



Rob C <robweb@gmail.com>

1050 Acacia, Montara - Zoning Regulation Violations

2 messages

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Mon, Nov 6, 2006 at 3:33 PM

To: lgrote@co.sanmateo.ca.us, rgordon@co.sanmateo.ca.us

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November 6, 2006

To: San Mateo County

Attn: Lisa Grote - Director of Community Development (lgrote@co.sanmateo.ca.us)
and Supervisor Richard Gordon (rgordon@co.sanmateo.ca.us)

SUBJECT: 1050 Acacia, Montara - Zoning Regulation Violations

REFERENCE: APN # 036-121-410 Design Review File No. PLN 2005-00418

This email details zoning regulation violations at the project under construction at 1050 Acacia St., Montara. The first two items below (1 & 2) were discussed in a phone conversation between Robert Carey and Lisa Grote on 10/23/06. I request that San Mateo County stop work on this project and address these critical issues.

1) BUILDING HEIGHT:

The structure under construction is higher than allowed by San Mateo County zoning regulations.

Section 6300.2 San Mateo County Zoning Regulations (S-17 Districts)
Item 6. states:

"Building Height, The maximum building height shall be established, as follows:
a. Up to 30% slopes ... maximum building height is 28 feet.

...

Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above."

The approved design drawing A6.1 indicates a ridge elevation of 218.67 and an overall building height of 27.08. This results in an assumed natural grade of $218.67' - 27.08' = 191.59'$, or approximately 1.4 feet below the first floor elevation of 193.00'.

The actual natural grade that should be used to determine the building height can be observed by simple inspection to be considerably lower than 191.59, and so the building height is higher than the allowable 28 feet.

A rough estimate can be made by inspecting the difference in elevation between the as-built first floor elevation and the undisturbed grade in the adjacent yard to the south (on the south side of the retaining wall installed by the contractor). This difference in elevation appears to be approximately 4' to 5' at the western peak of the structure. This results in a natural grade, conservatively of about $193' - 4' = 189'$. As can be seen from the attached photos the natural grade had very little slope up to the north. The use of this more accurate natural grade results, conservatively in an estimated actual building height of $218.67 - 189 = 29.67$, possibly considerably higher.

The attached five photos help to illustrate the situation.

2) FINISHED GRADE:

The finished grade being constructed does not meet the San Mateo County zoning regulations.

Section 6300.2 San Mateo County Zoning Regulations (S-17 Districts) Item 6. states:

"Finished grade, measured at the outside face of exterior perimeter walls, shall not significantly deviate from the natural grade, to the satisfaction of the Design Review Committee."

The contractor has imported a large amount of fill material resulting in a grade at the perimeter walls that is significantly higher than the natural grade, up to approximately 3' on the west side. Sheet A2.1 on the the submitted and approved design plans includes a note stating: No site grading required except for minor adjustments needed for drainage around the house driveway and approach to street. Clearly the Design Review Committee did not approve the grading that has been constructed.

3) RELATED ISSUE: Requirement for NATURAL GRADES on CONSTRUCTION PLANS.

In the letter to San Mateo County dated 10/9/06, sent by myself and other neighbors I included the following paragraph:

"Additional Item No. 2 - County Requirement for Natural Grades on plans Construction Plans

The County Design Review Approval letter [Attach #2] (dated 11/14/06) Condition Item No. 5c states: Prior to Planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades.

Regarding the above County requirement, please provide the following information:

- 1) Did the Contractor comply with this requirement?
- 2) If the Contractor did comply, what were the submitted elevations?
- 3) If the Contractor did comply, does the County find the information accurate and consistent with the Site Plan contour elevations and the

elevations shown on the Cross Sections, Elevations and Profile drawings?"

After submitting the letter to SMC dated 10/9/06 I reviewed the SMC planning and building files for 1050 Acacia and found no evidence that the Contractor has included natural grades on the construction plans as required by the Design Review Approval letter.

Note: A letter sent to San Mateo County dated 10/9/06 from myself and other neighbors included other very substantial issues regarding the project at 1050 Acacia. In particular, that the approved design documents are defective and that the project is not being constructed in conformance with the approved plans. San Mateo County has not responded in writing to any of these issues, however a meeting has been tentatively scheduled for 11/8/06. Construction at the site continues to this date (11/6/06). Design review for construction proposed by the same contractor on the adjacent lot is scheduled for 11/9/06 ((PLN 2006-00394).

From:
Robert Carey

Attached Photos:

1050-Acacia_Aug-27-2006_South-side_DSCF0008_red.jpg
1050-Acacia_Nov-7-2005_undeveloped-lot_DSCF0103_red.jpg
1050-Acacia_Nov-5-2006_South-side_DSCF0147_red.jpg
1050-Acacia_Nov-5-2006_South-side-neighbor_DSCF0145_red.jpg
1050-Acacia_Sept-4-2006_South-fence-from-front_DSCF0049_red.jpg

Cc:

Bill Cameron, Bldg Inspection, bcameron@co.sanmateo.ca.us
Jim Eggemeyer, Planning, jeggemeyer@co.sanmateo.ca.us
Dave Holbrook, Planning, dholbrook@co.sanmateo.ca.us
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Farhad Mortazavi, Design Review, fmortazavi@co.sanmateo.ca.us
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5 attachments



1050-Acacia_Aug-27-2006_South-side_DSCF0008_red.jpg
129K



1050-Acacia_Nov-5-2006_South-side_DSCF0147_red.jpg
127K



1050-Acacia_Nov-5-2006_South-side-neighbor_DSCF0145_red.jpg
134K



1050-Acacia_Nov-7-2005_undeveloped-lot_DSCF0103_red.jpg
229K



1050-Acacia_Sept-4-2006_South-fence-from-front_DSCF0049_red.jpg
103K

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