

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: December 14, 2016

TO: Planning Commission

FROM: Planning Staff

SUBJECT: ADDENDUM: Consideration of a Design Review Permit, a Non-Conforming Use Permit, and a Certificate of Compliance (Type B), pursuant to Sections 6565.3 and 6137 of the San Mateo County Zoning Regulations and Section 7134.2 of the San Mateo County Subdivision Regulations, respectively, to allow construction of a new 2,278 sq. ft. single-family residence on a 3,500 sq. ft. non-conforming parcel. The Non-Conforming Use Permit is required to allow a 6-ft. front setback and a stairway landing front setback of one ft. (where 20 ft. is the minimum), a height of 33 feet (where 28 feet is the maximum), and to allow lot coverage of 35% (where 25% is the maximum) for the proposed house. Six significant trees are proposed to be removed. This item is continued from the October 26, 2016 meeting.

County File Number: PLN 2016-00051 (Katajamaki)

PROPOSAL

The applicant proposes to construct a new 2,278 sq. ft. single-family residence on a non-conforming 3,500 sq. ft. vacant parcel in Emerald Lake Hills. The parcel requires legalization with a Certificate of Compliance (Type B), as the parcel was not conveyed separately from surrounding parcels until 1989, after the County's adoption of the Subdivision Regulations in July 1945. Due to the slope of the lot, the applicant proposes a non-conforming front setback for the stairs (one foot) and main building (six feet). Due to the substandard size of the parcel and the need for a standard size house, the applicant also proposes a non-conforming lot coverage (35%) and a non-conforming height of 33 feet. Six significant trees are proposed for removal.

The project was reviewed by the Planning Commission at the October 26, 2016 meeting. The Commission raised concerns regarding the following: project conformance with design review standards (specifically for the front façade), the location of guest parking, the exceptions being requested with respect to height, and the type of replacement trees proposed. Subsequently, the applicant submitted revised elevation drawings, site plan, and tree replacement plan to address the concerns raised by the Planning Commission.

RECOMMENDATION

That the Planning Commission approve the Design Review Permit, Certificate of Compliance (Type B), and Non-Conforming Use Permit, County File Number PLN 2016-00051, based on and subject to the required findings and conditions of approval listed in Attachment A of the staff report.

BACKGROUND

On October 26, 2016, the Planning Commission considered the subject application. Members of the Planning Commission discussed their concerns regarding the project's front façade, height, guest parking, and replacement trees. Specifically, members of the Planning Commission stated that the project does not comply with Section 6565.15.E.2. regarding dominance of the garage door in the front elevation, and asked the applicant to look into relocating the guest parking from the driveway to an area within the right-of-way.

The applicant requested the opportunity to revise the plans, and the Planning Commission continued its review of the project to a later date.

The project was revised to address these concerns and new plans were submitted on November 14, 2016 to the Planning and Building Department. The submitted plan set shows a revised front façade, compliance with guest parking requirements, and a revised list of replacement trees.

SUMMARY

Design Review - Garage Facade

The revised proposal includes a new garage door style which was changed from a standard design to one with an asymmetrical window pattern. A window was added over the garage door and the roof was given an asymmetrical pitch to provide additional visual interest to the street level façade. The angle of the roof has been lowered on one side and the overall height of this facade varies over the width of the garage by approximately four feet. The window pattern on the garage door, additional window over the door, and the asymmetrical roof offer more visual elements on this elevation of the residence. The proposed color and materials did not change. The Emerald Lake Hills Design Review Officer has reviewed the revised project and has determined that it is consistent with the Emerald Lake Hills design review standards.

Guest Parking

A Planning and Building Department policy (Policy No. 115) requires two guest parking spaces for new homes in Emerald Lake Hills (Attachment H). Guest parking is allowed to be located within the driveway leading to a garage or carport. The spaces are

required in addition to the two covered 9' x 19' parking spaces required for dwellings with two or more bedrooms by Section 6119 of the Zoning Regulations.

The initial proposal provided both the covered parking and the uncovered guest parking spaces without a request for an exception. At the Planning Commission meeting, the Commission asked the applicant to look into creating guest parking within the right-of-way. Guest parking in this manner would require the construction of a retaining wall in the right-of-way. The applicant stated that the proposal, as submitted, met the requirements, and did not want to pursue relocating the parking in part due to the extra construction expense. The applicant's revised plans illustrate how the requirement is being met without an exception.

33' Height

The Non-Conforming Use Permit includes a request to exceed the Residential Hillside (RH) zoning height limit of 28 feet and for a portion of the residence to be approximately 33 feet high. As discussed in the staff report dated October 26, 2016, the proposed non-conforming height is necessitated by the 45% downward slope of the property and the need for the garage to be located at street level. As the residence is on a down slope, the height of the residence would not be apparent from the street. The portion of the residence which is 33 feet is where the garage sits over the lower two stories. In addition, the rear decks break up the vertical expanse of the structure and drop in height along with downward, rear side the hillside, reducing the visual impact of the additional five feet.

To comply with the height limit, the project would have needed to be designed to have a maximum of two stories at any point along its length. In order to maintain the size of the reasonably-sized 2,278 sq. ft. residence, this type of design would increase the lot coverage non-conformity and cause the house to be closer to residences on adjacent parcels, thereby potentially impacting privacy. The view of the rear elevation, which is against the hillside, would still appear as three stories under this scenario.

Replacement Trees

The applicant proposed birch trees to replace the six bay laurel trees which are to be removed to construct the proposed residence. The Planning Commission stated that these trees were not drought tolerant and may not survive to provide the desired privacy screening.

The applicant has revised the species of replacement trees from birch to an assortment of replacement trees as listed below. The required replacement trees have been reviewed by staff and have drought resistant qualities.

- California Scrub Oak (2)
- Japanese Maple
- California Elder

- Rainer Cherry
- Apricot
- Olive
- Fuji Apple

Planning staff has reviewed the revised proposal and, based on the foregoing, has found that the applicant has adequately addressed the concerns identified by the Planning Commission at the October 26, 2016 public hearing.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map and Assessor's Parcel Map
- C. Revised Project Plan Site Plan
- D. Original Project Elevations
- E. Revised Project Elevations
- F. Project Floor Plans
- G. Revised Tree Replacement Plan
- H. Policy 115 regarding Guest Parking Requirements, dated May 24, 1988
- I. Planning Commission Staff Report, dated October 26, 2016 (No Attachments)

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2016-00051 Hearing Date: December 14, 2016

Prepared By: Erica Adams
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. This project is categorically exempt pursuant to Section 15303, Class 3, of the California Environmental Quality Act, related to construction of a single-family residence, in a residential zone, within an urbanized area.

For the Conditional Certificate of Compliance (Type B), Find:

2. That the processing of the Certificate of Compliance (CoC) (Type B) is in full conformance with the County Subdivision Regulations Section 7134 (*Legalization of Parcels; Certificate of Compliance*), particularly Sections 7134.2(a), (b), and (c).
3. That the processing of the Conditional CoC (Type B) is in full conformance with Government Code Section 66499 et seq., as there are no additional improvements (typical of an urban subdivision) that must be required via conditions at this time. Applicable improvements (i.e., building permits, sewer connection, access upgrades and energy line laterals from the street to a future house) will be triggered and required at the time of receipt of a building permit application.

For the Design Review, Find:

4. This project has been reviewed under and found to be in compliance with the Design Review Standards as stipulated in Chapter 28, Section 6565.15, of the San Mateo County Zoning Regulations. The proposal was reviewed and approved by the Emerald Lake Hills Design Review Officer (DRO) on July 5, 2016. The revised proposal was reviewed by the DRO and found to be in compliance with the applicable Design Review Standards.

5. After consideration of public testimony, the DRO found that the project, as proposed and conditioned, is in compliance with the Design Review Standards because the project: (a) is architecturally compatible with the neighborhood, (b) has a building shape that will allow for privacy and will not create blockage of sun, (c) has a well-articulated facade and other elevations, and (d) uses colors and materials which comply with the Design Review Standards.

For the Use Permit, Find:

6.
 - a. The proposed development is proportioned to the size of the parcel on which it is being built. The floor area is less than is allowed by the zoning, the increase in height and reduced front yard setbacks are off-set by the residence's step design, and minimal visibility from the street.
 - b. That all opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven infeasible, because both adjacent parcels are developed with residences.
 - c. Due to the steep slope and small size of the parcel, the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible. The exceptions which are being requested, 1) a reduced front setback, 2) an additional five feet of height, and 3) additional lot coverage, are the minimum necessary to develop the parcel with a reasonably-sized single-family residence. The proposal is in compliance with floor area ratio, minimum side setbacks, and minimum rear setbacks.
 - d. The establishment, maintenance, and/or conducting of the construction of the single-family residence, as conditioned, will not be detrimental to the public welfare or injurious to property or improvements in said neighborhood. The residence will be sited on the subject property such that impacts are not significant, and replacement trees will be located and grow to enhance privacy to adjoining residences. The residence will not be disharmonious with the surrounding residences or the Emerald Lake Hills Community in general due to project adherence to Emerald Lake Hills Design Review Standards.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The project shall be constructed in compliance with plans approved by the Planning Commission on December 14, 2016. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are compatible with the Design Review Standards

and are in substantial compliance with the approved plans prior to being incorporated into the building plans. Adjustments to the project may be approved by the Emerald Lake Hills Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Adjustments to the design during the building plan stage may result in the assessment of additional plan resubmittal or revision fees. Alternatively, the Design Review Officer may refer consideration of the adjustments, if they are deemed to be major, to a new Emerald Lake Hills Design Review Officer public hearing which requires payment of an additional fee of \$1,500, and surcharges.

2. The applicant is advised that prior to recordation of the Certificate of Compliance (CoC), the owner/applicant shall provide the project planner with a check for \$34.00 to cover the fee charged by the Recorder's Office. The project planner will confirm the amount prior to recordation. The CoC shall be recorded prior to Planning's approval of the associated building permit for the new residence.
3. Six trees, as shown on the submitted plans, are approved for removal. Any additional trees greater than 6" in diameter at breast height are subject to the San Mateo County Tree Ordinance and will require a separate permit for removal.
4. Six, 15-gallon size (minimum) replacement trees shall be planted as presented on the tree plan reviewed by the Planning Commission on December 14, 2016. Three of the six replacement trees shall be planted along the left side of the property, and the remaining three trees shall be planted between the right rear corner of the house and the property line.
5. At the building permit application stage, the project shall demonstrate compliance with the Water Efficient Landscape Ordinance (WELO). A prescriptive checklist is available as a compliance option for projects under 2,500 sq. ft. WELO also applies to rehabilitated landscape projects equal to or greater than 2,500 sq. ft. The following restrictions apply to projects using the prescriptive checklist:
 - a. Compost: Project must incorporate compost at a rate of at least four (4) cubic yards per 1,000 sq. ft. to a depth of 6 inches into landscape area (unless contra-indicated by a soil test).
 - b. Plant Water Use (Residential): Install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water.
 - c. Mulch: A minimum 3-inch layer of mulch should be applied on all exposed soil surfaces of planting areas, except in areas of turf or creeping or rooting groundcovers.
 - d. Turf: Total turf area shall not exceed 25% of the landscape area. Turf is not allowed in non-residential projects. Turf (if utilized) is limited to slopes not

exceeding 25% and is not used in parkways less than 10 feet in width. Turf, if utilized in parkways, is irrigated by sub-surface irrigation or other technology that prevents overspray or runoff.

- e. Irrigation System: The property shall certify that Irrigation controllers use evapotranspiration or soil moisture data and utilize a rain sensor; Irrigation controller programming data will not be lost due to an interruption in the primary power source; and Areas less than 10 feet in any direction utilize sub-surface irrigation or other technology that prevents overspray or runoff.
6. Prior to any grading or construction activity on the project site, the property owner shall implement the following tree protection plan for trees that have not been approved for removal:
 - a. The property owner shall establish and maintain tree protection zones throughout the entire duration of the project for all trees to remain following construction, including trees on adjoining properties with drip lines extending over the project site.
 - b. Tree protection zones shall be delineated using 4-ft. tall orange plastic fencing supported by poles pounded into the ground, located as close to the driplines as possible while still allowing room for construction/grading to safely continue.
 - c. The property owner shall maintain tree protection zones free of equipment and materials storage and shall not clean any equipment within these areas.
 - d. Should any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting.
 - e. Any root cutting shall be conducted by an arborist or forester and documented.
 - f. Roots to be cut should be severed cleanly with a saw or topplers.
 - g. Normal irrigation shall be maintained, but oaks should not need summer irrigation.
 - h. Any remedial measures recommended in an arborist report for trees on-site shall be implemented during and following project construction, as directed.
 7. All utilities shall be installed underground.
 8. The approved exterior colors and materials shall be verified prior to final approval of the building permit. The applicant shall provide photographs to the Design

Review Officer to verify adherence to this condition prior to a final building permit sign-off by the Current Planning Section.

9. Prior to the Current Planning Section 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. 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) the garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
10. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans, and that all setbacks are consistent with the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.

If the actual setbacks, floor height, garage slab, or roof height, as constructed, are 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 the Community Development Director.

11. The applicant shall adhere to all requirements of the Building Inspection Section, the Department of Public Works, and Cal-Fire.
12. No site disturbance shall occur, including any grading or tree removal, until a building permit has been issued.
13. To reduce the impact of construction activities on neighboring properties, 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 impede through traffic along the right-of-way on Park Road. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Park Road. There shall be no storage of construction vehicles in the public right-of-way.
14. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays, and 9:00 a.m. to 5:00 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo Ordinance Code Section 4.88.360).
15. The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines” including, but not limited to, the following:
- a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
 - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - c. Performing clearing and earth-moving activities only during dry weather.
 - d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
 - e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - f. Control and prevention of 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.
 - g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
 - h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.

- j. Limiting construction access routes and stabilization of designated access points.
 - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
 - m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
 - n. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
16. It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading remediation activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected, as determined by and implemented under the observation of the engineer of record.

Cal-Fire

17. All buildings that have a street address shall have the number of that address on the building, mailbox, or other type of sign at the driveway entrance in such a manner that the number is easily and clearly visible from either direction of travel from the street. New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least 6 feet above the finished surface of the driveway. An address sign shall be placed at each break of the road where deemed applicable by the San Mateo County Fire Department. Numerals shall be contrasting in color to their background and shall be no less than 4 inches in height, and have a minimum 1/2-inch stroke. Remote signage shall be a 6" x 18" green reflective metal sign.
18. A fire flow of 1,500 gpm for 2 hours with a 20-psi residual operating pressure must be available as specified by additional fire flow report at the building permit application stage. Inspection is required prior to Fire's final approval of the building permit or before combustibles are brought on-site.

19. Smoke alarms and carbon monoxide detectors shall be installed in accordance with the California Building and Residential Codes. This includes the requirement for hardwired, interconnected detectors equipped with battery backup and placement in each sleeping room in addition to the corridors and on each level of the residence.
20. An approved Automatic Fire Sprinkler System meeting the requirements of NFPA-13D shall be required to be installed for your project. Plans shall be submitted to the San Mateo County Building Inspection Section for review and approval by the authority having jurisdiction.
21. A statement that the building will be equipped and protected by automatic fire sprinklers must appear on the title page of the building plans.

Department of Public Works

22. Prior to the issuance of the building permit, the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.
23. Prior to the issuance of the building permit, 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, as determined by the Department of Public Works, 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.
24. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.

25. 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 No. 3277.
26. The applicant shall execute and record an agreement in a form approved by the County for maintenance of the approved facilities in the public right-of-way. The Property Owners agree to remove, replace, and repair, upon demand by the Director of the Department of Public Works, any facilities in the public right-of-way.

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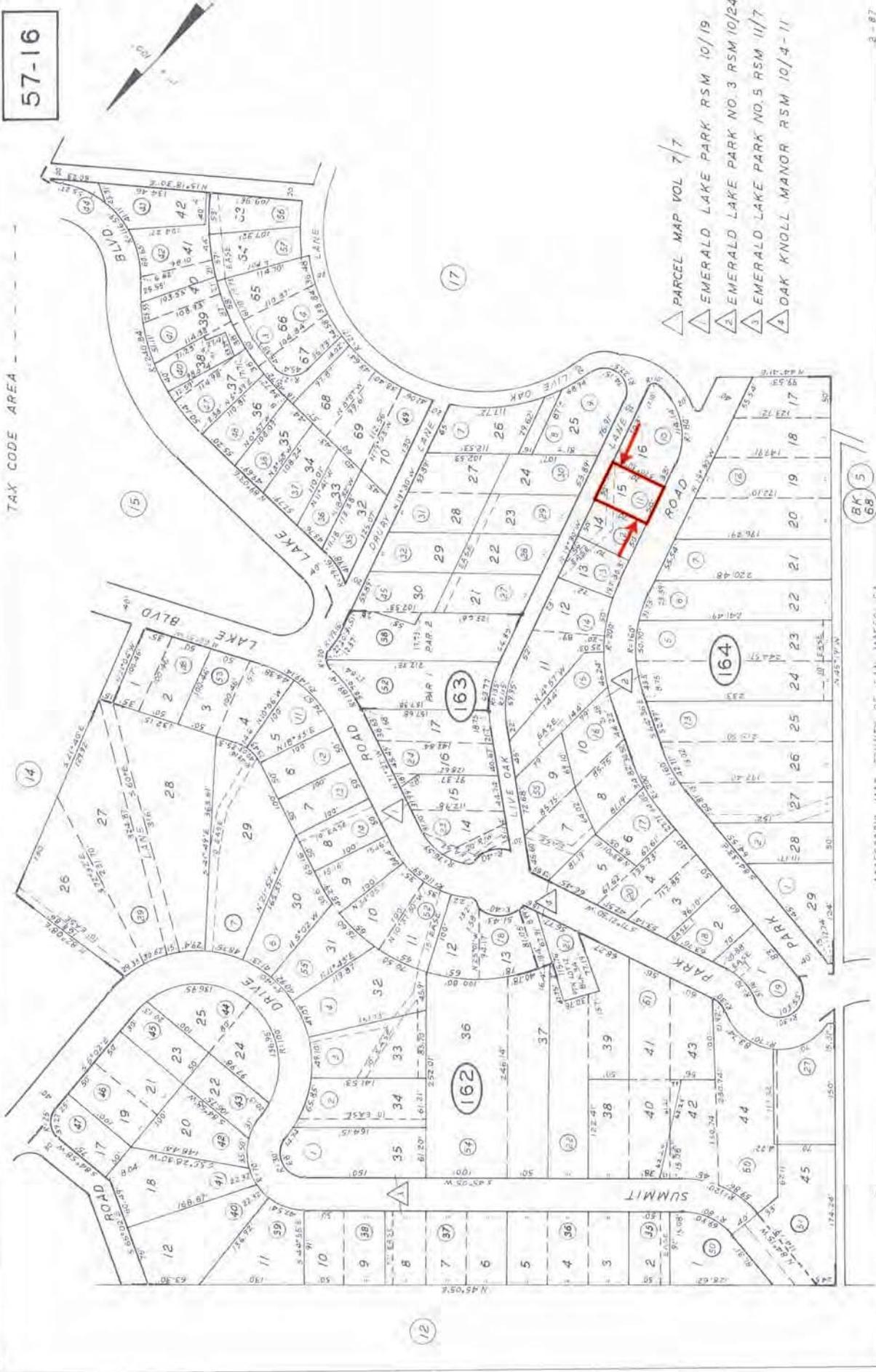
San Mateo County Planning Commission Meeting

Owner/Applicant: TUOMO KATAJAMAKI

File Numbers: PLN2016-00051

Attachment: B

57-16



- △ PARCEL MAP VOL 7/7
- △ EMERALD LAKE PARK RSM 10/19
- △ EMERALD LAKE PARK NO. 3 RSM 10/24
- △ EMERALD LAKE PARK NO. 5 RSM 11/7
- △ OAK KNOLL MANOR RSM 10/4-11

3-87

ASSASSOR'S MAP COUNTY OF SAN MATEO, CA

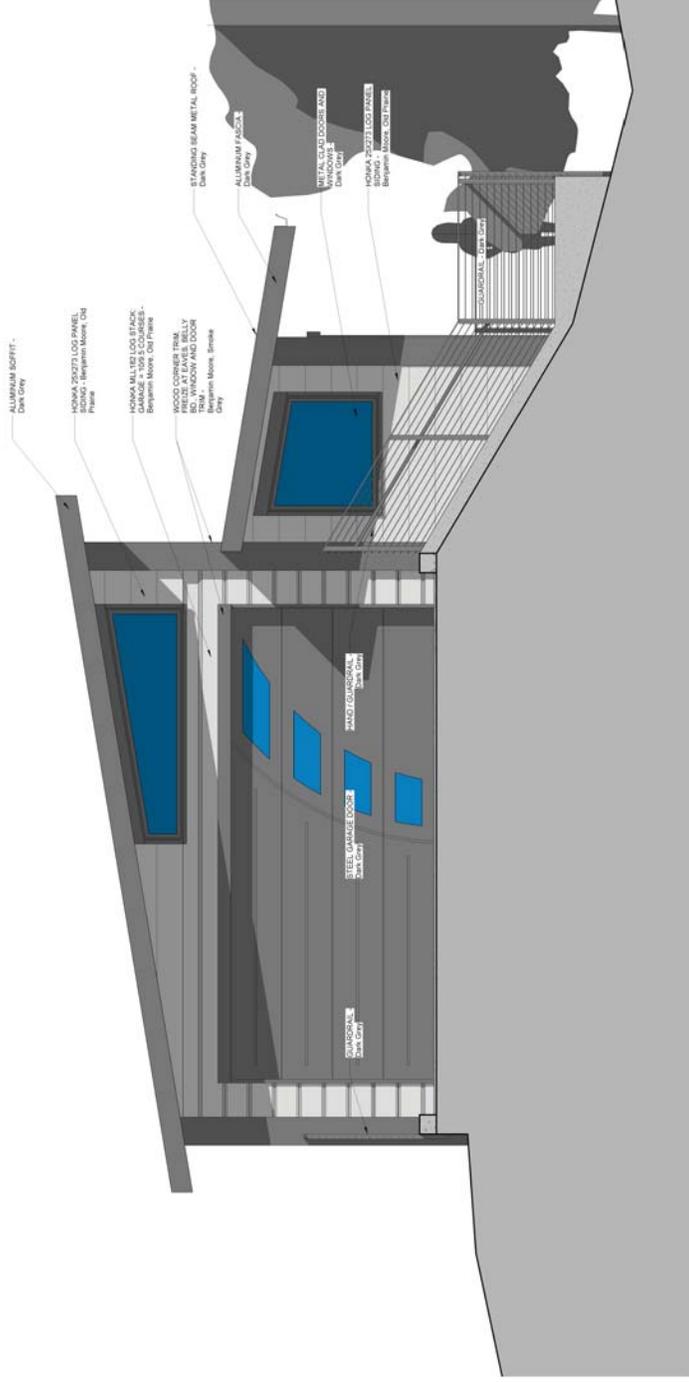
51

San Mateo County Planning Commission Meeting

Owner/Applicant: TUOMO KATAJAMAKI

File Numbers: PLN2016-00051

Attachment: B



1 PRIMARY BUILDING ELEVATION
1/2" = 1'-0"

NOTE: COLOR REPRESENTED ON THIS SHEET ARE FOR ILLUSTRATIVE PURPOSES ONLY. REFER OWNER SUPPLIED COLOR SAMPLES



2 SOUTH PERSPECTIVE



3 EAST PERSPECTIVE

San Mateo County Planning Commission Meeting

Owner/Applicant: TUOMO KATAJAMAKI

File Numbers: PLN2016-00051

Attachment: E

EVstudio
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 Englewood, CO
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Contact:
 Alexy Lencobitel
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 720.273.0189

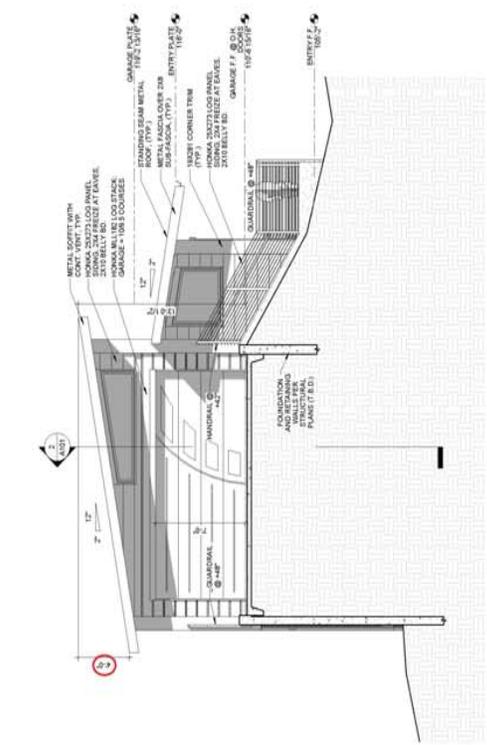
Single Family Residence for
 Tsumo Katayamaki
 Emerald Hills, CA
 C015-054

NOT FOR PERMITTING
 OR CONSTRUCTION

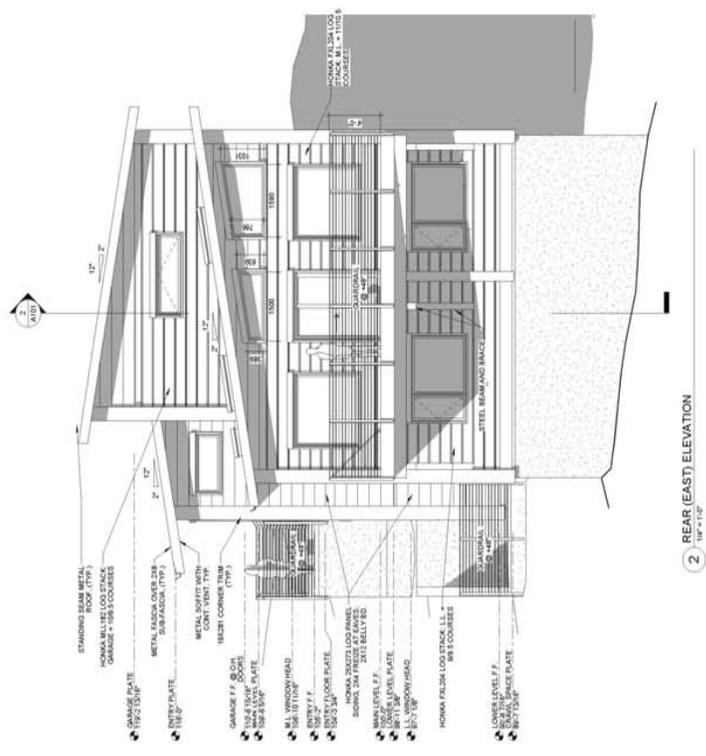
COMPILED 2016
 REGION

Owner: Matt Hester - Owner
 DATE: 11.2.16
 DRAWN BY: JLD
 CHECKED BY: JLD

WEST AND EAST
 ELEVATIONS
A200



1 FRONT (WEST) ELEVATION
 1/8" = 1'-0"



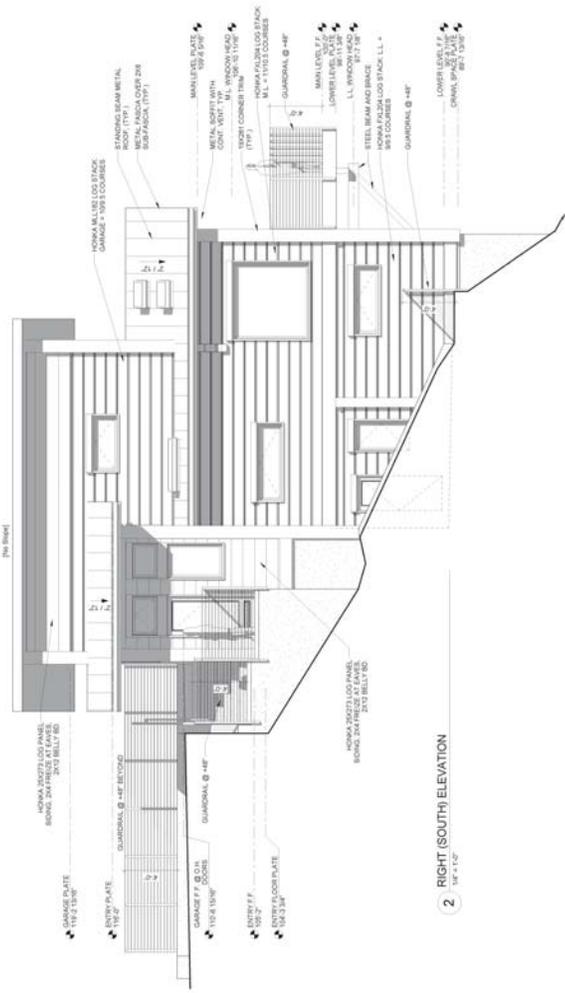
2 REAR (EAST) ELEVATION
 1/8" = 1'-0"

San Mateo County Planning Commission Meeting

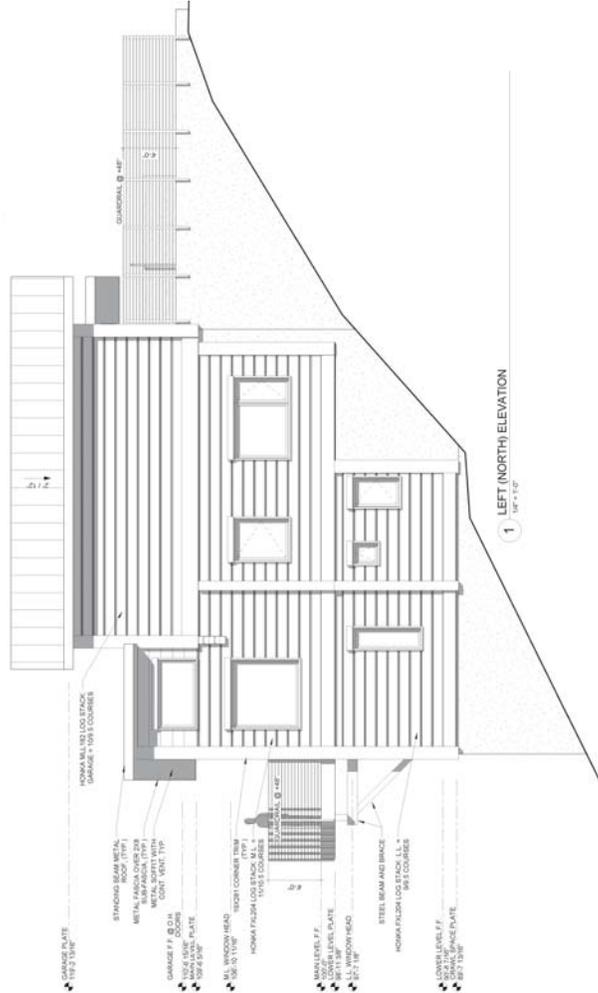
Owner/Applicant: TUOMO KATAJAMAKI

File Numbers: PLN2016-00051

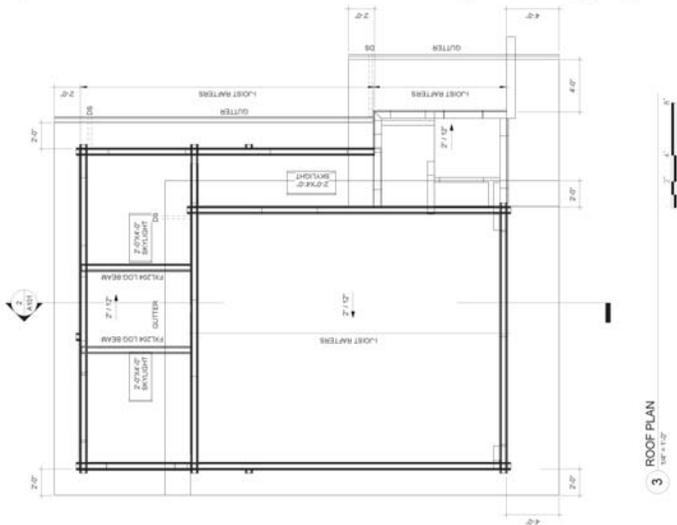
Attachment: E



2 RIGHT (SOUTH) ELEVATION
1/8" = 1'-0"



1 LEFT (NORTH) ELEVATION
1/8" = 1'-0"



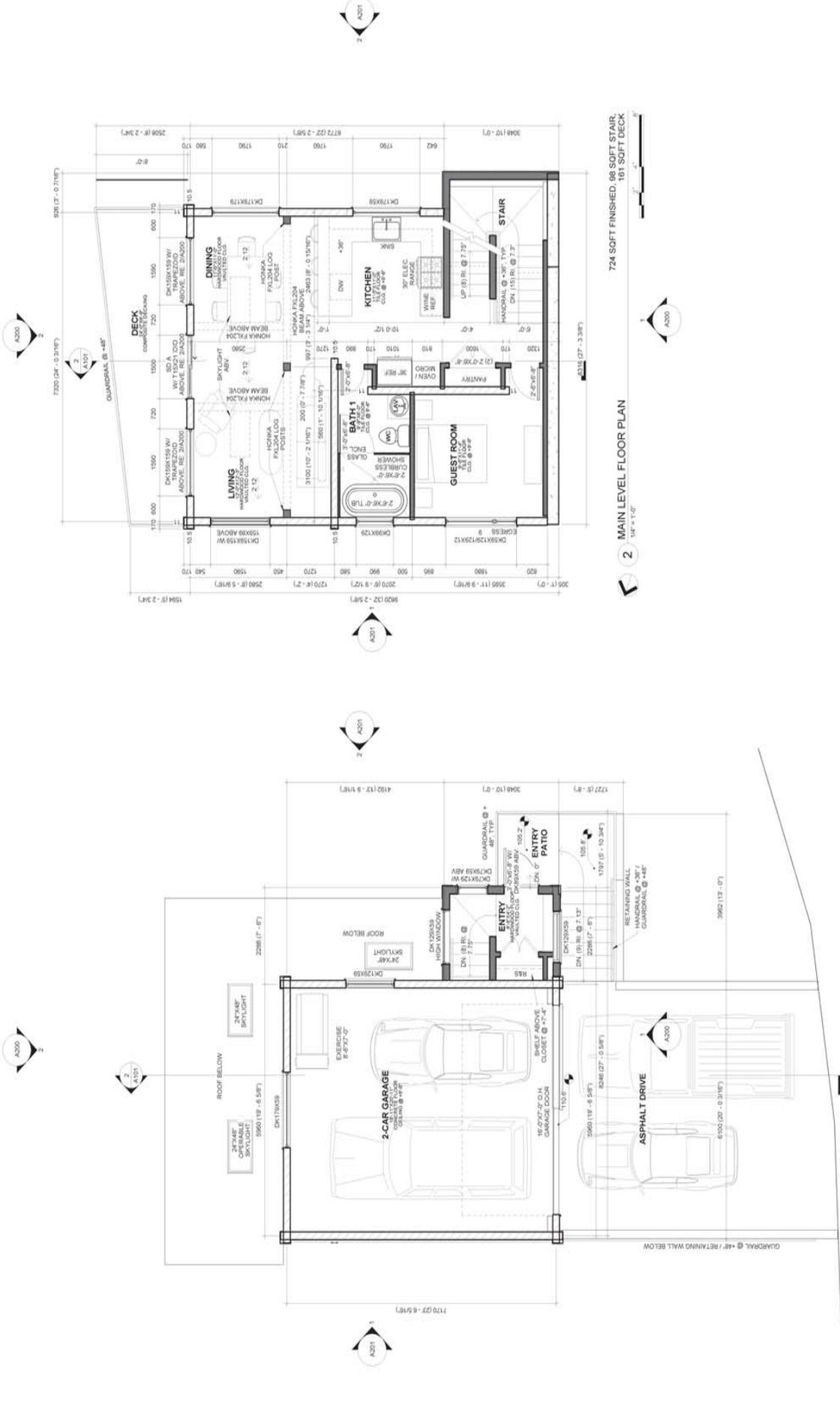
3 ROOF PLAN
1/8" = 1'-0"

San Mateo County Planning Commission Meeting

Owner/Applicant: TUOMO KATAJAMAKI

File Numbers: PLN2016-00051

Attachment: E



San Mateo County Planning Commission Meeting

Owner/Applicant: TUOMO KATAJAMAKI

File Numbers: PLN2016-00051

Attachment: F

EVstudio
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 Colorado Springs, CO
 303.678.7242
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 evstudio.com
 evstudio.com

Contract:
 Tuomo Katayamaki
 645 Park Rd.
 Emerald Hills, CA
 92025
 760.278.0188

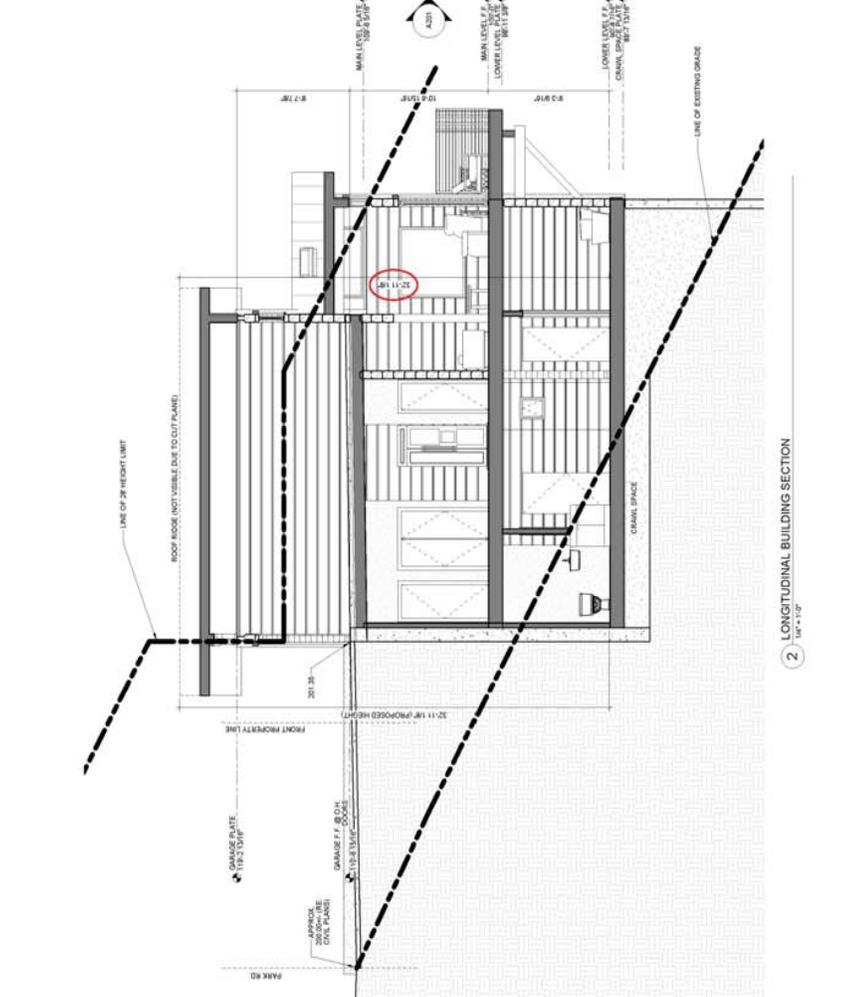
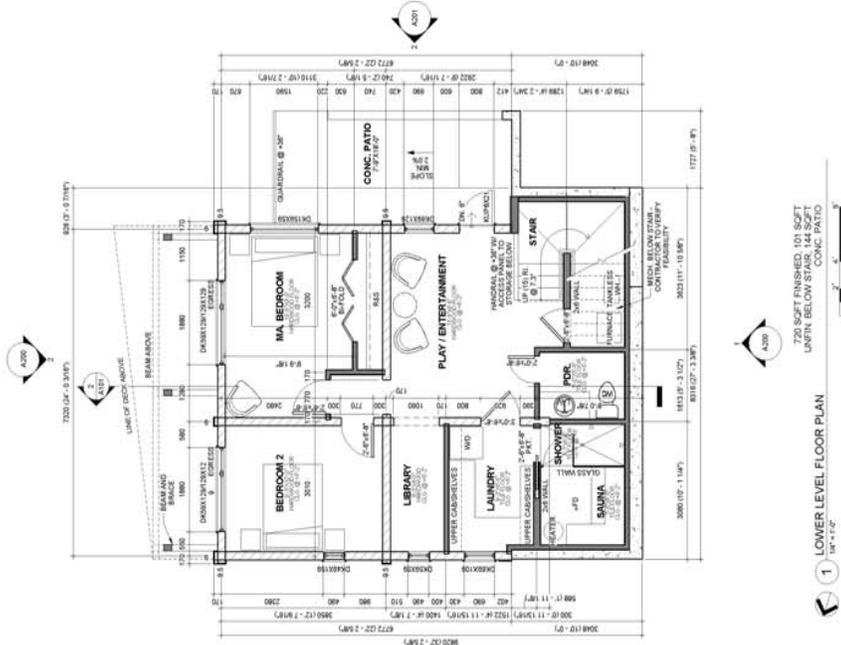
Single Family Residence for
 Tuomo Katayamaki
 645 Park Rd.
 Emerald Hills, CA
 CO15-054

NOT FOR PERMITTING
 OR CONSTRUCTION
 COPYRIGHT 2016
 RETURN

Per: Matt Shreve - Owner
 DATE: 11.24.16
 DRAWN BY: JES
 CHECKED BY: JES

LOWER LEVEL
 FLOOR PLAN &
 BUILDING
 SECTION

A101

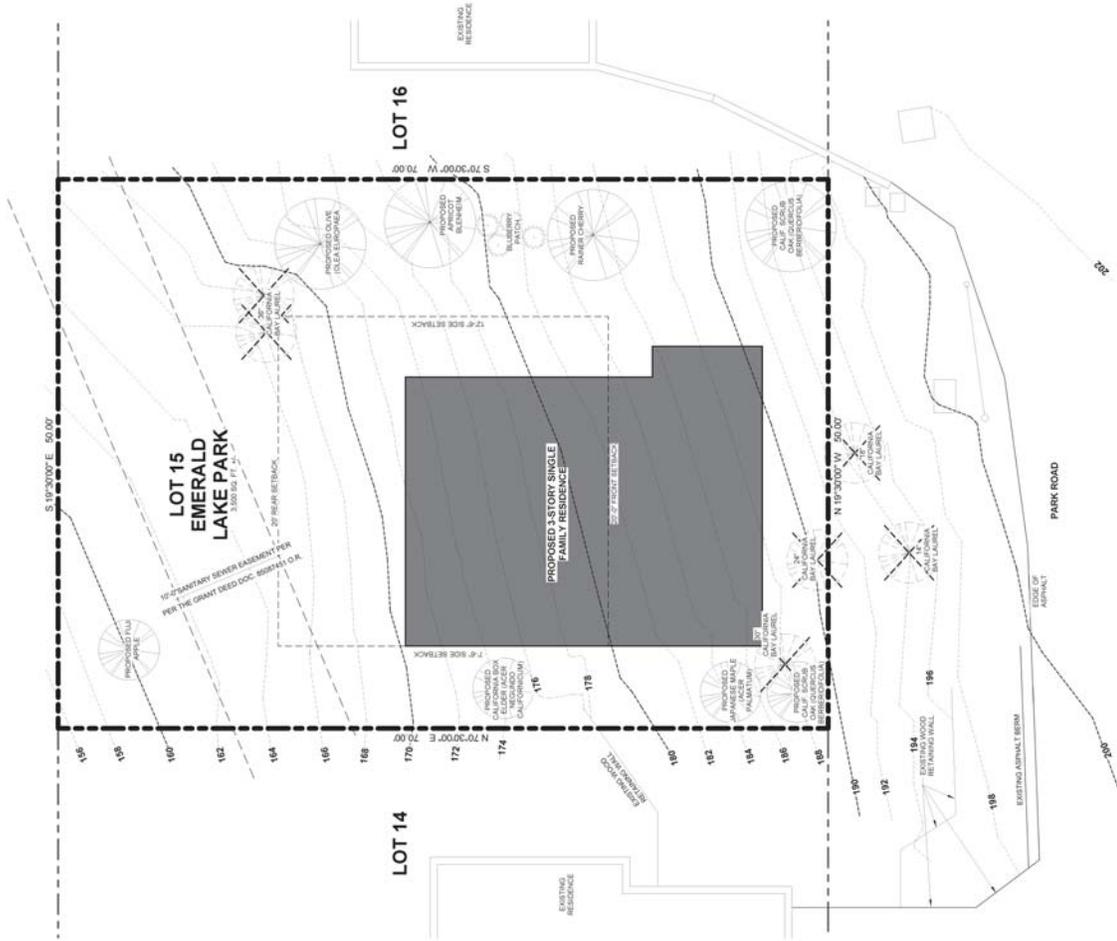


San Mateo County Planning Commission Meeting

Owner/Applicant: TUOMO KATAJAMAKI

File Numbers: PLN2016-00051

Attachment: F



1 TREE PLAN
1" = 10'

San Mateo County Planning Commission Meeting

Owner/Applicant: TUOMO KATAJAMAKI

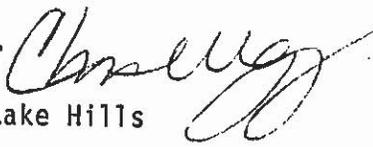
Attachment: G

File Numbers: PLN2016-00051

COUNTY OF SAN MATEO

Intra-Departmental Correspondence

Date: May 24, 1988

To: Ordinance Administration Staff
From: Christine M. Gouig, Planning Director 
Subject: Policy for Guest Parking in Emerald Lake Hills

The Emerald Lake Hills Community Plan establishes a modified County road standard of a 22-foot wide paved roadway within a 40-foot wide right-of-way. This provides for two travel lanes, a pathway along one side but no parking lane. Therefore, to provide sufficient guest parking, the Plan requires that each new residence must provide two uncovered guest parking spaces in addition to the two covered spaces normally required by the zoning regulations.

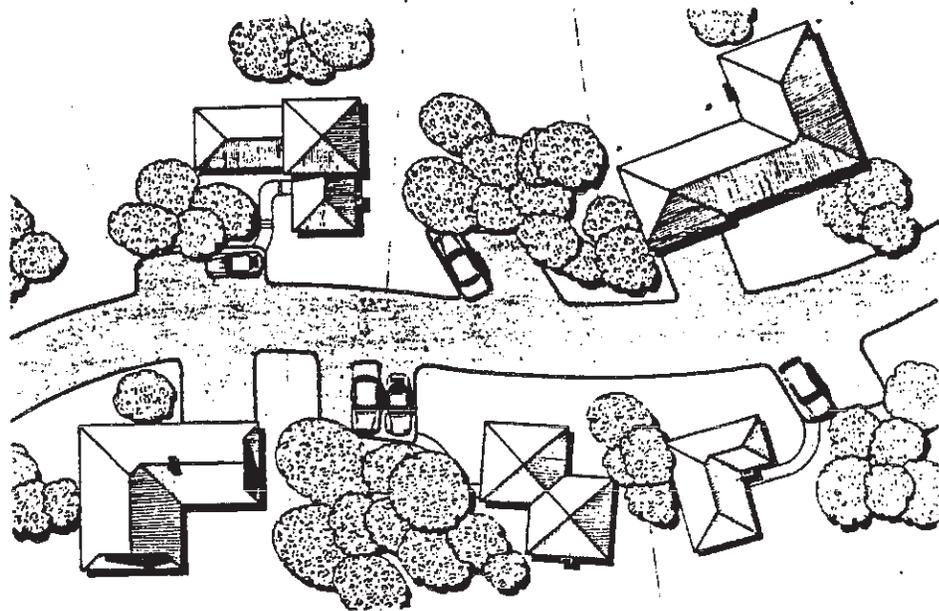
The two covered spaces will be located within a garage or carport. The two uncovered guest parking spaces may be located elsewhere:

1. within the driveway leading to the garage or carport,
2. within a parking bay or on a parking platform (in steep areas) on-site, or
3. within parking bays constructed within the road right-of-way but out of the traveled way.

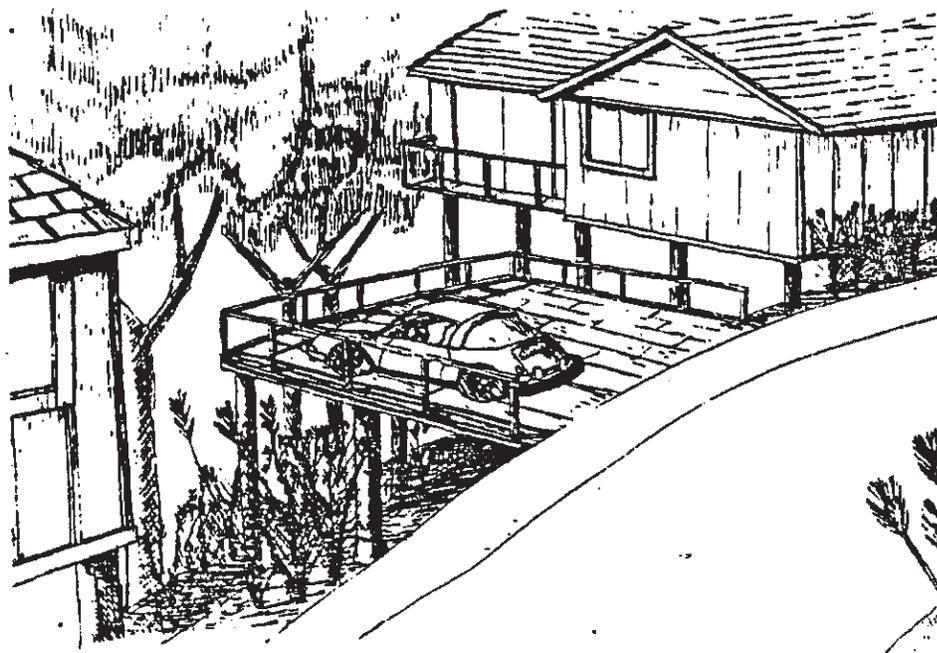
Illustrations of the above approaches are attached. An additional item has been added to the Plan Check Checklist under Section 5, Parking. It reads "Compliance with Emerald Lake Hills Guest Parking." Use this as a reminder to check for adequate guest parking when plan checking and be sure to advise applicants of this requirement. All parking plans shall be to the satisfaction of the Planning Division and the Department of Public Works.

GMG:GPM/fc - F2011347

ATTACHMENT H



Parking bays will be constructed within the road right-of-way, where on-street parking is needed for residents and visitors. In steep areas, platforms may be constructed for parking.



**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: October 26, 2016

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a Design Review Permit, a Non-Conforming Use Permit, and Certificate of Compliance (Type B), to allow construction of a new 2,278 sq. ft. single-family residence on a 3,500 sq. ft., non-conforming parcel. The Non-Conforming Use Permit is required to allow a 6-foot front setback and a stairway landing front setback of 1-foot (where 20 feet is the minimum), a height of 33 feet (where 28 feet is the maximum) and to allow lot coverage of 35% (where 25% is the maximum) for the proposed house. Six significant trees are proposed to be removed.

County File Number: PLN 2016-00051 (Katajamaki)

PROPOSAL

The applicant proposes to construct a new 2,278 sq. ft. single-family residence on a non-conforming 3,500 sq. ft. vacant parcel in Emerald Lake Hills. The parcel requires legalization with a Certificate of Compliance (Type B), as the parcel was not conveyed separately from surrounding parcels until 1989, after the County's adoption of the Subdivision Regulations in July 1945. Due to the slope of the lot, the applicant proposes a non-conforming front setback for the stairs (1-foot) and main building (6-foot). Due to the substandard size of the parcel and the need for a standard size house, the applicant also proposes non-conforming lot coverage (35%) and a non-conforming height of 33 feet. Six significant trees are proposed for removal.

RECOMMENDATION

That the Planning Commission approve the Design Review Permit, Certificate of Compliance (Type B), and Non-Conforming Use Permit, County File Number PLN 2016-00051, based on and subject to the required findings and conditions of approval listed in Attachment A of this staff report.

SUMMARY

Certificate of Compliance Type B

The subject parcel is a 3,500 sq. ft., vacant parcel which has an approximate slope of 45%, located on Park Road, in a residential community within the unincorporated

Emerald Lake Hills area of the County. The parcel was not conveyed separately from the surrounding parcels until 1989, (after July 1945, the adoption of the County's first Subdivision Ordinance). Residential development is adjacent on two sides of the property. The parcel, in its current configuration, does not conform to the Residential Hillside (RH) Zoning District where the minimum parcel size for a parcel with a 45% slope is 75,000 sq. ft. and requires legalization for development. Access and utility improvements will be provided in conjunction with the proposed development at the time of the issuance of a building permit for a new residence.

Design Review

The property is located in a Design Review Zoning District. Accordingly, single-family residential development requires a Design Review recommendation from the Emerald Lake Hills Design Review Officer (DRO). The project was initially considered by the DRO on July 6, 2016. At the hearing, the DRO found the proposal to be compliant with the design review standards. The hearing was attended by neighboring property owners who expressed concern about loss of privacy from the removal of six trees. A condition of approval was added to require the planting of replacement trees to improve privacy to adjacent outdoor living areas. The DRO stated the project, as proposed and conditioned, complies with the Design Review Standards regarding site planning, architectural style, and building materials and colors.

Non-Conforming Use Permit

Section 6133.3.a(1)(a) of the Zoning Regulations requires a Use Permit for development on all unimproved parcels that does not conform to the zoning regulations. The subject parcel has a slope of 45% and is 3,500 sq. ft. (where 75,000 sq. ft. is the minimum size required). Therefore, a non-conforming use permit is required to build the proposed single-family residence. The applicant has requested a 6-foot front setback, 1-foot setback for the stairway, lot coverage of 35% where 25% is the limit, and a height of 35 feet where 28 feet is the maximum.

Staff has reviewed these exceptions and determined that: (1) The development is proportioned to the size of the parcel, since it is less than allowed by the zoning, (2) both adjacent parcels are developed and there are no opportunities to acquire additional contiguous land, (3) the exceptions requested are the minimum necessary to develop the parcel and the downward slope of the parcel offsets the encroachment into the front yard and the height exception, and (4) the project has been reviewed for compatibility with the Emerald Hills community and impacts have been minimized by replacement trees and design; therefore, construction and use of the structure will not be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

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**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: October 26, 2016

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a Design Review Permit, a Non-Conforming Use Permit, and a Certificate of Compliance (Type B), pursuant to Sections 6565.3 and 6137 of the San Mateo County Zoning Regulations and Section 7134.2 of the San Mateo County Subdivision Regulations, respectively, to allow construction of a new 2,278 sq. ft. single-family residence on a 3,500 sq. ft. non-conforming parcel. The Non-Conforming Use Permit is required to allow a 6-ft. front setback and a stairway landing front setback of one ft. (where 20 ft. is the minimum), a height of 33 feet (where 28 feet is the maximum) and to allow lot coverage of 35% (where 25% is the maximum) for the proposed house. Six significant trees are proposed to be removed.

County File Number: PLN 2016-00051 (Katajamaki)

PROPOSAL

The applicant proposes to construct a new 2,278 sq. ft. single-family residence on a non-conforming 3,500 sq. ft. parcel, to be legalized with a Certificate of Compliance B. A non-conforming use permit is required to allow construction on a substandard size parcel, and for a new residence to have a non-conforming front setback for the stairs and main building, lot coverage and height which exceed the Residential Hillside Zoning District limits of 25% lot coverage and maximum height of 28 ft. Six significant trees are proposed to be removed.

The project requires a Design Review Permit, a Certificate of Compliance (Type B), and a Non-Conforming Use Permit.

RECOMMENDATION

That the Planning Commission approve the Design Review Permit, Certificate of Compliance (Type B), and Non-Conforming Use Permit, County File Number PLN 2016-00051, based on and subject to the required findings and conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Erica Adams, Project Planner, Telephone 650/363-1828

Applicant/Owner: Tuomo Katajamaki

Location: Park Road, Redwood City, Emerald Lake Hills

APN: 057-163-110

Size: 3,500 sq. ft.

Existing Zoning: RH/DR (Residential Hillside/Design Review)

General Plan Designation: Medium-Low Density Residential

Sphere-of-Influence: City of Redwood City

Existing Land Use: Vacant

Water Supply: City of Redwood City Municipal Water Department

Sewage Disposal: Emerald Lake Heights Sewer District

Flood Zone: Zone X, Panel Number 06081C0285E, Effective Date: October 16, 2012

Environmental Evaluation: This project is categorically exempt pursuant to Section 15303, Class 3, of the California Environmental Quality Act, related to construction of a single-family residence, in a residential zone, within an urbanized area.

Setting: The property is an undeveloped parcel in the unincorporated community of Emerald Lake Hills. The parcel size is 3,500 sq. ft. All adjacent parcels are developed with single-family residences.

Chronology:

<u>Date</u>	<u>Action</u>
February 8, 2016	- Application submitted and application deemed incomplete
March 8, 2016	- Department of Public Works denies proposed improvements within the front right-of-way
May 25, 2016	- Revised plans submitted

July 5, 2016 - Emerald Lake Hills Design Review Officer recommends approval at a public hearing

October 26, 2016 - Planning Commission public hearing

DISCUSSION

A. **KEY ISSUES**

1. **Conformance with the General Plan**

The General Plan Visual Quality Policy 4.4 requires the appearance of urban development to promote aesthetically pleasing development and calls for the establishment of guidelines for communities to achieve these goals. The establishment of the Design Review Zoning District, Section 6565, of the San Mateo County Zoning Regulations, is the mechanism which fulfills this directive. A project that complies with the Emerald Lake Hills Design Standards (Section 6565.15 of the San Mateo County Zoning Regulations) therefore also conforms with General Plan Policies 4.14 (*Appearance of New Development*) and 4.35 (*Urban Area Design Concept*). These policies require structures to promote and enhance good design, and improve the appearance and visual character of development in the area by managing the location and appearance of the structure. The application has been reviewed by the Emerald Lake Hills Design Review Officer and it has been found to be in compliance with Design Review Standards for Emerald Lake Hills. A detailed discussion of project compliance is provided in Section A.3 of this report.

2. **Conformance with Zoning Regulations**

A summary of project compliance with the requirements of the Residential Hillside (RH) Zoning District is provided in the table below. The Use Permit is required to address non-conformities in the front setback, height, and lot coverage (as indicated by an asterisk *).

Development Standards	Zoning Requirements	Proposed
Minimum Building Site Area	75,000 sq. ft. for 45% slope	3,500 sq. ft. *
Minimum Building Site Width	50 ft.	50 ft.
Minimum Setbacks		
Front		
House	20 ft.	6 ft. *
Garage	0 ft. when slope exceeds 14%	6 ft.
Entry Stairs	20 feet	1 foot *

Development Standards	Zoning Requirements	Proposed
Rear	20 ft.	31.55 ft.
Sides	Combination of 20 ft. with a minimum 7.5 ft.	7.58 ft. left side 15.22 ft. right side
Maximum Lot Coverage	25%	35% *
Maximum Building Floor Area	2,400 sq. ft. or a maximum of 30% (1,050 sq. ft.) whichever is greater	2,278 sq. ft.
Maximum Building Height	28 ft.	33' 1" ft. *
Minimum Parking	2 covered spaces and 2 guest spaces	2 covered spaces and 2 uncovered spaces
* Non-Conformity is addressed by Use Permit Application.		

As shown above, due to the non-conformity of the parcel size and the steep slope of the parcel, the project is non-compliant with respect to the front setback, lot coverage, and the height of the structure. The project is compliant with rear and side setbacks and the floor area allowed by the zoning district. The areas of non-compliance are discussed in further detail in Section A.4. of this report.

3. Conformance with Design Review Regulations

The proposed construction of a new single-family residence has been found to be consistent with the Design Review Standards, Section 6515.15 of the Zoning Regulations, by the Emerald Lake Hills Design Review Officer (DRO).

The project's compliance with each component of these standards along with the Design Review Standards is discussed below:

- a. Site Planning: Requires the siting of new buildings on a parcel in locations which achieve the following five objectives:

- (1) *Minimize tree removal.*

Six significant trees are proposed to be removed with this project. The August 5, 2015 design review hearing was attended by three neighbors who expressed concerns about the loss of trees and the privacy impact due to reduced screening and the addition of a residence on the vacant parcel.

Four of the trees to be removed are located in the right-of-way and must be removed to accommodate the driveway. A twin

trunk 36-inch bay tree (counted as 2 trees) which would be adjacent to the rear deck is also proposed for removal. The applicant states that this tree has a major branch which will be adjacent to the second story balcony and that the main trunk would need to be cut to provide suitable clearance and for the owners to enjoy views from the new balcony.

At the July hearing, the DRO determined that replacement trees should be planted in both the rear right corner and front left corner to allow the new trees to be in locations that will enhance project screening for neighboring properties.

(2) *Minimize alteration of the natural topography.*

The site is undeveloped and has a slope of approximately 45%. The grading associated with the project is 162 cubic yards, mostly fill to support the driveway. The land slopes downward and the design of the residence would step down the hillside. The step design of the residence minimizes disturbance of the natural grade and overall alteration of the existing topography.

(3) *Respect the privacy of neighboring houses and outdoor living areas.*

The proposed residence has two outdoor living areas, a rear deck on the main floor and a patio on the lower floor. The upper deck faces the rear of the parcel and is located on the side where the setback is larger and therefore further from residences on adjacent properties. The patio is also on the side of the house with the larger, 15-ft. side setback. In addition, replacement trees will be planted between the deck and the lower floor patio and both adjacent parcels' outdoor areas.

(4) *Minimize blockage of sunlight on neighboring housing and outdoor living areas.*

The proposed residence will meet minimum and combined side setbacks and the step design will allow the structure to be closer to the ground. Therefore, there is minimal impact on sunlight falling on neighboring residences or living areas.

(5) *Minimize alteration of streams and natural drainage channels.*

There are no streams or drainage channels on or adjacent to the project site.

- b. Architectural Styles: Requires that buildings be architecturally compatible with existing buildings, and reflect and emulate architectural styles and natural surroundings of the immediate area.

There are a wide array of residential styles in the immediate surrounding area. The proposed residence integrates wood siding, which is appropriate for the property's wooded setting. The DRO determined that the architectural style of the project is compatible with nearby residences, those throughout the Emerald Lake Hills community, and the natural surroundings.

- c. Unenclosed Spaces: Requires avoiding the creation of space beneath buildings and prohibits buildings that are predominantly built on stilts.

The house steps down to conform with natural topography. Also, the under area of the house will be enclosed by supporting walls. Therefore, no unenclosed spaces, or structures built on stilts, would be created by this proposal.

- d. Building Shapes and Bulk: Requires that buildings are designed with shapes that respect and conform to the natural topography of the site. While the building exceeds the height allowed by the RH Zoning District because the garage must be accessible from the public road, the proposed house has a step design which follows the hillside and will not protrude up from the land, and will have a shape that matches the hillside profile.

- e. Facades: Requires well-articulated and proportioned facades.

The pattern of windows and doors on the proposed structure does not create any massive blank walls. All doors and windows are well-proportioned.

- f. Roofs: Requires pitched roofs.

The roof plan of the house includes pitched roofs and complies with this design standard.

- g. Materials and Colors: Requires that varying architectural styles are compatible by using similar materials and colors which blend with the natural setting and the immediate area.

The proposal includes the natural materials such as wood siding, which is prevalent in the Emerald Hills community. The exterior siding and accents will be shades of grey, a color that is compliant with the design review standards.

- h. Utilities: New utilities should be placed underground.

All utilities will be placed underground per Condition No. 8.

- i. Paved Areas: Requires minimization of paved areas.

The amount of proposed paved areas complies with this standard as pavement is limited to that necessary for appropriate vehicle access and parking, and a small patio.

4. Conformance with Use Permit Regulations

Section 6133.3.a(1)(a) of the Zoning Regulations (Zoning Non-Conformities) requires a Use Permit for development on an unimproved, non-conforming parcel that does not conform with the zoning regulations with a use permit, subject to the following findings (each followed by staff response):

- a. The proposed development is proportioned to the size of the parcel on which it is being built.

The subject parcel is 3,500 sq. ft. in area and has an average slope greater than 45%. The zoning regulations require new lots with a similar slope to be more than 75,000 sq. ft. in area. This lot was created by a 1919 subdivision and is proposed to be legalized with a Certificate of Compliance B. The zoning regulations allow up to 2,400 sq. ft. of floor area on parcels where the ratio of land to floor area would yield a smaller allowed square footage.

The proposed house size is 2,278 sq. ft., is less than 2,400 sq. ft. maximum floor area ratio (FAR) established by the RH Regulations for smaller parcels. In addition, 328 sq. ft. of the FAR is from roof overhangs which are 4 ft. or greater, over outdoor spaces such as patios. The project proposes only 1,950 sq. ft. of interior living space, including the 400 sq. ft. garage. By using the 2,400 sq. ft. limit to develop the property versus the 30% FAR limitation on this parcel (1,050 sq. ft., including a 400 sq. ft. garage), the house would be more in scale with other residences in the Emerald Lake Hills Community. The adjacent houses are also on non-conforming parcels, a 2,357 sq. ft. house on a 3,500 sq. ft. parcel and a 3,320 sq. ft. house on a 6,700 sq. ft. parcel. Therefore, the proportionality of the proposed house to the parcel size is similar to that on neighboring parcels and appropriate for this location.

- b. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently substandard in size and in effect have been investigated and proven infeasible.

The applicant does not own property on either side of the subject parcel. Both adjacent parcels are currently developed with homes.

- c. The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.

The applicant proposes a reasonably-sized and well-designed house on a small lot, with slope constraints and a sanitary sewer easement in the rear yard setback. The existing slope allows the garage to be located on the front property line, but not the proposed house which has a 6-ft. front yard setback, with a 1-ft. front yard setback for the stairway entrance. The front stair entry encroaches more than the zoning regulations allow, but the encroachment is necessary to provide a level entrance to the main floor, as the slope drops from the front to the back of the parcel. If the stairs were to comply with the required 20-ft. front yard setback, more of the house would need to be supported on stilts and open spaces would be created, or the lot coverage would increase or side setbacks may need to be reduced.

The application also requests to allow the structure to have a height of 33 ft., which exceeds the 28-ft. height limit by 5 ft. The additional height is created by the necessity of placing the garage at the front edge of the property so that it is accessible to the existing road. The building footprint which consists of a garage and two stories of living area under it, span a 20-ft. and drop in grade. Each proposed story is 10 ft. in height which is a standard height, and the excess height will not be visible due to the downward slope of the parcel from the road.

This application meets the parking requirements, the allowed floor area ratio, and the side and rear yard setback requirements. The requested exceptions are as nearly in compliance as possible.

- d. The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood.

The proposed single-family residence, as designed and located, will not have any adverse impacts on the surrounding neighborhood as the proposed use is an allowed use in this district. There are no coastal resources which would be impacted. The Design Review Officer reviewed the project against the Emerald Lake Hills Design Review Standards on July 5, 2016 and recommended approval as it complies with the standards and is compatible with the neighborhood.

As proposed and conditioned, the proposal addresses privacy and screening concerns identified by the neighbors.

- e. Use permit approval does not constitute a granting of special privileges.

An approval of the proposed exceptions is not unusual for a parcel of this size and degree of slope. Three similarly sized parcels were also developed with Non-Conforming Use Permits. The use permit will allow construction of a reasonably-sized single-family home which is the principal permitted use in the RH Zoning District.

5. Conformance with Subdivision Regulations

A Conditional Certificate of Compliance (CoC) is required to verify parcel legality in compliance with provisions of the County and State Subdivision laws in effect at the parcel's time of creation. This process is required before new development can proceed, which in this case is a proposal to construct a new single-family residence. The County Subdivision Regulations, Section 7134, allows for either a CoC (Type A) or CoC (Type B) to resolve and confirm a parcel's legality.

To qualify for a CoC (Type A) (pursuant to Section 7134.1), it must be confirmed that the subject parcel was conveyed separately (e.g., conveyed by deed) from any surrounding and adjacent parcels prior to the County's adoption of its first Subdivision Ordinance in July 1945; otherwise, if such conveyance is determined to have occurred after that date, a CoC (Type B) (pursuant to Section 7134.2) shall be required, as is the case with this application.

The subject parcel's legality must be established with a Certificate of Compliance (Type B) because it is an undeveloped parcel of an historical subdivision which was not conveyed as a single parcel prior to July 1945. The submitted chain of title indicated that the first record of conveyance of this parcel (057-163-110) was in 1989 when it was conveyed (apart from any adjacent parcels) for the first time.

Section 7134.2.c(a) of the County Subdivision Regulations states that the Community Development Director may impose "any conditions which would have been applicable (at the time the applicant acquired his or her interest in the property, and which had been established at the time of the Map Act or the County Subdivision Regulations."

Section 7134.2.c of the Subdivision Regulations allows for the approval and recordation of a CoC subject to a public hearing, and allows the Community Development Director to impose conditions of approval to ensure that

development on the parcel complies with public health and safety standards. Sanitary, water and energy infrastructure, needed to support future residential development, exist within or adjacent to the road right-of-way in this area. There are no additional improvements (typical of an urban subdivision) that must be required via conditions at this time. Applicable improvements (i.e., sewer connection, access upgrades and energy line laterals from the street to a future house) will be required to be shown on the plans at the time of receipt of a building permit application and constructed with the house.

Thus, staff finds, pursuant to Subsection (c) of the above-cited section, that additional conditions and applicable improvements are not required until a building permit for development of the property is issued by the County.

B. ENVIRONMENTAL REVIEW

This project is categorically exempt pursuant to Section 15303, Class 3, of the California Environmental Quality Act, related to construction of a single-family residence, in a residential zone, within an urbanized area.

C. REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Cal-Fire/County Fire Authority

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map and Assessor's Parcel Map
- C. Project Plan Site Plan
- D. Project Floor Plan
- E. Project Elevations
- F. Project Tree Replanting Plan
- G. Site Photos
- H. Emerald Lake Hills DRO Recommendation Letter, Dated August 5, 2016
- I. Use Permit Statement from Applicant

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