

Emerald Lake Hills Zoning & Design Review Assessment

FREQUENTLY ASKED QUESTIONS

Q. *Where can I find the Design Review standards and procedures?*

A. The Design Review regulations are part of the zoning code. The zoning code is available as a viewable and downloadable document on the Planning and Building Department's website, at http://www.co.sanmateo.ca.us/vgn/images/portal/cit_609/9441580Zregs-wp.pdf. The section related to Design Review begins on page 28.1.1. The section specifically related to the design standards for Emerald Lake Hills begins on page 28.1.10. The zoning standards for Emerald Lake Hills, known as "Residential Hillside" or "RH" zoning, begin on page 35.

Q. *What is the difference between Design Review and zoning?*

A. The Design Review regulations for Emerald Lake Hills are technically part of the zoning code. However, they are part of a stand-alone section of the zoning code that deals exclusively with Design Review (beginning with Section 6565.1 on page 28.1.1 of the zoning code). There is another section of the zoning code that deals with the primary zoning regulations for Emerald Lake Hills ("Residential Hillside" or "RH" zoning, beginning with Section 6800 on page 35).

The part of the zoning code that deals with the "RH" zoning regulations for Emerald Lake Hills is mainly concerned with the types of buildings and uses allowed in Emerald Lake Hills, and the permissible size and dimensions of structures and parcels. These zoning regulations establish fixed standards defining how structures may be used, how large or small lots may be, where structures may be located on a lot, and what sizes of structures are allowed. Implementation of zoning regulations typically occurs as part of the County's ministerial review of building permits, as well as during its discretionary review of applications for subdivisions and use permits or tree removal permits (where required).

In contrast, the section of the zoning code that involves Design Review, as the name implies, is focused on the design of structures: the architectural elements of a building, the ways in which structures fit with existing buildings in the area, and other issues that are more stylistic in nature. The intent of design review is to preserve the existing character of Emerald Lake Hills. Design Review regulations are implemented through a discretionary review process conducted by a Design Review Committee or a Design Review Officer that is a member of the Planning and Building Department staff, and involve public notice and hearings. A Design Review Committee administered these regulations in the unincorporated areas of Emerald Lake Hills and Oak Knoll Manor until January 2007. Since that time, a Design Review Officer has been in charge of implementing these regulations.

Q. *Is every project in Emerald Lake Hills subject to Design Review?*

A. No. Every project in Emerald Lake Hills, including all new structures and structural modifications, must be evaluated by Planning and Building Department staff to determine if the project must undergo Design Review. However, while all projects must undergo this initial evaluation, some projects are exempt from further review. Typically, these are projects that are minor, or involve identical replacement of previously existing structures or structural features.

Q. *Does Design Review establish guidelines or mandatory requirements?*

A. The sections of the zoning regulations that address Design Review in the Emerald Lake Hills and Oak Knoll Manor establish mandatory requirements and design standards. Although mandatory, some of these Design Review standards are commonly referred to as "design

guidelines” because they are broadly written and intended to allow some flexibility both for the project applicant and the project evaluator. For example, the Design Review standards related to architectural styles require new buildings to emulate, as much as possible, the predominant architectural styles and natural surroundings of the immediate area (e.g., bungalow, craftsman, and ranch), and call for revivalist architectural styles to be avoided. In this sense, although compliance with Design review requirements is mandatory, there is a range of ways in which such compliance can be achieved.

Q. *Are house colors currently regulated by the County?*

A. Regulations regarding the exterior colors of homes are applied to projects that trigger Design Review, at the time Design Review is conducted. House colors are not regulated when a home is re-painted. For those projects that triggers Design Review, Section 6565.15G of the Design Review requirements contained in the zoning code requires the use of materials and colors that blend with the natural setting and the immediate area, and the avoidance of materials and colors that are highly reflective and contrasting. Subsection 1 of this ordinance provides further specificity by requiring the use of colors such as warm grays, beiges, natural woods, and muted greens, and prohibiting the use of cool grays, blues, pinks, yellow, and white. .

Q. *Are landscaping materials currently regulated by the County?*

A. Yes, but only in Design Review districts when a project triggers Design Review, or in any area of the unincorporated County when a Tree Removal Permit is required. Within Design Review districts, the regulations are primarily concerned with discouraging tree removal, encouraging tree replacement, and encouraging drought-tolerant vegetation. There is a list of types of trees allowed for use in replacing trees removed as part of a project. Apart from the list of replacement trees, no specific types of plants are either required or prohibited by the Design Review regulations. The regulations can be found in the zoning code beginning on page 28.1.27.

Q. *How much does the Design Review process add to the cost of applications for new development?*

A. The basic fee for Design Review for a new house is \$4,107.60. This fee addresses the cost of the Design Review hearing, public notice, environmental review and legal counsel. The fee for an addition to an existing structure is \$2,315.25. These fees do not include potential additional costs associated with changes to a project that may be required as a condition of Design Review approval (e.g., cost of preparing revised plans), and other application and permitting costs not related to Design Review.

Q. *How long does the Design Review process typically take?*

A. After a complete project application is submitted, it takes 60 days for the project to be reviewed at a Design Review Hearing. Design Review hearings are scheduled for the first Tuesday of every month. If a project application is received by the second week of the month, and all required project materials and information are included in the submittal, it can typically be scheduled for hearing on the first week of the second following month (i.e., if an application is received in the 2nd week of March, it can be scheduled for hearing in May). Appeals of the Design Review officer’s decision on an application to the Planning Commission, and the potential for subsequent appeals to the Board of Supervisors, can add to this timeframe.

Q. *When and why do residents of Emerald Lake Hills receive notice of new projects in their area?*

A. The County provides notice of new projects only under certain conditions. Currently, the County only provides notice for projects that trigger a discretionary review by the County, such as applications for use permits, tree removal permits, subdivisions, variances, and Design Review

approvals. Ministerial actions on building permit applications for principally permitted uses (e.g., a new residence in a residential zoning district) that comply with all relevant zoning requirements (e.g., setbacks, height, floor area ratio) do not involve discretionary review by the County, and do not involve any form of public notice.

As noted above, Design Review approvals are discretionary actions, and involve public notice and hearings. If Design Review regulations were not in effect in Emerald Lake Hills, the County would not provide notice of projects that comply with all zoning regulations. However, notice would still be provided for projects that require other types of discretionary action, such as: applications for tree removal permits; grading of more than 250 cubic yards of earth; do not projects that do not comply with zoning in some manner; or projects that require a use permit in order to operate (a list of projects requiring a use permit in Emerald Lake Hills can be found beginning on page 35.8 of the zoning code).