

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

DATE: April 5, 2018

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit, pursuant to Sections 6431 and 6503 of the County Zoning Regulations, to allow for a reduced rear yard setback for a one-story, 702 sq. ft. Second Dwelling Unit located at 127 Madison Way (formerly 400 Menlo Oaks) in the unincorporated Menlo Oaks community of San Mateo County.

County File Number: PLN 2017-00489 (Nixon)

PROPOSAL

The applicant is requesting a Use Permit to allow for a rear yard setback of 8 feet (where 10 feet is required) for a one-story (17.9-foot tall) 702 sq. ft. detached second dwelling unit. The unit is under construction and located toward the interior rear corner of the subject property. The second dwelling unit is associated with the construction of a 5,271 sq. ft. single-family residence (Building Permits BLD 2016-02580 and BLD 2016-02579, respectively). The second dwelling unit, aside from the rear yard setback requirement, meets all zoning development standards for Second Dwelling Units, building site coverage area and floor area requirements for the R-1/S-100 District.

The applicant had originally proposed the second dwelling unit to be located 20 feet from the rear property line. The location proposed would have impacted the critical root zone of a significant Coast Live Oak. Upon evaluation, staff asked that the location of the second dwelling unit be moved to avoid the root system of the Coast Live Oak.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit Amendment, County File No. PLN 2017-00489, by making the required findings and adopting the conditions of approval in Attachment A.

BACKGROUND

Report Prepared By: Bryan Albini, Project Planner, Telephone: 650/363-1807

Applicant/Owner: Bruce Nixon

Location: 127 Madison Way, Menlo Oaks (formerly 400 Menlo Oaks Drive)

APN(s): 062-263-120

Size: 19,914 sq. ft.

Existing Zoning: R-1/S-100 (Single-Family Residential)

General Plan Designation: Low Density Residential Urban

Sphere-of-Influence: Menlo Park

Existing Land Use: Low Density Residential Urban

Water Supply: Existing service provided by California Water Service – Bear Gulch

Sewage Disposal: Existing service provided by West Bay Sanitary District

Flood Zone: Zone X (area of minimal flood hazard): Community Panel No. 06081C0308E, effective October 16, 2012.

Environmental Evaluation: Categorically exempt pursuant to Section 15303, Class 3(a) of the California Environmental Quality Act (CEQA), related to new construction of one single-family residence, or a second dwelling unit in a residential zone.

Setting: The project site is a flat developed parcel at the intersection of Menlo Oaks Drive and Madison Way. The project site is completely surrounded by single-family residences in a heavily wooded urban neighborhood.

Chronology:

<u>Date</u>	<u>Action</u>
December 29, 2016	- Application submittal for the construction of a 702 sq. ft. second dwelling unit (BLD 2016-02580) associated with the construction of a 5,271 sq. ft. Single-Family Residence (BLD 2016-02579). Second dwelling unit originally located with 20-foot rear setback and 5-foot side setback.
January 27, 2017	- Application for the removal of twelve (12) trees (PLN 2017-00028) and the submission of an arborist's assessment and Erosion Control/Tree Protection Plan in association with Building Permits BLD 2016-02579 and BLD 2016-02580.
February 13, 2017	- Upon review of the arborist's assessment, and in consideration of County tree ordinance evaluation standards (minimizing the removal of visually significant trees and vegetation), a request to the applicant to relocate the proposed one-story second dwelling unit out of the Critical

- Root Zone of an existing mature Coast Live Oak located in the center of the property was made.
- March 6, 2017 - Submittal of revised arborist's assessment on the health of the remaining oaks and the pre/post – construction monitoring measures and tree protection conducted by the applicant.
 - March 27, 2017 - Final approval of tree removal permit PLN 2017-00028 with conditions to replant one Coast Live Oak for the one removed as part of the removal, prior to final approval of Building Permits BLD 2016-02579 and BLD 2016-02580.
 - May 17, 2017 - Plan revision on Building Permit BLD 2016-02580 submitted showing the relocation of the proposed 702 sq. ft. cottage out of the critical root zone of the existing 32-inch diameter Coast Live Oak located in the center of the subject parcel, as requested by Planning.
 - May 31, 2017 - Ready letter issued and final inspections scheduled.
 - November 16, 2017 - Height and setback verification showed that the second dwelling unit does not meet the required rear yard setback of 10 feet for units greater than 16 feet in height (actual height is 17.9 inches).
 - November 22, 2017 - Use Permit application submittal to allow for a 2-foot reduction in the required rear yard setback.
 - April 5, 2018 - Zoning Hearing Officer Hearing

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

Staff has reviewed and determined that the project complies with all of the applicable General Plan Policies, including the following:

- a. Policy 4.36 (*Urban Area Design Concept*) seeks to maintain the visual character of development in urban areas and ensure that new development is designed and constructed to contribute to the orderly and harmonious development of the locality.

The project site is located within the urban residential community of Menlo Oaks. The second dwelling unit is located in the rear interior corner of an approximately 20,000 sq. ft. corner lot. The second

dwelling unit is minimally noticeable, since it is located at the rear of the residence at ground level. The community of Menlo Oaks in general, and the project parcel in particular, is heavily vegetated with mature trees on-site and in the adjacent right-of-way that screens the cottage from public view. The second dwelling unit exterior is designed to complement the primary residence with stucco finish and a standing seam metal roof. The project is conditioned to provide additional landscape plantings to screen the second dwelling unit from adjacent properties. The applicant shall submit photos to the Planning Department to demonstrate that the second dwelling unit matches the primary residence prior to building permit final inspection.

- b. Policy 8.39 (*Height, Bulk, and Setbacks*) regulates height, bulk, and setback requirements in zoning districts in order to: (1) ensure that the size and scale of development is compatible with the parcel size, (2) provide sufficient light and air in and around the structure, and (3) ensure public health and safety.

The second dwelling unit ordinance requires a 10-foot rear setback for second dwelling units over 16 feet in height. The second dwelling unit was constructed at 8 feet from the property line in order to preserve the root zone of an existing significant tree (28-inch diameter Coast Live Oak) located in the center of the parcel. The second dwelling unit meets all other requirements concerning height, floor area, and distance from the primary residence. To ensure public health and safety, the second dwelling unit will require compliance with current building codes by the Building Inspection Section before final approval of the active building permit (BLD 2017-02580). The Building Inspection Section has reviewed and approved the project, with final sign-off contingent on the non-conforming use-permit approval.

2. Compliance with Zoning Regulations

The parcel is located in the R-1/S-100 Zoning District. Development standards for the parcel are outlined below and include the development standards outlined in the Second Dwelling Unit Ordinance.

Development Standard	R-1/S-100 Development Standards	Project Parcel Existing Conditions
Minimum Site Area	20,000 sq. ft.	19,914 sq. ft.
Minimum Site Width	75 ft.	80 ft.
Minimum Front Setback	40 ft.	40 ft. (Primary Residence) >100 ft. (Second Unit)
Minimum Rear Setback	20 ft.	75 ft. (Primary Residence)
Second Dwelling Unit Minimum Rear Setback	10 ft. (>16 ft. Building Height)	8 ft. (17.9 ft. Building Height)

Development Standard	R-1/S-100 Development Standards	Project Parcel Existing Conditions
Minimum Street Side Setback	40 ft.	40 ft. (Primary Residence) 60 ft. (Second Dwelling Unit)
Minimum Interior Side Setback	10 ft. (Primary Residence) 5 ft. (Second Dwelling Unit)	10 ft. (Primary Residence) 5 ft. (Second Dwelling Unit)
Maximum Building Height	30 ft.	29.5 ft. (Primary Residence)
Second Dwelling Unit Maximum Building Height	26 ft.	17.9 ft. ridge height (Surveyor Verification)
Maximum Lot Coverage	25% (4978.5 sq. ft.)	22% (4455 sq. ft.) (3,753 sq. ft. Primary Residence 702 sq. ft. Second Dwelling Unit)
Maximum Floor Area	30% (5974.2 sq. ft.)	29.9% (5,973 sq. ft.) (5,271 sq. ft. Primary Residence 702 sq. ft. Second Dwelling Unit)
Second Dwelling Unit Maximum Floor Area	750 sq. ft. or 35% of Primary Residence, up to 1200 sq. ft. maximum	702 sq. ft.

a. Compliance with Standards for Dwelling Second Units

The Second Dwelling Unit Regulations, Chapter 22.5, of the Zoning Regulations were amended and became effective February 9, 2017. Section 6430 of the Zoning Regulation describes the development standards for second dwelling units. The project has been reviewed against the Second Dwelling Unit Ordinance and was found to be in compliance in regard to maximum unit size, parking, and ingress/ egress. Since the second dwelling unit was sited 8 feet from the rear setback, where 10 feet is required, to avoid impacting the roots of an existing significant tree (28-inch diameter Coast Live Oak), a use permit is required. Section 6429(9) of the Zoning Regulations provides that parking for second units shall be required for each second unit. One uncovered parking space is provided within the 40-foot side yard setback fronting Madison Way, thereby compliant with parking requirements.

3. Compliance with Non-Conforming Use Permit Regulations

Section 6137 (*Exceptions*) of the Zoning Regulations allows the granting of a use permit to allow the enlargement of a non-conforming structure provided the following finding is made:

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 said neighborhood.

The second dwelling unit was relocated from the original proposed location in order to save an existing 26 inch-diameter significant Coast Live Oak tree which was located within the development envelope of the parcel. As mentioned previously, staff requested that the applicant relocate the proposed second dwelling unit out of the critical root zone of the Coast Live Oak.

The second dwelling unit will continue to provide affordable housing in conformance with the State mandate (January 2017) and the County's revised Second Dwelling Unit Ordinance (Section 6429, Development Standards for New Second Units). The second dwelling unit will be required to comply with all San Mateo County Building Inspection Section requirements. The Building Inspection Section has reviewed the proposed development and has conditionally approved the project. As conditioned, the project will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. One uncovered parking space located along Madison Way, and within the street side setback, has been dedicated for the second dwelling unit structure.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15303, Class 3 of the California Environmental Quality Act (CEQA), related to new construction a second dwelling unit in a residential zone.

C. REVIEWING AGENCIES

Building Inspection Section

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan
- D. Floor Plan
- E. Elevation
- F. Site Photos

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2017-00489

Hearing Date: April 5, 2018

Prepared By: Bryan Albini, Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, as new construction or conversion of small structures.

Regarding the Non-Conforming Use Permit, Find:

2. 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 said neighborhood. The second dwelling unit will continue to provide affordable housing to residents in San Mateo County, one parking space is provided on-site and the addition will comply with the San Mateo County Building Inspection Section regulations ensuring the public safety and welfare.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

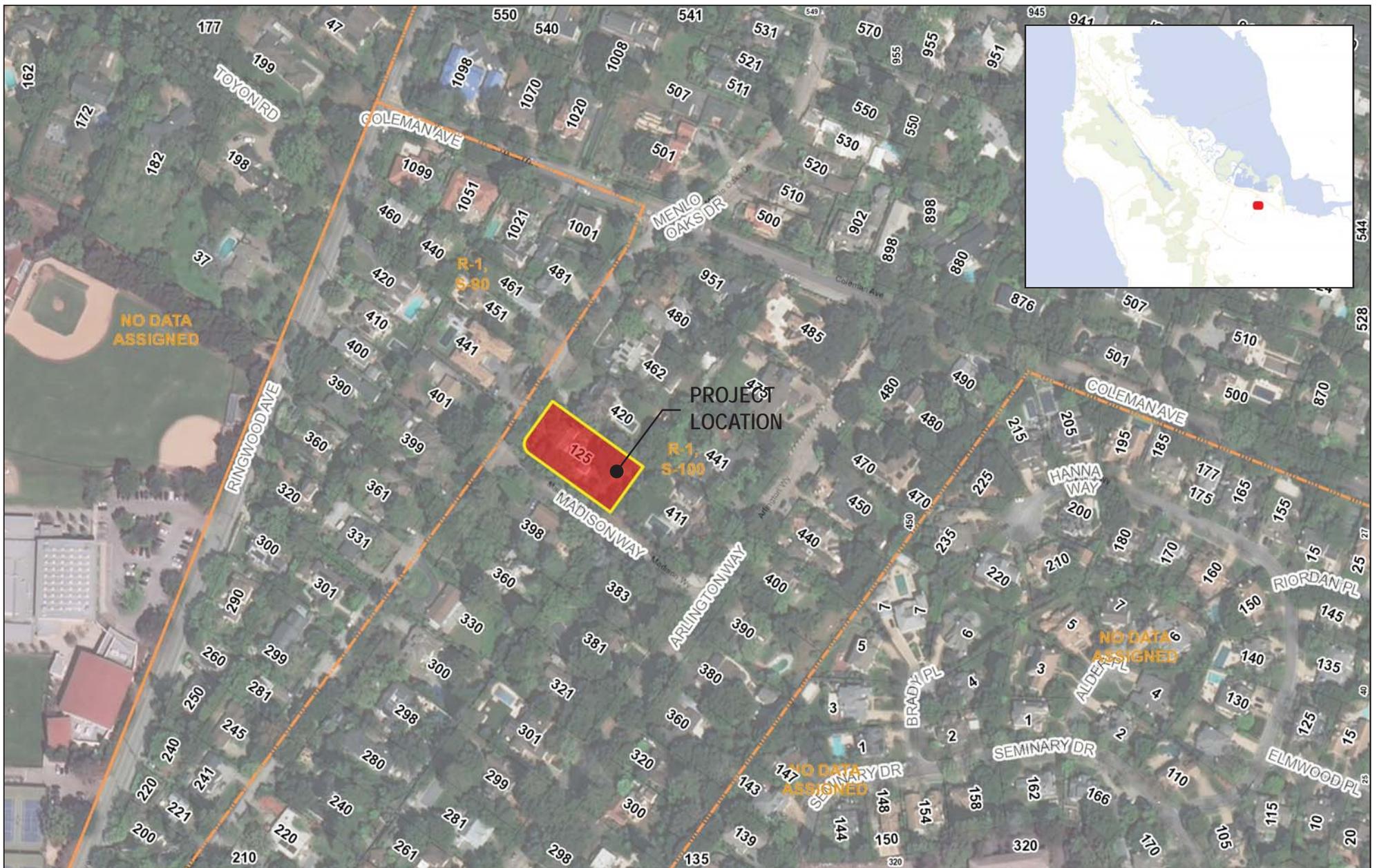
1. This approval applies only to the proposal, documents, and plans described in this report and submitted to and approved by the Zoning Hearing Officer on June 1, 2017. Minor modifications to the project may be approved by the Community Development Director if they are consistent with the intent of, and in substantial conformance with, this approval.
2. This non-conforming use permit is valid for one (1) year from the date of final approval, in which time a valid building permit shall be issued and a completed inspection (to the satisfaction of the building inspector) shall have occurred within 180 days of its issuance. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable fees sixty (60) days prior to expiration.

3. The applicant shall submit photos to the Planning Department of the detached second unit. Color and materials shall be complimentary to the primary residence. Photos shall include plantings for screening from neighboring parcels. Fulfillment of this requirement will be added to the building permit as a final inspection by the Planning Department and prior to the final building inspection.

Building Inspection Section

4. Final inspection of Building Permit BLD 2017-02580 for this project is required prior to certificate of occupancy issuance.

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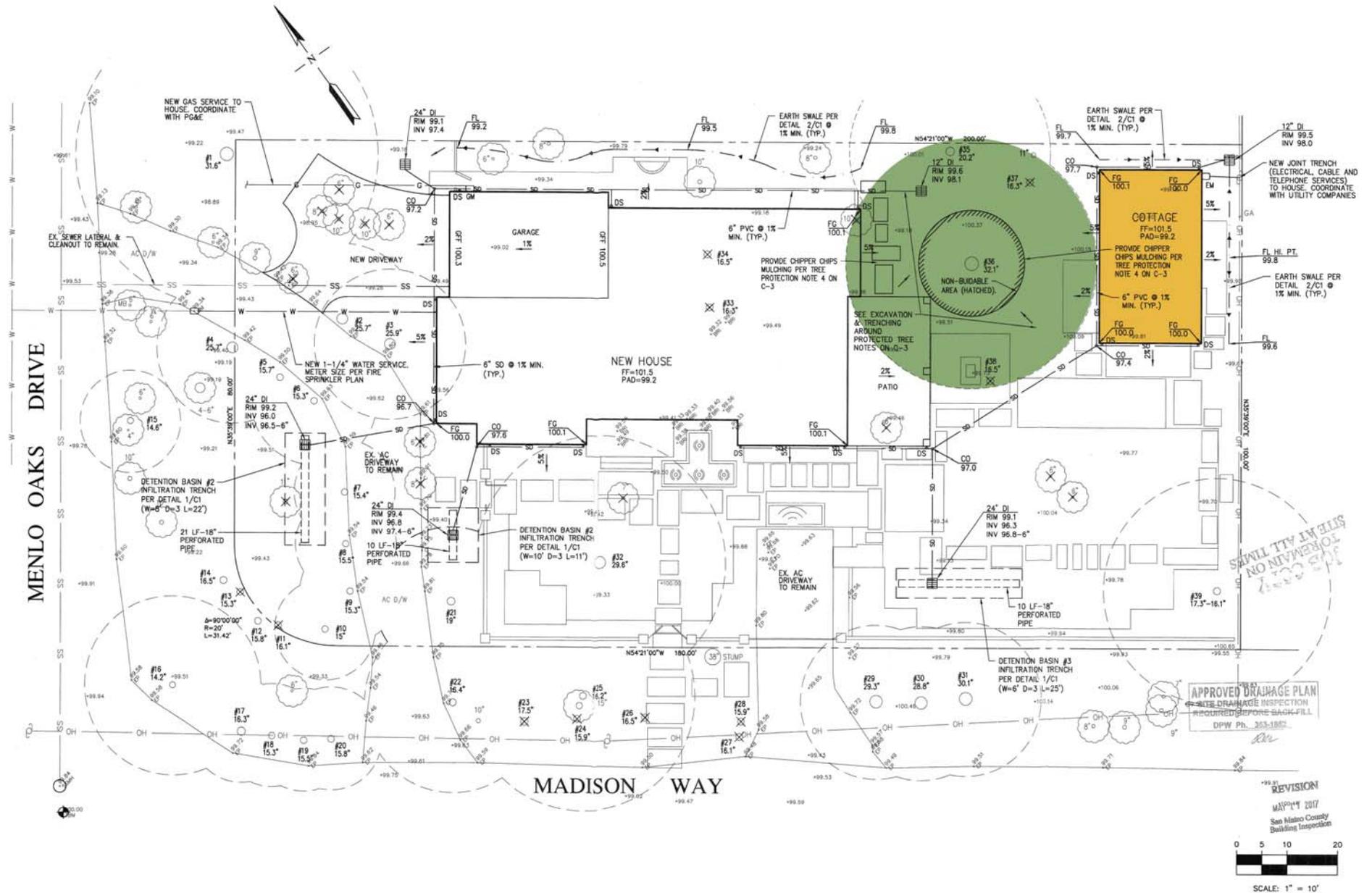


San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: NIXON

Attachment: B

File Numbers: PLN2017-00489



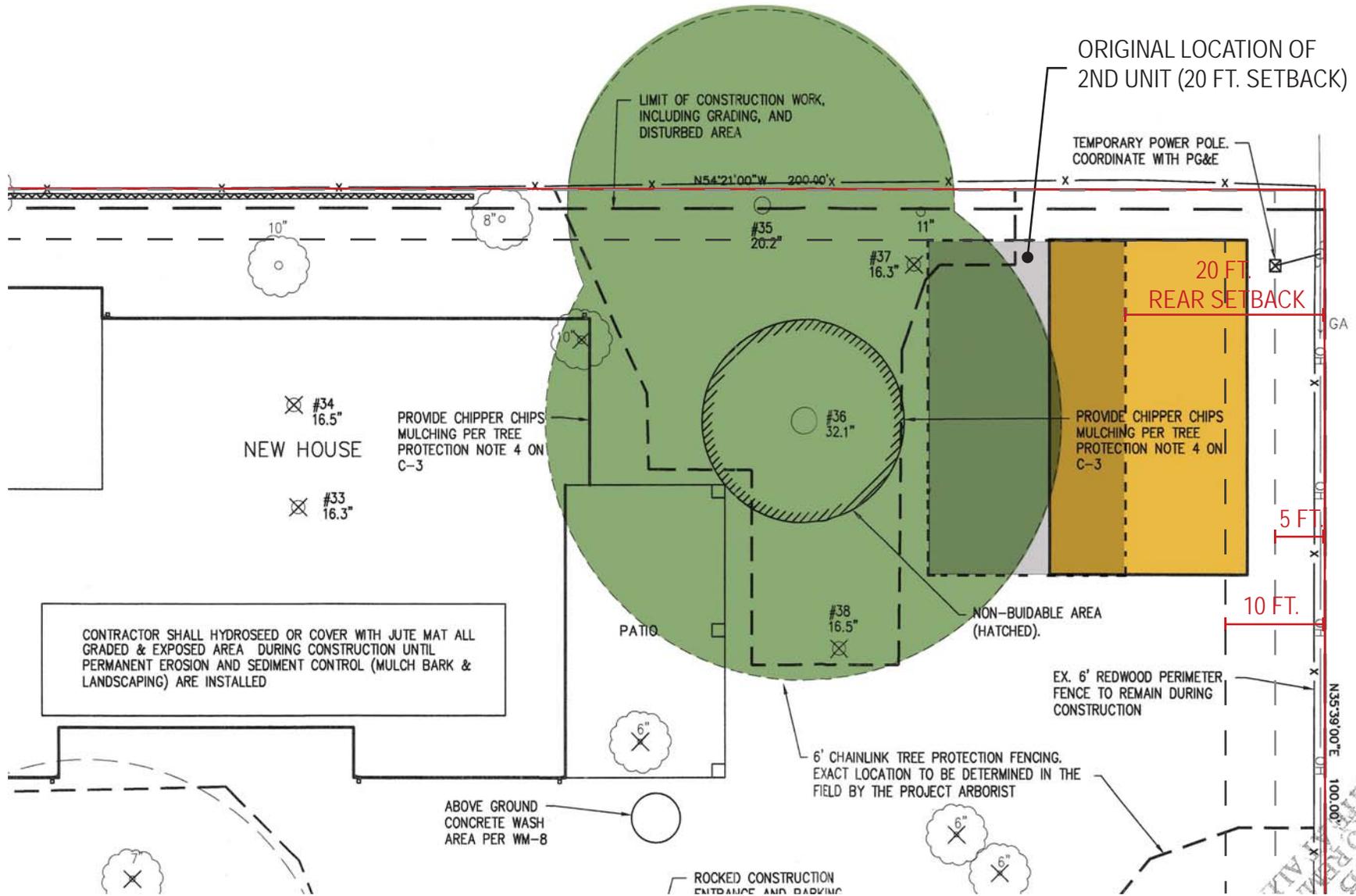
San Mateo County Zoning Hearing Officer Meeting

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Attachment: C

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San Mateo County Zoning Hearing Officer Meeting

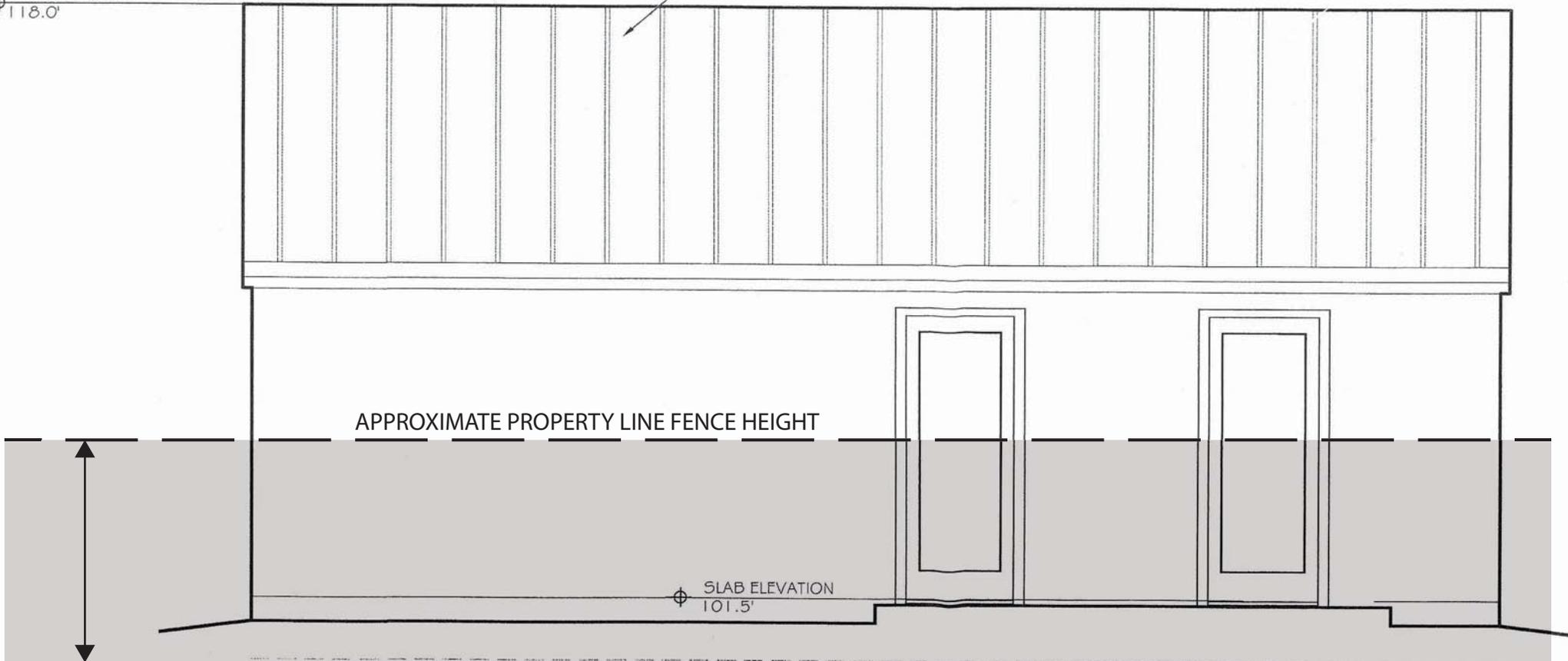
Owner/Applicant: NIXON

Attachment: C

File Numbers: PLN2017-00489

ATTIC VENTING:
702 SF / 300 = 2.4 ± SF REQ'D. INSTALL
- COR'A'VENT V-GOOT CONTINUOUS RIDGE VENTS (34' x 20 NFVA / LIN. FT = 4.72 ± SF)
- 1" CONTINUOUS EAVE VENTS (0.3 x 2 x (34' x 12) / 144 = 1.7 SF)

⊕ HIGHEST RIDGE
118.0'



SOUTHEAST ELEVATION

1/4" = 1'-0"

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: NIXON

Attachment: E

File Numbers: PLN2017-00489



NORTHWEST ELEVATION

1/4" = 1'-0"

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: NIXON

Attachment: E

File Numbers: PLN2017-00489



San Mateo County Zoning Hearing Officer Meeting

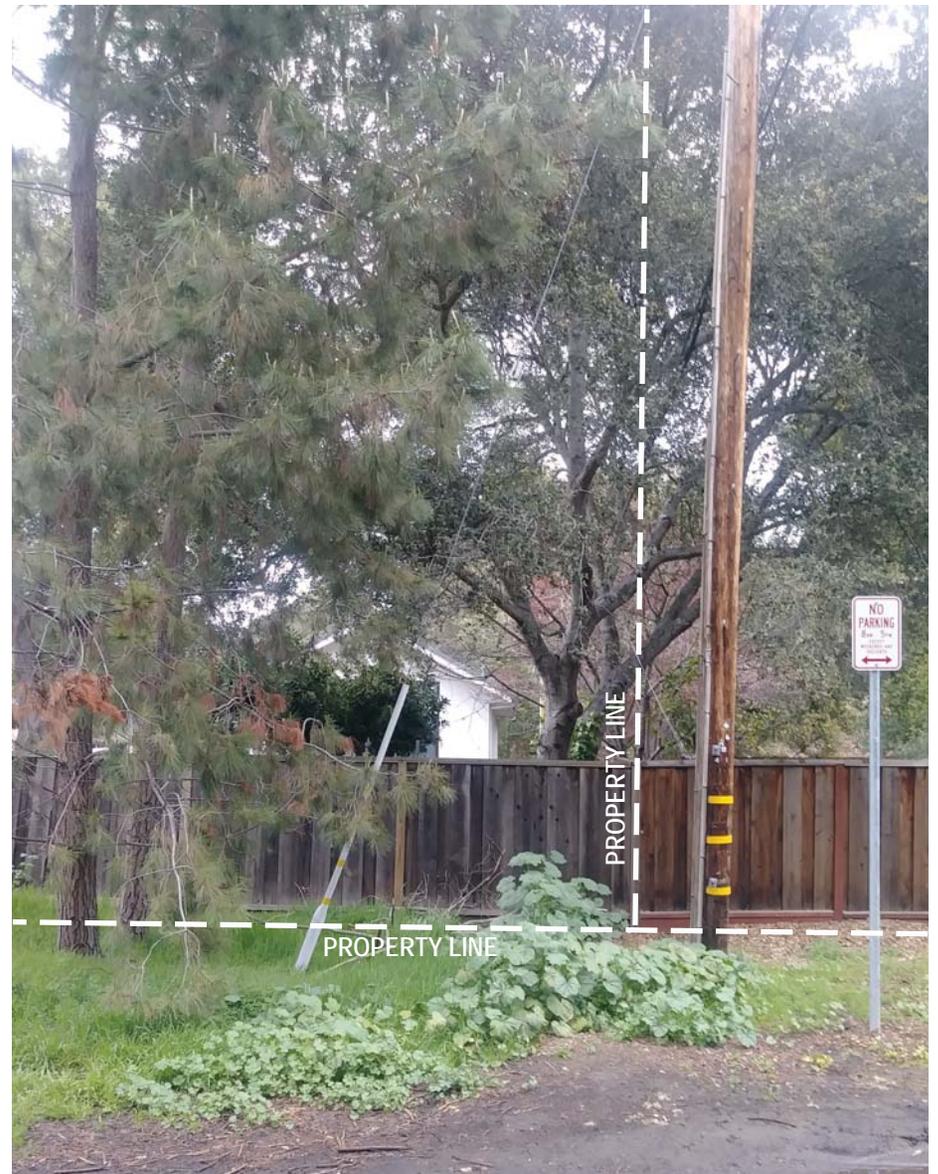
Owner/Applicant: NIXON

Attachment: F

File Numbers: PLN2017-00489



REAR SETBACK VIEW



VIEW OF COTTAGE FROM MADISON WAY

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: NIXON

Attachment: B

File Numbers: PLN2017-00489



INTERIOR VIEW OUT TO REAR PROPERTY

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: NIXON

Attachment: F

File Numbers: PLN2017-00489