

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

**DATE:** April 12, 2017

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of a Coastal Development Permit and a Non-Conforming Use Permit to add a new second dwelling unit by converting the attic above an existing detached garage located on an existing 12,060 sq. ft. legal non-conforming parcel, to allow a second unit to maintain an existing 3-foot rear setback where 5 feet (pursuant to new State law) is required and a new upper deck with a 7.5-foot side setback where 20 feet is required. The project is located at 140 Precita Avenue in the unincorporated Moss Beach area of San Mateo County. (Appeal of the Zoning Hearing Officer's denial of the project). The project is appealable to the California Coastal Commission.

County File Number: PLN 2015-00383 (Beardsley)

**PROPOSAL**

The owner/applicant proposes to convert the storage area loft above an existing legally constructed detached four-car garage to a 694 sq. ft. second dwelling unit and to build a second-story deck attached to the new unit protruding over the driveway. The garage was built with permits and conforms to the standards for detached accessory buildings. Initially, and as previously considered by the Zoning Hearing Officer (ZHO), the project required a Use Permit due to its proposal for the second unit above garage to maintain an existing 3-foot side yard setback where 10 feet was required, and a 5-foot rear yard setback (with the second story deck maintaining an initially proposed 5.5-foot setback) where 20 feet is required. These exceptions were pursuant to the Second Unit Regulations and Nonconformities Regulations, which required a use permit to allow the nonconforming setbacks with a Coastal Development Permit.

The owner/applicant is appealing the ZHO's denial. However, the application's exceptions to both side and rear setbacks, as previously considered by the ZHO, have been altered and partially superseded due to the new State Law for second units, which took effect on January 1, 2017. Under these new regulations, the current application is still for a Non-conforming Use Permit to allow an existing 3-foot side yard setback where now only 5 feet is the minimum required, and a second story deck resulting in a 7.5-foot rear setback - as revised by the owner - where 20 feet is still required.

## **RECOMMENDATION**

Deny the Coastal Development Permit and Non-Conforming Use Permit, County File Number PLN 2015-00383, by adopting the required findings of denial, or adopt the alternative recommendation to approve the Coastal Development Permit and Non-Conforming Use Permit, by adopting the required findings and conditions of approval.

## **SUMMARY**

While staff had originally recommended approval of the project at the August 18, 2016 ZHO meeting, the Zoning Hearing Officer, upon hearing testimony from two adjacent neighbors expressing concerns over the second unit's impact to their privacy, denied the project.

The owner's appeal includes proposed revisions to the project that was denied by the ZHO, including removing a rear dormer window and door and reducing the size of the second unit deck, increasing its setback and erecting privacy screens, all to mitigate the privacy concerns expressed by the two adjacent neighbors. Taken together with the State's mandate affecting second units, which effectively eliminates one of the setback exceptions the application initially included, staff is including an alternative recommendation that would allow the Planning Commission to make the requisite findings and approve the CDP and Non-Conforming Use Permit for the second unit.

DJH:aow – DJHBB082\_WAU.DOCX

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

**DATE:** April 12, 2017

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Coastal Development Permit and a Non-Conforming Use Permit, pursuant to 6133.3.b.2 of the Zoning Regulations, to add a new 694 sq. ft. second dwelling unit by converting the attic above an existing 1,000 sq. ft. detached garage located on an existing 12,060 sq. ft. legal non-conforming parcel (where 20,000 sq. ft. is required). The Use Permit is required to allow a second unit to maintain an existing 3-foot side setback where 5 feet is required (pursuant to new State law) and a proposed second story deck resulting in a 7.5-foot rear setback where 20 feet is required. The project is located at 140 Precita Avenue in the Moss Beach area of San Mateo County. (Appeal of the Zoning Hearing Officer's denial of the project). The project is appealable to the California Coastal Commission

County File Number: PLN 2015-00383 (Beardsley)

**PROPOSAL**

The applicant proposes to convert the uninhabitable attic above an existing legally constructed detached four-car garage to a 694 sq. ft. second dwelling unit and to build a second-story deck attached to the new dwelling unit out over the driveway. The project includes modification to the exterior to create a new gable in the roof and a door from the second floor to the second floor deck. The garage was built with permits and conforms to the standards for detached accessory buildings. Initially, and as previously considered by the Zoning Hearing Officer (ZHO), the project required a Use Permit due to its proposal for the second unit proposed above the existing garage within an existing former storage loft area to maintain an existing 3-foot side yard setback where 10 feet was required, and a 5-foot rear yard setback (including a second story deck out over the garage with a 5.5-foot setback; since revised to 7.5 feet) where 20 feet was required. These exceptions were pursuant to both Sections 6428.2 (Second Unit Regulations) and 6133.3 (Nonconformities Regulations), thus requiring a use permit to allow the nonconforming setbacks along with a Coastal Development Permit (CDP).

However, the application's exceptions to both side and rear setbacks, as previously considered by the ZHO, have been altered and partially superseded due to the State Law mandate for second units, which took effect on January 1, 2017. Under these new

regulations, the current application requires only a Non-conforming Use Permit, to allow the existing 3-foot side yard setback where now 5 feet is the minimum required. The existing 5-foot rear yard setback meets the requirements of State law, so no exception is needed or the rear yard setback. The second story deck's 7.5-foot setback, however, still requires a Use Permit due to its encroachment into the still applicable 20-foot rear setback; State law has not superseded setback requirements for such protrusions from second units constructed over a detached garage. Further explanation of these new regulations, together with the applicant's proposed revisions as part of his appeal, are discussed further in this report.

## **RECOMMENDATION**

Deny the Coastal Development Permit and Non-Conforming Use Permit, County File Number PLN 2015-00383, by adopting the required findings of denial in Attachment A, or adopt the alternative recommendation to approve the Coastal Development Permit and Non-Conforming Use Permit, by adopting the required findings and conditions of approval identified in Attachment H.

## **BACKGROUND**

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

Owner/Applicant/Appellant: Steve Beardsley

Location: 140 Precita Avenue, Moss Beach

APN: 037-285-180

Parcel Size: 12,060 sq. ft.

Existing Zoning: R-1/S-105/DR/GH/CD (One-Family Residential/20,000 sq. ft. Minimum Parcel Size/Design Review District/Geologic Hazard/Coastal Development)

General Plan Designation: Low Density Residential (0.3 to 2.3 Dwelling Units/Acre)

Existing Land Use: Single-Family Residential

Water and Sewer Service: Montara Water and Sanitary District

Flood Zone: The project site is in a minimal risk area outside the 1 percent and 0.2 percent annual chance floodplains (Zone X), per FEMA Panel 060081C-0119E, effective date October 16, 2012.

Environmental Evaluation: This project is exempt from review pursuant to Section 15301 of the California Environmental Quality Act, relating to the minor alteration to existing structures.

Setting: The subject parcel is developed with a two-story, 1,257 sq. ft. single-family dwelling, located in a neighborhood comprised of the same R-1 zoning and developed with other single-family residences and vacant lots. The subject garage whose upper loft area is proposed to be converted to a second unit was issued a building permit in 1985 (associated with County File No. CDP85-17). That permit included a detached 2-car garage, whose driveway enters from Precita Avenue. That garage was enlarged in 2001 with an approved CDP (County File No. PLN 2000-00471) and constructed with a building permit (BLD2000-01660); it took its access from San Ramon Avenue. The enlarged garage otherwise complied with all R-1/S-10 District (this was just before the zoning changed to R-1/S-105, which didn't affect the proposed garage enlargement) and accessory Building Zoning Regulations (e.g. overall lot coverage, maximum allowable floor area, setbacks and height). A CDP was required because the parcel is not within the Single-Family Categorical Exclusion Area and the 12,060 sq. ft. parcel size is less than the 20,000 sq. ft. minimum required.

Single-family residences on the adjacent parcels to the south (121 and 123 Bernal Avenue) were built with approved CDPs, respectively, in 1985 (File No. CDP 84-60) and 2016 (PLN 2014-00007). The adjacent parcel on the westerly side (100 Precita Avenue) is developed with a residence (approved CDP 85-75) built in 1986. The subject parcel wraps around a corner vacant lot (APN 037-285-010), and has frontage on both Precita and San Ramon Avenues. (See Attachment D.)

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Zoning Hearing Officer (ZHO) Denial**

While staff had originally recommended approval of the project at the August 18, 2016 ZHO meeting, the Zoning Hearing Officer, upon hearing testimony from two adjacent neighbors expressing concerns over the project, denied the project based on the findings of denial included in Attachment A (see Attachment B for the Letter of decision providing additional rationale to the denial findings).

The adjacent property owner at 123 Bernal Avenue (Majdi Abdul) had communicated via letter and email regarding his objection that the proposal would have the new second unit deck extending out over the garage door in view from his upstairs bathroom window (see Attachment B) on what is designed as the side yard of the parcel. The adjacent neighbors at 121 Bernal Avenue (Stacy Sabol and Sonya Jason) had communicated their objections via both letter and in person at the ZHO Hearing. Their issues also centered on visual and privacy concerns, since the second unit conversion as proposed included a dormer window looking down on their rear yard area where they had a hot tub, as well as a new entry door at the rear of the garage that was intended to provide a separate entryway into the

garage to replace the one towards the front of the garage that would be lost due to the new entry stairs up to the second unit. (See Attachment E.)

As a result of these issues and corresponding letters, photos and testimony, the ZHO was not able to make the requisite Non-Conforming Use Permit findings.

2. Owner/Applicant's Appeal of ZHO Denial

The owner's appeal states that the proposed second unit will not negatively impact the neighbors (specifically those at 121 and 123 Bernal Avenue, whose objections contributed to the ZHO's denial of the application) and included the following elements, each followed by staff response.

- a. Design Revisions: The appeal includes and proposes several revisions(as shown in Attachment G) that the owner is willing to make to reduce the cited impacts, including the following:

Reduce the size of the proposed deck extended from 362 sq. ft. to 112 sq. ft., including moving the deck inwards, resulting in a 7.5-foot side setback instead of the originally proposed 5 feet 5 inch setback.

Construct "Privacy walls" on both sides of the reduced size deck to provide screened privacy for both neighbors to the south (121 and 123 Bernal Ave.).

Eliminate the proposed windows and door on the west side of the existing garage.

Eliminate the existing windows on the south elevation of the existing garage.

Staff Response: Staff agrees that these changes would reduce the impact cited by the neighbors relative to privacy issues as they would affect their property. In response, and in the event that the Planning Commission finds these revisions (as well as other appeal issues cited by the owner) compelling, staff has included an "Alternative Decision" for approval in this report for the Planning Commission's consideration.

- b. Reduced Noise Level: The proposed second unit's interior wall (see Attachment G.3.) on the project parcel's west side (closest to the neighbors at 121 and 123 Bernal Avenue.) is located 5 feet inwards from the side of the building's existing exterior wall, which further reduces the noise level that would be generated by those within the second unit. This 5 feet of space will be insulated, which would

prevent any noise from the interior escaping to the outside of the building.

- c. The south wall of the existing building is of 2-inch x 6-inch wood framed construction, and (upon this space being converted to a second unit) will be well insulated to reduce noise levels occurring within the unit from extending to the neighboring properties. Another internal wall could be built and insulated along this south wall to further reduce noise levels.

Staff Response: Staff does not disagree with these claims. Relative to the first claim regarding the subject parcel's west side, Attachment G.3. shows the interior space and wall configuration that supports the owner's claim. Relative to both claims, while the neighbors' objections centered on the proximity of the second unit to their properties and respective views (and impact to privacy) into their yard areas, the transmittal of interior noise from such a living unit can certainly be included as an element that contributes to their concerns. However, there are ways of reducing and mitigating for such noise – as suggested by the owner - that can reduce the impact.

- d. The owner does not have the budget to build an entirely new second unit separate from the existing garage or house. To suggest that this is an acceptable alternative is too easily made without considering the extremely high costs of all new construction, (i.e. new permits, architectural and design fees, new foundation, walls and roofing).
- e. The San Mateo County Board of Supervisors (BOS) encourages the creation of second units (considered as affordable dwelling units). The "Affordable Housing White Paper", dated January 1, 2015, recommends changing the existing second unit regulations relating to setbacks to encourage the development of more such units, as a way of creating more affordable housing.
- f. Converting the upper level of the existing garage from storage space to a second unit will provide the owner's extended family an affordable place to live, when and if needed.

Staff Response: Since this appeal was lodged, the County BOS adopted (on January 17, 2017) revised Second Dwelling Unit regulations (as mandated by the "White Paper" cited above, but to also comply with changes directly mandated by State law, effective on January 1, 2017). While these amended regulations are currently applicable only to the non-coastal zone areas, County staff is preparing to submit those regulations to the California Coastal Commission (CCC) for their application to all Coastal Zone areas

(which will include the Midcoast area). In the interim, the State-mandated regulations supersede the previous Second Unit Regulations that were in place when this application was initially submitted. Thus the state-mandated regulations already serve to reduce this project's initial scope of exceptions relative to compliance with cited side and rear yard setbacks as described in the *Proposal* section and as discussed specifically in Sections B.3. and B.4. of this report.

Additionally, while the amended Second Unit Regulations are specifically not yet applicable in the CZ, they do include the following purposes, which bare some relevance to the three appeal issues cited above as follows:

- (1) Increase the supply and diversity of the County's housing stock, in particular the number of smaller and more affordable units, by allowing second units to be built on existing residential properties, while preserving neighborhood character.
- (2) Provide a means for residents to remain in their homes and neighborhoods.

It's critical to understand that, even though the CCC has not yet approved the revised Second Unit regulations for their application within the CZ, State law (as of January 1, 2017) pre-empts those pending regulations entirely regarding second units, including the regulations relative to the project's cited 5-foot rear setback exception; second units built above a detached garage need only maintain minimum 5-foot side and rear setbacks. As a result, the proposed second unit - where the Use Permit is requesting an exception to allow a 5-foot rear setback where 20 feet is required – would actually be considered in compliance due to the State law mandate. While not affecting the ZHO's denial of the Use Permit based on the inability to make all the requisite findings, that particular element of the Use Permit exception drops out of this application. That said, the proposed upper deck (which State law does not affect) even as reduced in size and moved back to maintain a 7.5-foot setback, is still not compliant with the required 20-foot rear setback requirement.

## B. ALTERNATIVE CONSIDERATION

Should the Planning Commission choose to uphold the appeal and approve the Use Permit, the following discussion – taken from the ZHO report dated August 18, 2016 - is provided, with a revised discussion in response to the owner's proposed design changes (cited in his appeal), explanation of the impact of the recently State-mandated second unit changes to this project, as well as Alternative Recommended Findings and Conditions of Approval found in Attachment H.



1. Conformance with the County General Plan

a. Vegetative, Water, Fish and Wildlife Resources Policies

The project site is not in a sensitive habitat designated by the General Plan Sensitive Habitats map or the California Natural Diversity Database.

b. Soil Resources Policies

Policy 2.17 - Regulate Development to Minimize Soil Erosion and Sedimentation. This policy directs the County to regulate development to minimize erosion. This project will be required to include construction erosion and sediment control measures that will stabilize soil during the construction phase of the project. Condition of Approval 3 and the County's water discharge permit require that building permit plan sets include a construction erosion and sediment control plan. The site is in the Fitzgerald Marine Reserve's runoff area, so the erosion and sediment control measures will be inspected weekly from October 1 to April 30.

c. Visual Quality Policies

Policy 4.36 - Urban Design Concept. This policy directs the County to maintain and, where possible, improve upon the appearance and visual character of development in urban areas and to ensure that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality. The design of the conversion and additional gable, match the existing garage and adjacent house in materials and style. Staff believes that the revised project enhances the existing design concept, and that the structures on this lot are consistent with the appearance of the surrounding residential development. The applicant has proposed to match the existing black composition shingle roof and wood siding.

d. Urban Land Use

Policy 8.30 - Infilling. This policy directs the County to encourage the infilling of urban areas where infrastructure and services are available. This project is creating a new housing unit without converting any undeveloped land. The project is on a developed lot in a neighborhood developed with other housing units.

2. Conformance with the San Mateo County Local Coastal Program (LCP)

e. Locating and Planning New Development Component

Policy 1.18 - Location of New Development. This policy directs the County to concentrate new development in urban areas and rural service centers by requiring the “infilling” of existing residential subdivisions and commercial areas. As previously discussed, this is an infill project.

f. Hazards Component

Policy 9.3 - Regulation of Geologic Hazards. This policy directs the County to require geologic reports prepared by a certified engineering geologist consistent with “Guidelines of Geologic/Seismic Reports” for all proposed development. This report has been prepared, and its conclusions are discussed in the portion of this report that discusses the Geologic Hazards District regulations.

3. Conformance to Zoning District Regulations

- g. The project is located in the R-1/S-105/DR/GH/CD Zoning District (Compliance with the elements of this zoning are discussed as follows:

R-1/S-105 Regulations

The R-1 District governs the uses allowed on the site. The proposed use, a Second Dwelling Unit, is an allowed use in this zoning district.

The S-105 Overlay District regulates the size and location of structures on this site. The project requires a use permit because the second dwelling unit and deck will be within required side and rear yard areas mandated by the S-105 District.

This use permit may be granted pursuant to Section 6133.3.b.2 of the Zoning Non-Conformities Chapter of the Zoning Regulations. This section allows development on an improved non-conforming parcel that does not conform to the zoning regulations currently in effect upon issuance of a use permit. This parcel is 12,060 sq. ft. in size where the minimum parcel size is 20,000 sq. ft.

The measurements in the following table are for the detached second dwelling unit only, as revised by the owner’s appeal. (For instance, the existing primary dwelling unit has a 20 ft. front setback that will remain unchanged.)

| <b>Compliance with S-105 Zoning District Standards</b> |                                |                              |
|--|--------------------------------|------------------------------|
|  | <b>Standard</b>                | <b>Proposed</b>              |
| Front Yard Setback                                     | 20 ft. min.                    | 77 ft.                       |
| <b>Right Side Yard Setback</b>                         | <b>5 ft. min.<sup>1</sup></b>  | <b>3 ft.*</b>                |
| <b>Rear Yard Setback</b>                               | <b>5 ft. min.<sup>1</sup></b>  | <b>5 ft.</b>                 |
| <b>[Second Unit Wall]</b>                              | <b>5 ft. min.<sup>1</sup></b>  | <b>5 ft.}</b>                |
| <b>[Second Unit Deck]</b>                              | <b>20 ft. min.<sup>2</sup></b> | <b>7.5 ft.<sup>2)}</sup></b> |
| Left Side Yard Setback                                 | 5 ft. min. <sup>1</sup>        | 55.75 ft.                    |
| Lot Coverage Area                                      | 3,015 sq. ft. max.             | 2,136 sq. ft.                |
| Building Floor Area                                    | 6,200 sq. ft. max.             | 2,951 sq. ft.                |
| Building Height (                                      | 28 ft. max.                    | 24.5 ft.                     |
| Facade Articulation                                    | See Below                      |                              |

\*Requires Use Permit for Exception

1. State-mandated requirement applicable to this project reads as follows: "a setback of no more than 5 ft. from the side and rear lot lines shall be required for an accessory [second] dwelling unit that is constructed above a garage". The State-mandate effectively reduces the zoning regulations (as they apply to second units) for rear and side setbacks from 20 ft. and 10 ft., respectively, both to 5 ft. for such units above a garage. Thus while the project is compliant with the side yard setback, it still requires the UP for the rear yard setback exception.

2. The State mandate does not speak to new upper story projecting exterior decks projecting from such units, since such a deck is not within the garage footprint; thus it's still regulated by the zoning district's required 20 ft. minimum rear yard setback and requires the UP for the rear yard setback exception.

Section 6300.14.90 of the S-105 Zoning District requires development to conform to either the daylight plane or façade articulation options. These options do not apply to detached accessory structures, but they do apply to second dwelling units.

It is impossible for this structure to conform to the daylight plane option because it was built to comply to the setback requirements for detached garages but not to meet the setback requirements for dwelling units. The existing façade is articulated by having a split-level pitched roof and a large dormer facing the interior of the lot. The building conforms to the maximum height and plate height requirements for accessory buildings, and the sides facing the neighboring lots will remain unchanged. The unenclosed deck off the second story would encroach into the required rear yard setback and can be approved with this use permit.

#### DR (Design Review)

The revised project does not entail substantial changes to the bulk of the detached garage within which the unit would be located. The proposed changes complement other structures in the neighborhood and preserve privacy by only creating new openings that face the

interior of the owner's property. The changes are harmonious with the existing portions of the structure because the new perpendicular ridgeline of the roof has a similar pitch to the existing roof and the windows are of the same style. Second Units are not subject to review by the Coastsides Design Review Committee (C-DRC).

#### GH (Geologic Hazards District)

This project is located in Zone 3 of the Geologic Hazards District. It is the most stable part of the Seal Cove area; risk to development in this area is considered to be low to moderate. The major geologic hazard in this zone is the possibility of surface faulting along the main traces and subsidiary cross faults of the Seal Cove Fault system. These faults are considered to be active and capable of producing strong surface rupture and ground failure with associated strong ground shaking. The feasibility of reducing the risks to acceptable levels in this zone is considered generally high.

Development shall be allowed in Zone 3 if suitable mitigation measures including, but not limited to, siting of homes away from active faults, structural and foundation design, and adequate surface drainage plans are applied as recommended by any required geotechnical investigation.

The Geotechnical Study, prepared by Sigma Prime Geosciences on March 17, 2016, was reviewed and approved by the County Geotechnical staff. This report concluded that, from a geotechnical viewpoint, the site is suitable for the proposed remodel, provided that the recommendations presented in the study are followed during design and construction. County Geotechnical staff and the Building Inspection Section will ensure that the design and construction follow the recommendations.

#### CD (Coastal Development District)

This project requires a Coastal Development Permit. In order to approve a Coastal Development Permit, the Planning Commission must find that the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program. This conformity is discussed above in Section B.2.

4. Conformance to the Second Dwelling Unit Regulations

In addition to the requirement to conform to the standards of the zoning district or to obtain a use permit, as discussed above, there are several requirements that govern Second Dwelling Units. However, as stated in Section A.2. of this report, State law regarding second units pre-empts those pending regulations – as well as the previous Second Unit regulations (under which this application was submitted) entirely, until such time that the revised Second Unit regulations are approved by the CCC. The regulations cited below reflect the State-mandated requirements.

The construction of a second dwelling unit requires the provision of one uncovered off street parking space for the second dwelling unit, in addition to those originally required for the one-family dwelling at the time of its construction. This lot has four existing covered parking spaces, thus meeting the parking requirement.

The maximum unit size is the larger of either 750 sq. ft. or 35% of the floor area of the main dwelling unit up to a maximum of 1,200 sq. ft. This second dwelling unit will be 694 sq. ft. thus meeting this requirement.

5. Use Permit Findings

As a result of the State mandate, Section 6428.2 (*Construction of Second Dwelling Units Within or Above Existing Detached Accessory Buildings*) of the Second Dwelling Unit Regulations is no longer applicable (as it was when this application was initially submitted). Thus the Use Permit requirement cited in Subsection 2.c., along with the cited findings, are also no longer applicable. As cited earlier in this report, the State mandate stipulates that second units built above an existing garage can maintain 5-foot rear and side setbacks, where this second unit requires a Use Permit to maintain a 3-foot side setback where 5 feet is required, with the upper deck maintaining a 7.5-foot rear setback where 20 feet is required.

Thus due to the State mandate, the application's remaining Use Permit Requirement stems from section 6133.3.b.2 of the Zoning Non-Conformities Regulations. This section allows development that does not conform to the Zoning Regulations on an improved non-conforming parcel that does not conform to the Zoning Regulations. To grant a Use Permit, the Zoning Hearing Officer must find the following:

*The proposed development is proportioned to the size of the parcel on which it is being built:*

The development is above an existing accessory building and conforms to Zoning District regulations limiting lot coverage and building floor area.

*All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven infeasible:*

The applicant cannot afford to buy any additional parcels of land for this project.

*The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible:*

The addition is to an existing structure and will not reduce nonconforming setbacks, as discussed in Section B.3 of this staff report. The garage's (with second unit above) would retain an existing 3-foot setback (where 5 feet is required) but is not being expanded on that side. The upper deck represents expanded development on an existing nonconforming parcel but represents a reasonable and the only substantive expansion of the second unit.

*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:*

The use, a residence, will not be detrimental because it is the same use that is already on the site and on the neighboring lots. The project will not detrimentally impact coastal resources as discussed in Section B.2 of this staff report. A second dwelling unit is considered by state and local laws to be an aspect of a single-family dwelling. The building's mass, as revised in the owner's appeal (and as viewed by them except for the second story deck), facing its neighbors will not change.

*Use permit approval does not constitute a granting of special privileges:*

A second dwelling unit is considered by state and local laws to be an aspect of a single-family dwelling. The development conforms as much as possible to the zoning regulations.

### C. ENVIRONMENTAL REVIEW

This project is exempt from review pursuant to Section 15301 of the California Environmental Quality Act, relating to the minor alteration to existing structures, where the project involves negligible expansion.

D. REVIEWING AGENCIES

Building Inspection Section  
Department of Public Works  
Coastside Fire Authority  
Geotechnical Section  
California Coastal Commission

**ATTACHMENTS**

- A. Recommended Findings of Denial
- B. ZHO Denial (August 14, 2016) Decision Letter
- C. Location and Zoning Map
- D. Map Identifying Adjacent Parcel Development
- E. Map Showing Specific Development on Project Parcel and on 121 and 123 Bernal Ave., with Respective Elevations of Those Parcels Facing the Beardley Parcel.
- F. Owner/Applicant's Appeal Letter (See Attachment G for Applicant's Alternative Plans)
- G. Applicant's Revised Proposal (Compared to that presented to ZHO on August 18, 2016).
  - 1. Site Plan
  - 2. Elevations
  - 3. Floor Plan
- H. Alternative Recommended Findings and Conditions of Approval
- I. Photographs

DJH:aow – DJHBB0083\_WAU.DOCX

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS OF DENIAL**

Permit or Project File Number: PLN 2015-00383

Hearing Date: April 12, 2017

Prepared By: Dave Holbrook  
Project Planner

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That project is exempt from review pursuant to Section 15301 of the California Environmental Quality Act, relating to the minor alteration to existing structures

Regarding the Coastal Development Permit, Find:

2. That although the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.4 conforms with Policies 1.18 and 9.3 of the San Mateo County Local Coastal Program as discussed in the staff report under Section A.2, the following findings pursuant to Section 6133.3.b.2 of the San Mateo County Zoning Ordinance prevent the Use Permit from being approved.

Regarding the Use Permit, Find:

3. That the proposed development is not proportioned to the size of the parcel on which it is being built in that the development is proposed above an existing accessory building that was built as a garage and storage space. The existing structure is located three feet from the western (side) property line and five feet from the southern (rear) property line and was not built to be used as a residential living unit and therefore does not meet residential setback requirements. There are alternative locations on the 12,060 square foot site which would meet residential setback requirements and could be designed in proportion to the size of the parcel.
4. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven infeasible in that the applicant cannot afford to buy any additional parcels of land for this project and, in fact, conforming locations for a secondary living unit do exist on the existing 12,060 square foot parcel.



5. The proposed development is not as nearly in conformance with the zoning regulations currently in effect as is reasonably possible in that there is no justification for locating the secondary dwelling unit so close to property lines when there are alternative locations on the site that could meet all zoning requirements.
6. That the establishment, maintenance and/or conducting of the use will be, under the circumstances of this particular case, injurious to property or improvements in said neighborhood in that the use, a secondary living unit, would be located three feet from a side property line and five feet from the rear property line and would be in immediate proximity to neighboring houses and yards. The intensification of residential use so close to the property lines would increase the noise and activity levels experienced by the neighbors to such an extent as to reduce the enjoyment of portions of their homes and yards. Proposed modifications to the new windows on the western elevation, including the use of glass block or frosted glass, reduction of or similar treatment to the existing window on the south elevation, and the reduction of the size of the proposed deck on the eastern elevation, would reduce some of the visual impacts on the neighbor's privacy, but would not address the increased level of activity and intensification of use that would result from the proposed secondary unit being located so close to property lines. Given that there are alternative locations for a secondary living unit on the 12,060 square foot subject site that would conform to all zoning requirements, there is no justification for allowing the increased adverse impacts that would result from the proposed nonconforming location.
7. That use permit approval would constitute a granting of special privileges in that there are alternative locations on the 12,060 square foot site that would conform to all zoning requirements for a secondary living unit and it is not necessary to locate the proposed unit in violation of required side and rear setbacks for residential uses.
8. Although the height of the existing structure and the proposed new dormers would be the minimum needed to accommodate the highest point of the roof, the proposed windows in the new dormer on the western elevation and the proposed deck on eastern elevation, even with modifications, would not sufficiently mitigate the adverse impacts associated with the increased intensity of use and noise that would be generated so close to property lines.
9. Although the proposed second dwelling unit was approved by the Fire Department in accordance with the applicable fire codes in that the Coastside Fire Protection District fire marshal reviewed the plans and provided conditions of approval to ensure that the proposal meets the fire code, the previous findings prevent the Use Permit from being approved.

10. Additionally, a small accessory structure has been built on the subject site that may not meet Planning and Building requirements. If it is determined that the structure is in violation of Planning or Building requirements, the violations must be corrected within a timeframe to be determined by the San Mateo County Planning and Building Department.

DJH:aow – DJHBB0083\_WAU.DOCX

Letter of Decision

August 22, 2016

Steve Beardsley  
140 Precita Avenue  
Moss Beach, CA 94038

Dear Mr. Beardsley:

Location: 140 Precita Avenue  
Assessor's Parcel No.: 037-285-180  
File Number: PLN2015-00383

## PROJECT FILE

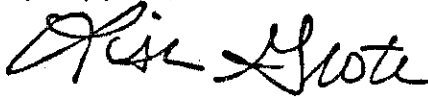
On August 18, 2016, the Zoning Hearing Officer considered your request for a Coastal Development Permit and a Non-Conforming Use Permit pursuant to Sections 6328.4 and 6133.3.b.2, respectively, of the County Zoning Regulations to add a new 694 sq. ft. second dwelling unit by converting the attic above an existing 1,000 sq. ft. detached garage located on an existing 12,060 sq. ft. legal non-conforming parcel where 20,000 is the minimum lot size required. The Use Permit is required to allow a second unit to maintain an existing 3-ft. side setback where 10 ft. is required and existing 5-foot and proposed 5.5-foot rear setbacks where 20 ft. is required. This project is appealable to the California Coastal Commission.

The Zoning Hearing Officer considered all the information presented at the public hearing and in the staff report and denied the project based on the attached findings.

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) business days from such date of determination.  
The appeal period for this project will end on **September 1, 2016, at 5:00 p.m.**

Please direct your questions to Project Planner Dave Holbrook at 650-363-1837 or [dholbrook@smcgov.org](mailto:dholbrook@smcgov.org).

Very truly yours,



Lisa Grote  
Zoning Hearing Officer  
Zhd0818aa.2\_dr

cc: Assessor's Office  
Building Inspection Section  
California Coastal Commission  
Coastside Fire Protection District  
Midcoast Community Council  
Montara Water and Sanitary  
Public Works Department  
Ms. Stacy Sabol  
Ms. Sonya Jason  
Mr. Majdi Abdul



**ATTACHMENT B**

County of San Mateo  
Planning and Building Department

**FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2015-00383

Hearing Date: August 18, 2016

Prepared By: Steven Rosen, Project Planner

Adopted By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Found:

1. That project is exempt from review pursuant to Section 15301 of the California Environmental Quality Act, relating to the minor alteration to existing structures.

Regarding the Coastal Development Permit, Found:

2. That although the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.4 conforms with Policies 1.18 and 9.3 of the San Mateo County Local Coastal Program as discussed in the staff report under Section A.2, the following findings pursuant to Section 6133.3.b.2 of the San Mateo County Zoning Ordinance prevent the Use Permit from being approved.

Regarding the Use Permit, Found:

3. That the proposed development is not proportioned to the size of the parcel on which it is being built in that the development is proposed above an existing accessory building that was built as a garage and storage space. The existing structure is located three feet from the western (side) property line and five feet from the southern (rear) property line and was not built to be used as a residential living unit and therefore does not meet residential setback requirements. There are alternative locations on the 12,060 square foot site which would meet residential setback requirements and could be designed in proportion to the size of the parcel.
4. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven infeasible in that the applicant cannot afford to buy any additional parcels of land for this project and, in fact, conforming locations for a secondary living unit do exist on the existing 12,060 square foot parcel.
5. The proposed development is not as nearly in conformance with the zoning regulations currently in effect as is reasonably possible in that there is no justification for locating the secondary dwelling unit so close to property lines when there are alternative locations on the site that could meet all zoning requirements.
6. That the establishment, maintenance and/or conducting of the use will be, under the circumstances of this particular case, injurious to property or improvements in said neighborhood in that the use, a secondary living unit, would be located three feet from a side property line and five feet from the rear property line and would be in immediate proximity to neighboring houses and yards. The intensification of residential use so close to the property lines would increase the noise and activity levels experienced by the neighbors to such an extent as to reduce the enjoyment of portions of their homes and yards. Proposed modifications to the new windows on the western elevation, including the use of glass block or frosted glass, reduction of or similar treatment to the existing window on the south elevation, and the reduction of the size of the proposed deck on the eastern elevation, would reduce some of the visual impacts on the neighbor's privacy, but would not address the increased level of activity and intensification of use that would result from the proposed secondary unit being located so close to property lines. Given that there are alternative locations for a secondary living unit on the 12,060 square foot subject site that would conform to all zoning requirements, there is no justification for allowing the increased adverse impacts that would result from the

proposed no  
That use perm  
locations  
living

proposed nonconforming location.

7. That use permit approval would constitute a granting of special privileges in that there are alternative locations on the 12,060 square foot site that would conform to all zoning requirements for a secondary living unit and it is not necessary to locate the proposed unit in violation of required side and rear setbacks for residential uses.
8. Although the height of the existing structure and the proposed new dormers would be the minimum needed to accommodate the highest point of the roof, the proposed windows in the new dormer on the western elevation and the proposed deck on eastern elevation, even with modifications, would not sufficiently mitigate the adverse impacts associated with the increased intensity of use and noise that would be generated so close to property lines.
9. Although the proposed second dwelling unit was approved by the Fire Department in accordance with the applicable fire codes in that the Coastside Fire Protection District fire marshal reviewed the plans and provided conditions of approval to ensure that the proposal meets the fire code, the previous findings prevent the Use Permit from being approved.
10. Additionally, a small accessory structure has been built on the subject site that may not meet Planning and Building requirements. If it is determined that the structure is in violation of Planning or Building requirements, the violations must be corrected within a timeframe to be determined by the San Mateo County Planning and Building Department.





# VICINITY MAP

## San Mateo County Planning Commission Meeting

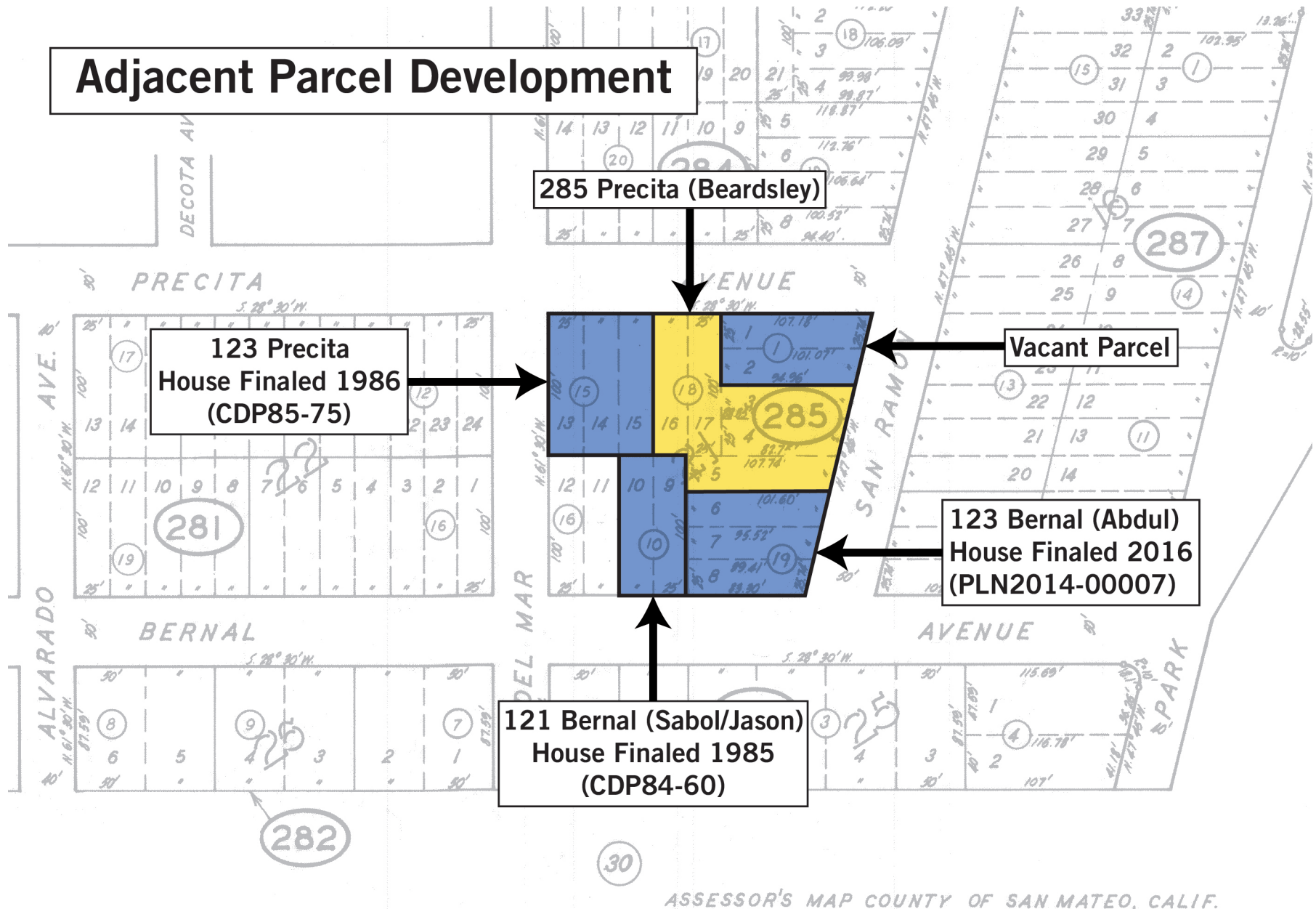
Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_



# Adjacent Parcel Development



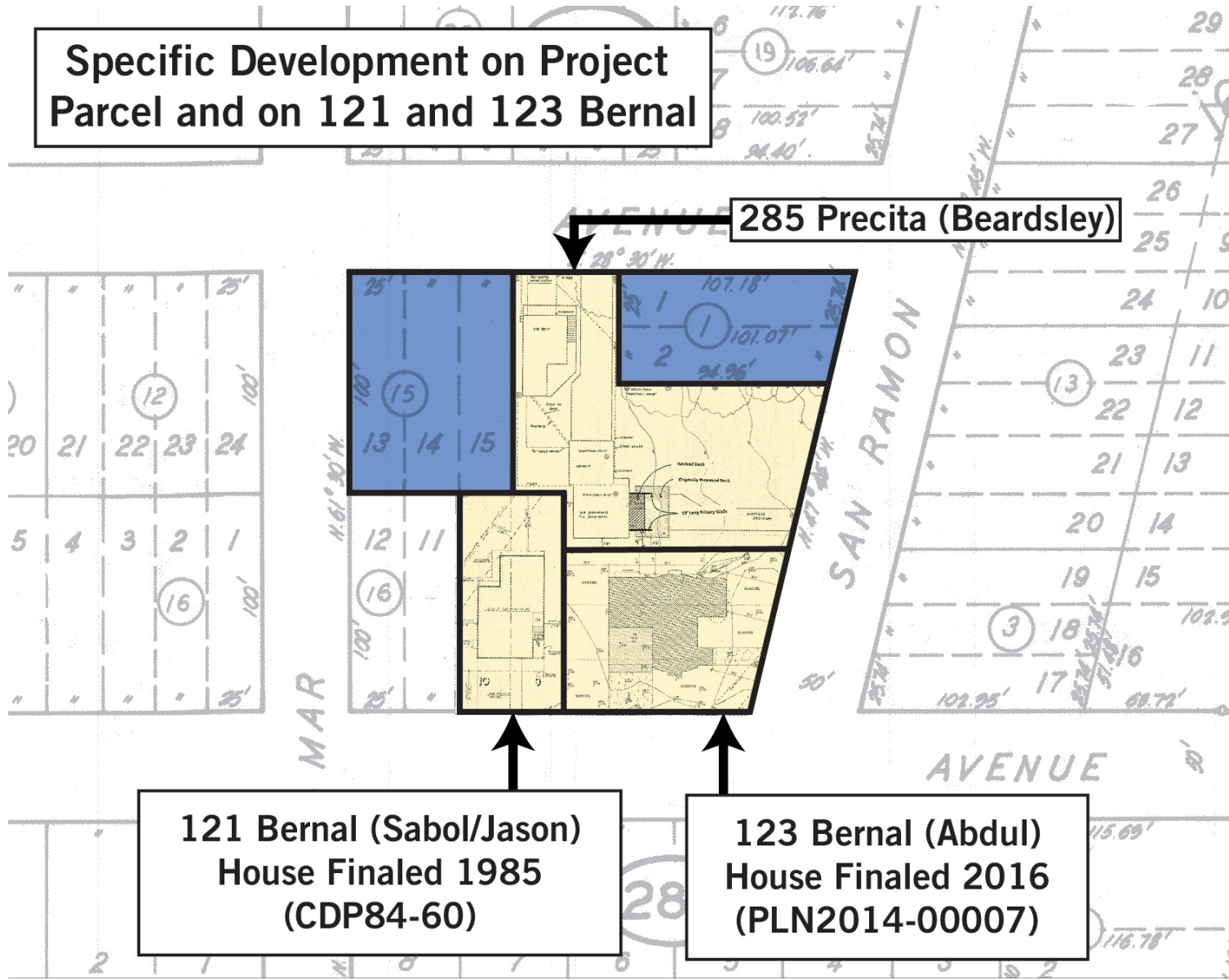
## San Mateo County Planning Commission Meeting

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_

**Specific Development on Project Parcel and on 121 and 123 Bernal**



**285 Precita (Beardsley)**

**121 Bernal (Sabol/Jason)  
House Finaled 1985  
(CDP84-60)**

**123 Bernal (Abdul)  
House Finaled 2016  
(PLN2014-00007)**

**San Mateo County Planning Commission Meeting**

Owner/Applicant:

Attachment:

File Numbers:



Planning and Building Department

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

# Application for Appeal

- To the Planning Commission
- To the Board of Supervisors

Name: Steven M. Beardsley

Phone, W: 650 219 0573 H: 650 728 3972

Address: 140 Precita Ave.  
Moss Beach, CA

Zip: 94038

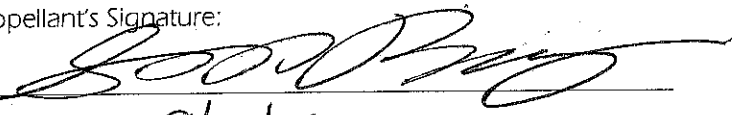
Permit Numbers involved:  
PLN2015-00383

- I hereby appeal the decision of the:
- Staff or Community Development Director
  - Zoning Hearing Officer
  - Design Review Committee
  - Planning Commission

made on August 18<sup>th</sup> 2016 to approve deny  
the above-listed permit applications.

I have read and understood the attached information regarding appeal process and alternatives.

- yes
- no

Appellant's Signature:  


Date: 8/31/16

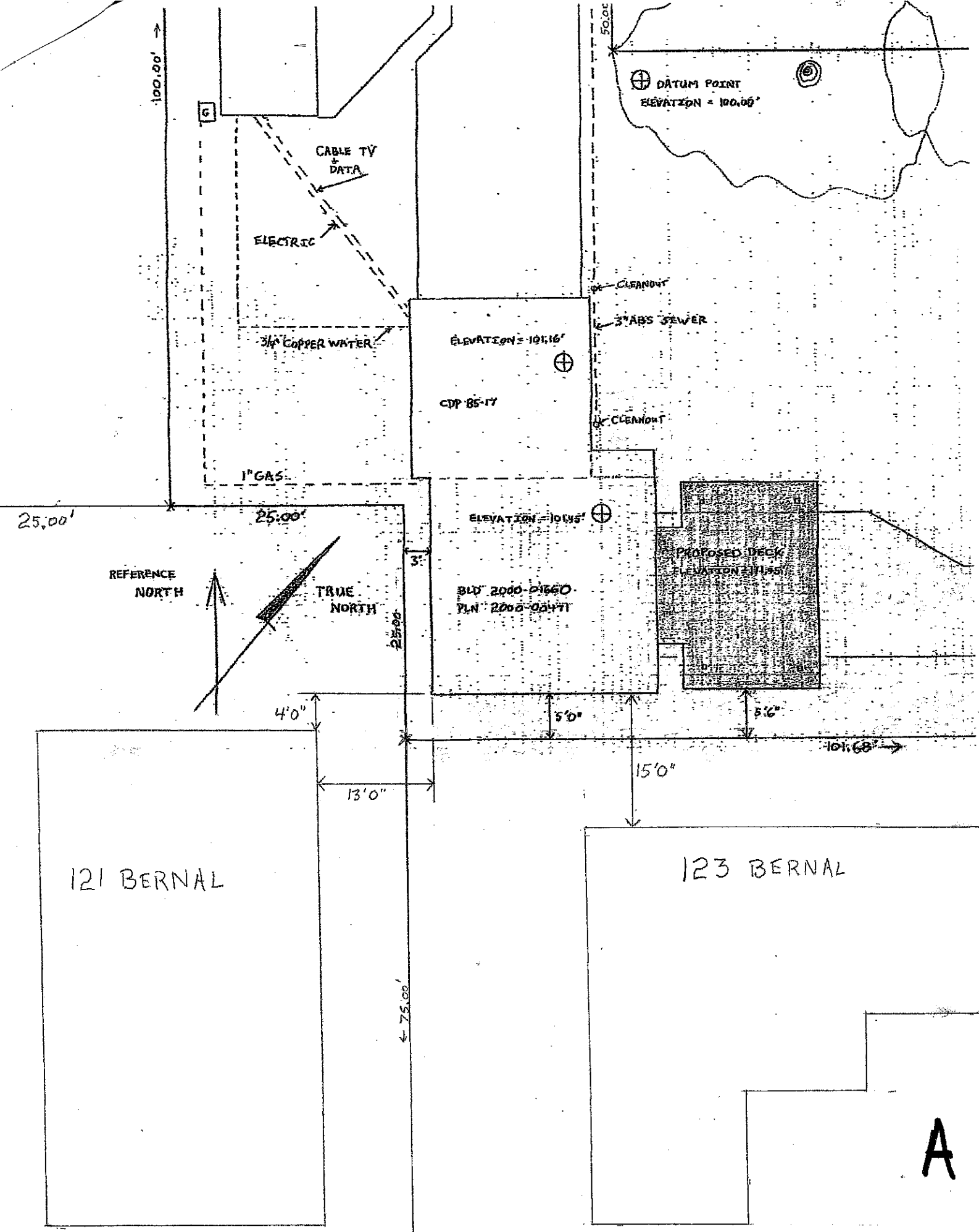
### Response to Appeal

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

See Attached.

I hereby appeal the denial of PLN2015-00383, by the Zoning Hearing Officer on 08/18/16, on the following Grounds:

1. I do not believe the proposed ADU will negatively impact my neighbors, or the neighborhood.
2. Additional mitigation measures are proposed, including:
  - a. Reducing the size of the proposed deck from 362 square feet, to 112 square feet. See attachment A, and B.
  - b. Construction of "privacy walls" on both sides of the reduced size proposed deck to provide privacy for neighbors to the south. The deck will not be visible from the south behind the 10 foot privacy wall, and the deck will extend only 7 feet to the East, providing privacy to neighbors to the south. See attachment A, and B.
  - c. Eliminating the proposed windows and door on the West elevation. See attachment C.
  - d. Eliminating the existing windows on the South elevation. See attachment B
3. The interior wall on the West side is located 5 feet inwards from the side of the building, which further reduces the noise level of the proposed ADU. This 5 feet of space will be insulated, which would drastically reduce any noise from the interior from escaping to the outside of the building
4. The south wall is 2"x6" construction, and will be well insulated to reduce noise levels. Another wall could be built, and insulated, internally along this South wall to further reduce any noise levels.
5. I do not have the budget to build an entirely new ADU separate from the existing garage. To suggest that this is an acceptable alternative is too easily made without considering the extremely high costs of all new construction, including new permits, architectural and design fees, a new foundation, new walls, and new roofing.
6. The San Mateo County Board of Supervisors encourages the creation of ADU's. The "Affordable Housing White Paper", dated 01/22/15, recommends changing the existing laws relating to setbacks to encourage the development of new ADU's, and legalization of existing ADU's.
7. Converting the upper level of my existing garage from storage space, to an ADU, will provide my extended family an affordable place to live, when and if needed.



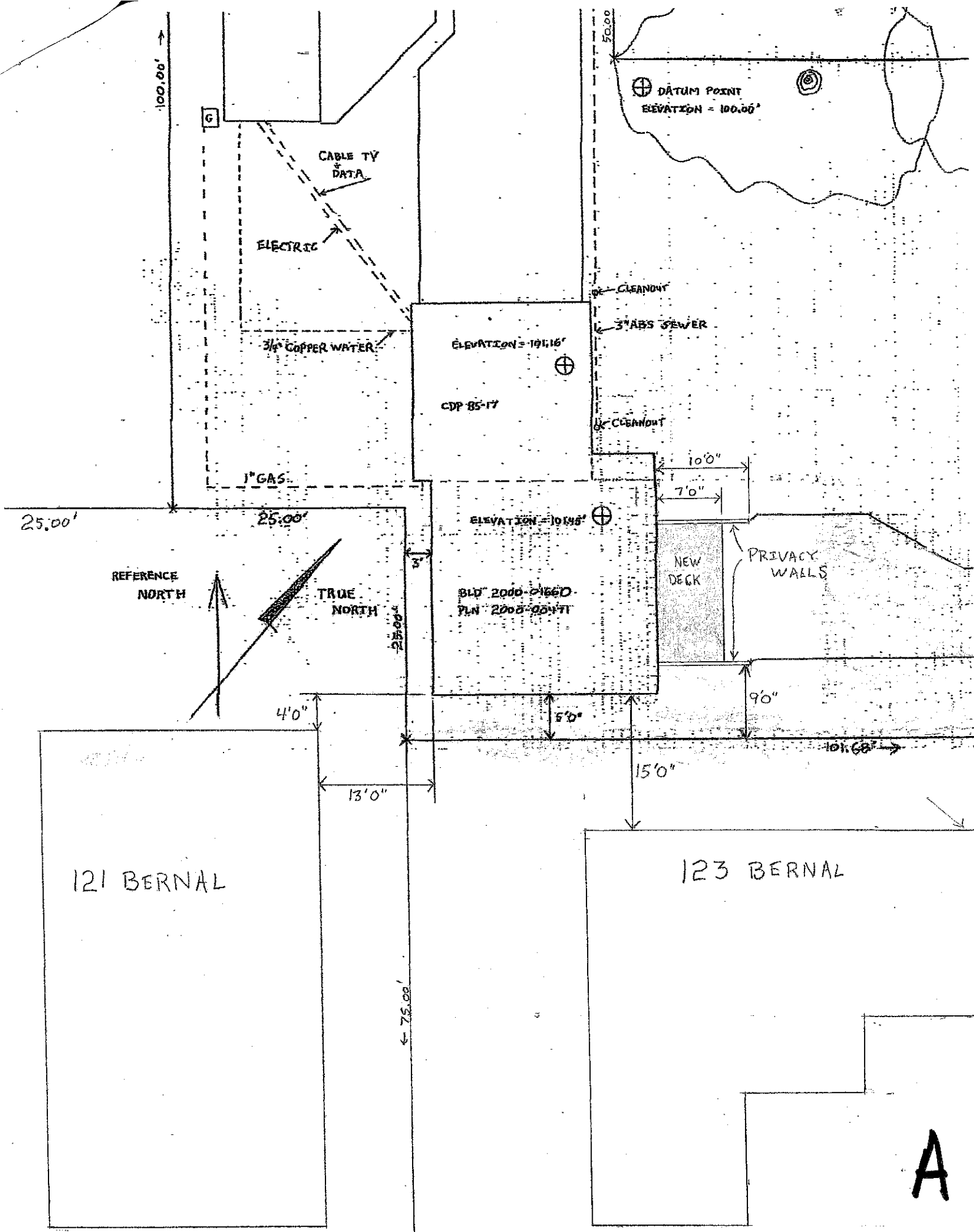
SITE PLAN

BEFORE MITIGATION

**ATTACHMENT G**

A

8/16

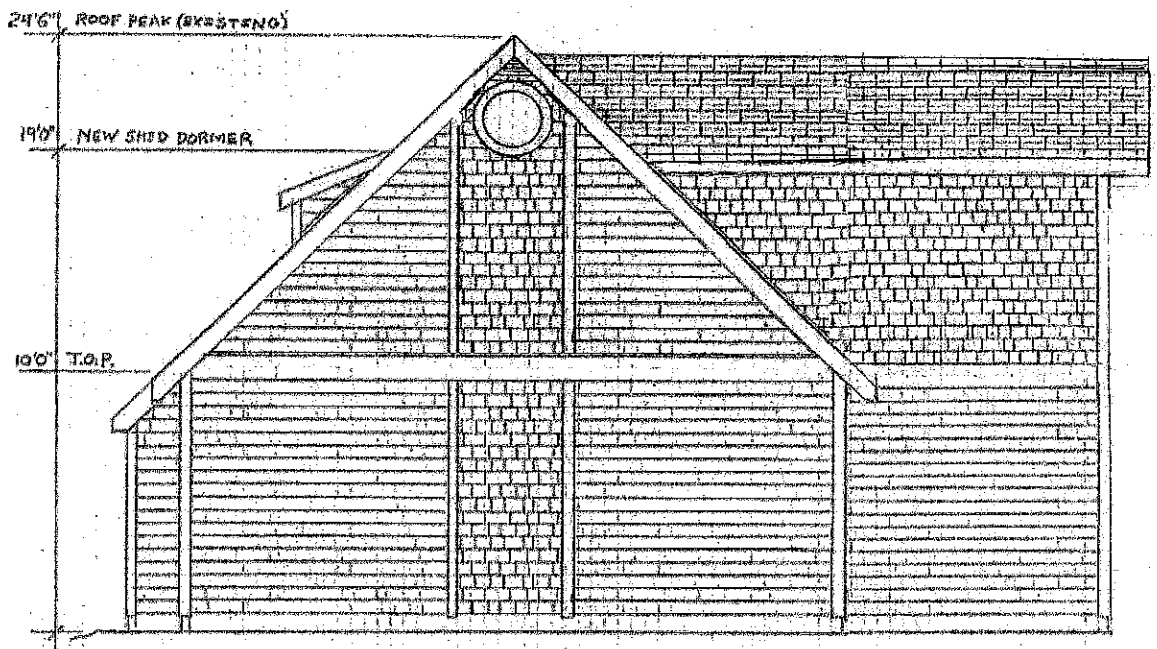


SITE PLAN

AFTER MITIGATION ATTACHMENT G

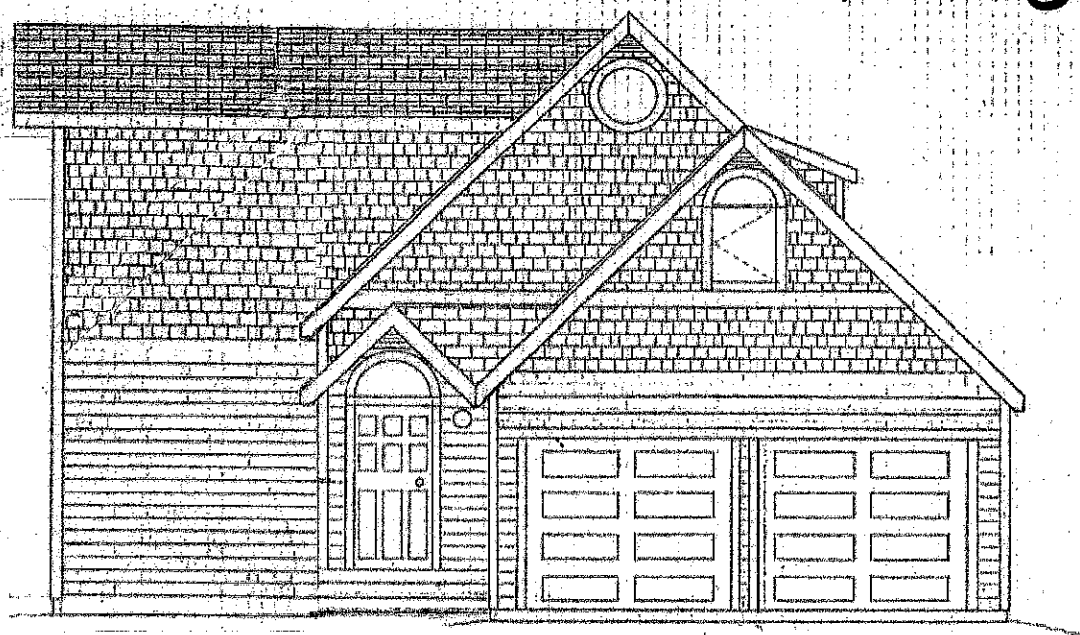
A

8/16



**SOUTH ELEVATION**

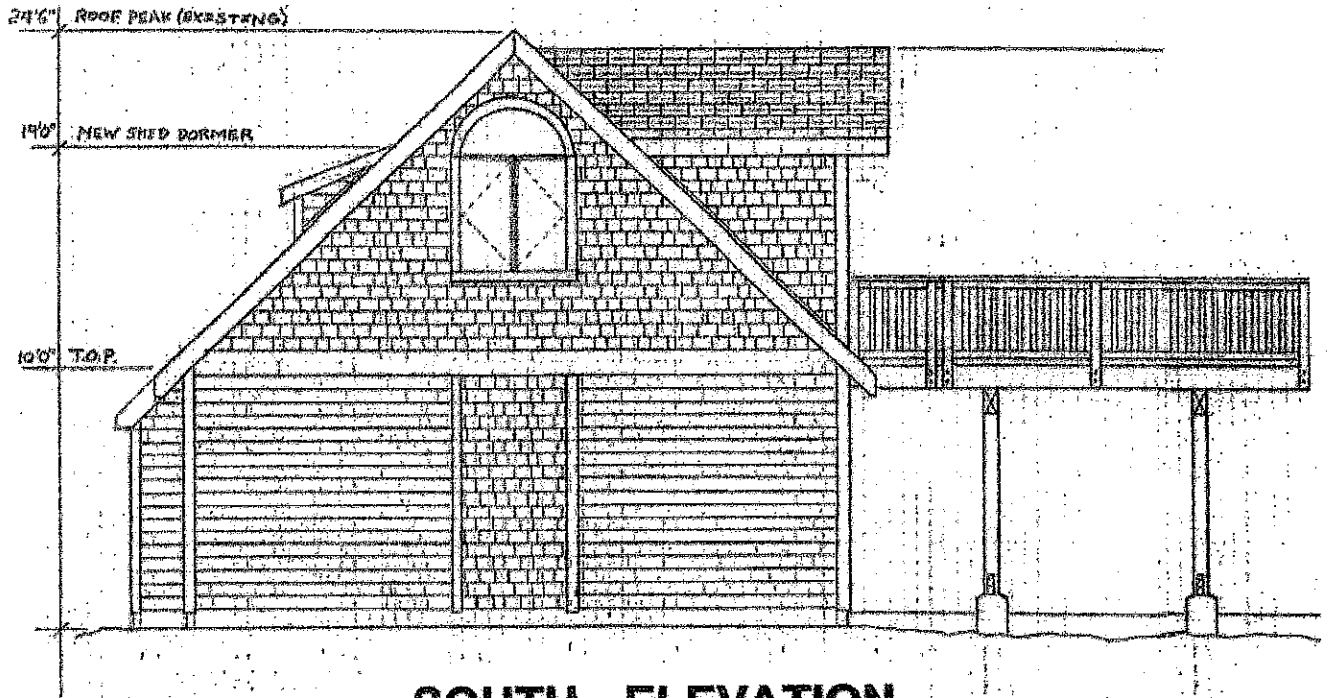
**AFTER  
MITIGATION**



**NORTH ELEVATION**

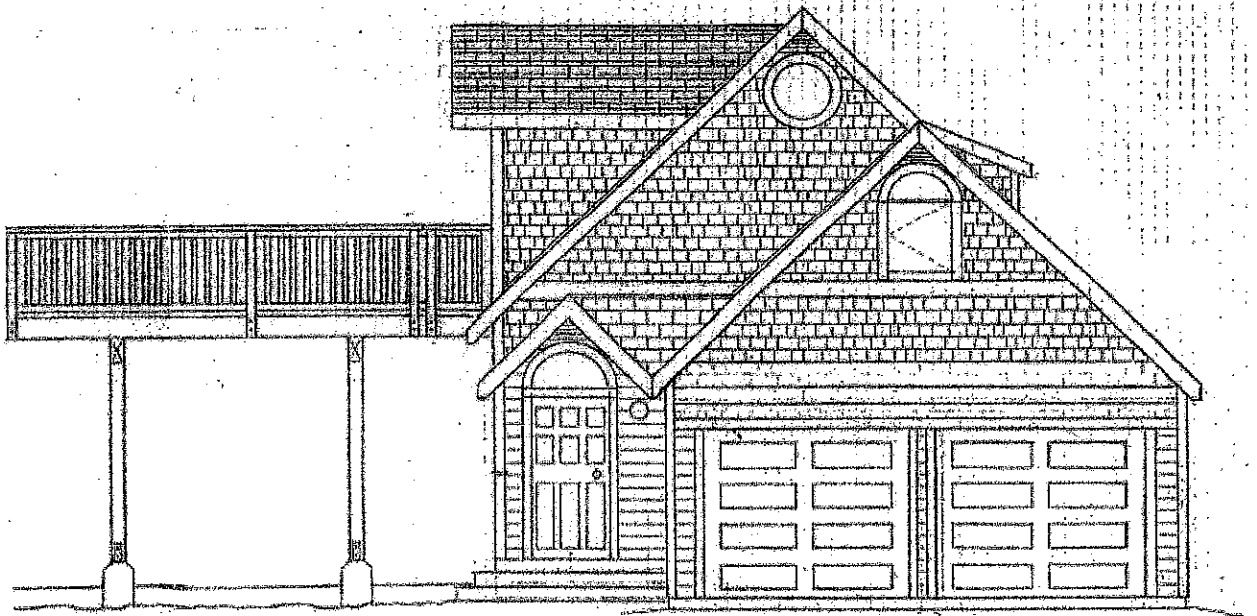
**B**





**SOUTH ELEVATION**

**BEFORE  
MITIGATION**



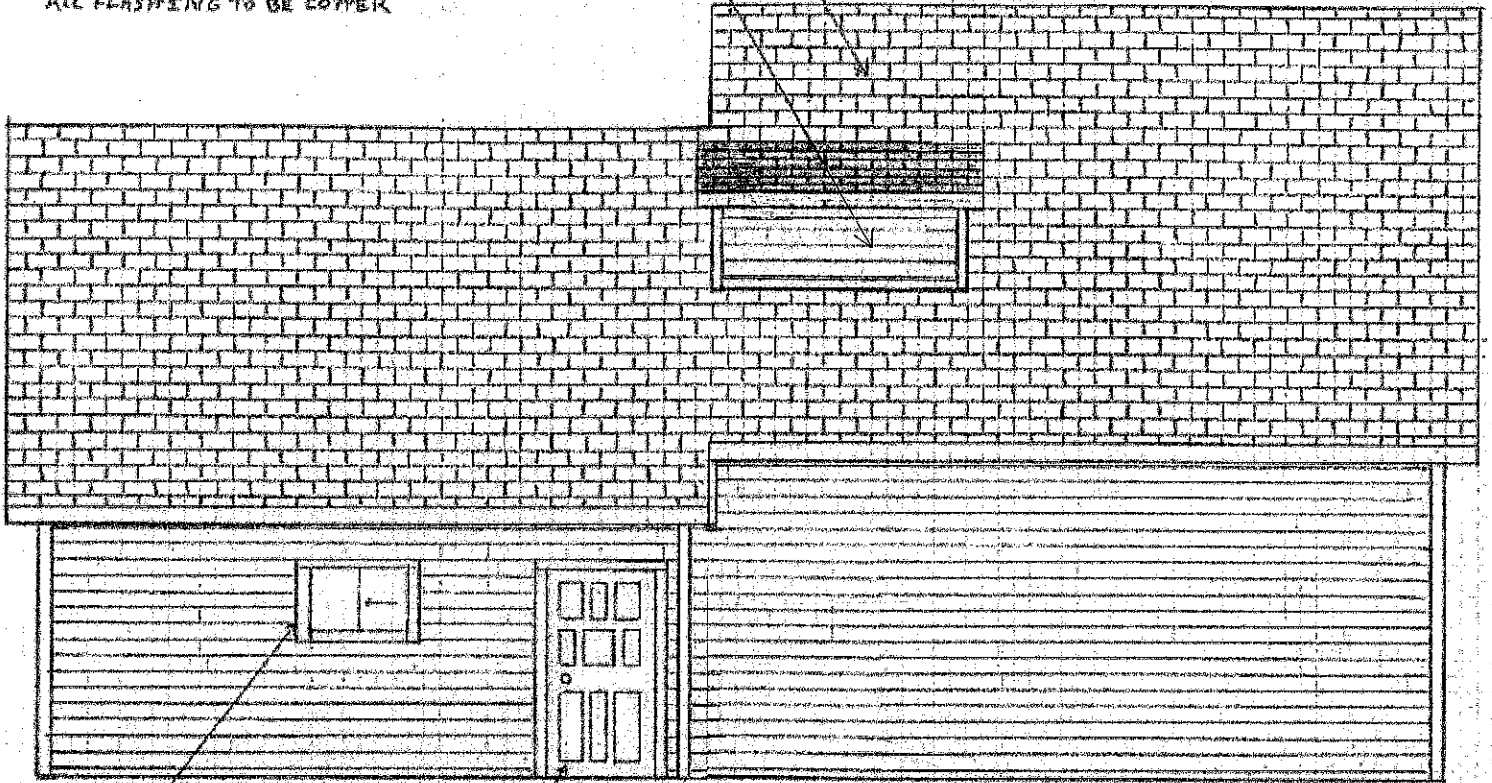
**NORTH ELEVATION**

**B**

EXISTING ROOF: CLASS 'A' 25 YEAR COMP. SHINGLES

NEW SHED DORMER: JAMES HARDIE CAP SIDING

ALL FLASHING TO BE COPPER

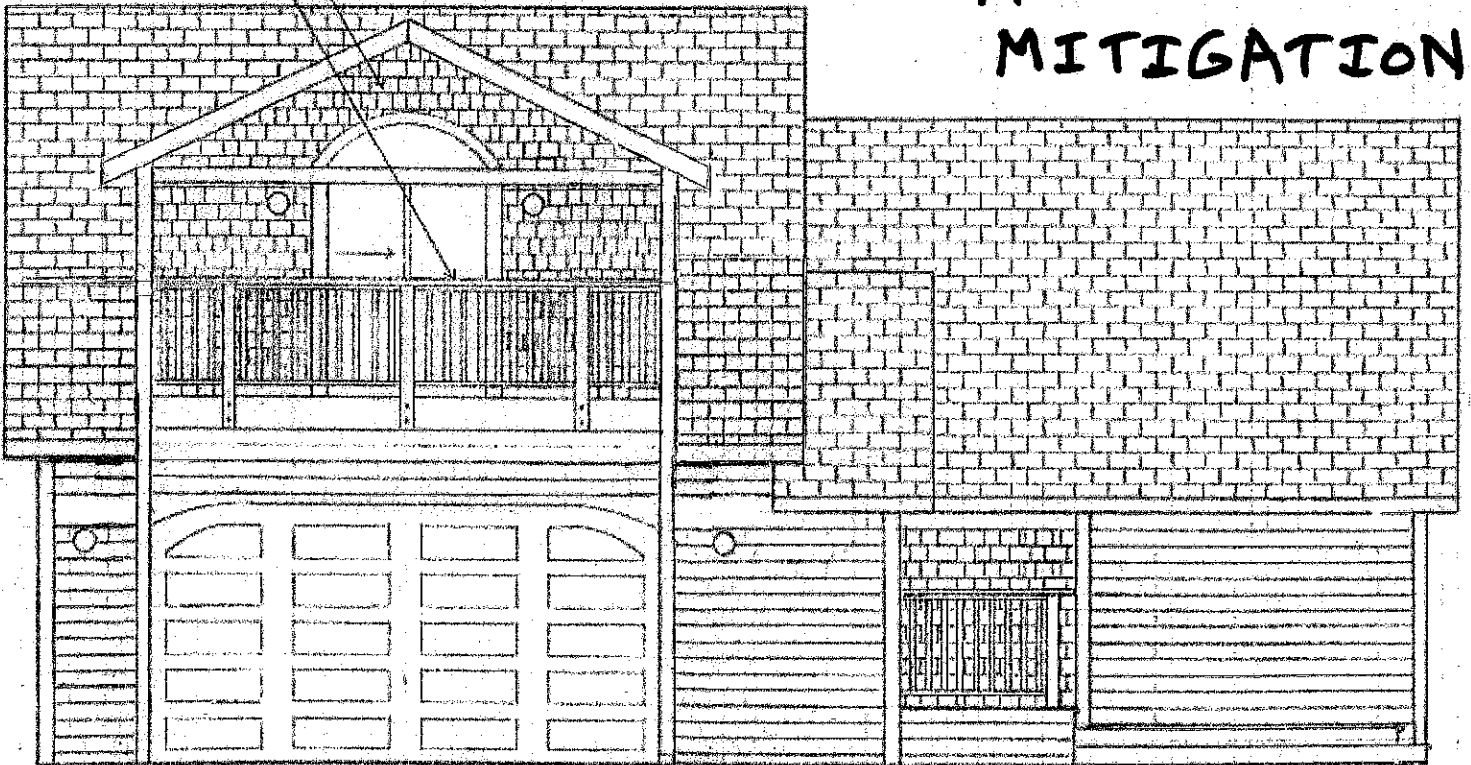


EXISTING DOOR AND WINDOW

# WEST ELEVATION

# AFTER MITIGATION

NEW GABLE DORMER  
NEW UPPER LEVEL DECK



EXISTING GARAGE DOOR

EXISTING DECK

# EAST ELEVATION

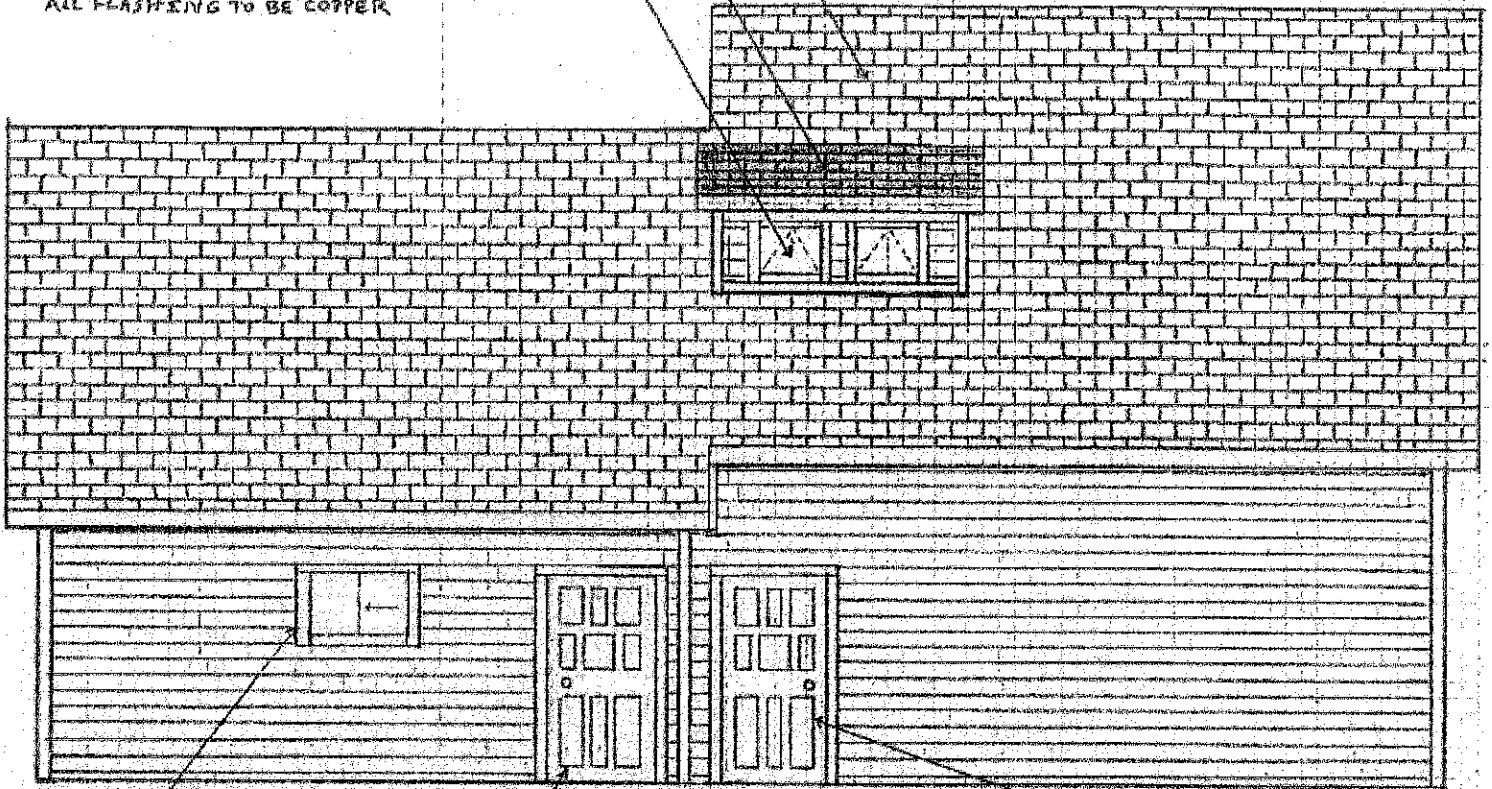
REVISED: 3/16

**ATTACHMENT G**

C



EXISTING ROOF: CLASS "A" 25 YEAR COMP. SHINGLES  
 NEW SHED DORMER: JAMES HARDIE LAP SIDING  
 NEW ANDERSON AWNING WINDOWS  
 ALL FLASHING TO BE COPPER



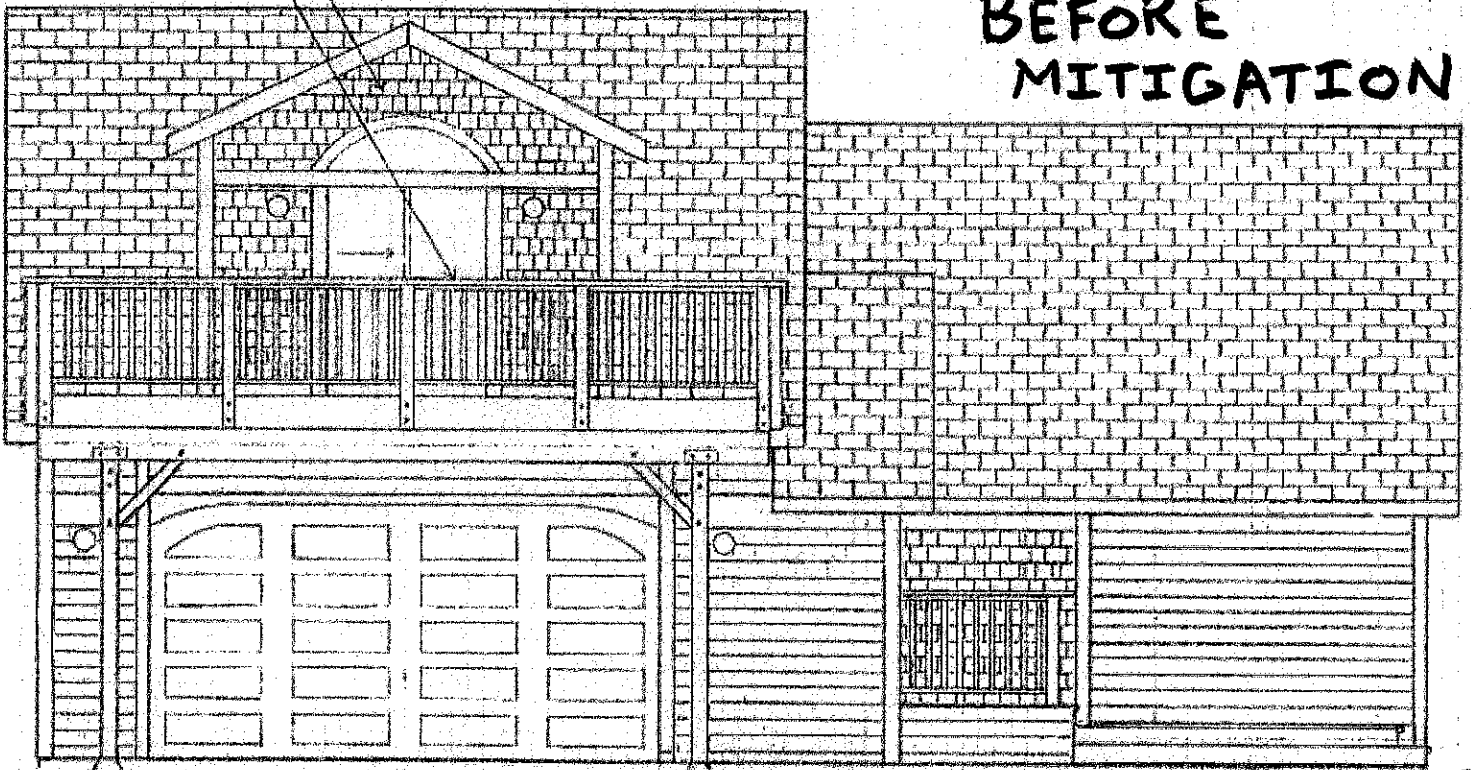
EXISTING DOOR AND WINDOW

NEW ENTRY DOOR

## WEST ELEVATION

NEW GABLE DORMER  
 NEW UPPER LEVEL DECK

BEFORE  
 MITIGATION



EXISTING GARAGE DOOR

EXISTING DECK

## EAST ELEVATION

REVISED: 3/16

ATTACHMENT G



County of San Mateo  
Planning and Building Department

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

Permit or Project File Number: PLN 2015-00383

Hearing Date: April 12, 2017

Prepared By: Dave Holbrook  
Project Planner

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That project is exempt from review pursuant to Section 15301 of the California Environmental Quality Act, relating to the minor alteration to existing structures, where project expansion is negligible.

Regarding the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program as discussed in the staff report under Section B.2.

Regarding the Use Permit, Find:

3. That the proposed development - as revised by the owner and whose exceptions are slightly reduced pursuant to the State-mandated Second Unit regulations as cited in this report - is proportioned to the size of the parcel on which it is being built in that the development is above an existing accessory building and conforms to rules limiting lot coverage and building floor area.
4. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven infeasible in that the applicant cannot afford to buy any additional parcels of land for this project.

5. The proposed development - as revised by the owner and whose exceptions are slightly reduced pursuant to the State-mandated Second Unit regulations as cited in this report - is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible in that the addition is to an existing structure and will not reduce nonconforming setbacks, as discussed in Section B.3 of the staff report.
6. 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 in that the use, a residence, will not be detrimental because it is the same use that is already on the site and on the neighboring lots; the project will not detrimentally impact coastal resources as discussed in Section B.2 of the staff report; a second dwelling unit is considered by state and local laws to be an aspect of a single-family dwelling; the building's mass – save for the new deck off the second story - facing its neighbors will not change.
7. That use permit approval does not constitute a granting of special privileges in that a second dwelling unit is considered by state and local laws to be an aspect of a single-family dwelling and in that the development conforms as much as possible to the zoning regulations

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Current Planning Section**

1. This approval applies only to the proposal as described in this report and plans as reviewed by the Planning Commission on April 12, 2017, which include the owner's proposed revisions to the second unit. Minor adjustments 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 permit shall be valid for one year. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees 60 days prior to expiration.
3. Prior to and throughout any land disturbance, the applicant shall implement a construction erosion and sediment control plan, to be submitted along with the building permit plans.
4. The applicant 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 applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.

- n. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
5. A setback verification survey is required to verify that the posts supporting the proposed deck are located in the correct and approved location (specifically the support post closest to the rear property line, approve at 7.5 feet). Prior to the pouring of concrete, the applicant shall provide a letter prepared by a surveyor verifying the location of the outside edge of the posts the nearest to the rear property line (adjacent to 223 Bernal).

### Coastside Fire

6. Provide separate addresses for the main and accessory dwelling units. Addresses shall be conspicuously posted and visible from the street. The letters/numerals for permanent address signs shall be four inches in height with a minimum 3/4-inch stroke. Such letters/numerals shall be internally illuminated and facing the direction of access. The finished height of bottom of the address light unit shall be at least six feet from the finished grade. When the building is served by a long driveway or is otherwise obscured, a six-inch-by-eighteen-inch, green, reflective metal sign with three-inch reflective letters/numerals similar to Hy-Ko 911 or equivalent shall be placed at the entrance from the nearest public roadway.
7. Any chimneys shall have installed onto the opening thereof a galvanized, approved spark arrester of a mesh not larger than one-half of an inch.
8. 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 of 72-hour notice to the Fire Department at 650/726-5213.
9. The applicant shall install the proper occupancy separations, as per current California Building and Residential Codes. Plans at the building permit application stage shall include listing and construction details. Inspections will occur throughout construction and prior to Fire's final approval of the building permit.
10. All roof assemblies shall have a minimum CLASS-B fire resistive rating and be installed in accordance with the manufacturer's specifications and current California Building and Residential Codes.
11. 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.

12. New bedroom windows and new windows in existing bedrooms shall meet escape/rescue window/door requirements. Identify windows and include notes on Building Permit plans.
13. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved (galvanized) spark arrestor 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.
14. The standpipe/hydrant shall be capable of a minimum fire flow of 1,000 GPM.
15. 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 Department for review and approval by the authority having jurisdiction.
16. An interior and exterior audible alarm activated by an automatic fire sprinkler system water flow shall be required to be installed in all residential systems. All hardware must be included on the submitted sprinkler plans.
17. A fire flow of 1,000 gallons per minute for 2 hours with a 20-psi residual operating pressure must be available as specified by additional project conditions to the project site. The applicant shall provide documentation including hydrant location, main size, and fire flow report at the building permit application stage. Inspection required prior to Fire's final approval of the building permit or before combustibles are brought on-site.

#### Department of Public Works

18. Prior to the issuance of the Building permit or Planning permit (for Provision C3 Regulated Projects), the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state.

Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.

19. Prior to the issuance of the Building Permit or Planning Permit (if applicable), the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
20. No proposed construction work within the County right-of-way shall occur until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
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 #3277.

DJH:aow – DJHBB0083\_WAU.DOCX



***San Mateo County Planning Commission Meeting***

Owner/Applicant:

Attachment:

File Numbers:





***San Mateo County Planning Commission Meeting***

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_