



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**  
Planning and Building Department



**DATE:** October 17, 2011  
**BOARD MEETING DATE:** November 1, 2011  
**SPECIAL NOTICE/HEARING:** 10 days; within 300 feet  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** Jim Eggemeyer, Community Development Director

**SUBJECT:** EXECUTIVE SUMMARY: Public hearing to consider an appeal of the Planning Commission's decision to deny the Hodge project, consisting of: (1) certification of a Mitigated Negative Declaration; and (2) Variance, Coastal Development Permit and Coastsides Design Review, for a new 2,692 sq. ft. single-family residence with attached two-car garage, with side yard setbacks of 5 to 7 feet, where a 10-foot minimum side yard setback is otherwise required, at 97 Alameda Avenue, in the unincorporated Miramar area of San Mateo County. This project is appealable to the California Coastal Commission.

**RECOMMENDATION:**

Deny the appeal and uphold the decision of the Planning Commission to deny the Variance, Coastal Development Permit and Coastsides Design Review, County File Number PLN 2008-00380, subject to the findings for denial included in Attachment A.

**BACKGROUND:**

The applicant is proposing a new 2,692 sq. ft., two-story, single-family residence with an attached two-car garage on a 10,802 sq. ft. parcel at the corner of Magellan and Alameda Avenues. The parcel is in the shape of a "U" and the two pieces of the "U" shape are 34 feet each in width. The middle portion of this "U" shape is under County ownership and the Parks Department has a pending Coastal Development Permit (CDP) for a restroom facility (PLN 2010-00356). The proposed residence would be located on a portion of the parcel that runs parallel to Magellan Avenue and is furthest from County-owned park and open space land known as Mirada Surf, which is located immediately north of the project site. The applicant is requesting a variance to allow non-conforming side yard setbacks for the project on a section of the parcel that is 34 feet wide. The applicant is also requesting an exception to allow for a 34-foot buffer from an existing willow riparian habitat on the property, where a minimum 50-foot buffer is otherwise required, pursuant to San Mateo Local Coastal Program (LCP) Policies 7.11 and 7.12. No trees are proposed for removal.

After having considered the project in three previous meetings, on April 13, 2011, the Planning Commission denied the project, stating that there were potential alternative proposals for a new residence on the project site that would not require a variance or an exception to the required 50-foot riparian buffer and that the findings required to approve the project could not be supported as the project did not comply with required variance findings and LCP policies, including those governing the location of new development, the minimization of negative impacts on sensitive habitats and in areas of scenic qualities, and the required buffer area for riparian corridors.

In their appeal, the applicant contends that the project should be approved for the following reasons that: (1) the project site is an unusually shaped parcel and there are very few options available to construct a residence on this property that would not require a variance for either front or side yard setbacks and/or an exception to the required riparian buffer area; (2) the proposed residence fits the criteria set by the County; and (3) the proposed residence is relatively small and has total lot coverage of 16% on a 10,800 sq. ft. parcel (where maximum lot coverage of 30% is permitted in the S-94 Zoning District). The applicant also states that the length of the permitting process has been excessively long, citing 30 months since the date of application and 16 months since the application was deemed complete.

#### **DISCUSSION:**

Regarding the owner's appeal issues: (1) the Planning Commission did not disagree that the parcel is unusually shaped or somewhat constrained by the location of the riparian area and the LCP's requisite 50-foot buffer zone. While they did not dismiss the need for some of the variances, the Commission felt that the house could still be redesigned or repositioned to better comply with applicable LCP policies; (2) the Planning Commission took issue of the degree with which the house location complied with all County criteria, particularly select LCP policies; and (3) the Planning Commission did not disagree that the lot coverage taken up by the house was small relative to the parcel's total size; they did, however, suggest the house could be repositioned or somewhat decreased in size to better comply with the cited regulations.

County Counsel has reviewed and approved the materials as to form and content.

The denial of the Coastal Development Permit, Design Review Permit, and Variance for a new single-family residence contributes to the 2025 Shared Vision outcome of a Livable Community by protecting sensitive habitats, buffer zones, and scenic qualities for compliance with applicable Local Coastal Program policies and zoning regulations.

#### **FISCAL IMPACT:**

There is no Net County Cost. If approved, future residential development of the parcel which would result in additional tax revenue due to increased tax assessment of the parcel.



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County File Number: PLN 2008-00380 (Hodge)

**RECOMMENDATION:**

Deny the appeal and uphold the decision of the Planning Commission to deny the Variance, Coastal Development Permit and Coastsides Design Review, County File Number PLN 2008-00380, subject to the findings for denial included in Attachment A.

**BACKGROUND:**

Proposal: The applicant is proposing a new 2,692 sq. ft., two-story, single-family residence with an attached two-car garage on a 10,802 sq. ft. parcel at the corner of Magellan and Alameda Avenues. The parcel is in the shape of a "U," with the middle portion of this "U" shape under the separate ownership and the two pieces of the "U" shape 34 feet each in width. The proposed residence would be located on a portion of the parcel that runs parallel to Magellan Avenue and is furthest from County-owned park and open space land known as Mirada Surf, which is located immediately north of the project site. The applicant is requesting a variance to allow non-conforming side yard setbacks for the project on a section of the parcel that is 34 feet wide. The applicant is also requesting an exception to allow for a 34-foot buffer from an existing willow riparian habitat on the property, where a minimum 50-foot buffer is otherwise required, pursuant to San Mateo Local Coastal Program (LCP) Policies 7.11 and 7.12. No trees are proposed for removal.

Planning Commission Action: Denied on April 13, 2011

Zoning Hearing Officer Action: Referred to Planning Commission on May 20, 2010

Coastside Design Review Committee Action: Recommended approval on May 14, 2009

Report Prepared By: David Holbrook, Senior Planner, Telephone 650/363-1837

Appellants/Owners/Applicants: David and Hi-Jin Hodge

Location: 97 Alameda Avenue, Miramar

APN: 048-016-010

Parcel Size: 10,802 sq. ft.

Existing Zoning: R-1/S-94/DR/CD (Single-Family Residential/10,000 sq. ft. minimum lot size/Design Review/Coastal Development)

General Plan Designation: Medium Low Density Residential (2.1-6.0 dwelling units/acre)

Parcel Legality: A Certificate of Compliance, Type A, has been recorded for the parcel on January 20, 2010, Document No. 2010-005909

Existing Land Use: Vacant

Water Supply: Coastside County Water District

Sewage Disposal: Granada Sanitary District

Flood Zone: Zone C (Areas of Minimal Flooding); Community Panel No. 060311 0225C; effective date August 5, 1986

Environmental Evaluation: Initial Study and Negative Declaration issued with a public review period from January 21, 2010 to February 10, 2010

Setting: The parcel is located on Magellan Avenue, west of Cabrillo Highway, within the designated Cabrillo Highway County Scenic Corridor. The parcel is in the shape of a "U," with the middle portion of the "U" shape comprised of a single parcel owned by the Parks Department. On that parcel, the Parks Department has a pending Coastal Development Permit (CDP) for a restroom facility (PLN 2010-00356). Immediately north of the project site is San Mateo County-owned park and open space land known as Mirada Surf. Adjacent and within the Mirada Surf property is an existing perennial creek that is surrounded by willow riparian habitat. The riparian habitat encroaches into the northeast corner of the project site. The area to the south of the subject parcel is zoned

residential. Some properties are developed with single-family dwellings, while others are undeveloped.

Chronology:

<u>Date</u>	<u>Action</u>
November 4, 2008	- Original Variance, CDP, Coastsides Design Review and "After-the-Fact" CDP application submitted.
April 9, 2009	- Coastsides Design Review Committee (CDRC) reviewed and continued the item to its May hearing.
April 27, 2009	- Applicant submitted revised plan in response to CDRC comments. A variance for the front yard setback is no longer requested (as last considered by the Planning Commission).
May 14, 2009	- The CDRC unanimously recommended approval.
June 2009 to September 2009	- Biological documents and reports submitted for review.
September 2009	- Applicant submitted revised application to include attached second unit.
October 21, 2009	- Coastsides Design Review Officer approved minor change to proposed colors and materials.
December 22, 2009	- "After-the-Fact" CDP application separated from this request.
January 4, 2010	- Applicant submitted Chain of Title report for parcel legalization, and application deemed complete.
January 20, 2010	- Certificate of Compliance (CoC) Type A recorded to verify parcel legality.
January 21, 2010	- Initial Study and Mitigated Negative Declaration circulated for review and comment. Comments received from public.
March 26, 2010	- Applicant submitted revised application to exclude second unit.
April 1, 2010	- Zoning Hearing Officer considered the project and continued it to a date uncertain.

- |                   |   |
|-------------------|---|
| May 20, 2010      | - Zoning Hearing Officer considered the project and referred it to the Planning Commission.   |
| June 2010         | - Applicant requested that Planning Commission hearing be pushed to the fall, upon return from traveling abroad.  |
| November 10, 2010 | - Planning Commission considered the project and continued it to a date uncertain.  |
| November 4, 2010  | - San Mateo County Parks Department submits CDP application (PLN 2010-00356) for proposed restroom facility on adjacent parcel (048-016-020).                       |
| December 2, 2010  | - Applicant submitted revised application, requesting an exception to LCP required 50-foot riparian buffer based on new information submitted by project biologist. |
| February 23, 2011 | - Planning Commission considered the project and continued it to its March 23 hearing.  |
| March 2011        | - Initial Study and Mitigated Negative Declaration separated for the two projects.  |
| March 23, 2011    | - Planning Commission considered the project and continued it to its April 13 hearing.  |
| April 13, 2011    | - Planning Commission considered the project and denied the project on a 4 to 1 vote.   |
| April 18, 2011    | - Applicant submitted appeal application.   |
| April 26, 2011    | - Applicant submitted three alternative proposals.  |
| November 1, 2011  | - Board of Supervisors hearing.   |

## **DISCUSSION:**

### **A. PREVIOUS ACTIONS**

Upon the Zoning Hearing Officer (ZHO) remanding this project as well as the "After-the-Fact" clearing CDP (PLN 2009-00358) to the Planning Commission for consideration, both projects were placed on the Planning Commission's November 10, 2010 and February 23, 2011 agendas. The Planning Commission continued the "After-the-Fact" CDP at both hearings and did not consider this project at either hearing. The Planning Commission first heard and considered this project on March 23, 2011. There were several comments from the public, requesting that the Planning Commission deny the permit request for numerous reasons, including that: (1) the proposed residence did not comply with Design Review Standards or the

character of the Coastsides; (2) the project site was a sensitive habitat and should be first restored to its natural condition before any subsequent approvals are given; (3) a variance should not be granted because it would set a precedent in the surrounding area, the project site meets the minimum lot size required by zoning and the house could be built smaller so as not to require any such variances; and (4) the project would negatively affect public use of the County's Mirada Surf property, due to the visual proximity of the development to the roadway (at Alameda) that serves as the public pedestrian access to the County property.

During the hearing, the Planning Commission discussed several issues and concerns regarding the proposal. The Planning Commission was primarily concerned with: (1) the request for a variance for side yard setbacks, which also included options to reduce those variance requests in exchange for, perhaps instead, some degree of encroachment into the front yard setback (this had initially been proposed by the applicant, but dropped with the Design Review Committee's decision cited in the chronology cited earlier in this report) believing that a house could be designed to fit onto the parcel; (2) the encroachment of the new residence a few feet into the required 50-foot riparian buffer; and (3) the design of the proposed residence with specific issues surrounding the front portion, or "cube," of the residence. The Planning Commission struggled with the question of to what degree some variances could be considered if it resulted in, at least, the development otherwise complying with the 50-foot riparian buffer. Several motions were made at the hearing, but the Planning Commission could not come to an agreement and continued the project to April 13, 2011, so that the entire Planning Commission could consider the project (one Commissioner was not in attendance on March 23, 2011).

On April 13, 2011, the Planning Commission again considered the project. The applicant presented alternative proposals based on comments from the previous hearing, but the Planning Commission felt that the alternatives did not address its concerns. The Planning Commission voiced that there were potential alternative proposals for a new residence on the project site that would not require a variance or an exception to the required 50-foot riparian buffer. Ultimately, the Planning Commission denied the project, stating that the findings required to approve the project could not be supported, as the project did not comply with applicable Zoning Regulations and LCP policies, all relative to the previously cited LCP, Variance and Design Review policies and regulations.

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

The following are points and issues raised by the applicant as part of the appeal application. A copy of the submitted appeal application is included as Attachment D to the staff report. Each issue (*in italicized text*) is followed by staff's response (in context of both the Planning Commission's denial, as well as relative to the owner's submitted design alternatives as shown on Attachment E).

1. *The project site is an unusually shaped parcel and there are very few options available to construct a residence on this property that would not require a variance for either front or side yard setbacks and/or an exception to the required riparian buffer area.*

Staff's Response (Based on Planning Commission's Decision). While the Planning Commission did not question the unique shape of the parcel, nor that there were some constraints created by the riparian area and the LCP's 50-foot buffer setback policy, they believed a house could still be built – albeit of reduced size – on the parcel. The Planning Commission was generally supportive of the variance requests to the parcel's northerly and southerly side yards (5 to 7 feet on each), but reached no consensus on the options presented to them of moving the house (as currently designed) in any direction that would create the need for a front yard variance (facing Alameda).

Staff's Response (Based on Applicant's Alternatives). In efforts to locate the house out of the cited LCP's 50-foot buffer, the applicant submitted two alternatives. While both maintained the same variance request for both side yard setbacks, Alternative 1 moves the house forward, which would require a 10-foot front yard setback, but also removes 17 feet of length from the rear of the house (facing east) and maintains the 50-foot buffer entirely. Alternative 2 moves the house forward triggering the 10-foot front yard variance but encroaches only 6 feet (as opposed to 12 feet per the original proposal) into the 50-foot riparian buffer zone.

2. *We have designed a small residence that fits the criteria set by the County and our personal needs for a home and studio. The proposed residence is relatively small and has total lot coverage of 16% on a 10,800 sq. ft. parcel.*

Staff's Response (Based on Planning Commission's Decision). Again, the Planning Commission did not disagree with that the house was relatively small. Their decision, as cited above, suggested that they thought the house could be smaller in order to, minimally anyway, comply with the LCP's 50-foot riparian buffer policy.

Staff's Response (Based on Applicant's Alternatives). As with Issue No. 1, above, Alternative 1 does result in a smaller house (with the east facing portion removed), which triggers the new front yard variance but stays out of the cited buffer zone.

3. *The length of this permitting process has been excessive. It has been 30 months [as of March 23, 2011] since we first submitted our application and 16 months since the application was deemed complete. The project has been continued numerous times by the Planning Commission and other decision makers involved in the process.*



Staff's Response (Based on Planning Commission's Decision). The Planning Commission acknowledged that the applicant's separate "After-the-Fact" clearing CDP (PLN 2009-00358) that occurred on the lot clearly resulted in the project becoming more complicated to review and adjudicate, relative to staff review, regulatory compliance and public comment. In addition, the Planning Commission is aware of the challenges that the house design posed as well as its encroachment into the LCP buffer zone.

Staff's Response (Based on Applicant's Alternatives). If the Board of Supervisors chooses to adopt and approve one of the applicant's alternatives, this decision will be not be final until the project's appeal period to the California Coastal Commission (CCC) has lapsed; if appealed to the CCC, it will be their project to approve or deny.

## C. REGULATORY COMPLIANCE

The Planning Commission's denial of the project took into consideration its inability to comply with the following and applicable policies and regulations:

### 1. Conformance with Local Coastal Program

A Coastal Development Permit (CDP) is required pursuant to San Mateo County Local Coastal Program (LCP) Policy 1.1, which mandates compliance with the California Coastal Act for any development proposed within the Coastal Zone. Based on review of the project by staff and the Planning Commission, it was determined that the proposal does not comply with applicable LCP policies, including those governing the location of new development, the minimization of negative impacts on sensitive habitats and in areas of scenic qualities, and the required buffer area for riparian corridors. Specifically, the Planning Commission focused on LCP Policy 7.12, which requires a 50-foot buffer zone from the limit of riparian vegetation. While disputed by neighbors and resulting in an appeal of the associated "After-the-Fact" Clearing/CDP (PLN 2009-00358), the Planning Commission ultimately accepted the owner's biological study (approving PLN 2009-000358) that located the cited riparian area and its 50-foot buffer. The owner's proposal to the Planning Commission placed the house 34 feet away from the riparian edge (instead of the 50-foot minimum just cited), which is potentially allowed pursuant to LCP Policy 7.13, which allows residential uses to be set back as close as 20 feet from the limit of riparian vegetation "only if no feasible alternative exists and only if no other building site on the parcel exists." It was this critical exception to which the Planning Commission believed that other feasible alternatives did exist, such that the full 50-foot buffer setback could be maintained. Additionally, the Planning Commission's denial took into consideration LCP Policies 8.12 (Application of the Coastside Design Review Guidelines) and 8.13 (which includes a guideline for the Montara-Moss Beach-El Granada-Miramar area to: "Design structures that are in scale with the character of their setting and blend

rather than dominate or distract from the overall view of the urban landscape”), for reasons cited in Section C.3 below.

2. Conformance with Zoning Regulations

S-94 District Development Standards

The proposal complies with the development standards of the R-1/S-94 Zoning District, except for required minimum side yard setbacks. Therefore, the applicant has requested a variance for each of the side yard setbacks, for which the Planning Commission could not make the required findings, as discussed in Section C.4 below.

3. Conformance with Design Review District Guidelines

The Coastsides Design Review Committee (CDRC) recommended approval of the project on May 14, 2009. The Planning Commission did not explicitly challenge the CDRC’s decision, nor did they cite any specific Design Review policies they believed the residence to violate. However, they did hear and consider testimony from some who believed: (1) the design was not in keeping with other residential development of the area, and (2) its “cube” shaped westernmost portion presented an adverse visual impact to views from within public roadways looking westward.

4. Conformance with Variance Findings

Pursuant to Section 6531 of the Zoning Regulations, a variance may be granted when proposed development varies from minimum yard, maximum building height or maximum lot coverage requirements, or from any other specific requirements of the Zoning Regulations. The applicant is requesting a variance for non-conforming side yard setbacks.

Section 6534.1 of the Zoning Regulations requires the following findings in order to approve a variance:

- a. **That the parcel’s location, size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the same zoning district or vicinity.**
- b. **That without the variance, the landowner would be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity.**
- c. **That the variance does not grant the landowner a special privilege which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity.**

- d. That the variance authorizes only uses or activities which are permitted by the zoning district.**
- e. That the variance is consistent with the objectives of the General Plan, the Local Coastal Program (LCP) and the Zoning Regulations.**

The Planning Commission concluded that Findings b. and c. could not be made to support the granting of a variance. While the Planning Commission was not specific as to how the project did not comply, respectively, with these two findings, their overall decision reflected an assumption that even on a parcel with such reduced buildable area (due to the parcel's "U" shaped size and the riparian buffer area's coverage of most of the parcel except for the 34-foot wide southerly piece of the "U" shape), it was still reasonable that a house (albeit smaller) could otherwise be built such that no variances might be required. The Planning Commission's decision took into consideration the constraints posed by previously cited LCP Policy regulating development relative to the riparian buffer zone. The Planning Commission, however, generally supported the project's need for relief to the northerly side setback proposal of 5 to 7 feet where a 10-foot side setback is required (due to that portion of the parcel's 34-foot width). In fact, the Planning Commission entertained allowing a lesser setback – say 3 to 5 feet on that side, if the development could otherwise comply with all other zoning and LCP requirements.

#### **D. ENVIRONMENTAL REVIEW**

An Initial Study was completed and a Negative Declaration (Attachment G) issued in conformance with California Environment Quality Act (CEQA) Guidelines for this project and an associated project for an "After-the-Fact" CDP (PLN 2009-00358) to legalize unpermitted land clearing on two properties, including the project site. The public review period for this document was January 21, 2010 to February 10, 2010 (this document was subsequently separated for each project in March 2011 and did not require another public review according to County Counsel). Public comments were received during the initial review period and previously addressed and presented to the Planning Commission. The Planning Commission's denial of the project resulted in neither the ability nor need to certify the Negative Declaration. If the Board of Supervisors approves the project or an alternative indicated below, they would certify this document.

#### **E. ALTERNATIVE PROPOSALS**

The applicant is presenting three alternative proposals (Attachment E) for consideration by the Board of Supervisors, as described below. Staff discussion regarding compliance with County regulations follows each alternative proposal. Please note that if the Board of Supervisors approves any of the alternatives, Attachment B (Alternative Recommended Findings and Conditions for Approval) includes Condition No. 5, whose setbacks would be revised to reconcile with the

alternative approved. The initial proposal considered and denied by the Planning Commission is included in Attachment E for comparison purposes.

1. Alternative 1 (Attachment E.1). This proposal is very similar to the original request considered by the Planning Commission. The only difference is that the proposed residence has moved 10 feet forward toward the front property line, resulting in a revised variance request to allow a 10-foot front setback where 20 feet is required (this alternative still retains the same variance requests to both side yard setbacks). This was the proposal initially submitted by the applicant and reviewed by the Design Review Committee (DRC). However, the DRC's positive recommendation required that it maintain the 20-foot front yard setback, which is how the project proceeded through to the Planning Commission hearings. This alternative sets the northeasterly rear-most corner of the house 44 feet (where a 50-foot buffer is required) from the riparian corridor's edge.

Staff's Response. This alternative, while triggering a 10-foot front yard setback variance, results in a project that maintains a 44-foot riparian buffer; 10 more feet than the 34-foot buffer proposal considered by the Planning Commission. Increasing the riparian buffer (if not complying with it entirely) was a critical issue raised by the Planning Commission relative to their inability to approve the project. While LCP Policy 7.12 does allow encroachment into the riparian buffer zone to a minimum of 20 feet from the riparian edge (and this alternative does extend the buffer setback from the original proposal), the Planning Commission left open to what – if any – degree of encroachment might have been considered. Their decision strongly suggested that a house could feasibly be designed to stay entirely out of the buffer zone. Regarding the new front yard variance, the Planning Commission did not rule out the feasibility of such a variance in the event that the 50-foot riparian buffer could be maintained.

2. Alternative 2 (Attachment E.2). This proposal retains the changes cited in Alternative 1 (including the 10-foot front yard and side yard variances), except that it shortens the eastern end of the house by 17 feet, resulting in a fully compliant 50-foot riparian buffer.

Staff's Response. This alternative would satisfy a chief issue held by the Planning Commission – that the house be redesigned or relocated to comply with the LCP's 50-foot buffer requirement.

3. Alternative 3 (Attachment E.3). This last alternative maintains the 20-foot front yard setback (although still requiring both side yard variances), but shortens the house by 27 feet, thus still meeting the required 50-foot riparian buffer requirement. This alternative also includes a critical redesign of house itself, modifying the flat roofed (which included a roof deck) second story with a pitched hip roof, matching the lower roof pitch over the eastward extending single-story portion of the house. While deleting the roof deck, this

modification would include a more traditional, smaller second-story, covered deck (facing Alameda).

Staff's Response. In addition to complying with both the required front yard setback and LCP required 50-foot buffer, the house roof redesign affecting the Alameda-facing portion of the house addresses another critical issue raised by both the Planning Commission and some neighbors throughout the process: that of the "cube" or box-like appearance of the house on its western end. Criticism of the original was relative to the rest of the house as well as its alleged incompatibility compared to the surrounding neighborhood design character. This design also changes the exterior materials from a horizontal siding to a vertical siding more compatible with the single story portion of the house. It is assumed that the roof and exterior materials/siding redesign could be applied, as well, to either Alternatives 1 or 2, above.

### **ALTERNATIVE ACTIONS**

**Should your Board find that the applicant's original proposal or one of the three alternatives complies with the applicable regulations, staff has provided the following alternative actions for approval.**

- 1. Grant the appeal and approve the applicant's original request, based on information presented by the applicant and discussed in Section F of this staff report, by making the required findings and adopting the recommended conditions of approval included in Attachment B, or**
- 2. Approve one of three alternatives proposed by the applicant, based on information presented by the applicant and discussed in this report, by making the required findings and adopting the recommended conditions of approval included in Attachment B.**

### **F. ORIGINAL PROPOSAL**

*The following section is provided so that the Board of Supervisors can – in the event they choose to approve the applicant's original proposal – have the necessary background of how staff initially reviewed the proposal against all applicable policies. This includes the project's environmental review, which also summarizes public comment to that document. Understandably, should the Board of Supervisors choose to approve the project based on one of the applicant's submitted alternatives (or some variation thereof), some elements of the discussion below would not be strictly applicable.*

The applicant is requesting that the Board of Supervisors grant the appeal and approve the proposed project as originally presented to and denied by the Planning Commission. The original application included the request for: (1) a Coastal Development Permit; (2) Coastsides Design Review Permit; (3) a Variance to allow side yard setbacks of 5 to 7 feet, where a minimum 10-foot side yard setback is

otherwise required by zoning; (4) an exception to allow a 34-foot riparian buffer pursuant to LCP Policy 7.12, where a 50-foot riparian buffer is otherwise required per LCP Policy 7.11; and (5) certification of a Mitigated Negative Declaration for a new 2,692 sq. ft. single-family residence with attached two-car garage.

1. Compliance with General Plan

Staff has reviewed the project for conformance with the following policies contained in the General Plan:

Chapter 1 – Vegetative, Water, Fish and Wildlife Resources. Policies 1.2 (*Protect Sensitive Habitats*), 1.22 (*Regulate Development to Protect Vegetative, Water, Fish and Wildlife Resources*), 1.24 (*Protect Vegetative Resources*) and 1.27 (*Regulate Development to Protect Sensitive Habitats*) require, respectively, protecting sensitive habitats from reduction in size or degradation of the conditions necessary for their maintenance; regulating land uses and development activities to prevent significant adverse impacts on vegetative, water, fish and wildlife resources; ensuring that development will minimize the removal of vegetative resources; and regulating development within and adjacent to sensitive habitats.

The project site is located adjacent to an existing unnamed perennial creek that is surrounded by willow riparian habitat, which encroaches onto the northeast corner of the parcel, as determined and mapped by the project biologist. The proposed location of the new residence is set back 34 feet from the edge of the riparian habitat and approximately 80 feet from the perennial creek. The remainder of the site is dominated primarily by sparsely vegetated ground, including ruderal herbaceous grassland, which, according to the project biologist, does not qualify as a sensitive habitat nor does it provide suitable habitat for special status plant and wildlife species.

Vegetation removal is not proposed, and the applicant is proposing new native landscaping that will complement the surrounding natural environment. Therefore, the location of the proposed development, as conditioned, will not have significant adverse impacts to the existing willow riparian habitat. Mitigation measures discussed in the associated Mitigated Negative Declaration addressing required buffer zones and setbacks from riparian corridors, along with permitted uses in such areas and the requirement for native landscaping, have been included as recommended conditions of approval in Attachment B.

Chapter 2 – Soil Resources. Policy 2.17 (*Regulate Development to Minimize Soil Erosion and Sedimentation*) requires using measures which minimize removal of vegetative cover and ensure stabilization of disturbed areas. The subject parcel is relatively flat, and minimal grading is required for the implementation of the new residence. However, some erosion and sedimentation are likely to occur during construction activities on the site, and staff has included conditions of approval, including those recommended by the

Department of Public Works, requiring that an erosion and sediment control plan be approved and implemented prior to the beginning of any such construction activities.

Chapter 4 – Visual Quality. Policies 4.1 (*Protection of Visual Quality*), 4.3 (*Protection of Vegetation*), 4.14 (*Appearance of New Development*), 4.21 (*Scenic Corridors*), 4.35 (*Urban Area Design Concept*), 4.64 (*Utilities in County Scenic Corridors*), and 4.66 (*Fences*) require, respectively, (1) protecting and enhancing the natural visual quality of San Mateo County, encouraging positive visual quality for all development and minimizing adverse visual impacts; (2) minimizing the removal of visually significant trees and vegetation to accommodate structural development; (3) regulating development to promote and enhance good design, site relationships and other aesthetic considerations; (4) protecting and enhancing the visual quality of scenic corridors by managing the location and appearance of structural development; (5) maintaining and, where possible, improving upon the appearance and visual character of development in urban areas, and ensuring that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality; (6) installing new distribution lines underground; and (7) encouraging fences which minimize visual impact.

The project site is located within the designated Cabrillo Highway County Scenic Corridor. This area has been designated as a scenic corridor because of the surrounding natural scenic views and qualities; therefore, it is likely that the project may cause some visual impact to the area. The project site is approximately 100 feet from Cabrillo Highway and separated from this main transportation corridor by existing riparian willows. The parcel is also at a lower elevation than the Cabrillo Highway right-of-way, decreasing in slope as you move west of the highway. The existing topography and vegetation help create a visual barrier and minimize potential visual impacts on the scenic views and qualities of the surrounding area.

The applicant is proposing new landscaping and cedar fencing around the property to further minimize any potential adverse visual impacts. All new utility lines will be placed underground, and no tree or vegetation removal is proposed. The new residence will be constructed of materials and colors that are in compliance with the CDRC Design Guidelines. The architectural design of the structure complies with these design guidelines, as determined by the CDRC at its May 14, 2009 meeting, provided that recommended conditions of approval (Attachment B) are included.

Chapter 8 – Urban Land Use. Policies 8.14 (*Land Use Compatibility*) and 8.29 (*Infilling*) require, respectively, protecting and enhancing the character of existing single-family areas and encouraging the infilling of urban areas where infrastructure and services are available. As mentioned above, the proposed single-family residence was reviewed by the CDRC and, as conditioned, found to be in compliance with the Coastsides Design Review Guidelines that protect

the character of the existing residential area. The project is located within a partially built-out urban area, and infrastructure and services from the Coastside County Water District and the Granada Sanitary District are available for the new residence.

Chapter 10 – Water Supply. Policy 10.10 (*Water Suppliers in Urban Areas*) requires considering water systems as the preferred method of water supply in urban areas and discouraging use of wells to serve urban uses. The project site is under the service area of the Coastside County Water District. The District has confirmed that water service is available for the new residence. A well is not required or proposed.

Chapter 11 – Wastewater. Policy 11.5 (*Wastewater Management in Urban Areas*) requires considering sewerage systems as the appropriate method of wastewater management in urban areas. The project site is under the service area of the Granada Sanitary District, which has confirmed that service is available for the property.

## 2. Conformance with Local Coastal Program

A Coastal Development Permit (CDP) is required pursuant to San Mateo County Local Coastal Program (LCP) Policy 1.1, which mandates compliance with the California Coastal Act for any development proposed within the Coastal Zone. Staff has completed a Coastal Development Checklist for this proposal. Summarized below are the sections of the LCP that are relevant:

### a. Locating and Planning New Development Component

Policy 1.18 (*Location of New Development*) requires directing new development to existing urban areas in order to: (1) discourage urban sprawl, (2) maximize the efficiency of public facilities, services, and utilities, and (3) protect and enhance the natural environment. As discussed above with respect to General Plan Policies 8.14 and 8.29, the project site is located in an area where there are existing infrastructure, water and sewer services, and utilities available. The area to the south of the project site is within the same residential district as the subject parcel, and there are existing single-family residences on some of the properties. The proposal does not create or result in urban sprawl.

### b. Sensitive Habitats Component

Policies 7.3 (*Protection of Sensitive Habitats*) and 7.5 (*Permit Conditions*) require, respectively, that development in areas adjacent to sensitive habitats be sited and designed to prevent impacts that could significantly degrade the sensitive habitats, and that the applicant demonstrate that there will be no significant impact on sensitive habitats. As previously discussed, the parcel is located adjacent to an existing perennial creek,



which is surrounded by an area designated as a riparian corridor, as established by Policy 7.8 (*Designation of Riparian Corridors*), and encroaches onto the northeastern part of the project site, as surveyed by the project biologist. Based on the project biologist's assessment of the project site, no additional sensitive habitats were found.

The proposed location of the new residence is set back 34 feet from the edge of the riparian habitat and 80 feet from the perennial creek. Policy 7.11 (*Establishment of Buffer Zones*) requires a 50-foot buffer zone on both sides of riparian corridors from the "limit of riparian vegetation" for perennial streams. However, Policy 7.12 (*Permitted Uses in Buffer Zones*) allows for an exception to this requirement for residential uses on existing legal building sites, allowing a minimum buffer of 20 feet when no feasible alternative building site exists on a parcel. The applicant is requesting an exception to encroach 16 feet into the otherwise required 50-foot buffer, which is less than the LCP allows under certain circumstances. To ensure protection of the riparian habitat, staff is recommending a condition of approval that would require permanent fencing around the approved riparian buffer area. With this provision, staff has concluded that the proposed location of the new residence will not negatively affect the existing riparian habitat.

c. Visual Resources Component

Policy 8.5 (*Location of Development*) requires that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, (3) is consistent with all other LCP requirements, and (4) best preserves the visual and open space qualities of the parcel overall. The proposed location of the new residence is the only location on the property where a structure would be allowed due to the odd shape of the parcel and the surrounding willow riparian habitat. Existing vegetation, proposed native landscaping, fencing and the use of natural colors and materials for the new residence will help minimize any adverse impacts to the visual quality of the area. Additionally, the existing riparian willows will help shield the project from the Cabrillo Highway County Scenic Corridor, minimizing any potential negative effects on scenic views. For further discussion, refer to staff's discussion of the General Plan policies regulating visual quality and urban design in Section G.1, which also covers the following LCP policies: Policies 8.6 (*Streams, Wetlands, and Estuaries*), 8.9 (*Trees*), 8.10 (*Vegetative Cover*) and 8.12 (*General Regulations*).

3. Conformance with Zoning Regulations

S-94 District Development Standards

The proposal complies with the development standards of the R-1/S-94 Zoning District, except for required minimum side yard setbacks, as indicated in the following table. A variance is required for the project and is discussed in Section F.5 below.

	<b>S-94 Development Standards</b>	<b>Existing</b>	<b>Proposed</b>
Building Site Area	10,000 sq. ft.	10,802 sq. ft.	N/A
Building Site Width	50 ft. average	Varies from 34 to 100 ft.	N/A
Minimum Front Setback	20 ft.	N/A	20 ft.
Minimum Rear Setback	20 ft.	N/A	31 ft.
Minimum Side Setback	10 ft.	N/A	Right: 5-7 ft.* Left: 5-7 ft.*
Maximum Building Site Coverage	30%	N/A	17.4%
Maximum Floor Area Ratio	53%	N/A	24.9%
Maximum Building Height	28 ft.	N/A	24 ft.
*Variance required.			

4. Conformance with Design Review District Guidelines

The Coastsides Design Review Committee found the proposal to be in compliance with the required Design Review Standards for the urban Midcoast and recommended approval of the project on May 14, 2009, subject to recommended conditions of approval.

5. Conformance with Variance Findings

Pursuant to Section 6531 of the Zoning Regulations, a variance may be granted when proposed development varies from minimum yard, maximum building height or maximum lot coverage requirements, or from any other specific requirements of the Zoning Regulations. The applicant is requesting a variance for the project to allow side yard setbacks of 5 to 7 feet on either side, where a minimum 10-foot side yard setback is otherwise required by zoning.

Section 6534.1 of the Zoning Regulations requires the following findings in order to approve a variance for the proposed project:

- a. That the parcel's location, size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the same zoning district or vicinity.**

Although the subject parcel meets the minimum building site area of 10,000 sq. ft. required in the R-1/S-94 Zoning District, the parcel is oddly shaped in a "U" form, with the middle portion under separate ownership. The width of each part of the "U" that runs along Alameda Avenue is 34 feet. With such a small width, it would not be feasible for any structure to comply with the required 10-foot minimum side yard setback, as this would result in a 14-foot wide structure. Such a structure would not be able to meet parking requirements, and the applicant would need to request an exception to the required two covered parking spaces. (Each parking space is required to be 9 feet in width by 19 feet in length.)

In addition to the odd shape of the parcel, the northernmost portion of the project site is surrounded by the County's Mirada Surf property, an existing perennial creek and riparian habitat, which further restrict development on the project site. A residence could not be positioned in any other location on this property without requiring a variance or exception for one or more zoning regulations and/or development standards.

- b. That without the variance, the landowner would be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity.**

As mentioned above, because of the odd shape of the parcel, any proposed location on the subject site for a new residence would require some sort of exception to the R-1/S-94 development standards and/or other zoning requirements. If a variance were not allowed for the proposal, the landowner would be denied the right to construct a residence on his property. The surrounding residential area consists of parcels that are more standard in shape, and it is likely that the landowners of these properties would be able to construct a new residence or residential addition without the need for a variance.

- c. That the variance does not grant the landowner a special privilege which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity.**

As discussed in the findings above, allowing the new residence with non-conforming side yard setbacks does not constitute the granting of a special privilege, as there are existing residential properties to the south of the project site with more standard sized and shaped parcels. Construction of a new residence or an addition to an existing residence on these properties would likely not require the approval of a variance. Additionally,

the option to request a variance is available for other landowners with similar situations and therefore, the granting of this variance does not constitute a special privilege.

**d. That the variance authorizes only uses or activities which are permitted by the zoning district.**

The project site is located within the R-1/S-94/DR/CD Zoning District. A single-family residence is an allowed use in this district.

**e. That the variance is consistent with the objectives of the General Plan, the Local Coastal Program (LCP) and the Zoning Regulations.**

The project complies with the policies and objectives of the General Plan and the Zoning Regulations, as discussed in Sections F.1, F.2 and F.3 above.

**6. Environmental Review**

An Initial Study was completed and a Negative Declaration (Attachment G) issued in conformance with California Environment Quality Act (CEQA) Guidelines for this project and an associated project for an "After-the-Fact" CDP (PLN 2009-00358) to legalize unpermitted land clearing on two properties, including the project site. The public review period for this document was January 21, 2010 to February 10, 2010. Public comments were received during the review period. Only those comments pertaining to this permit are discussed below. Any comments relating to the unpermitted land clearing and vegetation removal under application PLN 2009-00358 are addressed by staff in a separate staff report for that application. Mitigation measures pertaining to this project have been included as recommended conditions of approval in Attachment B.

**Response to Public Comments**

Public comments regarding this project were received from David Hodge, property owner and applicant, Kathryn Slater-Carter and Evy Smith, concerned public, and Grace Ma, Coastal Planner with the California Coastal Commission. Many comments addressed similar issues and therefore, have been aggregated and summarized below.

**a. *Staff's response to Section 7.a. of the Negative Declaration is inaccurate, as the new residence will have no more impact on scenic views in the area than the house across the street, especially since existing willows surround the project.***

Section 7.a of the Initial Study/Negative Declaration asks: "Will (or could) this project be adjacent to a designated Scenic Highway or within a State

or County Scenic Corridor?" As previously mentioned, the project site is located within the designated Cabrillo Highway County Scenic Corridor. In reviewing this project, staff does not take into account existing structures in the area and base the new development's impact on scenic views in relation to existing development. Because the subject parcel is currently vacant, any proposed development would have some sort of impact on scenic views and visual quality in the area. Staff has found the project, as proposed and conditioned, will have minimal impact on the visual resources in the area. Refer to Section F.1 above for further discussion regarding the project's potential impact on the scenic qualities and views in the surrounding area.

- b. The design of the new residence is not compatible with the surrounding community or with the design review standards; the project has the potential to substantially change the coastal character of the area due to the proposed colors and materials. The Coastsides Design Review Committee was specifically instructed that it cannot make decisions based on the LCP.*

The Coastsides Design Review Guidelines were created as a component of the LCP and therefore, address the policies found in the Visual Resources Component. The CDRC reviewed the proposal and found it to be in compliance with the Design Review Standards and recommended approval of the project.

- c. The project will add to the traffic congestion of an already congested area.*

The proposed project is located in a residential district and immediately south of the Mirada Surf Trail property. Vehicular traffic is common in the area as many users of the Mirada Surf Trail park in the area. Access to the proposed residence will be obtained off Magellan Avenue, and the applicant is proposing sufficient parking on the property. The addition of a new residence would, at most, cause a slight increase in vehicular traffic in and around the area, but nothing that would result in noticeable changes in either vehicular traffic or volumes.

- d. The Mitigated Negative Declaration states that the development will be visible from the Mirada Surf Trail and that the site is located within a County Scenic Corridor. Therefore, the project should be reviewed against LCP Policies 8.5 and 8.30, and whether the proposed development should be relocated.*

Refer to Section F.2.

- e. *LCP policy requires a 50-foot setback from riparian corridors and a 100-foot setback from lakes, ponds, and other wet areas. The third parking space is within the required 50-foot setback, and the 2005 biological study that included the project site indicated there was a wetland on the property.*

The second unit component of the project has been removed and a third parking space is no longer required or proposed. Refer to Section F.1 above for discussion about the 2005 biological study's results.

- f. *Both a County parcel tag and a disclosure during the transfer of the subject parcel indicated that the site was not buildable due to existing riparian and wetland habitats on the parcel.*

The parcel tag for the subject parcel indicated that the site may not be buildable due to findings made by the 2005 biological report for the Mirada Surf Trail Project. That the site may not be fully developable was fully disclosed. However, there are several factors that affect whether a site is buildable or not. It is the burden of the applicant to present evidence regarding the conditions of a site in determining whether sensitive habitats exist on a property and to determine the extent of the site's developability. As discussed above, the applicant submitted several biological reports from WRA, which have concluded that the existing riparian habitat only minimally extends onto the project site, and that there is no wetland on the property. Both water and sewer services can be obtained, and the proposal complies with General Plan, Zoning and LCP policies and regulations.

- g. *Granting a variance for this proposal will set precedence in the West Miramar area and the rest of the urban Midcoast.*

Granting this variance can only be allowed if the required findings can be made. If the variance is approved, this will not constitute a precedent in the surrounding coastal area to approve variances. While anyone can apply for a variance, one can only be granted if specific findings can be made. This is the same standard for all locations within the unincorporated San Mateo County.

- h. *The view of the harbor from the neighboring property across the project site will be blocked by the new development.*

The visual impact to the existing area as a whole is considered in the review of a project. The project must meet the required LCP Visual Resources policies. Staff does not consider, nor do the LCP policies require, that individual private views be taken into account. The project, as proposed and conditioned, complies with the required policies, and the

overall visual impact to the area will be minimal. Refer to Section F.2 for further discussion of the project's compliance with visual quality policies.

**G. REVIEWING AGENCIES**

Building Inspection Section  
Department of Public Works  
Geotechnical Section  
Coastside County Fire Protection District  
California Coastal Commission  
Coastside Design Review Committee  
Coastside County Water District  
Granada Sanitary District  
Midcoast Community Council

County Counsel has reviewed and approved the materials as to form and content.

The denial of the Coastal Development Permit, Design Review Permit, and Variance for a new single-family residence contributes to the 2025 Shared Vision outcome of a Livable Community by protecting sensitive habitats, buffer zones, and scenic qualities for compliance with applicable Local Coastal Program policies and zoning regulations.

**FISCAL IMPACT:**

There is no Net County Cost. If approved, future residential development of the parcel which would result in additional tax revenue due to increased tax assessment of the parcel.

**ATTACHMENTS:**

- A. Recommended Findings for Denial
- B. Alternative Recommended Findings and Conditions for Approval
- C. Location Map
- D. Project Plans (Original)
  - 1. Site Plan
  - 2. Floor Plans
  - 3. Elevations
- E. Applicant's Alternative Plans (includes Original Proposal for Comparison)
  - 1. Alternative 1
  - 2. Alternative 2
  - 3. Alternative 3, including Design Photo Sims of Revised Exterior Design
- F. Planning Commission Denial Letter, Dated April 15, 2011
- G. Initial Study/Negative Declaration
- H. Map of Surrounding Developed Parcels
- I. Owner's Appeal
- J. Photo of Story Poles (Original Location)

K. Project Biological Reports\*

1. WRA Biological Resource Assessment – February 24, 2009\*
2. WRA Report: Previous Habitat Conditions of Cleared Area: Proposed Hodge Residence, Magellan Avenue, Miramar – May 20, 2009\*
3. WRA Report: Wetland Delineation at Proposed Hodge Residence, Magellan Avenue, Half Moon Bay – June 16, 2009\*
4. WRA Report: Wetland Delineation Results at Proposed Hodge Residence, Magellan Avenue, Miramar (APN 048-016-010) – August 14, 2009\*

\*These documents are available on the County's Planning and Building's website, under "Pending Projects" (10/18/11 BOS Hearing – Hodge Bio Reports).



COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**RECOMMENDED FINDINGS FOR DENIAL**

Permit File Number: PLN 2008-00380

Board Meeting Date: November 1, 2011

Prepared By: David Holbrook, Senior  
Planner

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS:**

Regarding the Coastal Development Permit, Find:

1. That the project, as described in the application and accompanying materials required by Section 6328.7 does not conform with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP), specifically relative to the project's non-compliance with LCP Sensitive Habitats Component Policies 7.11 (*Establishment of Buffer Zones*) and 7.12 (*Permitted Uses in Buffer Zones*), as well as Visual Resources Component Policies 8.13 (*Design Guidelines for Coastal Communities*) and 8.32 (*Regulation of Scenic Corridors in Urban Areas*).
2. That the project does not conform to the specific findings required by the policies of the LCP with regard to the components cited above.

Regarding the Coastsides Design Review, Find:

3. The project is not in compliance with the Design Review Standards for the Coastsides.

Regarding the Variance, Find:

4. That the parcel's location, size, shape, topography and/or other physical conditions do not vary substantially from those of other parcels in the same zoning district or vicinity.
5. That without the variance, the landowner would not be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity.
6. That the variance would grant the landowner a special privilege which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity.

7. That the variance is not necessary to authorize the uses or activities which are permitted in the zoning district.
8. That the variance is not consistent with the objectives of the General Plan and the Zoning Regulations.

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**ALTERNATIVE RECOMMENDED FINDINGS AND CONDITIONS FOR APPROVAL**

Permit File Number: PLN 2008-00380

Board Meeting Date: November 1, 2011

Prepared By: David Holbrook, Senior  
Planner

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS:**

Regarding the Negative Declaration, Find:

1. That the Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines. The public review period for this document was January 21, 2010 to February 10, 2010.
2. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project will have a significant effect on the environment. The Initial Study/Negative Declaration does not identify any significant or cumulative impacts associated with this project.
3. That the Negative Declaration reflects the independent judgment of San Mateo County. The Negative Declaration was prepared by the project planner.
4. That the mitigation measures in the Mitigated Negative Declaration and agreed to by the owner and placed as conditions on the project have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code Section 21081.6.

Regarding the Coastal Development Permit, Find:

5. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County LCP, as the plans and materials have been reviewed against the application requirements, staff has completed an LCP Policy Checklist, and the project has been conditioned in accordance with the Locating and Planning New Development, Sensitive Habitats and Visual Resources Components of the LCP.
6. That the project conforms to the specific findings required by the policies of the LCP with regard to the Locating and Planning New Development, Sensitive

Habitats and Visual Resources Components. Specifically, the project conforms with the location of new development, zoning and parking requirements, protection of sensitive habitats and buffer zones, the minimization of vegetative cover removal and the Coastside design criteria for urban parcels located in the Midcoast and in areas of scenic qualities and views.

Regarding the Coastside Design Review, Find:

7. That the project is in compliance with the Design Review Standards for the Coastside.

Regarding the Variance, Find:

8. That the parcel's location, size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the same zoning district or vicinity, as the parcel is oddly shaped. The parcel is comprised of three lots in the shape of a "U," with the middle portion of the "U" a separate property under different ownership. The width of each part of the "U" that runs along Alameda Avenue is 34 feet. The length along Magellan Avenue is 140.02 feet. With such a small width, it would not be feasible for any structure to comply with the required 10-foot minimum side yard setback. In addition, the surrounding perennial creek and willow riparian habitat further restrict development on the project site. A residence could not be positioned in any other location on this property without requiring a variance or exception for one or more zoning regulations and/or development standards.
9. That without the variance, the landowner would be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity, as the landowner would be denied the right to construct a residence on his property. The surrounding residential area consists of parcels that are more standard in shape. The landowners of these properties would likely be able to construct a new residence or a new addition to an existing residence without requiring a variance. The surrounding residential parcels are shaped and sized so that the R-1/S-94 development standards would be more easily met and complied with.
10. That the variance does not grant the landowner a special privilege which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity, as there are existing residential properties to the south of the project site with more standard sized and shaped parcels. A new residence or an addition to an existing residence would likely be able to be constructed on these properties without the need for a variance. Additionally, the option to request a variance is available for other landowners with similar situations and therefore, the granting of this variance to allow a new residence with non-conforming side yard setbacks does not constitute the granting of a special privilege.
11. That the variance authorizes only uses or activities which are permitted by the zoning district, as the proposal includes a new residence, which is an allowed use in the R-1/S-94/DR/CD Zoning District.

12. That the variance is consistent with the objectives of the General Plan and the Zoning Regulations, as discussed in the staff report.

**RECOMMENDED CONDITIONS FOR APPROVAL:**

**Current Planning Section**

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Board of Supervisors on November 1, 2011. Minor revisions or modifications may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. These permits shall be valid for one (1) year from the date of final approval by which time a valid building permit shall have been issued **and a completed inspection (to the satisfaction of the Building Inspector) shall have occurred within 180 days of its issuance.** Any extension of these permits shall require submittal of an application for permit extension and payment of applicable permit extension fees sixty (60) days prior to expiration.
3. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, Department of Public Works and the respective Fire Authority.
4. The applicant shall include the final approval letter on the top pages of the plan sets submitted with an application for a building permit.
5. No other development or construction shall occur within 50 feet of the edge of the willow riparian habitat, as mapped by WRA Environmental Consultants. The new residence shall be allowed to encroach into the buffer by \_\_\_\_ feet, allowing for a total distance of \_\_\_\_ feet between the limit of riparian vegetation and the rear of the new residence. Prior to the issuance of a building permit for the proposed residence, the applicant shall delineate the approved \_\_\_\_-foot buffer zone from the edge of the willow riparian habitat with visible fencing and shall verify that the construction location is outside of this area.
6. After the completion of construction, the applicant shall install permanent fencing to demarcate the approved \_\_\_\_-foot riparian buffer zone. The fencing shall consist of wood posts and wiring and be no taller than a maximum height of 4 feet. Small signs shall be placed on the fencing, approximately every 10 to 15 feet, and indicate that the area is a riparian buffer zone and access is not allowed. The applicant shall submit material samples to Planning for review and approval during the building permit phase of the project. Prior to final Planning approval of the building permit, verification that the approved permanent fencing has been implemented shall be required.

7. The applicant shall revise the plans to eliminate any access to and from the rear of the new residence into the required \_\_\_\_-foot riparian buffer zone. The revision shall be included in the plans submitted during the building permit phase.
8. Prior to the beginning of any construction or grading activities, the applicant shall implement the approved erosion and sediment control plan. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including:
  - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
  - b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
  - d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
  - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
  - f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
  - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
  - h. Performing clearing and earth-moving activities only during dry weather.
  - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
  - j. Limiting construction access routes and stabilizing designated access points.

- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
  - l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction best management practices.
  - m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.
9. The applicant is responsible for ensuring that all contractors are aware of all stormwater quality measures and implement such measures. Failure to comply with the construction BMPs will result in the issuance of 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 to a designated, effective infiltration area or structure (refer to BMPs Handbook for infiltration system designs and requirements).
10. The applicant shall submit a final landscaping plan for the parcel at the time of the building permit application for review and approval by the Planning Department. The landscaping plan shall be designed in collaboration with a qualified biologist (WRA or other qualified environmental consultant group) and landscape architect to ensure the planting of native vegetation that is compatible with the landscaping required pursuant to PLN 2009-00358 and complies with State water efficiency requirements. Such professionals shall include their recommendations on plant species, density and location of new vegetation on the landscaping plan. Prior to final Planning approval of the building permit for this project, the applicant shall submit written verification from the applicant's consultants that the recommended vegetation was planted pursuant to the recommendations shown on the submitted landscaping plan. In addition, photos of the completed landscaping shall be submitted to the Planning Department to verify that the approved landscaping plan has been implemented.
11. The applicant shall submit a \$2,000.00 Certificate of Deposit (COD) to the Planning Department to ensure the implementation and maturation of the landscaping plan, payable upon confirmation that the plan has been implemented. The COD shall be held for a period of two (2) years after final approval by the Building Inspection Section of the associated building permit. At the end of the two-year period, the applicant shall confirm that all implemented landscaping is thriving and that any dead plantings have been replaced in like-kind. Upon verification, the COD shall be returned to the applicant.

12. The only permitted uses within the buffer zone for the riparian area on the property shall be those allowed by Policies 7.9 (*Permitted Uses in Riparian Corridors*) and 7.12 (*Permitted Uses in Buffer Zones*) of the San Mateo County Local Coastal Program (LCP), subject to CDP approval. All other uses shall be prohibited.
13. The applicant shall include an erosion and sediment control plan, developed in accordance with Condition No. 8, on the plans submitted for the building permit. This plan shall identify the type and location of erosion control devices to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
14. The applicant shall implement the approved erosion control measures prior to the beginning of grading or construction operations. Such activities shall not commence until the associated building permit for the project has been issued. Revegetation of denuded areas shall begin immediately upon completion of grading/construction operations.
15. The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project.
16. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works. The plan shall address how drainage from the site will be managed and controlled to prevent pollution or sedimentation of the adjacent stream, and to retain and/or restore natural drainage patterns.
17. To reduce the impact of construction activities on neighboring properties, the applicant shall comply with the following:
  - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
  - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
  - c. The applicant shall ensure that no construction related vehicles will impede traffic along the right-of-way on Cabrillo Highway, Magellan Avenue and/or Alameda Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on



Cabrillo Highway, Magellan Avenue and/or Alameda Avenue. There shall be no storage of construction vehicles in the public right-of-way.

18. Noise levels produced by construction shall not exceed the 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.
19. The project shall be constructed in compliance with the plans approved by the Board of Supervisors on November 1, 2011. Any changes or revisions to the approved plans shall be submitted to the Coastsides Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Coastsides Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Coastsides Design Review Officer may refer consideration of the revisions to the Coastsides Design Review Committee, with applicable fees to be paid.
20. The applicant shall indicate on the landscape plans and plans submitted for a building permit, as stipulated by the Coastsides Design Review Committee, that tree heights shall be maintained to grow no taller than the structure's roof.
21. 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.
  - a. 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.
  - b. This 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).
  - c. 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.
  - d. 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).
  - e. 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 a 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.

- f. 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.
- 22. 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.
- 23. The exterior color samples submitted to the Committee are recommended for approval. Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.
- 24. The downward lighting fixture cut sheet submitted to the Coastside Design Review Committee is approved. Verification shall occur in the field after installation but before a final inspection has been scheduled.
- 25. The applicant shall ensure that during construction, noise, light, dust, odors and other interference with persons and property off the development site be minimized.
- 26. The applicant shall submit the following fees to the Current Planning Section: Within four (4) working days of the final approval date of this permit, the applicant shall pay an environmental filing fee of \$2,044.00 (fee effective January 1, 2011), as required under Fish and Game Code Section 711.4(d), plus a \$50.00 recording fee. The applicant shall submit a check in the amount of \$2,094.00, made payable to San Mateo County, to the project planner to file with the Notice of Determination, as required with a certified Negative Declaration.

#### Building Inspection Section

- 27. Building permits are required and shall be issued prior to any grading or construction on-site.
- 28. Prior to pouring any concrete for foundations, written verification from a licensed surveyor shall be submitted which will confirm that the required setbacks as shown on the approved plans have been maintained.
- 29. An automatic fire sprinkler system shall be required. This permit shall be issued prior to or in conjunction with the building permit.

30. If a water main extension, upgrade or hydrant is required, this work shall be completed prior to the issuance of the building permit or the applicant shall submit a copy of an agreement and contract with the water purveyor which will confirm the work will be completed prior to finalization of the building permit.
31. The applicant shall submit a site drainage plan, designed in accordance with Condition No. 16 and approved by the Department of Public Works. This plan shall demonstrate how roof drainage and site runoff will be directed to an approved disposal area.
32. Sediment and erosion control measures shall be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures shall result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
33. This project shall comply with the Green Building Ordinance.
34. This project shall comply with Chapter 7A of the Building Code, with respect to the State's Fire Hazard Area Maps.
35. All drawings shall be drawn to scale and clearly define the whole project and its scope in its entirety.
36. The design and/or drawings shall be done according to the 2010 Editions of the California Building Standards Code, 2010 California Plumbing Code, 2010 California Mechanical Code, and the 2010 California Electrical Code, and this information shall be included in the code summary.

#### Department of Public Works

37. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance #3277.
38. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of their review of the plans and should access construction be necessary.
39. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements, as well as the requirements of Condition No. 17 of this permit, for review and approval by the Department of Public Works.
40. The applicant shall submit a driveway "plan and profile" to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying

with County standards for driveway slopes (not to exceed 20%) and to County standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.

#### Geotechnical Section

41. The applicant shall submit a soils and foundation report at the building permit stage.

#### Coastside County Fire Protection District

42. **Occupancy Separation:** As per the 2007 CBC, Section 406.1.4, a one-hour occupancy separation wall shall be installed with a solid core, 20-minute fire rated, self-closing door assembly with smoke gasket between the garage and the residence.
43. **Fire Hydrant:** As per 2007 CFC, Appendix B and C, a fire district approved fire hydrant (Clow 960) must be located within 250 feet of the proposed single-family dwelling unit measured by way of drivable access. As per 2007 CFC, Appendix B, the hydrant must produce a minimum fire flow of 1,000 gallons per minute at 20 pounds per square inch residual pressure for 2 hours. Contact the local water purveyor for water flow details.
44. **Wharf Type Hydrant:** As per Fire District Ordinance, you are required to install a wharf type hydrant located no further than 150 feet from the proposed residence along the driveway access. The wharf hydrant must have a minimum flow of **250 gallons per minute at 20 pound per square inch for a minimum of 20 minutes** and be supplied by a minimum 4-inch supply line. The plans for this system must be submitted to San Mateo County Planning and Building Department. A building permit **will not** be issued until plans are received, reviewed and approved. Upon submission of plans, the County will forward a complete set of plans to the Coastside Fire District for review.
45. **Automatic Fire Sprinkler System:** As per San Mateo County Building Standards and Coastside Fire Protection District Ordinance No. 2007-01, the applicant is required to install an automatic fire sprinkler system **throughout** the proposed or improved dwelling and garage. All attic access locations will be provided with a pilot head on a metal upright. All areas that are accessible for storage purposes shall be equipped with fire sprinklers including closets and bathrooms. The only exception is small linen closets less than 24 sq. ft. with full depth shelving. The plans for this system must be submitted to the San Mateo County Planning and Building Department. A building permit **will not** be issued until plans are received, reviewed and approved. Upon submission of plans, the County will forward a complete set to the Coastside Fire Protection District for review. The fee schedule

for automatic fire sprinkler systems shall be in accordance with Half Moon Bay Ordinance No. 2006-01. Fees shall be paid prior to plan review. **Installation of underground sprinkler pipe shall be visually inspected and flushed by the Fire District prior to hookup to riser. Any soldered fittings must be pressure tested with trench open.**

46. **Exterior bell and interior horn/strobe** are required to be wired into the required flow switch on your fire sprinkler system. The bell, horn/strobe and flow switch, along with the garage door opener, are to be wired into a separate circuit breaker at the main electrical panel and labeled.
47. **Smoke Detectors which are Hardwired:** As per the California Building Code, State Fire Marshal Regulations, and Coastside Fire Protection District Ordinance No. 2007-01, the applicant is required to install State Fire Marshal approved and listed smoke detectors which are **hardwired, interconnected, and have battery backup**. These detectors are required to be placed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. A minimum of one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to the building final.
48. **Address Numbers:** As per Coastside Fire Protection District Ordinance No. 2007-01, building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON-SITE.) The letters/numerals for permanent address signs shall be **4 inches** in height with a minimum 3/4-inch stroke. Such letters/numerals shall be internally illuminated and facing the direction of access. Finished height of bottom of address light unit shall be greater than or equal to 6 feet from finished grade. When the building is served by a long driveway or is otherwise obscured, a reflectorized address sign shall be placed at the entrance from the nearest public roadway. See Fire Ordinance for standard sign.
49. **Roof Covering:** As per Coastside Fire Protection District Ordinance No. 2007-01, the roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher as defined in the current edition of the California Building Code.
50. **Fire Access Roads:** The applicant must have a maintained all-weather surface road for ingress and egress of fire apparatus. The San Mateo County Department of Public Works, the Coastside Fire Protection District Ordinance No. 2007-01, and the California Fire Code shall set road standards. As per the 2007 CFC, dead-end roads exceeding 150 feet shall be provided with a turnaround in accordance with Coastside Fire District specifications. As per the 2007 CFC, Appendix D, road width shall not be less than 20 feet. Fire access roads shall be installed and made serviceable prior to combustibles being placed on the project site and maintained during construction. Approved signs and painted curbs or lines shall be provided and maintained to identify fire access roads and state the prohibition of their obstruction. If the road width does not allow parking on the street (20-foot road)

and on-street parking is desired, an additional improved area shall be developed for that use.

51. **Solar Photovoltaic Systems:** These systems shall meet the requirements of the Coastside Fire Protection District as outlined in Standard Detail DI-007 Solar Photovoltaic Systems (if installed).
52. **Vegetation Management:** The Coastside Fire Protection District Ordinance No. 2007-01, the 2007 California Fire Code and Public Resources Code 4291:
  - a. A fuel break of defensible space is required around the perimeter of all structures to a distance of not less than 30 feet and may be required to a distance of 100 feet or to the property line. In the State Responsible Area (SRA), the fuel break is 100 feet or to the property line.
  - b. Trees located within the defensible space shall be pruned to remove dead and dying portions, and limbed up 6 to 10 feet above the ground. New trees planted in the defensible space shall be located no closer than 10 feet to adjacent trees when fully grown or at maturity.
  - c. Remove that portion of any existing tree which extends within 10 feet of the outlet of a chimney or stovepipe or is within 5 feet of any structure.

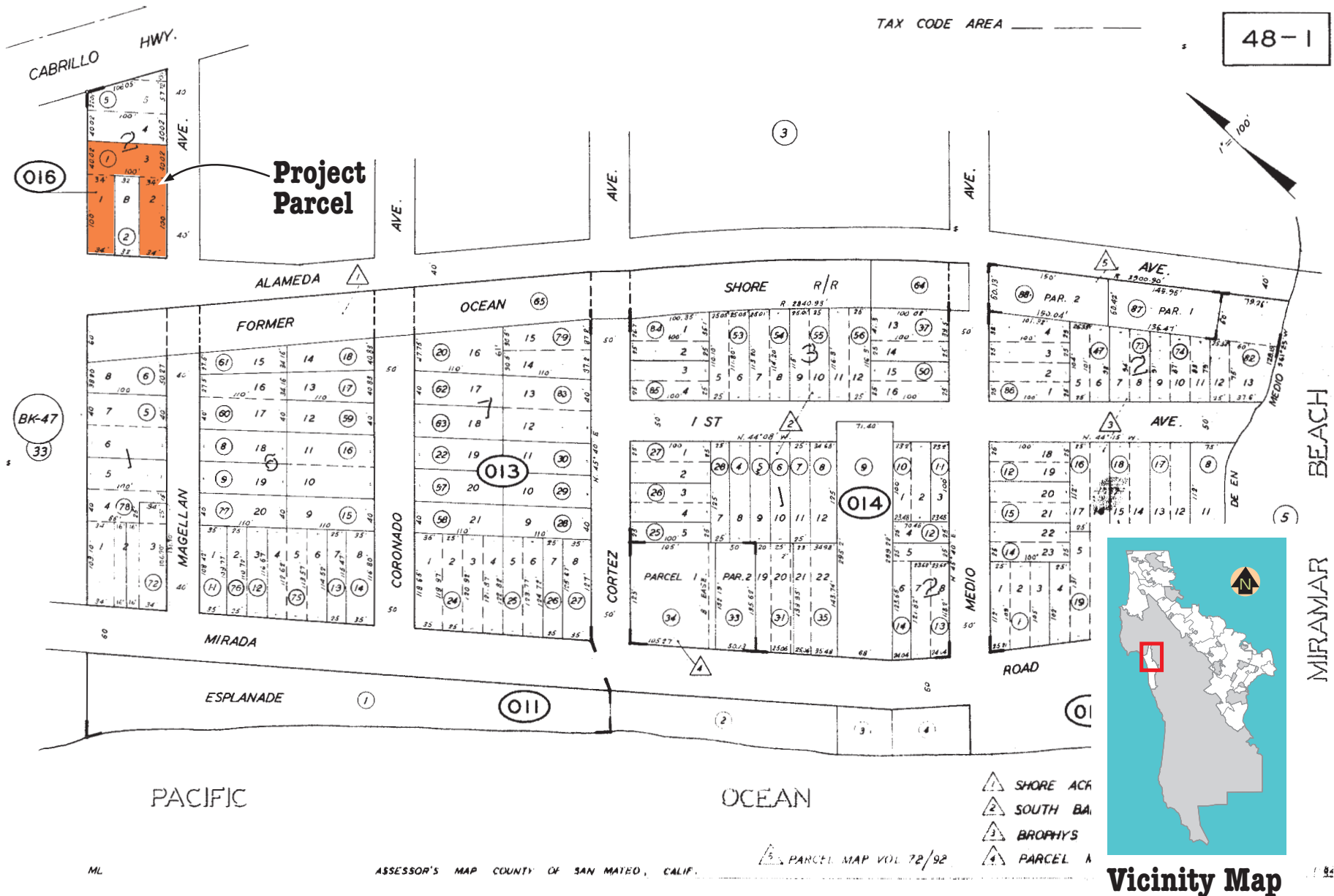
Granada Sanitary District

53. The applicant shall submit an application for a sewer permit.



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT 7**



## San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

File Numbers: **PLN 2008-00380**

Attachment: **C**

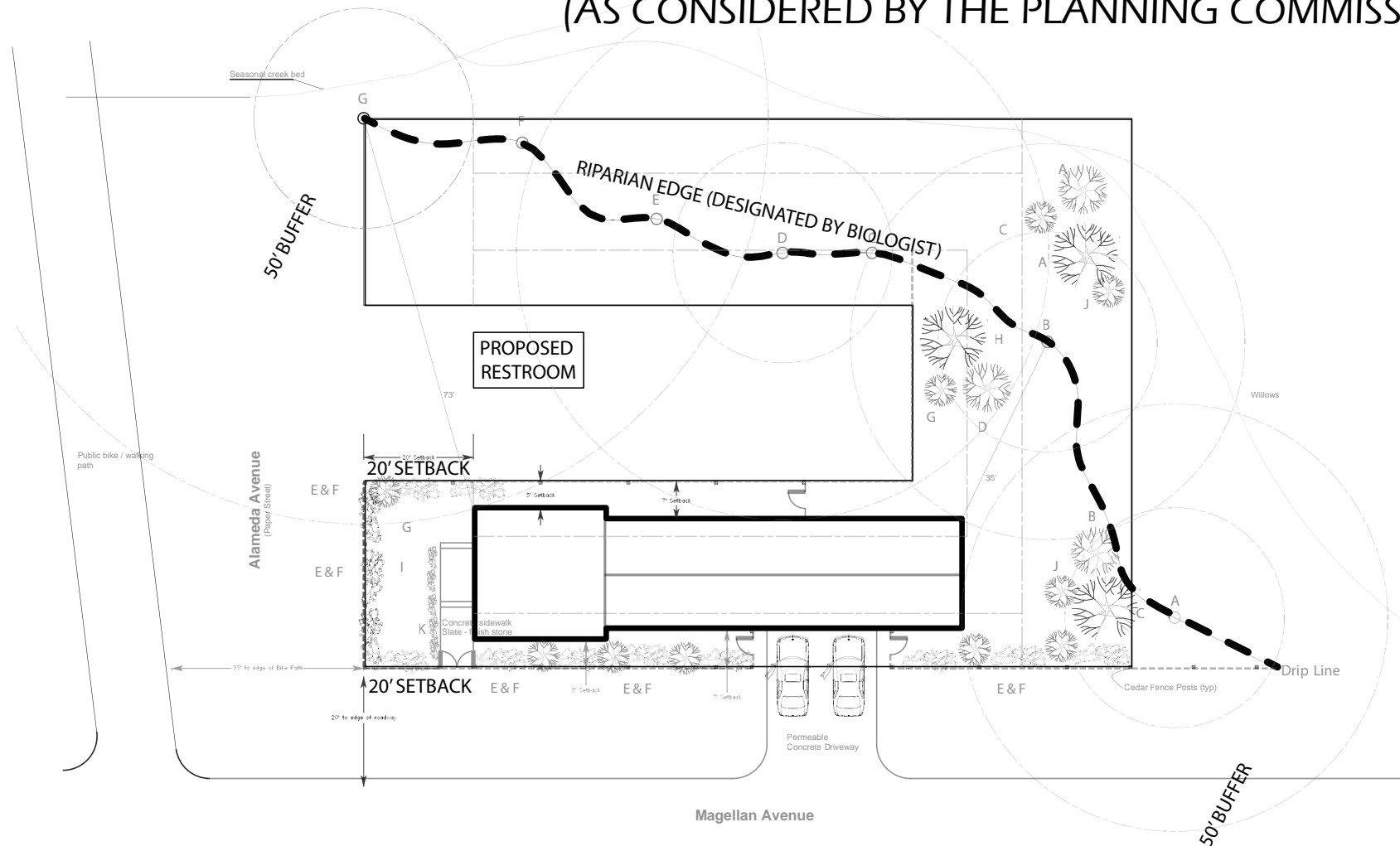




**County of San Mateo - Planning and Building Department**

# **ATTACHMENT '8**

# ORIGINAL PROPOSAL (AS CONSIDERED BY THE PLANNING COMMISSION)



## Site Plan & Preliminary Landscape Plan

### San Mateo County Board of Supervisors Meeting

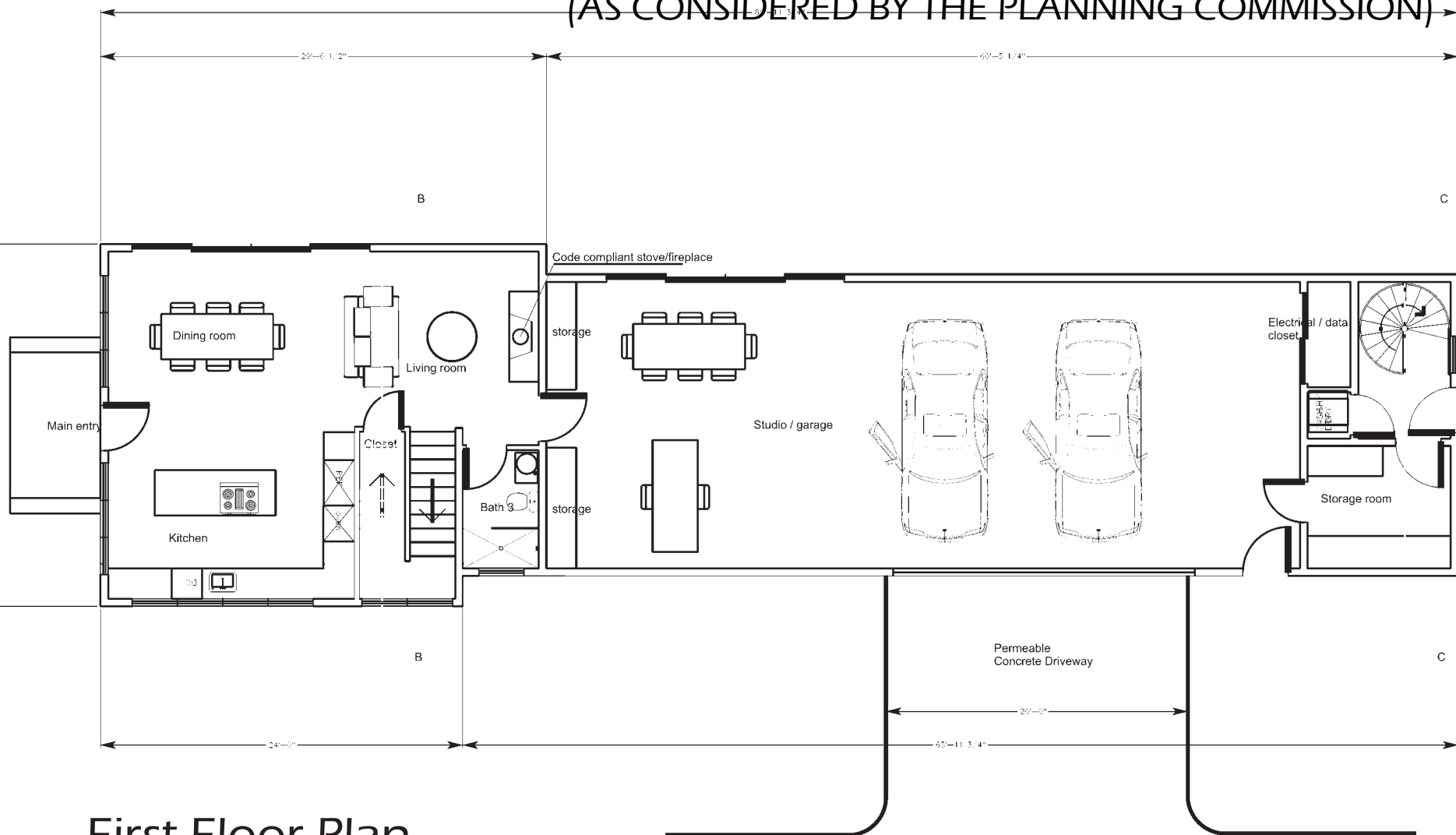
Owner/Applicant: **HODGE**

File Numbers: **PLN 2008-00380**

Attachment: **D.1**

# ORIGINAL PROPOSAL

(AS CONSIDERED BY THE PLANNING COMMISSION)



First Floor Plan

## San Mateo County Board of Supervisors Meeting

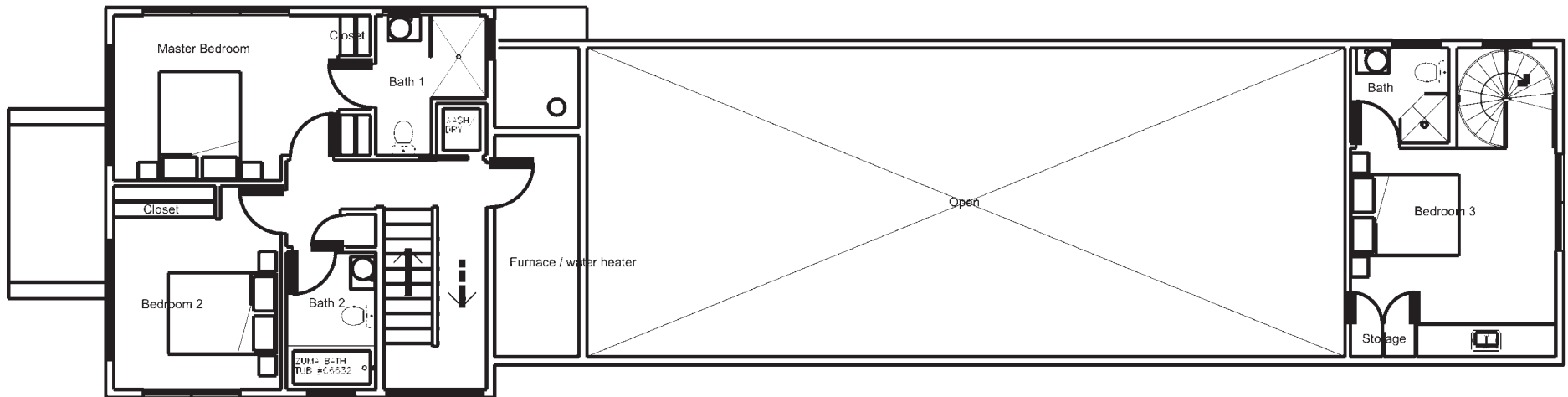
Owner/Applicant: **HODGE**

File Numbers: **PLN 2008-00380**

Attachment: **D.2**

# ORIGINAL PROPOSAL

(AS CONSIDERED BY THE PLANNING COMMISSION)



## Second Floor Plan

### San Mateo County Board of Supervisors Meeting

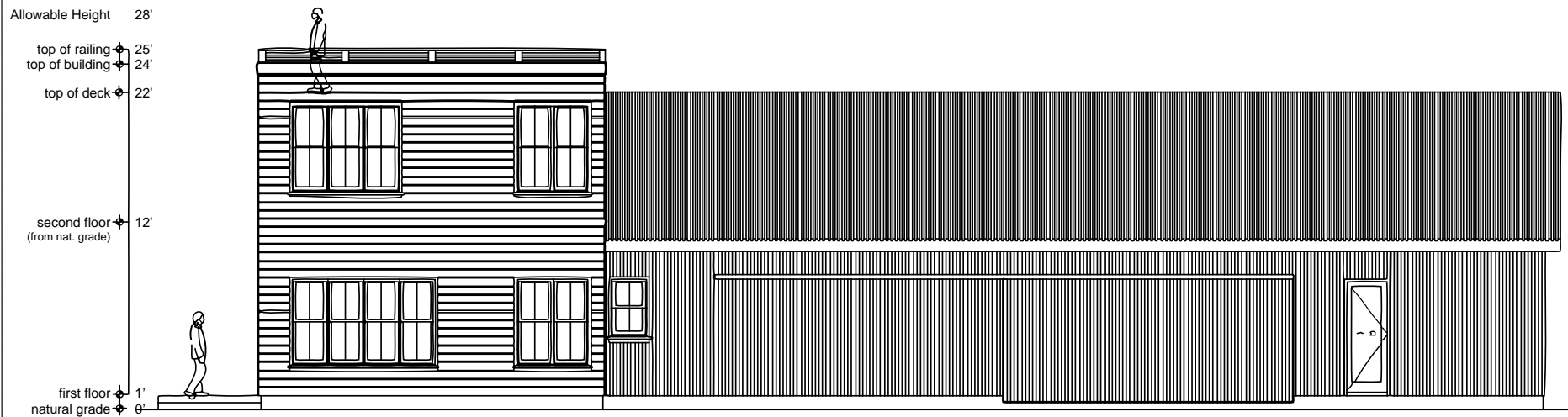
Owner/Applicant: **HODGE**

Attachment: **D.2**

File Numbers: **PLN 2008-00380**

# ORIGINAL PROPOSAL

(AS CONSIDERED BY THE PLANNING COMMISSION)



## South Elevation

### San Mateo County Board of Supervisors Meeting

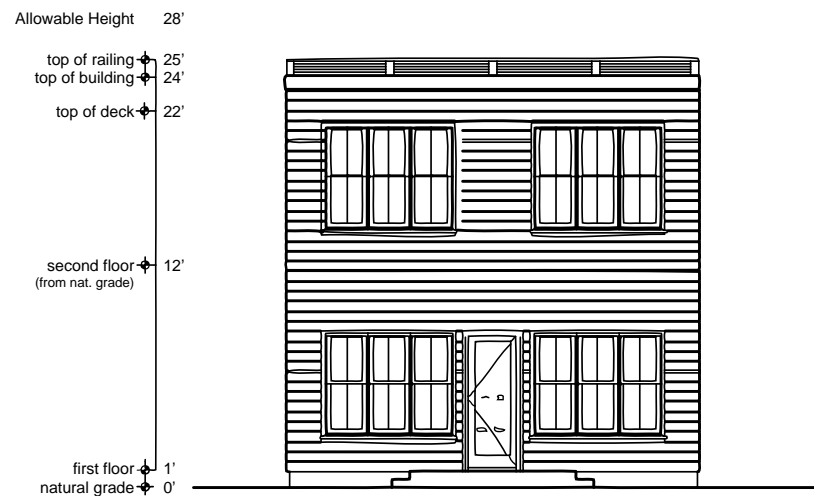
Owner/Applicant: **HODGE**

Attachment: **D.3**

File Numbers: **PLN 2008-00380**

# ORIGINAL PROPOSAL

(AS CONSIDERED BY THE PLANNING COMMISSION)



## West Elevation

### San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

Attachment: **D.3**

File Numbers: **PLN 2008-00380**

# ORIGINAL PROPOSAL

(AS CONSIDERED BY THE PLANNING COMMISSION)

Fireplace chimney  
smooth plaster finish w/metal chase cap

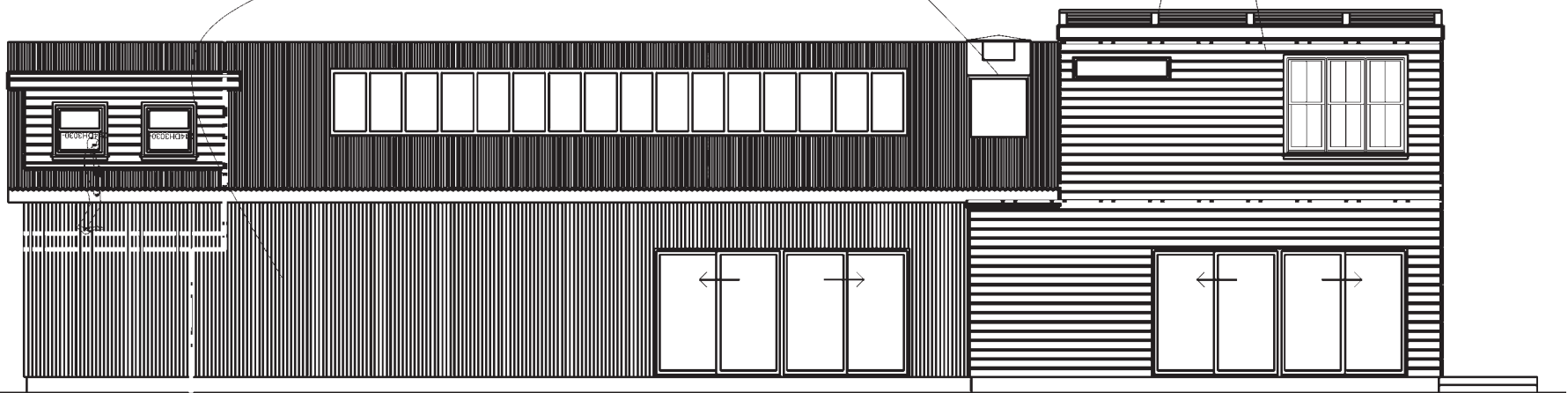
Corrugated metal roof and barn siding  
w/"Gavalume" non-reflective finish

Dutch-lap siding (wood) painted on house

All trellis parts and related trim, railings, and fence posts will be  
western red cedar.

1x2 window and door trim(typ)

Windows are casement or double hung sash  
Doors are french style patio or slide glass  
(All doors and windows are Anderson Windows or equivalent)



## North Elevation

### San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

Attachment: **D.3**

File Numbers: **PLN 2008-00380**

# ORIGINAL PROPOSAL

(AS CONSIDERED BY THE PLANNING COMMISSION)



## East Elevation

# San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

Attachment: **D.3**

File Numbers: **PLN 2008-00380**



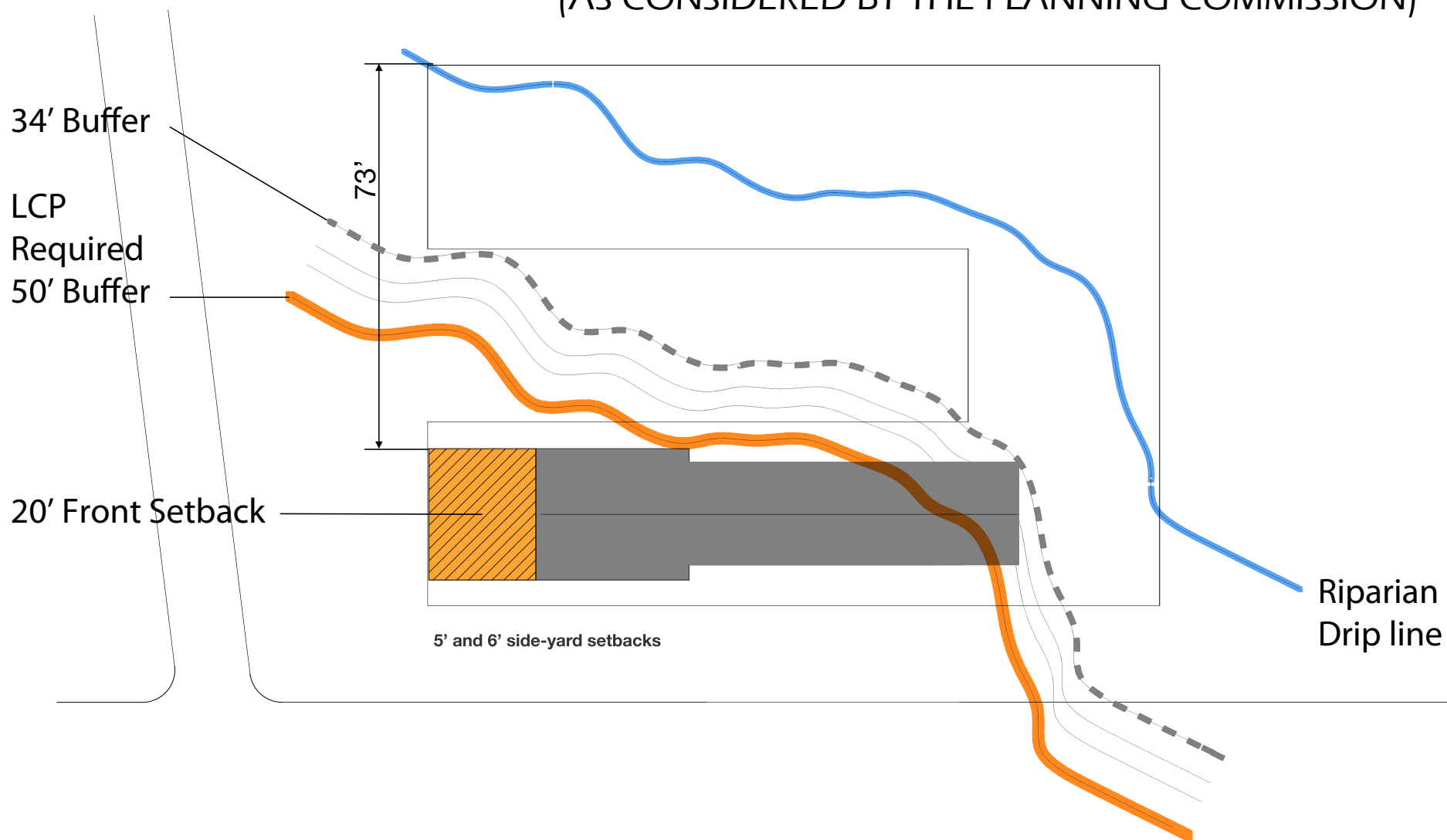


**County of San Mateo - Planning and Building Department**

# **ATTACHMENT '9**

# ORIGINAL PROPOSAL

(AS CONSIDERED BY THE PLANNING COMMISSION)



## San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

Attachment: **E**

File Numbers: **PLN 2008-00380**

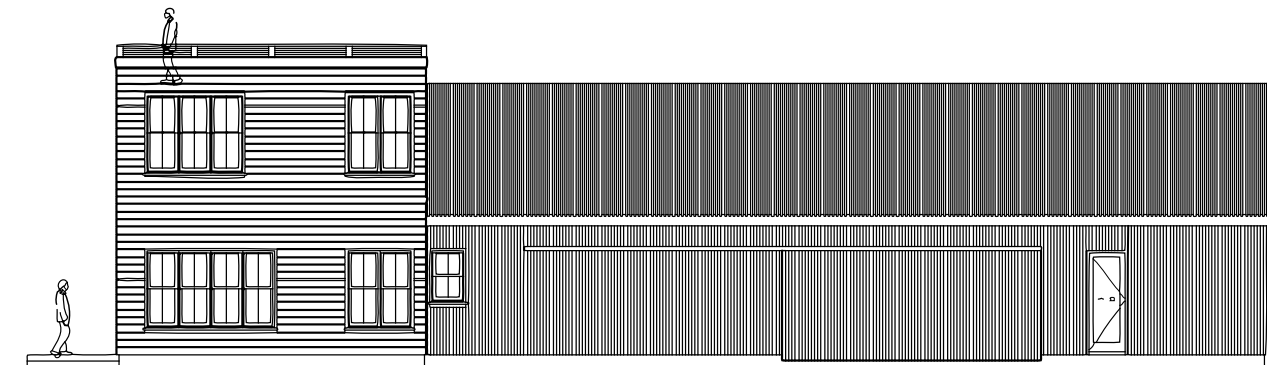
**Lot Coverage**

- House (w/garage) 1,776 sq. ft
- Lot area 10,800 sq. ft
- % Lot 16.4%

**Floor Area**

- 1st Floor (w/garage) 1,776 sq. ft
- 2nd Floor 836 sq. ft

Total floor area (w/garage) 2,612 sq. ft



# **ORIGINAL PROPOSAL**

(AS CONSIDERED BY THE PLANNING COMMISSION)

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

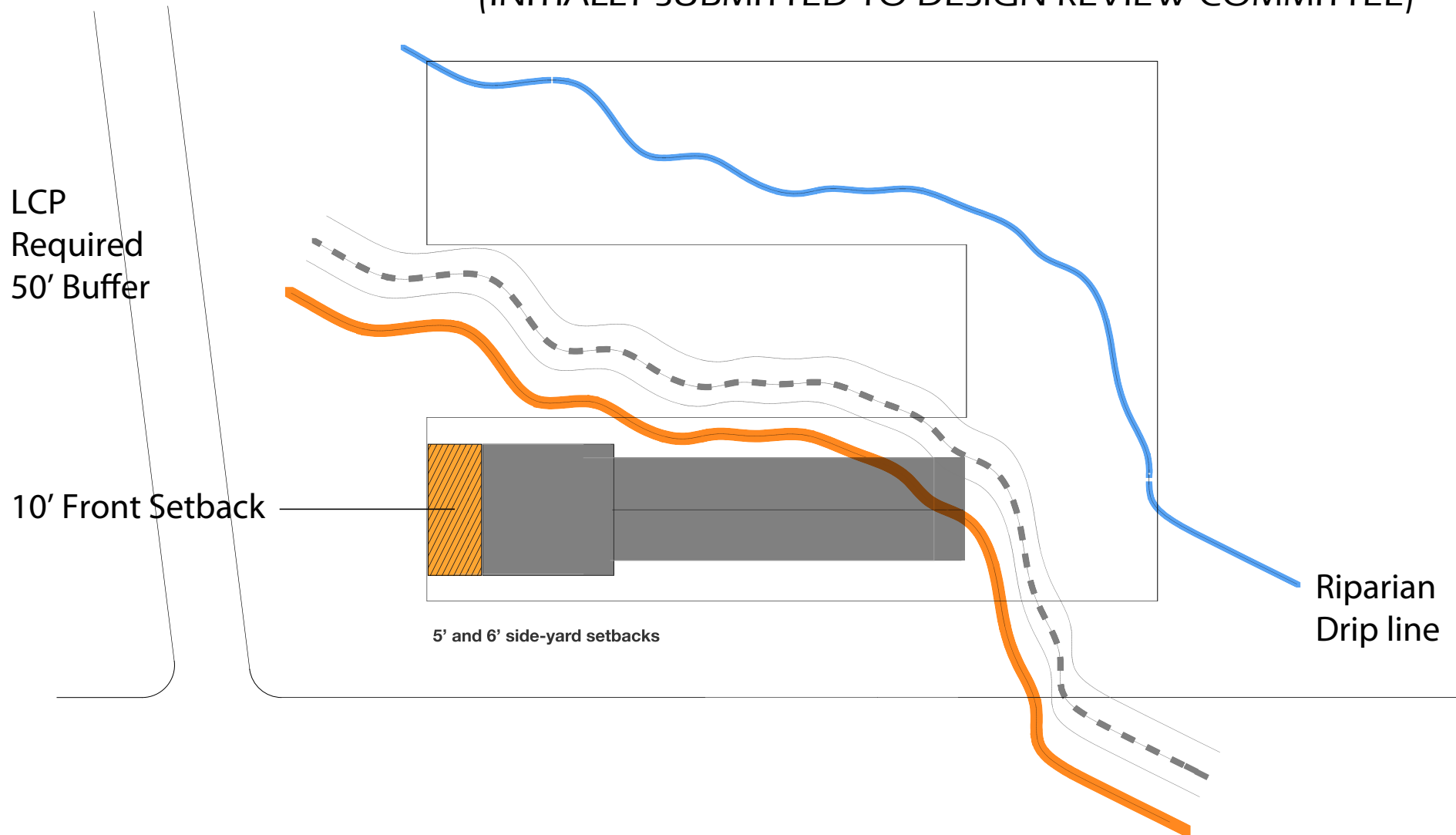
Owner/Applicant: **HODGE**

Attachment: **E**

File Numbers: **PLN 2008-00380**

# ALTERNATE 1

(INITIALLY SUBMITTED TO DESIGN REVIEW COMMITTEE)



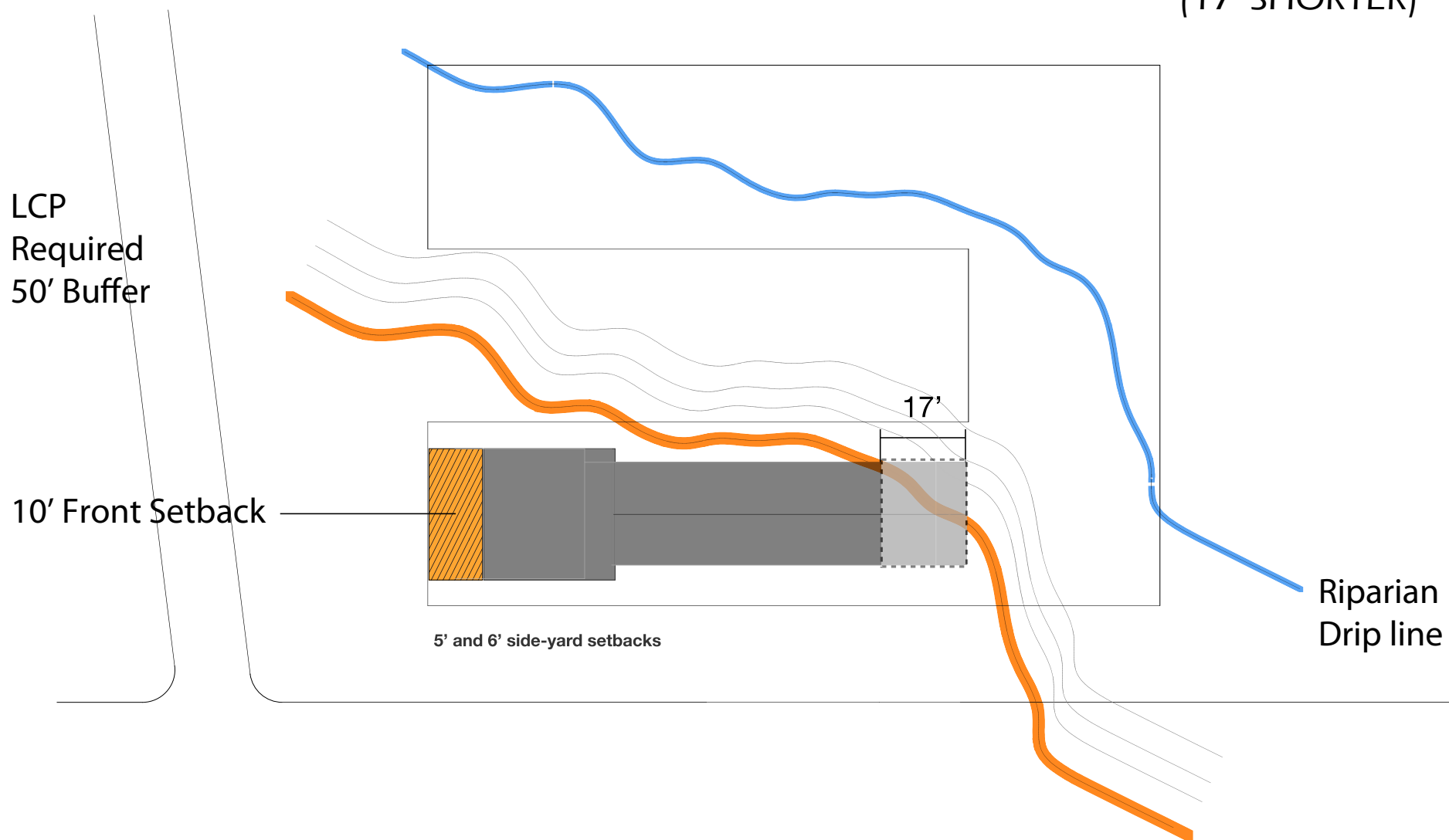
## San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

Attachment: **E.1**

File Numbers: **PLN 2008-00380**

## ALTERNATE 2 (17' SHORTER)



### San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

Attachment: **E.2**

File Numbers: **PLN 2008-00380**

**Lot Coverage**

- House (w/garage) 1,654 sq. ft
- Lot area 10,800 sq. ft
- % Lot 15.3%

**Floor Area**

- 1st Floor (w/garage) 1,1654 sq. ft
- 2nd Floor 576 sq. ft

Total floor area (w/garage) 2,230 sq. ft



## **ALTERNATE 2**

(17' SHORTER)

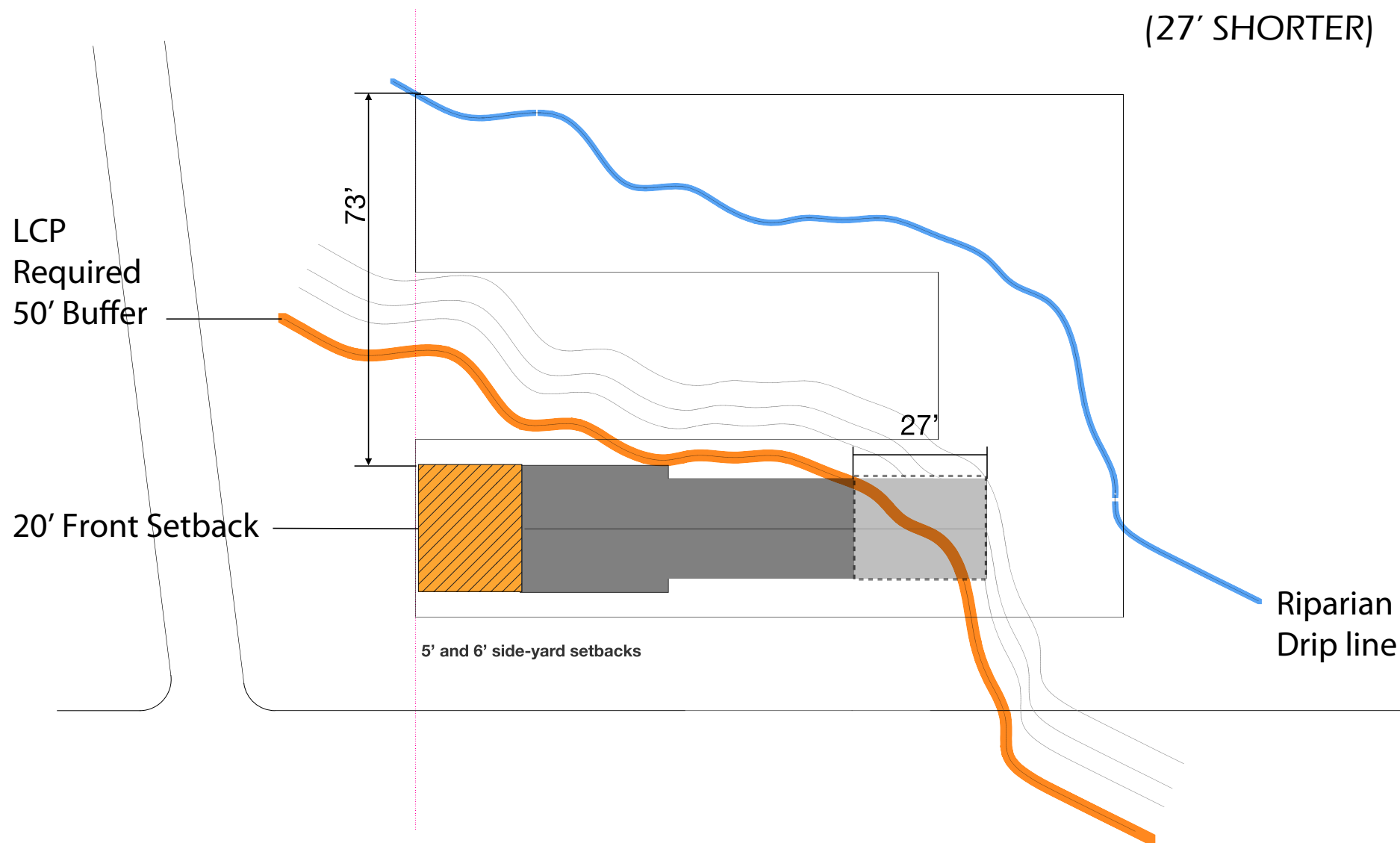
### **San Mateo County Board of Supervisors Meeting**

Owner/Applicant: **HODGE**

File Numbers: **PLN 2008-00380**

Attachment: **E.2**

## ALTERNATE 3 (27' SHORTER)



### San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

Attachment: **E.3**

File Numbers: **PLN 2008-00380**

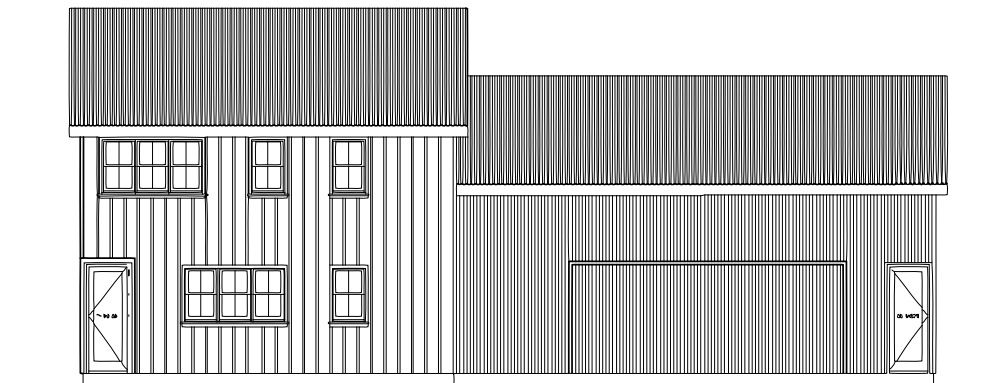
### Lot Coverage

- House (w/garage) 1,414 sq. ft
- Lot area 10,800 sq. ft
- % Lot 13.0%

### Floor Area

- 1st Floor (w/garage) 1,414 sq. ft
- 2nd Floor 667 sq. ft

Total floor area (w/garage) 2,081 sq. ft



## ALTERNATIVE 3 (27' SHORTER)

### San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

Attachment: **E.3**

File Numbers: **PLN 2008-00380**



# **ALTERNATE 3**

(NEW EXTERIOR HIP ROOF)



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

Owner/Applicant: **HODGE**

Attachment: **E.3**

File Numbers: **PLN 2008-00380**

# **ALTERNATE 3**

(NEW EXTERIOR HIP ROOF)



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

Owner/Applicant: **HODGE**

Attachment: **E.3**

File Numbers: **PLN 2008-00380**



**County of San Mateo - Planning and Building Department**

**ATTACHMENT :**





## County of San Mateo

### Planning & Building Department

455 County Center, 2nd Floor

Redwood City, California 94063

650/363-4161 Fax: 650/363-4849

Mail Drop PLN122

plngbldg@co.sanmateo.ca.us

www.co.sanmateo.ca.us/planning

April 15, 2011

David and Hi-Jin Hodge  
100 Coronado Avenue  
Half Moon Bay, CA 94019

Dear Mr. and Mrs. Hodge:

Subject: **LETTER OF DECISION**  
File Number: PLN2008-00380  
Location: 97 Alameda Avenue, Half Moon Bay  
APN: 048-016-010

On April 13, 2011, the San Mateo County Planning Commission considered your application for a Variance, Coastal Development Permit and Coastsides Design Review, pursuant to Sections 6531, 6328.4 and 6565.1, respectively, of the San Mateo County Zoning Regulations, and certification of a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act (CEQA), for a new 2,692 sq. ft. single-family residence with attached two-car garage, with side yard setbacks of five (5) to seven (7) feet, where a 10-foot minimum side yard setback is otherwise required, at 97 Alameda Avenue, in the unincorporated Miramar area of San Mateo County. No trees are proposed for removal. This project is appealable to the California Coastal Commission.

Based on information provided by staff and other evidence presented at the hearing, the Planning Commission denied this project (Vote 4-1) based on the following findings.

#### **FINDINGS**

##### Regarding the Coastal Development Permit, Found:

1. That the project, as described in the application and accompanying materials required by Section 6328.7 does not conform with the plans, policies, requirements and standards of the San Mateo County LCP.
2. That the project does not conform to the specific findings required by the policies of the LCP.

Regarding the Coastsides Design Review, Found:

3. That the project is not in compliance with the Design Review Standards for the Coastsides.

Regarding the Variance, Found:

4. That the parcel's location, size, shape, topography and/or other physical conditions do not vary substantially from those of other parcels in the same zoning district or vicinity.
5. That without the variance, the landowner would not be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity.
6. That the variance would grant the landowner a special privilege, which is inconsistent with the restrictions, placed on other parcels in the same zoning district or vicinity.
7. That the variance is not necessary to authorize only uses or activities, which are permitted by the zoning district.
8. That the variance is not consistent with the objectives of the General Plan and the Zoning Regulations.

This Planning Commission denial is appealable to the Board of Supervisors. If approved by the Board of Supervisors, that decision is appealable to the California Coastal Commission. Any aggrieved person who has exhausted local appeals may appeal a decision of approval by the Board of Supervisors to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the Board decision. Please contact the Coastal Commission's North Central Coast District Office at 415/904-5260 for further information concerning the Coastal Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month.

Mr. and Mrs. Hodge  
April 15, 2011  
Page 3

If you have questions regarding this matter, please contact Dave Holbrook, Project Planner, at 650/363-1837.

Sincerely,

Rosario Fernandez  
Planning Commission Secretary  
Pcd0413V\_rf (HodgeVariance).doc

cc: Lennie Roberts  
Leonard Woren  
Mark Moulton  
Jeff Dreier  
Evy Smith  
Bill Kehoe  
Leonard Woren  
Yvonne Bedor  
Lennie Roberts  
Dave Byers

Enclosure: San Mateo County Survey - An online version of our Customer Survey is also available at: <http://www.co.sanmateo.ca.us/planning/survey>



**County of San Mateo - Planning and Building Department**

**ATTACHMENT ;**

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

**NOTICE OF INTENT TO ADOPT  
NEGATIVE DECLARATION**

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: *Single-Family Residence*, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2008-00380

OWNERS/APPLICANTS: David and Hi-Jin Hodge

ASSESSOR'S PARCEL NO.: 048-016-010

PROJECT DESCRIPTION AND LOCATION

*NOTE: This mitigated Negative Declaration (N/D) is a revised version of the document that underwent the required 21-day circulation period (January 21 through February 10, 2010), and originally included both the project described below and the legalization of unpermitted land clearing on the same parcel as well as an adjacent parcel owned by the County Parks Department. Each of those projects was then and continues to be considered under separate Planning cases: PLN 2008-00380 (for the new residence) and PLN 2009-00358 (for the unpermitted land clearing). At their hearing of February 23, 2011, the Planning Commission requested that prior to acting on either case, the original N/D document be separated into two separate N/Ds, relative to each of the cited Planning cases. This allows the Commission to potentially certify the N/D specific to either project should they decide to approve either project without the other. County Counsel, upon review of CEQA law, concluded that this was feasible - without requiring recirculation of the two documents - because segregating the original N/D and its analysis into two N/Ds represented no substantial revision to the original N/D's conclusion regarding environmental impacts and associated mitigation measures respective to each project. In doing so, staff concludes that each project's respective impacts are not significantly different than as represented in the original N/D.*

The applicant is proposing a new 2,692 sq. ft., two-story, single-family residence with an attached two-car garage on a 10,800 sq. ft. parcel within the R-1/S-94/DR/CD District in the unincorporated Miramar area of San Mateo County. The parcel is located on Magellan Avenue, west of Cabrillo Highway and immediately south of San Mateo County-owned park and open space land known as Mirada Surf. The area to the south of the subject parcel is zoned residential. Some properties are developed with single-family dwellings, while others are undeveloped. The subject parcel is in the shape of a "U", with the middle property under separate ownership. The proposed residence and second unit will be located on a portion of the parcel that runs parallel to Magellan Avenue and is furthest from the Mirada Surf property. The applicant is requesting a Variance to allow non-conforming side yard setbacks for the project on a section of the parcel whose width is 34 feet wide. No trees are proposed for removal.



As indicated in the NOTE above, a separate N/D for the unpermitted land clearing has been prepared and accompanies that project's permit application (PLN 2009-00358).

#### FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

The Current Planning Section has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that:

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.
5. In addition, the project will not:
  - a. Create impacts which have the potential to degrade the quality of the environment.
  - b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.
  - c. Create impacts for a project which are individually limited, but cumulatively considerable.
  - d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The County of San Mateo has, therefore, determined that the environmental impact of the project is insignificant.

MITIGATION MEASURES included in the project to avoid potentially significant effects:

**Mitigation Measure 1:** No development or construction shall occur within 50 feet of the edge of the willow riparian habitat, as mapped by WRA Environmental consultants. The new residence shall be allowed to encroach into the buffer by 18 feet, allowing for a total distance of 32 feet between the limit of riparian vegetation and the rear of the new residence. Prior to the issuance of a building permit for the proposed residence and attached second unit, the applicant shall delineate the approved 32-foot buffer zone from the edge of the willow riparian habitat with visible fencing and shall verify that the construction location is outside of the buffer zone.

**Mitigation Measure 2:** Prior to the beginning of any construction or grading activities, the applicant shall implement the approved erosion and sediment control plan. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent

sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including:

- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
- b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
- c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
- d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
- e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
- g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- h. Performing clearing and earth-moving activities only during dry weather.
- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilizing designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction best management practices.
- m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.

**Mitigation Measure 3:** The applicant is responsible for ensuring that all contractors are aware of all stormwater quality measures and implement such measures. Failure to comply with the construction BMPs will result in the issuance of 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 to a designated, effective infiltration area or structure (refer to BMPs Handbook for infiltration system designs and requirements).

**Mitigation Measure 4:** The applicant shall submit a final landscaping plan for the parcel at the time of the building permit application for review and approval by the Planning Department. The landscaping plan shall be designed in collaboration with a qualified biologist (WRA or other qualified environmental consultant group) and landscape architect to ensure the planting of native vegetation. Such professionals shall include their recommendations on plant species, density and location of new vegetation on the landscaping plan. Prior to final Planning approval of the building permit for this project, the applicant shall submit written verification from the applicant's consultants that the recommended vegetation was planted pursuant to the recommendations shown on the submitted landscaping plan. In addition, photos of the completed landscaping shall be submitted to the Planning Department to verify that the approved landscaping plan has been implemented.

**Mitigation Measure 5:** The applicant shall submit a \$2,000.00 Certificate of Deposit (COD) to the Planning Department to ensure the implementation and maturation of the landscaping plan. The COD shall be held for a period of two (2) years after final approval by the Building Inspection Section of the associated building permit. At the end of the two-year period, the applicant shall confirm that all implemented landscaping is thriving and that any dead plantings have been replaced in like-kind. Upon verification, the COD shall be returned to the applicant.

**Mitigation Measure 6:** No trees are permitted to be removed as part of this approval. If any tree is proposed for removal, the applicant shall be required to obtain approval of a tree removal permit for the proposed removal of any tree with a diameter greater than 12 inches as measured 4.5 feet above the ground.

**Mitigation Measure 7:** The only permitted uses within the buffer zone for the riparian area on the property shall be pursuant to Policies 7.9 (Permitted Uses in Riparian Corridors) and 7.12 (Permitted Uses in Buffer Zones) of the San Mateo County Local Coastal Program (LCP). All other uses shall be prohibited.

**Mitigation Measure 8:** The applicant shall implement erosion control measures prior to the beginning of grading or construction operations. Such activities shall not commence until the associated building permit for the project has been issued. Revegetation of denuded areas shall begin immediately upon completion of grading/construction operations.

**Mitigation Measure 9:** The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project.

**Mitigation Measure 10:** The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.

**Mitigation Measure 11:** To reduce the impact of construction activities on neighboring properties, the applicant shall comply with the following:

- a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
- b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
- c. The applicant shall ensure that no construction related vehicles will impede traffic along the right-of-way on Cabrillo Highway, Magellan Avenue and/or Alameda Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Cabrillo Highway, Magellan Avenue and/or Alameda Avenue. There shall be no storage of construction vehicles in the public right-of-way.

**Mitigation Measure 12:** Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity 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.

**Mitigation Measure 13:** The project shall be constructed in compliance with the plans approved by the Coastsides Design Review Committee on May 14, 2009. Any changes or revisions to the approved plans shall be submitted to the Coastsides Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Coastsides Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Coastsides Design Review Officer may refer consideration of the revisions to the Coastsides Design Review Committee, with applicable fees to be paid.

**Mitigation Measure 14:** The applicant shall indicate on the plans submitted for a building permit, as stipulated by the Coastsides Design Review Committee, that tree heights shall be maintained to grow no taller than the structure's roof.

**Mitigation Measure 15:** 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.

- a. 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.
- b. This 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).
- c. 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.
- d. 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).
- e. 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 a 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.
- f. 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.

**Mitigation Measure 16:** 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.

**Mitigation Measure 17:** The exterior color samples submitted to the Committee are recommended for approval. Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.

**Mitigation Measure 18:** The downward lighting fixture cut sheet submitted to the Coastsides Design Review Committee is approved. Verification shall occur in the field after installation but before a final inspection has been scheduled.

**Mitigation Measure 19:** The applicant shall ensure that during construction, noise, light, dust, odors and other interference with persons and property off the development site be minimized.

**INITIAL STUDY**

The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

**REVIEW PERIOD:** January 21, 2010 to February 10, 2010

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., February 10, 2010.**

**CONTACT PERSON**

Stephanie Skangos  
Project Planner, 650/363-1814

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Stephanie Skangos, Project Planner

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(01/11/2007)

County of San Mateo  
Planning and Building Department

**INITIAL STUDY**  
**ENVIRONMENTAL EVALUATION CHECKLIST**  
(To Be Completed By Current Planning Section)

**I. BACKGROUND**

Project Title: Single-Family Residence

File No.: PLN 2008-00380

Project Location: 97 Alameda Avenue, Miramar

Assessor's Parcel No.: 048-016-010

Applicants/Owners: David and Hi-Jin Hodge

Date Environmental Information Form Submitted: November 4, 2008

**PROJECT DESCRIPTION**

The applicant is proposing a new 2,692 sq. ft., two-story, single-family residence with an attached two-car garage on a 10,800 sq. ft. parcel within the R-1/S-94/DR/CD District in the unincorporated Miramar area of San Mateo County. The parcel is located on Magellan Avenue, west of Cabrillo Highway and immediately south of San Mateo County-owned park and open space land known as Mirada Surf. The area to the south of the subject parcel is zoned residential. Some properties are developed with single-family dwellings, while others are undeveloped. The subject parcel is in the shape of a "U", with the middle property under separate ownership. The proposed residence and second unit will be located on a portion of the parcel that runs parallel to Magellan Avenue and is furthest from the Mirada Surf property. The applicant is requesting a Variance to allow non-conforming side yard setbacks for the project on a section of the parcel whose width is 34 feet wide. No trees are proposed for removal.

## II. ENVIRONMENTAL ANALYSIS

Any controversial answers or answers needing clarification are explained on an attached sheet. For source, refer to pages 11 and 12.

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
<b>1. <u>LAND SUITABILITY AND GEOLOGY</u></b>  Will (or could) this project:						
a. Involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay?			X			B,F,O
b. Involve construction on slope of 15% or greater?	X					E,I
c. Be located in an area of soil instability (subsidence, landslide or severe erosion)?	X					Bc,D
d. Be located on, or adjacent to a known earthquake fault?	X					Bc,D
e. Involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?	X					M
f. Cause erosion or siltation?			X			M,I
g. Result in damage to soil capability or loss of agricultural land?	X					A,M
h. Be located within a flood hazard area?	X					G
i. Be located in an area where a high water table may adversely affect land use?	X					D
j. Affect a natural drainage channel or streambed, or watercourse?			X			E



	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
<b>2. <u>VEGETATION AND WILDLIFE</u></b>  Will (or could) this project:						
a. Affect federal or state listed rare or endangered species of plant life in the project area?	X					F
b. Involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance?	X					I,A
c. Be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species?	X					F
d. Significantly affect fish, wildlife, reptiles, or plant life?			X			I
e. Be located inside or within 200 feet of a marine or wildlife reserve?	X					E,F,O
f. Infringe on any sensitive habitats?			X			F
g. Involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone?		X				I,F,Bb
<b>3. <u>PHYSICAL RESOURCES</u></b>  Will (or could) this project:						
a. Result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or topsoil)?	X					I

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
b. Involve grading in excess of 150 cubic yards?		X				I
c. Involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement?	X					I
d. Affect any existing or potential agricultural uses?	X					A,K,M
4. <u>AIR QUALITY, WATER QUALITY, SONIC</u>  Will (or could) this project:						
a. Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?			X			I,N,R
b. Involve the burning of any material, including brush, trees and construction materials?	X					I
c. Be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction?	X					Ba,I
d. Involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material?	X					I
e. Be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard?		X				A,Ba,Bc
f. Generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?			X			I

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
g. Generate polluted or increased surface water runoff or affect groundwater resources?			X			I
h. Require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system which is at or over capacity?	X					S
<b>5. <u>TRANSPORTATION</u></b>  Will (or could) this project:						
a. Affect access to commercial establishments, schools, parks, etc.?	X					A,I
b. Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?	X					A,I
c. Result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?	X					I
d. Involve the use of off-road vehicles of any kind (such as trail bikes)?	X					I
e. Result in or increase traffic hazards?		X				S
f. Provide for alternative transportation amenities such as bike racks?	X					I
g. Generate traffic which will adversely affect the traffic carrying capacity of any roadway?	X					S

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
<b>6. <u>LAND USE AND GENERAL PLANS</u></b>  Will (or could) this project:						
a. Result in the congregating of more than 50 people on a regular basis?	X					I
b. Result in the introduction of activities not currently found within the community?	X					I
c. Employ equipment which could interfere with existing communication and/or defense systems?	X					I
d. Result in any changes in land use, either on or off the project site?	X					I
e. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?		X				I,Q,S
f. Adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site?	X					I,S
g. Generate any demands that will cause a public facility or utility to reach or exceed its capacity?	X					I,S
h. Be adjacent to or within 500 feet of an existing or planned public facility?		X				A

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
i. Create significant amounts of solid waste or litter?	X					I
j. Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)?	X					I
k. Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?		X				B
l. Involve a change of zoning?	X					C
m. Require the relocation of people or businesses?	X					I
n. Reduce the supply of low-income housing?	X					I
o. Result in possible interference with an emergency response plan or emergency evacuation plan?	X					S
p. Result in creation of or exposure to a potential health hazard?	X					S
<b>7. <u>AESTHETIC, CULTURAL AND HISTORIC</u></b>  Will (or could) this project:						
a. Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?			X			A,Bb
b. Obstruct scenic views from existing residential areas, public lands, public water body, or roads?			X			A,I
c. Involve the construction of buildings or structures in excess of three stories or 36 feet in height?	X					I

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
d. Directly or indirectly affect historical or archaeological resources on or near the site?	X					H
e. Visually intrude into an area having natural scenic qualities?			X			A,I

**III. RESPONSIBLE AGENCIES.** Check what agency has permit authority or other approval for the project.

AGENCY	YES	NO	TYPE OF APPROVAL
U.S. Army Corps of Engineers (CE)		X	
State Water Resources Control Board		X	
Regional Water Quality Control Board		X	
State Department of Public Health		X	
San Francisco Bay Conservation and Development Commission (BCDC)		X	
U.S. Environmental Protection Agency (EPA)		X	
County Airport Land Use Commission (ALUC)		X	
CalTrans		X	
Bay Area Air Quality Management District		X	
U.S. Fish and Wildlife Service		X	
Coastal Commission	X		Appeals Jurisdiction
City		X	
Sewer/Water District: Granada Sanitary District/Coastside County Water District	X		Sewer Permit, Water Permit
Other:			

#### IV. MITIGATION MEASURES

	<u>Yes</u>	<u>No</u>
Mitigation measures have been proposed in project application.	<u>X</u>	<u>          </u>
Other mitigation measures are needed.	<u>X</u>	<u>          </u>

The following measures are included in the project plans or proposals pursuant to Section 15070(b)(1) of the State CEQA Guidelines:

**Mitigation Measure 1:** No development or construction shall occur within 50 feet of the edge of the willow riparian habitat, as mapped by WRA Environmental consultants. The new residence shall be allowed to encroach into the buffer by 18 feet, allowing for a total distance of 32 feet between the limit of riparian vegetation and the rear of the new residence. Prior to the issuance of a building permit for the proposed residence and attached second unit, the applicant shall delineate the approved 32-foot buffer zone from the edge of the willow riparian habitat with visible fencing and shall verify that the construction location is outside of the buffer zone.

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- a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
- b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
- c. The applicant shall ensure that no construction related vehicles will impede traffic along the right-of-way on Cabrillo Highway, Magellan Avenue and/or Alameda Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Cabrillo Highway, Magellan Avenue and/or Alameda Avenue. There shall be no storage of construction vehicles in the public right-of-way.

**Mitigation Measure 12:** Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity 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.

**Mitigation Measure 13:** The project shall be constructed in compliance with the plans approved by the Coastsides Design Review Committee on May 14, 2009. Any changes or revisions to the approved plans shall be submitted to the Coastsides Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Coastsides Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Coastsides Design Review Officer may refer consideration of the revisions to the Coastsides Design Review Committee, with applicable fees to be paid.

**Mitigation Measure 14:** The applicant shall indicate on the plans submitted for a building permit, as stipulated by the Coastsides Design Review Committee, that tree heights shall be maintained to grow no taller than the structure's roof.

**Mitigation Measure 15:** 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.

- a. 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.
- b. This 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).

- c. 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.
- d. 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).
- e. 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 a 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.
- f. 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.

**Mitigation Measure 16:** 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.

**Mitigation Measure 17:** The exterior color samples submitted to the Committee are recommended for approval. Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.

**Mitigation Measure 18:** The downward lighting fixture cut sheet submitted to the Coastsides Design Review Committee is approved. Verification shall occur in the field after installation but before a final inspection has been scheduled.

**Mitigation Measure 19:** The applicant shall ensure that during construction, noise, light, dust, odors and other interference with persons and property off the development site be minimized.

**V. MANDATORY FINDINGS OF SIGNIFICANCE**

	Yes	No
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X
2. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?		X
3. Does the project have possible environmental effects which are individually limited, but cumulatively considerable?		X
4. Would the project cause substantial adverse effects on human beings, either directly or indirectly?		X

On the basis of this initial evaluation:

\_\_\_\_\_ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Current Planning Section.

\_\_\_\_\_ X I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because of the mitigation measures in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.

\_\_\_\_\_ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

\_\_\_\_\_  
Stephanie Skangos

\_\_\_\_\_  
Project Planner  
(Title)

\_\_\_\_\_  
Date

## VI. SOURCE LIST

- A. Field Inspection
- B. County General Plan 1986
  - a. General Plan Chapters 1-16
  - b. Local Coastal Program (LCP) (Area Plan)
  - c. Skyline Area General Plan Amendment
  - d. Montara-Moss Beach-El Granada Community Plan
  - e. Emerald Lake Hills Community Plan
- C. County Ordinance Code
- D. Geotechnical Maps
  - 1. USGS Basic Data Contributions
    - a. #43 Landslide Susceptibility
    - b. #44 Active Faults
    - c. #45 High Water Table
  - 2. Geotechnical Hazards Synthesis Maps
- E. USGS Quadrangle Maps, San Mateo County 1970 Series (See F. and H.)
- F. San Mateo County Rare and Endangered Species Maps, or Sensitive Habitats Maps
- G. Flood Insurance Rate Map – National Flood Insurance Program
- H. County Archaeologic Resource Inventory (Prepared by S. Dietz, A.C.R.S.) Procedures for Protection of Historic and Cultural Properties – 36 CFR 800 (See R.)
- I. Project Plans or EIF
- J. Airport Land Use Committee Plans, San Mateo County Airports Plan
- K. Aerial Photography or Real Estate Atlas – REDI
  - 1. Aerial Photographs, 1941, 1953, 1956, 1960, 1963, 1970
  - 2. Aerial Photographs, 1981
  - 3. Coast Aerial Photos/Slides, San Francisco County Line to Año Nuevo Point, 1971
  - 4. Historic Photos, 1928-1937

- L. Williamson Act Maps
- M. Soil Survey, San Mateo Area, U.S. Department of Agriculture, May 1961
- N. Air Pollution Isopleth Maps – Bay Area Air Pollution Control District
- O. California Natural Areas Coordinating Council Maps (See F. and H.)
- P. Forest Resources Study (1971)
- Q. Experience with Other Projects of this Size and Nature
- R. Environmental Regulations and Standards:
  - Federal
    - Review Procedures for CDBG Programs 24 CFR Part 58
    - NEPA 24 CFR 1500-1508
    - Protection of Historic and Cultural Properties 36 CFR Part 800
    - National Register of Historic Places
    - Floodplain Management Executive Order 11988
    - Protection of Wetlands Executive Order 11990
    - Endangered and Threatened Species
    - Noise Abatement and Control 24 CFR Part 51B
    - Explosive and Flammable Operations 24 CFR 51C
    - Toxic Chemicals/Radioactive Materials HUD 79-33
    - Airport Clear Zones and APZ 24 CFR 51D
  - State
    - Ambient Air Quality Standards Article 4, Section 1092
    - Noise Insulation Standards
- S. Consultation with Departments and Agencies:
  - a. County Health Department
  - b. City Fire Department
  - c. California Department of Forestry
  - d. Department of Public Works
  - e. Disaster Preparedness Office
  - f. Other

**COUNTY OF SAN MATEO**  
Planning and Building Department

**Initial Study Pursuant to CEQA**  
**Project Narrative and Answers to Questions for Negative Declaration**  
**File Number: PLN 2008-00380**  
**Single-Family Residence**

**PROJECT DESCRIPTION**

***NOTE:** This mitigated Negative Declaration (N/D) is a revised version of the document that underwent the required 21-day circulation period (January 21 through February 10, 2010), and originally included both the project described below and the legalization of unpermitted land clearing on the same parcel as well as an adjacent parcel owned by the County Parks Department. Each of those projects was then and continues to be considered under separate Planning cases: PLN 2008-00380 (for the new residence) and PLN 2009-00358 (for the unpermitted land clearing). At their hearing of February 23, 2011, the Planning Commission requested that prior to acting on either case, the original N/D document be separated into two separate N/Ds, relative to each of the cited Planning cases. This allows the Commission to potentially certify the N/D specific to either project should they decide to approve either project without the other. County Counsel, upon review of CEQA law, concluded that this was feasible - without requiring recirculation of the two documents - because segregating the original N/D and its analysis into two N/Ds represented no substantial revision to the original N/D's conclusion regarding environmental impacts and associated mitigation measures respective to each project. In doing so, staff concludes that each project's respective impacts are not significantly different than as represented in the original N/D.*

The applicant is proposing a new 2,692 sq. ft., two-story, single-family residence with an attached two-car garage on a 10,800 sq. ft. parcel within the R-1/S-94/DR/CD District in the unincorporated Miramar area of San Mateo County. The parcel is located on Magellan Avenue, west of Cabrillo Highway and immediately south of San Mateo County-owned park and open space land known as Mirada Surf. The area to the south of the subject parcel is zoned residential. Some properties are developed with single-family dwellings, while others are undeveloped. The subject parcel is in the shape of a "U", with the middle property under separate ownership. The proposed residence and second unit will be located on a portion of the parcel that runs parallel to Magellan Avenue and is furthest from the Mirada Surf property. The applicant is requesting a Variance to allow non-conforming side yard setbacks for the project on a section of the parcel whose width is 34 feet wide. No trees are proposed for removal.

As indicated in the NOTE above, a separate N/D for the unpermitted land clearing has been prepared and accompanies that project's permit application (PLN 2009-00358).

**ANSWERS TO QUESTIONS**

**1. LAND SUITABILITY AND GEOLOGY**

- a. **Will (or could) this project involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay?**

## ***ANSWERS TO QUESTIONS***

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**Yes, Significant Unless Mitigated.** The parcel is located adjacent to an existing unnamed perennial creek that is surrounded by willow riparian habitat. The willow riparian habitat encroaches onto the northeast corner of the parcel. The proposed location of the new residence is set back 32 feet from the edge of the riparian habitat and approximately 80 feet from the perennial creek. There are no additional sensitive habitats on the parcel, as determined by a qualified biologist. The site is dominated primarily by sparsely vegetated ground, including ruderal herbaceous grassland, which does not qualify as a sensitive habitat nor provide suitable habitat for most special status plant and wildlife species. A biological study conducted in 2005 for the adjacent Mirada Surf Trail project (immediately north and west of the parcel) included the subject parcel. This report indicated that a seasonal wetland was in the vicinity of the subject parcel. Recent biological studies and reports completed by WRA Environmental Consultants (WRA) have determined that a wetland does not exist on the subject parcel, concluding that the area does not meet the definition of “wetland,” as defined by both the Army Corps of Engineers (ACOE) and the San Mateo County Local Coastal Program (LCP) (see Attachment D). The applicant is proposing a landscaping plan that introduces native vegetation onto the parcel. As such, the following mitigation measures are recommended to ensure that future impacts to the existing riparian habitat are avoided during and after construction:

**Mitigation Measure 1:** No development or construction shall occur within 50 feet of the edge of the willow riparian habitat, as mapped by WRA Environmental consultants. The new residence shall be allowed to encroach into the buffer by 18 feet, allowing for a total distance of 32 feet between the limit of riparian vegetation and the rear of the new residence. Prior to the issuance of a building permit for the proposed residence and attached second unit, the applicant shall delineate the approved 32-foot buffer zone from the edge of the willow riparian habitat with visible fencing and shall verify that the construction location is outside of the buffer zone.

**Mitigation Measure 2:** Prior to the beginning of any construction or grading activities, the applicant shall implement the approved erosion and sediment control plan. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including:

- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.

## ***ANSWERS TO QUESTIONS***

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- b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
- c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
- d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
- e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
- g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- h. Performing clearing and earth-moving activities only during dry weather.
- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilizing designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. The contractor shall train and provide instructions to all employees and sub-contractors regarding the construction best management practices.
- m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.

**Mitigation Measure 3:** The applicant is responsible for ensuring that all contractors are aware of all stormwater quality measures and implement such measures. Failure to comply with the construction BMPs will result in the issuance of correction notices, citations or a project stop order.



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- 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 to a designated, effective infiltration area or structure (refer to BMPs Handbook for infiltration system designs and requirements).

**Mitigation Measure 4:** The applicant shall submit a final landscaping plan for the parcel at the time of the building permit application for review and approval by the Planning Department. The landscaping plan shall be designed in collaboration with a qualified biologist (WRA or other qualified environmental consultant group) and landscape architect to ensure the planting of native vegetation. Such professionals shall include their recommendations on plant species, density and location of new vegetation on the landscaping plan. Prior to final Planning approval of the building permit for this project, the applicant shall submit written verification from the applicant's consultants that the recommended vegetation was planted pursuant to the recommendations shown on the submitted landscaping plan. In addition, photos of the completed landscaping shall be submitted to the Planning Department to verify that the approved landscaping plan has been implemented.

**Mitigation Measure 5:** The applicant shall submit a \$2,000.00 Certificate of Deposit (COD) to the Planning Department to ensure the implementation and maturation of the landscaping plan. The COD shall be held for a period of two (2) years after final approval by the Building Inspection Section of the associated building permit. At the end of the two-year period, the applicant shall confirm that all implemented landscaping is thriving and that any dead plantings have been replaced in like-kind. Upon verification, the COD shall be returned to the applicant.

**Mitigation Measure 6:** No trees are permitted to be removed as part of this approval. If any tree is proposed for removal, the applicant shall be required to obtain approval of a tree removal permit for the proposed removal of any tree with a diameter greater than 12 inches as measured 4.5 feet above the ground.

**Mitigation Measure 7:** The only permitted uses within the buffer zone for the riparian area on the property shall be pursuant to Policies 7.9 (*Permitted Uses in Riparian Corridors*) and 7.12 (*Permitted Uses in Buffer Zones*) of the San Mateo County Local Coastal Program (LCP). All other uses shall be prohibited.

- b. **Will (or could) this project involve construction on slopes of 15% or greater?**

## ***ANSWERS TO QUESTIONS***

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**No Impact.** The subject parcel is relatively flat, with an average slope of less than 15%.

- c. **Will (or could) this project be located in an area of soil instability (subsidence, landslide or severe erosion)?**

**No Impact.** The parcel has been designated as an area with Landslide Susceptibility I based on information gathered from the U.S. Geological Survey. Such areas have the lowest susceptibility to soil instability and a decreased potential for occurrences of a landslide.

- d. **Will (or could) this project be located on, or adjacent to, a known earthquake fault?**

**No Impact.** The project site is not located on or adjacent to a known earthquake fault. The Geotechnical Section will review the proposal when an application for the required building permit is submitted to verify that there are no geotechnical issues.

- e. **Will (or could) this project involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?**

**No Impact.** The project site is located on land that has been identified as having Class III soils; however, the parcel has been designated for residential use and is not intended for agricultural use or production. In addition, the immediate surroundings of the property are residential and County-owned park and open space land.

- f. **Will (or could) this project cause erosion or siltation?**

**Yes, Significant Unless Mitigated.** While minimal grading is proposed to implement the new residence, erosion and siltation are likely to occur during construction activities on the property. The following mitigation measures, in addition to Mitigation Measures 2 and 3 proposed in Question 1(a) above, are proposed to minimize any potential issues:

**Mitigation Measure 8:** The applicant shall implement erosion control measures prior to the beginning of grading or construction operations. Such activities shall not commence until the associated building permit for the project has been issued. Revegetation of denuded areas shall begin immediately upon completion of grading/construction operations.

**Mitigation Measure 9:** The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the

## ***ANSWERS TO QUESTIONS***

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discharge of pollutants with stormwater runoff and other water runoff produced from the project.

- g. Will (or could) this project result in damage to soil capability or loss of agricultural land?**

**No Impact.** Refer to staff's response to Question 1(e) above.

- h. Will (or could) this project be located within a flood hazard area?**

**No Impact.** The parcel has been designated as Flood Zone C, as defined by FEMA, which is an area of minimal potential flooding.

- i. Will (or could) this project be located in an area where a high water table may adversely affect land use?**

**No Impact.** There is no indication of the presence of a high water table in this area.

- j. Will (or could) this project affect a natural drainage channel or streambed, or watercourse?**

**Yes, Significant Unless Mitigated.** As discussed in the response to Question 1(a) above, the parcel is located adjacent to an existing perennial creek that is surrounded by willow riparian habitat. While the location of the proposed residence is set back 80 feet from the perennial creek and the subject parcel is relatively flat, it is possible that during and after construction, some stormwater runoff may be directed toward this area. Therefore, to prevent potential runoff into the perennial creek, the following mitigation measure is proposed, in addition to the mitigation measures discussed in the Answers to Questions 1(a) and 1(f) above.

**Mitigation Measure 10:** The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.

## **2. VEGETATION AND WILDLIFE**

- a. Will (or could) this project affect federal or state listed rare or endangered species of plant life in the project area?**

**No Impact.** The project will not affect federal or state listed rare or endangered species of plant life because the site is not located within a sensitive habitat area, as determined by review of the California Natural Diversity Database (CNDDB). Furthermore, the biological documents submitted for the project indicate that the

## ***ANSWERS TO QUESTIONS***

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project area does not provide suitable habitat for such plant species (see Attachment C).

- b. Will (or could) this project involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance?**

**No Impact.** No tree removal or tree topping is proposed or required as part of this project.

- c. Will (or could) this project be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species?**

**No Impact.** Based on review of the CNDDDB, the project site is not located within or adjacent to a mapped federal or state listed rare or endangered wildlife species. In addition, a qualified biologist has determined that the project area is not suitable for such habitats (see Attachment C).

- d. Will (or could) this project significantly affect fish, wildlife, reptiles, or plant life?**

**Yes, Significant Unless Mitigated.** Refer to staff's response to Question 1(a) above.

- e. Will (or could) this project be located inside or within 200 feet of a marine or wildlife reserve?**

**No Impact.** The proposed project is not located within 200 feet of a marine or wildlife reserve.

- f. Will (or could) this project infringe on any sensitive habitats?**

**Yes, Significant Unless Mitigated.** Refer to staff's response to Questions 1(a) and 2(d) above.

- g. Will (or could) this project involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone?**

**Yes, Not Significant.** The project site is located within a designated County Scenic Corridor. Implementation of the project may involve some minor land clearing in the location of the footprint for the new residence. As previously mentioned, a qualified biologist has determined that there are no sensitive habitats located on the project site other than the encroachment of an existing willow riparian habitat. The residence is

## ***ANSWERS TO QUESTIONS***

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to be located 32 feet from the edge of the riparian habitat, and, as such, will not cause a significant impact.

### **3. PHYSICAL RESOURCES**

- a. **Will (or could) this project result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or top soil)?**

**No Impact.** Based on review of the County General Plan, there are no mapped natural resources on the subject property that would be used for commercial purposes.

- b. **Will (or could) this project involve grading in excess of 150 cubic yards?**

**Yes, Not Significant.** The implementation of the new residence does not require grading in excess of 150 cubic yards, as the parcel is relatively flat. Therefore, any grading associated with implementation of the project would be minimal. Mitigation Measures 2 and 3 recommended above in Question 1(a) will ensure that any impacts from grading are not significant.

- c. **Will (or could) this project involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement?**

**No Impact.** The project property is currently not under the Williamson Act or an Open Space Easement.

- d. **Will (or could) this project affect any existing or potential agricultural uses?**

**No Impact.** Refer to staff's response to Question 1(e) above.

### **4. AIR QUALITY, WATER QUALITY, SONIC**

- a. **Will (or could) this project generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?**

**Yes, Significant Unless Mitigated.** While the project, once implemented, will not generate pollutants on-site or in the surrounding area, such pollutants may be generated temporarily during construction of the new residence. To help minimize any impact caused during construction, the mitigation measures proposed in Questions 1(a) and 1(f) above are recommended, as well as the following:

## ***ANSWERS TO QUESTIONS***

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**Mitigation Measure 11:** To reduce the impact of construction activities on neighboring properties, the applicant shall comply with the following:

- a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
- b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
- c. The applicant shall ensure that no construction related vehicles will impede traffic along the right-of-way on Cabrillo Highway, Magellan Avenue and/or Alameda Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Cabrillo Highway, Magellan Avenue and/or Alameda Avenue. There shall be no storage of construction vehicles in the public right-of-way.

- b. **Will (or could) this project involve the burning of any material, including brush, trees and construction materials?**

**No Impact.** The project does not involve the burning of any material.

- c. **Will (or could) this project be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction?**

**No Impact.** The project will not generate noise levels in excess of those currently existing in the area. The surrounding area is residential, and the addition of one single-family residence in this area would not increase noise levels.

- d. **Will (or could) this project involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material?**

**No Impact.** The project does not involve the application, use or disposal of potentially hazardous materials as the proposed project involves a new single-family residence.

- e. **Will (or could) this project be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard?**

## ***ANSWERS TO QUESTIONS***

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**Yes, Not Significant.** The subject property is located approximately 100 feet from the intersection of Cabrillo Highway and Magellan Avenue, within a mapped Noise Impact Area. This area is defined as experiencing a Community Noise Exposure Level (CNEL) of 60 or more. Noise levels may occasionally increase due to traffic along Cabrillo Highway. However, noise generated from traffic along this main corridor should be brief in nature and not significantly impact the project. Furthermore, the new residence will be located more than 130 feet from the Cabrillo Highway right-of-way and existing vegetation separates the highway from this proposed location. Therefore, any increase in noise levels along the highway would only slightly affect the project area, if at all.

- f. Will (or could) this project generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?**

**Yes, Significant Unless Mitigated.** While this project will not generate noise levels in excess of appropriate levels once implemented, during construction activities, increased noise levels may occur. However, noise sources associated with demolition, construction or grading of any real property are exempt from the County Noise Ordinance provided these activities occur during designated time frames. As such, the following mitigation measure is recommended:

**Mitigation Measure 12:** Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity 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.

- g. Will (or could) this project generate polluted or increased surface water runoff or affect groundwater resources?**

**Yes, Significant Unless Mitigated.** The addition of a new residence will increase the amount of impermeable surface on the property. Due to the increased impermeable surface, increased surface water runoff is inevitable. In order to reduce any negative impacts caused by increased surface runoff, the mitigation measures discussed in the Answers to Questions 1(a), 1(f) and 1(j) above are recommended.

- h. Will (or could) this project require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system, which is at or over capacity?**

**No Impact.** The project location is located within the Granada Sanitary District service area. The District has confirmed that there is an existing sewer mainline facility available to serve the proposed project and that it has sufficient sewer capacity. During the building permit phase of the project, the applicant will be

## ***ANSWERS TO QUESTIONS***

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required to secure a sewer permit from the District, and verify that a permit has been approved prior to issuance of the building permit.

### **5. TRANSPORTATION**

- a. **Will (or could) this project affect access to commercial establishments, schools, parks, etc.?**

**No Impact.** The subject parcel is located immediately south of County-owned park and open space land known as the Mirada Surf. The County Parks Department has recently completed the construction of a pedestrian and bike path through the Mirada Surf property. This path is part of a regional coastal trail intended to extend along the length of the San Mateo County coastline. The Mirada Surf Trail extends from Magellan Avenue to the intersection of Mirada Road and Cabrillo Highway, across from Coronado Avenue. The path access from Magellan Avenue is along an abandoned portion of Alameda Avenue that runs in front of the subject parcel. The parcel's front boundary line is approximately 33 feet away from the path. The proposed residence will be set back 20 feet from the front property line, allowing approximately 53 feet between the new residence and the Mirada Surf Trail. The applicant is proposing a cedar fence and landscaping to create a barrier between the middle property under separate ownership, Alameda Avenue and the pedestrian and bike path, and Magellan Avenue. In addition, both vehicular and pedestrian access to the subject property and new residence will be solely from Magellan Avenue. Therefore, the proposal does not affect access to the Mirada Surf property and trail. There are no commercial establishments or schools in the vicinity.

- b. **Will (or could) this project cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?**

**No Impact.** The proposed single-family residence will be located in a residential district and immediately south of County-owned park and open space land known as Mirada Surf. Pedestrian traffic is very common in the surrounding area due to the newly constructed pedestrian and bike path across the Mirada Surf property. Path access is obtained from Magellan Avenue, directly in front of the subject parcel. The addition of a residence and second unit in the area and the residents who will occupy the dwelling will not cause a noticeable increase in existing pedestrian traffic in the area.

- c. **Will (or could) this project result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?**

**No Impact.** As mentioned above, the proposed project is located in a residential district and immediately south of the Mirada Surf property. Vehicular traffic is common in the area as many users of the Mirada Surf Trail park in the area. Access



## ***ANSWERS TO QUESTIONS***

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to the proposed residence will be obtained off of Magellan Avenue, and the applicant is proposing sufficient parking on the property. The addition of a new residence may cause a slight increase in vehicular traffic in and around the area, but nothing that would result in noticeable changes in either vehicular traffic or volumes.

- d. **Will (or could) this project involve the use of off-road vehicles of any kind (such as trail bikes)?**

**No Impact.** The project does not involve the use of off-road vehicles.

- e. **Will (or could) this project result in or increase traffic hazards?**

**Yes, Not Significant.** During construction of the proposed project, an increase in traffic hazards in the area may occur. However, this will be temporary, and once implemented, the project itself would not result in or increase traffic hazards.

- f. **Will (or could) this project provide for alternative transportation amenities such as bike racks?**

**No Impact.** Alternative transportation amenities are not required as part of this project.

- g. **Will (or could) this project generate traffic that will adversely affect the traffic carrying capacity of any roadway?**

**No Impact.** The addition of the proposed single-family residence correlates with new occupants, and possibly guests, to the subject property, but this increase will not impact the traffic carrying capacity of any roadway.

## **6. LAND USE AND GENERAL PLANS**

- a. **Will (or could) this project result in the congregating of more than 50 people on a regular basis?**

**No Impact.** The proposed project would not result in the congregation of more than 50 people on a regular basis.

- b. **Will (or could) this project result in the introduction of activities not currently found within the community?**

**No Impact.** The proposed project would not result in the introduction of new activities in the area, as the surrounding area is residential and open space.

## ***ANSWERS TO QUESTIONS***

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- c. **Will (or could) this project employ equipment that could interfere with existing communication and/or defense systems?**

**No Impact.** The proposed project would not employ equipment that could interfere with existing communication and/or defense systems.

- d. **Will (or could) this project result in any changes in land use, either on or off the project site?**

**No Impact.** The project will not result in any changes in land use, as the area is designated for residential uses.

- e. **Will (or could) this project serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?**

**Yes, Not Significant.** The addition of a new residence on a vacant parcel designated for residential use will not encourage additional off-site development. While implementation of the proposed project would result in one new residential unit in the area, the location of the property in a residentially zoned district allows for such an increase. Further development of the property, other than accessory structures appurtenant to the main dwelling, is restricted. Therefore, any increase to the development intensity of the area is minimal.

- f. **Will (or could) this project adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site?**

**No Impact.** The proposed project would not adversely affect the capacity of any public utilities. Any use of public facilities and other public utilities would be minimal and similar to that of a standard single-family dwelling and associated residents.

- g. **Will (or could) this project generate any demands that will cause a public facility or utility to reach or exceed its capacity?**

**No Impact.** The proposed project may cause minimal demand on a public facility or utility, similar to that of a standard single-family dwelling, which would not cause either to reach or exceed its capacity.

- h. **Will (or could) this project be adjacent to or within 500 feet of an existing or planned public facility?**

**ANSWERS TO QUESTIONS**

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**Yes, Not Significant.** Refer to staff's response to Question 5(a) above.

- i. **Will (or could) this project create significant amounts of solid waste or litter?**

**No Impact.** The proposed project may result in slight amounts of solid waste or litter as a result of new residents in the area. However, the amount would be typical to that of any single-family residential family and would not be considered significant.

- j. **Will (or could) this project substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)?**

**No Impact.** The proposed project would not substantially increase fossil fuel consumption, as the amount of any consumption would be typical to that of any single-family residential family.

- k. **Will (or could) this project require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?**

**Yes, Not Significant.** The proposal does not comply with the minimum side yard setbacks as required by the County's Zoning Regulations. The parcel is located in the R-1/S-94 Zoning District, which requires a minimum side yard setback of 10 feet. The new residence is proposed to have side yard setbacks of 5 to 7 feet. Therefore, the applicant is requesting a Variance for the project, as revising the project to comply with the required side yard setbacks would not be feasible due to the "U" shape of the parcel and the 34-foot width of each side of the "U". In order to mitigate any potential negative effects caused by smaller side yards, the applicant is proposing cedar fencing and landscaping around the property.

- l. **Will (or could) this project involve a change of zoning?**

**No Impact.** The proposed project does not include or require a change in zoning.

- m. **Will (or could) this project require the relocation of people or businesses?**

**No Impact.** The proposal would not require the relocation of people or businesses.

- n. **Will (or could) this project reduce the supply of low-income housing?**

**No Impact.** The proposed project does not include or replace any low-income housing.

- o. **Will (or could) this project result in possible interference with an emergency response plan or emergency evacuation plan?**

## ***ANSWERS TO QUESTIONS***

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**No Impact.** The proposed project would not interfere with any emergency response or evacuation plans.

- p. **Will (or could) this project result in creation of or exposure to a potential health hazard?**

**No Impact.** The proposed project does not involve any activities that would result in the creation of or exposure to a potential health hazard.

### **7. AESTHETIC, CULTURAL AND HISTORIC**

- a. **Will (or could) this project be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?**

**Yes, Significant Unless Mitigated.** The proposed project site is located within the designated Cabrillo Highway County Scenic Corridor. This area has been designated as a scenic corridor because of the surrounding natural scenic views and qualities; therefore, it is likely that the project may cause some visual impact to the area. The project site is approximately 100 feet from Cabrillo Highway and separated from this main corridor by existing riparian willows. The existing vegetation helps create a visual barrier and minimize potential visual impacts on the scenic views and qualities of the surrounding area. In addition, the new residence will be constructed of colors and materials that are in compliance with the Coastsides Design Review District design guidelines. The architectural design of the structure also complies with the design guidelines, as determined by the Coastsides Design Review Committee at their May 14, 2009 meeting. The applicant is proposing new landscaping and cedar fencing to further minimize any impacts caused by implementation of the project on the visual quality and surrounding scenic views. The Coastsides Design Review Committee has reviewed the project and recommended its approval, subject to recommended conditions of approval that have been included as mitigation measures below. These mitigation measures, in addition to Mitigation Measures 4 and 5 recommended in Question 1(a) above, are proposed to minimize the visual intrusion into the scenic corridor and the surrounding scenic views and qualities of the area.

**Mitigation Measure 13:** The project shall be constructed in compliance with the plans approved by the Coastsides Design Review Committee on May 14, 2009. Any changes or revisions to the approved plans shall be submitted to the Coastsides Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Coastsides Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Coastsides Design Review Officer may refer consideration of the revisions to the Coastsides Design Review Committee, with applicable fees to be paid.

## ***ANSWERS TO QUESTIONS***

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**Mitigation Measure 14:** The applicant shall indicate on the plans submitted for a building permit, as stipulated by the Coastside Design Review Committee, that tree heights shall be maintained to grow no taller than the structure's roof.

**Mitigation Measure 15:** 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.

- a. 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.
- b. This 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).
- c. 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.
- d. 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).
- e. 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 a 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.
- f. 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.

**ANSWERS TO QUESTIONS**

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**Mitigation Measure 16:** 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.

**Mitigation Measure 17:** The exterior color samples submitted to the Committee are recommended for approval. Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.

**Mitigation Measure 18:** The downward lighting fixture cut sheet submitted to the Coastside Design Review Committee is approved. Verification shall occur in the field after installation but before a final inspection has been scheduled.

**Mitigation Measure 19:** The applicant shall ensure that during construction, noise, light, dust, odors and other interference with persons and property off the development site be minimized.

- b. **Will (or could) this project obstruct scenic views from existing residential areas, public lands, public water body, or roads?**

**Yes, Significant Unless Mitigated.** Refer to staff's response to Question 7(a) above.

- c. **Will (or could) this project involve the construction of buildings or structures in excess of three stories or 36 feet in height?**

**No Impact.** The proposed single-family residence does not exceed 36 feet in height.

- d. **Will (or could) this project directly or indirectly affect historical or archaeological resources on or near the site?**

**No Impact.** There are no known historical or archaeological resources on or near the site.

- e. **Will (or could) this project visually intrude into an area having natural scenic qualities?**

**Yes, Significant Unless Mitigated.** Refer to staff's response to Question 7(a) above.

***ANSWERS TO QUESTIONS***

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**ATTACHMENTS**

- A. Location Map
- B. Proposed Site Plan
- C. WRA Biological Resource Assessment – February 24, 2009
- D. WRA Report: Wetland Delineation at Proposed Hodge Residence, Magellan Avenue, Half Moon Bay – June 16, 2009

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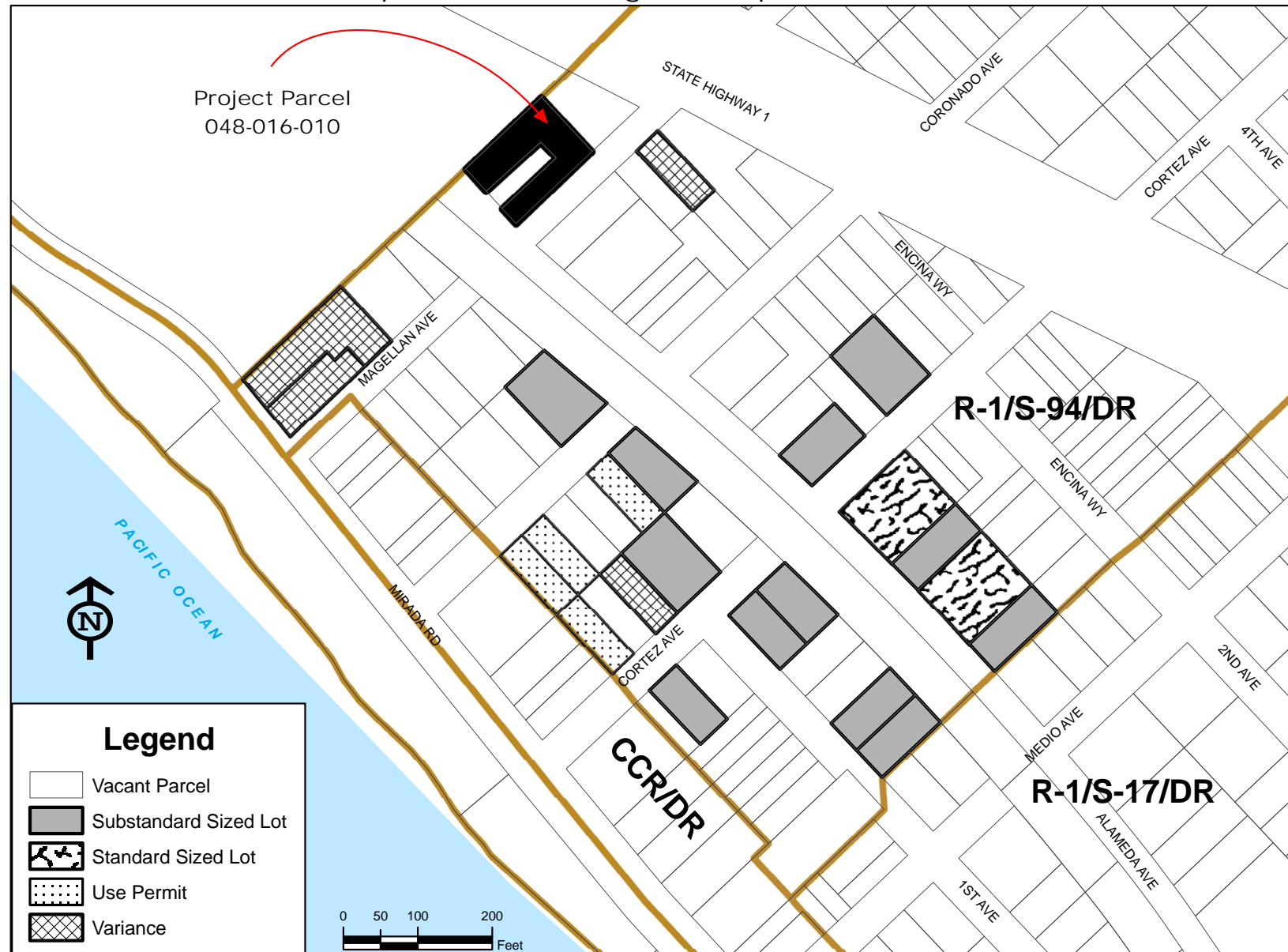


**County of San Mateo - Planning and Building Department**

**ATTACHMENT <**



## Map of Surrounding Developed Parcels



## San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

Attachment: **H**

File Numbers: **PLN 2008-00380**



**County of San Mateo - Planning and Building Department**

**ATTACHMENT =**

# Application for Appeal

To the Planning Commission

☒ To the Board of Supervisors

County Government Center • 455 County Center, 2nd Floor  
Redwood City • CA • 94063 • Mail Drop PLN 122  
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

Name: David & Hi-Jin Hodge

Address: 100 Coronado Avenue, Half Moon Bay

CA

Phone: W: 6507264200 H:

Zip: 94019

Permit Numbers involved:

PLN2008-00380

97 Alameda Avenue

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:

Date:

4/14/11

made on 0413 2011 to approve/deny the above-listed permit applications.

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

We disagree with the Planning Commission's findings and would like to appeal their decision refusing our request for side and front yard setbacks and to slightly reduce the buffer zone between our proposed home and the Riparian Willows. This is an unusually shaped lot and we have very few options available to use. We have designed a small home that fits the criteria set by county and our need for a home and studio. It's a relatively small home that covers only 16% of a 10,800sqft lot. We feel the Planning Commission's denial is unfair and we also feel the length of this process has been excessive. We are headed into the 30th month since we applied for a planning permit and 16 months since the application was deemed complete. We were continued 3 times by the planning commission prior to this recent denial.

We would like an opportunity to show our project to the Board of Supervisors and to move forward with the process of building our home. Thank you, David and Hi-jin Hodge



**County of San Mateo - Planning and Building Department**

**ATTACHMENT >**





## Story Poles (Original Proposed Location)

### San Mateo County Board of Supervisors Meeting

Owner/Applicant: **HODGE**

Attachment: **J**

File Numbers: **PLN 2008-00380**