



## Planning & Building Department Planning Commission

Kumkum Gupta, 1<sup>st</sup> District  
Frederick Hansson, 2<sup>nd</sup> District  
Lisa Ketcham, 3<sup>rd</sup> District  
Manuel Ramirez, Jr., 4<sup>th</sup> District  
Mario Santacruz, 5<sup>th</sup> District

County Office Building  
455 County Center  
Redwood City, California 94063  
650/363-1859

# ACTION MINUTES

*Draft*

MEETING NO. 1662  
Wednesday, April 10, 2019

In the Board of Supervisors Chambers, Hall of Justice and Records, located at 400 County Center, Redwood City.

Chair Gupta called the meeting to order at 9:05 a.m.

**Pledge of Allegiance:** The Pledge of Allegiance was led by Chair Gupta

**Roll Call:** Commissioners Present: Hansson, Ketcham, Gupta, Santacruz, Ramirez  
Staff Present: Monowitz, Fox

Legal Notice published in the San Mateo County Times on March 30, 2019 and the Half Moon Bay Review on April 3, 2019.

**Oral Communications** to allow the public to address the Commission on any matter not on the agenda.

None

**Consideration of the Minutes** of the Planning Commission meeting of March 27, 2019  
Meeting minutes will be considered at the following Planning Commission Meeting.

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### **CONSENT AGENDA**

Commissioner Ramirez moved for approval of the Consent Agenda, and Commissioner Hansson seconded the motion. Motion carried 5-0-0-0, approving items as follows:

- Owner:** Vida Verde Nature Education, Inc.  
**Applicant:** Sandy Sommer  
File Number: PLN2018-00457  
Location: 3540 La Honda Road, unincorporated San Gregorio  
Assessor's Parcel No.: 081-320-060

Consideration of a Coastal Development Permit, to drill a replacement domestic well. The project is not appealable to the California Coastal Commission. Application deemed complete February 4, 2019. Please direct any questions to Project Planner Angela Chavez at 650/599-7217 or [achavez@smcgov.org](mailto:achavez@smcgov.org).

**FINDINGS****Regarding the Coastal Development Permit, Found:**

1. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as described in the Staff Report.
2. That the project conforms to the findings required by policies of the San Mateo County Local Coastal Program specifically in regard to the Agriculture, Sensitive Habitats, and Visual Resources Components. In that a domestic well replacement is conditionally permitted but does not require the issuance of a PAD permit. That the project has been proposed to be located in an area that has been defined as "Prime Agricultural Lands" for agriculture and that the proposed project converts only a very small portion of the parcel leaving the large majority available for agricultural uses. That the project will not be visible from scenic roadways or corridors and does not result in a significant change to natural landforms.

**CONDITIONS OF APPROVAL****Current Planning Section**

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on April 10, 2019. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid for one (1) year from the date of approval in which time a well permit shall be issued. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
3. The applicant shall implement the following dust control measures during grading and construction activities:
  - a. Water all active construction and grading areas at least twice daily.
  - b. Cover all truck hauling soil, sand, and other loose materials or require all trucks to maintain at least 2-feet of freeboard.
  - c. Apply water two times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at the project site.
  - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets/roads.
  - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
4. Prior to commencement of the project, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting

incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo County Wide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
  - b. Minimize the area of bare soil exposed at one time (phased grading).
  - c. Clear only areas essential for project activities.
  - d. Within five (5) days of clearing or inactivity, stabilize bare soils through either non-vegetative BMPs, such as mulching, or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two (2) weeks of seeding/planting.
  - e. Project site entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
  - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
  - g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200-feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
  - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
  - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
  - j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
  - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/ basins shall be cleaned out when 50% full (by volume).
  - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5-acre or less per 100-feet of fence. Silt fences shall be inspected regularly, and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
  - m. Utilize coir fabric/netting on sloped graded areas to provide a reduction in water velocity, erosive areas, habitat protection, and topsoil stabilization.
  - n. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved Erosion Control Plan.
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- 5. Noise sources associated with the demolition, construction, repair, remodeling, or grading 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).
- 6. All new utility lines shall be installed underground.
- 7. To avoid impacts to nesting birds, reasonable efforts shall be made to schedule construction and vegetation trimming or removal outside of the breeding season (February 1 to August 15). However, if these activities will occur during the breeding season, a qualified biologist shall conduct a survey for nesting birds within five (5) days prior to the proposed start of construction. In the event the biologist identifies nesting birds during the survey, California Department of Fish and Wildlife (CDFW) shall be contacted on how to proceed. Typically, tree removal shall be delayed until chicks have fledged, and a no-work buffer shall be established around the nest. CDFW generally accepts a 50-foot radius buffer around passerine and non-passerine nests, but can require up to a 250-foot radius for raptors.
- 8. All construction vehicles entering the site that may have entered weed-infested areas (such as at other construction sites) prior to arriving at the project site shall first wash the tires and undercarriage of the vehicles before entering the project site. If fill is needed, native soil shall be used. All rock, aggregate, fiber rolls, or other construction material, if needed, shall be certified weed free.

Building Inspection Section

- 9. Electrification of the well requires a building permit.
- 10. The project shall meet all development requirements of FEMA.

Environmental Health Services

- 11. Prior to commencement of any well construction activities, the applicant shall obtain a well permit from Environmental Health Services for the construction of the well. The subject well shall be tested to confirm that it meets quantity and quality health standards.

**REGULAR AGENDA**

**9:00 a.m.**

- 2. **Owner:** Horatio Holdings LLC  
**Applicant:** Fred Herring  
 File Number: PLN2018-00316  
 Location: 239 Ferndale Way, Emerald Lake Hills  
 Assessor’s Parcel No.: 057-022-060

Consideration of a Design Review Permit and a Non-Conforming Use Permit, for construction of an exterior remodel and 658 sq. ft. addition (existing but unpermitted) to an existing 1,952 sq. ft. single-family residence with an existing 437 sq. ft. attached carport on a 7,587 sq. ft. parcel. A Non-Conforming Use Permit to legalize the addition, allow 3,047 sq. ft. of total floor area where 2,400 sq. ft. is the maximum allowed by the Residential Hillside Zoning District and a 5' 2" left side yard setback and a 1' 7- right side yard setback where side setback of a minimum of 7.5 feet and a minimum combined side yard setback of 20 feet is the required. No significant trees are proposed to be removed. Application deemed complete November 27, 2018. Please direct any questions to Project Planner Erica Adams at 650/363-1828 or [eadams@smcgov.org](mailto:eadams@smcgov.org).

**SPEAKERS:**

1. Fred Herring

**COMMISSION ACTION:**

Commissioner Santacruz moved and Commissioner Hansson seconded to close the public hearing. **Motion carried 5-0-0-0.**

Commissioner Ketcham moved to approve the project, making the findings and adopting the conditions of approval. Commissioner Hansson seconded the motion. **Motion carried 5-0-0-0.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the request, making the findings and adopt conditions of approval as follows:

**FINDINGS****For the Environmental Review, Found:**

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, Found:**

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, Found:**

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):

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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.

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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.

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.

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.

18. 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.

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<b>3. Owner/Applicant:</b>	<b>County of San Mateo Planning and Building Department</b>
Location:	Countywide, unincorporated
Assessor's Parcel Nos.:	Countywide

Informational Item: Briefing on the California Environmental Quality Act. Please direct any questions to Senior Planner Melissa Ross 650/599-1559 or [mross@smcgov.org](mailto:mross@smcgov.org).

**SPEAKERS:**

1. Lennie Roberts

**COMMISSION ACTION:**

Commissioner Ramirez moved and Commissioner Hansson seconded to close the public hearing. **Motion carried 5-0-0-0.**

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4. **Correspondence and Other Matters**  
Letter was received from Lennie Roberts from Committee for Green Foothills, this was distributed to the Planning Commission.
  5. **Consideration of Study Session for Next Meeting**  
The agenda for next meeting will include two items and a Study Session given by Commissioner Lisa Ketcham on Sign Regulations in Scenic Corridors.
  6. **Director's Report**  
Steve Monowitz gave a report back on various items including past meeting and upcoming projects.
  7. **Commissioner Updates and Questions**  
Commissioner Lisa Ketcham will give a Study Session regarding Sign Regulations in Scenic Corridors. Commissioner Gupta is attending a Green Infrastructure Design, Installation and Maintenance Training on Thursday, May 2, 2019, and will pass the information on to other who would like to join her.

**8. Commissioner Updates and Questions**

Meeting adjourned at 10:52 A.M.