

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

DATE: October 4, 2018

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit, pursuant to Sections 6500 of County Zoning Regulations, to allow for a reduced rear yard setback for a one-story, 570 sq. ft. Second Dwelling Unit located at 465 5th Avenue in the North Fair Oaks Community of San Mateo County.

County File Number: PLN 2017-00206 (Bugarin)

PROPOSAL

The applicant is requesting a Use Permit to allow for a rear yard setback of 3 feet 2 inches (where 5 feet is required) for a one-story 570 sq. ft. detached second dwelling unit. The building was initially proposed as a 387 sq. ft. unconditioned storage structure (BLD 2016-00999) which is required to maintain 3-foot rear and side yard setbacks. After construction began, the project scope was revised by the applicant to enlarge the structure and change the use from a storage structure to a second dwelling unit thus requiring the use permit to remedy the existing 3-foot rear yard setback. The unit is under construction, pending use permit approval, and located toward the rear of the subject property. 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-73 District.

The project proposal was heard at the July 26, 2018 North Fair Oaks Community Council for recommendation for approval to the Zoning Hearing Officer. The item was unanimously recommended for approval by the council.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit Amendment, County File No. PLN 2017-00206, by making the required findings and adopting the conditions of approval in Attachment A.

BACKGROUND

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

Owner/Applicant: Octavio Bugarin

Location: 465 5th Avenue, North Fair Oaks

APN: 060-071-040

Parcel Size: 6,000 sq. ft.

Existing Zoning: R-1/S-73 (One Family Residential District, Combining District – North Fair Oaks Area)

General Plan Designation: Single-Family Residential (15du/ac to 25du/ac) Urban

Existing Land Use: Residential

Water Supply: California Water Service – Bear Gulch

Sewage Disposal: Fair Oaks Sewer District

Flood Zone: FEMA Flood Zone X (areas of minimal flooding). Panel No. 06081C0302E, effective October 16, 2012.

Environmental Evaluation: Categorically Exempt pursuant to Section 15303, Class 3, (New Construction or Conversion of Small Structures) relating to the construction of a second dwelling unit in a residential zone.

Setting: The subject parcel is an urbanized lot, improved with a 1,525 sq. ft. single-family residence and single-car garage constructed in 1949. The parcel is located in and completely surrounded by Zoning District R-1/S-73 (One Family Residential District, Combining District – North Fair Oaks Area), with the Single-Family Residential (15 du/ac to 25 du/ac) Urban Land Use designation. The surrounding uses are residential, with an adjacent Charter School, Everest Public High School, directly southwest of the subject parcel, sharing a side yard boundary. There are some trees along the side property line adjacent to the school for screening, with mature oaks to the rear of the parcel on an adjacent parcel.

Chronology:

Date

Action

August 13, 2012 - Building permit for interior residential remodel and legalization of bathroom in existing rear accessory structure (BLD 2012-01207).

- February 7, 2013 - Demolition permit to remediate the illegal conversion of the detached accessory structure to a second dwelling unit (BLD 2013-00198). Permit finalized November 25, 2013.
- May 24, 2016 - Building Permit application (BLD 2016-00999) to demolish existing accessory structure and construct a new 387 sq. ft. accessory structure (storage with half bath).
- March 23, 2017 - Project scope revised to include revised floor area of the structure to a total of 570 sq. ft. and change the use from a storage structure to a second dwelling unit within the building footprint of the previous accessory structure (BLD 2016-00999).
- May 16, 2017 - Use Permit application submitted to allow for a 3-foot 2-inch rear yard setback (where 5 feet is required for a second dwelling unit) (PLN 2017 00206).
- July 26, 2018 - The North Fair Oaks Community Council unanimously voted to recommend approval to the Zoning Hearing Officer.
- October 4, 2018 - Zoning Hearing Officer Meeting

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:

Policy 4.36 (Urban Area Design Concept)

This policy seeks to ensure that new development in urban areas 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 North Fair Oaks. The second dwelling unit is located in the rear of a mid-block 6,000 sq. ft. parcel. The parcel is developed as such that the primary residence impedes any view of the second unit and the rear yard. The second dwelling unit exterior is designed to complement the primary residence with stucco finish and shingle roof. 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.

2. Compliance with the Zoning Regulations

a. Development Standards

The project is compliant with the S-73 Combining District development standards and those of the Second Dwelling Unit Ordinance as outlined below.

	Required Standard	Proposed
Minimum Parcel Size	5,000 sq. ft.	6,000 sq. ft.
Maximum Parcel Lot Coverage	50% (3000 sq. ft.)	34% (2050 sq. ft.)
Maximum Parcel Floor Area Ratio	47.6% (2860 sq. ft.)	34% (2050 sq. ft.)
Minimum 2 nd Unit Rear Yard Setback	5 ft.	3 ft. 2 in.
Minimum 2 nd Unit Side Yard Setbacks	5 ft. (right side)	10'-8" (right side)
Minimum Distance from Residence	5 ft. (left side)	6'-5" (left side)
Maximum 2 nd Unit Height	16 ft.	10 ft. 10 in.
<i>Note: Minimum setbacks are based on a detached second dwelling unit of 16 feet or less in height.</i>		

b. Parking Requirements

Second dwelling units require one off-street parking space with the construction of a new second dwelling unit. The applicant can accommodate one uncovered space of 9 feet by 19 feet within the existing driveway of the primary residence, and therefore is compliant with the required parking spaces for second dwelling units.

The primary residence, originally constructed in 1949 per the County Assessor, is non-conforming for parking with only one covered parking space, as was typical for development of the time. No expansion of the existing primary residence has been proposed, and therefore, additional covered parking that would otherwise be required.

3. Compliance with Use Permit Regulations

Section 6431 (*Requirements for Conditionally Permitted Second Dwelling Units*) of the Zoning Regulations allows the granting of a use permit for second units not meeting all applicable standards of the Second Dwelling Unit Ordinance 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 proposed at the current location to utilize the footprint of a previously demolished accessory structure. As indicated in the chronology listed above, the applicant intended to construct a 387 sq. ft. detached accessory structure. Once under construction, the project scope was revised to construct a 570 sq. ft. second dwelling unit within the footprint of the previous accessory structure that was removed.

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 within the existing driveway, has been dedicated for the second dwelling unit.

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
Menlo Park Fire Protection District

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location 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 2017-00206

Hearing Date: October 4, 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 15303, Class 3, for new construction or conversion of small structures (construction of a second dwelling unit in a residential zone).

Regarding the 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 provide affordable housing to residents in San Mateo County, one parking space is provided on-site and the second unit dwelling 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 the Zoning Hearing Officer on May 16, 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 use permit is valid for one (1) year from the date of final approval, in which time all active building permits associated with the project shall be updated and any pending inspections completed. 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. This permit does not allow for the removal of any trees. Removal of any tree with a diameter equal to or greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
4. 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).

Building Inspection Section

5. Final inspection of Building Permit BLD 2016-00999 for this project is required prior to certificate of occupancy issuance.

Menlo Park Fire Protection District

6. *Water Supply.* Access to the public fire hydrant is located within the required distance, and therefore meets the provision listed in CFC Section 507 for Fire Hydrant Access.
7. *Accessory Dwelling Unit.*
 - a. The California State Fire Marshal office has issued a bulletin effective January 24, 2017 stating "Senate Bill 1069, Wieckowski (Chapter 720, Statutes of 2016) Land use: zoning, amends Section 65852 of the Government Code to provide reform and incentive to facilitate and expedite the construction of affordable housing. The law was created to allow the construction of additional dwelling units associated with existing housing. An accessory dwelling unit may be attached or unattached to the house. The changes in the statute effect the automatic residential fire sprinkler system requirements for accessory dwelling units by exempting the requirement in some situations. The effective date noted above of this statute takes precedence over local regulations or ordinances. The specific information on SB 1069 can be found at:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1069
 - b. Based on the scope of work for this accessory dwelling unit, as per the prescriptive criteria outlined in SB 1069 a fire sprinkler system will not be required for this 570 sq. ft. detached accessory dwelling unit. If at any point this building size exceeds 1,200 sq. ft., an automatic fire sprinkler system would then be required.
8. Install smoke detectors in each sleeping area and the area outside sleeping areas. Install carbon monoxide detector outside sleeping areas. Smoke and carbon monoxide detectors shall be hardwired and inter-connected for alarm.

9. The applicant shall provide at least 4-inch tall with 1/2-inch stroke illuminated address numbers. The address shall be visible from the street and contrasting to its background. Address numbers shall be maintained.
10. Approved plans and approval letter must be on-site at the time of inspection.
11. Final acceptance of this project is subject to field inspection.
12. Upon completion of work and prior to closing ceiling, contact Deputy Fire Marshal Bob Blach of the Menlo Park Fire Protection District at 650/688-8430 to schedule a final inspection. A 48-hour notice is required for all inspections.

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

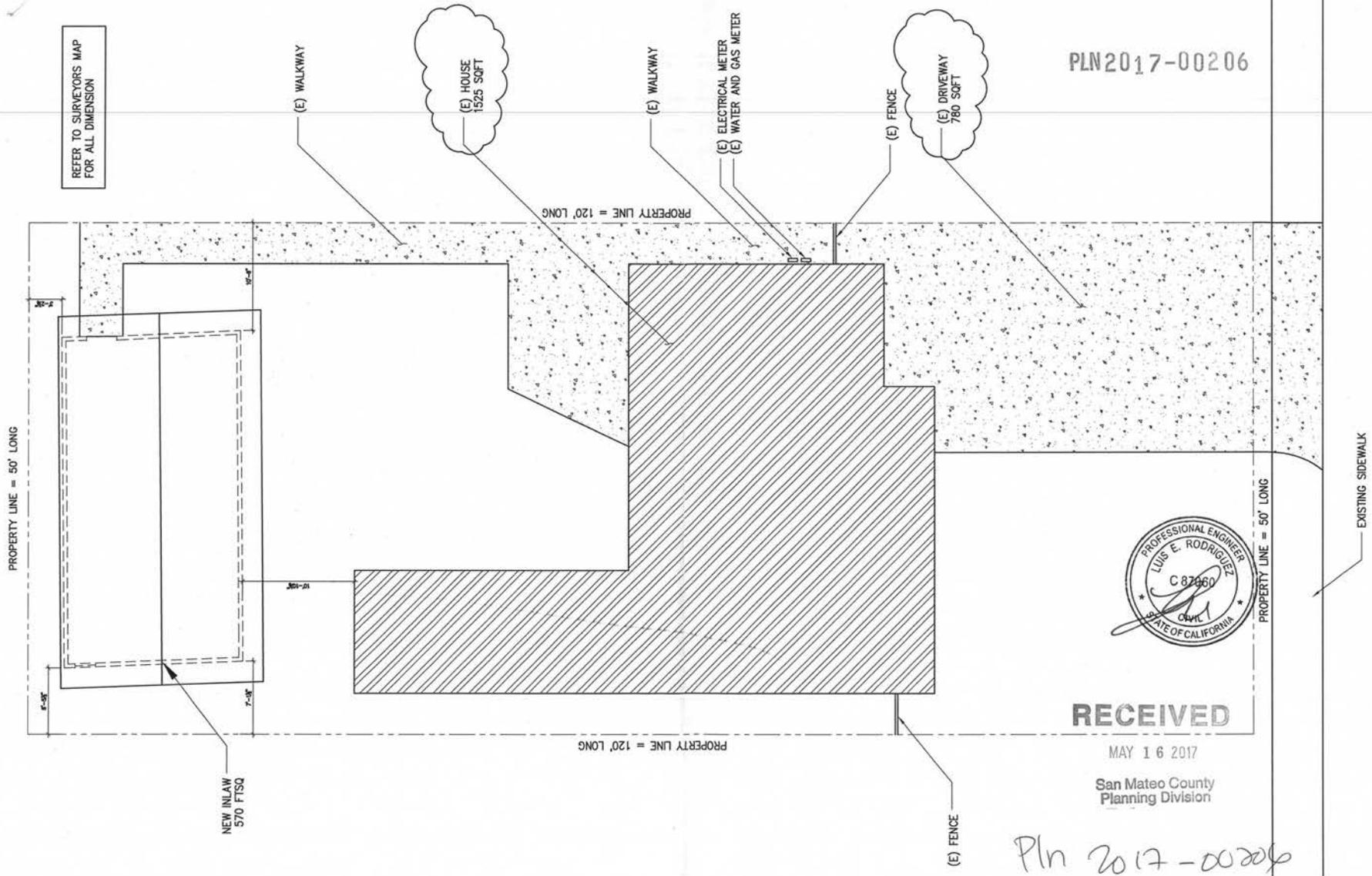
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Owner/Applicant: _____

Attachment: _____

File Numbers: _____

REFER TO SURVEYORS MAP FOR ALL DIMENSION



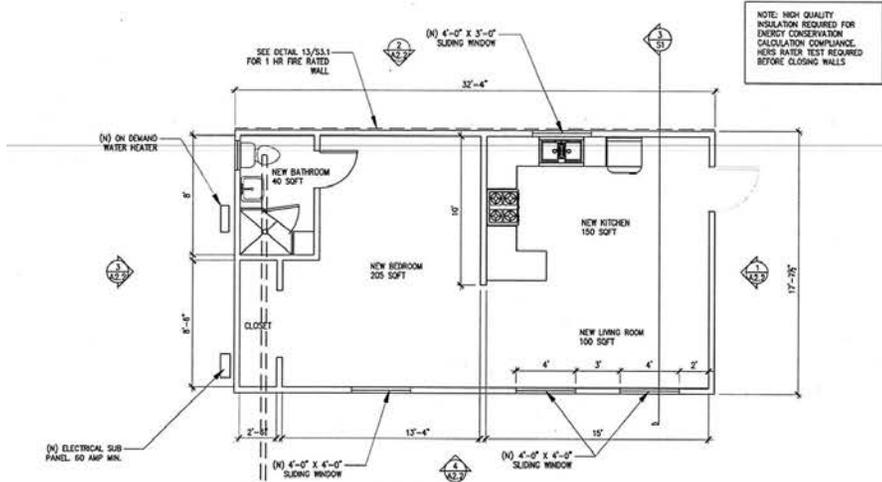
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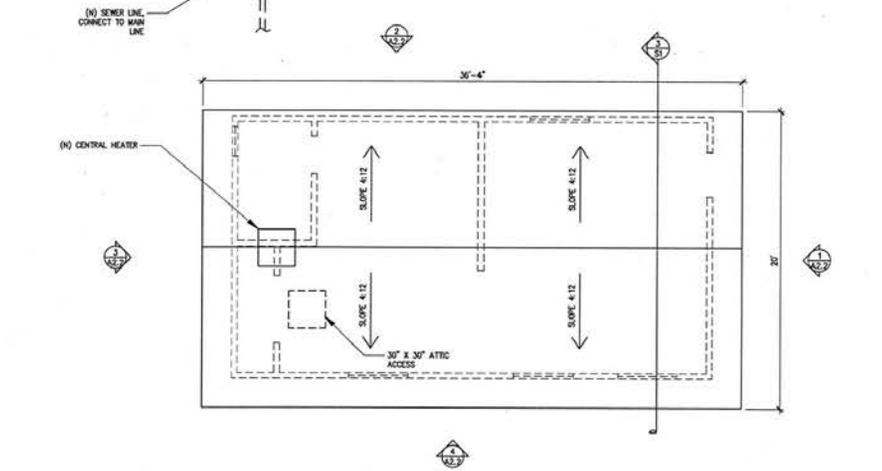
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NOTE: HIGH QUALITY INSULATION REQUIRED FOR ENERGY CONSERVATION CALCULATION COMPLIANCE. MEET BAIER TEST REQUIRED BEFORE CLOSING WALLS



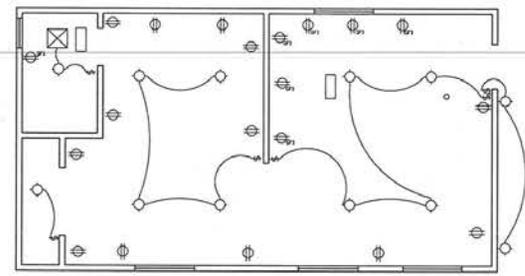
PROPOSED FLOOR PLAN

1/4" = 1' - 0"



PROPOSED ROOF PLAN

1/4" = 1' - 0"



PROPOSED ELECTRICAL PLAN

1/4" = 1' - 0"

ELECTRICAL PLAN NOTES

1. ALL NEW INSTALLED LIGHTING TO BE HIGH EFFICIENCY, MINIMUM HIGH EFFICIENCY WATTAGE IS 100 WATTS.
2. TWO SMALL APPLIANCE CIRCUITS SHALL SUPPLY WALL AND COUNTER SPACE RECEPTACLE OUTLETS FOR KITCHEN, DINING ROOM OR SIMILAR AREAS, THIS CIRCUIT CAN ALSO SERVE THE REFRIGERATOR.
3. SEPARATE CIRCUITS SHALL SERVE OUTSIDE PLUGS, RANGE HOOD, DISPOSAL, DISHWASHERS OR MICROWAVES.
4. NO HEATING VENTS ARE TO BE PROVIDED AT OFFICE SPACE.
5. ALL 120 VOLTS, SINGLE PHASE, 15 AND 20 AMPS BRANCH CIRCUITS SUPPLYING OUTLETS INSTALLED IN DWELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, BEDROOMS, CLOSETS, HALLWAYS OR SIMILAR ROOMS OR AREAS SHALL BE PROVIDED BY A LISTED ARC-FAULT INTERRUPTER, COMBINATION-TYPE, INSTALLED TO PROVIDE PROTECTION OF THE BRANCH CIRCUIT.

LEGEND:

- = WALL LIGHT
- ⊞ = SWITCH
- ⊞ = SWITCH WITH DIMMER
- = CEILING LIGHT
- = SMOKE DETECTOR
- = 110 OUTLET
- = RECESS LIGHT
- ⊞ = TELEVISION
- ⊞ = PHONE
- ⊞ = 220 OUTLET
- ⊞ = GROUND FAULT INTERRUPTER
- ⊞ = FLUORESCENT LIGHT
- = HEATER VENT
- ⊞ = BATHROOM VENT

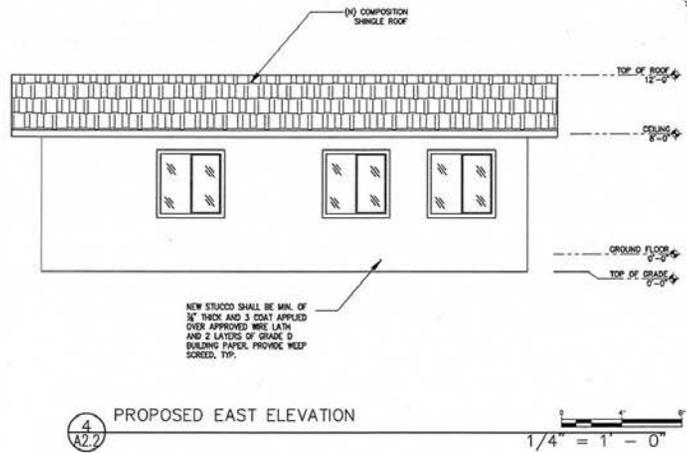
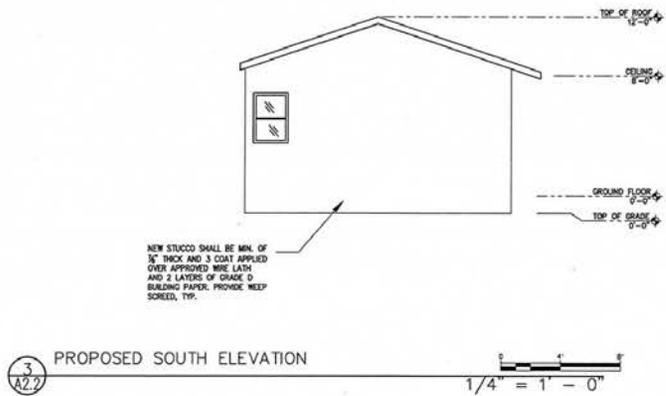
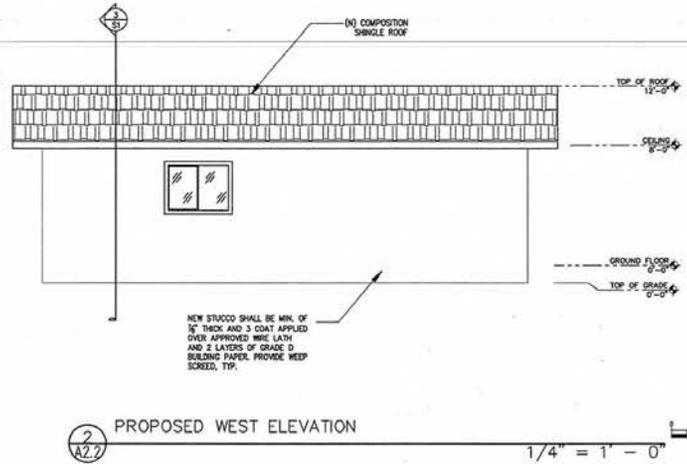
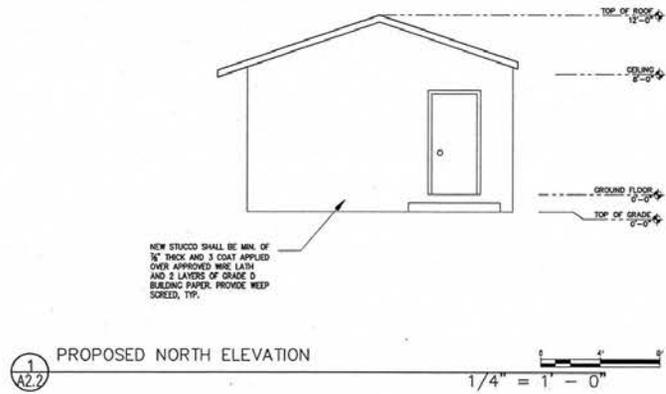


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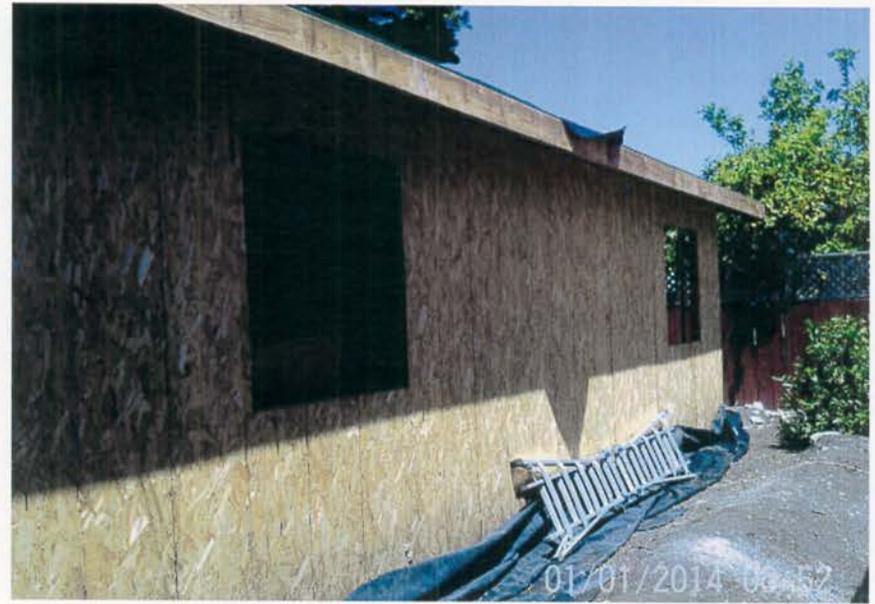


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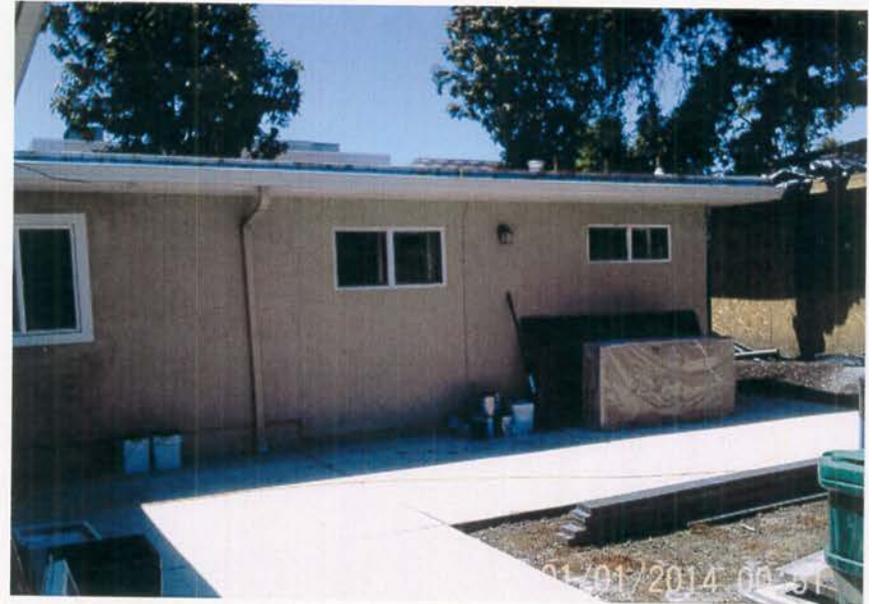


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