

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

DATE: October 4, 2018

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Non-Conforming Use Permit and Design Review Exemption, pursuant to Sections 6130, and 6565.4, respectively, of the San Mateo County Zoning Regulations to legalize the enlargement of upper and lower decks attached to an existing non-conforming residence on a non-conforming parcel. The project site is located at 3452 Oak Knoll Drive in the unincorporated Emerald Lake Hills area of San Mateo County.

County File Number: PLN 2017-00390 (Stohr)

PROPOSAL

The project site is located on a legal 4,951 sq. ft. non-conforming parcel where the minimum parcel size for a parcel with a 28% average slope in the Residential Hillside (RH) Zoning District is 26,000 square feet. Four decks currently exist on the subject property. The lower floor deck (292.10 sq. ft.) and the trashcan deck (44.80 sq. ft.) were built without permits while the upper floor deck and BBQ deck were enlarged without permits by 237.5 sq. ft. and 42.12 sq. ft., respectively. The enlargement of the upper floor deck and the construction of the lower floor deck extend approximately 1-foot beyond the left property line onto the neighboring parcel (057-171-060). The unpermitted deck work has resulted in a parcel with a non-conforming lot coverage of 58.62%¹ (where 25% is the maximum allowed), a zero left side yard setback, and a non-conforming 1-foot right side yard setback where a 20-foot combined side yard setback is the minimum required in the RH Zoning District.

The applicant is requesting a Non-Conforming Use Permit and Design Review Exemption to reconfigure and reduce the upper and lower floor decks to bring them entirely onto the subject property and to legalize approximately 508 sq. ft. of unpermitted deck work. The proposed project will reduce the extent of the upper and lower floor decks by 2 feet (approximately 107 sq. ft.), result in a left and right side yard setback of 1-foot (where a 20-foot combined side yard setback is required), and decrease the existing lot coverage from 58.62% to 56.54% (where 25% is the maximum allowed lot coverage in the RH Zoning District).

¹ A past Variance (VA 84-6) and Home Improvement Exception (HIE98-0012) have permitted a 48.56% lot coverage.

RECOMMENDATION

That the Zoning Hearing Officer approve the Non-Conforming Use Permit and Design Review Exemption, County File Number PLN 2017-00390, by making the findings and adopting the conditions of approval listed in Attachment A of this staff report.

BACKGROUND

Report Prepared By: Laura Richstone, Project Planner, 650/363-1829

Owner/Applicant: Joachim Stohr

Location: 3452 Oak Knoll Drive, Emerald Lake Hills

APN: 057-171-050

Size: 4,951 sq. ft.

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

General Plan Designation: Medium to Low Density Residential Urban

Sphere-of-Influence: Redwood City

Existing Land Use: Single-Family Residence

Water Supply: Redwood City Municipal Water

Sewage Disposal: Emerald Lake Sewer District

Flood Zone: Zone X (area of minimal flood hazard); Community Panel No. 06081C0285E, effective 10/16/2012.

Environmental Evaluation: Categorically exempt pursuant to Section 15303, Class 1 of the California Environmental Quality Act (CEQA), related to the minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure.

Setting: An existing two-story 2,453 sq. ft. residence is located at the center of the subject property. The residence was constructed over a natural drainage feature, which is located roughly at the center of the property and runs the width of the parcel. The parcel slopes upward from the drainage feature approximately 28% towards the west and east. The parcel is located in an area containing mature trees and ground cover and is bordered by single-family residential development on all sides.

Chronology:

<u>Date</u>	<u>Action</u>
January 2, 1979	- Residential Hillside (RH) Zoning District was applied to the Emerald Lake Hills area, by Ordinance No. 2560.
March 21, 1985	- Variance (VA 84-6) was approved by the Zoning Hearing Officer to permit the construction of a single-family residence on a parcel of non-conforming width and size and permitted a lot coverage of 42.7% where 30% ² was the maximum allowed.
February 4, 1987	- Building Permit No. 871554 was issued in 1987 for the construction of the residence approved by VA 84-6.
October 23, 1998	- Planning Staff approves a Home Improvement Exemption (HIE 98-0012) and Design Review Exemption (DSR 98-0104) to allow a 192 sq. ft. rear addition that would extend 4 feet 2 inches into the rear setback, leaving a rear setback of 15 feet 10 inches, where 20 feet is required increasing the lot coverage from 42.7% to 48.56% where 25% is the maximum allowed.
July 15, 1999	- Building Permit (BLD98-1212) issued for the construction of HIE 98-0012.
November 26, 2001	- Stop Work Notice SWN 2001-00110 issued for the unpermitted expansion of the barbeque deck.
May 9, 2002	- Building Permit BLD 2002-00227 issued to reduce the width of the barbeque deck from 11 feet to 4 feet as originally approved in HIE 98-0012.
October 5, 2006	- The Zoning Hearing Officer approves a Use Permit for an addition that would exceed the maximum allowable floor area. The project was never built and the entitlements have expired.
September 13, 2017	- Non-Conforming Use Permit and Design Review Exemption submitted to legalize the construction of approximately 508 sq. ft. of unpermitted deck space, increase the maximum allowable lot coverage on a non-conforming parcel, reconfigure the upper and lower floor decks, and reduce the left and right side yard setbacks to 1-foot each.

² The current maximum lot coverage within the RH Zoning District is 25%.

- June 20, 2018 - Application deemed complete.
- October 4, 2018 - Zoning Hearing Officer public hearing.

DISCUSSION

A. KEY ISSUES

1. Conformance with Variance (VA 84-6)

On April 4, 1985 a Variance was granted to construct a single-family residence above an existing intermittent creek/drainage feature: (1) on a 4,951 sq. ft. lot where 26,000 sq. ft. is required, (2) on a 42-foot wide lot where a 50-foot width is required, and (3) with a lot coverage of 42.7% where 30% was the maximum allowed at that time.

The proposed project complies with all of the conditions of the Variance, including the requirement that the lowest portion of the soffit elevation shall be at least 5 feet above the maximum creek elevation during a 100-year flood event (Attachment F). The lower deck is level with the lower floor of the existing residence, has a staircase that extends onto the banks of the drainage feature, and sits approximately 11 feet above the bottom of the drainage feature. A 100-year storm analysis was conducted on the creek when the house was originally built and concluded that the creek would not exceed 2 feet in depth during such an event. As the existing lower floor deck sits approximately 11 feet above the creek's 100-year stormwater elevation, the deck is compliant with the previous conditions of approval. To ensure compliance throughout the life of the project, the applicable conditions from the original variance have been included as recommended conditions of approval.

2. Conformance with the General Plan

- a. Policy 1.6 (*Definition of Water Resources*) and Policy 1.23 (*Regulate Location, Density and Design of Development to Protect Vegetative, Fish, and Wildlife Resources*) defines water resources as all surface water bodies, groundwater bodies and recharge areas, including perennial and intermittent streams and calls for the location, density and design of development to minimize significant adverse impacts to and encourage the enhancement of vegetative, water, fish, and wildlife resources. As previously discussed, the existing residence is built above an intermittent creek/natural drainage feature. Though the creek and drainage feature are considered a water resource they are not mapped by the U.S. Geological Survey (per the 1997 Woodside Quadrangle) nor are they mapped on the General Plan Water Resources Map. Similarly, this area is not identified on the General

Plan Sensitive Habitats Map as containing any sensitive habitat. Though unmapped, the proposed project was referred to the California Department of Fish and Wildlife (CDFW) and the Regional Water Quality Control Board (RWQCB) for review in May 2018. As of the date of this report, the County has received no comments from these agencies.

- b. Policy 4.36 (*Urban Area Design Concept*) seeks to maintain and improve the visual character of development in urban areas and ensure that new development is designed and constructed to contribute to the orderly and harmonious development of a neighborhood. The project site is located within the unincorporated urban residential community of Emerald Lake Hills. Wood decking is not uncommon in this hillside community and, as is the case with this application, decking is often used to provide usable outdoor space when limited level space is available on sloped parcels. With the exception of the trashcan deck, the existing decks are not visible from public streets and will be reconfigured and reduced to be located entirely on the subject property. In addition, all decks will have a natural dark wood finish and vertical wood railings to match the existing deck work. The vertical railings and dark color of the decks will complement the green vertical siding utilized on the residence and blend in with the natural wooded environment.
- c. Policy 8.15 (*Land Use Compatibility*) seeks to protect and enhance the character of existing single-family areas. The General Plan designates the subject property as Medium to Low Density Residential. The existing dwelling complies with this designation and the enlargement of the upper deck and BBQ deck and the construction of the trash can deck and lower floor deck does not change the use of the property as a single-family residence.
- d. Policy 8.39 (*Height, Bulk, and Setbacks*) regulates height, bulk, and setback requirements in zoning districts in order to ensure that the size and scale of development is compatible with the parcel, to provide sufficient light and air in and around a structure, and to ensure public health and safety. The existing single-family residence complies with the height criteria but does not comply with the setback, lot coverage, or floor area ratio (FAR) criteria of the RH Zoning District. A 1985 Variance (VA84-6) and a subsequent 1998 Home Improvement Exception (HIE 98-0012) granted relief from the lot coverage, FAR, and setback criteria by allowing a: (1) lot coverage of 48.56% (where 25% is the maximum), (2) FAR of 2,453 sq. ft. where 2,400 sq. ft. is the maximum, (3) rear yard setback of 15 feet 10 inches where 20 feet

is the minimum, (4) left side yard setback of 9.5 feet³, and (5) right side yard setback of 3.5 feet where 7.5 feet is the minimum side yard setback and 20 feet is the minimum required combined side yard setback in the RH Zoning District. A recent survey of the project parcel revealed that the construction of the original house was shifted 3 feet closer toward the left property line and that the unpermitted upper and lower deck work extends approximately 1-foot onto the neighboring property (APN 057-171-060). The proposed project would reduce the extent of the decks, bring the decks entirely onto the subject property, and result in a lot coverage of 56.54%, a left side yard setback of 1-foot, a right side yard setback of 1-foot, and an unchanged rear yard setback of 15 feet 10 inches. The nearest adjacent development is located approximately 115 feet away from the existing residence on the subject parcel. The proposed project is not expected to create a health and safety impact as access to the rear of the subject parcel and access to the neighboring parcels will not be obstructed by the legalization of the deck work or the reduced side yard setbacks.

3. Conformance with the Zoning Regulations

The project parcel is zoned RH/DR (Residential Hillside/Design Review) has an average slope of 28% and is substandard in parcel size and parcel width. The legal 2,453 sq. ft. two-story residence (which includes a 374 sq. ft. attached garage) is also non-conforming for lot coverage, FAR, and front, rear, and side yard setback requirements.

a. Current Conditions

As stated previously, this property contains four decks: a BBQ deck, trashcan deck, upper deck, and lower deck. The trashcan deck and lower deck were built without permits while the BBQ deck and upper deck were expanded without permits. This has resulted in approximately 616 sq. ft. of unpermitted deck work and a 10% increase in the parcel's lot coverage. In addition, a 2016 survey of the parcel revealed that the existing residence was shifted 3 feet closer to the left property line during construction and that the expanded upper and lower floor decks encroach approximately 1-foot onto the neighboring parcel (APN 057-171-060). The applicant has requested a non-conforming use permit to reconfigure the existing decks to bring them entirely onto the subject property and to legalize the other unpermitted deck work. The reduction of the decks would decrease the parcel's current lot coverage by 2% (approximately 107 sq. ft.) and result in a total lot coverage of 56.54%. The tables below provide a comparison

³ Due to a 3-foot shift closer to the left property line, the actual setback is 6.72 feet where 12.5 feet is required.

between the permitted, existing, and proposed deck work and lot coverage:

	Constructed with Permit	Unpermitted Construction	Total Existing Deck Size	Proposed Legalization	Net Change from Existing
BBQ Deck	43.20 sq. ft.	45.12 sq. ft.	85.32 sq. ft.	85.32 sq. ft.	No change
Trashcan Deck	0 sq. ft.	44.80 sq. ft.	44.80 sq. ft.	44.80 sq. ft.	No change
Upper Deck	403.00 sq. ft.	237.50 sq. ft.	640.50 sq. ft.	580.94 sq. ft.	59.56 sq. ft. reduction
Lower Deck	0 sq. ft.	292.10 sq. ft.	292.10 sq. ft.	243.84 sq. ft.	48.26 sq. ft. reduction
TOTAL	446.20 sq. ft.	619.52 sq. ft.	1062.72 sq. ft.	954.90 sq. ft.	107.82 sq. ft. reduction

	Permitted Lot Coverage	Unpermitted Lot Coverage	Total Existing Lot Coverage	Proposed Lot Coverage	Net Change from Existing
Residence*	2,453 sq. ft.	0 sq. ft.	2,453 sq. ft.	2,453 sq. ft.	No change
BBQ Deck	43.20 sq. ft.	45.12 sq. ft.	85.32 sq. ft.	85.32 sq. ft.	No change
Trashcan Deck	0 sq. ft.	44.80 sq. ft.	44.80 sq. ft.	44.80 sq. ft.	No change
Upper Deck	403 sq. ft.	237.40 sq. ft.	640.50 sq. ft.	580.94 sq. ft.	59.56 sq. ft. reduction
Lower Deck	0 sq. ft.	292.10 sq. ft.	292.10 sq. ft.	243.84 sq. ft.	48.26 sq. ft. reduction
TOTAL	2404.20 sq. ft. (48.56 %)	619.42 sq. ft.	2902.28 sq. ft. (58.62%)	2799.49 sq. ft. (56.54%)	107.82 sq. ft. reduction

*The Residence includes the garage and upper and lower floors.

The legalization and reduction of the unpermitted deck work would decrease the parcel's lot coverage and setback nonconformities. The project's compliance with the RH Zoning District Development Standards is outlined in the table below:

RH Development Standards			
	Required	Existing	Proposed
Minimum Building Site	26,000 sq. ft. for slope of 28%	4,591 sq. ft.	No Change
Minimum Lot Width	50 ft.	42 ft.	No Change
Minimum Front Yard	20 ft.	10 ft.	No Change
Minimum Rear Yard Setback	20 ft.	15'-10"	No Change
Minimum Side Yard Setbacks			
Left Side	7.5 ft. (min)	-1 ft.*	1 ft.
Right Side	7.5 ft. (min)	1 ft.	1 ft.
Combined Total	20 ft.	1 ft.	2 ft.
Maximum Lot Coverage	25%	58.62%	56.54%
Maximum Floor Area Ratio	2,400 sq. ft.	2,453 sq. ft.	No Change
Maximum Building Height	28 ft.	36 ft.	No Change
*Decks extend over property line.			

b. Design Review Exemption

The project is located within a Design Review District. The Bayside Design Review Officer determined that the project qualifies for a Design Review Exemption as the project involves the legalization and reduction of existing wood decks over 24 inches from grade that have no visual impacts to public views as the majority of the decks are screen by vegetation and not visible from the road. In addition, the reduced setbacks of the decks are not expected to impact the privacy of neighboring parcels due to the fact that the decks are located approximately 115 feet from the nearest neighboring residences. The applicant has complied with the 10-day site posting requirement for the Design Review Exemption. No public comments were received during the posting period, nor have any comments been received as of the date of this staff report.

4. Compliance with the Non-Conforming Use Permit Regulations

The existing residence was constructed in 1987 and is non-conforming as identified in Section A.2 above. Section 6133.3.b(2) of the Zoning Regulations requires the issuance of a use permit when proposed development on an improved non-conforming parcel does not conform with the zoning regulations currently in effect. Furthermore, Section 6135.4 of the Zoning Regulations allows a non-conforming structure to be enlarged provided the enlargement conforms with the zoning regulations currently in effect. Alternatively, Section 6137 (*Exceptions*) allows an applicant to request a non-conforming use permit to enlarge an existing non-conforming structure when the enlargement does not conform to the zoning regulations, as is the case with the proposed project. The following findings, as required by Sections 6133.3.b(2) and 6137 must be made for the non-conforming use permit:

a. **That the proposed development is proportioned to the size of the parcel in which it is being built.**

The legal parcel is substandard in size and is non-conforming for lot coverage, FAR, and setbacks. The proposed project would decrease the parcel's lot coverage and side yard setback nonconformities. Past exceptions from the Planning Department have allowed a lot coverage of 48.56%, where 25% is the maximum allowed in the RH Zoning District, a left side yard setback of 6.5 feet and right side yard setback of 3.5 feet where a combined 20-foot setback (with a minimum of 7.5 feet on either side) is required by the RH Zoning District. The unpermitted deck work increased the parcel's lot coverage by 10% and resulted in a right side yard setback of 1-foot and no left side yard setback as the decks extend onto the neighboring property. The

proposed project to reconfigure and legalize the unpermitted deck work would: (1) decrease the current lot coverage by 2% (resulting in a proposed lot coverage of 56.54%), (2) bring the decks entirely onto the subject parcel, and (3) result in a left and right side yard setback of 1-foot each. Due to the property's steep slope and the creek/drainage feature that bisects the parcel, the proposed deck legalization provides outdoor space for a residence that would otherwise not have usable outdoor space.

- 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 provided to be infeasible.**

The subject parcel borders two separate parcels developed with single-family residences. Attempts to acquire more land from the adjacent parcels would be infeasible as the surrounding parcels are either substandard in size and/or the acquisition of land from these parcels would make them substandard in size. Therefore, acquisition is not feasible.

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

As identified in Section A.2, the parcel is non-conforming for lot coverage, FAR, and setbacks. The proposed project does not affect the parcel's existing FAR, will decrease the lot coverage of the site by 2%, and create a larger left side yard setback compared to existing conditions. Compared to the surrounding parcels, the subject parcel has limited outdoor space due to its slope, small size, and the creek/drainage feature that bisects the property. As the decks provide usable outdoor space for a residence built above a creek, are largely screened from public views by existing vegetation, and do not inhibit access to the rear of the parcel or neighboring parcels, the proposed increase the parcel's permitted lot coverage and side yard setback non-conformities are as nearly in compliance with the zoning regulations as reasonably possible.

- d. That the establishment, maintenance and /or conducting of the 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 said neighborhood.**

Staff has determined that the proposed deck legalization and reconfiguration does not adversely impact the public welfare or cause detriment to property or improvements in the neighborhood.

Furthermore, the project site is not located within the Coastal Zone and therefore does not generate a significant adverse impact to coastal resources. Given the steep slope of the property and the fact that a creek runs directly under the existing residence, there is little to no flat area in the side or rear yards of the parcel. The request to increase the allowed deck square footage and associated lot coverage is minor and is reasonable to provide usable outdoor space for the project parcel that is otherwise enjoyed by adjacent parcels. Located approximately 115 feet away from the nearest development, the reduced side yard setbacks are not expected to impact the privacy of neighboring residences. The reduced side yard setback of the decks are also not expected to create a health and safety issue as access to the rear of the subject parcel and access to the neighboring parcels will not be obstructed by the legalization of the deck work. As proposed, staff has determined that the enlarged decks have a negligible impact to adjacent parcels and surrounding residential areas.

- e. **That the use permit approval does not constitute a granting of special privileges.**

Due to the sloped nature of the Emerald Lake Hills area, decks provide usable outdoor space and are common throughout the community. Approval of a non-conforming use permit does not constitute the granting of a special privilege as the Zoning Regulations Non-Conformities Chapter provides the same exception process for similar parcels under the same conditions.

B. ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, relating to the minor alteration of an existing structure where the addition is less than 50% of the floor area of the existing structure.

C. REVIEWING AGENCIES

Building Inspection Section
Cal-Fire
Emerald Hills Homeowners Association
Emerald Hills Community Coalition

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Survey
- D. Project Plans
- E. Photos
- F. Variance VA 84-6

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2017-00390

Hearing Date: October 4, 2018

Prepared By: Laura Richstone
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is categorially exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, as a minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure.

For the Non-Conforming Use Permit, Find:

2. The proposed project will decrease the total lot coverage of the site by 2%, will provide an increased left side yard setback compared to existing conditions, and is proportioned to the size of the parcel on which it is being built. As the decks are located on the side of the parcel where they are not visible from public views (with the exception of the trashcan deck), and due to the fact that they are located approximately 115 feet away from the nearest development, the proposed decks will not generate an adverse public impact.
3. That all opportunities to acquire additional contiguous land in order to achieve conformity with the zoning district regulations currently in effect have been investigated and proven to be infeasible as the surrounding properties are currently developed and use as single-family residences and are under separate ownership and thus cannot be merged with the subject parcel. Furthermore, the adjacent parcels are considered either substandard in size, or acquisition of additional land would made them substandard in size. Therefore, acquisition of additional land for this parcel is not feasible.
4. That the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible, as the proposed decks will provide flat usable outdoor space otherwise unavailable to this parcel due to

its slope while reducing the current lot coverage non-conformity and providing a left side yard setback of 1-foot where there is currently no side yard setback.

5. That the establishment, maintenance and/or conduction of the 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 said neighborhood, as the site is not located within the Coastal Zone and the increase in permitted deck square footage is minor and generates negligible impacts on adjacent parcels and the surrounding neighborhood. The reconfigured and legalized decks provide reasonable usable outdoor space for the residence and (with the exception of the trashcan deck) are not visible from public streets.
6. That the use permit does not constitute a granting of special privileges, as the Zoning Regulation Non-Conformities Chapter provides the same exception process for similar parcels under the same conditions.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents, and plans described in this report and submitted and approved by the Zoning Hearing Officer on October 4, 2018. Minor modifications to the project may be approved by the Community Development Director if they are consistent with the intent of, and in substantial conformance with, this approval.
2. This non-conforming use permit is valid for one (1) year from the date of final approval, in which time a valid building permit shall be issued and a completed inspection (to the satisfaction of the Building Inspector) shall have occurred within 180 days of its issuance. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable fees sixty (60) days prior to expiration.
3. A Planning final inspection is required prior to the final building inspection of any associated building permit to verify the final size, location, color, and material of the decks to be reconfigured and legalized.
4. The proposed decks shall have a natural dark wood finish with vertical railing.
5. The applicant shall comply with the following applicable conditions of approval of Variance VA 84-6 during the life of the project:
 - a. Drainage onto and from the site shall not be more detrimental to adjacent properties than at present. (This will be evaluated by the Department of Public Works at the time of Building Permit application).

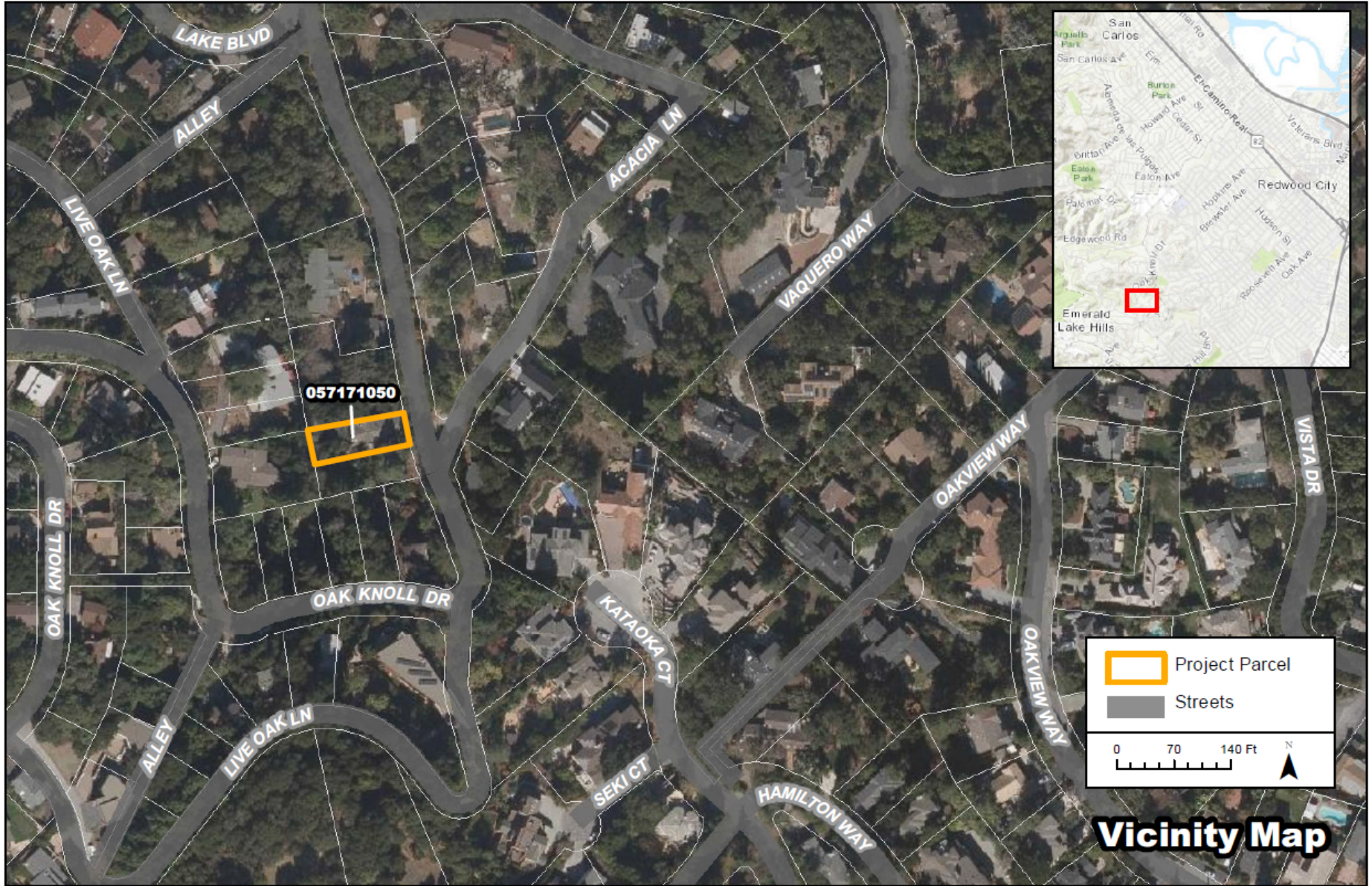
- b. There shall be adequate “head room” for maintenance of the natural drainage way should the need arise.
 - c. The lowest portion of the soffit elevation shall be 5 feet above the maximum creek elevation during a 100-year flood. This elevation shall be provided, with engineering calculations, to the satisfaction of the Building Inspection Section and the Department of Public Works.
6. 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 impede through traffic along the right-of-way on Oak Knoll Drive. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Oak Knoll Drive. There shall be no storage of construction vehicles in the public right-of-way.
7. The project and related construction activity shall not interfere water flows of the on-site drainage feature.
8. 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).
9. The applicant shall include an erosion and sediment control plan to comply with the County’s Erosion Control Guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control measures to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
10. Prior to the beginning of all construction, the applicant shall implement the approved erosion and sediment control plan and tree protection plan, which shall be maintained throughout the duration of the project. The goal is to prevent significant trees, as defined by San Mateo County’s Significant Tree Ordinance, Section 12,000, from injury or damage related to construction activities. The goal

is also 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 the use of 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 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 application 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; clean off-site paved areas and sidewalks using dry sweeping methods.
- l. The contractor shall train and provide instruction 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.

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San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

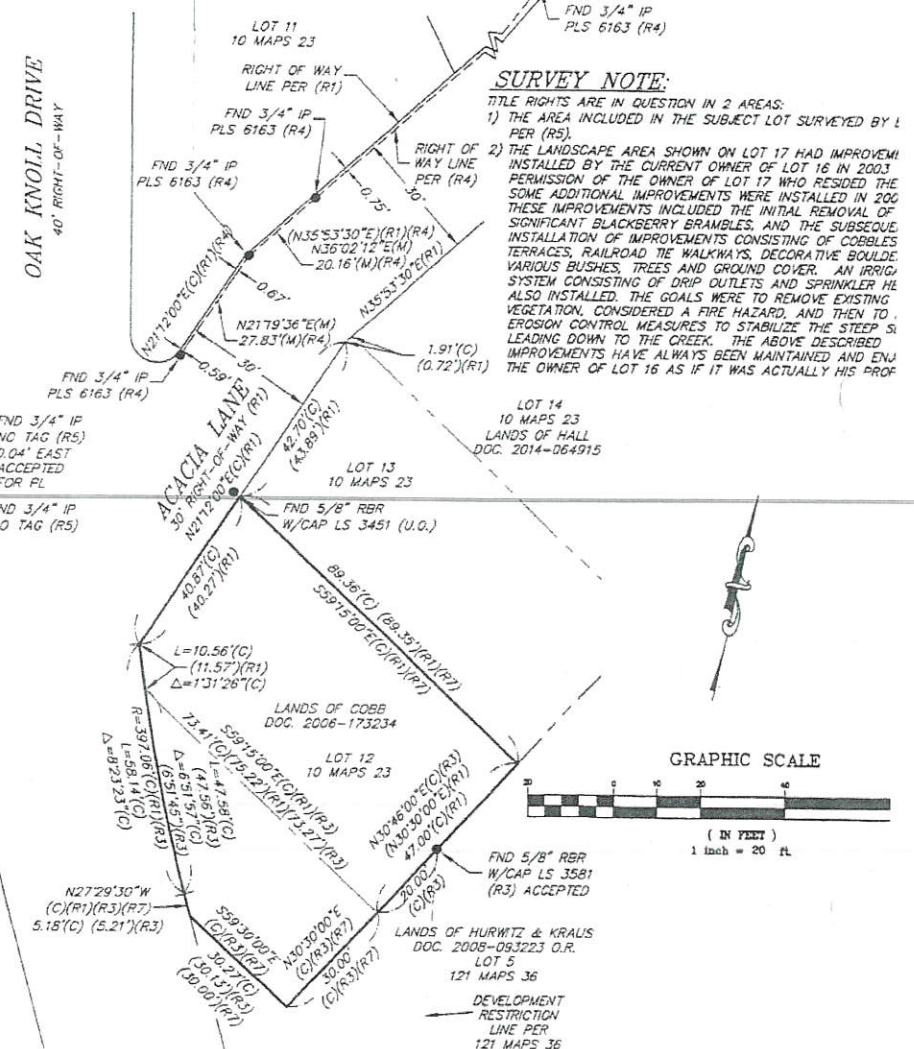
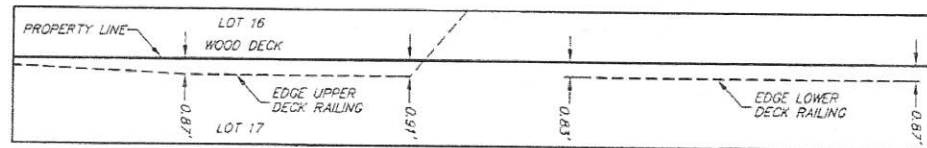
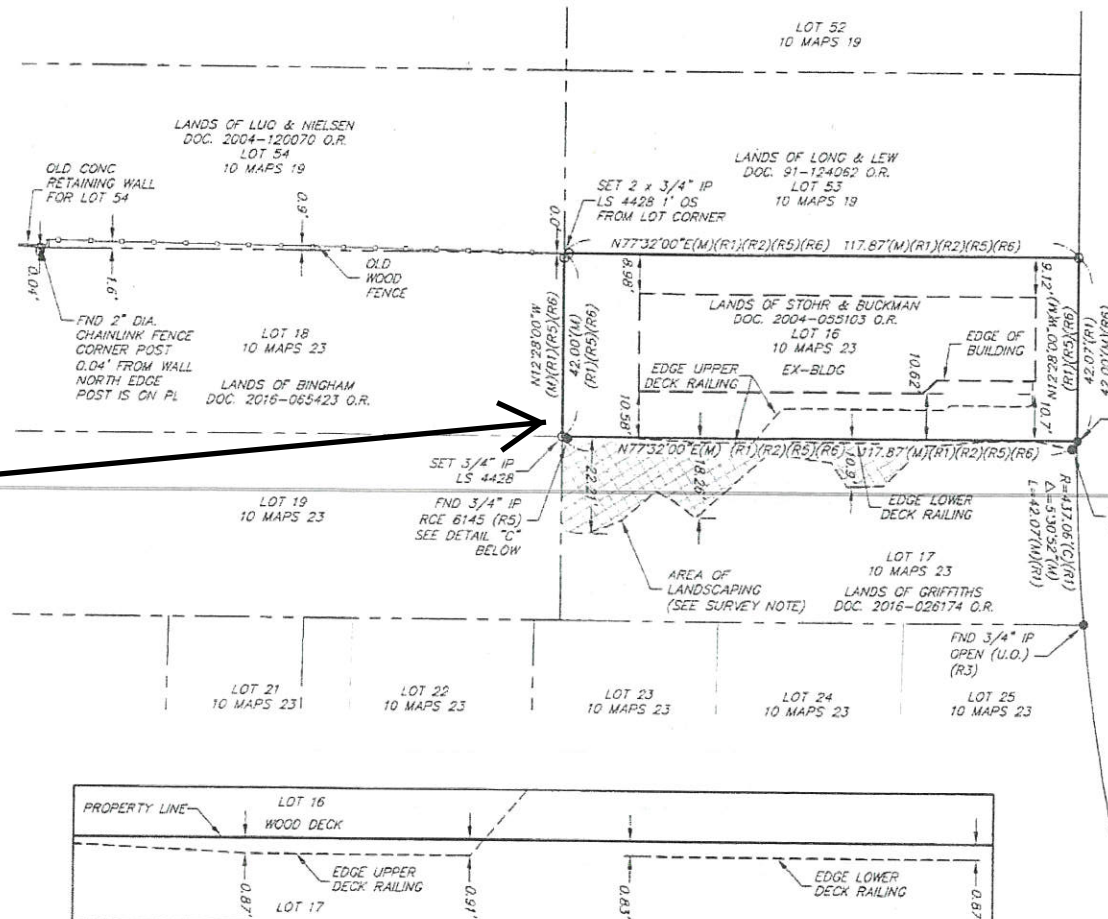
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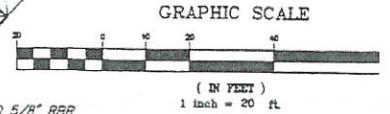
County of San Mateo - Planning and Building Department

ATTACHMENT C

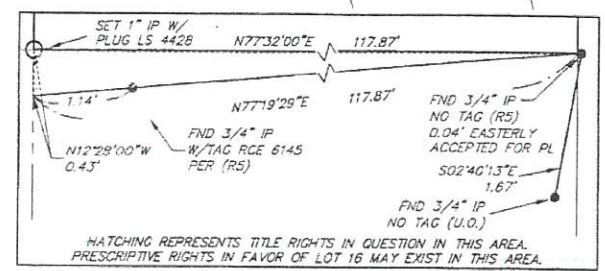
Decks extend beyond property line



SURVEY NOTE:
 TITLE RIGHTS ARE IN QUESTION IN 2 AREAS:
 1) THE AREA INCLUDED IN THE SUBJECT LOT SURVEYED BY L PER (R5).
 2) THE LANDSCAPE AREA SHOWN ON LOT 17 HAD IMPROVEMENTS INSTALLED BY THE CURRENT OWNER OF LOT 16 IN 2003. PERMISSION OF THE OWNER OF LOT 17 WHO RESIDED IN 2006 SOME ADDITIONAL IMPROVEMENTS WERE INSTALLED IN 2006 THESE IMPROVEMENTS INCLUDED THE INITIAL REMOVAL OF SIGNIFICANT BLACKBERRY BRAMBLES, AND THE SUBSEQUENT INSTALLATION OF IMPROVEMENTS CONSISTING OF COBBLES TERRACES, RAILROAD TIE WALKWAYS, DECORATIVE BOULDER VARIOUS BUSHES, TREES AND GROUND COVER. AN IRRIGATION SYSTEM CONSISTING OF DRIP OUTLETS AND SPRINKLER HL ALSO INSTALLED. THE GOALS WERE TO REMOVE EXISTING VEGETATION, CONSIDERED A FIRE HAZARD, AND THEN TO EROSION CONTROL MEASURES TO STABILIZE THE STEEP SLOPE LEADING DOWN TO THE CREEK. THE ABOVE DESCRIBED IMPROVEMENTS HAVE ALWAYS BEEN MAINTAINED AND ENJOYED BY THE OWNER OF LOT 16 AS IF IT WAS ACTUALLY HIS PROPERTY.



- LEGEND**
- BD BASIS OF BEARINGS
 - (C) CALCULATED
 - (CFR) CALCULATED FROM RECORD
 - CONC CONCRETE
 - COR CORNER
 - FND FOUND
 - IP IRON PIPE
 - (M) MEASURED
 - MON MONUMENT
 - MW MONUMENT WELL
 - O.R. OFFICIAL RECORDS
 - PL PROPERTY LINE
 - RBR REBAR
 - SNF SEARCHED FOR, NOT FOUND
 - U.O. UNKNOWN ORIGIN
 - (R1) RECORD INFORMATION PER 10 MAPS 23
 - (R2) RECORD INFORMATION PER 10 MAPS 19
 - (R3) RECORD INFORMATION PER 121 MAPS 36
 - (R4) RECORD INFORMATION PER 41 LLS 70
 - (R5) RECORD INFORMATION PER UNRECORDED SURVEY BY ED BACA, LS 3451, DATED 1/10/84, JOB 86-002
 - (R6) DOCUMENT NO# 2004-055103 O.R.
 - (R7) DOCUMENT NO# 2006-173234 O.R.
 - INDICATES A FOUND SURVEY MONUMENT AS NOTED
 - ⊙ INDICATES A FOUND BRASS DISK IN MONUMENT WELL AS NOTED
 - INDICATES SET 3/4" IRON PIPE WITH PLUG LS 4428
 - INDICATES SURVEY MONUMENT SEARCH FOR, NOT FOUND



RECORD OF SURVEY
 RS No 3062
 LANDS OF STOHR & BUCKMAN & COBB
 BEING A SURVEY OF LOT 12, A PORTION OF LOT 5 AND LOT 16 SHOWN ON THE MAP ENTITLED "EMERALD LAKE PARK MAP NO. 2" SEPTEMBER 5, 1919 IN MAP BOOK 10, PAGE 23, SAN MATEO CC RECORDS. SAID SURVEYED PROPERTY ALSO BEING DESCRIBED DOCUMENT # 2004-055103 AND DOCUMENT # 2006-173234 OF RECORDS OF SAID COUNTY.

EMERALD HILLS SAN MATEO COUNTY CALIF
 SCALE 1"=20'

777 WOODSIDE ROAD, SUITE 2A
 REDWOOD CITY, CA 94061
 PHONE: (650) 366-0218
 FAX: (650) 366-0298

JUNE, 20



County of San Mateo - Planning and Building Department

ATTACHMENT D

APN #: 057-171-050

Lot Size: 4,951 sq.ft.

Zoning District: RH/DR

Existing Building:

Lower Level	495 sq.ft.
Upper Level	1,584 sq.ft.
Garage	374 sq.ft.
Total	2,453 sq.ft.

Existing Decks:

Trascan Deck	44.80 sq.ft.
BBQ Deck	85.32 sq.ft.
Upper Deck	640.50 sq.ft.
Lower Deck	292.10 sq.ft.
Total	1,062.72 sq.ft.

Proposed Decks:

Trashcan Deck	44.80 sq.ft.
BBQ Deck	85.32 sq.ft.
Upper Deck	580.94 sq.ft.
Lower Deck	243.84 sq.ft.
Total	954.9 sq.ft.

Existing FAR:

Lower Level	495 sq.ft.
Upper Level	1,584 sq.ft.
Garage	374 sq.ft.
Total	2,453 sq.ft. or 49.5%

Existing Lot Coverage:

Existing Building	1,958 sq.ft.
Existing Decks**	944.28
Total	2,902.28 sq.ft. or 58.62%

Proposed Lot Coverage:

Existing Building*	1,958 sq.ft.
Proposed Decks	841.49 sq.ft.
Total	2,799.49 sq.ft. or 56.54%

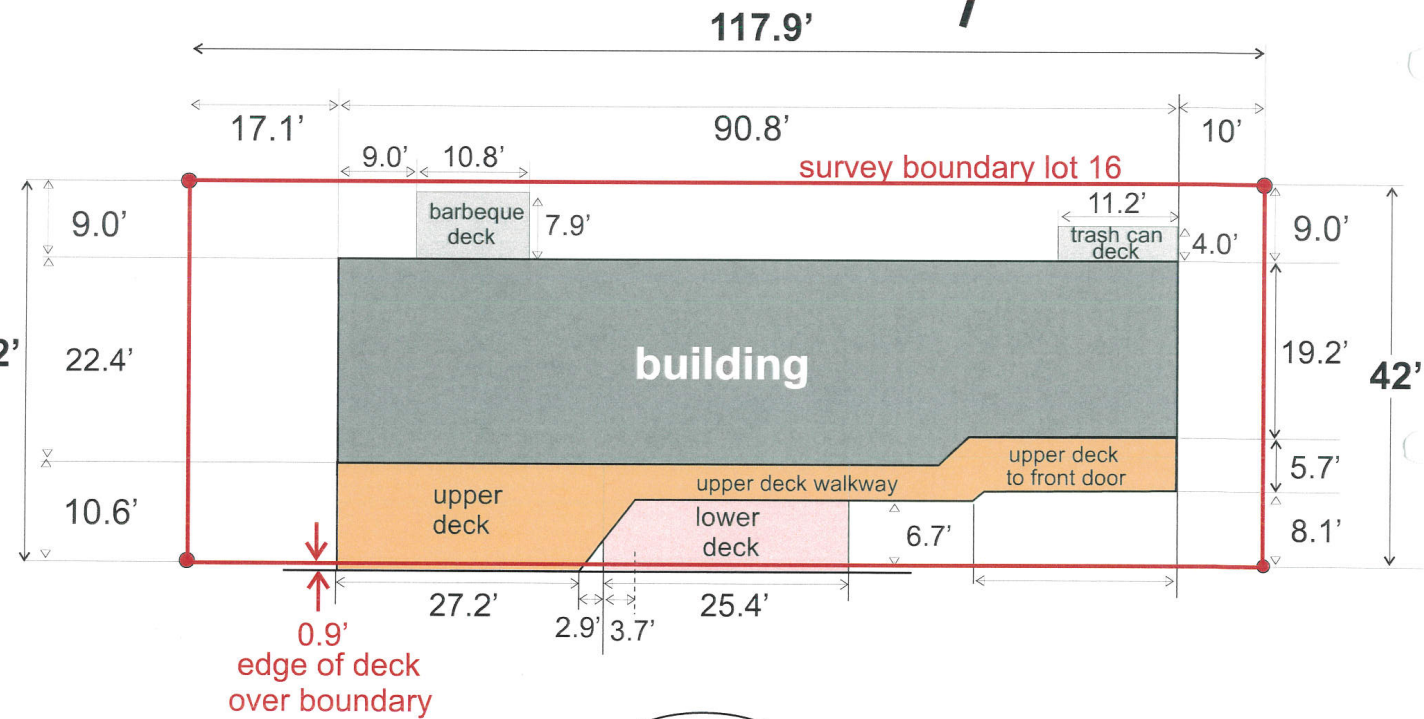
*Lower level excluded for Lot Coverage Calculations

**Total adjusted not to double count area of decks that overlap

lot 53



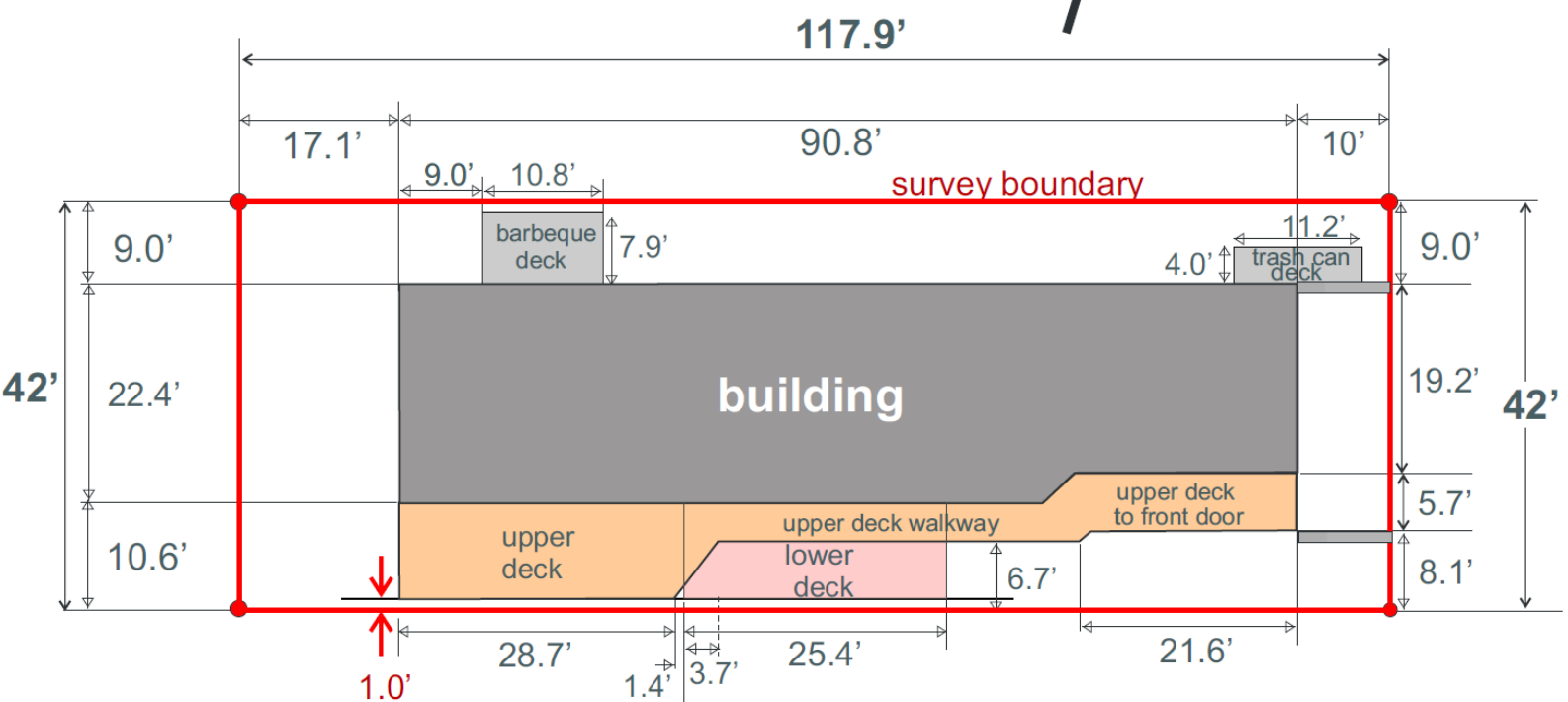
Existing Site Plan



lot 17

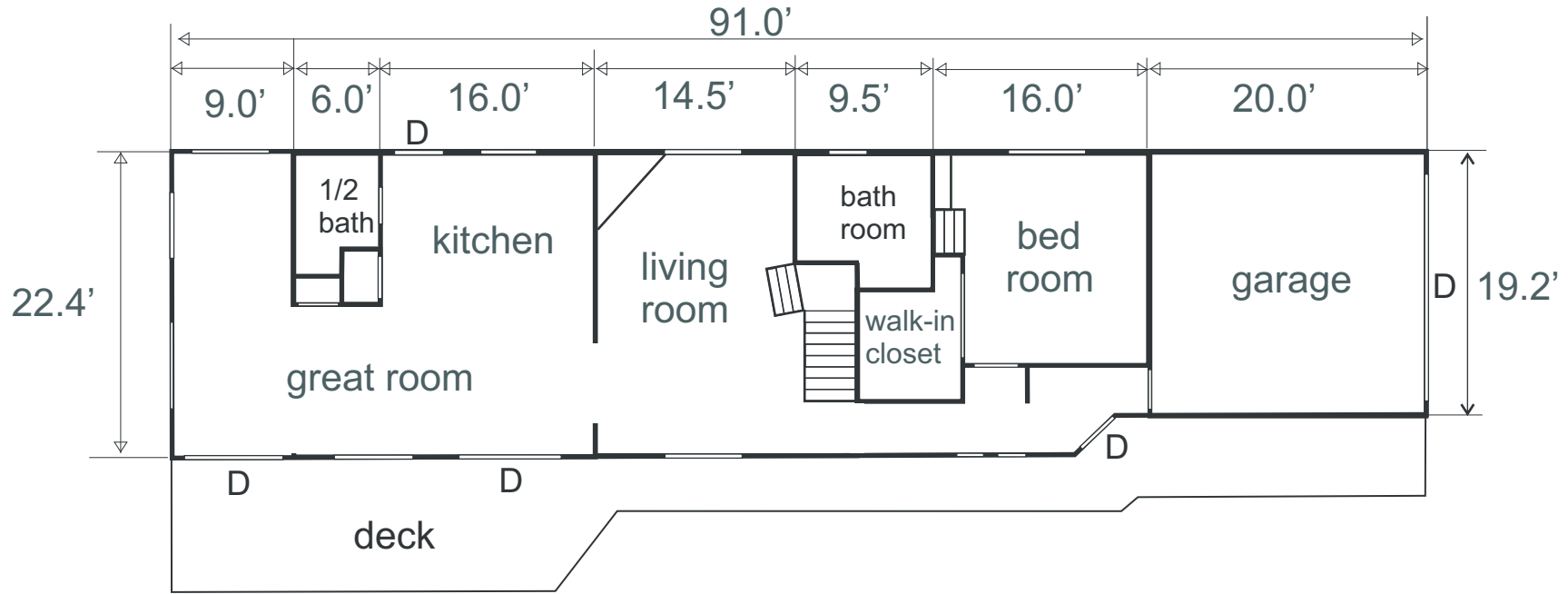


Proposed Site Plan with Reduced Decks

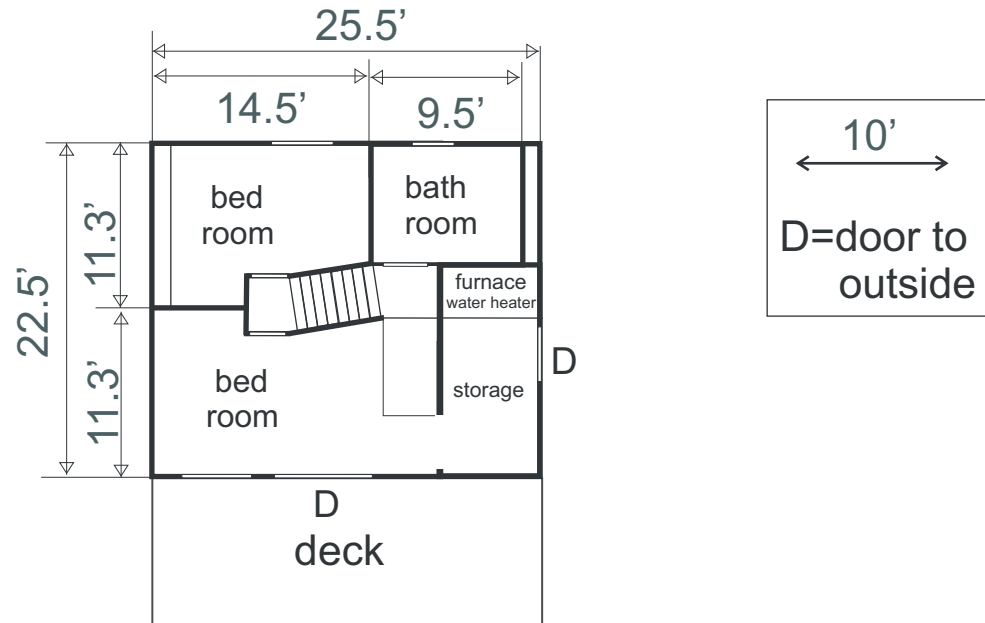


Oak Knoll Drive

upper level floor plan

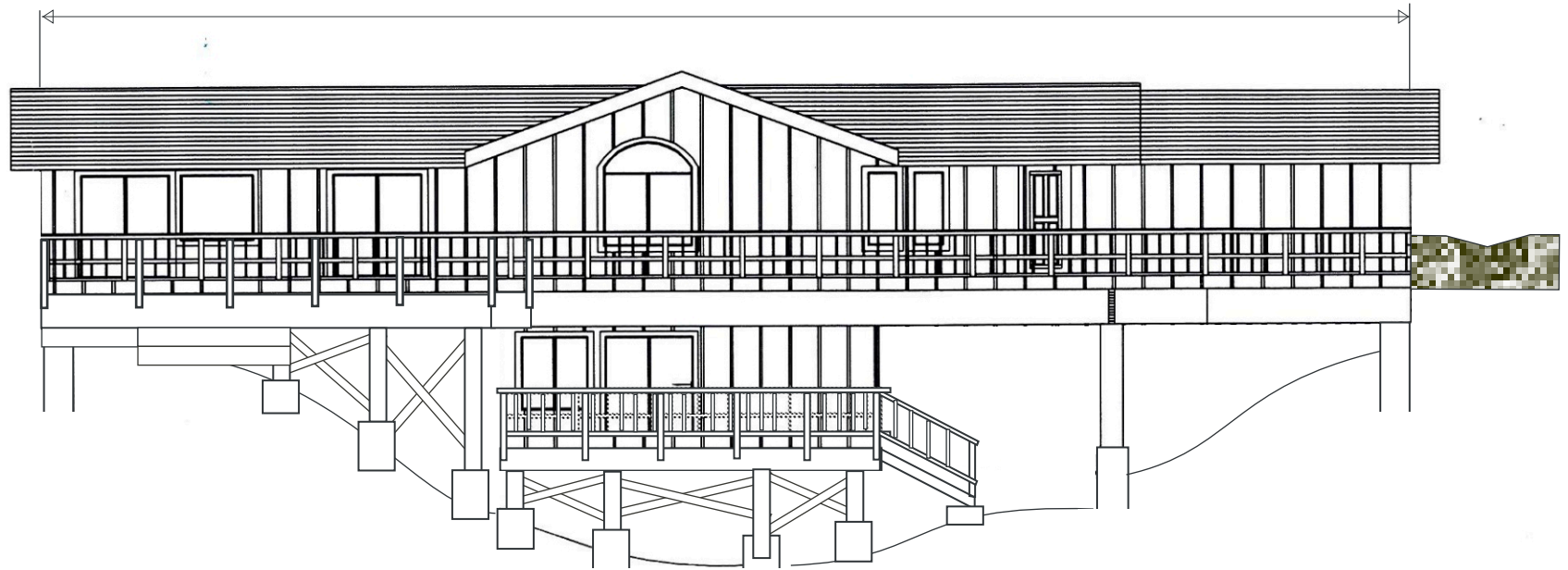


lower level floor plan



South Elevation 3452 Oak Knoll Drive

90.8'



Oak Knoll Drive

North Elevation

Oak Knoll Drive



10'
scale



County of San Mateo - Planning and Building Department

ATTACHMENT E

3452 Oak Knoll: View to west away from Oak Knoll street



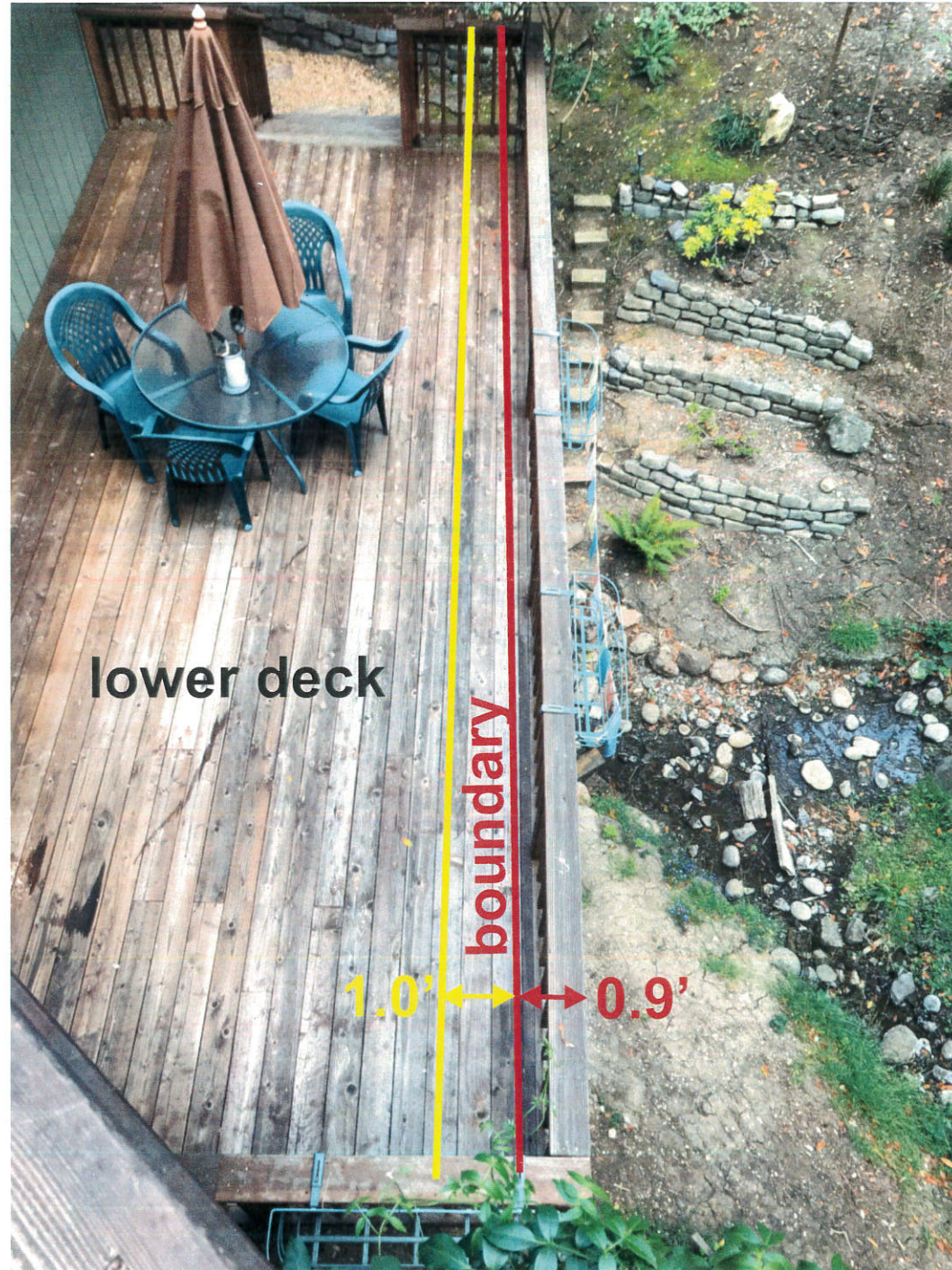
View south from lower deck toward 3468 Oak Knoll neighbor Daniel Griffiths



neighbor's house

creek

lower deck



lower deck

boundary

1.0'

0.9'

Lower deck:

view to north east
toward Oak Knoll street

red line is lot boundary
according to survey

yellow line is proposed outer
edge of reduced upper deck



Upper deck:

view to north east
toward Oak Knoll street

red line is lot boundary
according to survey

yellow line is proposed outer
edge of reduced upper deck

Trash can deck







County of San Mateo - Planning and Building Department

ATTACHMENT F

Department of Environmental Management
Planning and Development Division



COUNTY OF SAN MATEO

COUNTY GOVERNMENT CENTER • REDWOOD CITY • CALIFORNIA 94063 (415) 363-4161

BOARD OF SUPERVISORS
ANNA G. ESHOO
ARLEN GREGORIO
WILLIAM J. SCHUMACHER
K. JACQUELINE SPEIER
JOHN M. WARD

DAVID C. HALE
PLANNING DIRECTOR

April 4, 1985

David Martinez
21727 Lake Vista Drive
Lake Forest, CA 92630

Dear Mr. Martinez:

SUBJECT: Variance, VA 84-6

On April 4, 1985, the Zoning Hearing Officer considered your application for a Variance, pursuant to Section 6530 of the San Mateo County Zoning Regulations, to approve construction of a single-family residence with: (1) a lot having a street frontage of 42 ft. where 50 ft. is required by Section 6807, (2) a lot having an area of 4,950 sq. ft. (4,740 sq. ft. after dedication of street right-of-way) where 26,000 sq. ft. is required by Section 6804, and (3) lot coverage of 42.7% (44.6% coverage after dedication of street right-of-way) where 30% is the maximum lot coverage allowed by Section 6808. At 3452 Oak Knoll Drive, Redwood City. (APN: 057-171-050)

Based on the information provided by staff and evidence presented at this hearing, the Zoning Hearing Officer:

A. Found:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application which circumstances or conditions do not apply generally to the land, buildings and/or uses in the same district.
2. That the granting of the application is necessary for the preservation and enjoyment of the substantial property rights of the petitioner.
3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

B. Approved Variance 84-6 subject to the following conditions:

1. Drainage onto and from the site shall not be more detrimental to adjacent properties than at present. (This will be evaluated by the Department of Public Works at the time of building permit application.)
2. There shall be adequate "head room" for maintenance of the natural drainage way should the need arise.
3. Plans for the project will require recommendations and approval from an appropriate consultant (geotechnical and/or civil engineer) with respect to drainage and erosion control to be included with building plans at the time of building permit application.
4. The lowest portion of the soffit elevation shall be five feet above the maximum creek elevation during a 100-year flood. This elevation shall be provided, with engineering calculations, to the satisfaction of the Department of Public Works.
5. Area below the house (gully) to be cleaned of all flammable undergrowth and planted with fire resistant vegetation.
6. A 30 ft. distance from the house shall be cleared of all flammable (non-living) vegetation. (All clean up shall take place between April and November each year.)
7. The residence may extend one story above the grade at the front property line. An additional story may be built beneath that allowed.
8. For design review, submit samples of proposed exterior colors. They shall be deep earth tone colors.
9. Plans shall be submitted that will provide an equal amount of trees to be planted as a buffer. The trees shall be as fire retardant as possible, at least five gallon size and be located a safe distance from the home.

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) days from such date of determination.

Very truly yours,



Sky G. Dalton
Zoning Hearing Officer

SGD:ac - A3004940

cc: Department of Public Works
Building Inspection
Todd & Francine Ramos