

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit File Number: PLN 1999-00215

Board Meeting Date: April 28, 2009

Prepared By: Angela Chavez

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS**

For the Environmental Review, Find:

1. That this project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3, relating to new construction of small structures. A Notice of Exemption will be filed with the County Clerk's Office and posted as required by CEQA.

For the Coastside Design Review, Find:

2. That this project has been reviewed under and found to be in compliance with the Standards of Review Criteria as stipulated in Chapter 28.1 of the San Mateo County Zoning Regulations.

For the Coastal Development Permit Exemption, Find:

3. 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.

**RECOMMENDED CONDITIONS OF APPROVAL**

1. This approval applies only to the proposal as described in this report and approved by the Board of Supervisors on April 28, 2009. These plans supersede all previously submitted and reviewed plans. The Community Development Director may approve minor modifications if they are consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid for one year from the date of final approval by which time a building permit shall have been issued. Any extension of this permit shall require submittal of a request in writing, including reasons for the extension and payment of applicable fees for permit extension 30 days prior to expiration.

3. The applicant shall obtain a building permit and develop in accordance with the approved plans and conditions of approval.
4. No site disturbance shall occur, including any grading or tree removal, until a valid building permit has been issued.
5. This permit allows for the removal of one Monterey pine tree (depicted as Tree #1 in the arborist report dated July 5, 2001). The applicant shall obtain from the County Department of Public Works the appropriate permit(s) for the removal of the pine. The applicant shall submit to the Planning Counter a copy of the permit from Public Works prior to the issuance of the building permit. Removal of any tree with a diameter greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit. The other two trees recommended for removal by the arborist (Trees #2 and #3) shall be saved unless an arborist report is submitted to indicate that more than 25 percent of the root system of the tree is going to be impacted by development of the approved structure and driveway. If the two trees require removal, a separate tree removal permit will be required prior to removal. If the trees are to be saved, the applicant shall submit a tree preservation plan, prepared by a certified arborist, for review and approval prior to issuance of a building permit. The approved tree protection measures shall be implemented prior to the start of any grading or construction activity on the site.
6. Depict all the trees along the County's right-of-way and the 36-inch pine within the front yard on the site plan. Submit the revised plans to Planning for review and approval prior to Planning approval of the associated building permit.
7. The applicant shall submit exterior color samples (no larger than approximately 4 square inches) for walls and trim to the Planning Counter for review and approval by the Community Development Director prior to Planning approval of the associated building permit. The applicant shall include the file/case number with all color samples. Color verification by a building inspector shall occur in the field after the applicant has painted the structure an approved color, but before the applicant schedules a final inspection.
8. The applicant shall submit a material sample of the proposed roof material for review and approval of the color and material prior to Planning approval of the associated building permit. Roof material verification by a building inspector shall occur in the field after the applicant has installed the approved material, but before the applicant schedules a final inspection.
9. The applicant shall submit a landscape plan (may be shown on the site plan of the submitted building permit application) depicting the location, type, and size of trees and shrubs for review and approval by the Planning Department. The landscaped areas shall be designed to reduce excess irrigation runoff and require minimal and appropriate use of fertilizers, herbicides and pesticides. The goal of the required landscape plan is to soften the building elevations and to increase surface filtra-

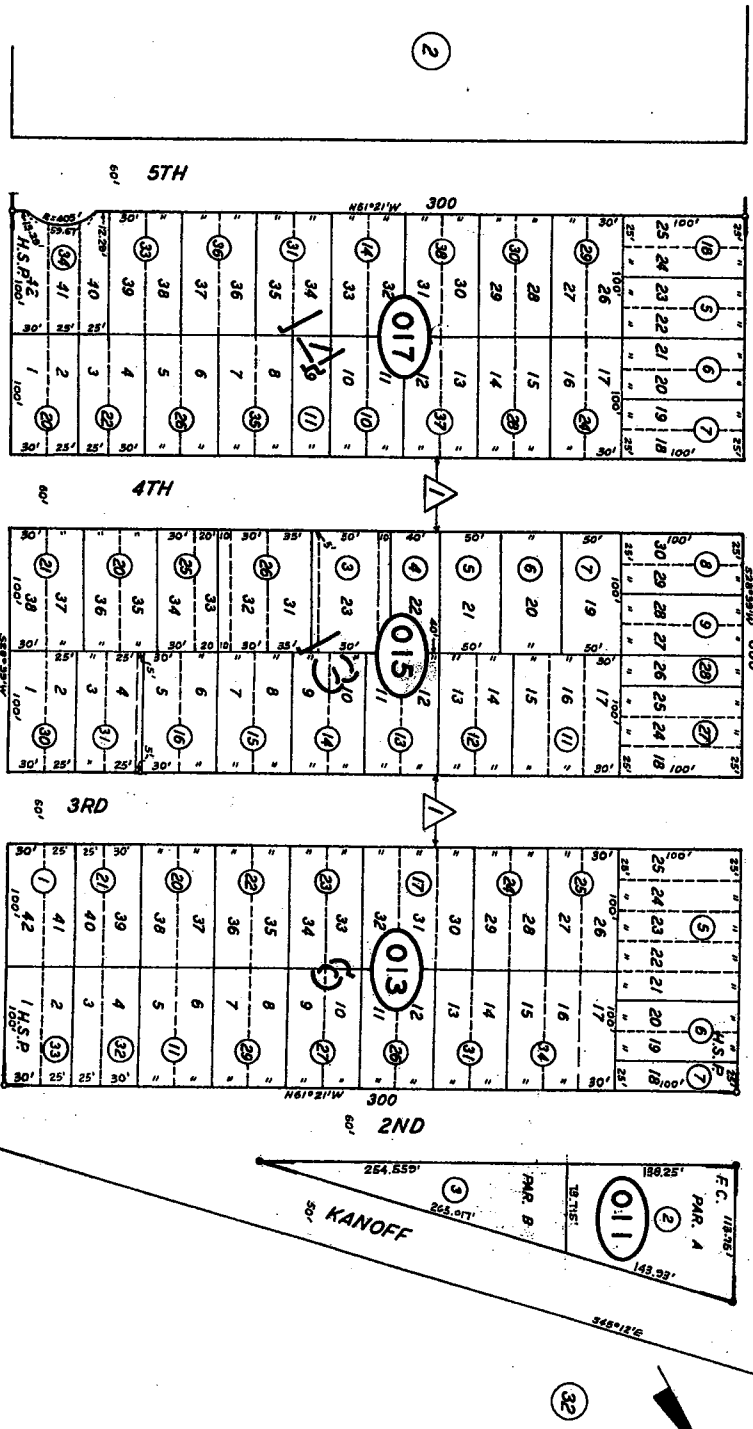
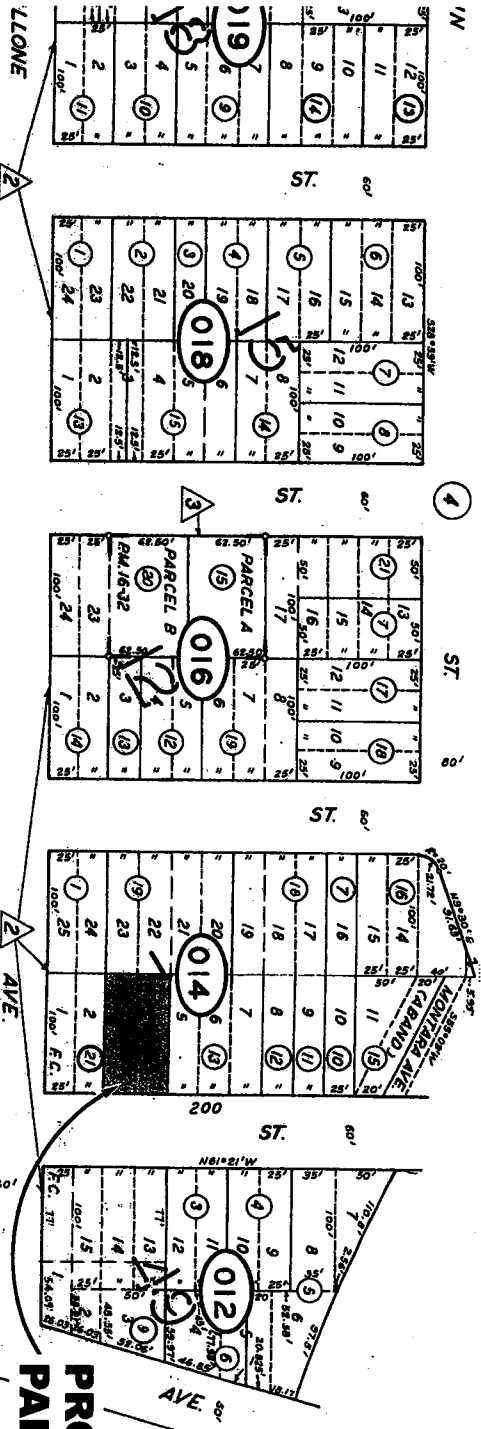
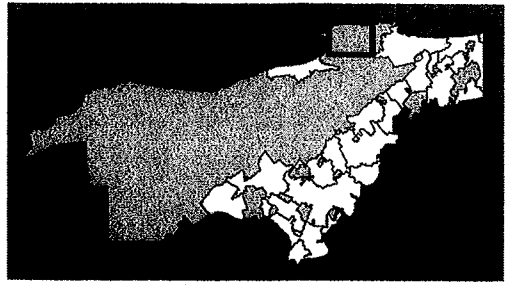
tion. The plan shall include a minimum of two (2) trees (minimum 5 gallons) in the front of the residence, one (1) tree (minimum 36-inch box) in the front of the residence, a minimum of three (3) trees (minimum 5 gallons) in the rear of the residence and a minimum of twenty (20) shrubs (minimum 1 gallon) shall be included in the design. Areas in the front and rear of the property that do not contain trees or shrubs shall be covered with a combination of turf or groundcover and/or a minimum of 2 inches of mulch on all exposed soil areas to minimize erosion.

10. The applicant shall submit an erosion control plan (including sections depicting method of installation), prior to Planning approval of the associated building permit, to mitigate any erosion resulting from project-related grading activities.
11. Submit an on-site drainage plan, as prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms. The required drainage plan shall show the necessary mechanisms to contain all water runoff generated by on-site impervious surfaces and shall include facilities to capture and retain all stormwater runoff through on-site percolation facilities. The drainage plan shall be submitted to the Planning Department for review and approval by the Community Development Director prior to Planning approval of the associated building permit. The plan shall be included as part of the project's final building permit application and construction plans. The County Building Inspection Section and Department of Public Works shall ensure that the approved plan is implemented prior to the project's final building inspection and occupancy approval.
12. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems by:
  - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and May 1.
  - b. Removing spoils promptly, and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry into the storm drain system or water body.
  - d. Using filtration or other measures to remove sediment from dewatering effluent.
  - e. Avoid cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff.

- f. Limiting and timing application of pesticides and fertilizer to avoid polluting runoff.
13. If the total land area disturbed by the project exceeds 5,000 sq. ft., the applicant shall, pursuant to Section 5023 of the San Mateo County Code, submit a construction site stormwater management plan to the Planning Counter, for review and approval by the Community Development Director. This plan must be approved by the Community Development Director before the issuance of any permit including, but not limited to, a grading permit, or a building permit. The plan shall illustrate and describe appropriate methods, chosen by the applicant from the California Stormwater Best Management Practices Handbook, to control stormwater runoff from the project site during construction and from land use activities on the site once the project is completed.
14. The applicant is responsible for ensuring that all contractors are aware of all stormwater quality measures and implement such measures. Please refer to the attached handout, which details the BMPs. Failure to comply with the construction BMPs will result in the issuance of the correction notices, citations or a project stop order.
- a. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides that can contribute to runoff pollution.
- b. Where subsurface conditions allow, the roof downspout systems from all structures shall be designed to drain into a designated, effective infiltration area or structure (refer to BMPs Handbook for infiltration system designs and requirements).
15. Noise levels produced by the proposed construction activity shall not exceed 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
16. No grading shall be allowed during the winter season (October 1 to May 1) to avoid potential soil erosion unless approved, in writing, by the Community Development Director. The applicant shall submit a letter to the Planning Department at least two weeks prior to the commencement of grading stating when grading will begin.
17. To ensure the height of the structure and/or structures do not exceed the maximum height permitted, staff requires the applicant to adhere to the height verification procedure during the building permit process. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have

a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.

- a. The datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
  - b. Prior to Planning 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.
  - c. 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) garage slab elevation, must be shown on the plan, elevations, and cross-section (if one is provided).
  - d. 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.
  - e. 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 Community Development Director.
18. The plans submitted at the building permit stage shall clearly show the location of the existing well and that the proposed development complies with the required Environmental Health setbacks from that well.
  19. All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.



36-1

San Mateo County Board of Supervisors Meeting

Applicant: THOMAS MAHON

File Numbers: PLN 1999-00215

ATTACHMENT B

## INTERIOR LOT HOUSE (APN 200)

Modifications to plans made pursuant to directives from San Mateo County Board of Supervisors at hearing held on 3/31/09 :

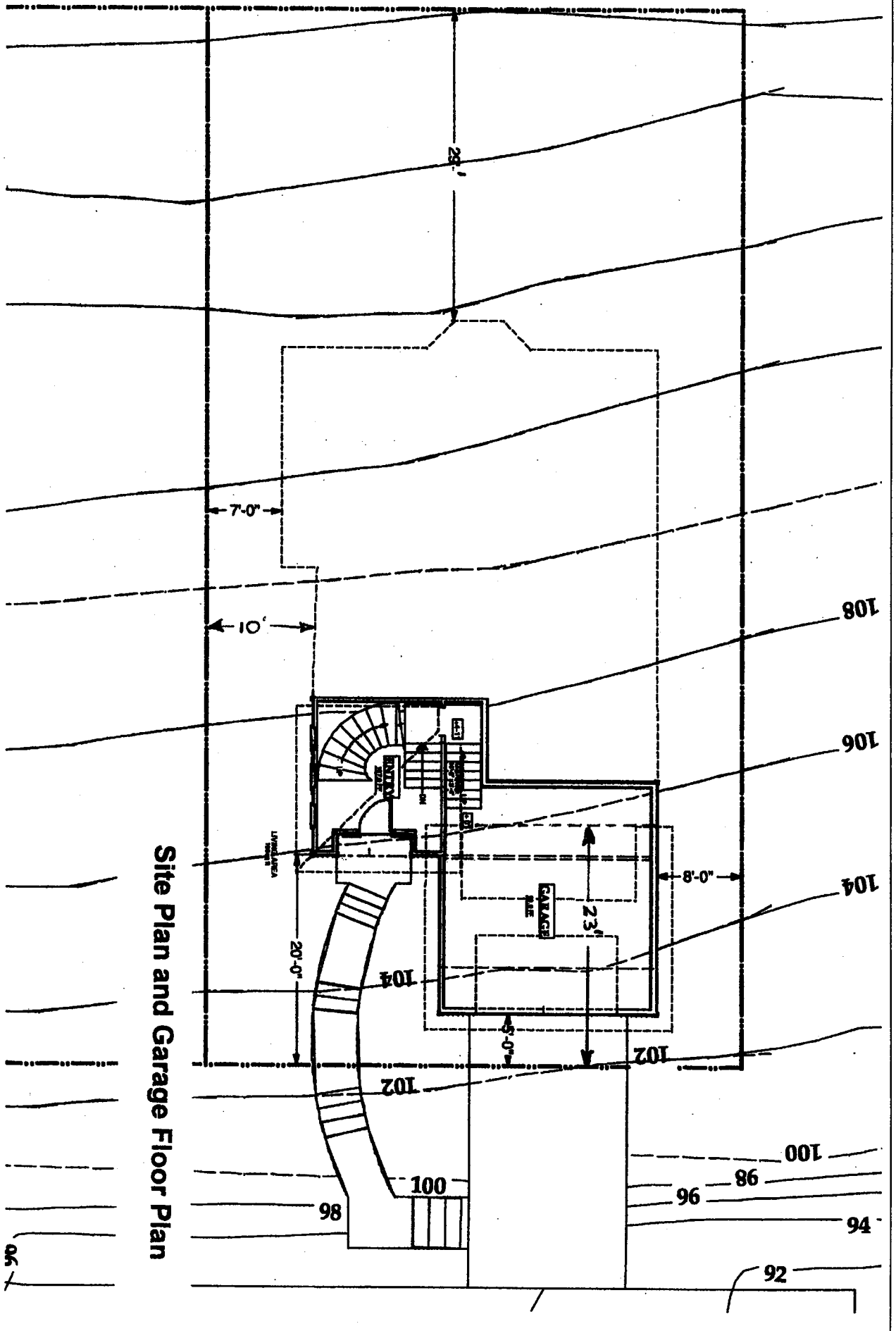
- 1.) Building now has Story setbacks established at *each* and every successively higher story.
- 2.) Design Form more closely mimics the natural terrain of the site with both roof-line as well as floor-line.
- 3.) Building Lowered into the Ground.
- 4.) Reduction of Building Mass *via* :
  - a.) Elimination of both upper and lower story covered deck elements at most prominent part of building.
  - b.) Elimination of two-story single-plane massing at most prominent part of building.
  - c.) Introduction of 5 foot setback of uppermost story at most prominent part of building.
  - d.) Complete Hip-forming of entire Roof structure.
  - e.) Increase in set-back by 3 feet of most prominent element of building : principal (lower) story above Garage – a location directly visible from street.
  - f.) House Plans now contain three (3) separate levels – following the rise in terrain – in addition to Garage level.
  - g.) Introduction of sloping roof line following the rise in terrain from front to rear above both separate entry element as well as second story element at front.
  - h.) Elimination of rear upper-story projection – by incorporating both stories into articulated building feature; Feature also contains beveling – softening massing from the rear.
  - i.) Introduction of recessed area into upper-story at rear of building – creating additional articulation as well as reducing upper-story massing.
  - j.) Reduction in scale of Entry Element in relation to building and prominence of overall mass; Introduction of recessed detail eliminating need for additional canopy & mass, as well as creating visual interest.
- 5.) Right Side Set-back is now greater than neighboring House : 8 ft. uniform VS. 4 ft / 6ft / 8ft (Decks & Building)
- 6.) Structure (Garage) within front yard setback is now at *significantly* greater Side setback than neighboring House front yard Accessory Structure : 8 ft. VS. 3 ft.
- 7.) Structure (Garage) within front yard setback is now at greater Front setback than neighboring House front yard Accessory Structure : 5 ft. VS. 3 ft.
- 8.) Front Upper Story Set-back is now *significantly* greater than neighboring House: 28 ft VS. 20 ft
- 9.) Introduction of extensive articulation along most prominently visual (east) side of house.

San Mateo County Board of Supervisors Meeting

Applicant: THOMAS MAHON

File Numbers: PLN 1999-00215

Site Plan and Garage Floor Plan



ATTACHMENT D



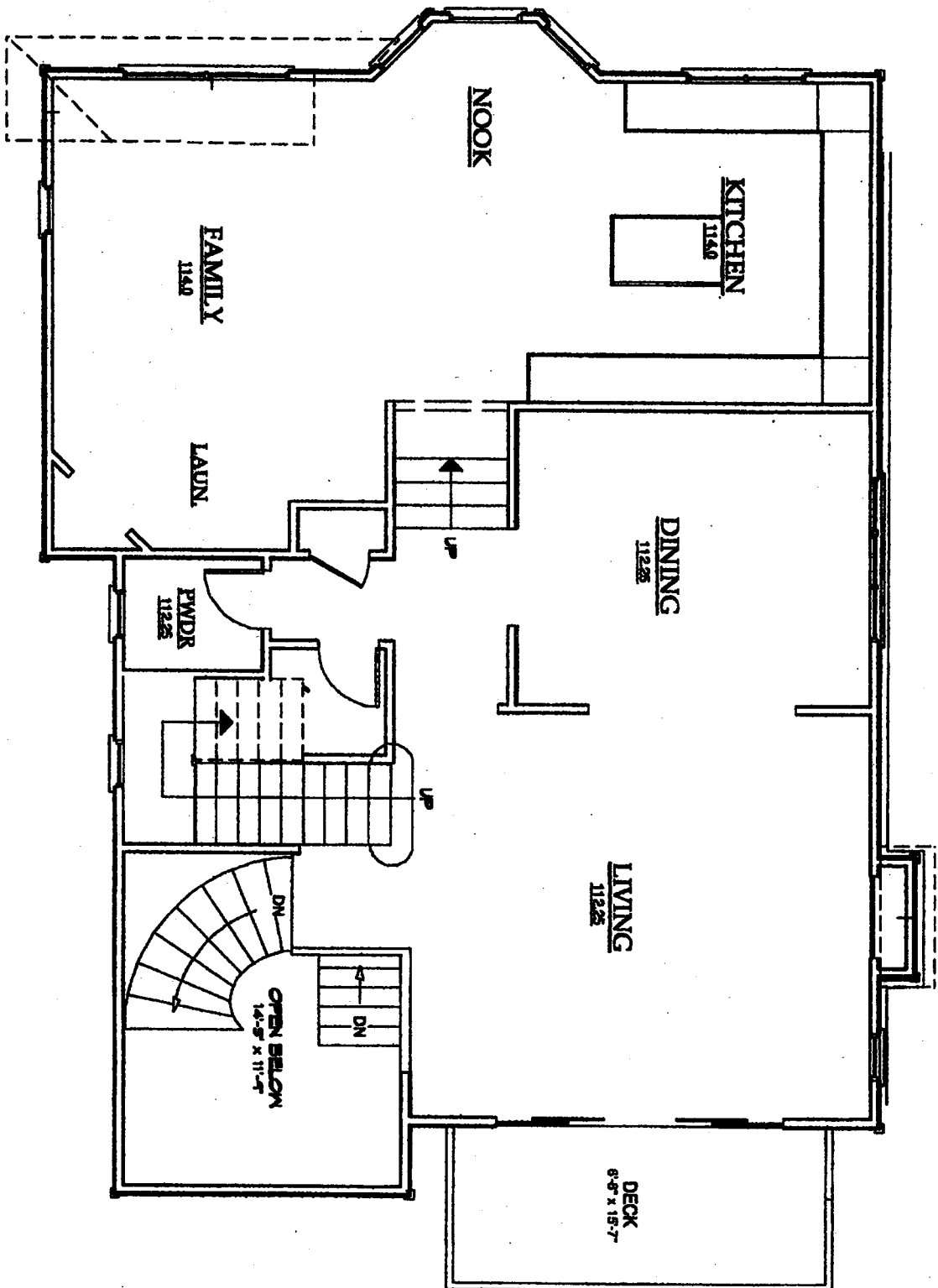
San Mateo County Board of Supervisors Meeting

Applicant:

THOMAS MAHON

File Numbers:

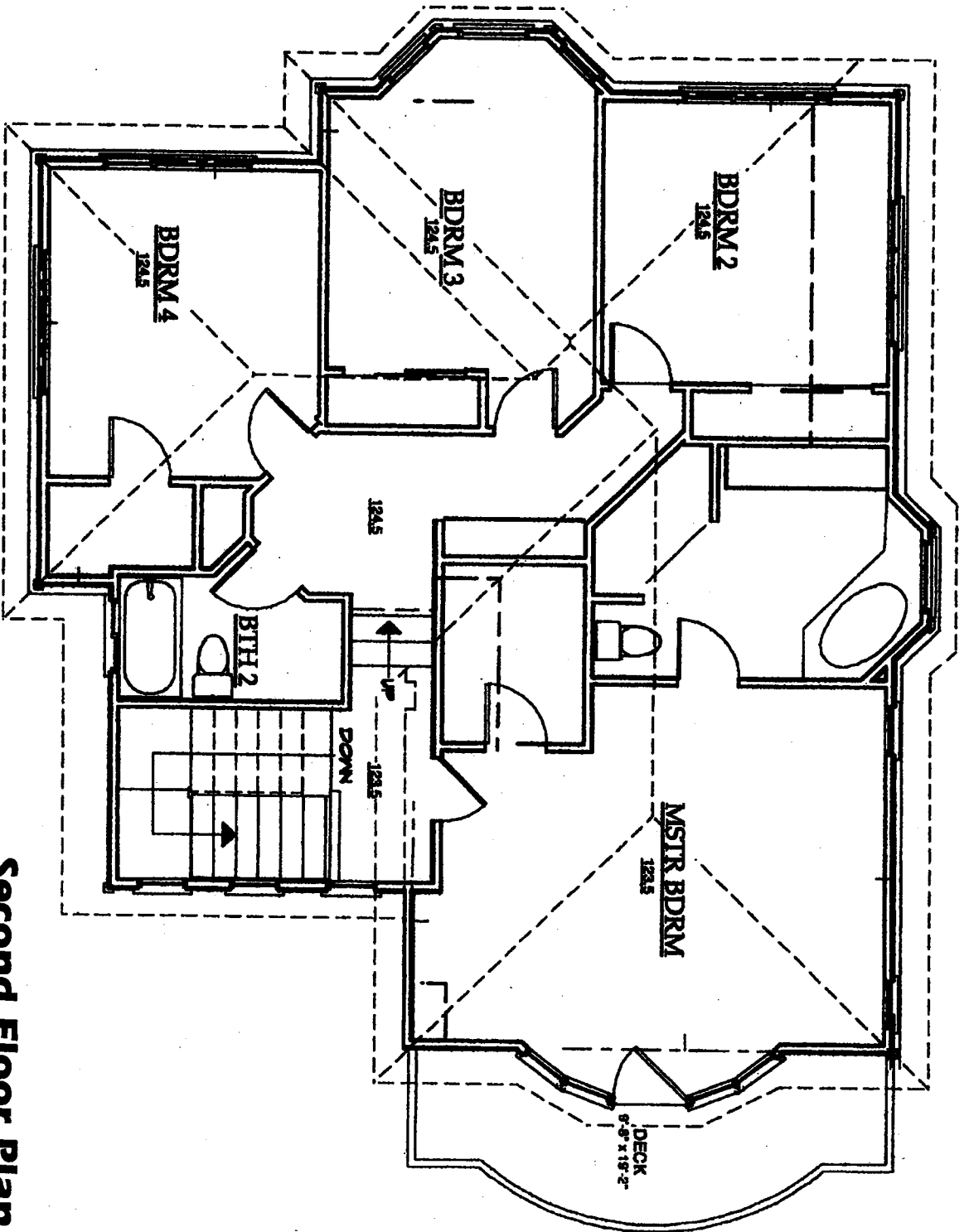
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LIVING AREA  
1403 sq ft

First Floor Plan

ATTACHMENT E



LIVING AREA  
1200 sq ft

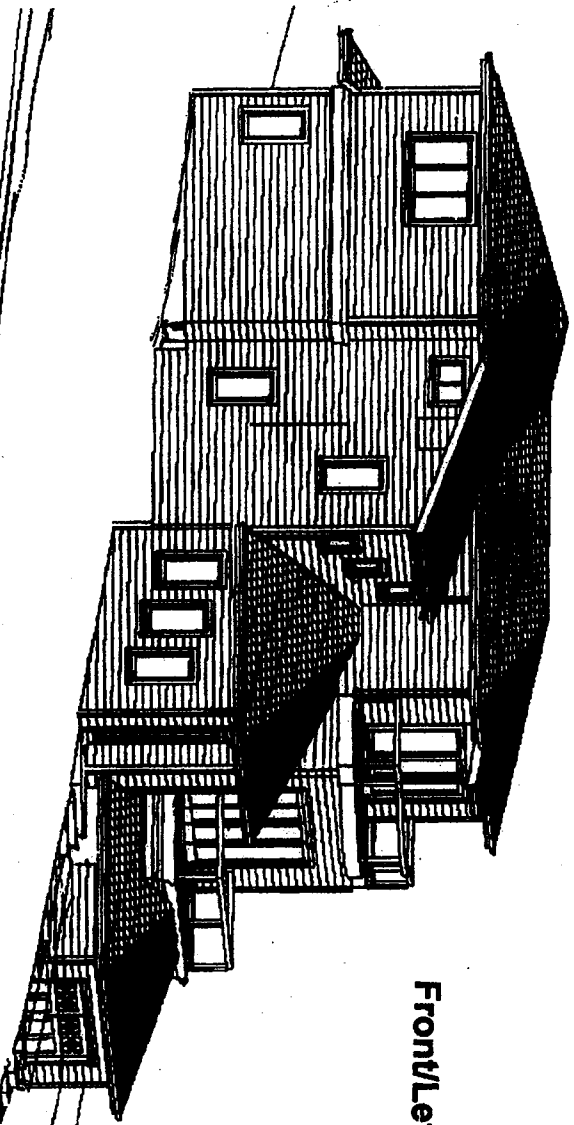
**Second Floor Plan**

**San Mateo County Board of Supervisors' Meeting**

**Applicant: THOMAS MAHON**

**File Numbers: PLN 1999-00215**

**ATTACHMENT F**



**Front/Left Side Elevation**

**San Mateo County Board of Supervisors Meeting**

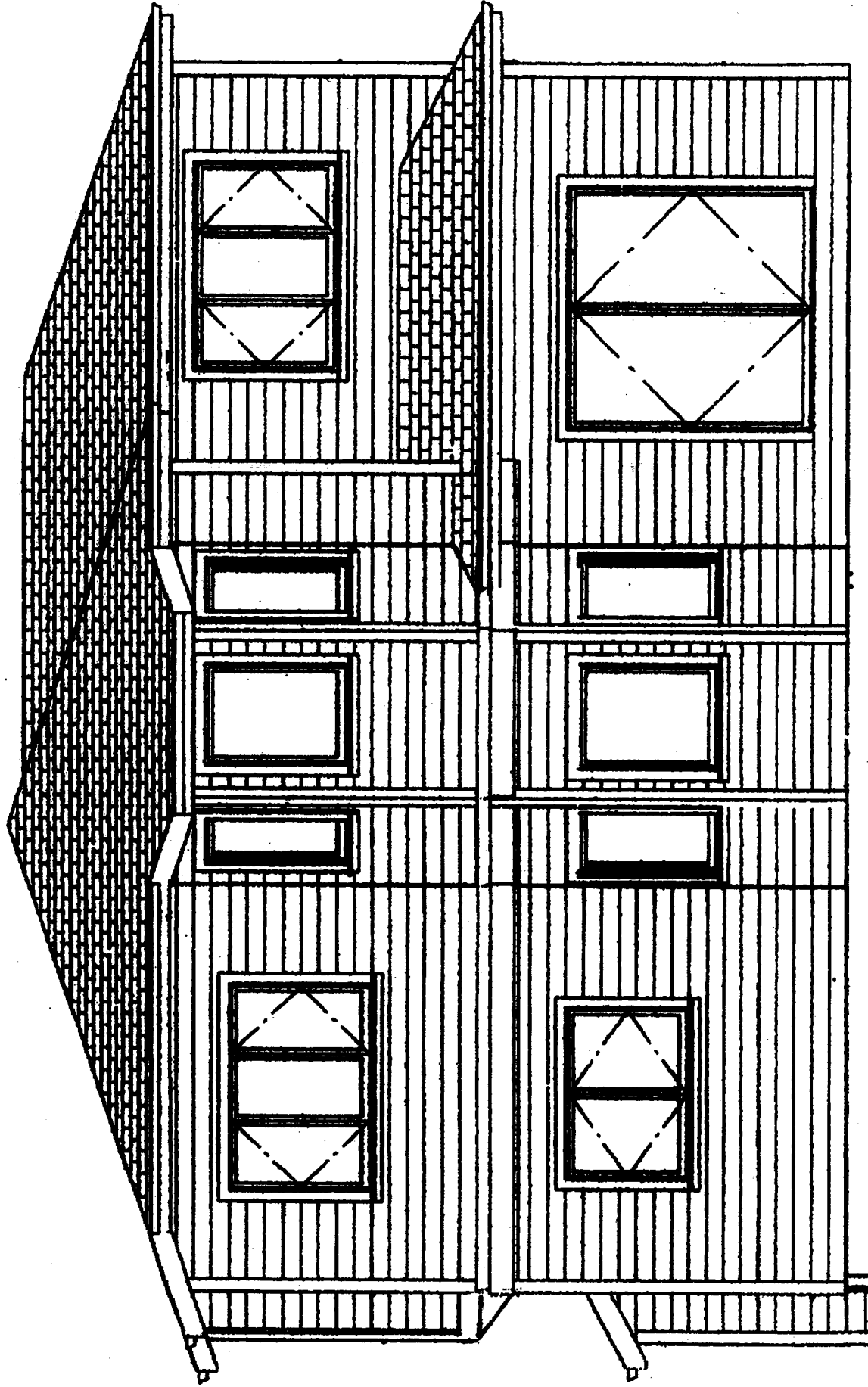
**Applicant: THOMAS MAHON**

**File Numbers: PLN 1999-00215**

**ATTACHMENT G**



**Rear Elevation**



**San Mateo County Board of Supervisors' Meeting**

**Applicant: THOMAS MAHON**

**File Numbers: PLN 1999-00215**

**ATTACHMENT I**

SPECIES SELECTION

- Trees - Coastal Species: Pine Sh.sp. / Monterey Cypress / Thuja Cedar / Mayten / Cryptomeria Jap. / Melaleuca sp. /
- Trees - Exotic Species: Cedar H. / Cypress sp. / Maple Acer sp. / Prunus sp. /
- Shrubs – Coastal Species: Pittosporum sp. / Ceanothus sp. / Hebe V. / Dodonea V. / Cape B. / Leptospermum sp. / Grevillea / Artemisia sp. / Lavandula sp. / Salvia sp. / Juniperus sp. / Cotoneaster sp. / Melaleuca <S> sp. /
- Shrubs - Exotic Species: Solanum / Nandina sp. / Myrsine sp. / Tenax / Buxus sp.
- Groundcover : Coastal native drought-tolerant Grasses / Vines /

LANDSCAPE ZONES

1.) FRONT setback

- a.) Yard : (2) 15 Gal.<T>, (6) 5 Gal. <S>, (3) 15 Gal. <EP>, Multi-F <G>
- b.) Perimeter : (1) 15 Gal.<T>, (5) 5 Gal.<S>, (12) 1 Gal.<S>
- c.) Entry : (2) 5 Gal.<S>, (6) 1 Gal <S>

2.) REAR setback

- a.) Yard : (1) 15 Gal.<T>, (2) 15 Gal. <EP>, Multi-F <G>, (10) 1 Gal.<S>, (3) 5 Gal.<S>

3.) SIDE setback

- a.) Yard : (1) 15 Gal.<T>, Multi-F<G> , (5) 1 Gal.<S>

# ATTACHMENT J

2<sup>nd</sup> Street Montara – PLN1999-00215

(P.2)

LANDSCAPE PROGRAM

## Cummulative Plant Material Quantities :

- (5) 15 Gal Trees
- (5) 15 Gal Shrubs
- (25) 5 Gal Shrubs
- (35) 1 Gal <select>

## Irrigation

- a.) Drip irrigation at non-native species.
- b.) System Controller (automatic)

## Hardscape

- a.) Gravelled
- b.) D.G.Granite
- c.) Pavers & Flag
- d.) Stone/Block

Walks : (a.) (b.) (c.)

Landings,Ground : (a.) (b.) (c.)

Walls, Planter : (d.)

## Notes :

- Large Pine at Street (front) near property line to be retained and decayed limbs removed.
- Moderate-size Pine Tree at Street to be retained if root system is not impacted by development. If impacted, then removed and replaced with 15 Gal. evergreen coastal-species tree in approximate area where roots will not be impacted by development.
- Two additional 15 Gal. coastal species evergreen trees to be placed elsewhere on property.



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

**PLANNING AND BUILDING DEPARTMENT**

**DATE:** March 23, 2009  
**BOARD MEETING DATE:** March 31, 2009  
**SPECIAL NOTICE/HEARING:** 10 days, within 300 ft.  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** Lisa Grote, Community Development Director *L.G.*

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of a Coastside Design Review Permit, pursuant to Sections 6565.4 (Coastal) and 6328.5 of the County Zoning Regulations as they existed in 1999, to construct a new 2,982 sq. ft. single-family residence and 400 sq. ft. detached garage on a 5,000 sq. ft. parcel located on Second Street, in the unincorporated Montara area of the County. (Appeal from decision of the Planning Commission denying the Design Review). This project is not appealable to the California Coastal Commission.

**RECOMMENDATION**

Deny the appeal and uphold the decision of the Planning Commission and deny the Design Review Permit, County File Number PLN 1999-00215, by making the findings of denial as listed in Attachment A. Alternatively, invite the applicant voluntarily to make the project modifications recommended by staff as discussed in the Alternative Section of the staff report, and make the findings in support of Design Review Permit approval as listed in Attachment B.

**VISION ALIGNMENT**

**Commitment:** Number 9 (Partnerships), "Effective and Collaborative Government."

**Goal:** Number 20, "Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain."

Upholding the decision of the Planning Commission to deny the subject Design Review Permit furthers Commitment 9 and Goal 20 because requiring a project to comply with Design Review standards is a careful consideration of the project's future impact on a neighborhood's character. The Planning Commission's finding that this project does not comply with Design Review standards demonstrates that it was considering the future impacts of the project on the neighborhood character.



## **BACKGROUND**

**Proposal:** The applicant is proposing to construct a new 2,982 sq. ft. single-family residence and a 400 sq. ft. detached garage and the removal of three trees on a 5,000 sq. ft. parcel.

The Planning Director approved the subject project's Design Review Permit in October 2000.

**Planning Commission Action:** On April 14, 2004, the Planning Commission voted 3-1 to deny the applicant's appeal and uphold the decision to deny the project.

**Board of Supervisors Action:** On February 8, 2005 the Board of Supervisors voted unanimously to deny the appeal and uphold the decision of the Planning Commission to deny this project.

## **DISCUSSION**

The project was one of two Design Review (DR) applications (the other PLN 1999-00015) for new single-family homes on two adjacent parcels submitted in 1999. Initially, the subject project's DR Permit was approved by the Planning Director in October 2000. That decision was appealed by a number of local residents to the Planning Commission in January 2001, which upheld the appeal and denied the DR application. The Planning Commission found that the project did not comply with the 1999 Design Review standards that required: (1) structures to be designed and situated so as to retain and blend with the natural vegetation and landforms of the site and to insure adequate space for light and air to itself and adjacent properties, and (2) structures be designed so that they are appropriate to the use of the property and are in harmony with the shape, size and scale of adjacent building in the community.

Upon appeal by the applicant to the Board of Supervisors in August 2001, the Board of Supervisors remanded the project back to the Planning Commission for redesign and the Planning Commission's reconsideration. The applicant submitted modifications to the project in the interim. The Planning Commission found that the applicant's changes were not substantially different from previous iterations and subsequently denied the applicant's appeal on April 21, 2004.

The applicant appealed that decision to the Board of Supervisors and in December 2004 submitted slightly revised plans. The plans included minor roof articulation improvements but were substantially similar to an earlier version of plans submitted in October 2001. At a hearing on February 8, 2005, the Board of Supervisors unanimously voted to deny the applicant's appeal and uphold the Planning Commission's decision to deny the Design Review Permit for this project.

Following the Board's denial of the applicant's appeal, on May 6, 2005, the applicant filed a Petition for Writ of Administrative Mandamus with a Complaint for other claims including inverse condemnation, civil rights violations, injunction and declaratory relief. A Statement of Decision representing the decision of the Court was issued on

March 17, 2008. The Statement of Decision found that the applicant had not been provided a fair administrative hearing at the Board's hearing of February 8, 2005. The Writ itself was issued in July 2008. The Court set aside the decision of the Board denying the applicant's appeal, and ordered that the Board rehear the appeal from the decision of the Planning Commission. The impact of the Court's decision is that the Board is to consider the appeal *de novo*, as if the prior Board hearing had not occurred.

**FISCAL IMPACT**

No fiscal impact.



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

**PLANNING AND BUILDING DEPARTMENT**

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**SUBJECT:** Consideration of a Coastside Design Review Permit, pursuant to Sections 6565.4 (Coastal) and 6328.5 of the County Zoning Regulations as they existed in 1999, to construct a new 2,982 sq. ft. single-family residence and 400 sq. ft. detached garage on a 5,000 sq. ft. parcel located on Second Street, in the unincorporated Montara area of the County. (Appeal from decision of the Planning Commission denying the Design Review). This project is not appealable to the California Coastal Commission.

County File Number: PLN 1999-00215 (Mahon)

**RECOMMENDATION**

Deny the appeal and uphold the decision of the Planning Commission and deny the Design Review Permit, County File Number PLN 1999-00215, by making the findings of denial as listed in Attachment A. Alternatively, invite the applicant voluntarily to make the project modifications recommended by staff as discussed in the Alternative section of the staff report, and make the findings in support of Design Review Permit approval as listed in Attachment B.

**VISION ALIGNMENT**

**Commitment:** Number 9 (Partnerships), "Effective and Collaborative Government."

**Goal:** Number 20, "Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain."

Upholding the decision of the Planning Commission to deny the subject Design Review Permit furthers Commitment 9 and Goal 20 because requiring a project to comply with Design Review standards is a careful consideration of the project's future impact on a neighborhood's character. The Planning Commission's finding that this project does not comply with Design Review standards demonstrates that it was considering the future impacts of the project on the neighborhood character.

## **BACKGROUND**

**Proposal:** The applicant proposed to the Planning Commission to construct a new 2,982 sq. ft., two-story single-family residence and a 400 sq. ft. detached garage (a combined total of 3,382 sq. ft.) on a 5,000 sq. ft. parcel. Three trees were proposed to be removed. The proposed residence is oriented towards and takes access from Second Street.

**Planning Commission Action:** On April 21, 2004, the Planning Commission voted 3-1 (Commissioner Kennedy had recently resigned and had not yet been replaced) to uphold the appeal and deny the decision of the Planning Director to approve the project.

**Prior Board of Supervisors Action:** The applicant appealed the denial of the Design Review Permit by the Planning Commission, and submitted modified plans that reduced the size of the house to 2,504 sq. ft. but attached, relocated and increased the size of the garage to 627 sq. ft. (for a combined total of 3,131 sq. ft. on a 5,000 sq. ft. parcel). On February 8, 2005, the Board of Supervisors voted unanimously to deny the appeal and uphold the decision of the Planning Commission to deny this project. The San Mateo County Superior Court set aside that decision and required the appeal from the Planning Commission to be reheard.

## **DISCUSSION**

This project is one of two Design Review applications (the other application is PLN 1999-00015) for new single-family homes on two adjacent parcels submitted in 1999. The subject project was approved by the Planning Director in October 2000. That decision was appealed by local residents to the Planning Commission in January 2001, which upheld the appeal and denied the DR application. The Planning Commission found that the project did not comply with the 1999 Design Review standards that required: (1) structures to be designed and situated so as to retain and blend with the natural vegetation and landforms of the site and to insure adequate space for light and air to itself and adjacent properties, and (2) structures be designed so that they are appropriate to the use of the property and are in harmony with the shape, size and scale of adjacent building in the community.

Upon appeal by the applicant to the Board of Supervisors in August 2001, the Board of Supervisors remanded the project back to the Planning Commission for redesign and the Planning Commission's reconsideration. The applicant submitted modifications to the project in the interim.

For the Planning Commission's April 21, 2004 hearing, the applicant submitted plans that showed that due to the steep slope of the front half of the lot, the garage had been detached from the main structure and relocated up to the front property line. The upper balcony was reduced in size and the house was moved 6'-6" further back from the street. The front elevation's exterior siding was modified by incorporating shingles at each change in articulation.

The Planning Commission upheld the appeal and denied the Design Review Permits based on a lack of adequate evidence that the project complied with two specific Design Review standards from the 1999 Zoning Regulations: (1) that the house is designed and situated so as to retain and blend with the natural vegetation and landform of the site, and (2) that the house is in harmony with the shape, size and scale of adjacent buildings in the community. The Planning Commission's denial of this application included direction to the applicant to: (1) lower the elevation of the lower level, therefore lowering the overall mass of the structure; (2) eliminate the covered element over the deck area on the lower level; (3) step back the upper level such that the structure's mass is pushed back further from the street; and (4) provide varying exterior materials and colors to diminish the visual mass of the structure. The applicant appealed the Planning Commission's denial of a Design Review Permit. The Board of Supervisors denied the applicant's appeal on February 8, 2005.

Following the Board's denial of the applicant's appeal, on May 6, 2005, the applicant filed a Petition for Writ of Administrative Mandamus with a Complaint for other claims including inverse condemnation, civil rights violations, injunction and declaratory relief. A Statement of Decision representing the decision of the Court was issued on March 17, 2008. The Writ itself was issued in July 2008. The Statement of Decision found that the applicant had not been provided a fair administrative hearing at the Board's hearing of February 8, 2005. The Court set aside the decision of the Board denying the applicant's appeal, and ordered that the Board rehear the appeal from the decision of the Planning Commission. The impact of the Court's decision is that the Board is to consider the appeal *de novo*, as if the prior Board hearing had not occurred.

Report Prepared By: Angela Chavez, Project Planner, Telephone 650/599-7217

Applicant/Appellant: Thomas Mahon

Location: 284 Second Street, Montara

APN: 036-014-200

Size: 5,000 sq. ft.

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

000006

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

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Vacant

Water Supply: Existing domestic well

Sewage Disposal: Montara Water and Sanitary District

Flood Zone: FEMA Flood Insurance Rate Map Zone "C" (Area of Minimal Flooding); Community Panel Number: 060311 0092B; Effective Date: July 5, 1984.

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

Setting: The project site is located on Second Street, near the northwestern corner of Farallone Avenue, two blocks east of Cabrillo Highway. The 5,000 sq. ft. parcel has an average slope of approximately 22%, which slopes in a northerly direction uphill from Second 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 (pending DR application PLN 1999-00015); the parcel to the west is developed with a two-story residence and the remaining surrounding neighborhood is developed with one- and two-story single-family residences.

## **DISCUSSION**

### **A. KEY ISSUES OF THE APPEAL**

The applicant/appellant has submitted a number of appeal issues. The application for appeal is Attachment G. These are summarized below in italics followed by staff's response, which also references the applicant's December 2004 revisions submitted after the Planning Commission's denial:

1. **Applicant's Appeal:** *The house has been designed to conform and blend with the natural contours of the site by two methods. First, by use of separated floor elevations at each floor. Second, a continued down sloping of the roof and employment of hipped roof style in the direction of the slope of the lot.*

**Staff Response:** The revised plans considered by the Planning Commission in April 2004 showed that the house was moved 6'-6" further back from the street and the garage had been detached from the main structure and relocated to the front property line. In addition, the upper balcony was reduced in size, thereby decreasing the covered deck element on the lower level. These changes reduced the mass of the main structure so that from street level it

appeared as two stories whereas previously it appeared to be a three-story structure. The front elevation's exterior siding was also modified by incorporating shingles at each change in articulation. The revised plans were an improvement on the previous proposal as they reduced the mass of the structure, improved the articulation, and reduced the size of the structures such that the combined square footage of the house and detached garage now had been reduced from the 3,468 sq. ft. (as proposed in the applicant's plans before the Planning Commission in 2001, but rejected by the Planning Commission and by the Board of Supervisors on appeal in April 2001) to a combined square footage of 3,382 sq. ft.

However, the Planning Commission found that these changes did not bring the design into compliance with the 1999 Design Review standards and found that the house was not designed to conform to the natural contours of the site.

In response to the Planning Commission decision in April 2004, the applicant submitted revised plans in December 2004 for consideration by the Board of Supervisors. These changes were submitted as part of the appeal from the Planning Commission's denial of the Design Review Permits and have therefore never been reviewed or considered by the Planning Commission. These revised plans provided minor changes to the roof design, but also returned the design back to several elements initially reviewed and denied by the Planning Commission in January 10, 2001. The combined square footage of the house and garage went from 3,382 (as proposed to the Planning Commission in April 2004) to 3,131. The December 2004 plans reattach the garage to the house, providing only a 10-foot front yard setback. The house itself was moved forward on the lot to a 20-foot setback, as compared to the 28'6" setback considered by the Planning Commission. This orientation and siting reintroduces visual bulk to the structure as viewed from Second Street.

The applicant also made mention of separated floor elevations at each floor in the appeal application in order to provide support for how the revised December 2004 design conforms to the natural contours of the site. However, the separated floor plan is only present in one area of each floor, has been included in various versions of plans, provides for a minimal step design, and has consistently been found to be inadequate to address the applicable DR standards relating to scale to the neighborhood and conformity with natural landforms. While the incorporation of the hip roof and additional articulation help to alleviate some of the visual bulk, these revised plans do not fully mitigate the concerns expressed by the Planning Commission regarding the relation of the visual mass of this building to the general neighborhood character. Again, while the Planning Commission has never viewed these particular plans because they were only submitted in connection with the appeal to the Board of Supervisors, staff anticipates that the Planning Commission would find that any improvement in the visual bulk in the December 2004 redesign has been lost due to the reorientation of the garage and the siting of the house further forward on the lot in comparison to the prior design.

2. **Applicant's Appeal:** *The structure is in harmony with the shape, size and scale of the only visible adjacent house. The proposed house is lower in height than and smaller in size than the immediately adjacent house and employs a very similar design, use of exterior materials and massing. The immediately adjacent house is the only house visible on the same side of the street. Other houses are not visible due to dense foliage and trees.*

**Staff Response:** The adjacent house is of a size and design similar to the applicant's proposed house. However, the adjacent *parcel* is significantly larger than the subject parcel (7,500 sq. ft. versus 5,000 sq. ft.), yet the applicant proposes to place the same sized house upon his significantly smaller parcel. When viewed from the street, the adjacent house appears to fit more appropriately on its site. In addition, the adjacent house is set further back than the applicant's project, thereby reducing its mass and visual appearance from the street. By contrast, the applicant's project has shorter setbacks, increasing its visual mass from the same vantage point. The Planning Commission determined that the proposed house would appear overly dominant in the street scene when compared with other houses in the vicinity due to the scale and design of the house. The Planning Commission found that the scale of the house when compared with the size of the parcel would be out of character with of the surrounding residential area. Since there is only one other visible house on this side of the street, the bulk and mass of the project was an area of concern by the Planning Commission. The applicant's original plans before the Planning Commission involved a much shorter garage setback than is now proposed in the December 2004 plans. In other words, the new garage setback is an improvement in the visual bulk. However, at the same time the applicant has moved the rest of the house forward on the lot by 8.6 feet, which brings more visual bulk forward onto the lot and diminishes the improvement in the visual bulk achieved by setting the garage further back. In addition, as no landscaping or other site improvements have been included in the plans, there appear to be no measures to provide a blended transition between the proposed project and the existing development.

The plans reviewed by the Planning Commission in 2001 showed the use of both shingles and horizontal siding on the front elevation to reduce visual bulk, but the revised December 2004 plans call out horizontal siding only. In other words, the use of alternating facade materials that were formerly proposed in order to add visual interest and reduce the apparent mass of the structure was eliminated in the December 2004 plans. Moreover, the December 2004 plans returned the second story balcony to a larger size first proposed well before the April 2004 Planning Commission hearing, reintroducing more visual bulk to the facade.



The applicant's contention that the project will use exterior materials similar to adjacent structures cannot be evaluated because although both staff and the Planning Commission urged the applicant to submit color and material samples, these have not been provided.

## B. COMPLIANCE WITH COUNTY REGULATIONS

### 1. Conformance with General Plan

The Planning Commission found that the project does not comply with several DR standards in effect in 1999, which are also supported in the County's General Plan. Therefore, the Planning Commission found that 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) 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 and is not in harmony with adjacent buildings in the community, which 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 DR Overlay District. With the exception of Design Review, the project components comply with all other applicable 1999 Zoning Regulations, including setbacks, lot coverage, and height.

#### b. Design Review

Section 6565.1 (Coastal) of the Zoning Regulations in effect in 1999 relates to DR districts in the Coastal Zone. Section 6565.7 (Coastal) (1999) sets out the DR standards by which projects are assessed. The

project is located within a DR district, and must comply with the Coastside DR standards applicable at the time of the application's initial submittal in February 1999. The Planning Commission found that the proposed project is compliance with some but not all of the 1999 DR Standards. Below is a discussion of the specific 1999 DR standards with which the project was found not to be compliance by the Planning Commission:

- (1) **Proposed structures are designed and situated so as to retain and blend with the natural vegetation and landforms of the site and to ensure adequate space for light and air to itself and adjacent properties.**

The Planning Commission determined that, due to the design of the house and the grading required to accommodate the house on the site, the plans that were reviewed at the April 2004 hearing did not meet this standard.

In order to address the concerns raised at the April 2004 Planning Commission hearing, the applicant submitted revised plans in December 2004 (Attachments L and M). However, aside from some minor roof articulation improvements, these revisions are essentially no different from an earlier iteration submitted by the applicant on October 1, 2001, whereby the garage was attached to the house, but moved 10 feet back from the front property line. Previous consideration of that plan concluded that simply attaching the garage to the house, with no reduction of the second floor bulk, was not compliant with the 1999 DR standards. The revised plans show some of the improved exterior changes previously recommended by staff, but do not alter or reduce the massing of the house or add articulation to the second story, which has been central to the Planning Commission's findings of denial in its previous reviews of the project.

The Design Review issues are more fully addressed above under Discussion section A, "Key Issues of the Appeal." In short, the siting of the house on the lot and the overall visual bulk of the house's second story put the project out of conformity with the Design Review standard that houses blend with natural landforms.

Therefore, the applicant's December 2004 revisions do not move the project significantly closer to compliance with the 1999 Design Review standards.

- (2) **The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community.**

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The Planning Commission found that the house design does not comply with this standard at its April 2004 hearing. The Planning Commission determined that the overly large scale of the house was not compatible with other properties in the surrounding area and therefore this standard was not met. While there are houses of similar sizes in the area, these are generally located on larger lots which provide a degree of proportionality to houses of this size. When this project is compared to parcels of similar size the houses in the surrounding area tend to be smaller. The way the structure is situated on the lot (with relatively short setbacks from the street and adjacent properties) mean that the design should incorporate methods of reducing its visual mass and bulk in order to harmonize with adjacent properties and the neighborhood character, such as through the use of greater articulation of the second story to cause it to recede from the observer. The proposed design is therefore not in scale with the surrounding properties.

The applicant's December 2004 revised plans do not reduce the visual bulk of the house. While they show some exterior design and articulation improvements and revised roof design, these changes are negated by the change in the garage location and the reduced setback for the house, which further compound the issues underpinning the Planning Commission's denial and therefore do not result in project coming any closer to compliance with the 1999 Design Review standards.

The Design Review issues are more fully addressed above under Discussion section A, "Key Issues of the Appeal." In short, the siting of the house on the lot, changes to the front setbacks, and the overall visual bulk of the house's second story put the project out of conformity with the Design Review standard that houses harmonize with the scale of adjacent properties in the neighborhood.

#### C. 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).

#### D. REVIEW BY THE MIDCOAST COMMUNITY COUNCIL

The Midcoast Community Council (MCC) has reviewed this project several times (see comment letters in Attachments H and I). Prior to the Planning Commission's April 2004 denial, the MCC reviewed the revised plans at its meeting on September 20, 2002. Comments included: (1) the structure should follow the topography of the site and the front elevation should step down to fit the natural grade, (2) there is no articulation between the first and second stories on the right

elevation, (3) left elevation has the appearance of a three-story home, and (4) the pop-out on the rear elevation is not well related to the structure and just adds additional unnecessary bulk.

The MCC also reviewed the plans again, at its meeting on March 17, 2004 (letter listed in Attachment J). It requested that the Planning Commission deny the application on the basis that: (1) the submitted plans do not include any information on materials, finishes, landscaping, tree removal, grading or driveway slope and access; (2) plans show a detached garage in the front yard setback with only a 3-foot side yard setback; (3) earlier issues regarding compatibility with the size, scale and character of the surrounding community have not been addressed; and (4) other issues and alternatives, such as re-orientating the lots, lowering the houses toward grade and increased stepping of the design for better conformance with the topography have not been addressed.

The revisions submitted in December 2004 have not been reviewed by the MCC (see Alternative Section below). However, the modifications shown in the December 2004 would not address the primary concerns expressed by the MCC.

#### E. ALTERNATIVE

The project applicant is entitled to have his application considered on its merits, and staff does not intend to undertake to propose design alterations with which the applicant has not concurred. However, staff has evaluated the 1999 Design Review standards and believes it would be valuable for the Board to understand what project modifications would be necessary in order to make a finding that the project complies with the 1999 Design Review standards on the key issues of the appeal. Staff believes that the project could be made to comply with the 1999 standards by incorporating a "step-design." Using the right side elevation as an example, the structure could step back from the top of the garage, and the top floor could step back further than the level below it. The applicant should also move the structure further back on the lot and recess it into the natural contour, creating three levels that step back from each other. As part of this design alternative, the applicant should eliminate the right side bay window, which encroaches the side setback. The height of the garage plate should be reduced to 8 feet, which recesses the whole house by 2 feet to create less mass and bring the house into the neighborhood's scale. Staff also recommends that the house location on the site be adjusted, which would require the removal of an 18-inch diameter pine tree for the driveway, but which would save three other pine trees of 24-, 30- and 36-inch diameter. All suggestions, if adopted by the applicant, would create less visual mass and bulk, would allow the house to fit better with the site's natural contours and landforms, and would keep the house more in scale with the neighborhood. The applicant would need to submit plans that incorporate these changes, including a site plan that depicts existing vegetation.

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These suggested alternatives demonstrate that there are several modifications to the submitted plans that, if adopted by the applicant, would address the Planning Commission's concerns about the visual mass and bulk of the proposed project, and its scale to the neighborhood.

Thus, as an alternative to staff's recommendation to deny the appeal, if the Board of Supervisors decides to approve this project, and the applicant concurs with the proposed modifications to align the project to the Design Review standards, please refer to Attachment B for recommended and revised conditions of approval, including requiring the applicant to move that portion of the second story (including the Second Street-facing upper story deck) on the downhill end of the house a minimum of 10 feet back over the first story, as measured from the north-facing wall. These conditions also include changes to windows, window and door trim articulation, roof articulation, upper and lower decking, as well as the submittal of additional information including a landscaping plan and exterior material and color samples.

## **ATTACHMENTS**

- A. Recommended Findings of Denial
- B. Alternative Recommended Findings and Conditions of Approval
- C. Location Map
- D. Site Plan (considered by Planning Commission on April 14, 2004)
- E. Elevations (considered by Planning Commission on April 14, 2004)
- F. Planning Commission Letter of Decision, dated April 20, 2004
- G. Application for Appeal dated May 2, 2004
- H. MCC Comment Letter dated September 29, 2002
- I. MCC Comment Letters dated March 18, 2004 and April 12, 2004
- J. Letter from Zumbrum Law Firm dated February 11, 2004
- K. Letter from County Counsel dated March 9, 2004
- L. Revised Site Plan Submitted by Applicant in December 2004
- M. Revised Elevations Submitted by Applicant in December 2004

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COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**RECOMMENDED FINDINGS OF DENIAL**

Permit File Number: PLN 1999-00215

Board Meeting Date: March 31, 2009

Prepared By: Angela Chavez

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS OF DENIAL**

Regarding the Coastside DR, find that this project has been reviewed under and found to be not in compliance with the Standards of Review Criteria as provided by Chapter 28.1 of the San Mateo County Zoning Regulations as in effect in 1999. Specifically, find that the project:

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 as the proposed design requires a significant amount of alteration to the existing topography. In addition, the house is situated on the lot in such a way that it visually looms over the street. Therefore, the proposed structure does not blend with the natural contours of the site but rather alters the site to fit the design.
2. 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. While there are adjacent buildings of similar size in the area, they are located on larger lots and result in buildings that are of an appropriate size and scale to the surrounding area, unlike the applicant's project, which places a house of similar size on a substantially smaller lot. Alternately, the proposed structure is large for the lot that it is located on and therefore not in harmony with the size and scale of buildings with comparable lots. Further, the way the house is oriented on the lot exacerbates its visual bulk from public vantage points.

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COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**ALTERNATIVE**  
**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit File Number: PLN 1999-00215

Board Meeting Date: March 31, 2009

Prepared By: Angela Chavez

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS**

**For the Environmental Review, Find:**

1. That this project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3, relating to new construction of small structures. A Notice of Exemption will be filed with the County Clerk's Office and posted as required by CEQA.

**For the Coastside Design Review, Find:**

2. That this project has been reviewed under and found to be in compliance with the Standards of Review Criteria as stipulated in Chapter 28.1 of the San Mateo County Zoning Regulations.

**For the Coastal Development Permit Exemption, Find:**

3. 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.

**RECOMMENDED CONDITIONS OF APPROVAL**

1. This approval applies only to the proposal as described in this report and approved by the Board of Supervisors on March 31, 2009. These plans supersede all previously submitted and reviewed plans. The project shall be made to comply with the 1999 Design Review standards by incorporating a "step-design" in which the structure will step back from the top of the garage (as viewed from the right side elevation), and the top floor steps back further than the level below it. The applicant shall also move the structure further back on the lot and recess it into the natural contour, creating three levels that step back from each other. The applicant will also eliminate the right side bay window or cause it not to encroach

the side setback. The height of the garage plate should be reduced to 8 feet and recess the whole house by 2 feet to create less mass. Staff also recommends that the house location on the site be adjusted, which would require the removal of an 18-inch diameter pine tree for the driveway, but which would save three other pine trees of 24-, 30- and 36-inch diameter. The applicant shall submit plans that incorporate these changes, including a site plan that depicts existing vegetation. The Community Development Director may approve these plans if they are consistent with the intent of and in substantial conformance with this approval.

2. This permit shall be valid for one year from the date of final approval by which time a building permit shall have been issued. Any extension of this permit shall require submittal of a request in writing, including reasons for the extension and payment of applicable fees for permit extension 30 days prior to expiration.
3. The applicant shall obtain a building permit and develop in accordance with the approved plans and conditions of approval.
4. No site disturbance shall occur, including any grading or tree removal, until a valid building permit has been issued.
5. Prior to the issuance of the building permit, the applicant shall submit revised plans showing the following design changes:
  - a. The second story portion of the house (including the first and second story decks) on the northern, downhill side of the site, shall be moved back a minimum of 10 feet from the north facing edge of the first story. All resulting roof modifications shall be of the hip roof variety.
  - b. Redesign of the bay window on the west elevation to ensure compliance with County Planning Policy as it encroaches within the side yard setback. In order to qualify as a bay window, it must begin its protrusion from the building's wall not less than 18 inches above the floor level and it must also return to the building's wall line at some point below the ceiling level.
  - c. Incorporate a hip roof design on all sides of the detached garage.
  - d. Introduce a bellyband on all four-elevation sides.
  - e. Redesign rear dormer to incorporate a hip roof design.
  - f. All window and door trim to be a thicker width (1" by 6").
  - g. Reduce the size of lower level deck to 5.5 feet wide with rounded edges and revise the upper level deck to include rounded edges to match lower deck.
  - h. Introduce a new window on right side of garage.



- i. Add a full-size window to Bedroom #2, located on the right side of the house.
- j. The detached garage at the front of the property must maintain the same side yard setbacks as the main house and therefore must be at least 7.5 feet from the right side property line.

All changes must be included and incorporated into the submitted building permit plans.

- 6. This permit allows for the removal of one Monterey pine tree (depicted as Tree #1 in the arborist report dated July 5, 2001). The applicant shall obtain from the County Department of Public Works the appropriate permit(s) for the removal of the pine. The applicant shall submit to the Planning Counter a copy of the permit from Public Works prior to the issuance of the building permit. Removal of any tree with a diameter greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit. The other two trees recommended for removal by the arborist (Trees #2 and #3) shall be saved unless an arborist report is submitted to indicate that more than 25 percent of the root system of the tree is going to be impacted by development of the approved structure and driveway. If the two trees require removal, a separate tree removal permit will be required prior to removal. If the trees are to be saved, the applicant shall submit a tree preservation plan, prepared by a certified arborist, for review and approval prior to issuance of a building permit. The approved tree protection measures shall be implemented prior to the start of any grading or construction activity on the site.
- 7. Depict all the trees along the County's right-of-way and the 36-inch pine within the front yard on the site plan. Submit the revised plans to Planning for review and approval prior to Planning approval of the associated building permit.
- 8. The applicant shall submit exterior color samples (no larger than approximately 4 square inches) for walls and trim to the Planning Counter for review and approval by the Community Development Director prior to Planning approval of the associated building permit. The applicant shall include the file/case number with all color samples. Color verification by a building inspector shall occur in the field after the applicant has painted the structure an approved color, but before the applicant schedules a final inspection.
- 9. The applicant shall submit a material sample of the proposed roof material for review and approval of the color and material prior to Planning approval of the associated building permit. Roof material verification by a building inspector shall occur in the field after the applicant has installed the approved material, but before the applicant schedules a final inspection.
- 10. The applicant shall submit a landscape plan (may be shown on the site plan of the submitted building permit application) depicting the location, type, and size of trees and shrubs for review and approval by the Planning Department. The landscaped

areas shall be designed to reduce excess irrigation runoff and require minimal and appropriate use of fertilizers, herbicides and pesticides. The goal of the required landscape plan is to soften the building elevations and to increase surface filtration. The plan shall include a minimum of two (2) trees (minimum 5 gallons) in the front of the residence, one (1) tree (minimum 36-inch box) in the front of the residence, a minimum of three (3) trees (minimum 5 gallons) in the rear of the residence and a minimum of twenty (20) shrubs (minimum 1 gallon) shall be included in the design. Areas in the front and rear of the property that do not contain trees or shrubs shall be covered with a combination of turf or groundcover and/or a minimum of 2 inches of mulch on all exposed soil areas to minimize erosion.

11. The applicant shall submit an erosion control plan (including sections depicting method of installation), prior to Planning approval of the associated building permit, to mitigate any erosion resulting from project-related grading activities.
12. Submit an on-site drainage plan, as prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms. The required drainage plan shall show the necessary mechanisms to contain all water runoff generated by on-site impervious surfaces and shall include facilities to capture and retain all stormwater runoff through on-site percolation facilities. The drainage plan shall be submitted to the Planning Department for review and approval by the Community Development Director prior to Planning approval of the associated building permit. The plan shall be included as part of the project's final building permit application and construction plans. The County Building Inspection Section and Department of Public Works shall ensure that the approved plan is implemented prior to the project's final building inspection and occupancy approval.
13. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems by:
  - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and May 1.
  - b. Removing spoils promptly, and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry into the storm drain system or water body.
  - d. Using filtration or other measures to remove sediment from dewatering effluent.

- e. Avoid cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - f. Limiting and timing application of pesticides and fertilizer to avoid polluting runoff.
14. If the total land area disturbed by the project exceeds 5,000 sq. ft., the applicant shall, pursuant to Section 5023 of the San Mateo County Code, submit a construction site stormwater management plan to the Planning Counter, for review and approval by the Community Development Director. This plan must be approved by the Community Development Director before the issuance of any permit including, but not limited to, a grading permit, or a building permit. The plan shall illustrate and describe appropriate methods, chosen by the applicant from the California Stormwater Best Management Practices Handbook, to control stormwater runoff from the project site during construction and from land use activities on the site once the project is completed.
15. The applicant is responsible for ensuring that all contractors are aware of all stormwater quality measures and implement such measures. Please refer to the attached handout, which details the BMPs. Failure to comply with the construction BMPs will result in the issuance of the correction notices, citations or a project stop order.
- a. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides that can contribute to runoff pollution.
  - b. Where subsurface conditions allow, the roof downspout systems from all structures shall be designed to drain into a designated, effective infiltration area or structure (refer to BMPs Handbook for infiltration system designs and requirements).
16. Noise levels produced by the proposed construction activity shall not exceed 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
17. No grading shall be allowed during the winter season (October 1 to May 1) to avoid potential soil erosion unless approved, in writing, by the Community Development Director. The applicant shall submit a letter to the Planning Department at least two weeks prior to the commencement of grading stating when grading will begin.
18. To ensure the height of the structure and/or structures do not exceed the maximum height permitted, staff requires the applicant to adhere to the height

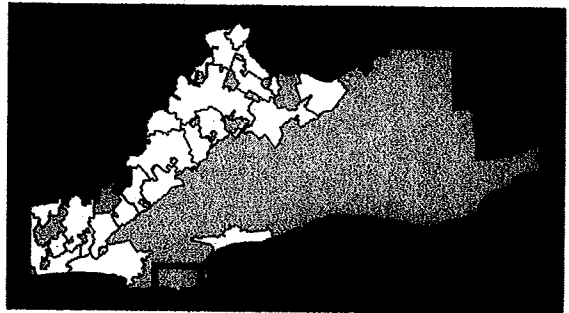
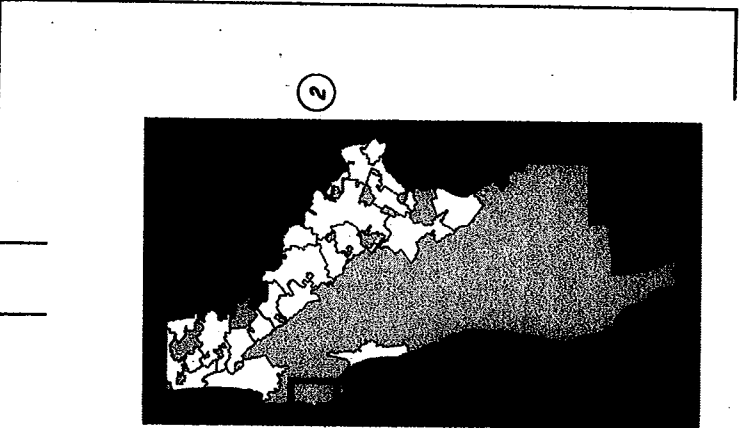
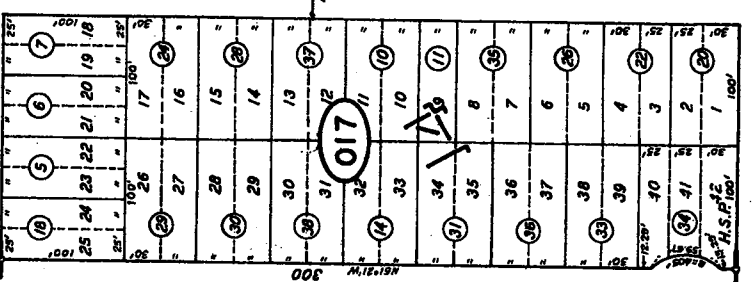
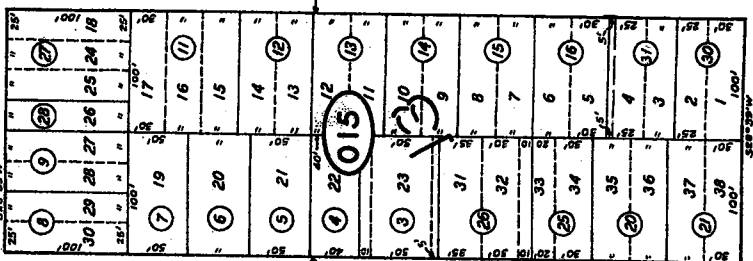
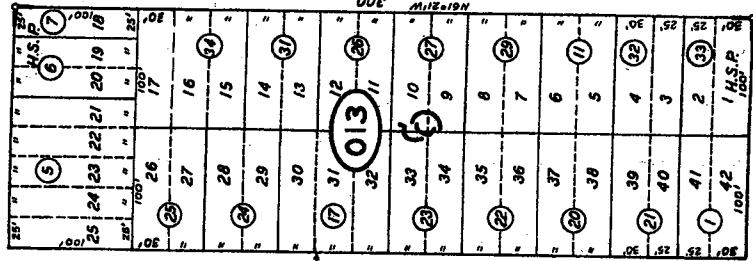
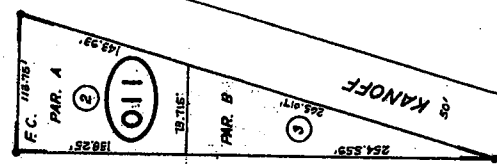
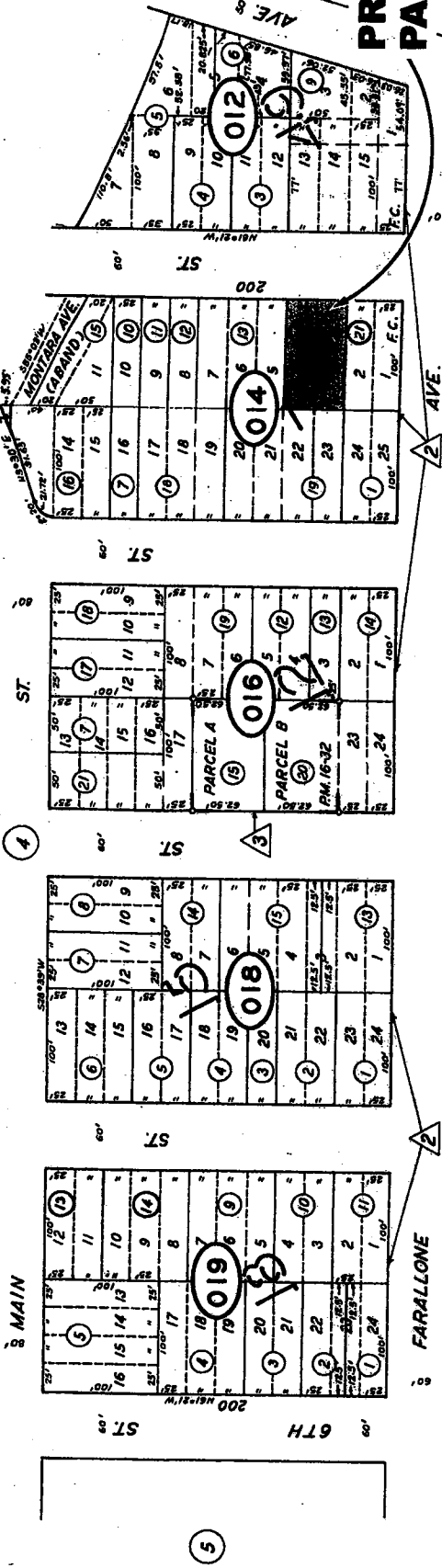
verification procedure during the building permit process. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.

- a. The datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
  - b. Prior to Planning 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.
  - c. 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) garage slab elevation, must be shown on the plan, elevations, and cross-section (if one is provided).
  - d. 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.
  - e. 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 Community Development Director.
19. The plans submitted at the building permit stage shall clearly show the location of the existing well and that the proposed development complies with the required Environmental Health setbacks from that well.
20. All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.

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36-1

# PROJECT PARCEL



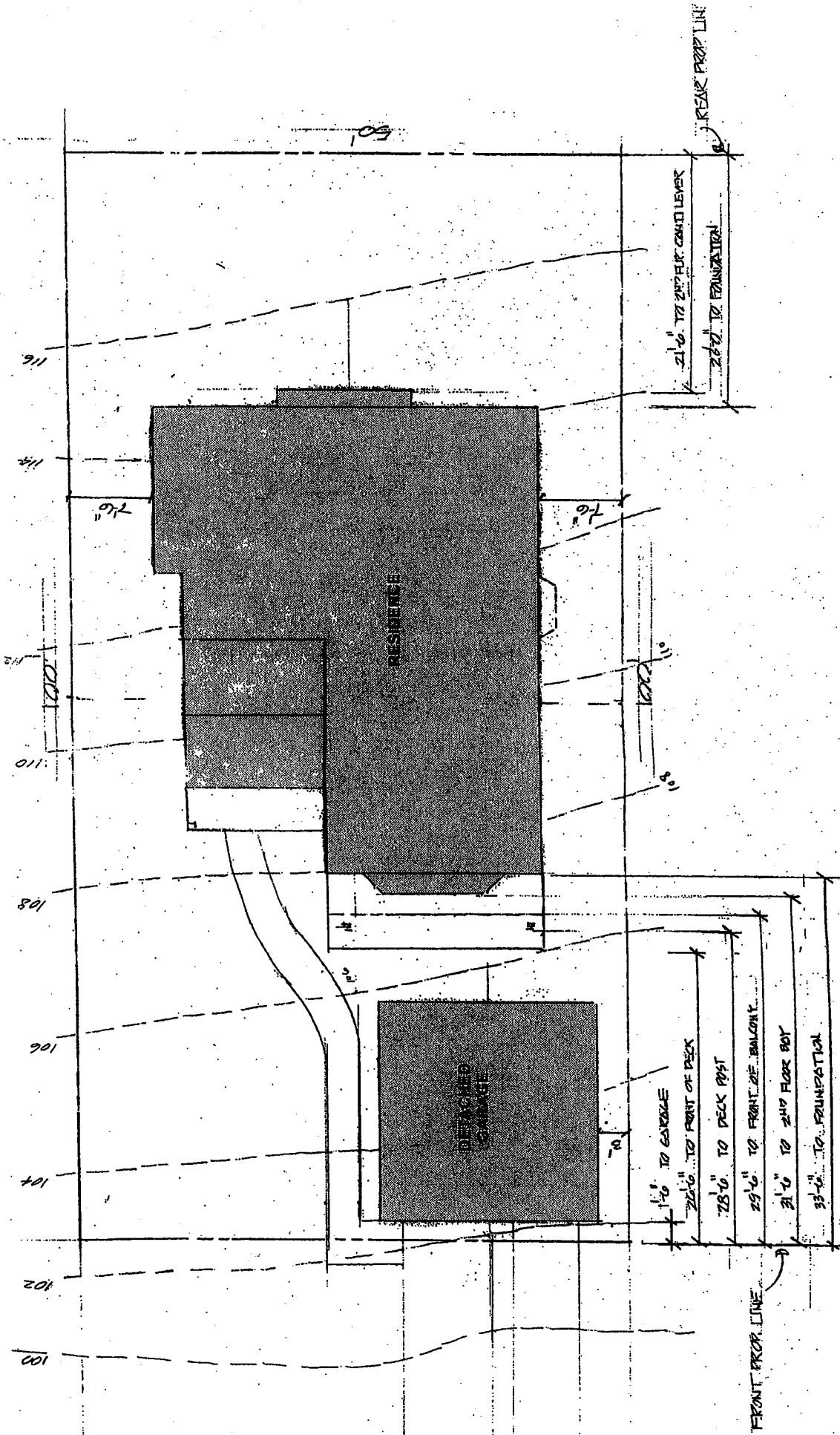
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## San Mateo County Board of Supervisors Meeting

Applicant: **Mahon**

File Numbers: **PLN1999-00215**

Attachment: **C**



000023

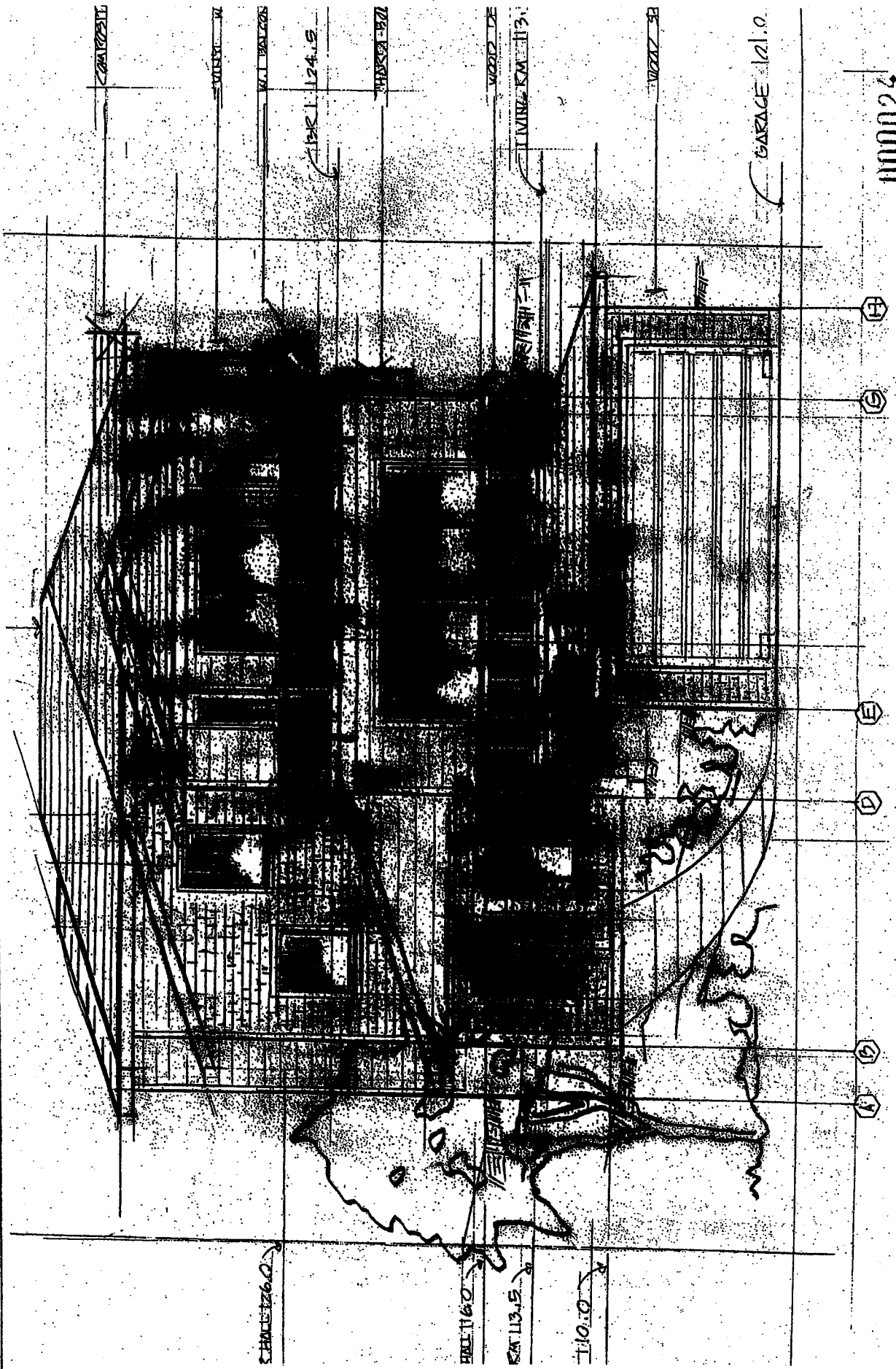
PLANS CONSIDERED BY PLANNING COMMISSION ON 4/14/04

**San Mateo County Board of Supervisors Meeting**

Applicant: **Mahon**

Attachment: **D**

File Numbers: **PLN1999-00215**



000024

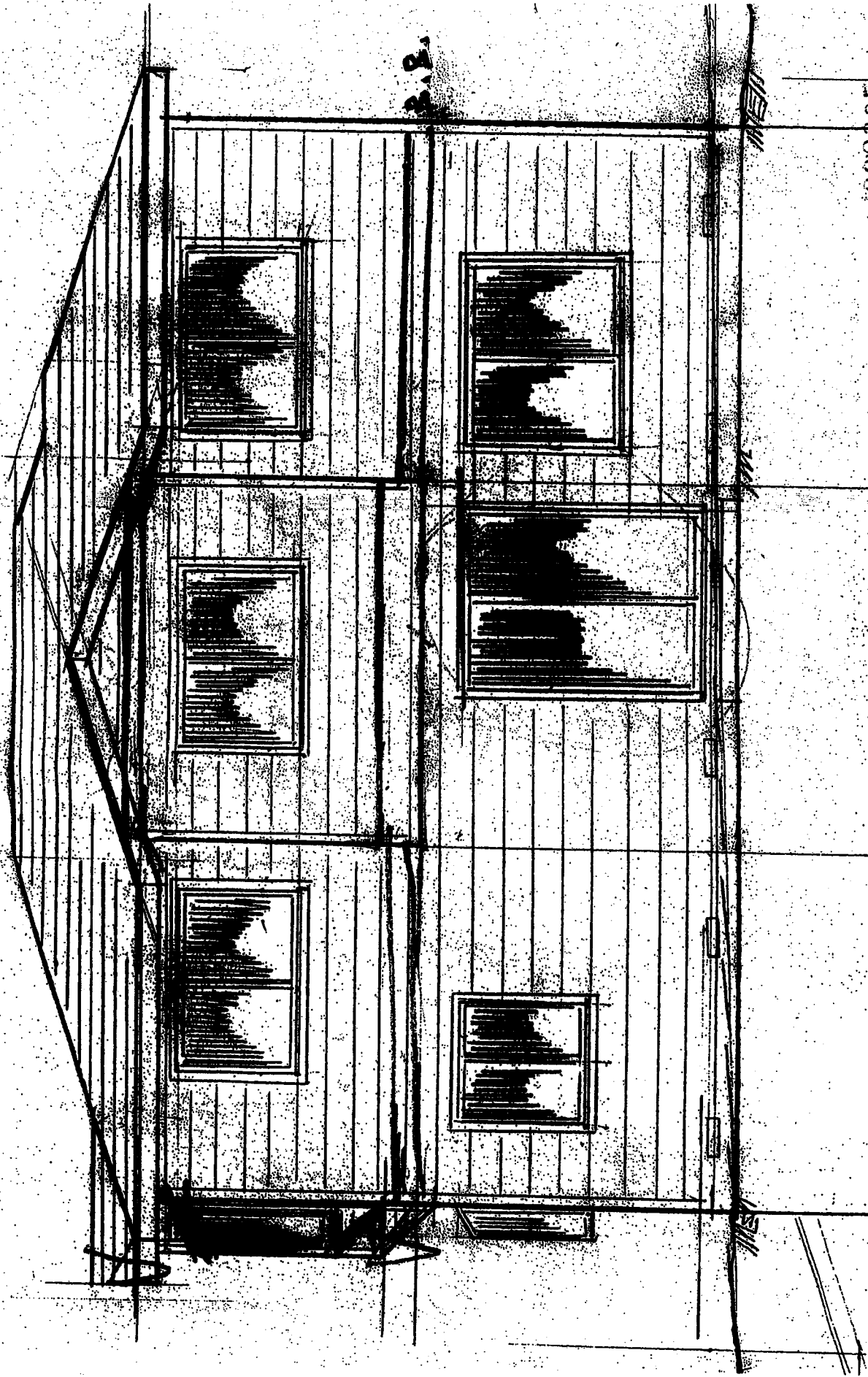
PLANS CONSIDERED BY PLANNING COMMISSION ON 4/14/04

**San Mateo County Board of Supervisors Meeting**

Applicant: **Mahon**

Attachment: **E.**

File Numbers: **PLN1999-00215**



P.B.

000025

PLANS CONSIDERED BY PLANNING COMMISSION ON 4/14/04

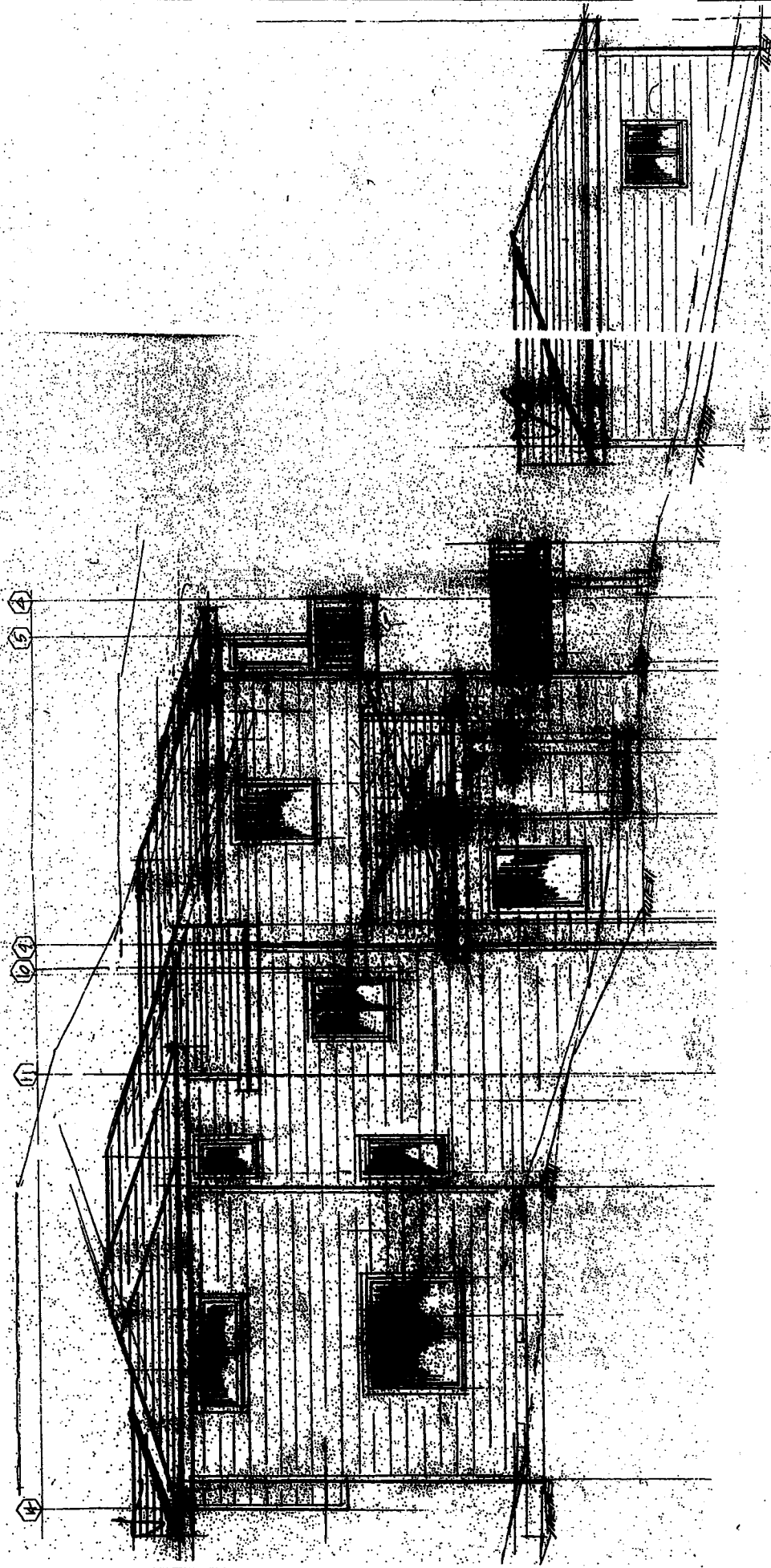
San Mateo County Board of Supervisors Meeting

Applicant: Mahon

Attachment: E

File Numbers: PLN1999-00215





PLANS CONSIDERED BY PLANNING COMMISSION ON 4/14/04

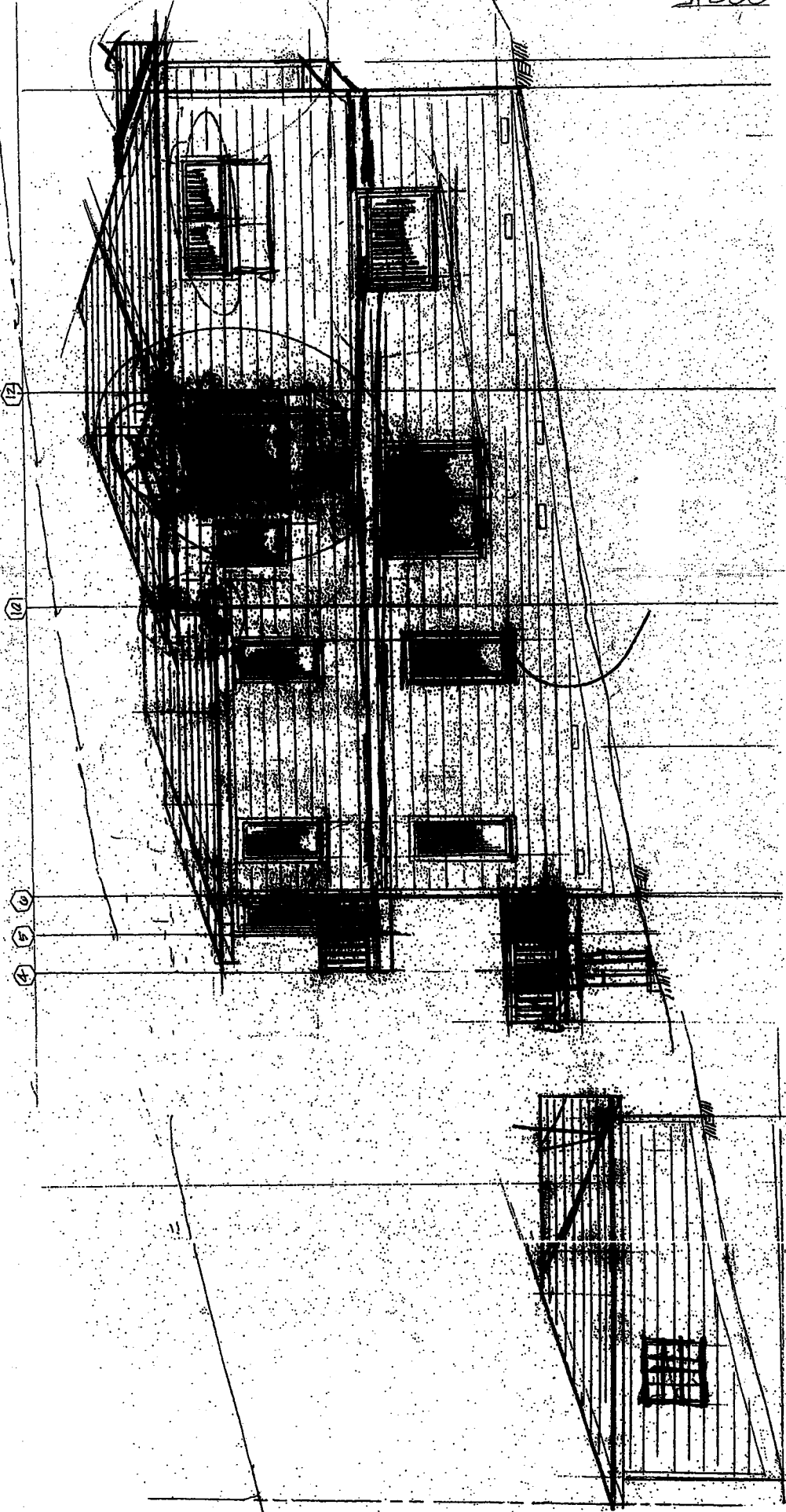
000026

**San Mateo County Board of Supervisors Meeting**

Applicant: **Mahon**

Attachment: **E.**

File Numbers: **PLN1999-00215**



5700

000027

PLANS CONSIDERED BY PLANNING COMMISSION ON 4/14/04

**San Mateo County Board of Supervisors Meeting**

Applicant: **Mahon**

Attachment: **E**

File Numbers: **PLN1999-00215**



# PROJECT FILE

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

April 20, 2004

**ENVIRONMENTAL  
SERVICES  
AGENCY**

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

Dear Mr. and Mrs. Mahon:

Agricultural  
Commissioner/ Sealer of  
Weights & Measures

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

Animal Control  
Cooperative Extension  
Fire Protection  
LAFCo  
Library  
Parks & Recreation  
Planning & Building

On April 14, 2004, the San Mateo County Planning Commission considered after remand of a decision by the Planning Commission to deny a Coastsides 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 2<sup>nd</sup> 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.

**Commissioners:**

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

David Bomberger  
William Wong  
Bill Kennedy  
Ralph Nobles  
Jon Silver

Sincerely,  
  
Kan Dee Rud  
Planning Commission Secretary  
Pcd0414o\_7krmahon.doc

000028

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.

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 • 4167

**Application for Appeal**

- To the Planning Commission
- To the Board of Supervisors

**1. Appellant Information**

Name: THOMAS J. AND ALICE MAHON

Address: P.O. Box 204  
M255 BEACH, CA

Phone, W: (650) 728-H: 7714

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 J. Mahon

Date: 5-2-2004

made on APRIL 14, 2004 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 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 14<sup>th</sup>, 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 .

000031

# Attachment H

**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 site, 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 2<sup>nd</sup> 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.

000032

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  
Chair, MCC Planning and Zoning Committee  
Post Office Box 371273  
Montana, CA 94037  
650-728-3292 - Montana100@earthlink.com

000033



**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.

000034

- 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

000035

**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](mailto: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: 2<sup>nd</sup> 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?**

000036

- 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 2<sup>nd</sup> 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,

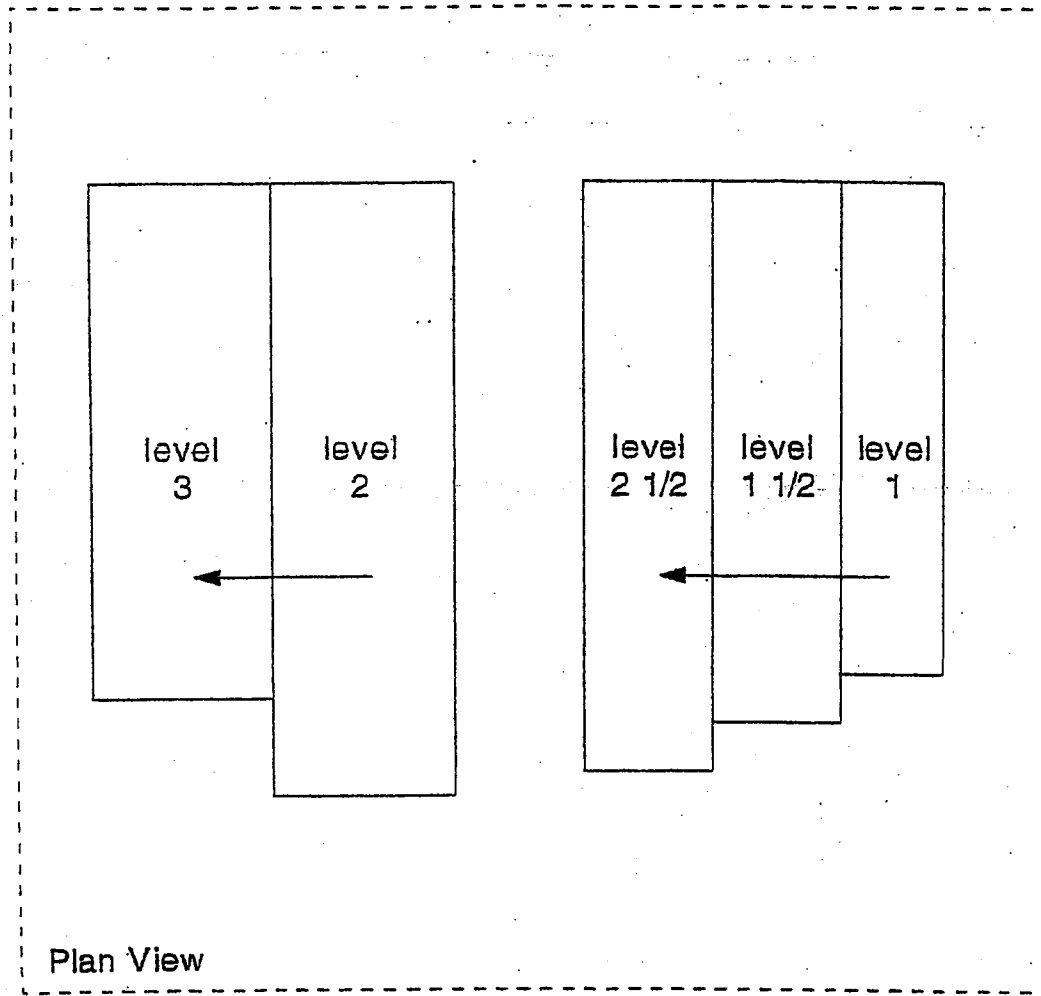
Karen Wilson,  
For the Planning and Zoning Committee

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Exhibit A.2

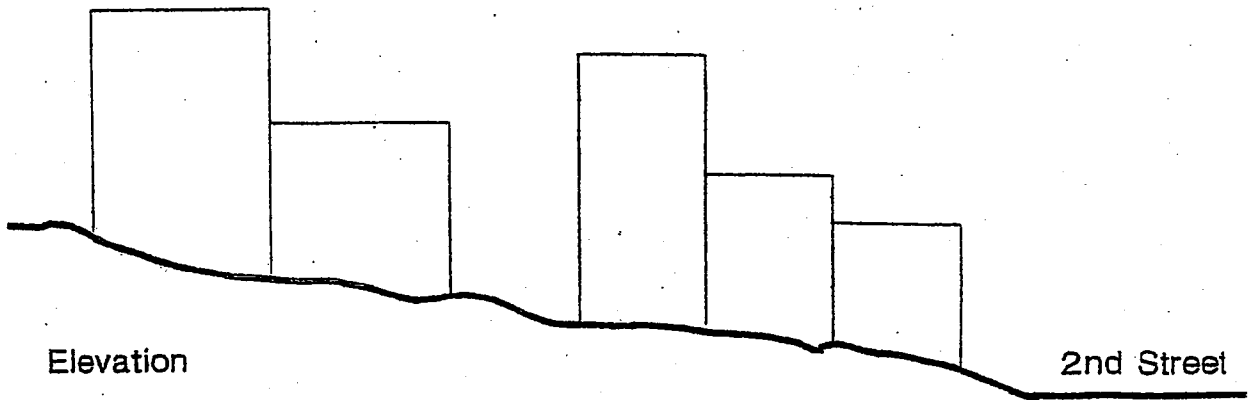
Schematic proposal for structure to follow grade of land to reduce appearance of mass and height. Structures in E-W orientation.

*Recommended  
re-orientation*



Plan View

Farallone



Elevation

2nd Street

000039

## 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; Coastsides 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

000040

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. Zumbun*

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 • 6<sup>TH</sup> FLOOR  
400 COUNTY CENTER • REDWOOD CITY, CA 94063-1662  
TELEPHONE: (650) 363-4250 • FACSIMILE: (650) 363-4034  
*Please respond to: (650) 363-1960*

March 9, 2004

**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 SOOSAPILLAI  
WILLIAM E. SMITH  
V. RAYMOND SWOPE III  
LEE A. THOMPSON  
CAROL L. WOODWARD

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

**Attachment K**

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Ronald A. Zumbrun

March 9, 2004

Page 2

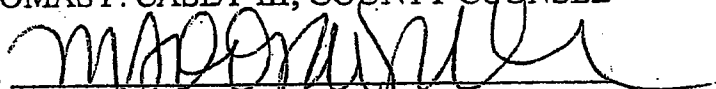
Commission, and scheduling the hearing. For PLN1999-00015, Planning staff will be sending out the public notice required for a staff level decision, and making the decision after the appropriate steps have been taken.

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

L:\CLIENTS\DEPTS\PLANNING\Letter Zumbrun re PSA - Mahon projects.doc

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ROOF FINISH 2 IN 12

EXTERIOR WALL FINISH

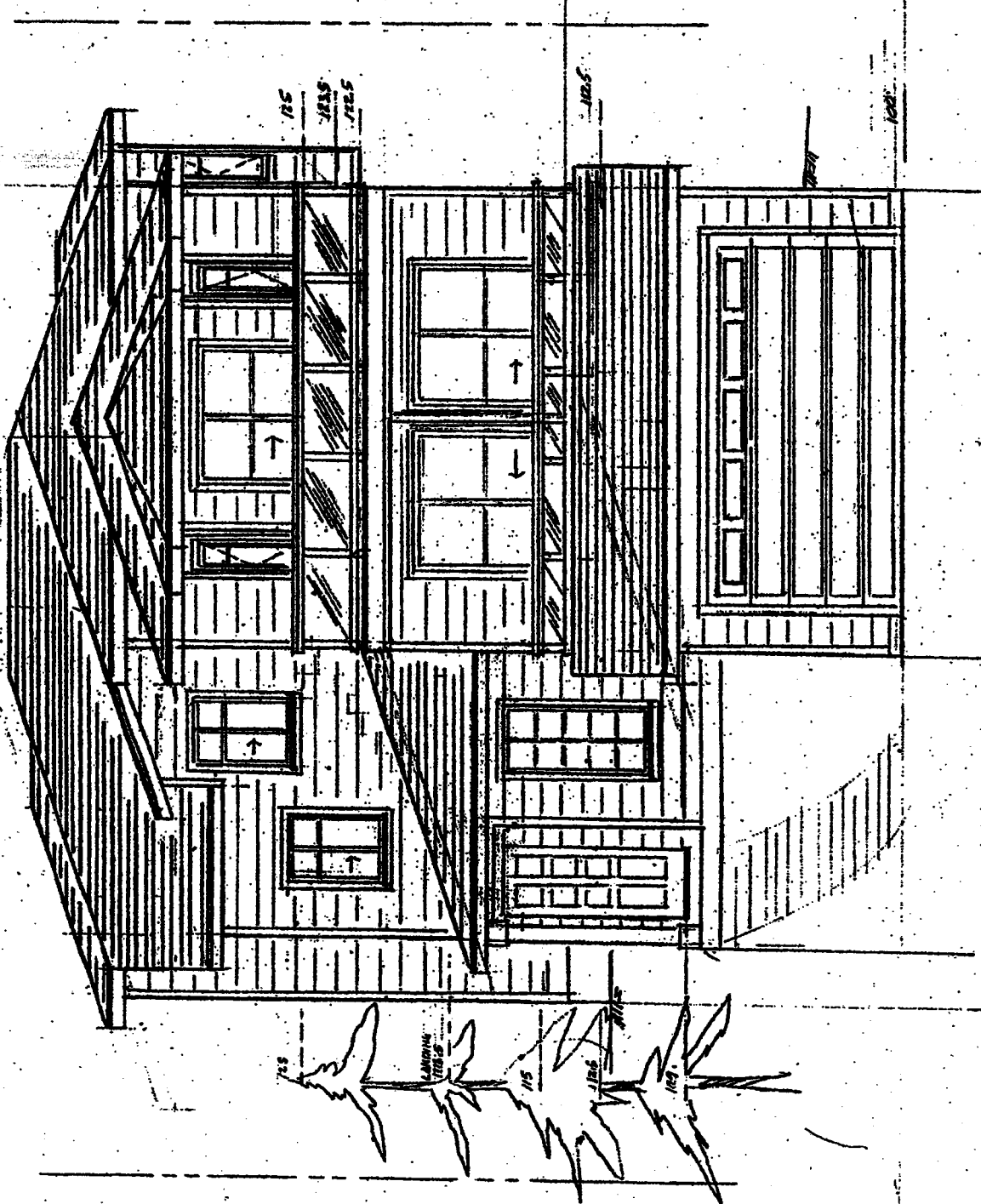
ROOF COMPOSITION SHINGLE  
7MM CLASS 18 RESIST

WALL HARDWOOD FINISH W  
WOOD TRIM

TRIMMERY TRIM - WOOD TRIM  
W WOOD TRIM

RAILING & DECK  
WOOD FINISH W/ STAIN

100.



San Mateo County Board of Supervisors Meeting

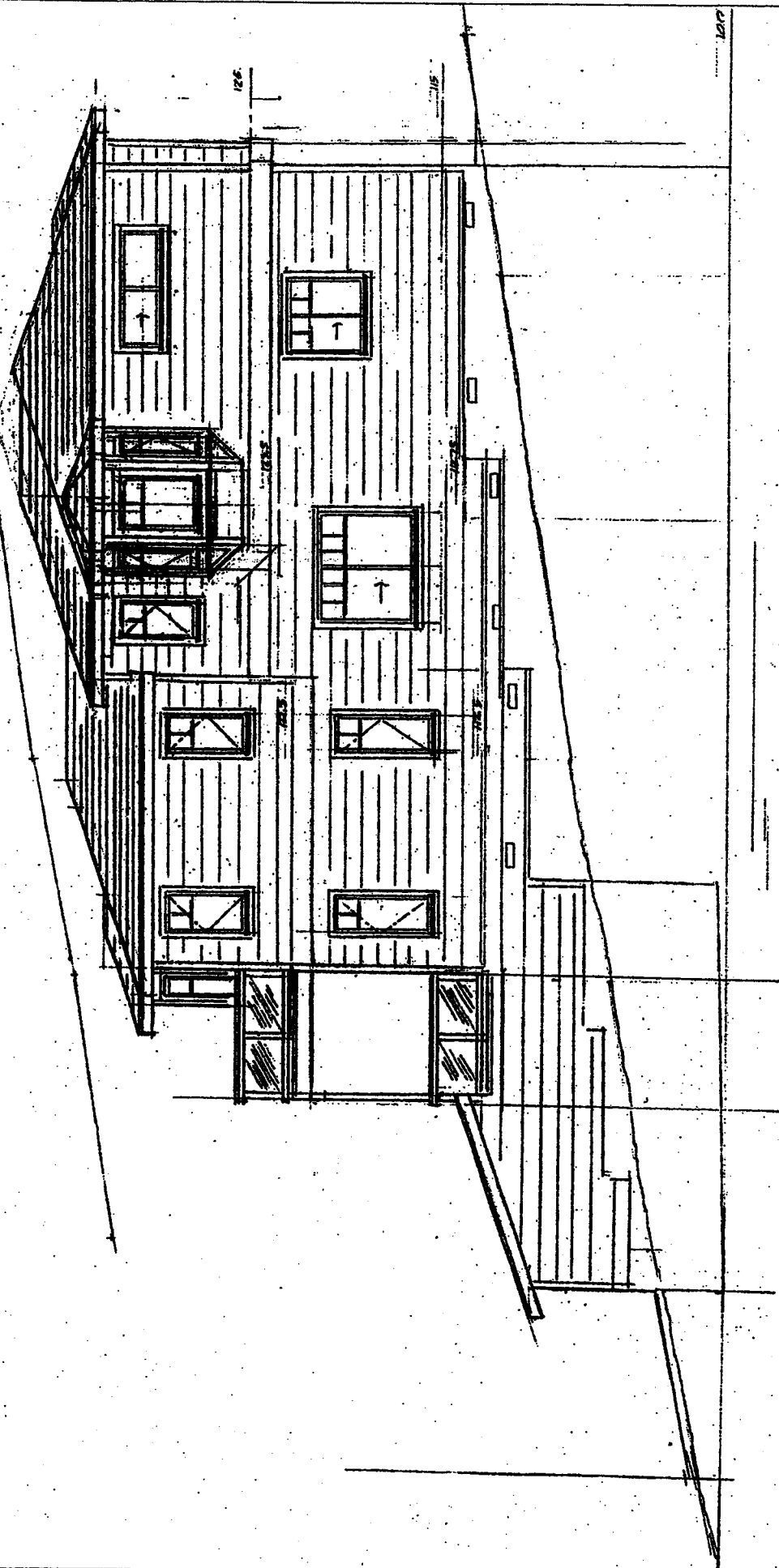
Applicant: Mahon

File Numbers: PLN1999-00215

Attachment: M

000045

C-25. ABOVE ARTIST'S SKETCH



RIGHT SIDE (WEST) ELEVATION

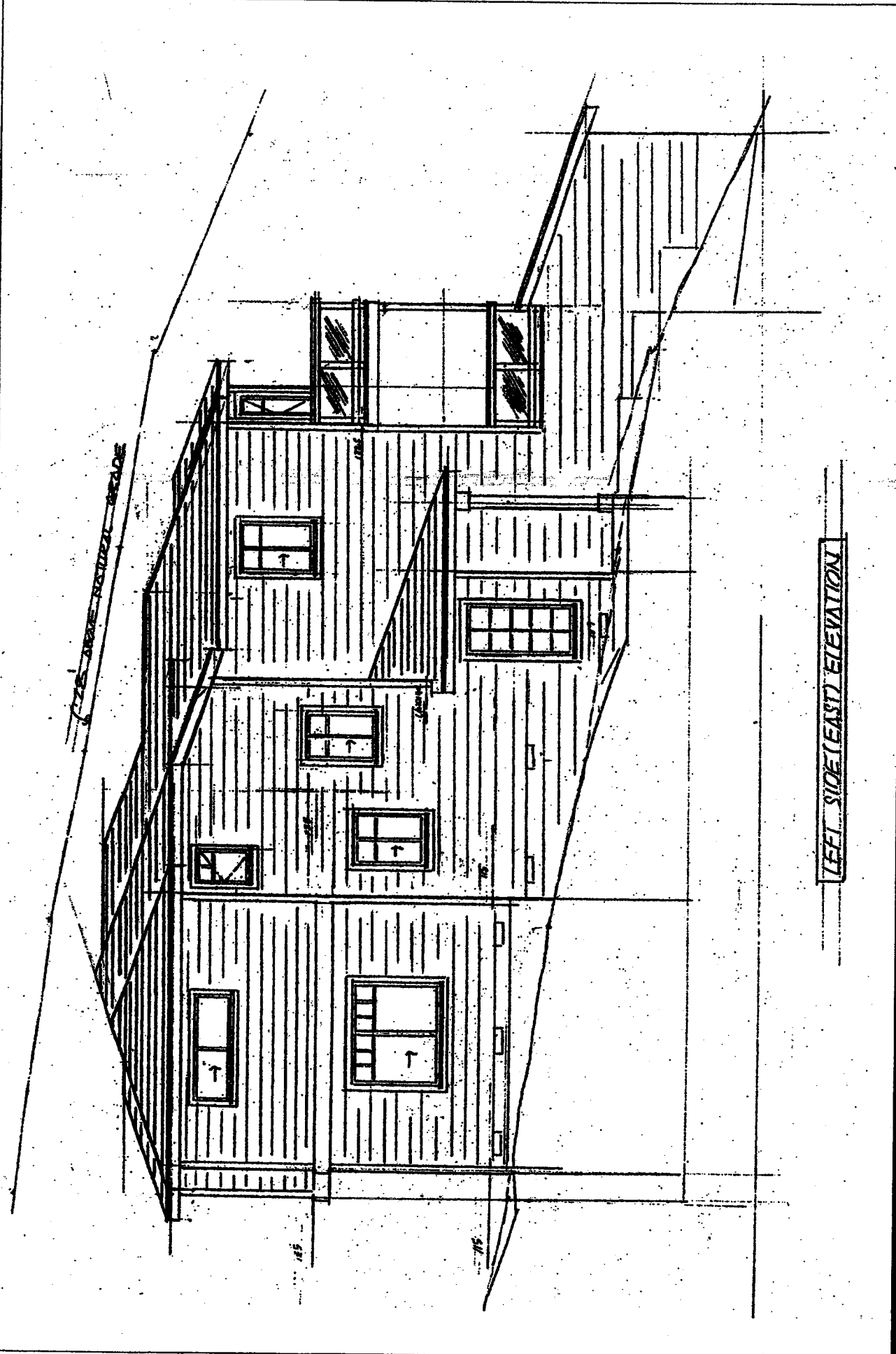
**San Mateo County Board of Supervisors Meeting**

Applicant: **Mahon**

Attachment: **M**

File Numbers: **PLN1999-00215**

**U00046**



LEFT SIDE (EAST) ELEVATION

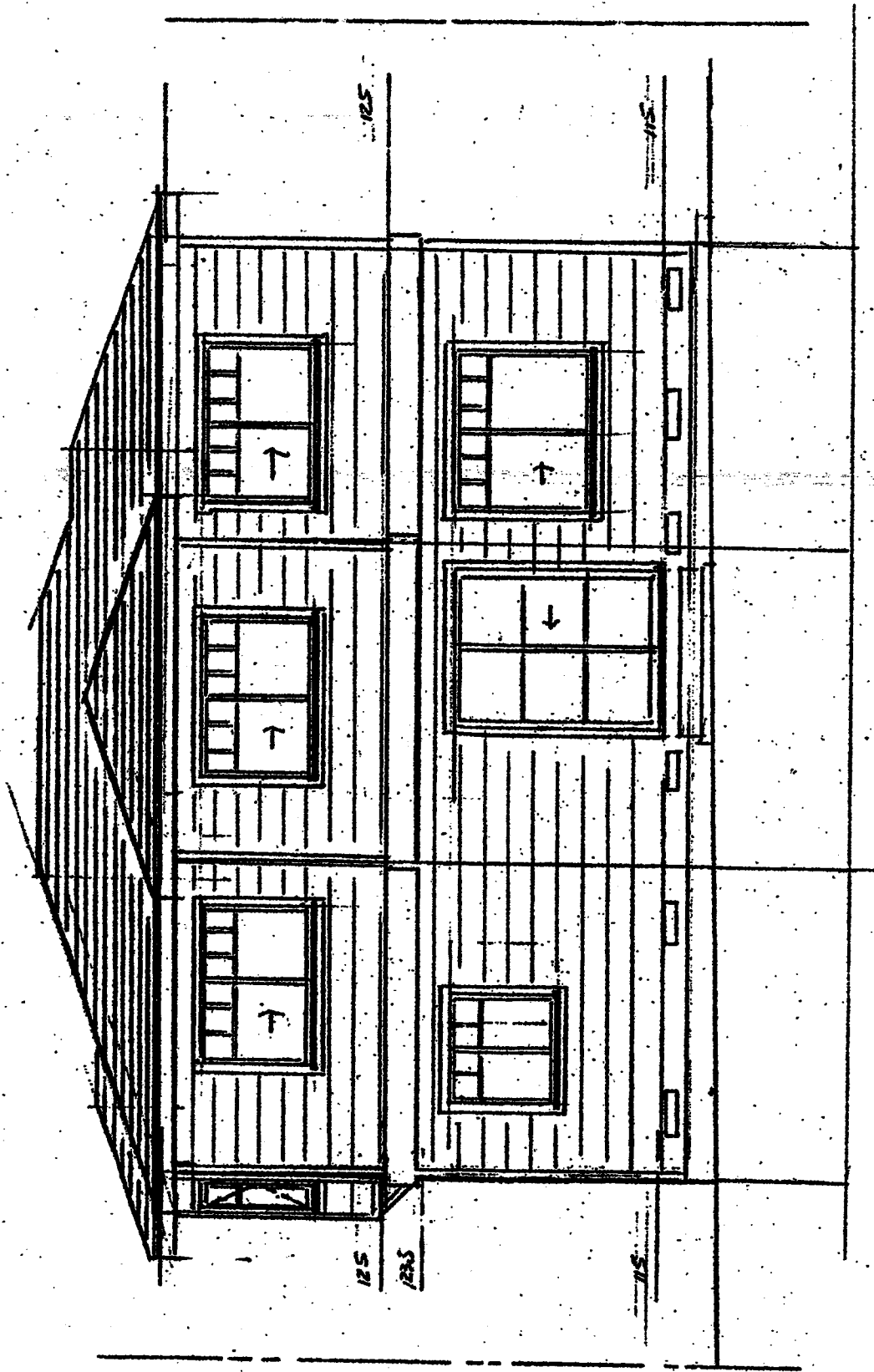
San Mateo County Board of Supervisors Meeting

Applicant: Mahon

Attachment: M

File Numbers: PLN1999-00215

000047



REAR (SOUTH) ELEVATION

San Mateo County Board of Supervisors Meeting

Applicant: Mahon

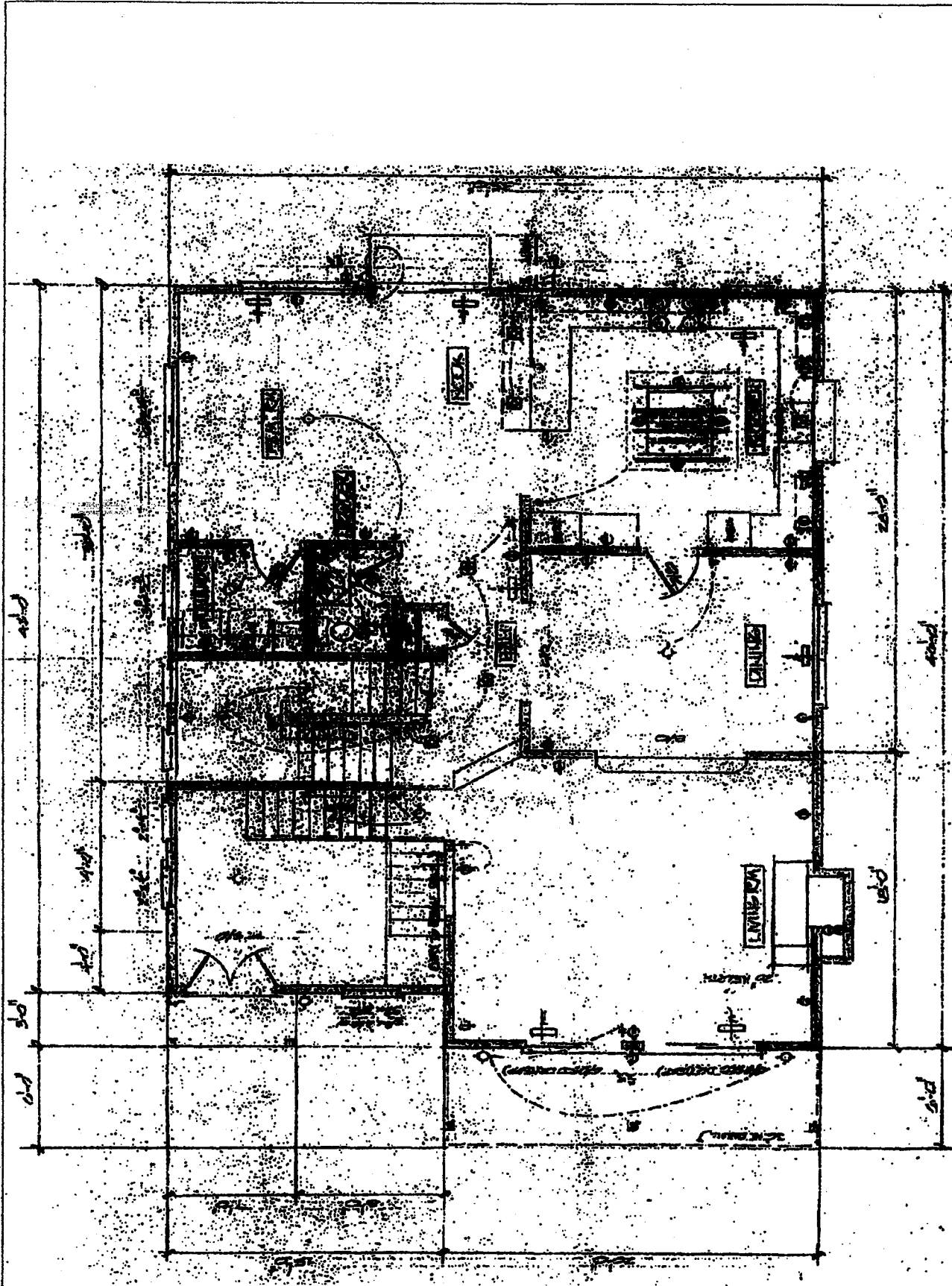
Attachment: M

File Numbers: PLN1999-00215

000048







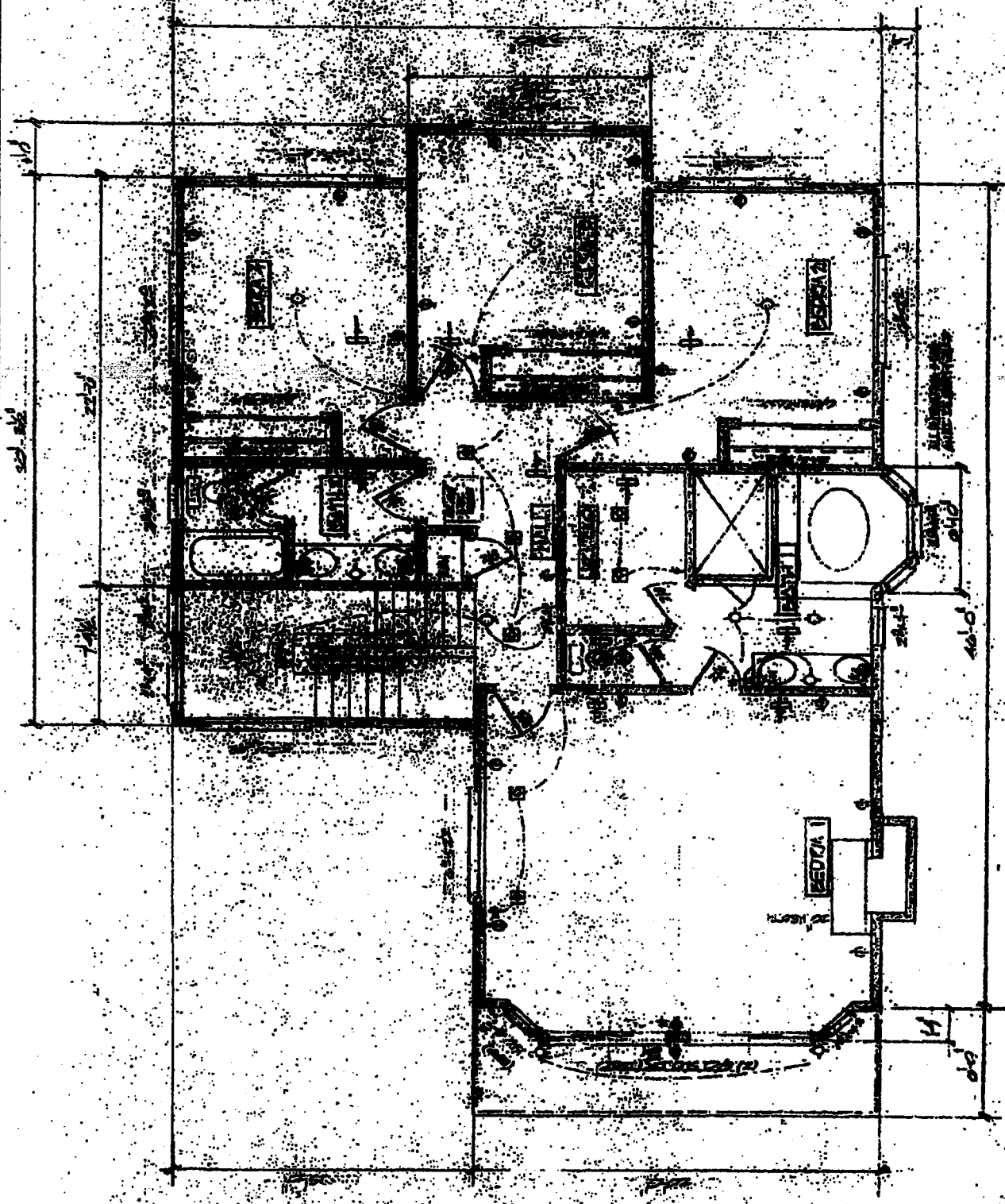
San Mateo County Board of Supervisors Meeting

Applicant: Mahon

File Numbers: PLN1999-00215

Attachment: N

000050



**San Mateo County Board of Supervisors Meeting**

Applicant: **Mahon**

File Numbers: **PLN1999-00215**

Attachment: **N**

**000051**