

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

**DATE:** October 4, 2018

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Non-Conforming Use Permit, pursuant to Sections 6135 and 6137 of the San Mateo County Zoning Regulations, and a Design Review Exemption, pursuant to Section 6565.4, to convert an existing basement to a recreational room, workshop, bathroom, and laundry room within an existing legal non-conforming single-family residence. The project site is located at 542, 544 and 546 Hillside Road in the unincorporated Emerald Lake Hills area of San Mateo County.

County File Number: PLN 2018-00132 (Aspinall)

**PROPOSAL**

The applicant requests a Non-Conforming Use Permit to allow the conversion of an existing 690 sq. ft. basement to a recreational room, workshop, bathroom and laundry room within an existing legal non-conforming single-family residence at 546 Hillside Road. No additional square footage is proposed to be added to the existing structure.

A Non-Conforming Use Permit is required as the property has more dwelling units than allowed by the zoning district and 546 Hillside Road is a non-conforming structure, as the density of development on the property is exceeded. The conversion of the basement area to habitable space is considered an intensification of the property.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Non-Conforming Use Permit (County File No. PLN 2018-00132) by making the required findings and adopting the conditions of approval in Attachment A.

**BACKGROUND**

Report Prepared By: Rob Bartoli, Project Planner; 650/363-1857

Applicant: Judith Mattingly

Owner: Tono Aspinall

Location: 544 Hillside Road, Redwood City

APN: 057-201-060

Parcel Size: 35,321 sq. ft.

Existing Zoning: RH/DR (Residential Hillside/Design Review)

General Plan Designation: Low Density Residential, Urban

Sphere-of-Influence: Redwood City

Existing Land Use: Single-Family Structure

Water Supply: City of Redwood City Municipal Water Department

Sewage Disposal: Emerald Lake Sewer District

Flood Zone: Zone X (area of minimal flood hazard); Community Panel No. 06081C0282E, effective October 16, 2012

Environmental Evaluation: Categorically exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA), related to a minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure.

Setting: The project site is located on a site that slopes from Hillside Road down to the rear of the property. The property is developed with three separate dwelling units, along with two detached garages. Each house has a separate address but is located on one legal parcel. 542 Hillside is a 1,385 sq. ft. house, which was built prior to 1936, at a time when building permit regulations were not yet in effect. 544 Hillside was built in 1946 with a building permit. This house and attached garage is 4,784 sq. ft. in size. 546 Hillside was also built in 1946 and has a habitable square footage of 1,227 with an existing 690 sq. ft. basement. 546 Hillside is the building that is the subject of this Non-Conforming Use Permit.

The subject property is both considered to be a non-conforming use, as the property has more dwelling units than allowed by the zoning district, and a non-conforming structure, as the density of development on the property is exceeded.

Chronology:

Date

Action

Prior to 1936

- A single-family home, 542 Hillside Road was constructed. This building consists of a house with a detached garage.

These two buildings were built prior to San Mateo County building permit requirements.

- 1946 - Two single-family homes constructed with permits on the property and addressed as 544 Hillside Road and 546 Hillside Road.
- December 11, 2000 - PLN 2000-00426, a Design Review permit for an addition to 544 Hillside Road, was approved by San Mateo County Planning Department.
- April 16, 2014 - PLN 2013-00478, a Design Review Exemption for a 221 sq. ft. addition and basement conversion to the 546 Hillside Road. After the approval of this permit, County staff noted that any future remodels or additions on this property would require a Non-Conforming Use Permit due to the number of dwelling units and detached accessory structures on the property.
- April 4, 2018 - BLD 2018-00674, a building permit applied for by the applicant. This permit proposes to convert the basement area at 546 Hillside Road to a recreational room, workshop, bathroom, and laundry room. A Design Review Exemption case, PLN2018-00132, was also opened for this project. Planning staff informed the applicant and owner that a Non-Conforming Use Permit will be required for this project.
- May 31, 2018 - PLN 2018-00132 amended to include Non-Conforming Use Permit.
- August 8, 2018 - Project deemed complete.
- October 4, 2018 - Zoning Hearing Officer meeting.

## **DISCUSSION**

### **A. KEY ISSUES**

1. Compliance with the General Plan
  - 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 Emerald Lake Hills. No new square footage is proposed to be added to 546 Hillside Road, an existing single-family home. The existing basement area will be

converted to habitable space. As part of the conversion, seven new windows will be installed on the basement floor. These windows are proposed to match the existing windows on the building. The door to the basement area will also be moved 1-foot from its existing location. No other exterior changes are proposed. Prior to a final building inspection for the conversion, the project shall be conditioned to continue to utilize matching colors and materials that blend with the structure. The applicant shall submit photos to the Planning Department to demonstrate that the conversion and minor exterior alterations match the existing structure.

- b. Policies 8.12a (*General Plan Land Use Designations for Urban Areas*), 8.35 (*Zoning Regulations*), 8.36 (*Uses*) and 8.37 (*Density*) seek to adopt the land use designations of the Emerald Lake Hills Community Plan allow uses in zoning districts that are consistent with the overall land use designation, require the use of zoning districts to regulate development, and regulate the maximum allowable densities in zoning districts.

The project parcel is zoned RH/DR (Residential Hillside/Design Review). The property is developed with three separate dwelling units, along with two detached garages. Each house has a separate address, but is located on one legal parcel. The proposed basement conversion meets the required location and development standards of the RH Zoning District. The project also meets the policies of the Emerald Lake Hills Community Plan regarding general goals of the plan and land use policies, with the exception of Policy 2.3 related to development density.

The property has a General Plan and Emerald Lake Hills Community Plan designation of Low Density Residential, which has a density of 0.3-2.3 dwelling units per acre. The subject property exceeds the allowed density of the General Plan and the allowed number of residential uses by the RH Zoning District. No additional dwelling units that count against density can be created on the property. As no new dwelling units are proposed under this application and the density of the property is not being altered, the project has no impact on these associated policies. However, as the property is considered to be a non-conforming use due to the existing density of development and the structures on the property are non-conforming structures due to density, the alterations and conversion of the basement area to habitable space at 546 Hillside Road requires a Non-Conforming Use Permit.

2. Compliance with the Zoning Regulations

a. Development Standards

The project parcel is zoned RH/DR (Residential Hillside/Design Review). The footprint of 546 Hillside Road is not being expanded. The structure complies with the RH Development Standards.

<b>RH Development Standards For 546 Hillside Road Structure</b>			
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Width	50 ft.	77.00 ft.	No change
Minimum Building Area	12,000 sq. ft.	35,321 sq. ft.	No change
Minimum Front Yard Setback	20 ft.	150 ft.	No change
Minimum Side Yard Setbacks			
Left Side	7'-6" ft.	25 ft.	No change
Right Side	7'-6" ft.	96 ft.	No change
Minimum Rear Yard Setback	20 ft.	65 ft.	No change
Maximum Lot Coverage	25%	17.4%	No change
Maximum Floor Area	10,596.3 sq. ft.	8,987 sq. ft.	No change
Maximum Building Height	28 ft.	26 ft.	No change

b. Design Review Standards

Per Section 6565.4 of the San Mateo County Zoning Regulations, the Design Review Officer may exempt activities which otherwise require design review from the requirements of the Design Review regulations when such activities are minor in nature and will not have an adverse effect on compliance with design standards or guidelines or zoning regulations applicable to the property or structure in question.

The project proposes to convert an existing 690 sq. ft. basement to a playroom, workshop, bathroom, and laundry room. Seven new windows and a door relocation are the only proposed exterior changes. These minor alterations qualify for a Design Review Exemption. The conversion is minimally noticeable and provides the residents an additional habitable space. The structure is at the rear of the property and is well within the required setbacks of the

RH Zoning District. The project is conditioned to maintain matching exterior colors and materials.

3. Compliance with Non-Conforming Use Permit Regulations

Section 6137 (*Exceptions*) and Section 6503 (*Procedure*) of the Zoning Regulations allows the granting of a use permit to intensify 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 applicant is proposing to convert 690 sq. ft. of basement area to habitable space. The proposal complies with the RH Development Standards and Design Review Standards. The property was legally developed with three separate single-family dwelling units. The property is considered to be a non-conforming use due to the existing density of development. In addition, the structures on the property are also non-conforming due to density. Due to these non-conformities the alterations and conversion of the basement area to habitable space at 546 Hillside Road requires a Non-Conforming Use Permit. No new dwelling units are proposed under this application and the density of the property is not being altered.

The conversion will provide additional living space to the residents of the property. The conversion of the basement will have minimal visual impact and will not increase the non-conforming development density on the property.

The conversion is required to comply with the San Mateo County Building Inspection Section Regulations. The Building Inspection Section has reviewed the conversion and has conditionally approved the project. Based on the preceding discussions in this report, the project is not expected to be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Furthermore, the project will not impact coastal resources, as it is not located in the coastal zone.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, as a minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure. The proposed conversion does not increase the footprint of the building. Under this proposal, the existing 690 sq. ft. basement will be converted to livable space, with no new square footage added to the building.

C. REVIEWING AGENCIES

Building Inspection Section  
Cal-Fire  
Geotechnical Section  
City of Redwood City

**ATTACHMENTS**

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

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2018-00132

Hearing Date: October 4, 2018

Prepared By: Rob Bartoli  
Project Planner

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

For 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 a minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure. The proposed conversion does not increase the footprint of the building. The existing 690 sq. ft. basement will be converted to livable space, with no new square footage added to the building.

For 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 conversion will provide additional living space to the residents of the property. The conversion of the basement will have minimal visual impact and will not increase the non-conforming development density on the property. The conversion is required to comply with the San Mateo County Building Inspection Section Regulations. The Building Inspection Section has reviewed the conversion and has conditionally approved the project. Based on the preceding discussions in this report, the project is not expected to be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Furthermore, the project will not impact coastal resources, as it is not located in the coastal zone.



## **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 October 4, 2018. 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 of the structure, which reflect that matching colors and materials are utilized, to the Planning Department. Materials and colors shall match the existing house. Fulfillment of this requirement will be added to the building permit as a final inspection by the Planning Department, prior to the final building inspection.

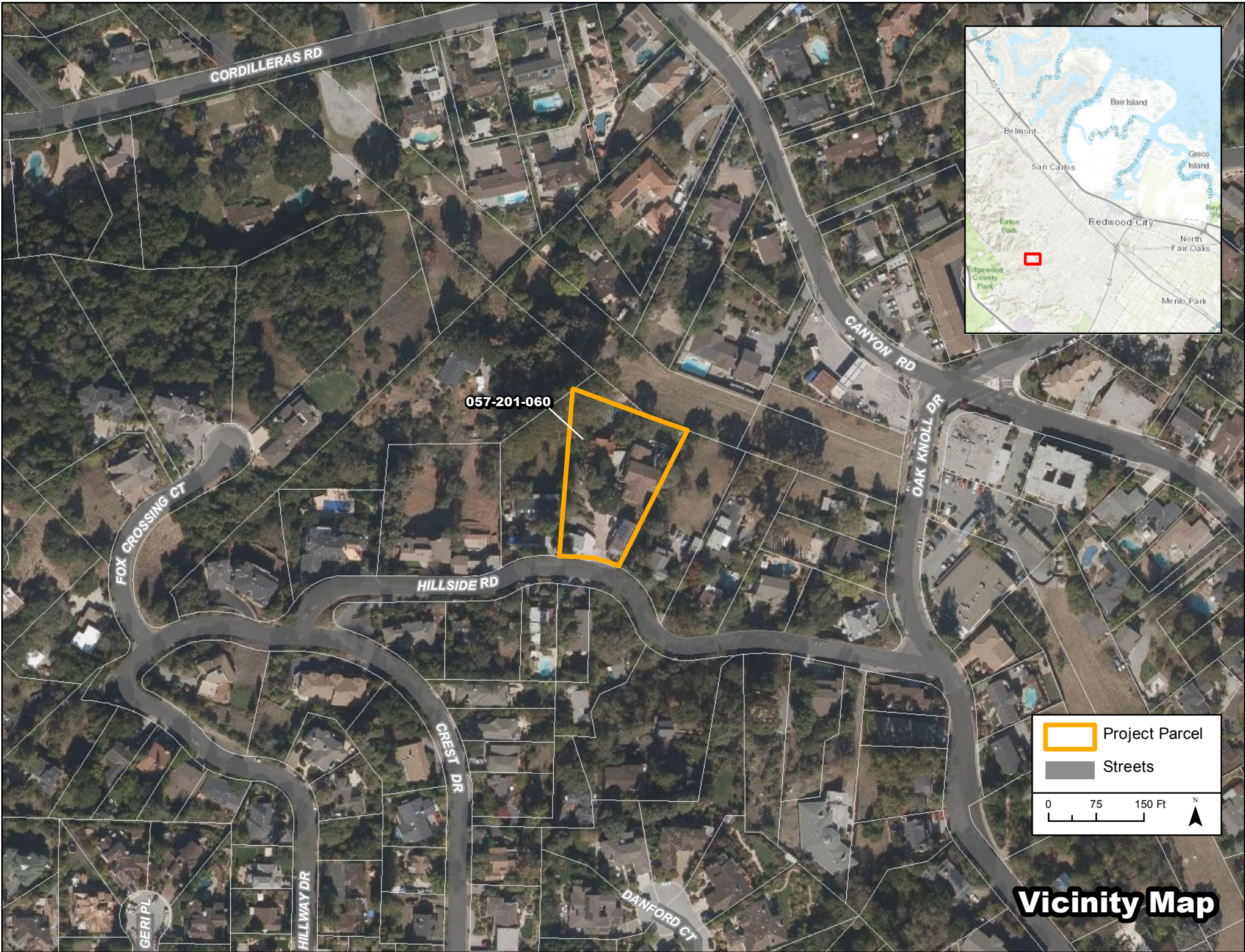
### **Building Inspection Section**

4. A Building permit shall be submitted and approved prior to the commencement of construction.

### **Geotechnical Section**

5. Show proposed footings on Building permit plans.

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CORDILLERAS RD

057-201-060

HILLSIDE RD

FOX CROSSING CT

CREST DR

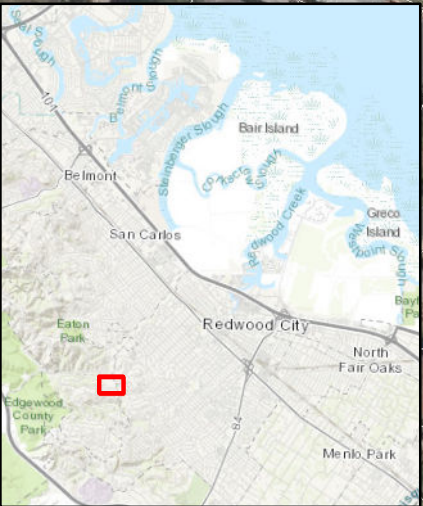
HILLWAY DR

GERI PL

DANFORD CT

CANYON RD

OAK KNOLL DR



Project Parcel

Streets

0 75 150 Ft



**Vicinity Map**





Mattingly Thaler Architecture  
 646 Church Street  
 San Francisco, CA 94114  
 tel 415-431-2848 fax 415-431-2847

CASITA ADDITION & REMODEL  
 546 HILLSIDE ROAD  
 REDWOOD CITY, CA 94063

MARK	DATE	DESCRIPTION
	03/28/18	Building Permit

SITE PLAN

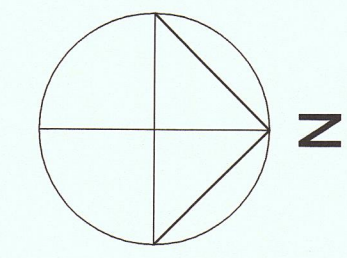
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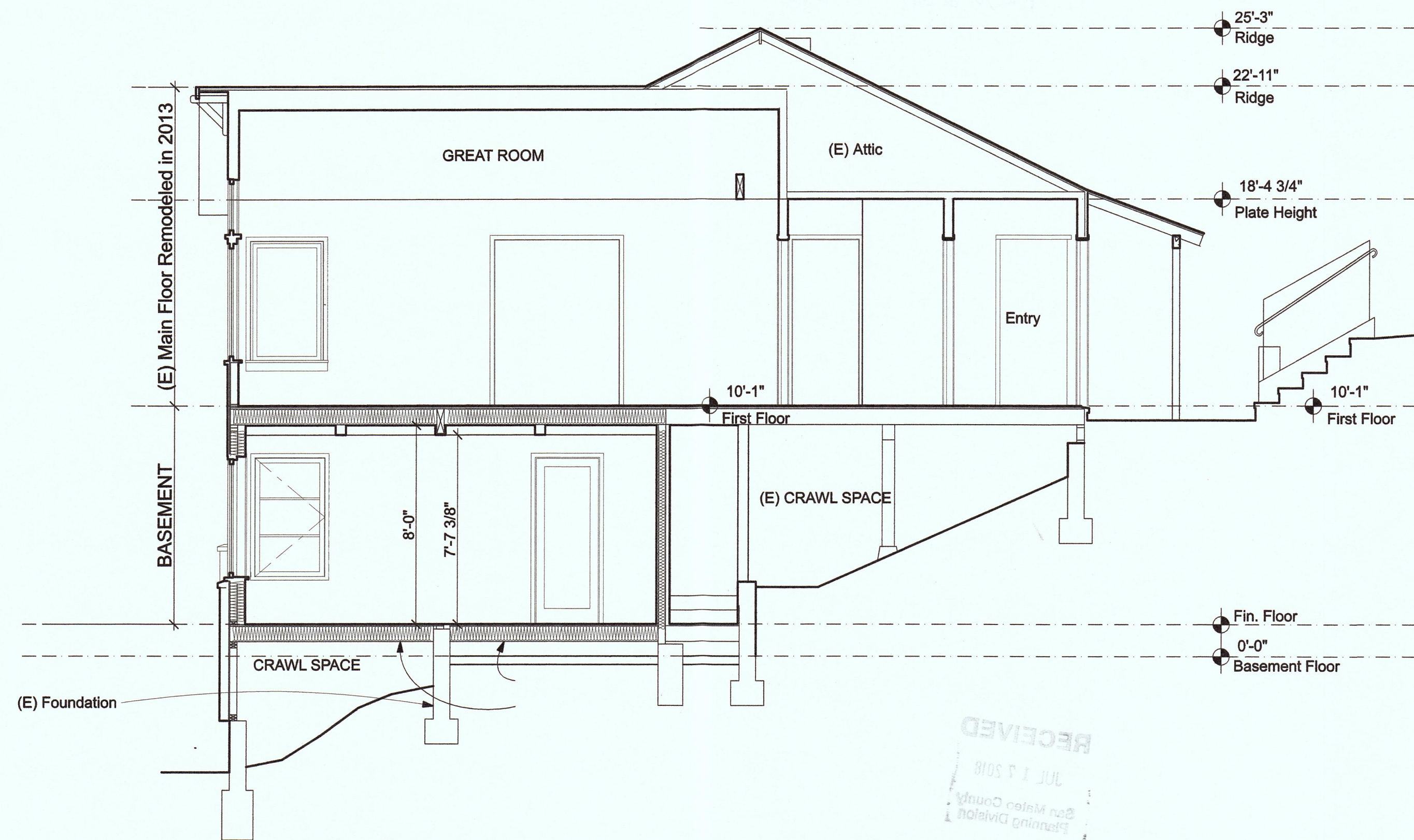


**NOTES:**

1. Address numbers assigned by the Planning and Building Division shall be posted on all dwelling units and commercial structures. Address numbers shall be a minimum of 4" in height, 1/2" stroke, on a contrasting background. Address numbers and directional signs may be required at the entrance to the driveway/access road, road forks, and intersections. When located on the street the numbers shall be visible from each direction of travel. This remote signage shall consist of a 6 inch by 18 inch green reflective metal sign with 3 inch reflective Numbers/Letters similar to Hy-Ko 911 or equivalent.
2. A fuel Break or defensible space is required around the perimeter of all structures, existing and new, to a distance of not less than 30 feet and may be required to a distance of 100 feet or to the property line. This is neither a requirement nor an authorization for the removal of living trees.
3. Trees located within the defensible space shall be pruned to remove dead and dying portions, and limbed up 6 feet above the ground. New trees planted in the defensible spaces shall be located no closer than 10 feet to adjacent trees when fully grown or at maturity.
4. Remove that portion of any existing trees, which extends within 10 feet of the outlet of a chimney or stovepipe or is within 5 feet of any structure. Maintain any tree adjacent to or overhanging a building free of dead or dying wood.



Per CAL FIRE  
 Residential Buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least six feet above the finished surface of the driveway.

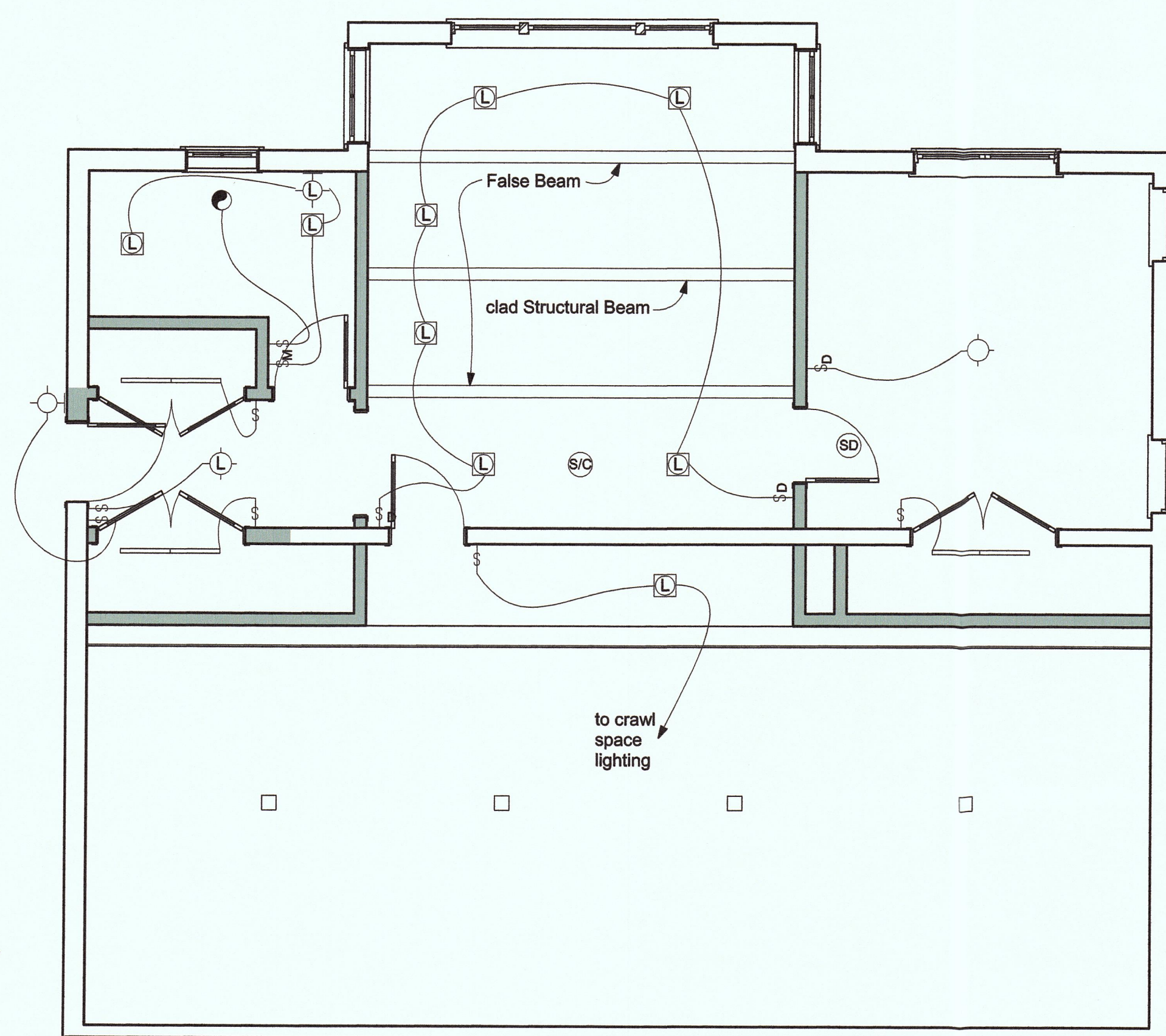


3 BUILDING SECTION

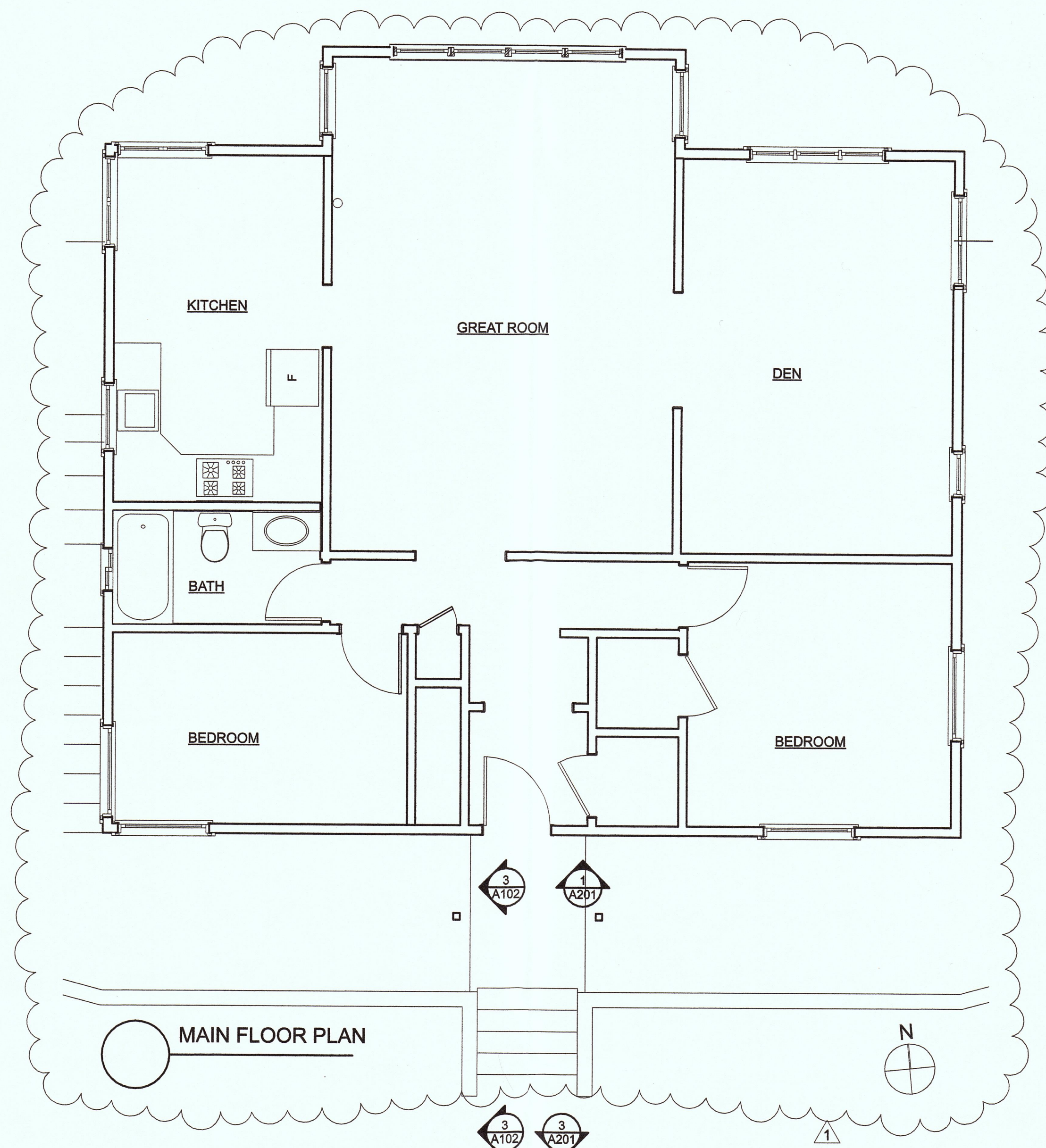
LIGHTING SYMBOLS KEY	
(E)	EXISTING
M	MANUALLY OPERATED TIMED SWITCH
3	THREE WAY SWITCH
4	FOUR WAY SWITCH
D	DIMMER SWITCH
0"	CEILING HEIGHT ABOVE FIN. FLOOR
⊙	EXHAUST FAN
⊙	CEILING MOUNTED INCANDESCENT
⊙	RECESSED Incandescent Light 4"
⊙	RECESSED LED
⊙	Recessed Low Voltage
⊙	WALL MOUNTED INCANDESCENT
⊙	CEILING MOUNTED FLUORESCENT (MIN 40 LUMENS PER WATT)
⊙	FLUORESCENT 2x4 CEILING
—	Undercabinet Strip LED
S/C	SMOKE & CARBON DIOXIDE DETECTOR
SD	SMOKE DETECTOR / ALARM
JS	JAMB SWITCH
PC	PULL CHAIN
DL	DAMP LOCATION
WP	WEATHER PROOF - GFCI
⊙	Ceiling Mounted Fan Light
—	Closet Strip Light - Fluorescent
△	Adjustable Track Spotlighting
⊙	SPRINKLER HEAD

ELECTRICAL AND MECHANICAL SYMBOLS	
⊙	DUPLEX OUTLET
⊙GFCI	Ground Fault Circuit Interrupting Outlet
⊙220	220 VOLT OUTLET
⊙WP	WEATHER RESISTANT OUTLETS
⊙	HALF-HOT DUPLEX OUTLET
⊙	DUPLEX FLOOR OUTLET
⊙	HALF-HOT DUPLEX FLOOR OUTLET
⊙	FOURPLEX OUTLET
⊙	FAN
⊙	COAXIAL CABLE / ETHERNET CONNECTION
⊙	TV w/TELEPHONE LINE (SATELITE)
⊙	TELEPHONE/COMMUNICATIONS LINE
AC	ABOVE COUNTER
GFCI	GROUND FAULT CIRCUIT INTERRUPTING
SK	SECURITY KEYPAD
DB	DOORBELL BUTTON
DB	DOORBELL CHIME
SUB	ELECTRICAL SUB- PANEL
⊙	DEDICATED CIRCUIT/ APPLIANCE OUTLET
T	THERMOSTAT
F	RETURN AIR GRILLE
F	SUPPLY AIR DIFFUSER
F	SUPPLY AIR REGISTER IN WALL OR TOE KICK
HB	HOSE BIB
GR	GATE RELEASE BUTTON

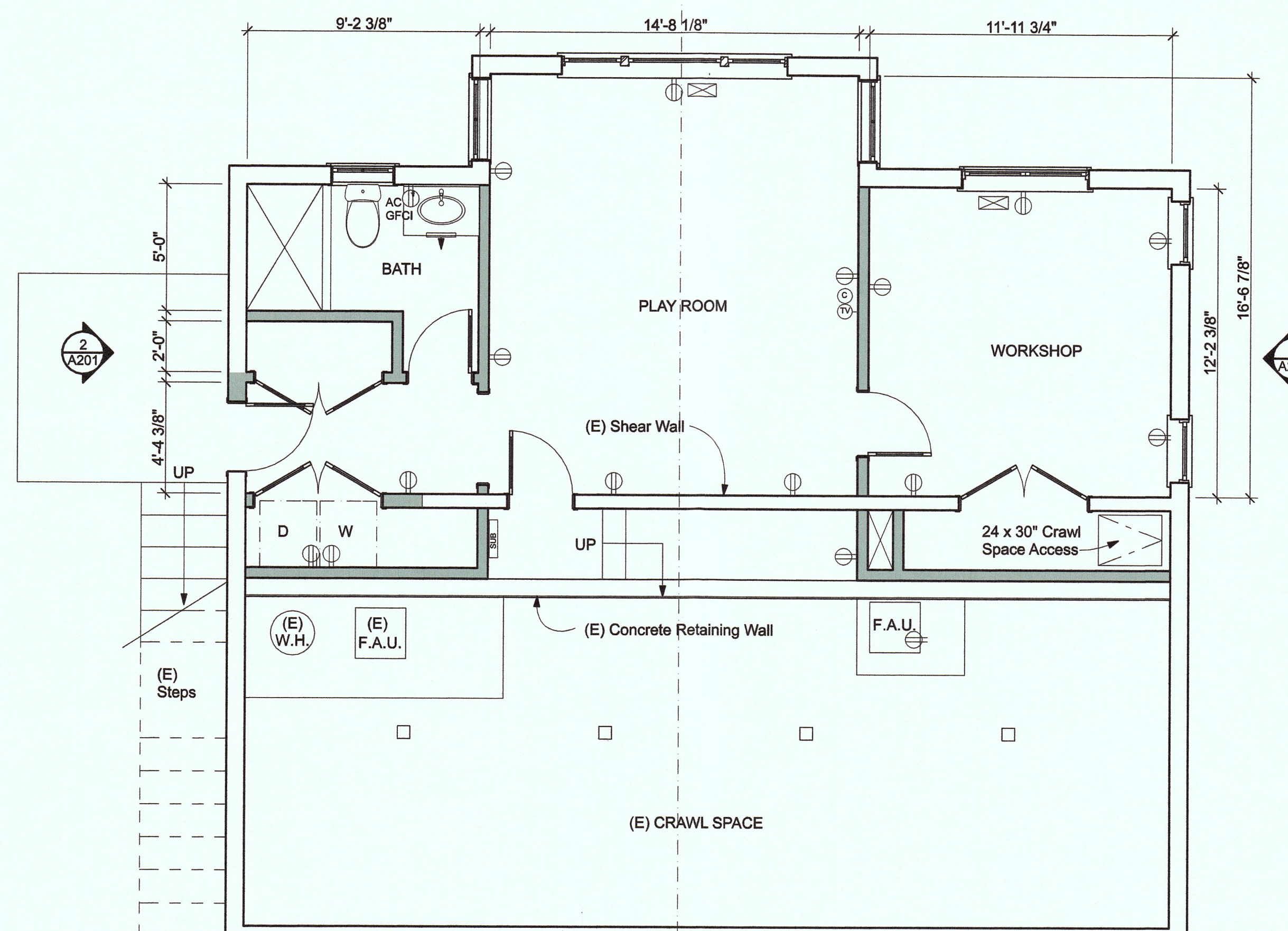
- NOTES:
1. PROVIDE TWO BRANCH CIRCUITS DEDICATED TO WALL AND COUNTER OUTLETS AT KITCHEN AND DINING ROOM PER CEC 210-52 (b)
  2. PROVIDE ONE 20 AMP DEDICATED CIRCUIT FOR LAUNDRY RECEPTACLES PER CEC 210-11 (c) (2)
  3. PROVIDE ONE DEDICATED 20 AMP CIRCUIT TO BATHROOMS TO SUPPLY RECEPTACLE OUTLETS PER CEC 210-52 (d) AND 210-11 (c) (3)
  4. ALL BRANCH CIRCUITS THAT SUPPLY 125-VOLT, SINGLE PHASE, 15- AND 20- AMPERE RECEPTACLE OUTLETS INSTALLED IN DWELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, DENS, BEDROOMS, CLOSETS, HALLWAYS, OR SIMILAR ROOMS OR AREA SHALL BE PROTECTED BY AN ARC FAULT CIRCUIT INTERRUPTER(S) PER CEC 210-12
  6. SMOKE DETECTORS/ALARMS TO BE HARDWIRED AND INTERCONNECTED WITH BATTERY BACK UP.
  7. SMOKE ALARMS SHALL SOUND AN ALARM AUDIBLE IN ALL SLEEPING AREAS.



2 CEILING & LIGHTING PLAN



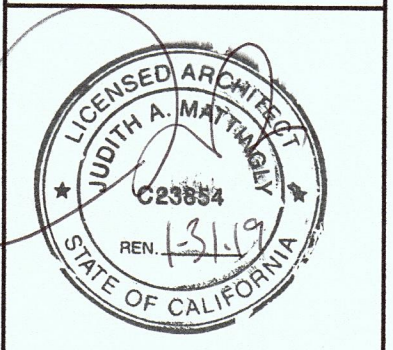
MAIN FLOOR PLAN



1 BASEMENT PLAN

(E) Walls  
(N) Walls

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646 Church Street  
San Francisco, CA 94114  
tel 415-431-2848 fax 415-431-2847

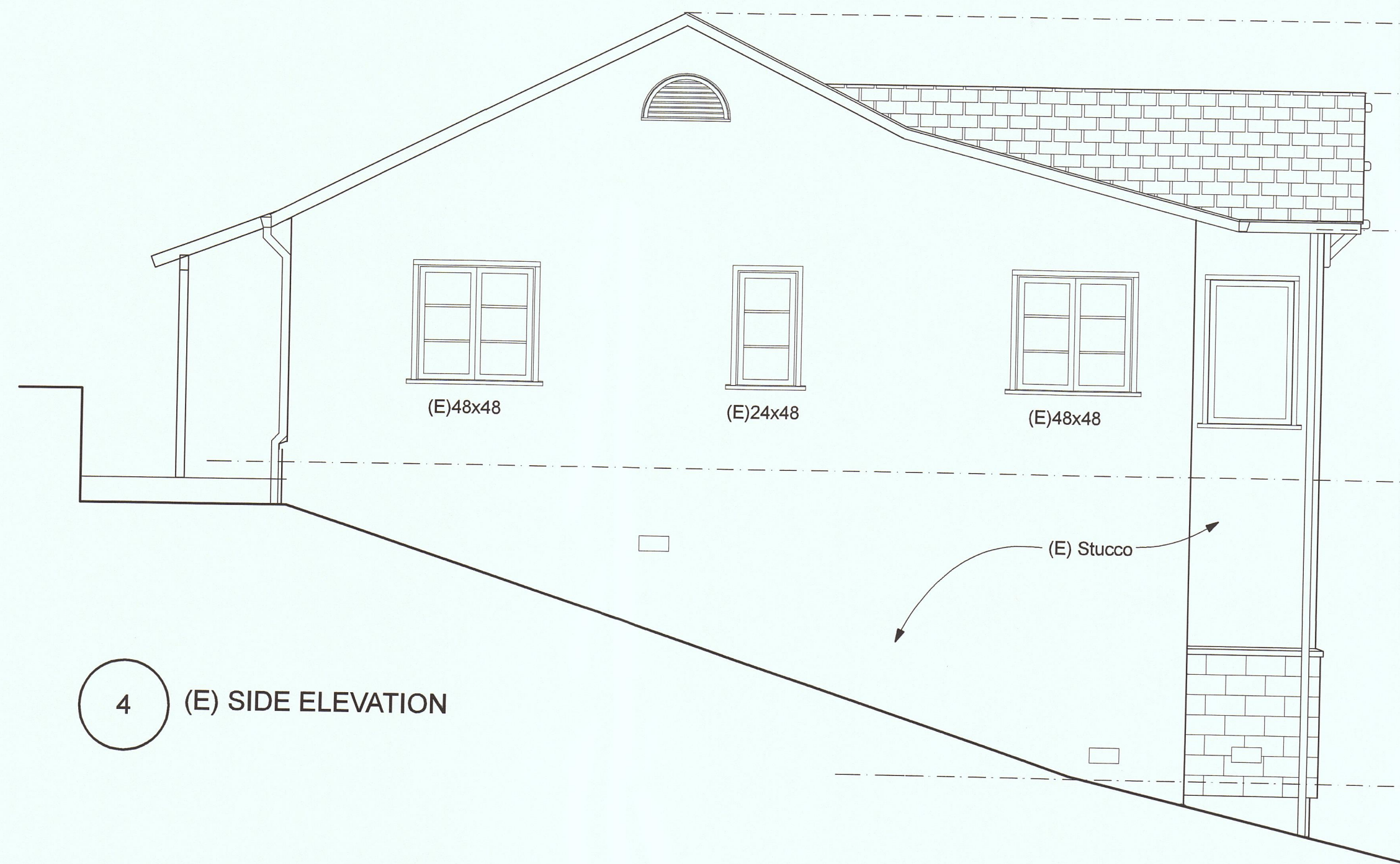


CASITA ADDITION & REMODEL  
546 HILLSIDE ROAD  
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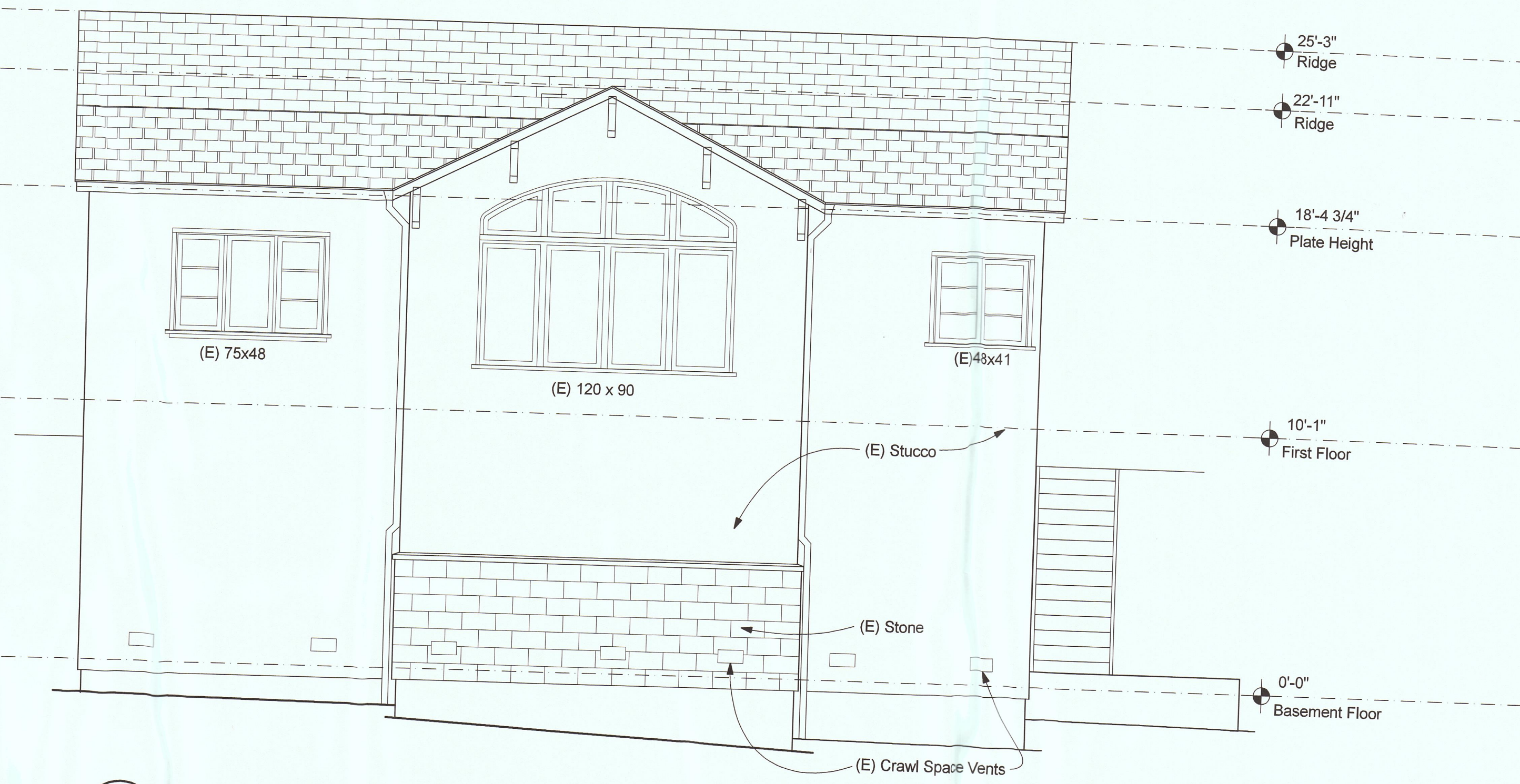
MARK	DATE	DESCRIPTION
	03/28/18	Building Permit
1	07/16/18	Planning Plan Check Comments

PROPOSED PLANS  
Scale 1/4" = 1'-0"

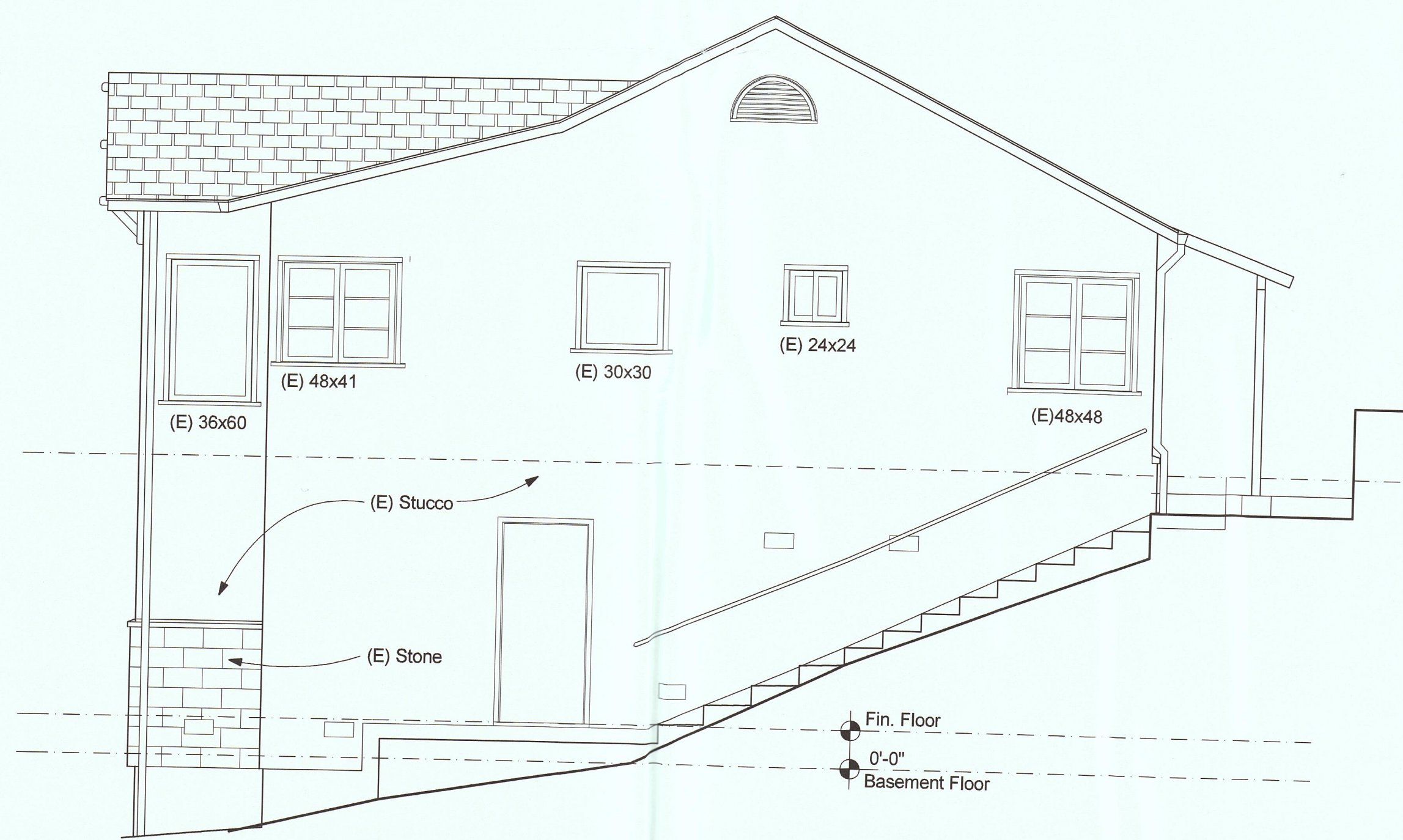
A102



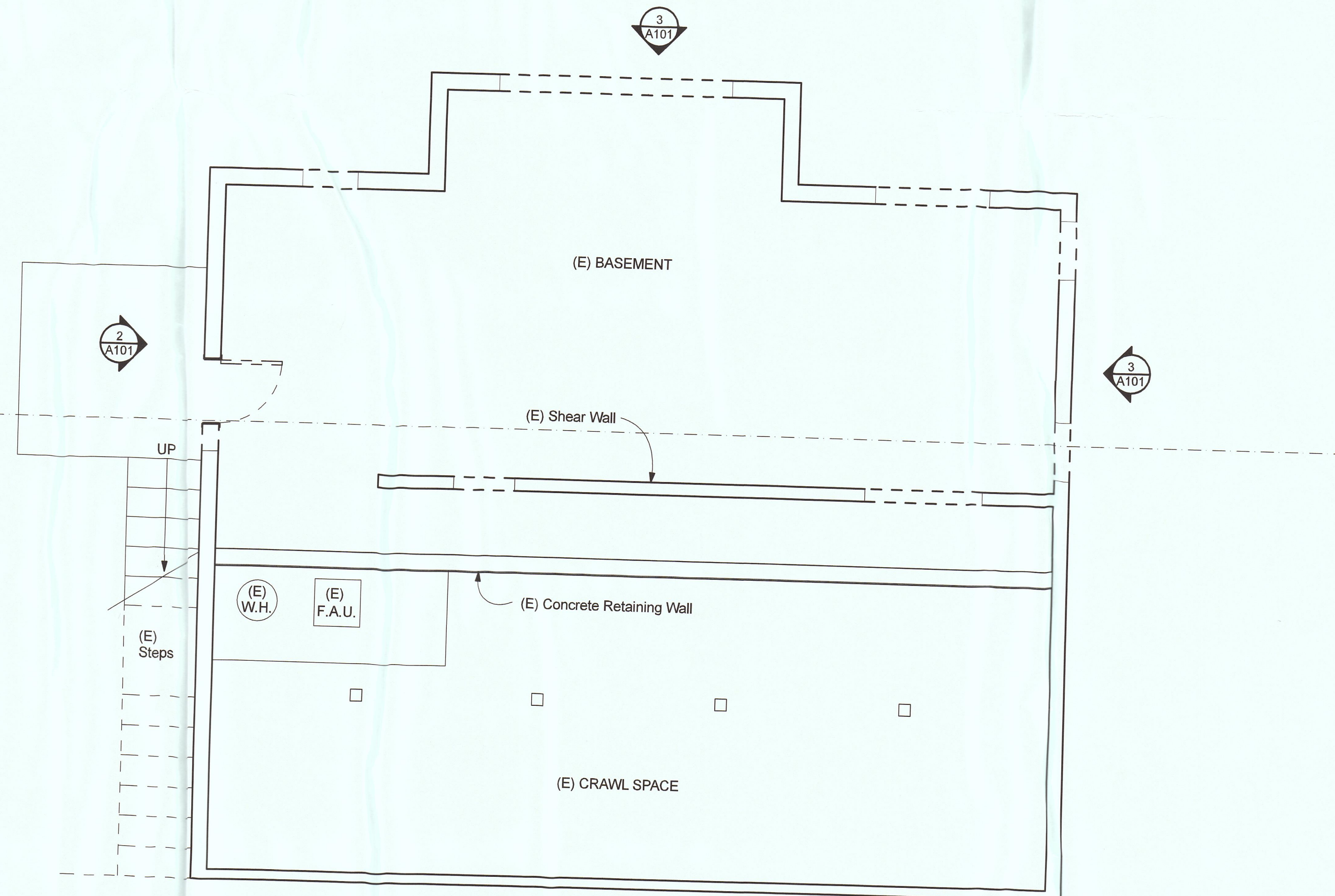
4 (E) SIDE ELEVATION



3 (E) REAR ELEVATION



2 SIDE ELEVATION



1 EXISTING BASEMENT PLAN

— (E) Walls  
 - - - - - Walls, Fixtures, to be Removed

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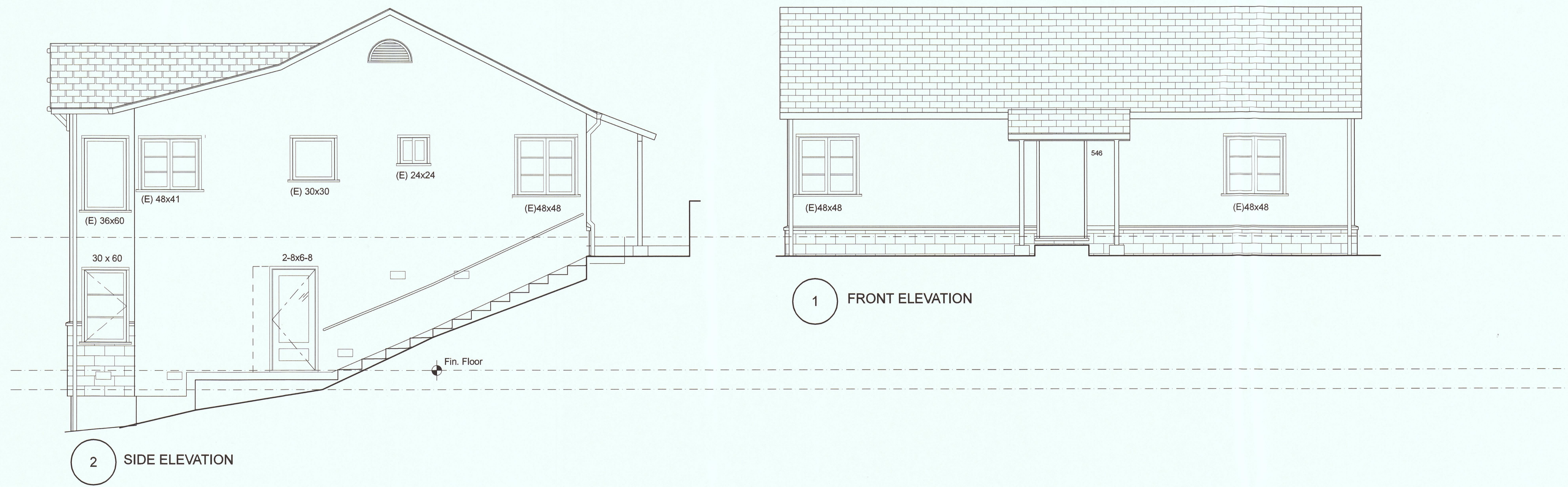
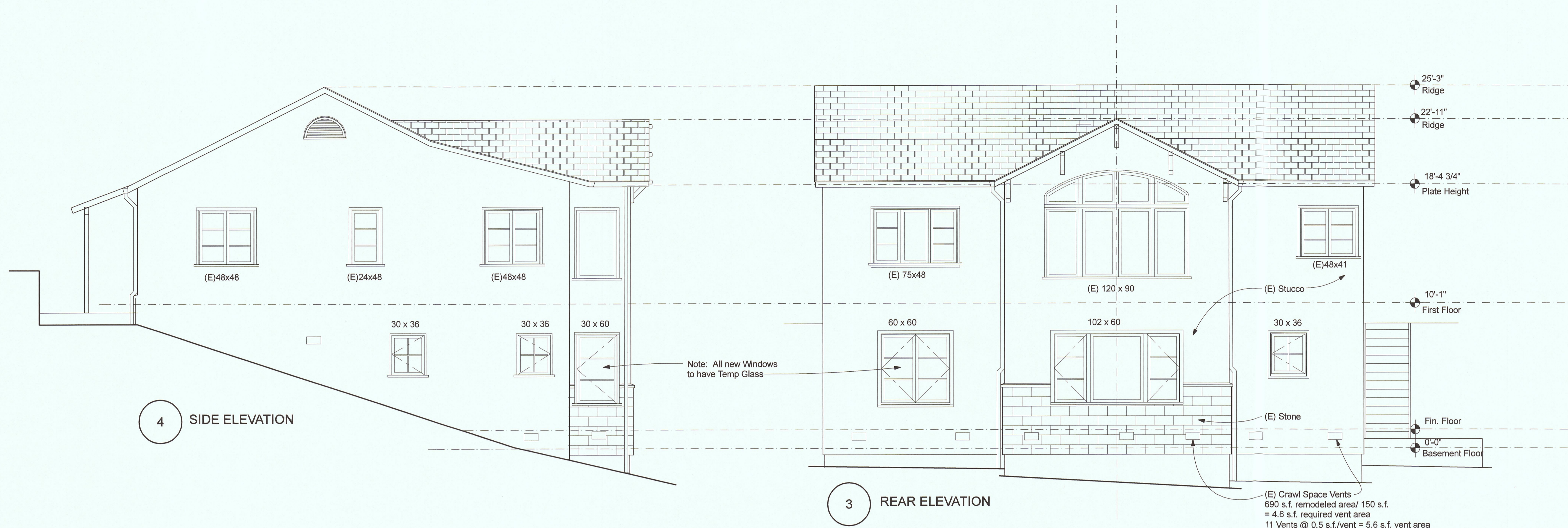
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MARK	DATE	DESCRIPTION
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(E) PLANS & ELEVATIONS

Scale 1/4" = 1'-0"

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CASITA ADDITION & REMODEL  
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MARK	DATE	DESCRIPTION
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ELEVATIONS

Scale 1/4" = 1'-0"

A201