

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

DATE: May 16, 2019

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit, pursuant to Sections 6500 of County Zoning Regulations, to legalize the conversion of a 466 sq. ft. accessory structure into a Second Dwelling Unit with reduced side yard and rear yard setbacks, located at 667 18th Avenue in the North Fair Oaks Community of San Mateo County.

County File Number: PLN 2018-00275 (Liu/Barmina)

PROPOSAL

The applicant is requesting a Use Permit to allow for a reduced rear yard setback of 3-feet (where 5-feet is required); and a reduced right-side yard setback of 2-feet (where 5-feet is required) for a one-story 466 sq. ft. detached Second Dwelling Unit converted from an existing workshop built prior to 1959. The Second Dwelling Unit, aside from the rear and side yard setback requirements, meets all zoning development standards for Second Dwelling Units, and building site coverage area and floor area requirements for the R-1/S-73 District.

The project was considered by North Fair Oaks Community Council (NFOCC) at the February 28, 2019 meeting. The NFOCC voted against the motion to recommend approval to the Zoning Hearing Officer by a four to three vote of the NFOCC members in attendance without further comment.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit, County File No. PLN 2018-00275, 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: Liu Hongche

Applicant: Maria Barmina

Location: 667 18th Avenue, North Fair Oaks

APN: 060-142-020

Parcel Size: 8,025 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 1,640 sq. ft. single-family residence with a 460 sq. ft. attached two-car garage, and a detached 456 sq. ft. workshop in the rear yard constructed in 1958. 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) and located within the Single-Family Residential (15 du/ac to 25 du/ac) Urban Land Use designation

Chronology:

<u>Date</u>	<u>Action</u>
July 20, 2018	- Use Permit application to legalize the conversion of an existing workshop to second dwelling unit, with non-conforming setbacks (PLN 2018-00275), to allow for a 3-foot rear and 2-foot side yard setback (where 5-feet is required for a second dwelling unit).
August 2, 2018	- Building permit application to legalize conversion of 466 sq. ft. workshop into Second Dwelling Unit (BLD 2018-01618).

February 28, 2019 - North Fair Oaks Community Council Meeting. A motion by the Council to recommend approval of the Use Permit to the ZHO, failed on a three to four vote, without further comment.

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)

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 8,025 sq. ft. parcel. The parcel is developed such that the primary residence impedes any view of the second dwelling unit and the rear yard from the streets. 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.

b. Policy 8.39 (Height, Bulk, and Setbacks)

This policy regulates height, bulk, and setback requirements in zoning districts in order to: (1) ensure that the size and scale of development is compatible with parcel size, (2) provide sufficient light and air in and around structures, (3) ensure that development of permitted densities is feasible, and (4) ensure public health and safety. The Second Dwelling Unit Ordinance requires a 5-foot rear setback for second dwelling units of 16-feet in height or less. The second dwelling unit was constructed at 3-feet from the rear property line and 2-feet from the side property line, where a detached accessory structure was originally built in 1958. 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 requires compliance with current building codes by the Building Inspection Section before final approval of the active building permit (BLD 2018-01618). The Building Inspection Section has

reviewed and approved the project and found it in conformance with building standards. Fire sprinklers would not be required to change the designation from workshop to habitable space. The reduced rear and side yard setbacks will still ensure sufficient light and air around the structure. Further, as a second dwelling unit, the unit is exempt from the minimum lot area per dwelling unit provision of the S-73 Zoning District, thus the development density is allowed.

2. Compliance with the North Fair Oaks Community Plan

Staff has reviewed and determined the project complies with all the applicable goals and policies identified in the North Fair Oaks Community Plan, an element of the General Plan, including the following:

Chapter 6, Goal 6.1 (Increase Affordable Housing Options in North Fair Oaks) directs the County to support new affordable rental and ownership housing to meet the needs of current and new North Fair Oaks residents. Policy 1D.5 of Chapter 6, states the need for the County to identify the significant existing need for affordable housing in the North Fair Oaks area and to encourage legal second dwelling units which add to the overall housing supply, allowing for a variety of housing options. Policy 1F directs the County, in the case of conflicting or unclear regulations or policies, and in the course of discretionary approval, to interpret zoning regulations in a manner that prioritizes creation of new residential uses. The granting of the use permit would also fulfill the County’s policies to prioritize the creation of new residential uses, particularly affordable housing.

3. 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	Existing Structures
Minimum Parcel Size	5,000 sq. ft.	8,026 sq. ft.
Maximum Parcel Lot Coverage	50% (3,000 sq. ft.)	32% (2,602 sq. ft.)
Maximum Parcel Floor Area Ratio	47.6% (2,860 sq. ft.)	32% (2,602 sq. ft.)
Minimum ADU Rear Yard Setback	5 ft.	3 ft.

Minimum ADU Side Yard Setbacks	5 ft. (right side) 5 ft. (left side)	2 ft. (right side) 48 ft. (left side)
Minimum Distance from Residence	5 ft.	5 ft.
Maximum ADU Height	26 ft.	11 ft.
<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 the project is compliant with the required parking spaces for second dwelling units. The primary residence is served by a two-car garage.

4. North Fair Oaks Community Council (NFOCC) Meeting

The NFOCC heard the project to consider granting a recommendation to the Zoning Hearing Officer to allow for reduced setbacks on February 28, 2019. Staff spoke in support of the project, as it fulfills the County's regional housing needs allocation through the creation of additional residential units. During the public comment period, a neighbor spoke in objection to the project on concerns of noise from previous residents who were on Section 8 housing vouchers. The County has an adopted noise control ordinance that restricts excessive noise level, with the Sherriff's Department and the Environmental Health Services acting on complaints. In addressing housing, the County encourages the development of all forms of affordable housing and recognizes second dwelling units as being one of the forms with the least barriers for development. The NFOCC had seven of eight members in attendance, voting three to four on a motion to recommend approval by the Zoning Hearing Officer. One council member voiced their support for adding housing in the County. The council did not deliberate or provide further comment on the failed motion, and no subsequent motion was made.

5. 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 dwelling units not meeting all applicable development 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 unpermitted second dwelling unit was constructed to utilize the footprint of an existing 466 sq. ft. accessory structure which was constructed in 1958. The second dwelling unit will 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 Dwelling 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 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 of a second dwelling unit in a residential zone.

C. REVIEWING AGENCIES

Building Inspection Section

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 2018-00275

Hearing Date: May 16, 2019

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 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 public safety and welfare.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

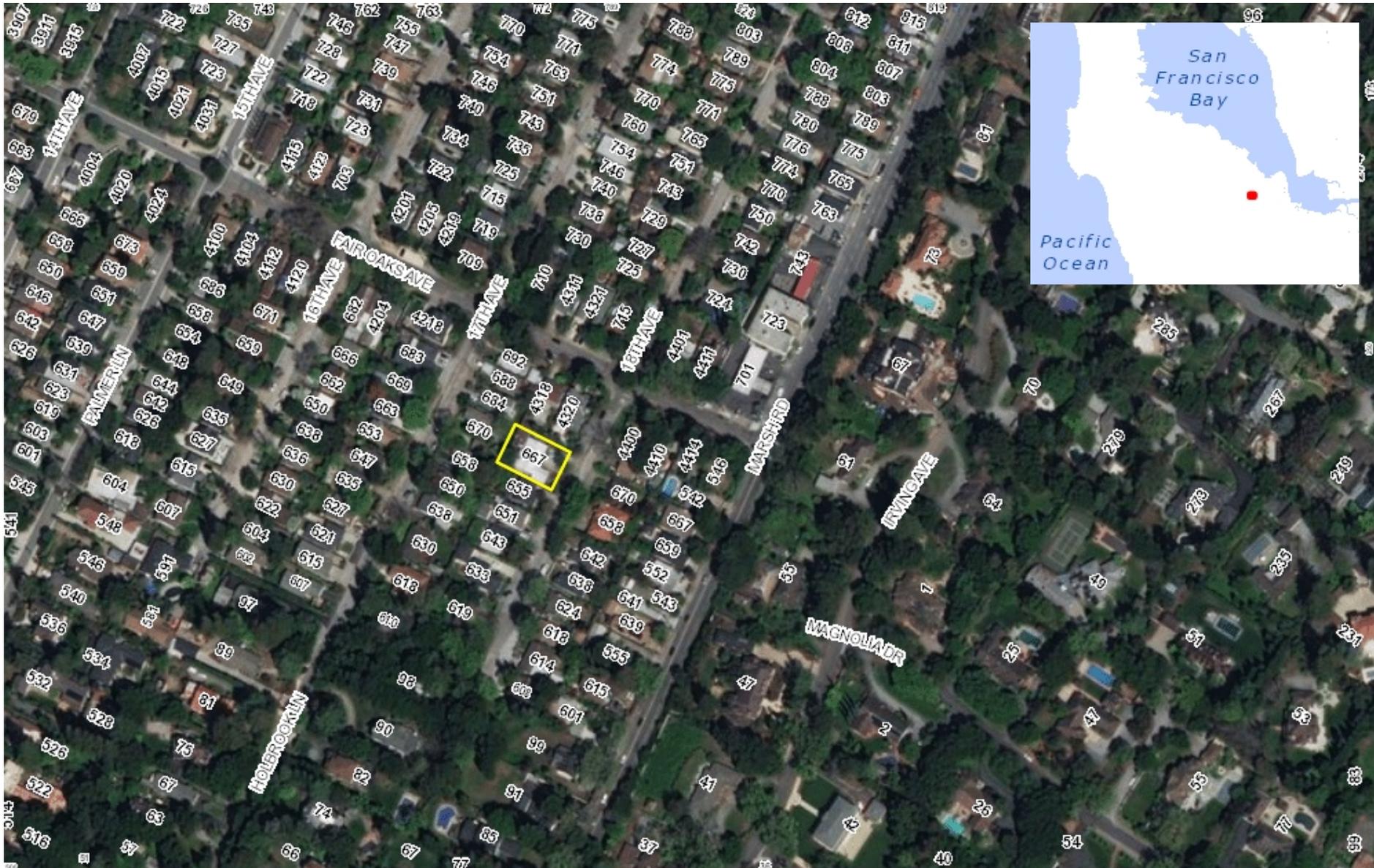
1. This approval applies only to the proposal, documents, and plans described in this report and submitted to and approved by the Zoning Hearing Officer on May 16, 2019. Minor modifications to the project may be approved by the Community Development Director if they are consistent with the intent of, 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 issued. 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 1/2 feet above the ground shall require a separate tree removal permit.
4. Upon completion of all building permits associated with the project, photos of the completed exterior colors and materials matching the primary residence shall be submitted prior to Planning final approval.
5. 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

6. Final inspection of Building Permit BLD 2018-01618 for this project is required prior to certificate of occupancy issuance.
7. Walls of the proposed ADU less than 5' to a property line shall be one (1) hour fire rated.
8. As currently proposed, fire sprinklers are not required for this project based on a Building Safety Score of 21.14.

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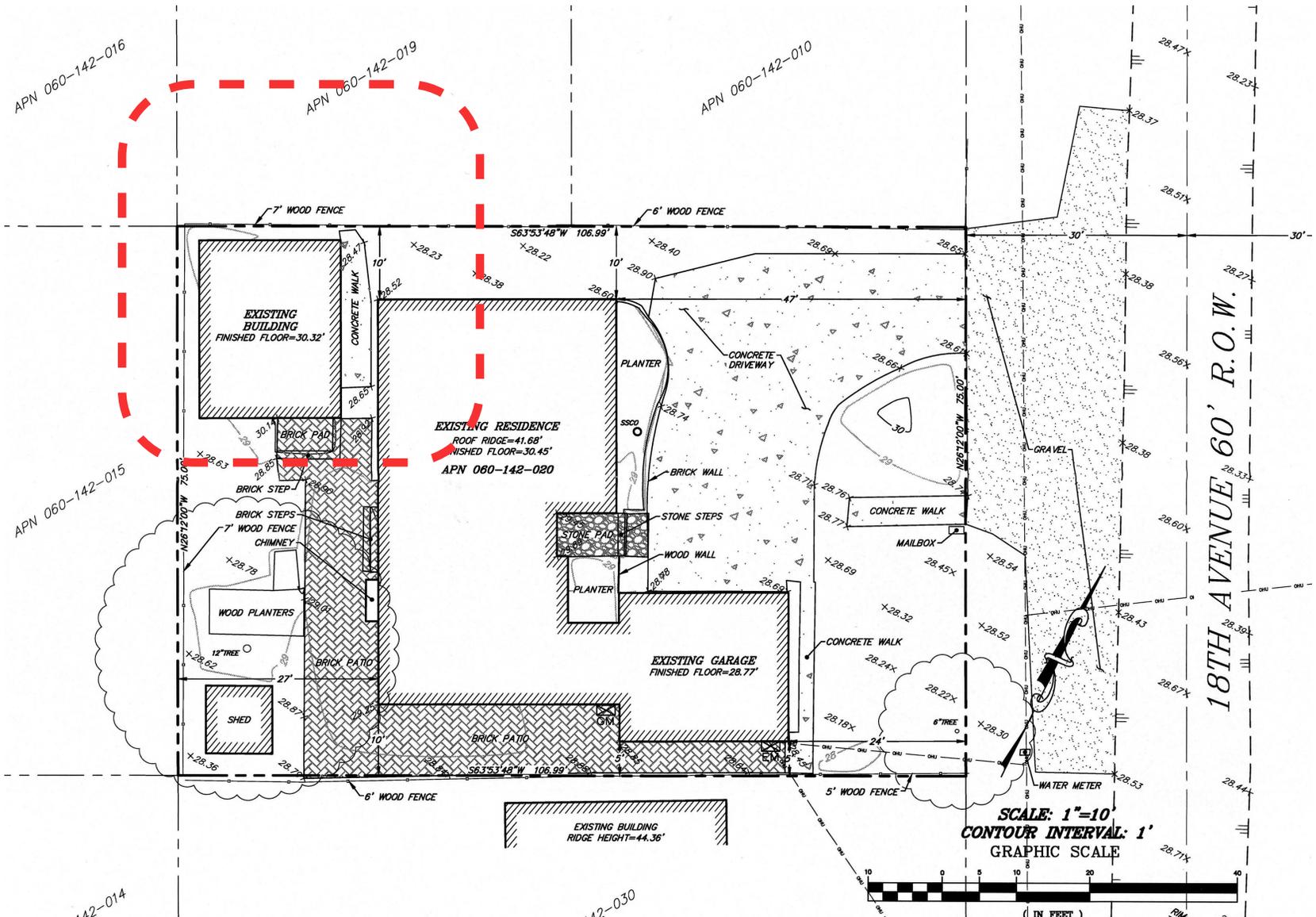
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Owner/Applicant:

Attachment:

File Numbers:

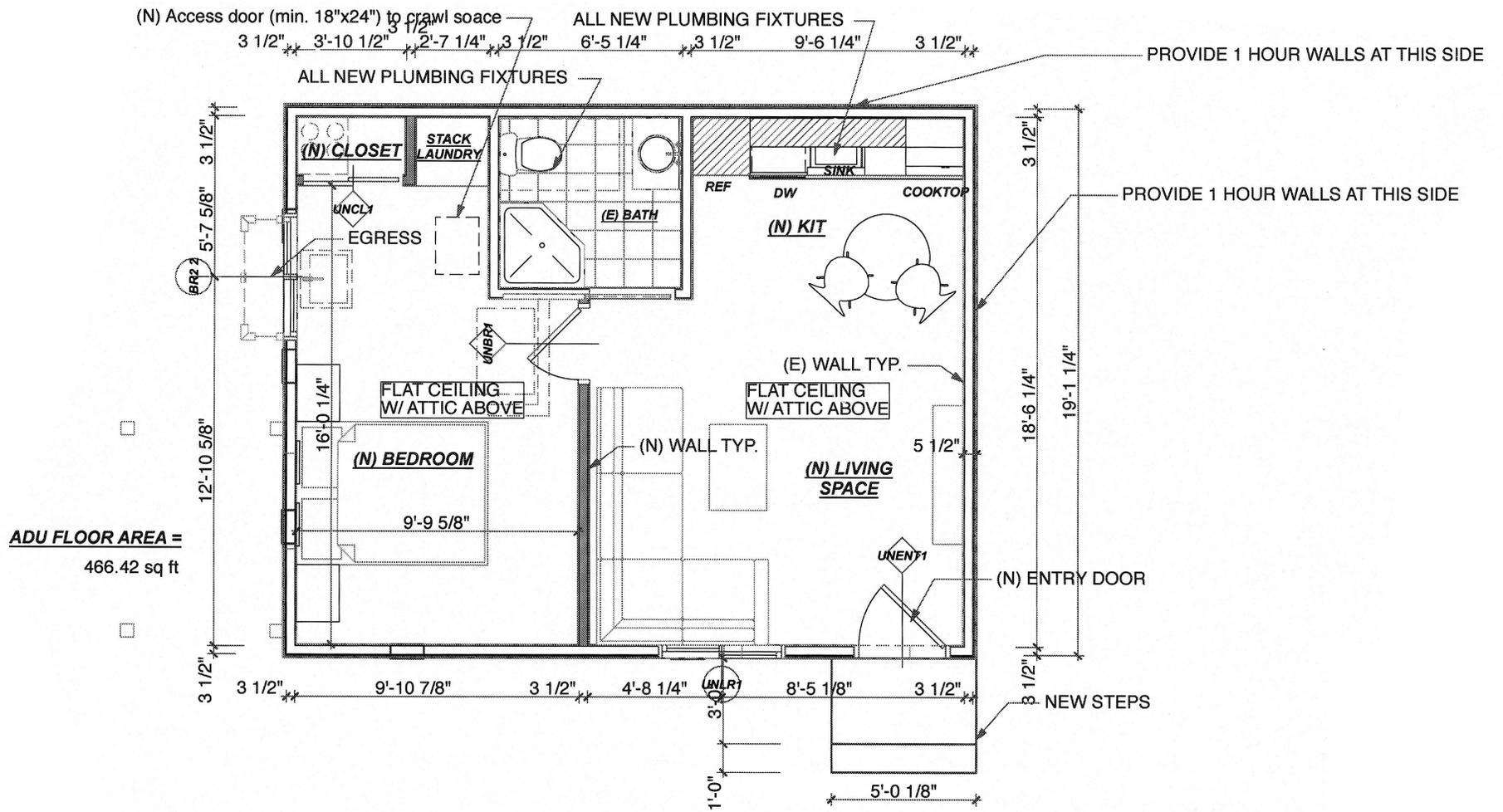


SITE PLAN

Owner/Applicant:

Attachment:

File Numbers:



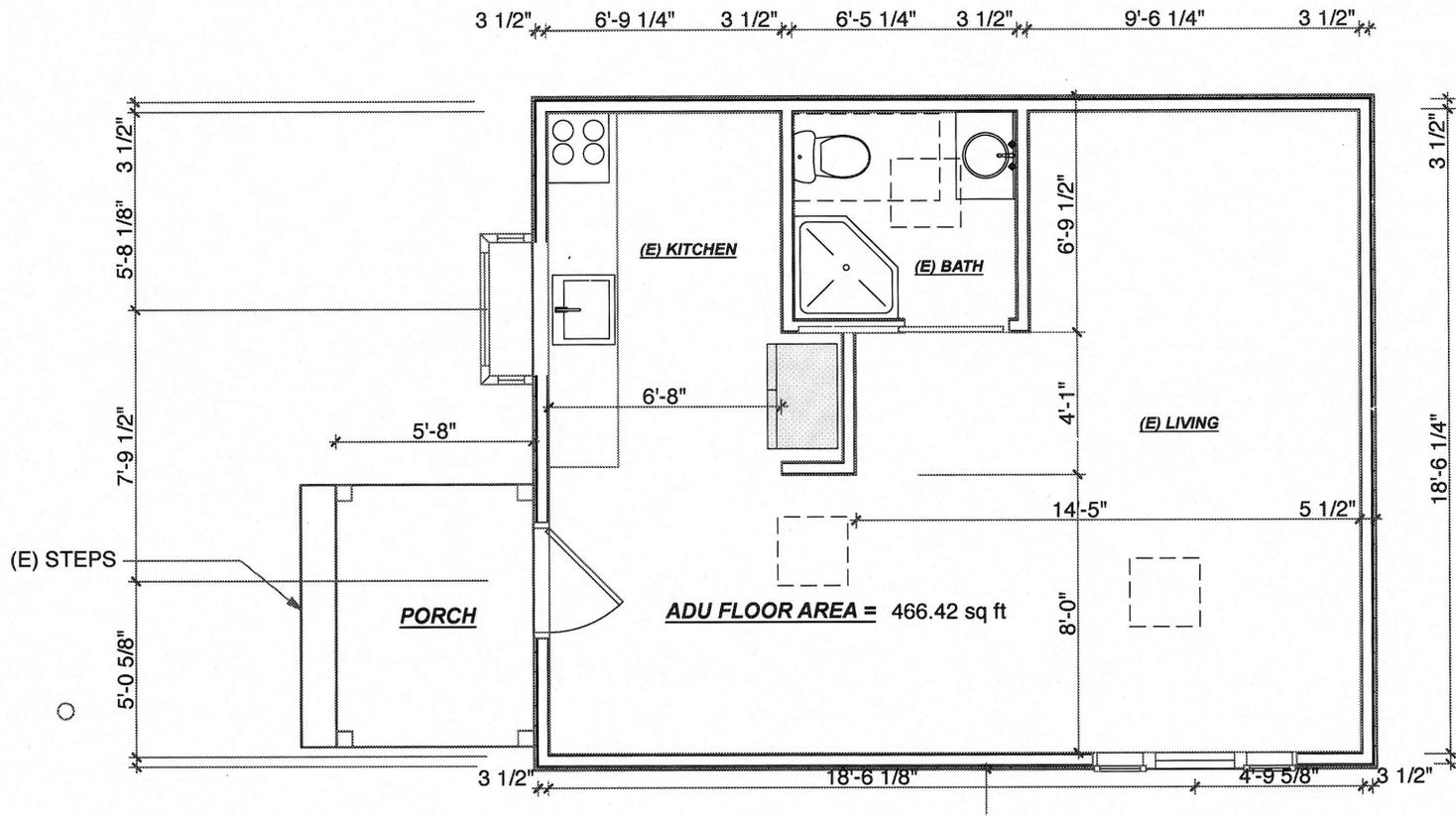
PROPOSED FLOOR PLAN

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers:



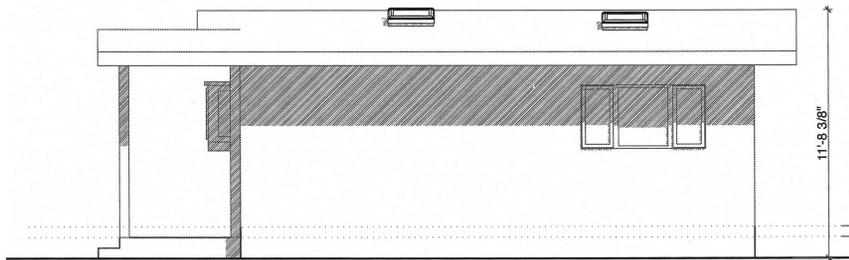
EXISTING FLOOR PLAN

San Mateo County Zoning Hearing Officer Meeting

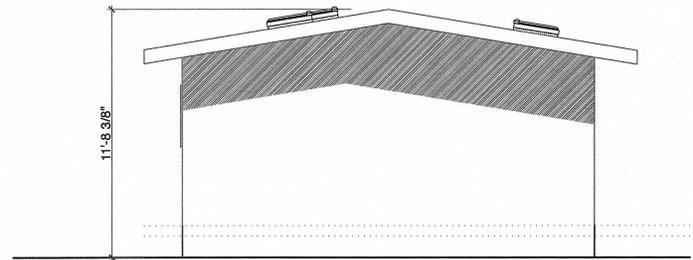
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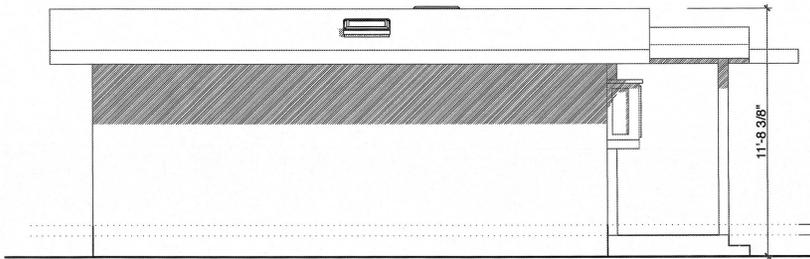
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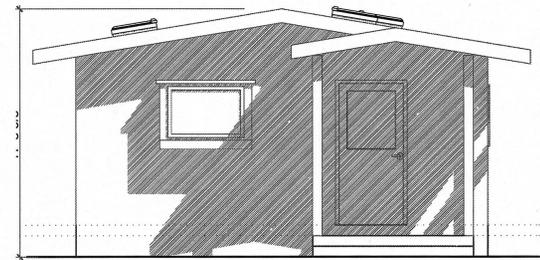
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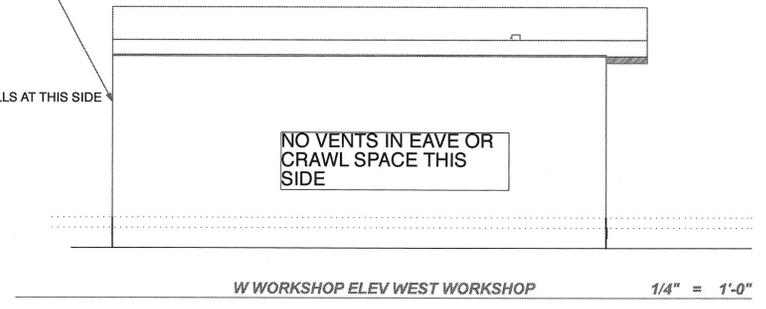
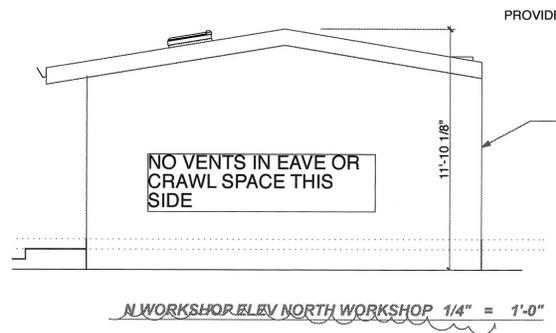
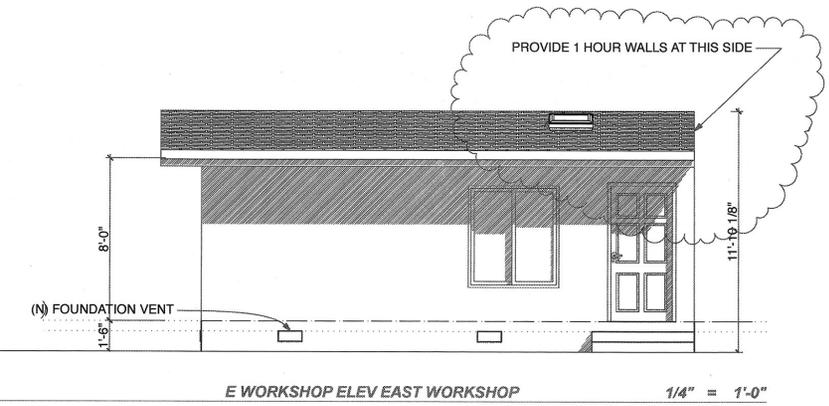
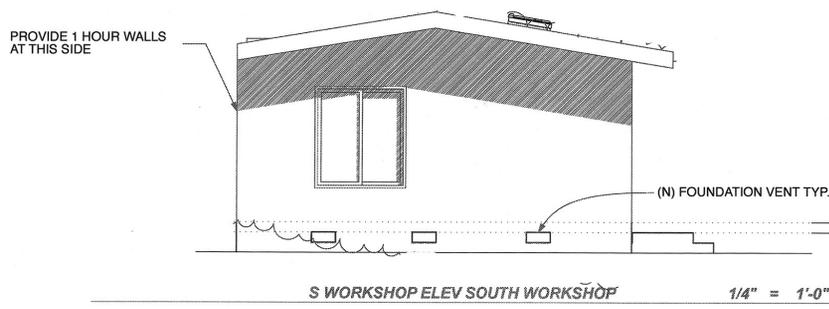
EXISTING ELEVATION

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

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PROPOSED ELEVATION

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____ Attachment: _____

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