

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

DATE: September 17, 2015

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Grading Permit, pursuant to Section 8602.1 of the County Ordinance Code, to allow the excavation of 1,445 cubic yards of material to accommodate a new basement, including the removal of one significant tree, along with site improvements, associated with the construction of a new single-family home (BLD 2015-00289), located at 991 La Mesa Drive in the unincorporated Ladera area of San Mateo County.

County File Number: PLN 2015-00143 (Flatau)

PROPOSAL

The applicant has requested a “grading permit” for the removal of excavated material to allow construction of a “basement” in conjunction with construction of a new single-family residence. The grading will also require the removal of a significant tree (32” diameter oak) as part of the project proposed under BLD 2015-00289.

The original application, in addition to the grading permit, included a request for a Fence Height Exception to allow over-height retaining walls in the front and rear setbacks. However, the applicant has revised his plans and lowered the walls such that no such exception is necessary.

RECOMMENDATION

That the Zoning Hearing Officer approve the Grading Permit, County File Number PLN 2015-00143, by making the required findings and subject to the conditions of approved listed in Attachment A.

BACKGROUND

Report Prepared By: Pete Bentley, Project Planner, Telephone 650/363-1821

Applicant: Ben Flatau

Owner: Thomas M. Harman II

Location: 991 La Mesa Drive (at Conil Way), Ladera

APN: 077-352-060

Parcel Size: 13,287 sq. ft.

Existing Zoning: R-1/S-104

General Plan Designation: Medium-Low Density Residential

Existing Land Use: Single-Family Residence

Water Supply: California Water Service Company

Sewage Disposal: West Bay Sanitary District

Flood Zone: Zone "X" (Area of 0.2% Annual Chance Flood), Map Number 06081C0314E; effective date: October 16, 2012.

Environmental Evaluation: Categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3(a); new construction of small structures.

Setting: The site is located at the westerly corner of La Mesa Drive and Conil Way in the Ladera area of Portola Valley. The site is developed with a single-family residence that will be demolished prior to construction of a new single-family residence. The project site slopes very little both to the east and the west with a high point being located in approximately the center of the parcel. The parcels surrounding this site are developed with similar sized single-family residences.

DISCUSSION

A. **KEY ISSUES**

1. **Compliance with the General Plan**

The County General Plan designates Portola Valley as an Urban Neighborhood. The proposal complies with the following components of the General Plan.

- a. Policy 2.17 (*Regulate Development to Minimize Soil Erosion and Sedimentation*). Regulate development to minimize soil erosion and sedimentation; including, but not limited to, measures which consider the effects of slope, minimize removal of vegetative cover, ensure stabilization of disturbed areas and protect and enhance natural plant communities.

- b. Policy 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Accelerated Soil Erosion*). Regulate excavation, grading, filling, and land clearing activities to protect against accelerated soil erosion and sedimentation.
- c. Policy 4.3 (*Protection of Vegetation*) seeks to minimize the removal of visually significant trees and vegetation to accommodate structural development. The subject grading associated with the construction of a new residence includes the removal of one oak tree, while avoiding the removal of a significant number of other trees on the site. While the one tree's removal is necessary to accommodate the development, a condition of approval will require the submittal of a Tree Protection Plan, prepared by a licensed arborist or landscape architect. The plan must be implemented prior to the start of any grading or construction activities.

2. Compliance with Significant Tree Regulations

The grading activity will require the removal of one significant sized (32" diameter) oak tree, which is located between the proposed house and detached garage (generally on the parcel's La Mesa Drive side). The grading activity triggered by the proposed development, combined with the submitted soils report and arborist report confirming the tree's poor condition provides ample rationale for removal of this tree. In addition, the plans identify three non-significant trees (<12" diameter) for removal, also due to their proximity to proposed development and associated grading. However, a number of small oak trees that are shown on the plans are proposed to remain. To ensure their protection during construction, the applicant has submitted a Tree Protection Plan, to be included with the associated building permit, whose measures (Condition of Approval No. 19) are required to be implemented prior to the start of any demolition, grading or construction activity.

Pursuant to the County Significant Tree Ordinance Regulations, Section 12,020,1 (Exemptions) exempts tree cutting that has otherwise been authorized by another decision maker (in this case the Zoning Hearing Officer) as part of a permit approval process (as is the case with the subject grading permit) in which the provisions of the Ordinance have been considered and applied. Thus, while a separate Tree Removal permit is not required for the subject oak tree, the relevant provisions would include Section 12,023 (Criteria for Permit Approval), which allow tree removal when any one of several listed findings can be made. In this case, the following two findings are applicable: (a) the tree will be replaced by plantings approved by the Community Development Director (which will be required in the form of a minimum 15-gallon replacement tree and mandated by a Condition of Approval); and (b) the required action is necessary to

allow reasonable economic or other enjoyment of the property (as triggered by the applicant's proposal to construct the subject residence).

As proposed and conditioned, the project complies with these two policies as the project includes measures and conditions to control and address each of these policies.

3. Compliance with Zoning Regulations

The proposed new residence and its detached garage is an allowed use under the R-1/S-104 Zoning Regulations. The average slope of the parcel falls between 10% and 15%, and therefore, requires a minimum parcel size of 12,000 square feet. As the parcel measures approximately 13,287 sq. ft., the parcel meets the R-1/S-104 Zoning Regulations. The proposed new residence meets all the development standards (setbacks, height, lot coverage, floor area) for the R-1/S-104 Zoning District. Planning's approval of the pending building permit for the residence (BLD 2015-00289) will not be provided until and unless the subject grading permit is approved.

4. Compliance with the Grading Ordinance

The project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 8605. The project, as proposed and conditioned, conforms to the standards in the Grading Ordinance, including an erosion and sediment control plan, dust control plan, and timing of grading activity.

The project will also not have a significant adverse effect on the environment. This project has been reviewed by the Current Planning Section and the Department of Public Works. Both departments have determined that the project, as proposed and conditioned, can be completed without significant harm to the environment.

Staff has included in Attachment A conditions for permanent stormwater controls and a permanent drainage plan in compliance with the County's Drainage Policy and NPDES requirements prior to issuance of this permit (see Condition No. 4).

The project is consistent with the General Plan as discussed above in Section A.1. As proposed and conditioned, the project complies with General plan Policies 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Accelerated Soil Erosion*) and 2.17 (*Erosion and Sedimentation*) because the project includes measures and conditions to control and address each of these policies (see Attachment A).

B. ENVIRONMENTAL REVIEW

This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3(a): One single-family residence constructed in a residential zone, in an urbanized area.

C. REVIEWING AGENCIES

Department of Public Works
Building Inspection Section

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan and Title Sheet
- D. Grading, Drainage Plan
- E. Erosion Control Measures Plan
- F. Tree Protection Plan

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00143 Hearing Date: September 17, 2015

Prepared By: Pete Bently, Project Planner For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That this project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 153503, Class 3(a): One single-family residence constructed in a residential zone.

For the Grading Permit, Find:

2. That the granting of the permit will not have a significant adverse effect on the environment. This project has been reviewed by the Current Planning Section and the Department of Public Works. Both departments have determined that the project, as proposed and conditioned, can be completed without significant harm to the environment.
3. That the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 8605. The project, as proposed and conditioned, conforms to the standards in the Grading Ordinance, including an erosion and sediment control plan, dust control plan, and timing of grading activity.
4. That the project is consistent with the General Plan as discussed in the staff report. As proposed and conditioned, the project complies with General Plan Policies 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Accelerated Soil Erosion*) and 2.17 (*Erosion and Sedimentation*) because the project includes measures and conditions to control and address each of these policies.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval is for the project as described on preliminary plans and documents submitted to the Planning Department between April 10, 2015 and the date of this staff report. Any revisions to the approved plans must be submitted to the Current Planning Section for review and approval prior to implementation. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of, and are in substantial conformance with this approval. Any other development on the properties will be subject to a separate permitting process.
2. This grading permit shall be valid for one year from the date of this Zoning Hearing Officer approval and shall be issued concurrently with the building permit. If the grading permit has not been issued within this time period, it will expire. An extension to the permit will be considered upon written request and payment of the applicable permit extension fee 60 days prior to expiration.
3. Prior to the issuance of the building permit and grading permit “hard card,” the geotechnical consultant of record must review and approve the grading plans and sign Section I of the Geotechnical consultant approval form.
4. Prior to the issuance of the building permit and Grading Permit “hard card,” the applicant shall submit to the Current Planning Section for review and approval, a Stormwater Management Plan, which shows how transport and discharge of pollutants and soil sediment erosion from the project site will be minimized. The plan shall emphasize the use of pervious materials and minimize water runoff from the site. The goal is to prevent soil sediment and other pollutants from entering local drainage systems and water bodies, and protect all exposed earth surfaces from erosive forces. The plan shall clearly delineate the types of measures to be used, the location of where the measures will be placed as well as a sectional drawing showing how the measures shall be installed. All erosion control devices shall be installed on site prior to any grading activities on site. Said plan shall adhere to the San Mateo County Wide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
 - b. Removing spoils promptly, and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - c. Storing, handling, and disposing of construction materials and wastes to avoid their entry to a local storm drain system or water body.

- d. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designed to contain and treat runoff.
 - e. The approved Stormwater Management Plan shall be implemented prior to the issuance of a Grading Permit Hard Card.
5. Prior issuance of the building permit, the applicant shall submit a permanent Stormwater Management Plan prepared by a civil engineer, which shall include a site plan and narrative of the types of permanent stormwater controls that will be installed on site to minimize the surface water runoff. At a minimum, impervious areas shall be minimized, downspouts shall be directed to landscaped areas and pervious materials shall be used for patio or walkway areas near the residences. The permanent stormwater controls shall be in place throughout the life of the project.
6. 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).
7. The applicant shall prepare and submit a dust control plan to be submitted with the building permit for the office building, adequate to control all dust generated due to grading activities. The plan shall be incorporated as part of the applicant's building permits. The plan shall include the following control measures:
- a. Water all active construction areas at least twice daily.
 - b. Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - c. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
 - d. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - e. Replant vegetation in disturbed areas as quickly as possible.

The approved plan shall be implemented for the duration of any grading and construction activities that generate dust and other airborne particles.

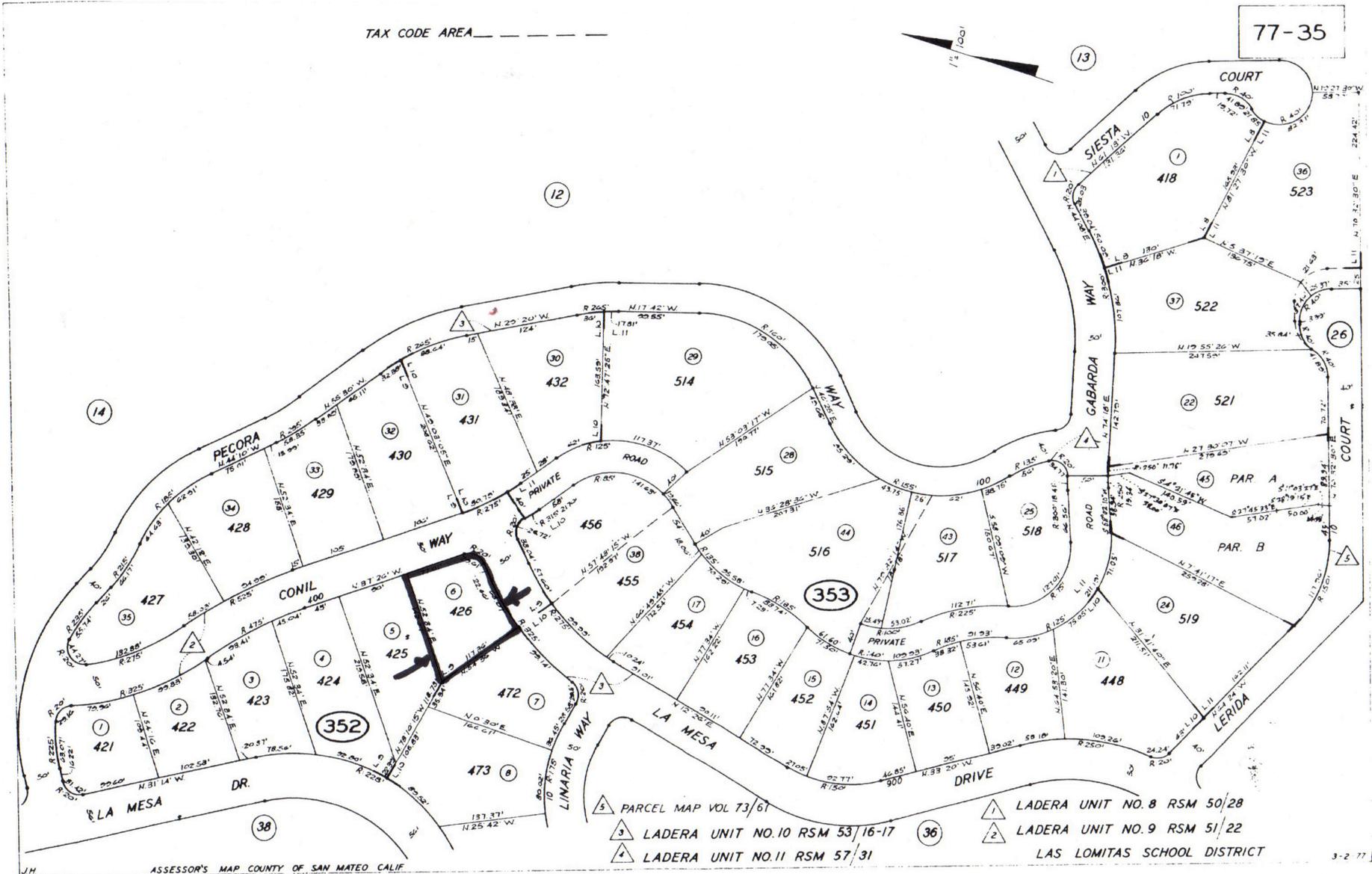
8. The applicant shall ensure that if during construction or grading any evidence of archaeological traces (human remains, artifacts, concentration of shale, bone, rock, ash) is uncovered, then all construction and grading within a 30-foot radius shall be halted, the Current Planning Section notified, and the applicant shall hire

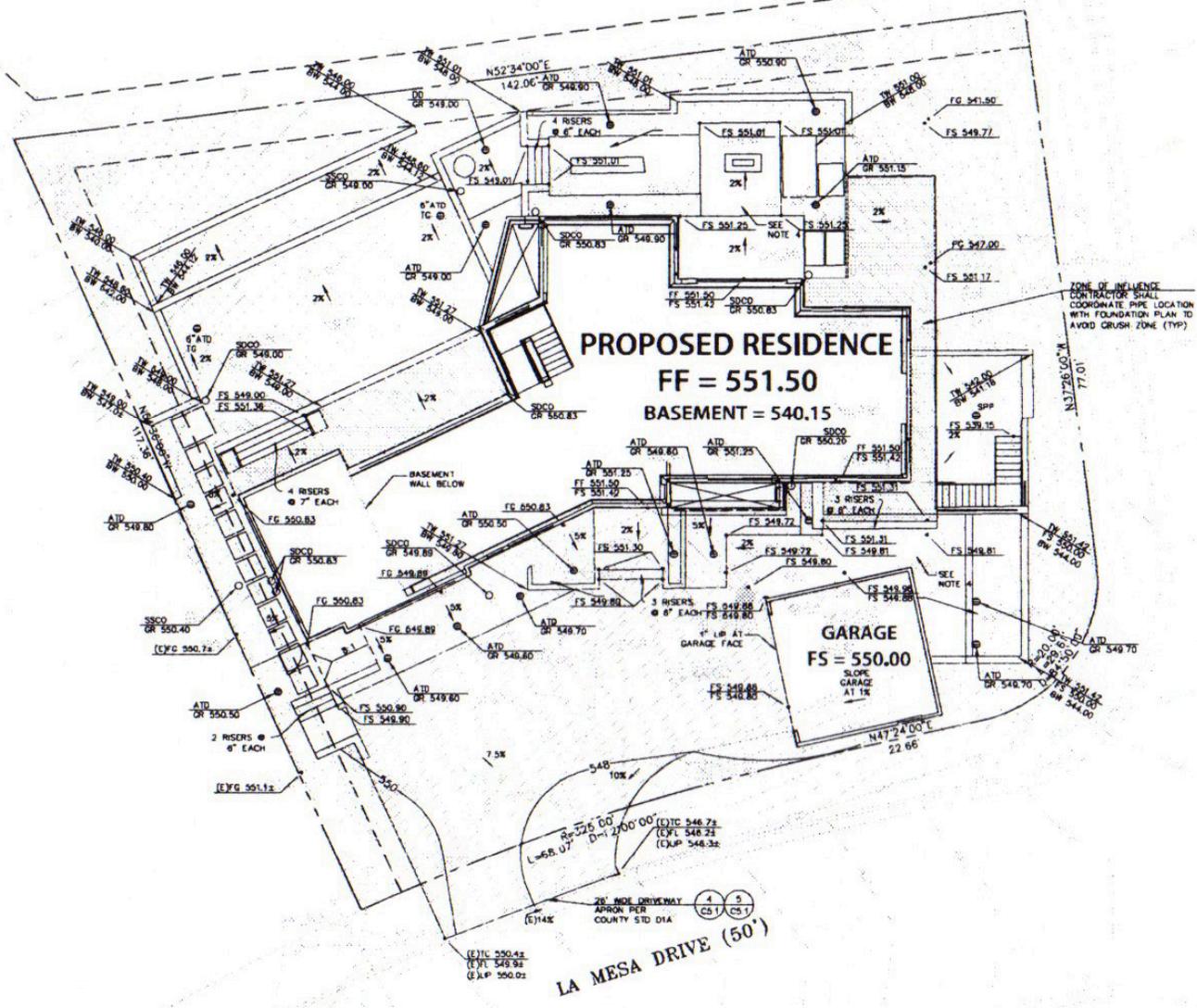
a qualified archaeologist to assess the situation and recommend appropriate measures. Upon review of the archaeologist's report, the Community Development Director, in consultation with the applicant and the archaeologist, will determine steps to be taken before construction or grading may continue.

9. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site.
10. No proposed construction work within the County right-of-way shall begin until the Department of Public Works' requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
11. The applicant shall submit a permanent stormwater plan in compliance with the County's Drainage Policy and National Pollutant Discharge Elimination System (NPDES) requirements for review and approval by the Department of Public Works.
12. No grading shall commence until the applicant has been issued a Grading Permit Hard Card by the Planning Department of the County of San Mateo.
13. Erosion and sediment control during the course of this grading work shall be according to a plan prepared and signed by the engineer of record, and approved by the Department of Public Works and the Planning Department. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer.
14. It shall be the responsibility of the applicant's engineer to regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected.
15. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 8606.2 of the Grading Ordinance. The engineer's responsibilities shall include those relating to non-compliance detailed in Section 8606.5 of the Grading Ordinance.
16. No grading shall commence until a schedule of all grading operations has been submitted to and reviewed and approved by the Department of Public Works and the Planning Department. The submitted schedule shall include a schedule for winterizing the site. If the schedule of grading operations calls for the grading to be completed in one grading season, then the winterizing plan shall be considered a contingent plan to be implemented if work falls behind schedule. The applicant shall submit monthly updates of the schedule to the Department of Public Works and the Planning Department. All submitted schedules shall represent the work in detail and shall project the grading operations through completion.

17. No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion unless approved, in writing, by the Community Development Director. The applicant shall submit a letter to the Planning Department, at least, two (2) weeks prior to commencement of grading stating the date when grading will begin.
18. Prior to the issuance of the grading permit, the applicant shall submit, to the Department of Public Works for review and approval, a Plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County may place such restrictions on the hauling operation as it deems necessary.
19. Prior to issuance of the grading permit and building permit, the applicant shall submit verification (photos may suffice) that all required tree protection measures have been installed around all those identified trees to be protected. Such measures shall remain in place for a long as the building permit is active, and shall not be removed until such permit has received final inspection approval from the Building Inspection Section. During that time, any tree protection measures that are damaged or otherwise fail shall be replaced as soon as possible.

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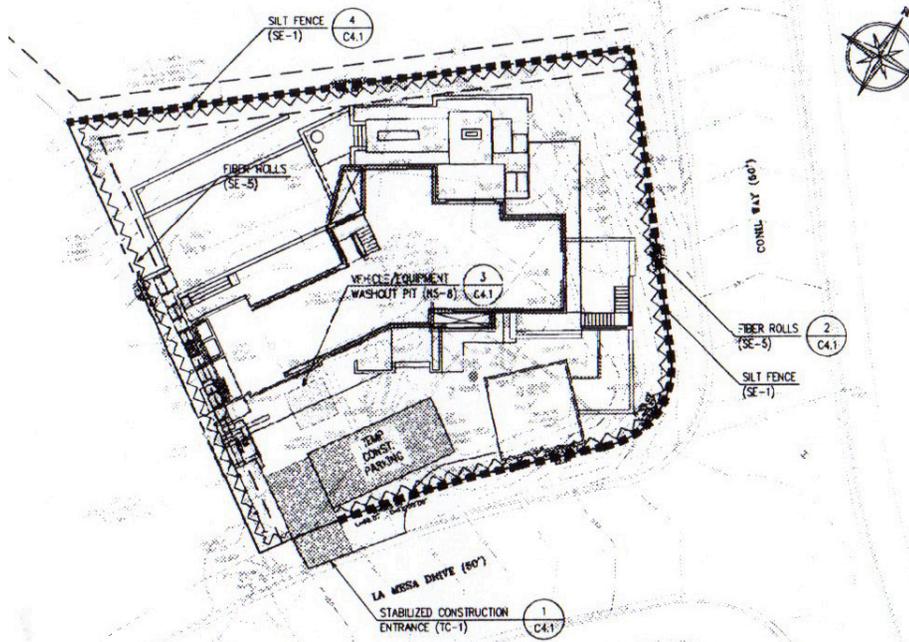




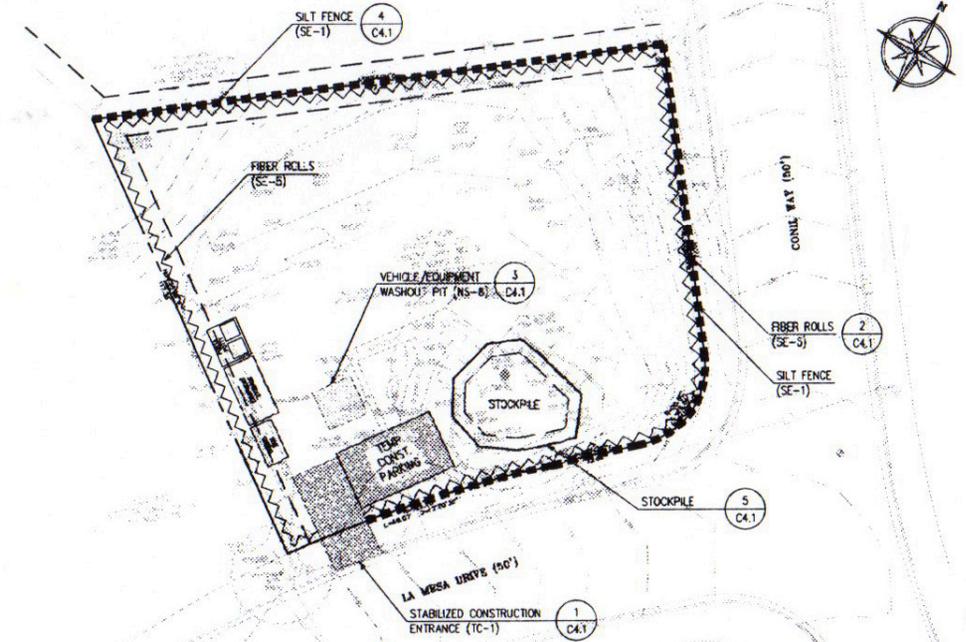
San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____ Attachment: _____

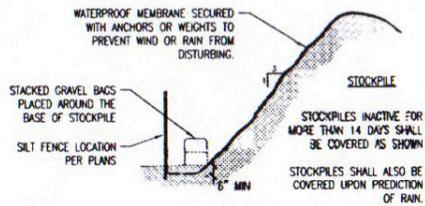
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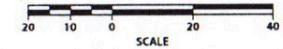
**FOUNDATION & CONSTRUCTION STAGE
(PHASE II EROSION CONTROL)**



**GRADING STAGE
(PHASE I EROSION CONTROL)**



5 N.T.S STOCKPILE → STOCKPILE COVERING

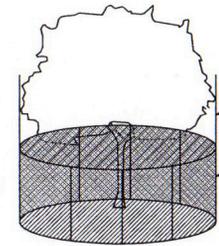
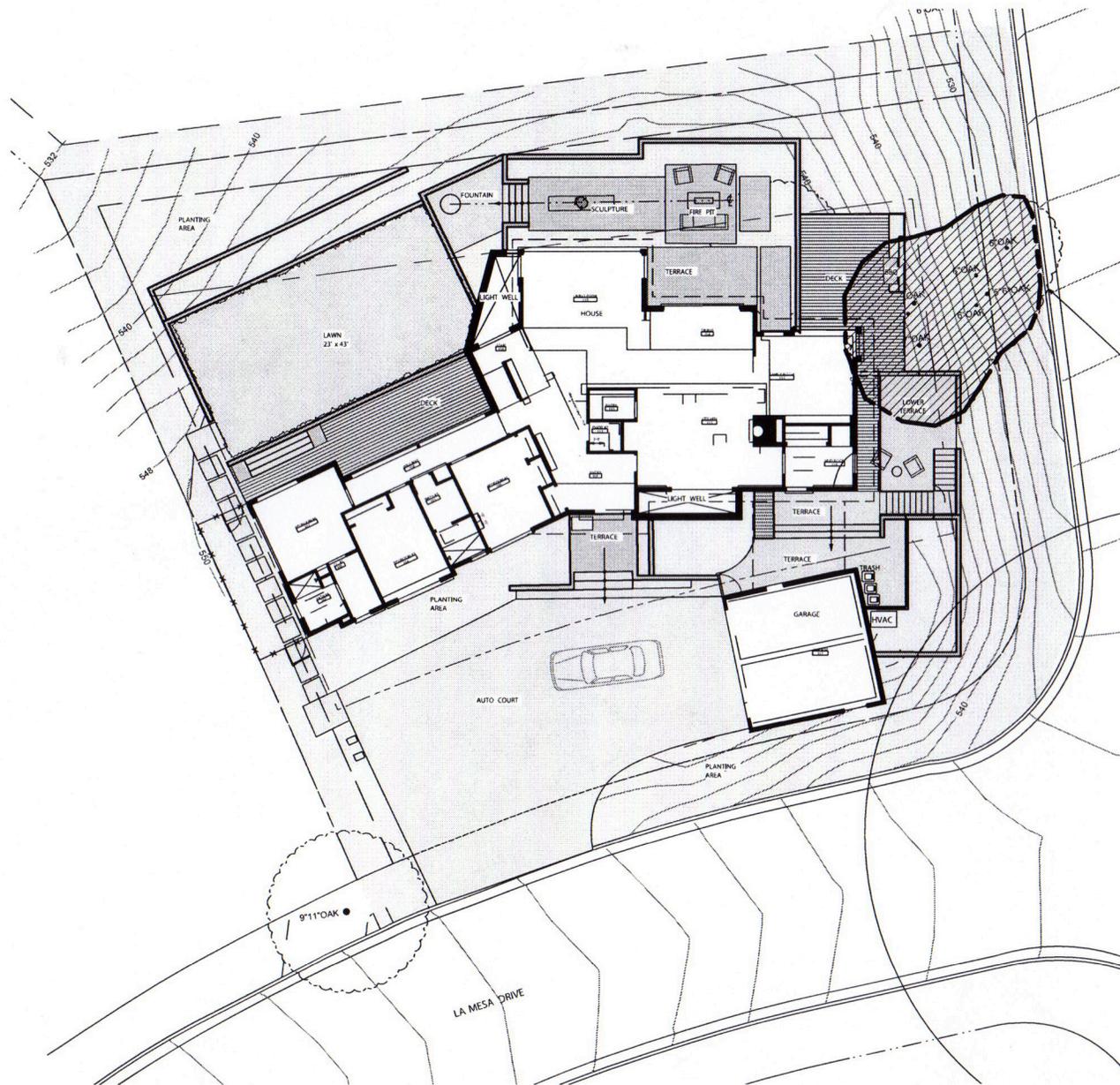


San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

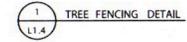
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DRIP LINE OF TREE

5' HIGH STEEL FENCE POSTS ON 5' CENTERS WITH 5' HIGH CHAIN LINK FENCE FABRIC. POSTS TO BE AT DRIP LINE WHERE EVER POSSIBLE

ROOT BUFFER: 8"-10" WOOD CHIPS



NOTE: KEEP MATERIAL AND EQUIPMENT STORAGE AREAS AWAY FROM TREE PROTECTION AREAS.

TREE PROTECTION NOTES:

The intention of tree protection is to minimize the impact of demolition and construction on trees.
 Protect existing trees; to remain with fencing, as indicated, and establish temporary irrigation suitable to maintain plantings during course of construction.
 The Tree Protection Zone is a restricted activity zone where no soil disturbance is permitted, unless under the supervision of an arborist.

San Mateo County Zoning Hearing Officer Meeting

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Attachment: _____

File Numbers: _____