COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: April 10, 2019

- TO: Planning Commission
- FROM: Planning Staff
- **SUBJECT:** <u>EXECUTIVE SUMMARY</u>: Consideration of a Design Review Permit and a Non-Conforming Use Permit, for construction of an exterior remodel and 1,121 sq. ft. addition (existing but unpermitted) to an existing 1,754 sq. ft. single-family residence with an existing 489 sq. ft. attached carport on a 7,587 sq. ft. parcel, at 239 Ferndale Way in the unincorporated Emerald Lake Hills area of San Mateo County. A Non-Conforming Use Permit is required to legalize the addition, allow 3,185 sq. ft. of total floor area where 2,400 sq. ft. is the maximum allowed by the Residential Hillside Zoning District, a 5-foot 2-inch left side yard setback and a 1-foot 7-inch right side yard setback where 7.5 feet is the minimum side yard setback and 20 feet is the minimum combined side yard setback, and to allow the applicant to maintain 2 covered, non-conforming parking spaces. No significant trees are proposed to be removed.

County File Number: PLN 2018-00316 (Herring)

PROPOSAL

The applicant proposes a major remodel to an existing residence with approximately 1,600 sq. ft. of unpermitted work on a 7,587 sq. ft., non-conforming parcel, where the minimum lot size is 28,000 sq. ft. for a parcel with 29% slope in the Residential Hillside Zoning District. The subject application was filed to address a Stop Work Notice (SWN 2017-00119) issued by the County for unpermitted construction involving siding changes and interior remodel.

The original house was permitted in 1926 with a total of 940 sq. ft. and a 200 sq. ft. covered porch. A carport and sundeck were added in 1961 with permits. As captured on a 1971 Assessor's report, a portion of the basement (approximately 450 sq. ft.) was converted to living space prior to 1980 without permits. The remainder of the basement was converted in 1980, without benefit of permits, along with an expansion of the house footprint into the required 7.5-foot minimum side setback. This floor area totaled approximately 1,121 square feet. Design Review and Non-Conforming Use permits are necessary to legalize the unpermitted work and retain the non-conforming portions of the structure.

RECOMMENDATION

That the Planning Commission approve the Design Review Permit and Non-Conforming Use Permit, for County File Number PLN 2018-00316, based on and subject to the required findings and conditions of approval listed in Attachment A.

<u>SUMMARY</u>

The project requires a Design Review Permit and a Non-Conforming Use Permit. The project's compliance with the required findings are as follows.

<u>Design Review Permit</u>: The project, which consisted of siding changes and evaluation of the changes associated with the unpermitted work, was heard on December 11, 2018, at the Emerald Lake Hills Design Review meeting. The Design Review Officer stated that the project was in conformance with the design review standards. It was recommended, and made a condition of approval, that the shingles on the house be painted a darker shade of grey than the upper siding to accentuate the material mix.

<u>Non-Conforming Use Permit</u>: The subject parcel is substandard in size and nonconforming development can be allowed with a Non-Conforming Use Permit, per Zoning Regulations Section 6133.2b(2). A Non-Conforming Use Permit for the addition/ remodel subject to the following findings:

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

The majority of the additional square footage is the result of the conversion of an understory/basement, and does not contribute to the bulk of the structure. The removal of a portion will allow the development to comply with the lot coverage ratio.

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 to be infeasible.

Adjacent parcels are developed with single-family residences, are substandard in size, and offer no opportunities for acquisition of additional land area.

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

The existing residence was constructed with S-7 Zoning, which allowed 5-foot side setbacks, not the 7.5 ft. minimum/combined 20 feet set by the current RH Zoning District. A 1961 building permit allowed the non-conforming carport which is not being altered. The non-conforming parking area will be approximately 94% of the required parking space size. The 1980 addition continues the 5-foot, 2 inch

side setback which is approximately 2.5 feet out of compliance with the RH Zoning District. An 88.5 sq. ft. portion of this encroachment will be removed to comply with lot coverage.

d. That 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 encroachment of the house into both side setbacks has existed for 38 years. The footprint is not being expanded with this proposal; it will be reduced slightly by 88.5 square feet. The maintenance of the non-conforming structure will not result in a significant adverse impact or be detrimental to the neighborhood.

e. That the Use Permit approval does not constitute a granting of special privileges.

Several houses in the area have expanded beyond the current limits for floor area and have reduced setbacks through exceptions granted by the Planning and Building Department. This proposal is similar in scope and scale with residences on smaller parcels in the area.

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COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: April 10, 2019

- TO: Planning Commission
- **FROM:** Planning Staff
- **SUBJECT:** Consideration of a Design Review Permit and a Non-Conforming Use Permit, pursuant to Sections 6565.3 and 6137 of the San Mateo County Zoning Regulations, respectively, for construction of an exterior remodel and 658 sq. ft. addition (existing but unpermitted) to an existing 1,754 sq. ft. single-family residence with an existing 489 sq. ft. attached carport on a 7,587 sq. ft. parcel, at 239 Ferndale Way in the unincorporated Emerald Lake Hills area of San Mateo County. A Non-Conforming Use Permit is required to legalize the addition, allow 3,185 sq. ft. of total floor area where 2,400 sq. ft. is the maximum allowed by the Residential Hillside Zoning District, a 5-foot, 2-inch left side yard setback and a 1-foot, 7-inch right side yard setback where 7.5 feet is the minimum side yard setback and 20 feet is the minimum combined side yard setback, and to allow the applicant to maintain two covered, non-conforming parking spaces. No significant trees are proposed to be removed.

County File Number: PLN 2018-00316 (Herring)

PROPOSAL

The applicant proposes a major remodel to an existing residence with approximately 1,600 sq. ft. of unpermitted work on a 7,587 sq. ft., non-conforming parcel, where the minimum lot size is 28,000 sq. ft. for a parcel with 29% slope in the Residential Hillside Zoning District. The subject application was filed to address a Stop Work Notice (SWN 2017-00119) issued by the County for unpermitted construction involving siding changes and interior remodel.

The original house was permitted in 1926 with a total of 940 sq. ft. and a 200 sq. ft. covered porch. A carport and sundeck were added in 1961 with permits. As captured on a 1971 Assessor's report, a portion of the basement (approximately 450 sq. ft.) was converted to living space prior to 1980 without permits. The remainder of the basement was converted in 1980, without benefit of permits, along with an expansion of the house footprint into the required 7.5-foot minimum side setback. This floor area totaled approximately 1,121 square feet. Design Review and Non-Conforming Use permits are necessary to legalize the unpermitted work and retain the non-conforming portions of the structure.

RECOMMENDATION

That the Planning Commission approve the Design Review Permit and Non-Conforming Use Permit, for County File Number PLN 2018-00316, 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: Fred Herring

Owner: Horatio Holdings LLC

Location: 239 Ferndale Way, Emerald Lake Hills

APN: 057-022-060

Size: 7,587 sq. ft.

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

General Plan Designation: Low Residential/Urban

Sphere-of-Influence: City of Redwood City

Existing Land Use: Single-Family Residential

Water Supply: City of Redwood City Municipal Water Department

Sewage Disposal: Emerald Lakes Sewer District

Flood Zone: Zone X, Panel Number 06081C0282E; Effective Date: October 16, 2012

Environmental Evaluation: That this project is categorically exempt under Section 15301, Class 1 of the California Environmental Quality Act for Existing Facilities. The project consists of an addition to an existing structure located in an urban area that results in an increase of less than 50% of the floor area of the structure before the addition. The existing residence is served by water and sewer districts, the project site has been previously disturbed, and the property is located in an established residential community.

Setting: The property is located in the unincorporated community of Emerald Lake Hills. It is developed with a single-family residence constructed in 1926. Surrounding parcels are predominantly of non-conforming sizes, and are also developed with single-family residences.

Chronology:

Date		Action
1926	-	The original house was permitted with a total of 940 sq. ft. and a 200 sq. ft. covered porch.
1961	-	A two-car carport and sundeck were added in 1961 with permits. A stairwell located at the center of the carport made both parking spaces non-conforming in width and length.
1971	-	A portion of the basement was converted to living space prior to 1980, with floor area totaling 450 square feet.
1980	-	The remainder of the basement was converted in 1980 without benefit of permits along with an expansion of the house footprint into the required 7.5-foot minimum side setback, with floor area totaling 1,121 square feet.
November 22, 2017	-	A Stop Work Notice (SWN 2017-00119) was issued regarding unpermitted construction on the structure.
December 22, 2017	-	A building permit (BLD 2017-02672) was submitted to address the Stop Work Notice.
May 31, 2018	-	A Design Review Pre-application (PRE 2018-00028) meeting was held to assist with submission requirements for the project. The review by the Current Planning Section determined that the project requires a Design Review Permit and a Non-Conforming Use Permit for the unpermitted, non- conforming addition to the house and exterior changes.
August 14, 2018	-	Applications for Design Review Permit (PLN 2018-00316) and Non-Conforming Use Permit was submitted.
November 27, 2018	-	Planning staff deems the application (PLN 2018-00316) complete.
December 11, 2018	-	Project was heard by the Emerald Lake Hills Design Review Officer at public hearing and recommended for approval with minor modifications.
April 10, 2019	-	Planning Commission 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." The General Plan calls for the establishment of guidelines for communities to achieve these goals. The establishment of the Design Review (DR) Zoning District, Section 6565 of the San Mateo County Zoning Regulations, is the mechanism that 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 conforms with the General Plan Policies 4.15 (*Appearance of New Development*) and 4.36 (*Urban Area Design Concept*). These policies require structures to improve the appearance and visual character of development in the area through the location and appearance of the structure.

The project, as proposed and conditioned, has been reviewed by the Emerald Lake Hills Design Review Officer and, as conditioned, is in compliance with the Design Review Standards for Emerald Lake Hills. Condition No. 3 requires minor revisions to the exterior color scheme. A detailed discussion is provided in Section A.3 of this report.

2. Conformance with the Zoning Regulations

A summary of project conformance with the current requirements of the Residential Hillside (RH) Zoning District is provided in the table below. The Non-Conforming Use Permit is required to address (as indicated by a double asterisk **) the proposed non-conforming left side setback that does not comply with the minimum or combined minimum side yard requirements, as well as the floor area which exceeds the maximum allowed in the RH Zoning District.

Development Standards	Zoning Requirements	Existing	Proposed
Minimum Building Site Area	28,000 sq. ft. (29% slope)	7,587 sq. ft.* (29% slope)	No changes
Minimum Building Site Width	50 ft.	70 ft.	No changes
Front Setback	20 ft.	24 ft.	No changes
Rear Setback	20 ft.	47 ft. 6 in.	No change

Development Standards	Zoning Requirements	Existing	Proposed			
Side Setbacks	Combination of 20 ft. with a minimum 7.5 ft.	Right Side: 1 ft. 7 in.**(overhang of roof deck) Carport Support 3 ft.** Left Side: 5 ft. 2 in.** Combined: 6' 9"	No change			
Maximum Lot Coverage	25% or 1,896 sq. ft.	25.6% or 1,941 sq. ft. *	24.4% or 1,852.5 sq. ft.			
Maximum Building Floor Area	30% or 2,400 sq. ft. whichever is greater	43.1% 3,273 sq. ft.*	41.2% 3,184.5 sq. ft.**			
Maximum Building Height	28 ft.	23 ft. 11 in.	No change			
Minimum Parking	Two covered spaces and two guest spaces (uncovered)	Two covered spaces (legal, non- conforming) and two uncovered spaces	Two covered spaces (non-conforming) and two uncovered spaces**			
* Existing legal non-conformity to remain unchanged.						

** Proposed non-conformity to be addressed by the Use Permit.

As shown in the table above, the parcel size is 7,587 sq. ft., which does not conform to the Residential Hillside (RH) Zoning District. In addition, the residence built in 1926, and as currently constructed, does not conform to current setbacks, floor area, or lot coverage of the RH Zoning District.

A Non-Conforming Use Permit is required to address the left and right side setbacks and floor area. The right side setback for the carport is legal-non conforming; however, should adherence to current building codes require a new structural support, support piers can be replaced at no less than 3 feet from the property line, while the deck overhang may remain at less than three feet from the property line unless it is removed/replaced. The proposal includes the removal 88.5 sq. ft., which will allow the house to conform to lot coverage. Conformance with Non-Conforming Use Permit findings is discussed in further detail in Section A.4 of this report.

The lower level of the house includes an unpermitted bedroom. When additional bedrooms are added to a house with non-conforming parking, two covered parking spaces, 9' x 19' in size, free and clear, should be provided. The two-car carport and sundeck were added in 1961 with permits. A stairwell located at the center of the carport made both parking spaces non-conforming in width and length. The applicant proposes to re-locate the stairs to the left side of the carport, creating a parking area of 17' x 20.75'. The applicant requests a Non-Conforming Use Permit to allow the applicant to maintain non-conforming covered parking spaces

3. <u>Conformance with the Design Review Regulations</u>

The project was heard on December 11, 2018, at the Emerald Lake Hills Design Review meeting. No members of the public submitted written correspondence or attended the meeting. At the hearing, the Design Review Officer (DRO) recommended approval of the project, finding that, as designed and conditioned, the project would be consistent with applicable Design Review Standards, Section 6515.15 of the Zoning Regulations.

The project's compliance with these Design Review Standards is discussed below:

- a. <u>Site Planning</u>: Requires the siting of new buildings on a parcel in locations which achieve the following five objectives:
 - (1) Minimize tree removal.

No trees are proposed to be removed. In addition, potential damage to existing trees due to construction is low as there are no trees in the immediate vicinity of the proposed work.

(2) Minimize alteration of the natural topography.

The site is currently developed with a single-family residence. The project involves construction consisting of an 88.5 sq. ft. reduction of a non-conforming, unpermitted area on the lower level, an interior remodel, and siding change. The footprint of the residential improvements will be slightly reduced and predominantly remain unchanged. The proposal involves no change to the topography of the parcel.

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

The proposal has an existing roof deck which is less than 2 feet from the right side property line. The deck over the carport does not fully comply with privacy standards of the Design Review (DR) Zoning District, however its construction pre-dates the establishment of the DR Zoning District and has existed for nearly 60 years. The proposed new rear deck is not subject to minimum side setback requirements as it would be less than 18 inches in height above grade.

b. <u>Facades</u>: Requires well-articulated and proportioned facades.

The DRO determined that the existing residence has proportioned facades.

c. <u>Roofs</u>: Requires pitched roofs.

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

d. <u>Materials and Colors</u>: Requires that varying architectural styles are made compatible by using similar materials and colors that blend with the natural setting and the immediate area.

The existing residence uses a mix of wood siding and shingles. The residence currently has a uniform grey color. The siding and color were selected prior to review by the Design Review Officer. At the hearing, the DRO recommended that the siding and shingles should not be painted the same shade and color. It was recommended that the applicant paint the shingles which are proposed on the lower portions of the house a darker shade of grey.

e. <u>Utilities</u>: New the utilities should be placed underground.

As there are no new utilities associated with this proposal, this requirement does not apply.

f. <u>Paved Areas</u>: Requires minimization of paved areas.

No new pavement is proposed.

4. <u>Conformance with the Use Permit Regulations</u>

The subject single-family residence was constructed in 1926. The Assessor's data reveals the original square footage to be approximately 940 sq. ft., with two bedrooms and one bath. Since initial construction, there has been just one building permit issued, for the carport and roof deck in 1961. All other work which has occurred on the residence is unpermitted.

Unpermitted work on the structure includes enclosing of a covered porch, the conversion of a 450 sq. ft. portion of the basement to living area, and a the 1980 conversion of the remaining portion of the basement along with the 6.5-foot expansion into the left setback (approximately 1,121 sq. ft.). In November of 2017, the owner initiated a major remodel and update of the structure when County Code Compliance responded to a complaint that work was being done without building permits and a Stop Work Notice (SWN) was issued. To address the SWN, the owner is required to obtain building permits for the past unpermitted changes. The owner also plans to

perform additional work such as exterior material changes, relocating the stairwell in the carport, and demolishing a portion of the lower level that serves as a laundry area.

The original house was constructed when the previous S-7 Zoning designation was in effect which allows 5-foot side setbacks. The carport was permitted in 1961 and maintains a 3-foot setback (for the structure) and roof deck, which maintains a 1.59-foot setback from the property line. The residence was in significant compliance with the zoning that existed at the time it was constructed. The current RH Zoning District, which came into effect January 2, 1979, requires a minimum side setback of 7.5 feet and a combined total of 20 feet.

A Non-Conforming Use Permit is necessary to allow the unpermitted construction to remain in the required side setbacks and the house to exceed the floor area maximum allowed by the RH Zoning District. A Non-Conforming Use Permit, per Zoning Regulations Section 6133.2b(2), can be granted for the addition/remodel subject to the following findings by the Planning Commission. The project's adherence to the findings is discussed below:

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

The subject parcel is substandard in size and has a floor area limit of 2,400 square feet. While the proposed floor area of the residence would exceed the maximum limit by 785 sq. ft., the majority of the additional square footage is the result of a conversion of an understory and basement, and does not contribute to the bulk of the structure. Except for a 300 sq. foot addition, the footprint of the house is similar to the permitted footprint in 1961 and is proportioned to the parcel. Additionally, some of the floor area increase is due to measuring the existing structure with siding applied. The removal of 88.5 sq. ft. on the lower level will create a footprint of 1,852.5 sq. ft. which conforms to the 25% lot coverage maximum.

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 to be infeasible.

The applicant states that acquisition of contagious land to achieve conformity is infeasible. Staff confirmed that adjacent parcels are developed with single family residences, are substandard in size, and offer no opportunities for acquisition of additional land. c. That the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.

The original house was constructed when the previous S-7 Zoning designation was in effect which allows 5-foot side setbacks. The carport was permitted in 1961 and maintains a 3-foot setback (for the structure) and roof deck, which maintains a 1.59-foot setback from the property line. The residence was in significant compliance with the zoning that existed at the time it was constructed. The current RH Zoning District, which came into effect January 2, 1979, requires a minimum side setback of 7.5 feet and a combined total of 20 feet.

The lower level of the house includes an unpermitted bedroom. When additional bedrooms are added to a house with non-conforming parking, two covered parking spaces, 9' x 19' in size, free and clear, should be provided. The applicant requests a Non-Conforming Use Permit to allow the applicant to maintain non-conforming covered parking spaces. While the parking spaces are still non-conforming in width, the proposed stair relocation would ease parking of vehicles within the carport and would not exacerbate the existing nonconforming parking situation. Additionally, guest parking, two uncovered spaces, is allowed in the driveway.

d. That 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 encroachment of the house into both side setbacks has existed for 38 years. The footprint is not being expanded with this proposal; it will be reduced slightly by 88.5 square feet. The maintenance of the non-conforming structure will not result in a significant adverse impact or be detrimental to the neighborhood.

The project was reviewed by the Emerald Lake Hills Design Review Officer who found that the project complies with the design review standards and recommended approval of the design. The project has been reviewed by Cal-Fire and the Department of Public Works and been preliminarily approved. The project is not located in the coastal zone and would not impact coastal resources. Based on the foregoing, staff has determined that the proposed addition and remodel would not have a detrimental impact to the public welfare or be injurious to the neighborhood. e. That the use permit approval does not constitute a granting of special privileges.

Several of the surrounding properties were developed with residences under the previous S-7 Zoning District standards and are also substandard in parcel size. A non-conforming parking situation has existed on site since 1961, the time of the construction of a two car carport. The non-conforming parking area will be 94% or the required minimum parking and additional parking is available on the driveway. Parking exceptions are frequently granted to allow non-conforming situations to continue when challenges to conformance are present and adequate parking alternates exist.

Houses in the area have expanded beyond the current limits for floor area and have reduced setbacks through exceptions granted by the Planning and Building Department. This proposal is similar in scope and scale with residences on smaller parcels in the area.

B. ENVIRONMENTAL REVIEW

This project is categorically exempt under Section 15301, Class 1 of the California Environmental Quality Act for Existing Facilities. The project consists of an addition to an existing structure located in an urban area that results in an increase of less than 50% of the floor area of the structure before the addition. The existing residence is served by water and sewer districts, the project site has been previously disturbed, and the property is located in an established residential community.

C. <u>REVIEWING AGENCIES</u>

Emerald Lake Hills Design Review Officer Building Inspection Section Department of Public Works Cal-Fire

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. Use Permit Supporting Statements
- G. Assessor's Parcel History
- H. Photos

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County of San Mateo Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2018-00316

Hearing Date: April 10, 2019

Prepared By: Erica Adams Project Planner For Adoption By: Planning Commission

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. This project is categorically exempt under Section 15301, Class 1 of the California Environmental Quality Act for Existing Facilities. The project consists of an addition to an existing structure located in an urban area that results in an increase of less than 50% of the floor area of the structure before the addition. The existing residence is served by water and sewer districts, the project site has been previously disturbed, and the property is located in an established residential community.

For the Design Review, Find:

- 2. This project, as designed and conditioned, 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 recommended for approval by the Emerald Lake Hills Design Review Officer (DRO) on December 11, 2018.
- 3. After consideration of project plans and public testimony, the DRO found that the proposed house design, as proposed and conditioned, is in compliance with the Design Review Standards because the project: (a) incorporates materials which comply with the Design Review Standards, (b) facades are well-articulated and proportional, and (c) the project use of materials and colors is compatible with the natural setting and the immediate area.

For the Non-Conforming Use Permit, Find:

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

The proposed development is proportioned because the majority of the additional square footage is the result of the conversion of an understory and basement, and does not contribute to the bulk of the structure. In addition, the proposal will create a conforming lot coverage ratio.

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 to be infeasible.

Adjacent parcels are developed with single-family residences, are substandard in size and offer no opportunities for acquisition of additional land area.

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

The existing residence was constructed with S-7 Zoning, which allowed 5-foot side setbacks, not the combined 20-foot minimum set by the current RH Zoning District. A 1961 building permit allowed the non-conforming carport which is not being altered. Repair to the carport support column, so long as it meets a 3-foot minimum from the property line. The non-conforming parking area will be approximately 94% of the required parking space size. The 1980 addition continues a 5-foot, 2-inch side setback which is approximately 2.5 feet out of compliance with the RH Zoning District. A 88.5 sq. ft. portion of this encroachment will be removed to comply with coverage.

d. That 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 encroachment of the house into both side setbacks has existed for 38 years. The footprint is not being expanded with this proposal; it will be reduced slightly by 88.5 square feet. The maintenance of the non-conforming structure will not result in a significant adverse impact or be detrimental to the neighborhood.

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

Several houses in the area have expanded beyond the current limits for floor area and have reduced setbacks through exceptions granted by the Planning and Building Department. This proposal is similar in scope and scale with residences on smaller parcels in the area.

CONDITIONS OF APPROVAL

Current Planning Section

- 1. The project shall be constructed in compliance with the plans approved by the Planning Commission on April 10, 2019. 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 in substantial compliance with the approved plans prior to being incorporated into the building plans. Adjustments to the design of 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. If after five (5) years from the date of approval, the applicant has not obtained all other necessary permits and made substantial progress toward completing the proposed development, the Design Review Permit and Non-Conforming Use Permit will expire. The Design Review Permit and Non-Conforming Use Permit may be extended with a one (1) year extension if the applicant requests it in writing and pays the applicable extension fees at least sixty (60) calendar days before the expiration date.
- 3. The applicant shall indicate the following on plans submitted for a building permit, as stipulated by the Emerald Lake Hills Design Review Officer (DRO):
 - a. The siding and shingles shall not be painted the same shade and color. It was recommended that the shingles which are proposed on the lower portions of the house be painted a darker shade of grey. The revised color scheme shall be subject to review and approval by the DRO prior to the issuance of the building permit.
- 4. Prior to any 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 length of the project.
 - b. Tree protection zones shall be delineated using four-foot 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 monitored by an arborist or forester and documented.
- f. Roots to be cut should be severed cleanly with a saw or toppers.
- g. Normal irrigation shall be maintained, but oaks should not need summer irrigation.
- 5. The approved exterior colors and materials of all structures 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.
- 6. 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.
- 7. Any repair or replacement of carport support beams shall not be less than 3 feet from the right property line.
- 8. The applicant shall adhere to all requirements of the Building Inspection Section, the Department of Public Works, and Cal-Fire.
- 9. No site disturbance shall occur, including any grading or vegetation removal, until a building permit has been issued.
- 10. 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 Ferndale Way. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Ferndale Way. There shall be no storage of construction vehicles in the public right-of-way.
- 11. 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).
- 12. 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.
- I. 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.
- 13. 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.

Building Inspection Section

- 14. A building permit is required.
- 15. 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 Building Inspection Section 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 Building Inspection Section for review and approval.

County Fire (Cal-Fire)

16. 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 six 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.

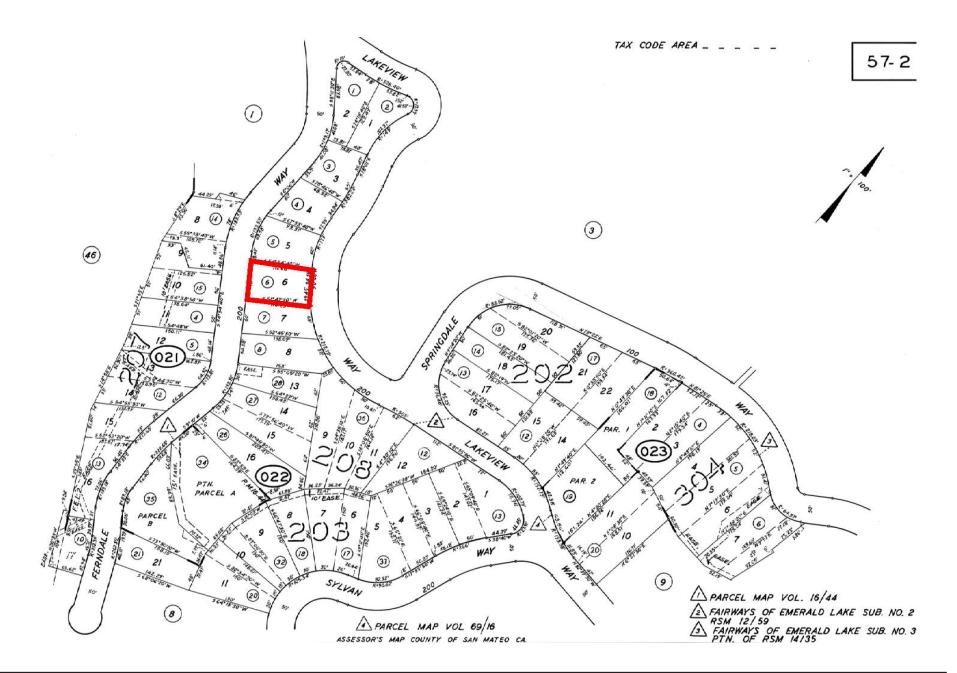
- 17. Contact the Fire Marshal's Office to schedule a Final Inspection prior to occupancy and Final Inspection by a building inspector. Allow for a minimum 72-hour notice to the Fire Department at 650/573-3846.
- Contact the Fire Marshal's Office to schedule a Final Inspection prior to occupancy and Final Inspection by a building inspector. Allow for a minimum 72-hour notice to the Fire Department at 650/573-3846.
- 18. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved (galvanized) spark arrester of a mesh with an opening no larger than 1/2-inch in size or an approved spark arresting device. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and cleaning away flammable vegetation for a distance of not less than 30 feet and up to 100 feet around the perimeter of all structures or to the property line, if the property line is less than 30 feet from any structure. This is not a requirement nor an authorization for the removal of live trees. Remove that flammable portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe, or within 5 feet of any portion of any building or structures. Remove that dead or dying portion of any tree which extends over the roof line of any structure.
- 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. Building Inspection Section needs to do a safety score for this project. If it is over 17 points you can disregard this note. 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.

Department of Public Works

- 21. 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.
- EDA EDADD0152(Final)_WPU.DOCX

ATTACHMENT B

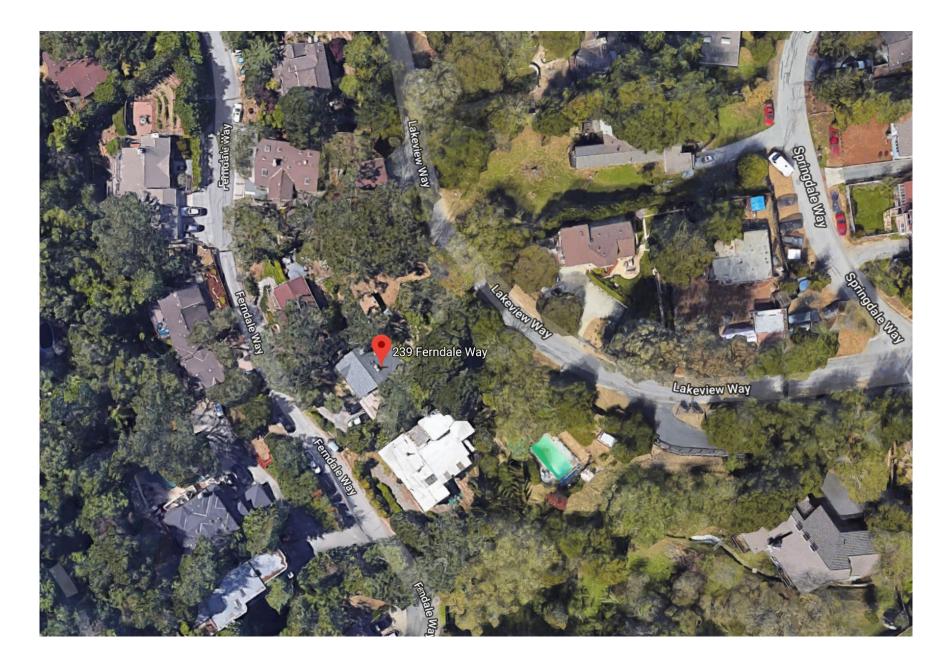
County of San Mateo - Planning and Building Department



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:



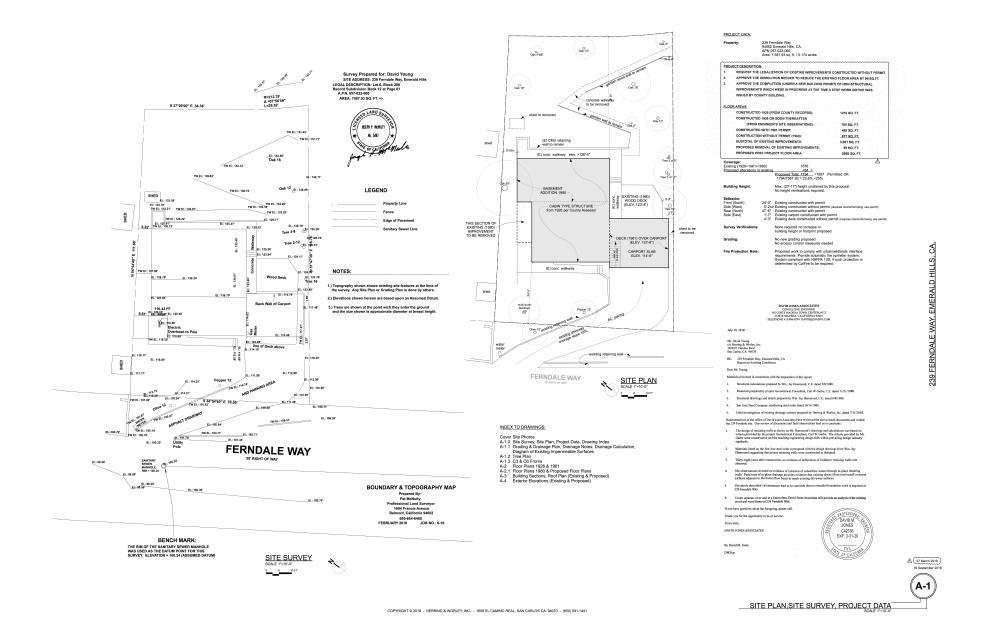
San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

ATTACHMENT C

County of San Mateo - Planning and Building Department

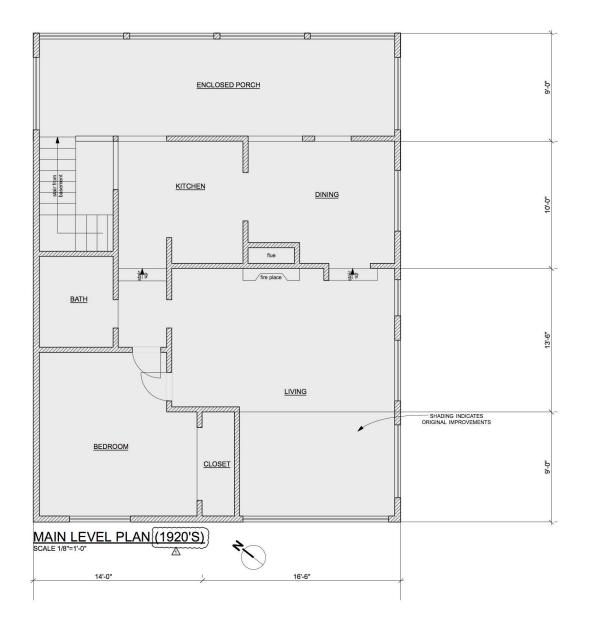


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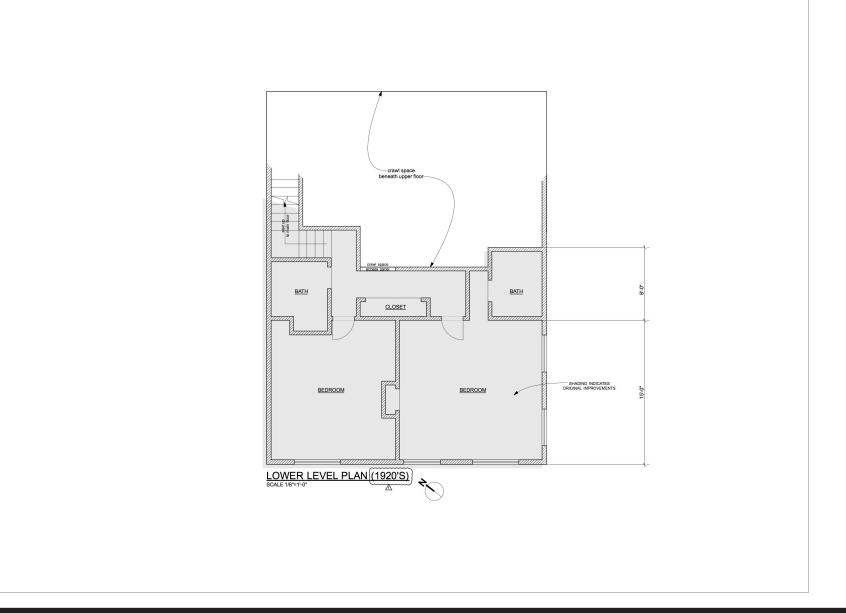
ATTACHMENT D

County of San Mateo - Planning and Building Department



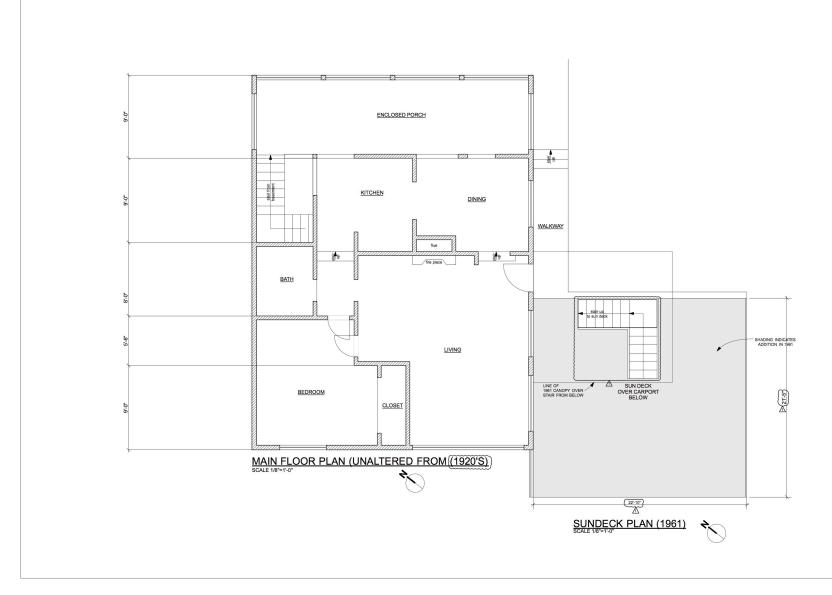
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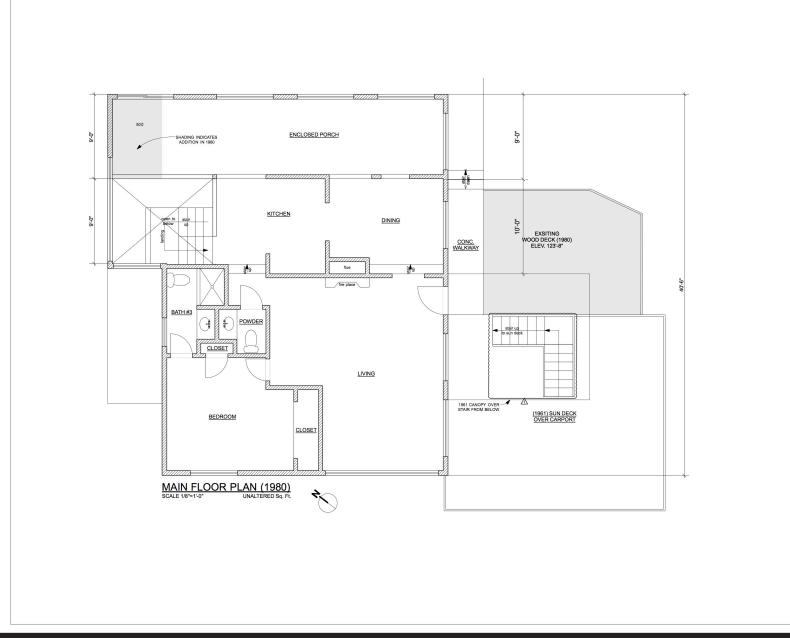
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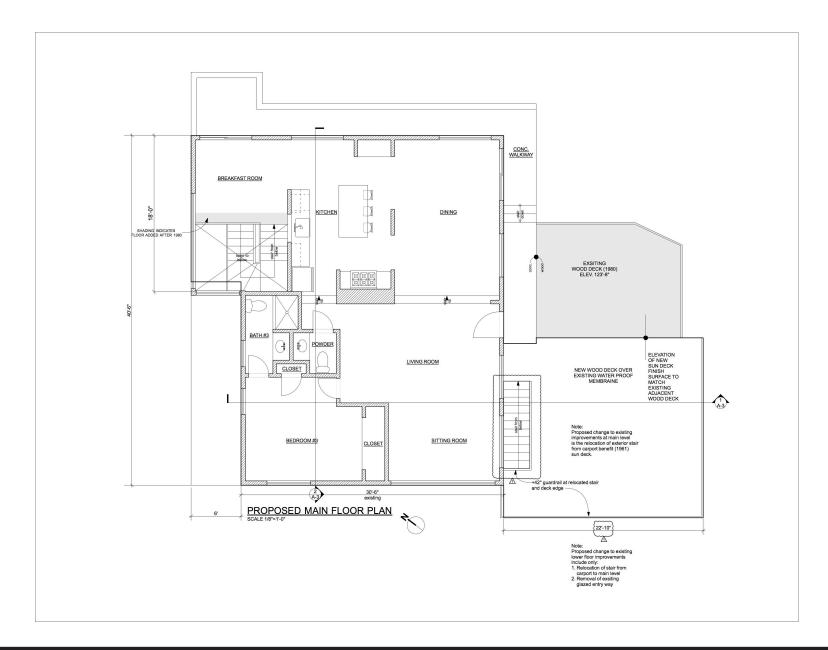
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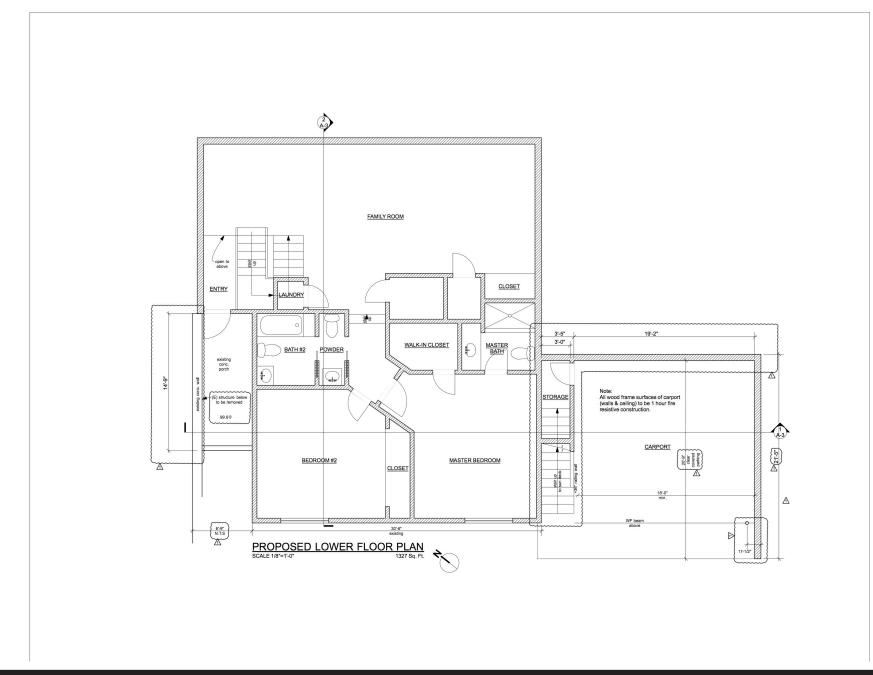
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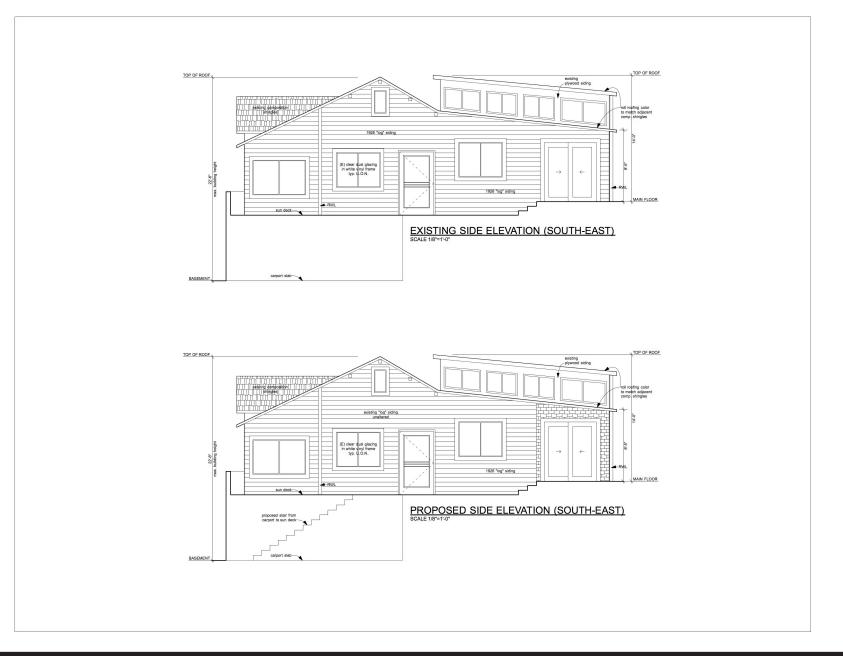


Owner/Applicant:

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ATTACHMENT E

County of San Mateo - Planning and Building Department



Owner/Applicant:

Attachment:



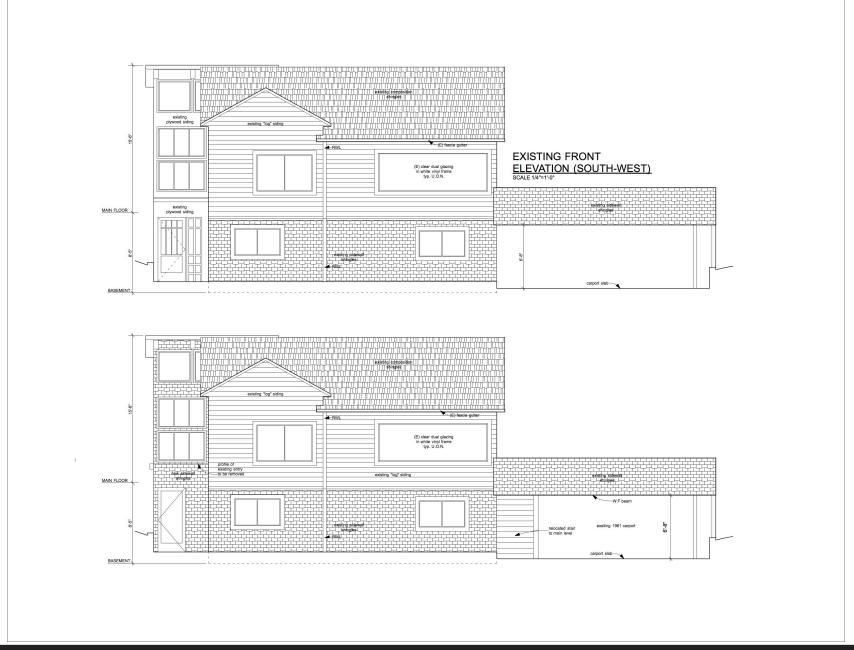
Owner/Applicant:

Attachment:



Owner/Applicant:

Attachment:



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

ATTACHMENT F

County of San Mateo - Planning and Building Department

Erica Adams

From:	Fred Herring <flh1741@sbcglobal.net></flh1741@sbcglobal.net>
Sent:	Thursday, March 21, 2019 9:45 AM
То:	Erica Adams
Subject:	Re: 239 Ferndaleuse permit questions draft justifications for required Findings

Erica-- Draft justifications for required Findings are set out below. Please let me know if you need any further information about this project. Thanks, Fred

A. The "proposed" development was constructed in stages: 1926, 1961 and 1980. No additions to the existing home have been constructed during the past 39 years. The "finished" size of the home was compliant with County regulations which were in force at the time (1980) existing improvements were completed at 239 Ferndale. The existing lot coverage (23.6%) is compliant with both 1980 and current County standards. The "proposed" development is similar in size to homes on both adjacent properties.

B. The two properties adjacent to 239 Ferndale have been developed with homes. Those homes have minimal setbacks from property lines they share with the 239 Ferndale property. The other contiguous lands are the public rights-of-way for Ferndale and for Lakeview. There are no opportunities which would allow the owners of the 239 Ferndale property to acquire the additional land needed to bring existing improvements into conformity with current zoning requirements.

C. Reductions proposed will bring the home at 239 Ferndale as close to conformance with current zoning standards as is reasonably possible. Improvements constructed (without benefit of permit) in 1980 are largely subterranean and do not significantly enlarge the 1926 building footprint. A requirement to remove 1980 improvements would unreasonably endanger those (1926 and 1961) portions of the existing structure which were legally constructed.

D.Existing properties along Ferndale have been developed with homes similar in size to existing improvements at 239 Ferndale. This home is not larger, taller or bulkier than its neighbors. Allowing this home to remain substantially unaltered from its 1980 "completion" will not be the granting of a special privilege but a recognition of a circumstance which has existed for 39 years.

Fred L. Herring Herring & Worley INC. Tel: (650) 591-1441 www.herringandworley.com

ATTACHMENT G

County of San Mateo - Planning and Building Department

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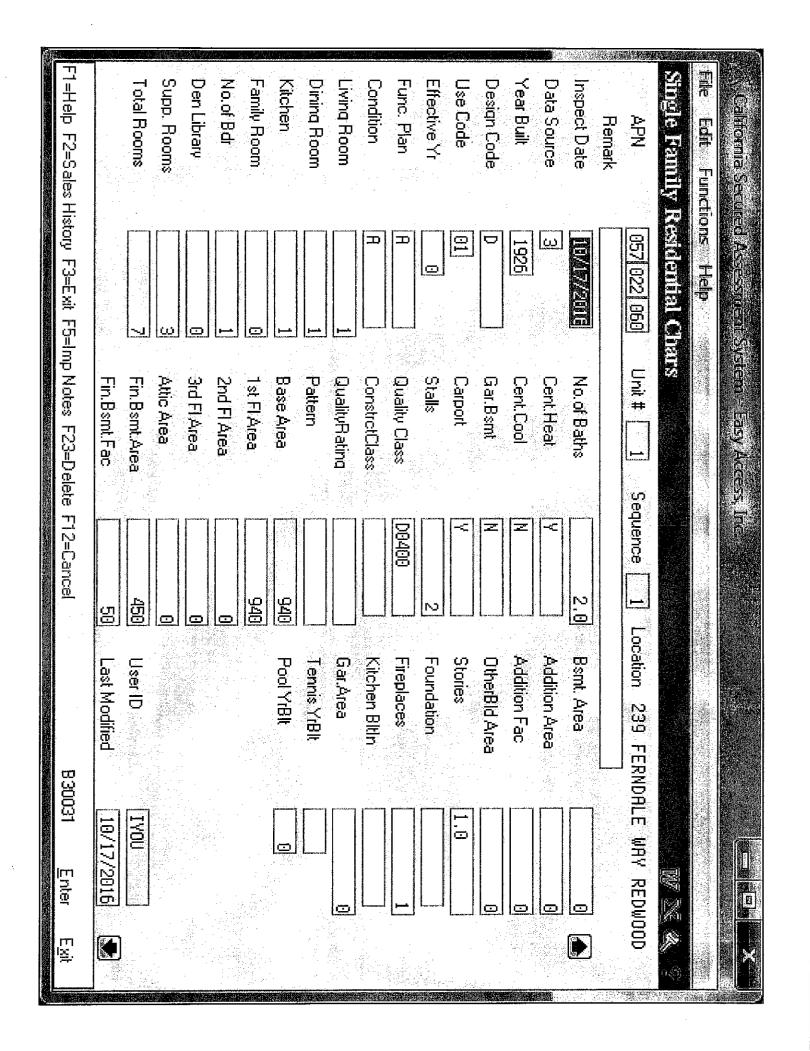
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ATTACHMENT H

County of San Mateo - Planning and Building Department



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:



Detached acessory building to remain (on right)

 San Mateo County Planning Commission Meeting

 Owner/Applicant:

 Attachment:

 File Numbers:



Attachment:



Attachment: