC RIGHT-OF-WAY TO BE PLANTED TO BE SUBMITTED TO SAN MATEO COUNTY GRASSES
- AREA TO BE SUBMITTED: 12,505.5 SQUARE FEET (0.287 ACRES) TO BE SUBMITTED TO 2 LOTS
- CONTIGUOUS ELEVATION: SEE BENCHMARK NOTE ABOVE
- ALL DIMENSIONS ARE IN FEET AND DECIMAL THEREOF.
- ALL NEW DRIVEWAYS AND ROADS TO BE MAINTAINED BY BENEFITED OWNERS.

San Mateo County Board of Supervisor's Meeting

Applicant: **R. SHAHIDI**

File Numbers: **074-303-190**