

**Planning & Zoning
Committee of the
Midcoast
Community Council**
PO Box 64, Moss Beach
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- 3 pages

FAX

Terry Burns
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San Mateo County Planning and Building Division

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Mr. Burns:

I apologize for the lateness of this letter and the comments of the Planning and Zoning Committee. There was a miss-understanding on who had taken responsibility to write a response, as I had to travel unexpectedly.

Continued / Resubmitted Items: 12-18-02

6a. PLN 2001-00462: Revised Application for Coastside Design Review to include 2 decks: 1st story deck is 154 sq/ft and the 2nd story deck is 170 sq/ft. Original application: Lot merger & Coastside Design Review for a new 3,019 square foot single family residence. Item reviewed as an urgency item at the 11-6-02 P&Z meeting.

Location: 349 8th Street, Montara

Please consider the following concerns and comments for future reference:

The above item has been reviewed several times by the Planning and Zoning Committee. From the original submission until now the committee has not supported the addition of the rear decks.

It is the opinion of the Planning and Zoning Committee that an ongoing list of calculated manipulations of FAR and LC maximum standards, to expand the size, scale and volume of the proposed home beyond what was originally presented to the Planning and Building Department, Neighbors and the Planning and Zoning Committee. If the currently proposed plans and intent had been presented at the time the application were submitted, these plans would have been appealed as stated by residents who were in the audience.

The original proposal presented to P&Z (without the decks) was very large and obstructive to the existing neighbors. From the comments during the meeting it was obvious that the neighbors and P&Z were

concerned about the size of this home and the applicant mislead his long term intent or was honestly unaware of the impact of these deck additions. We feel it necessary the Planning department not allow any changes on the project that will further impact the surrounding neighbors.

Outstanding Issues:

1. **The applicant has clearly changed natural grade of the site so that the proposed deck will be less than 18" above grade so not to count toward the FAR or LC. Review of the original site elevations and the current elevations indicate "NATURAL GRADE" has changed approximately 4' above the original proposal and original grade of the rear yard. We can not be exact on our calculations, as we may not have all of the documentation on file with the county.**
2. Please carefully review these changes and have the fill that was added to the rear yard removed as originally requested so that natural grade is restored to what was originally proposed and existed prior to construction.
3. The change in natural grade has caused undue harm and loss of property value to the neighbors in the rear of the property. The proposed deck will be at eye level with the rear neighbor's home.
4. The addition of this deck and the deliberate change in elevation from natural grade places the new deck within the 20' setback. What would have appeared to be a subtle change to a planner in the office is much more extreme and harmful to the existing neighbors than the planner would have been aware.
5. The run-off and drainage at the rear East corner of the lot has not been corrected and it causes the rear neighbor to flood. It is imperative these be corrected immediately to protect the rear neighbors property and possibly avoid any litigation that may incur due to both the counties and applicants awareness and disregard of this problem

This situation is very complicated and many things have occurred to make this difficult to explain in writing. However, a resident gave a very good description of the situation as follows:

The flatter slope below the deck violates a 28-foot setback from the north property line to the north edge of the top of the graded pad. As Ms. Toy explains in her 3 October 2002 letter, the north edge of the top of the pad must be no closer than 28' from the property line, with a 2:1 slope from the top edge down to natural grade. A slope angle flatter than 2:1 would cause the northern slope of the pad to encroach too close to the property line. The county Planning Division has already directed Mr. Miller to remove the excess fill back to the 28' setback. Mr. Miller claims to have removed some fill, but the remaining fill appears to neighbors to be out of compliance with the approved slope and 28' setback.

The 28' setback falls in the middle of the proposed deck. The county should not allow the deck to extend closer to the north property line than the setback limit of the graded pad under the deck.

The committee recognized that the grading has created drainage problems for adjacent property, as some committee members recently observed at the site. The graded fill directs large amounts of runoff onto

adjacent lots north and west of the Miller property, and fill material is eroding and slumping onto adjacent property.

The Planning and Zoning Committee recommends the county Planning Division deny the proposed decks and ask Terry Burnes to continue the matter beyond 31 December 2002. A continuance will allow the committee to review documents Mr. Miller did not produce at the 18 December 2002 meeting and will give the committee time to evaluate assertions Mr. Miller made that appear to contradict the facts at hand.

Sincerely,

Karen Wilson

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