

Objections Part 3 : PLN2019-00368 and the CDRC meeting March 12, 2020

By Birgitta Bower

CDRC meeting March 12, 2020

Voting members of the CDRC present:

Bruce Chan, landscaping architect and vice chair, and Doug Machado, alternate El Granada representative.

Also present: the Design Review Officer and Senior Planner from the County, and the project owners, (their architect was not present).

Neighborhood (as defined by 'within 300 feet') residents, opposed to PLN2019-00368 and present for the meeting:

Ben and Birgitta Bower, 545 The Alameda, 6 year homeowners
Josh Beck and Megan Walton, who recently bought 167 The Alameda.
Molly Romm, 559 The Alameda
Jim Kochman, 561 The Alameda
Cecilia Baloian, 541 The Alameda, 20 year homeowners
Michael Cadigan, 565 The Alameda, 28 year homeowner

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Background

Before the March 12 Coastal Design Review Committee (CDRC) meeting I wrote "Objections Part 1". After the meeting, I looked at the Design Manual ('blue book') and wrote "Objections Part 2". Now I have educated myself further by observing the April CDRC meeting via zoom and some Planning Committee (PC) hearings, and also reviewing the CDRC March 12 meeting recording. So this is Part 3.

At the March CDRC meeting, our EG alternate representative chided us, the opposing neighbors, for not going to Design Manual Update meetings. None of us opposing this project knew anything about Design Reviews, Planning Commissions or the Design Manual. We saw the story poles, were shocked, and went to the meeting.

The more I learn about the process, the more it seems that a review of the Design Manual is a good idea. And the Design Review Committee, is it functioning as intended? How can it with only 4 of 13 members currently? And why is the question of who is responsible for setback exemptions, and size of projects so murky? Should setback exemptions for substandard lots, aka 'use permit', not be on the table before the project comes before the Planning Commission?

I am putting together a manual for Coastside neighbors who are going to be in the same position as my neighbors and I are in now. The project owner gets a Project Planner, we get a notice with a file number. There were 3 days between the story poles and the March 12 meeting. I think most of us were too depressed to act. I did find the plans for the project on-line, but none of us were aware of the 'blue book' or the process.

We appreciate that we have El Granada representatives on the CDRC and a Coastside commissioner at the PC, who have been working for many years putting in a lot of hours for the community. They are there to protect the unique character of our Coastside neighborhoods.

THE COUNTY DEVELOPMENT CENTER AND PROJECT PLANNERS

When an applicant/ project owner wants to build and comes to the county DEVELOPMENT REVIEW CENTER they are helped with 'preliminary reviews' of projects, they get their own PROJECT PLANNER. The Project Planner guides the applicant through the process. They collect and summarize the information on a project and make their own conclusion/recommendation at the end. At the Planning Commission (PC) hearing, the Planner presents the project for the commission and acts as the advocate for the project. It is unclear to me, what their license is when it comes to advising about setback exemptions and the use permit.

THE COASTAL DESIGN REVIEW COMMITTEE (CDRC)

After the applicant has an architectural design, it is examined at a CDRC meeting. The CDRC relies on the **Design Manual**, a chapter in the Zoning Regulations, Section 6565.20 "**Standards for Design of One-family and Two-family Residential Development in the Midcoast (El Granada Miramar, Moss Beach, Montara)**". It has different parts:

- (A) Background
- (B) Neighborhood Definition and Neighborhood Character
- (C) Site Planning and Structure Placement
 - 1. Integrate Structures with natural setting
 - a) Trees and Vegetation
 - b) Grading
 - c) Streams and Other Drainage Features
 - d) Ridgelines, Skylines and View Corridors
 - e) Relationship to Open Space
 - 2. Complement other Structures in the Neighborhood
 - a) Privacy
 - b) Views
- (D) Elements of Design
 - 1. Building, Mass, Shape and Scale
 - a) Relationship to existing Topography
 - b) Neighborhood Scale
 - c) Second stories
 - 1) Second-Story Location
 - 2) Lowering the Eave Line
 - d) Daylight Plane/ Façade Articulation
 - e) Wall Articulation
 - 2. Architectural Style and Features
 - 3. Roof Design
 - 4. Exterior Materials and Colors

- (E) Additional Site Planning and Design Consideration
- (F) Landscaping, Paved areas, fences, lighting and noise
- (G) Utilities and Ancillary Structures
- (H) Second Units

The different parts have STANDARDS that are the rules and DISCUSSIONS that are supposed to explain the standards.

The Design Committee's role is to review the proposed design's consistency with the design standards for Design Review Districts in order to make findings on how and why the project does or does not conform to the rules.

There are supposed to be 13 members: a Representative and an alternate Representative for each of the 5 different coastside design review districts; 2 licensed architects or landscape architects and 1 alternate architect/ landscape architect. 2 is a quorum. Currently here are 6 vacancies and 3 expired memberships, 2 expires in June, so for now there are 5 active members until next month.

See the MCC website for a link to the 1998 'Development of substandard Residential Parcels in the Urban Midcoast', for context of how the Design Review Committee emerged. At the time apparently the 'County policy' for 'odd ducks' (quote), 25-foot-lots, was to allow 8 foot total setbacks instead of 15 feet.

THE GRANADA COMMUNITY SERVICE (GSC)

The GSC makes 'Findings for Sewer Permit Variance' for small lots. They can grant one variance semi-annually.

THE MIDCOAST COMMUNITY (MCC)

They are asked for a comment. Looks like usually they have none.

The SAN MATEO COUNTY PLANNING COMMISSION (PC)

The Planning Commission consists of one commissioner for the Coastside (Lisa Ketcham) and four from Bayside districts. They are appointed by the Board of Supervisors, and sit for 4 years. They vote for approval/ non approval/ approval with conditions. They have decision power over variances and permit applications.

At the PC hearing besides the 5 voting Commissioners, there is the **COUNTY DEVELOPMENT DIRECTOR**, Steven Monowitz, who sits on the sideline and advises the Commissioners. There is also **COUNTY COUNSEL**, an attorney, present to assist Commissioners and the Director.

THE BOARD OF SUPERVISORS

The Board of Supervisors appoints the Planning Commissioners and was also the body that instituted the DESIGN REVIEW DISTRICT COMMITTEES. The reason for the need of the CDRC is conveyed in Section 6565.1. The language is interesting. It talks of "property values" and "happiness". (The Design Standards talk vaguely of "privacy" and "views", and neighborhood character, but mainly as something to keep in mind if 'feasible'.) The Board of Supervisors is the last resort for appeals after a project is approved/not approved by the PC.

- D. In establishing the Design Review District, the Board of Supervisors hereby determines that:
1. Many communities, neighborhoods and areas in this County have deteriorated through poor planning, neglect of proper design standards, and the erection of buildings and structures unrelated to the sites, incompatible with the character of the neighborhood and insensitive to the natural environment, especially in older undeveloped or partially developed platted areas, existing and proposed communities, clustered developments and areas with unique environmental and/or resource value.
 2. These conditions promote disharmony, reduce property values, and impair the public health, comfort, convenience, happiness and welfare.
 3. The lack of appropriate guidelines and criteria for the design of new buildings and structures contributes to these conditions.
 4. It is necessary and desirable to alleviate these conditions by providing appropriate guidelines and criteria for the maintenance and enhancement of property values, the visual character of especially fragile communities, the natural environmental resources and the public health, safety, comfort, convenience, happiness and welfare of the citizens of the County.
 5. The review procedures of this Chapter will more effectively preserve and enhance the property values, the visual character of especially fragile communities, the natural environmental resources, and the public health, safety, comfort, convenience, happiness, and welfare of the citizens of the County.
- E. The purposes of this Chapter are:
1. To recognize the interdependence of land values and aesthetics and to provide a method by which the County may encourage builders to develop land so that its value and attractiveness will endure.
 2. To encourage development of private property in harmony with the desired character of the community or area in conformance with an adopted set of community design principles as well as the County General Plan, the Local Coastal Program (where applicable), and other Precise Plans.

WHAT IS A "USE PERMIT"

If you have a 'non-conforming lot'= 'substandard lot', a lot that is smaller than what has been deemed 'standard' in a zone, and you feel you want a house that has to encroach on the setbacks that are in the regulations for that zone, then you apply for a use permit. With a use permit 'nothing is prescribed' as far as setbacks go, but you have to be able to conclude that "*the proposed development is proportioned to the size of the parcel on which it is being built*". The PC has to make the 'Findings' found in Section 6133.(3), see below. At this point your design presumably already has some kind of OK from county staff, and an OK or not from the CDRC. This is where it gets murky.

Section 6133.(3)Use Permit Findings. As regulated by Section 6503, a use permit for development of a non-conforming parcel may only be issued upon making the following findings:

(a) The proposed development is proportioned to the size of the parcel on which it is being built,

(b) 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

(c) The proposed development is as nearly in conformance with the zoning regulations currently in effect have been investigated as is reasonably possible,

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

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

AN EXAMPLE OF THE PROCESS: A SUBSTANDARD LOT IN MIRAMAR

To understand the procedure, this is PLN2028-00397, a project in Miramar, that went before the PC on October 23, 2019. It is a lot on Cortez, that is still a meadow, but, I'm guessing, is in the process of getting a building permit.

It is a 40' wide lot where the standard is 50'. The project, a two-story, wanted only 7' and 7' setbacks, instead of 10' and 10'.

This is an excerpt from the staff report's presentation of the project and the 'required' and 'proposed' numbers for this zone:

4. Conformance with Zoning Regulations

Development Standards

The following table summarizes the project's compliance/non-compliance with the development standards of the R-1/S-94 Zoning District.

S-94 Development Standards	Required	Proposed
Building Site Area	5,000 sq. ft. min.	4,400 sq. ft.* (See Section 6, Use Permit discussion below)
Building Site Width	50 ft. min.	40 ft.* (See Section 6, Use Permit discussion below)
Lot Coverage	30% max. (1,320 sq. ft.)	28% (1,242 sq. ft.)
Floor Area	48% max. (2,112 sq. ft.)	48% (2,112 sq. ft.)
Maximum Height of Structure	28 ft. max.	25 ft. - 3 in.
Minimum Front Yard Setback	20 ft. min.	20 ft.
Minimum Right Side Setback	10 ft. min.	7 ft.*
Minimum Left Side Setback	10 ft. min.	7 ft.*
Minimum Rear Yard Setback	20 ft. min.	36 ft. - 8 in.
Parking	Two covered spaces	Two covered spaces
Facade Articulation	Finding by CDRC	Complies

The proposed total lot coverage is 28% (1,242 sq. ft.), where the maximum allowed is 30% (1,320 sq. ft.). The total floor area proposed complies with the maximum allowed 48% (2,112 sq. ft.). Potential impacts related to the appearance of mass and bulk are mitigated by adequate articulation of exterior facades. The design of the new structure is complementary to the existing neighborhood context, as supported by the Coastside Design Review Committee's recommendation of approval (see Section 5). The proposed project meets the zoning district height standards, and includes a

In this case it the CDRC was aware of the zoning rules. This project went through the CDRC 3 times, then it was approved with the following text:

a. Section 6565.20 (D) ELEMENTS OF DESIGN: 1. Building Mass, Shape and Scale; b Neighborhood scale: The house is proportional and complementary to other homes in the neighborhood; Exterior Materials and colors complement the style of the house and that of the neighborhood.

b. Section 6565.20(F) LANDSCAPING, PAVED AREAS, FENCES, LIGHTING AND NOISE: The landscaping has been sensitively designed, using drought-tolerant plants.

It sounds like the CDRC was aware of the zoning rules for setbacks in this case, this is from their notes:

garage, located on an existing 4,400 sq. ft. legal non-conforming parcel (legality confirmed via PLN2014-00116), as part of a hearing-level Coastal Development Permit (CDP) and a Non-Conforming Use Permit (UP). The Use Permit is required to allow development on a non-conforming parcel that proposes right and left side setbacks of 5 feet. and 7 feet., respectively, where 10 feet. is the minimum allowed for each side. No trees are proposed for removal. The Coastside Design Review Committee was unable to determine the findings for design review approval based on certain design deficiencies. In order to resolve these

The County staff summarizes and recommends before the hearing, putting everything in their analysis/report, they also come to a conclusion to recommend the project (or presumably sometimes, not recommend.)

At this specific hearing, the neighbor to the proposed project had a lawyer present, who was arguing for the 10' setbacks to be respected, meaning the parcel was long enough that an architectural solution to the narrow lot it could have been worked out with the same square footage (referencing the Finding 6133.3c, see p 7). She also pointed out that she had been at all the Design Review Meetings, arguing the same thing, only to be repeatedly told that setbacks were not in the Design Reviews purview, it was up to the PC.

In response to the lawyer's input, The Director of Development, Steven Monowitz, took great pains when choosing his words:

The decision regarding setbacks can not be completely separated from questions of design so when it comes to matters of ensuring compliance with the entirety of the regulations that were given, the Design Review was kind of at top, right, we want to make sure that the designs are both suitable for the the neighborhood, compliant with the neighborhood and well thought-out designs. And I think the Design Review Committee took that seriously, and although they are not the final decision maker on the setbacks, the way the structure is massed and placed is part of design, and I feel confident that the positive recommendation from the Design Committee reflects that this is a reasonable well thought-out design. (PC 10/23/19, Part 2, 54:36)

At this PC meeting, Lisa Ketcham, the Coastside Commissioner, was the one correcting the Development Director and asserting 'no, the CDRC has no purview on setbacks'. She suggested setbacks of a total of 15', instead of 14', and that was accepted in a vote. This case was considered an important precedent for this Miramar area where there are more of these 40' lots, where 50' is required.

If a project comes from the County, what are their policies now on setbacks compared to pre the design committees? The black box seems to be what they are advising/recommending the project-owner. If they have all the authority on setbacks and size, and the CDRC have nothing, that makes the CDRC into a rubber stamp. When the project reaches the PC it seems it would be impossible to stop anything, and very hard to even modify a footprint.

Comparing the impact of the Miramar project to the Portola/ The Alameda

The Miramar project is going next to another two story existing house that only has a small bathroom window facing the project, it has a driveway next to the fence, and big trees guarding the privacy of the backyard. The project effects only one nextdoor neighbor on a dead-end street.

In contrast, The Alameda/ Portola project, designed as a two-story with absolutely physically minimal setbacks, effects a whole neighborhood. It is absolutely horrible from the aspect of the nextdoor home. It is taking away views of the ocean from at least 5 homes on The Alameda and some on Palma. It represents hundreds of thousands of dollars in total lost property values.

The Alameda/ Portola intersection is also a very 'active' part of El Granada, it's a flat open intersection of two broad boulevards having medians with enormous eucalyptus, and views down to the Ocean as Danel H. Burnham imagined. The Portola midsection has a trail in the middle. There are always people walking dogs, there are joggers and bicyclists, surfers carrying their boards down to the beach, Picasso preschoolers walking hand-in-hand on their way to Quarry Park. For everyone passing through, the proposed building will be taking away views, sky, and light. It's the only two story sticking up on this rise. Anyone taking part in a decision about this proposed building needs to visit the site for a feel of how negatively this structure would be aesthetically. It is clear that the architect responsible can't have been to location. On top of the imposing, blocky mass of the building, it is dark blue. The prospect of having this design erected, is just gut-wrenching. That is why it is raising such opposition from local residents, see ipetitions.com/petition/elgranada.

The process: Development Center —> Design Review —> STAFF REPORT —> PLANNING COMMISSION

When it comes to a use permit the CDRC exists in their own Catch-22. They may not know the zoning rules, they don't know why a project is 'passing' the reviews the County staff does before the project comes to them. They have no purview on setbacks according to themselves. They are left with a pig they have to put lipstick on. They are not going to dispute the footprint of the plan, or comment on the setbacks, they consider that part already settled. When something is big and bulky they will try to tamper that down by modifications of window placement and roofline, etc.

So the CDRC doesn't consider the setbacks in their purview, yet the Design Manual states "**the emphasis of Design Review will be on a home's appearance, not on its actual size or height**". Notice it says '*emphasis*', it doesn't actually say that the Design Review Committee has '*no purview*' when it comes to 'actual size and height', but that is how the CDRC interprets it's mission. Why? And yet they are supposed to consider 'mass' and 'placement' ? Isn't that 'size', just like the Director says. (p 9)

The process is that the CDRC will continue to work with the project-owner on the rooflines, the blank façades and articulation, until that part is exhausted, then the CDRC will make a report that will either recommend or not recommend the project to be approved by the planning commission, and their conclusion is part of the staff report.

Our Coastside representative in the Planning Commission calls this system 'counter intuitive'. Yes, it doesn't seem to make sense. It seems very awkward that the applicant has plans drawn up *assuming approval* of the setback exemptions and then the CDRC looks at the project *assuming* setbacks have been 'approved', 'established' or whatever it should be called. And if you, a neighbor, is opposed to the project's setbacks and size, the CDRC will not listen, not their 'purview'.

It's unclear how much guidance the applicant gets when they don't follow the zoning setbacks. Will the Project Planner say a 2' setback is not enough, try 3', or 4' if it should be 5'? There must be some kind of policy even if '*nothing is prescribed*', but what? The Project Planner has to follow the project from the start, informing on zoning rules and permits, and in the end they have to present it to the PC, and somewhere the 2' setbacks are discouraged.

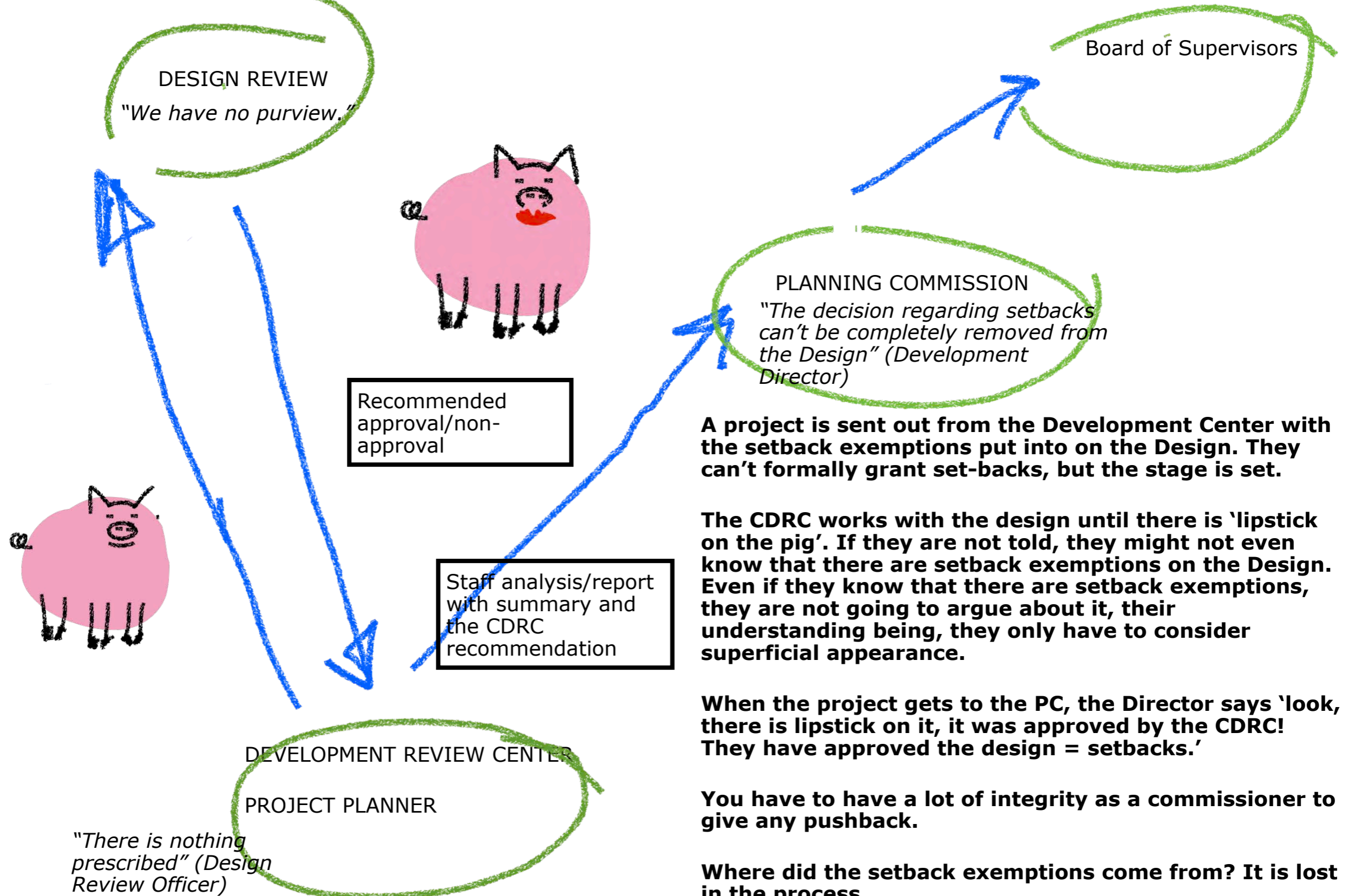
Once a project has been going on for months, several CDRC reviews, and thousands of dollars in expenses for the project owner in architect fees for alterations and then Design Review fees, you must imagine that the plan is more and more set in stone. It is hard to imagine a project passing three times through a Design Review, and then at the PC hearing, the applicant is told that setbacks exemptions will not be granted...please start the whole process over.

Whatever plans the Development Center passes on to the CDRC they have already set the stage. The County doesn't visit the location, they don't have a neighborhood in mind, they are accommodating a client. The system that a local, neighborhood representative is safe guarding the uniqueness of El Granada, Moss Beach, etc., and has a say in what goes into a neighborhood only works to a point but not size. When the CDRC works from the current premise, going over rooflines again and again while ignoring the elephant in the room, the setbacks, the footprint, the size, the main factors that will decide the impact of a project on neighbors and neighborhoods, it's role seems very restricted.

PASSING THE SETBACK 'BUCK'

The USE PERMIT : SETBACK EXEMPTIONS are baked into the pig, the non-conforming/substandard lot

What does "the emphasis will be on a home's appearance, not it's actual size and heigh" mean? (Design Manual)



The GSCD had a meeting of the project and the MCC were asked for a comment.

GRANADA COMMUNITY SERVICE DISTRICT (GCSD)

The Portola/The Alameda duplex needs a VARIANCE APPLICATION for sewage. And it was on the agenda 11/21/2019:

The application states that there are "No. of Baths: 2 ea. Unit", while not mentioning the additional 1/2 baths for each unit. Also, with two or more bedrooms (in this case it's 3 bedrooms/ unit), each unit needs two covered parking spaces. So the project needs a variance for that.

The application includes a page titled 'Relevant facts with regard to APN 047-208-100' (Attachment 1, p 24) where the owner claims that:

The proposed development is proportionally scaled to the parcel size and has been evaluated by the Coastside Design Review Committee and San Mateo County Planning Commission and has been deemed compatible with the community.

This is a pretty extraordinary claim in November 2019, since the CDRC meeting was held in March 2020! There has been no Planning Commission hearing! Also in a 'Summary of Property Details' (Attachment 2, p 25) in the application it is stated: "**setbacks will be Front/Rear and sides 3 and 5 feet.**" On the design it is 3' and 3'.

The GCSD decision:

The Sewer permit is conditioned on the reduction of the amount of 'impervious non-structure.'

ACTION AGENDA

1. **Consideration of Variance for APN: 047-208-100, Owners: Robert and Bertina Moules, Location: The Alameda and Portola Avenue, EG, 3,056 Sq. Ft. Parcel, Zoned R-3/S-3.**

Counsel Parkin reviewed the findings provided. He indicated that Item 5 could not be met unless the percentage of the projects impervious surfaces were reduced to comply with County requirements. Mr. Moules was present, and stated that when he goes through the County planning process, he will be required to make that plan revision.

ACTION: Director Dye moved to approve granting the variance conditioned on the project plans being revised to reduce the percentage of impervious surfaces based on County requirements.

MIDCOAST COMMUNITY COUNSEL (MCC)

Input is also sought from the MCC (Midcoast Community council). Their comment/non comment on 11/25/19 was:

"Renee, we looked at the material you sent for PLN2019-00368, and note that variances for small lot size and limited covered parking are being sought for this duplex. While the lot is indeed small, it involves little preparation for construction and seems like an acceptable fill use. And while only two covered parking spaces are provided, there appear for to be additional uncovered spaces on the property, which will limit on-street parking. So overall, the MCC has no comment."

The APPLICANT FOR PLN2019-00368

- o Bought a substandard lot, where zoning codes would allow a building footprint of 10' x 80', and it was obvious that it couldn't be expanded by buying land from neighboring lots. The project design increased the footprint 90%, from 800 to 1,520 sq ft, by moving the setbacks for a corner lot from 5' to 3' and 10' to 3'. (There is a lot available two houses down on The Alameda, and more lots in El Granada and the Coastsides that would be better suited for the project the applicant wants to build.)
- o Claims in statement to the GCS in Nov 2109 that the project already has been approved.
The proposed development is proportionally scaled to the parcel size and has been evaluated by the Coastsides Design Review Committee and San Mateo County Planning Commission and has been deemed compatible with the community. (Attachment 1)
- o Also claimed to the GCS that
"setbacks will be Front/Rear and sides 3 and 5 feet." On the design it is 3' and 3' (Attachment 2)
- o And claims to the Development Center (see activity note for 2/11/2020) that the duplex
"meets or exceeds all setbacks" (Attachment 3)

This when the left side shows 3' and it is not clear what the setback is on the right side. The Project Planner asks for clarification and refers the applicant to **6408.1** concerning corner lots.

The applicant was also referred to look at the standards in **6565.17**. One of the Design Standards under this section is
" L. The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community."

The applicant was asked about the discrepancies in lot size, with different numbers appearing on different forms: 2,950; 3,056 and 3,290 sq ft. (According to GSC , the surveyor measured the lot as 3,020sq ft, (the sides are 25', 24.91', 121.02' and 118.02' which would make it equal to or less than 2,971.54' sq ft, but it has a slight curvature).

- o The USE PERMIT APPLICATION asks for 'explanation of how the project conforms to the Design Review Standards. It is not filled in. (Attachment 4)
- o The story poles for the proposed project went up on Sunday, 3/8/2020, and the CDRC meeting was Thursday 3/12/2020. The story poles were not put up according to the design, they are moved 10' over toward Portola, sitting with a 10' setback to the front and a 30' setback to the rear, instead of 20'/20'.
- o At the CDRC meeting there was no architect present (maybe because he is based in Livingston, CA, 115 miles away). The applicants were shown the pictures in the Design Manual and it was explained to them what the pictures illustrated, "do this...not this" etc. The applicant commented he wished he had known about this because the expenses were adding up.

CDRC MEETING MARCH 12 CONCERNING PLN2019-00368

The meeting March 12 started off with public comments, where 6 of us opposing the project spoke. After that part closed, Bruce Chan went on to explain the objective of the meeting, then he asks 'staff':

“With non-conforming lots, what are the setbacks?”

The Design Review Officer answers: (first part unintelligible because of passing bus)

“It is more about having a reasonable proposal that meets the findings for a use permit. So there is nothing prescribed. There is nothing prescribed.”

When it comes to zoning, PLN2019-00368 is a R3/S3 in a high density residential zone. R3 standing for multi family, the S is explained in chart below:

SECTION 6300. REGULATIONS FOR “S” DISTRICTS. In any District with which is combined any “S” District, the following regulations as specified for the respective “S” Districts shall apply:

TABLE 1									
District	Minimum Building Site		Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Yards Required			Maximum Height Permitted		Maximum Coverage Permitted (%)
	Average Width (Ft.)	Minimum Area (Ft.)		Front (Ft.)	Side (Ft.)	Rear (Ft.)	Stories	Ft.	
S-1	50	5,000	500	20	5	20	3	36	50
S-2	50	5,000	1,000	20	5	20	3	36	50
S-3	50	5,000	1,250	20 ³	5	20	3 ³	36 ³	50
S-4	50	5,000	1,650	20	5	20	3	36	50
S-5	50	5,000	2,500	20	5	20	3	36	50
S-6	50	5,000	2,500	20	5	20	3	36	50

SECTION 6408.1. In any district on any corner lot, the side yard on the street side of such corner lot shall be not less than fifty percent (50%) of the minimum front yard required on the contiguous lot to the rear.

6408.1 applies according to our Coastside commissioner in the Planning Commission, Lisa Ketcham, and it specifies the rules for a CORNER LOT according to which the side towards the 167 Portola cottage should be 5, and the side towards The Alameda, should be 10'.

Clearly the rules for a corner are important, because it influences the whole intersection. This project would sit 7' closer to The Alameda than regulations prescribe if the use permit is allowed. Nothing sits that close to The Alameda. And it would sit 3' instead of 5' from 167 Portola.

At the March 12 meeting, the parcel is described by Bruce Chan as 'difficult' and Dough Machado as 'tough', but they are not going to dispute the footprint; that by avoiding zoning regulations, it was increased 90 %, from 10' x 80' to 19' x 80', sitting with only 3' side setbacks instead of 5' and 10'!

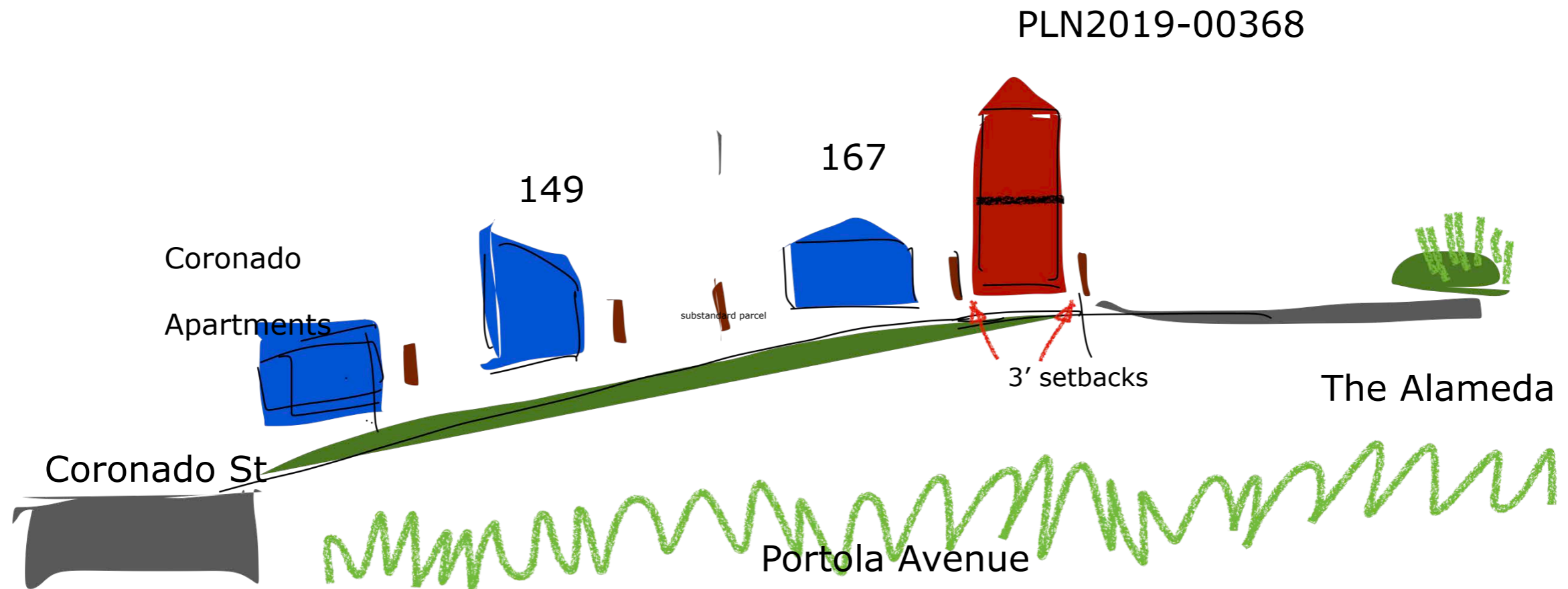
"ELEMENTS OF DESIGN: BUILDING, MASS SHAPE AND SCALE"

MISCHARACTERIZATION: "ESSENTIALLY A ROW OF DUPLEXES"

The El Granada alternate representative, Doug Machado, characterized our neighborhood as a 'essentially a row of duplexes' at the March 12 meeting:

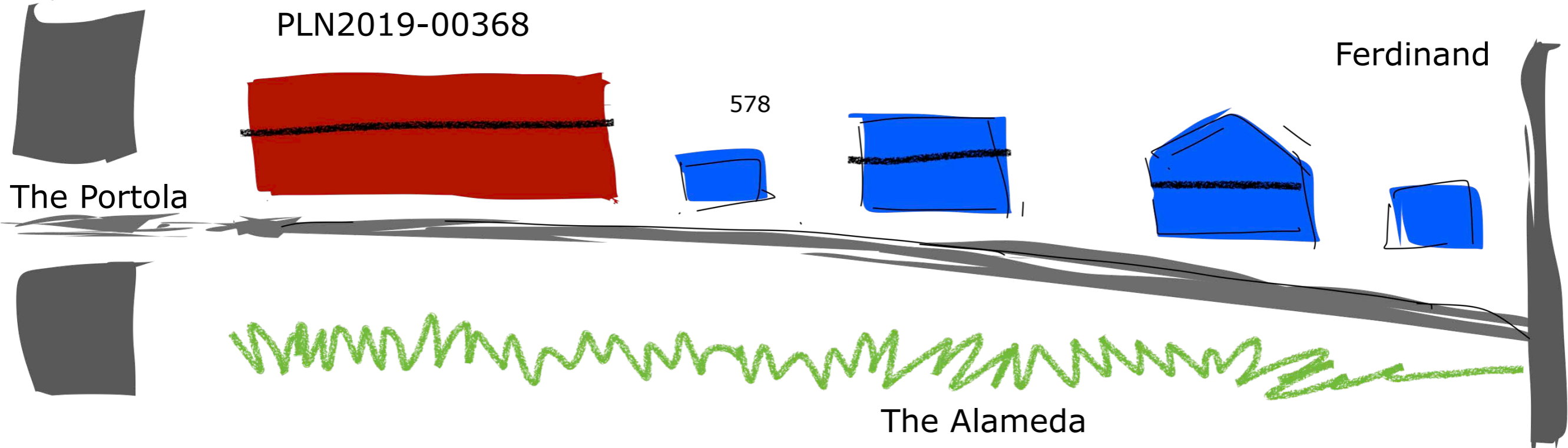
"In the Design Manual shapes, scale, size of neighborhood. It's essentially a row of duplexes down that street, you'll have this one at the end. So it is not an anomaly, that's what the street...So it being weird doesn't necessarily turn me off to the style because of that."

Below is the block, not in scale, but just to make it clear: There are only one-story buildings going down Portola Avenue. Next door to the proposed at 167, is a one story cottage from 1950 that was bought by a young couple last year! 149 was built last year, it is two modest single story buildings. The Coronado apartments are 5 small single story buildings along Coronado street.



MISCHARACTERIZATION: "ESSENTIALLY A ROW OF DUPLEXES"

PLN2019-00368



Both from the point of view of Portola and The Alameda, the project is at the top of a rise. It's next door neighbors are one story. All the structures on the Portola block are one story. On The Alameda the buildings that are two stories, duplexes, are more integrated in the slope going down. You cannot dismiss the neighborhood as a 'row of duplexes'.

The proposed project is 23' x 80' and thus presents a facade that is almost 4 times as long as it is high. Nothing comparable exists in the neighborhood. It comes off as very domineering. It sticks up sitting 23' high on a rise, and with the setback of 3' it also sticks out towards The Alameda. It looks like a big bully next to the little cottage on 167 Portola and 578 Portola.

There are DESIGN STANDARDS stating:

New and enlarged homes should respect the scale of the neighborhood through building dimensions, shape and form...

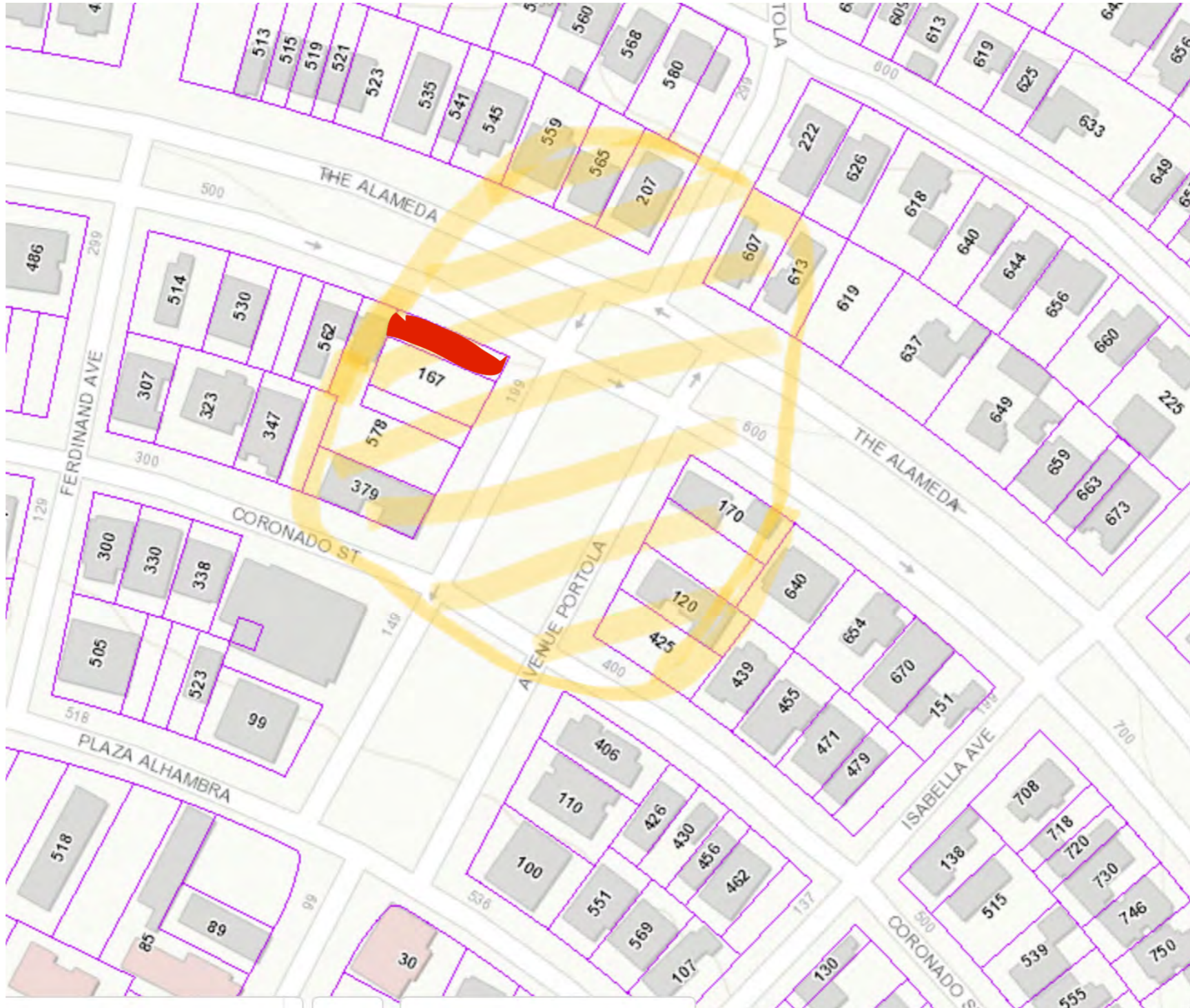
One story designs are strongly encouraged in areas where one-story homes are predominant

LOCAL COASTAL PROGRAM (LCP) with special design guidelines for Coastal Communities also applies:

Design structures that are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urban landscape. 8.13a(4)

MISCHARACTERIZATION: "ESSENTIALLY A ROW OF DUPLEXES"

The one story section at the Portola/ The Alameda rise makes for an Open Space, like a green town square.



"ESSENTIALLY A ROW OF DUPLEXES" ?!



On top the immediate neighbors to PLN2019-00368, 167 Portola (1948) and 578 The Alameda (1950). Not duplexes. Recently renovated!

Below is the other buildings going down Portola Avenue, the Coronado apartments, 149 Portola finished last year, and the apartments across the street built 2 years ago, below the 1908 the Oceanshore Railway station house!



RESULT OF CDRC MEETING MARCH 12, 2020

PN2019-00368 was put on 'continuance' at March 12 meeting (Attachment 5). The applicant received recommendations for changes. There was no project architect present, but during the meeting Bruce Chan tried to go through the Design Standards with the project owners, who said they wished they had been told about this earlier.

As neighbors we don't feel that builders have the right to develop a parcel any way they want. That's why there are zoning regulations in place. If you have a "difficult lot", you can't take it for granted that you can get setbacks moved, and the footprint increased 90%. Why should you get setbacks exemptions? This is another statement by the Development Director (also considering the Miramar parcel in October 2019, pp 8-10):

Is this requested exception, or in this case it's called a use permit, what is required to accommodate a reasonable use of the property.? The applicant's perspective, and the staff's perspective, is, if we were to require a 10 foot setback on both sides it would render the home so small they wouldn't be able to realize reasonable enjoyment out of it. And that's why we are in favor of supporting the Design Review Commission's recommendation that they have made appropriate effort to be sensitive to the Design Standards, but also that some encroachment into the typical 10 foot setback given the narrowness of the lot is a reasonable request. (PC 10/23/19, Part 2, 24:11)

It seems when it comes to County, they are on the side of the applicants, the clients. Again, the CDRC is being used to rubber stamp a decision upon which they have no influence. The Development Director agrees that the applicant needs "to realize reasonable enjoyment". But, from my neighbors and my point of view there is also value in *preserving reasonable enjoyment* for already established residents. This was the original purpose of a design review committee.

The PLN2019-00368 project is absolutely crushing in relation to the 167 Portola cottage. Much more so than for the aggrieved neighbor in Miramar who clearly had designed and landscaped with an eye to living with a future neighbor. The PLN2019-00368 project will loom over the entire yard of 167 Portola, they will have no privacy at all. This is a good example of how you can't just look at a map to decide what exemptions to grant a project, you have to know the neighborhood, which is the function that the CDRC should fill.

The PLN2019-00368 lot could supposedly have a 36' foot high building on a 10' x 80' footprint according to zoning, but it would be an atrocity and there seems to be a 'Neighborhood scale' standard that would not permit that. Putting a two-story building here would not look right either, it is not compatible to the scale of the neighboring homes.

One-story designs are strongly encouraged in areas where one-story homes are predominant. If a two-story Design is chosen, minimize the size of the second story. (28.1.42)

As neighbors, our opinion is that if any setback exemptions are granted, it should be with the condition that the building is made to fit with the neighborhood and with its two closest one story cottages. It should be limited to one story.

WHAT WASN'T PART OF THE CDRC MEETING MARCH 12

We, the closest neighbors opposed to the project, represented 6 households. We expressed how we felt this project would be extremely oppressive sitting on the corner, taking away sky and water view, both from our homes, but also from people walking on the street and medians.

We used the public comment period to speak out about what we value about the place we live. Views, serenity, the Burnham design, the green open space we have with the broad boulevards and medians. All this was left without comment, except for the 'row of duplexes' comment and another Doug Machado comment post meeting: *"I'm going to say this and this was mentioned to me years ago at a hearing, we can't protect everybody's view. It's not possible, you have a lot facing East-west and you have houses facing north-south. Someone is going to get blocked. And it is their right to build a two-story."*

Hopefully this will be part of the next CDRC hearing and subject to consideration:

1. SETBACKS AND SIZE: "THE EMPHASIS OF THE DESIGN REVIEW IS NOT ON "ACTUAL SIZE AND HEIGHT", but...

In this case, setbacks are and should be part of the design review.

The supposed idea of a local, Design Review Committee, was to give residents in the affected neighborhood a voice. To us, residents, the footprint, mass and height is the concern; and the window placement, roofline, and articulation is very subordinate.

2. SCALE OF THE NEIGHBORHOOD, see p 17-20

3. COMPLEMENT OTHER STRUCTURES OF THE NEIGHBORHOOD, see p 17-20

4. RELATIONSHIP TO OPEN SPACE, see p 17-20

Where Portola and The Alameda intersect and the medians meet, on top of this rise, a two story building on The Portola is going to be the only two-story building! There is no "harmony" to it, it is obnoxious. Giving it a use permit to protrude 7 feet more than what the regulations for a corner lot allows into The Alameda is extremely disruptive to the aesthetics of the intersection.

5. PRIVACY TO NEXTDOOR NEIGHBORS, AND HARM TO THE VIEW AND PROPERTY VALUE THAT A TWO-STORY BUILDING IS INFLICTING TO MANY HOMES.

When I listened in on the CDRC zoom April meeting, a great deal of attention was paid to a neighbor living down the street from a project concerning an addition in Montara. The neighbor was objecting to one feature of the house. There was also a lot of back-and-forth with homeowners on Granada Blvd in El Granada about a house and its mass. It was obvious that normally the CDRC tries to work out compromises between the opposing parties. On March 12, Bruce Chan said that they had taken copious notes about our concerns, and hopefully they will be addressed when this project comes before the CDRC again.

SOLUTION TO PLN2019-00368: A COMPROMISE

1. We don't believe a SUBSTANDARD CORNER LOT ON A RISE at the heart of THE BURNHAM DESIGN should automatically be granted a USE PERMIT for 3' setbacks, when zoning is 5' and 10'. We believe zoning regulations are there for a reason. Rules should apply to "tough" lots. 'Big lot, big house; small lot, small house', makes sense.
2. We are concerned this sets a very bad precedent when it comes to setback exemptions. It looks grotesque just 3' from the 167 Portola, and it protrudes into The Alameda compared to the same side buildings, when it sits back 3', instead of 10'.
3. We don't approve of the CDRC being used to rubber stamp a design. We believe the CDRC should exercise their authority in this case on 'mass and scale'. It might not be '**the emphasis of a design review**', but here, given the corner location and the surroundings, setbacks and placement right next to 167 Portola should be part of the review.
4. We don't feel that El Granada and our concerns were properly represented at the March 12 meeting. We believe the proposed building is an '*anomaly*'; Portola and The Alameda is not '*a row of duplexes*'. The proposed project is not integrated with the natural setting as viewed from the medians, it is not in 'harmony' with the environment. It doesn't fit the 'Findings': **The proposed development is NOT proportioned to the size of the parcel on which is being built. It does NOT 'as nearly' conform with zoning regulations as reasonable': It asks for a 90% increase of it's buildable area to the detriment of the neighborhood. There is nothing comparable in El Granada, so it appears as 'a special privilege'.**
5. **We are willing to accept a one-story building, with setback variances, if it is designed to fit the neighborhood.**
6. **We do not find any form of second story on a building at this location would fit with the one-story neighbors and intersection. It is next to an 'open space' on a rise and a two story would look terrible.**
7. The PLN2019-00368 project is going next to a one-story house. It will put a 23' tall x 80' wide wall 3' away from 167 Portola. The bedroom windows are going to be looking over the entire nextdoor property. This will be a test between the county's view that a property owner should be able to ignore zoning laws, so they can '**realize reasonable enjoyment**' of their non-conforming lots (p 21), while the intention of the Board of Supervisors (p 6) was that the CDRC was going to ensure that communities have representatives that can "**more effectively preserve and enhance the property values, the visual character of especially fragile communities, the natural environmental resources, and the public health, safety, comfort, convenience, happiness, and welfare of the citizens of the County.**"

ATTACHMENT 1: FROM SUBMISSION BY APPLICANT TO GSC

Relevant facts with regard to APN 047-208-100

The subject parcel is an original subdivision lot and is a legal lot in the County of San Mateo. It is located on a nearly fully developed street in the El Granada community. The topographical characteristics of the parcel are extremely comparable to parcels located on the west side of Alameda & Avenue Portola which receive service from the sewer district.

The proposed development is proportionally scaled to the parcel size and has been evaluated by the Coastside Design Review Committee and San Mateo County Planning Commission and has been deemed compatible with the community.

Attempts to purchase the adjacent substandard parcel by both the previous owner and myself were deemed unreasonable. (See attached).

Summary of Property Details:

- **APN 047-208-100:**
 - Owner Name-Robert and Bertina Moules
 - Owner Mailing-690 Terrace Ave. Half Moon Bay, Ca 94019
 - Approximately-3,056 Sq Ft.
 - Legal Description- Lot 10 Block 27
 - Set backs will be Front/Rear and sides 3 and 5 feet
-
- **APN 047-208-090:**
 - Owner Name -Nancy Kennedy
 - Owner Mailing-#8 Pietro Place Dobbs Ferry, NY 1052-1110
 - Approximately-2,400 Sq Ft.
 - Legal Description-Lot 9 Block 27
 - Setbacks will Front/Rear 20 and sides 3 and 5 feet
-
- **APN 047-208-110:**
 - Owner Name-Josh Beck
 - Owner Mailing-167 Ave. Portola El Granada, Ca 94018
 - Approximately-5,750 Sq Ft.
 - Legal Description-Lot 11 Block 27
 - Setbacks will be Front/Rear 20 and sides 5 and 5 being the minimum allowed

ATTACHMENT 3: FROM PLANNING DEPARTMENT'S RECORDS

Activity	Date Assigned	Done By	Status	Status Date
<p>RTA 2/11/2020 Preparing for CDRC hearing, e-mailed comments to applicant.</p> <p>1)Landscape Plan General Notes makes reference to irrigation. Please confirm whether or not irrigation is proposed for the landscaping, as the plan doesn't show irrigation design. Provide an irrigation plan if the project includes irrigation and revise Landscape Plan (Plan Sheet A2.12) to:</p> <p>a. list the breakdown/quantities of landscape: total landscape in square feet, plant material area, hardscape area;</p> <p>b. show container size or type of planting stock (1 gallon, 15 gallons, 24-inch box, liner, or bare root stock, flats, sprigs, seed, etc.).</p> <p>2)Revise the site plan to show all setbacks (side, rear, and front) from the property lines. The current plan sheet isn't showing the setback from The Alameda street side.</p> <p>3)Your statement of how the design conforms to design review standards states that the proposed duplex "meets or exceeds all required setbacks". The plans show a 3-ft setback on the left side, and it is not clear what the setback is on the right. Section 6408.1. of the zoning regulations states that in any district on any corner lot, the side yard on the street side of such corner lot shall be not less than fifty percent (50%) of the minimum front yard required on the contiguous lot to the rear. The required setback in this case ideally should be 10 feet; however if approved a Use Permit application would address the issue of the substandard lot size.</p> <p>There is also a discrepancy with the lot size provided in the statement. It indicates that the lot is 2,950 sq. ft; and the project data on the plans state it is 3,290 sq. feet. Refer to zoning regulations, Section 6565.17, Standards for Design in Other Areas. We recommend that you revise the statement to address the applicable standards contained in Section 6565.17.</p> <p>The current large-size plans (submitted with the application) are different from the reduced plans you submitted via e-mail on 10/23/2019. Please submit five full-size sets of the plans (updated with the revisions requested above) by 2/21/2020, or sooner if possible.</p> <p>Submit 5 sets of topographic survey.</p>				
<p>Geotechnical Department</p> <p>[DRA] approved with below conditions: The following items will be required at the time of building permit submittal:</p> <ul style="list-style-type: none"> • Drainage Report prepared and stamped by a Registered Civil Engineer demonstrating that the project complies with the County's current drainage policy restricting additional stormwater flows from development projects. • A final Grading and Drainage Plan prepared and stamped by a Registered Civil Engineer showing any features required to retain additional stormwater resulting from the new impervious areas onsite (as determined in the Drainage Report). • An updated C.3/C.6 Checklist (if changes to impervious areas have been made during the design phase). 	01/23/2020	Melody Eldridge	Notes	01/23/2020
<p>Planning Department</p> <p>RTA 1/23/2020 - Geotech and drainage comments provided to applicant via e-mail:</p> <p>1) Geotechnical Section – Civil Engineer's comments specifically regarding drainage.</p> <p>[DRA] approved with below conditions: The following items will be required at the time of building permit submittal:</p> <ul style="list-style-type: none"> • Drainage Report prepared and stamped by a Registered Civil Engineer demonstrating that the project complies with the County's current drainage policy restricting additional stormwater flows from development projects. • A final Grading and Drainage Plan prepared and stamped by a Registered Civil Engineer showing any features required to retain additional stormwater resulting from the new impervious areas onsite (as determined in the Drainage Report). • An updated C.3/C.6 Checklist (if changes to impervious areas have been made during the design phase). <p>2) County's Geotechnical Engineer conditionally approved the proposed project. Comments are below:</p> <ul style="list-style-type: none"> • Geotechnical report required at Building stage. • The project engineer shall provide historical high ground water study, foundation design for expansive hazardous soil, at Building Stage. Pending further geotechnical review at Building Permit stage. 	01/23/2020	Renee Ananda	Notes	01/23/2020
<p>Planning Department</p> <p>RTA 1/16/2020 - Routed geotech report to Sherry and C.3/C.6 to Melody for review.</p>	01/16/2020	Renee Ananda	Notes	01/16/2020
<p>Geotechnical Department</p> <p>Sherry to perform GEO review.</p>	12/30/2019	Mary Eusebio	Notes	12/30/2019
<p>Geotechnical Department</p>	12/13/2019	Melody Eldridge	Notes	12/13/2019

San Mateo County Environmental Services Agency

Planning and Building Division

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

Application for a Use Permit **RECEIVED**

Companion Page SEP 16 2019

Applicant's Name: Robert & Bertina Markes

Primary Permit #: ~~PLN2019-00368~~

San Mateo County Planning Division

1. Instructions **PLN2019-00368**

Please fill out the general Planning Permit Application Form and this form when applying for a Use Permit. You must also submit all items indicated on the checklist found on the reverse side of the Planning Permit Application Form.

2. Project Information

This application is for: Initial Use Permit

Renewal or Administrative Review of Existing Use Permit Original Permit #: _____

Amendment to an Existing Use Permit Original Permit #: _____

If an initial permit, please describe specifics of proposed operation (ie. hours of business, number of employees, activities, etc.).
If an amendment to an existing permit, please describe the specific proposed changes in the operation.

7 TO 3:30 p.m. Hours of operation
4 Employees To build a new Residence
Construction duplex

3. Required Finding

To approve this application, the County must determine that this project complies with all applicable regulations including the following specifically required finding:

That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Write a brief statement in which you present evidence to support the required finding.

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County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063
(50-363-4161 T
planning.smcgov.org

March 25, 2020

Robert and Bertina Moules
690 Terrace Avenue
Half Moon Bay, CA 94019

Dear Mr. and Mrs. Moules:

SUBJECT: Coastside Design Review Continuance
Avenue Portola and The Alameda, El Granada
APN 047-208-100; County File No. PLN 2019-00368

At its meeting of March 12, 2020, the San Mateo County Coastside Design Review Committee (CDRC) considered your application for a Design Review Permit to allow the construction of a 2,864 sq. ft., duplex and two attached single-car garages, on an undeveloped 3,290 sq. ft. legal (PLN 2019-00266), non-conforming parcel, associated with a hearing-level Coastal Development Permit and Use Permit. Due to its size, development of the substandard sized parcel requires a Use permit. The project is not appealable to the California Coastal Commission.

The CDRC was unable to make the findings for a required design review recommendation of approval based on certain design deficiencies. In order to resolve these deficiencies in the project's design, a more thorough review of the "Standards for Design for One-Family and Two-Family Residential Development in the Midcoast" manual is required. As such, requirements from the CDRC for further project redesign are as follows:

1. Recommendations Discussed Include:
 - a. The architectural style is in character with the neighborhood.
 - b. Building mass should be changed in order to create a less "blocky" appearance.
 - c. The rear elevation should be modified so that it is not one large, flat plane.
 - d. The single, long, continuous roof ridgeline should be broken up.
 - e. The left-side front and the right-side front elevations should not be mirror images of each other.



Robert and Bertina Moules

-2-

March 25, 2020

- f. Consider making part of the structure one-story.

As such, you were presented with the following available options at the end of the CDRC's deliberation of the project: (i) request for a decision from the CDRC on the plans presented or (ii) request that the project be considered at a subsequent meeting to provide you with additional time to consider and incorporate the elements recommended for redesign of the project. You chose the second option, and CDRC directed staff to schedule your project for consideration at a later date.

If you have any questions, please call Renée Ananda, Project Planner, at 650/ 599-1554 or by email at rananda@smcgov.org

To provide feedback, please visit the Department's Customer Survey at the following link: <http://planning.smcgov.org/survey>.

Ruemel Panglao, Design Review Officer

RSP:RTA:cmc – RTAEE0155_WCN.DOCX

cc: Bruce Chan, Member Landscape Architect
Doug Machado, El Granada Alternate Community Representative
Katie Kostiuk, Member Architect