

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

DATE: September 5, 2019

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Non-Conforming Use Permit, pursuant to Section 6137 of the San Mateo County Zoning Regulations, to permit an addition to a non-conforming single-family residence and allow two uncovered parking spaces, where two covered parking spaces are required, for a property located at 146 Skylonda Drive in the unincorporated Woodside area of San Mateo County.

County File Number: PLN 2017-00225 (Melendez)

PROPOSAL

The applicant is seeking to add a 748 sq. ft. addition to the existing legal non-conforming three-story, two-bedroom, 1,672.5 sq. ft. single-family residence. The addition will expand the existing kitchen and bathroom, and add a new children's play room and covered entrance. The residence currently encroaches into the front yard setback by 1.5 feet and does not have the required covered parking. The addition will further reduce the non-conforming front yard setback to 7.5-foot (where 20 feet is required). Existing development on the property also includes a detached office, parking platform, and shed.

The ~545 sq. ft. legal non-conforming parking platform and 58 sq. ft. shed straddle the property line, with roughly 75% of the structures encroaching into the right-of-way (ROW); the parking platform can accommodate three parking spaces. The portion of the shed that is within the ROW will be removed prior to the building permit final inspection. The parking pad will remain as existing. A parking exemption has been requested to accept the uncovered parking platform in lieu of the required two covered parking spaces. An existing detached office structure also encroaches into the front yard setback by approximately 7.25 feet. This structure was built with permits in 1976. There are no changes proposed for this structure. No tree removal is proposed and earthwork includes 143 cubic yards of cut.

RECOMMENDATION

That the Zoning Hearing Officer approve the Non-Conforming Use Permit, County File Number PLN 2017-00225, by making the required findings and adopting the Conditions of Approval in Attachment A.

BACKGROUND

Report Prepared By: Kelsey Lang, Project Planner, 650-599-1549

Owner/Applicant: Raoul and Daphne Melendez

Location: 146 Skylonda Drive, Woodside

APN: 075-161-450

Size: 19,880 sq. ft.

Existing Zoning: R-1/S-10 (Single-Family Residential)

General Plan Designation: Low Density Residential Rural (0.3 – 2.3 dwelling units/acre)

Sphere-of-Influence: Woodside

Existing Land Use: Single-family residence

Water Supply: Skylonda Mutual Water Company

Sewage Disposal: Existing septic system.

Flood Zone: FEMA flood Zone X (area of minimal flood hazard). FEMA flood panel 06081C0291E; effective October 16, 2012.

Environmental Evaluation: Categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 (*Existing Facilities*), relating to additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 sq. ft., whichever is less. The project proposes to increase the floor area of the structure by 748 sq. ft. (44% of the existing floor area of the structure).

Setting: The property has a fairly steep slope and is located between La Honda Road and Skylonda Drive. The existing dwelling is not visible from either street, as the dwelling sits 15 feet below street level from Skylonda Drive. The property is situated within a mature single-family residential area and surrounded by single-family residences built in the 1930s.

Chronology:

Date

Action

June 29, 2017	- Planning application submitted proposing to add an addition to the existing dwelling unit and request the parking exemption. (County File Number PLN 2017-00225).
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July 2017 – May 2019 - Resubmission requested by Environmental Health Services, Department of Public Works, County Arborist, and Planning Section to address purpose of children’s play room, missing information, and tree protection measures.

May 20, 2019 - Application deemed complete.

September 5, 2019 - Zoning Hearing Officer Hearing.

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

Visual Quality Policies

Policy 4.24 (*Rural Development Design Concept*) seeks to encourage visual quality in relation to the scenic character or the natural landscape. Policies 4.25 (*Location of Structures*) and 4.26 (*Earthwork Operations*) seek to locate structures to conform with the topography of the site and minimize noise, light, and glare on adjacent properties and roads.

The subject property is located within the rural residential community of unincorporated Woodside. The addition requires minimal grading (143 cubic yards of cut) to construct the expanded kitchen and bathroom, which includes locating a retaining wall and drainage swale closer to the front property line. At 7.5 feet from the property line, the addition will place the residence closer to the road. However, due to the existing topography, the residence and addition will sit below the road way, thus minimizing noise, light, and glare onto Skylonda Drive. The existing dwelling matches the character of the neighborhood and is unobtrusive in the steep, forested setting.

Policy 4.48 (*Topography and Vegetation*) and Policy 4.52 (*Colors and Materials*) make up part of the Architectural Design Standards for Rural Scenic Corridors. This parcel is within the La Honda Road County Scenic Corridor. The addition of the house is on the side of the property furthest from La Honda Road, and the topography makes it such that neither the existing house nor the one-story addition can be viewed from either La Honda Road or Skylonda Drive. The project colors and materials for the new exterior siding, roof, windows/doors, and deck railing have been reviewed to ensure that they that blend with and complement the surrounding natural environment. The use of the approved colors and materials will be a condition of this approval.

Rural Land Use Policies

Policy 9.3 (*Land Use Objectives for Rural Residential Subdivisions*) includes the objective of providing housing opportunities in the rural areas, and of protecting surrounding resources. This project enhances the existing housing stock while maintaining the natural resources on the property, as no trees are proposed to be removed.

Policy 9.21 (*Development Standards for Rural Residential Subdivisions*) seeks to protect both the natural resources surrounding the subdivision and maintain the compatibility of the development with the existing development pattern. The General Plan designates the subject property as Low Density Residential Rural. The existing dwelling complies with this designation and expansion of the top floor with its encroachment into the front yard setback will not change the use of the property as a single-family residence. The proposal maintains all existing trees on the site, and the encroachment into the front yard will not have a visual impact on the neighborhood due to the slope and parking pad.

Water Supply Policies

Policy 10.16 (*New Water Systems*) identifies water systems as an appropriate water supply method in rural subdivisions. The property is currently served by Skylonda Mutual Water Company. A referral of the project was sent to the water company with no comments received as of August 20, 2019.

Wastewater Policies

Policy 11.10 (*Wastewater Management in Rural Areas*) identifies individual sewage disposal systems as an appropriate method for rural subdivision designations. Environmental Health Services has reviewed the proposal and has conditionally approved the project subject to a condition of approval verifying the existing tank and leach field construction and condition.

2. Compliance with the Zoning Regulations

a. Development Standards R-1/S-10 Zoning District

The project parcel is zoned R-1/S-10. The single-family dwelling encroaches slightly into the front yard setback and the applicant requests a non-conforming use permit to allow an addition to the main residence to encroach further into the front yard setback, and to allow the parking platform to maintain no front yard setback. The project (as proposed) complies with all other R-1/S-10 Zoning Regulations, as discussed below.

	Development Standard	Existing	Proposed
Minimum Parcel Size	20,000 sq. ft.	19,880 sq. ft.	19,880 sq. ft.
Maximum Lot Coverage	25% (4,970 sq. ft.)	12% (2,267 sq. ft.)	15% (2,917 sq. ft.)
Front Setback	20 feet	18.5 feet / 0 feet for parking platform	7.5 feet / 0 feet for parking platform
Rear Setback	20 feet	~68 feet	~68 feet
Right Side Setback	10 feet	~33 feet	~33 feet
Left Side Setback	10 feet	~25 feet	~25 feet
Maximum Height	36 feet	~19.5 feet	~25 feet

The size and scale of this development is compatible with the parcel size, and is consistent with the development of the neighboring parcels. While the development encroaches into the front yard, the building maintains sufficient light and air circulation to ensure public health and safety.

The project complies with the maximum height, maximum lot coverage, and setback requirements of the S-10 development standards with exception to the front yard setback which will be remedied by approval of the non-conforming use permit.

b. Parking Regulations

The property has three uncovered parking spaces where two covered spaces are required for the main unit as required by Section 6119 (*Parking Requirements*). The three uncovered parking spaces are provided on a parking platform that straddles the front property line and the right-of-way. Due to the steep slope of the property, a compliant two-car garage cannot be built without reconstructing the existing house and significant grading. The three existing parking spaces provide sufficient parking for the proposed two-bedroom dwelling.

3. Compliance with Non-Conforming Use Permit Regulations

Section 6137 (*Exceptions*) and Section 6503 (*Procedure*) of the Zoning Regulations allows the granting of a non-conforming use permit to allow 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 enlargement of the existing residence is compliant with the R-1/S-10 Zoning District with the exception of the minimum setback requirements, which the use permit will remedy. Approximately 500 sq. ft. of the addition encroaches into the front yard setback, which is not viewable from either street, and is in keeping with the development in the neighborhood. As such, this expansion will not be detrimental to the public welfare in the neighborhood. The addition has been given conditional approval and is required to comply with the San Mateo County Building Inspection Section, Department of Public Works, and County Fire requirements.

The reduction in required covered parking spaces from two covered spaces to the existing three uncovered spaces will not be detrimental to improvements in the neighborhood. Together these three parking spaces provide sufficient parking on the property to accommodate the two-bedroom dwelling. Further, the shed located on the parking platform and encroaching into the ROW will be removed to minimize development and potential hazards in the right-of-way.

As conditioned, the project will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 (*Existing Facilities*), relating to additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 sq. ft., whichever is less. The project proposes to increase the floor area of the structure by 748 sq. ft. (44% of the existing floor area of the structure).

C. REVIEWING AGENCIES

Environmental Health Services
Building Inspection Section
Cal-Fire
Department of Public Works
Geotechnical Section

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

ATTACHMENT A

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2017-00225 Hearing Date: September 5, 2019

Prepared By: Kelsey Lang
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 (*Existing Facilities*), relating to additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 sq. ft., whichever is less. The project proposes to increase the floor area of the structure by 748 sq. ft. (44% of the existing floor area of the structure).

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 three uncovered parking spaces provide sufficient parking for the dwelling, and the addition will comply with the San Mateo County Building Inspection Section regulations ensuring the public safety and welfare. The continuation of the existing use and the proposed addition will not significantly increase the intensity of the use and will not be detrimental to the public welfare or improvements in the neighborhood.

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 September 5, 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 permit is valid for one 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 eighty days of its issuance. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable fees sixty days prior to expiration.

3. With the building permit application, the plans will show the proposed height of the dwelling, and the colors and materials of the exterior. The colors and materials will match those considered in this submission. Prior to scheduling a final inspection, color verification shall occur in the field after the applicant has applied the approved materials and colors.
4. The applicant shall include an erosion and sediment control plan to comply with the County's Erosion Control Guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control measures to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
5. The applicant shall include a tree protection plan, in accordance with the recommendations of the applicant's arborist report, with the plans submitted for building permit.
6. No tree cutting is allowed by this permit. Removal of any tree over 12 inches in diameter shall require a separate Tree Removal Permit.
7. 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).
8. The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:
 - a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
 - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - c. Performing clearing and earth-moving activities only during dry weather.
 - d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
 - e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.

- f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges, to storm drains and watercourses.
- g. Use of sediment controls or filtration to remove sediment when dewatering the site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective storm water management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
- n. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.

Building Inspection Section

- 9. The proposed project requires a building permit for the main residence.
- 10. The proposed project shall be designed and constructed in accordance with the latest adopted and amended California Building Standards Code, which as of the date of this review is the 2016 version.
- 11. The proposed project will require fire sprinklers throughout the main house.

Cal-Fire

- 12. The residence will require an NFPA 13D automatic fire sprinkler system. Submit plans to the San Mateo County Planning and Building Department.

13. Provide a flow report for the hydrant closest to the property.
14. Indicate location of inspectors test valve on Fire Sprinkler plans.
15. Add the following note to the plans: New 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 6 feet above the finished surface of the driveway. Where buildings are located remotely to the public roadway, additional signage at the driveway/roadway entrance leading to the building and/or on each individual building shall be required by the San Mateo County Fire Department. 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.
16. Add note to electrical plans: "Smoke alarms shall be hard wired, interconnected, with battery backup."
17. Smoke alarms are required in all bedrooms, in halls serving bedrooms. Smoke alarms shall sound an alarm audible in all sleeping areas. This will be tested at the fire department final inspection.
18. 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.
19. 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 space shall be located no closer than 10 feet to adjacent trees when fully grown or at maturity.
20. Show location of fire hydrant on a site plan. A fire hydrant is required within 250 feet of the building and flow a minimum of 1,000 gallons per minutes (gpm) at 20 pounds per square inch (psi). This information is to be verified by the water purveyor in a letter initiated by the applicant and sent to San Mateo County Fire/Cal-Fire. If there is not a hydrant within 250 feet with the required flow, one will have to be installed at the applicant's expense.
21. Provide fire apparatus access to your structure on plans. Fire apparatus access shall be to within 150 feet of all exterior portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved access route around the exterior of the building or facility. Access shall be 20 feet wide, all weather surface, and able to support a fire apparatus weighing 75,000 pounds. Where a fire hydrant is located in the access, a minimum of 26 feet is required for a minimum of 20 feet on each side of the hydrant. This access shall be provided from a publicly maintained road to the property. Grades over 15% shall be paved and limited to 150 feet in length. No grade shall be over 20 percent. When gravel roads are used, it shall be Class 2 base, or equivalent,

compacted to 95 percent. Gravel road access shall be certified by an engineer as to the compaction and weight it will support. Include an engineered section detail with thickness of and type of base and compaction.

Environmental Health Services

22. At building stage, applicant will need to have the onsite wastewater treatment system (OWTS) located to identify length/depth of dispersal trench/es and septic tank construction/capacity by a qualified septic professional with field verification by an Environmental Health Services staff. Details of the OWTS (i.e., septic tank, diversion valve, primary, and reserve dispersal trenches) will need to be delineated onto the civil site plan calling out setbacks to steep slopes >50% and proposed drainage as required by the OWTS Ordinance and the On-site Systems Manual. In addition, the septic tank will need to be pumped/evaluated and dispersal field water tested by a San Mateo certified pumper. A report shall be supplied to Environmental Health Services for review.

Department of Public Works

23. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
24. The applicant shall execute and record an agreement in a form approved by the County for maintenance of the existing parking deck and other encroachments into the public right of way.
25. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.

Geotechnical Section

26. The proposed project requires a preliminary soil report prepared by a currently registered California civil engineer with findings and recommendations incorporated into the design and construction of the proposed project.
27. Prior to the issuance of the building permit or planning permit (for Provision C3 Regulated Projects), the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Geotechnical Section for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state.

Recommended measures shall be designed and included in the improvement plans and submitted to the Geotechnical Section for review and approval.

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County of San Mateo - Planning and Building Department

ATTACHMENT B



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

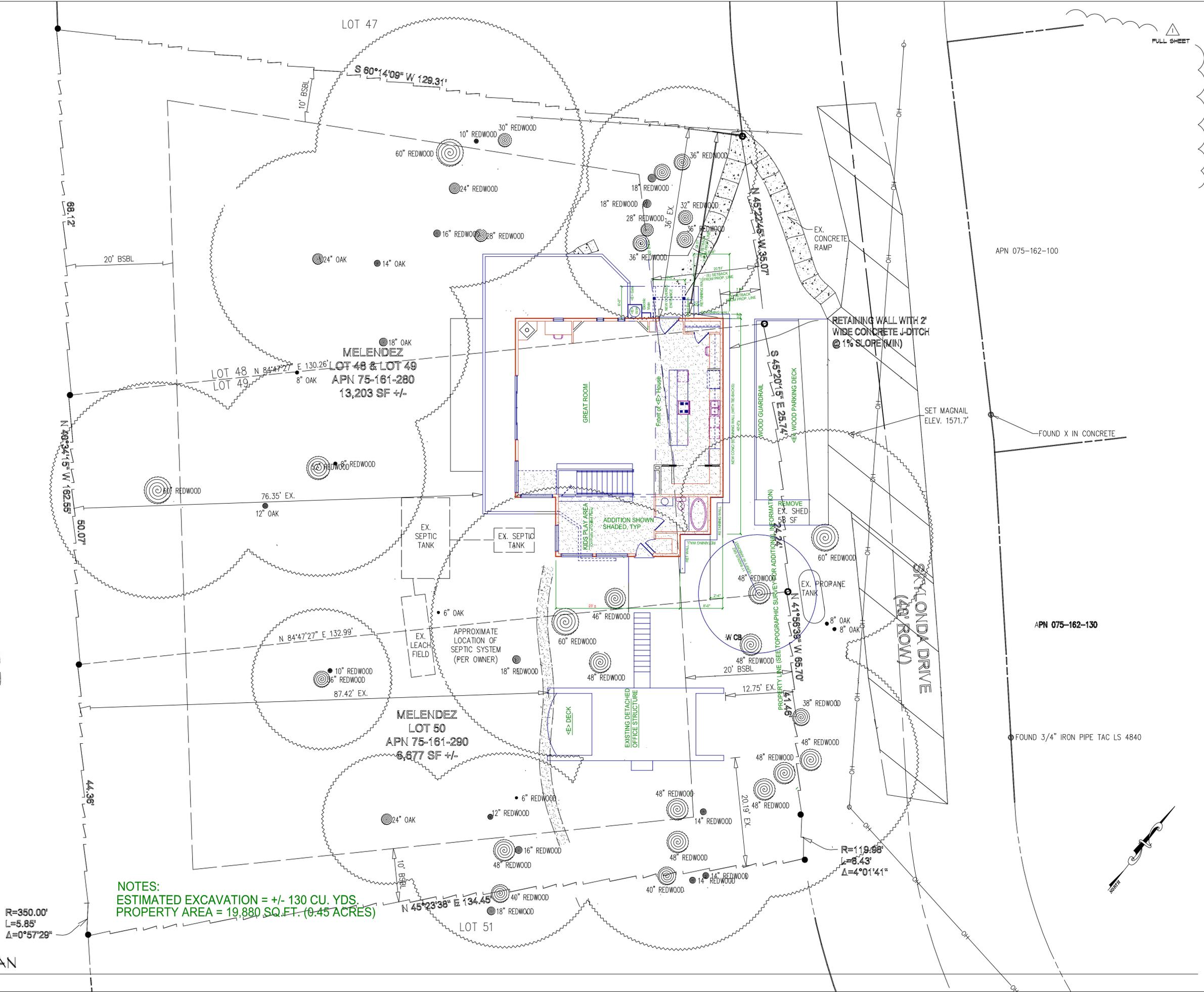
File Numbers: _____



County of San Mateo - Planning and Building Department

ATTACHMENT C

HIGHWAY 84 - LA HONDA RD
(100' ROW)



NOTES:
ESTIMATED EXCAVATION = +/- 130 CU. YDS.
PROPERTY AREA = 19,880 SQ. FT. (0.45 ACRES)

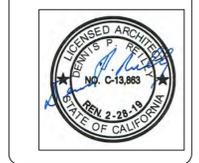
R=350.00'
L=5.85'
Δ=0°57'29"

16 SITE PLAN
1" = 10'-0"

revisions	by
△ CITY COMM 04/30/2019	

Reilly & Company
Architects /
Structural Engineers
165 EL CAMINO REAL
BERKELEY, CA 94705
510-506-8284

HOME REMODEL
146 SKY L'ONDA DRIVE,
REDWOOD CITY, CA., FOR
FOR RAOUL & DAPHNE MELENDEZ



SITE PLAN

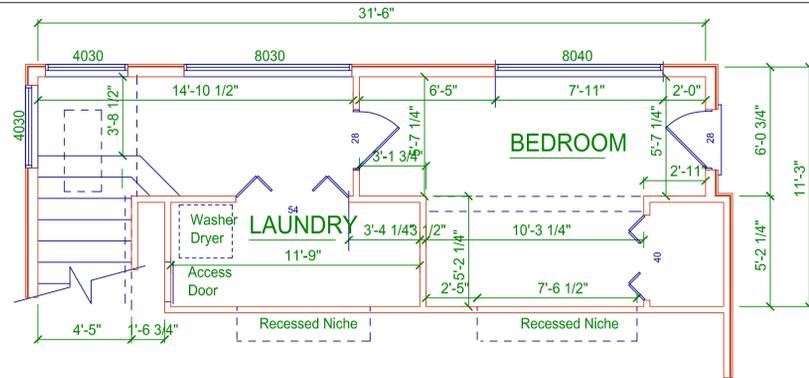
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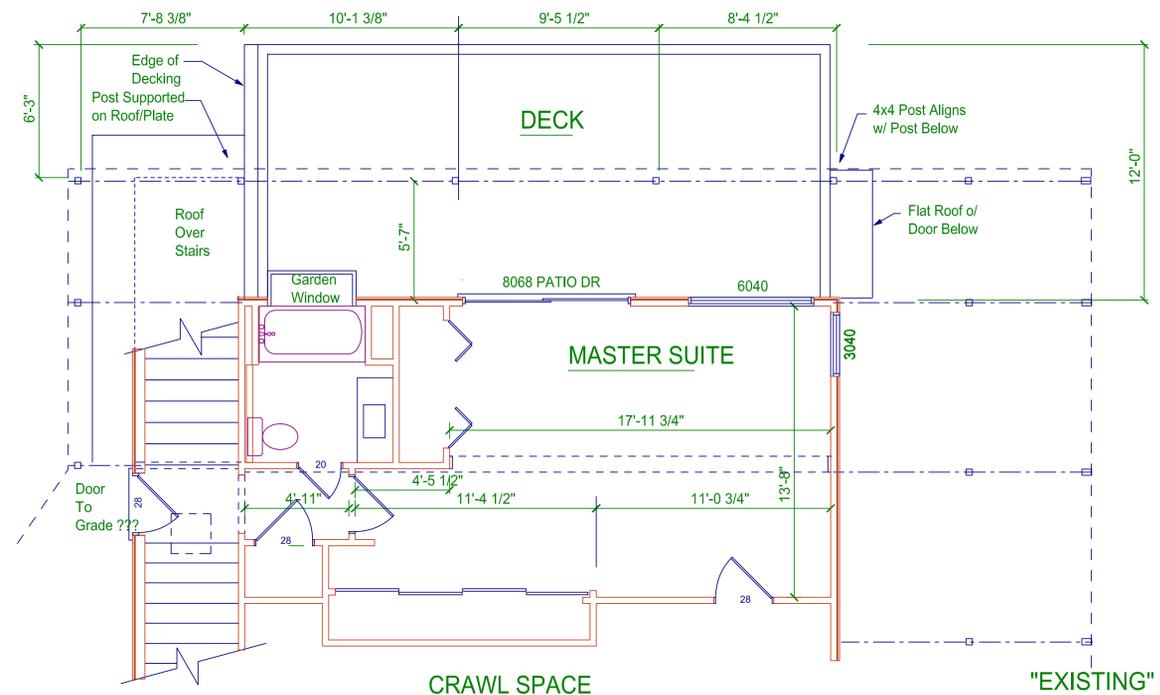


County of San Mateo - Planning and Building Department

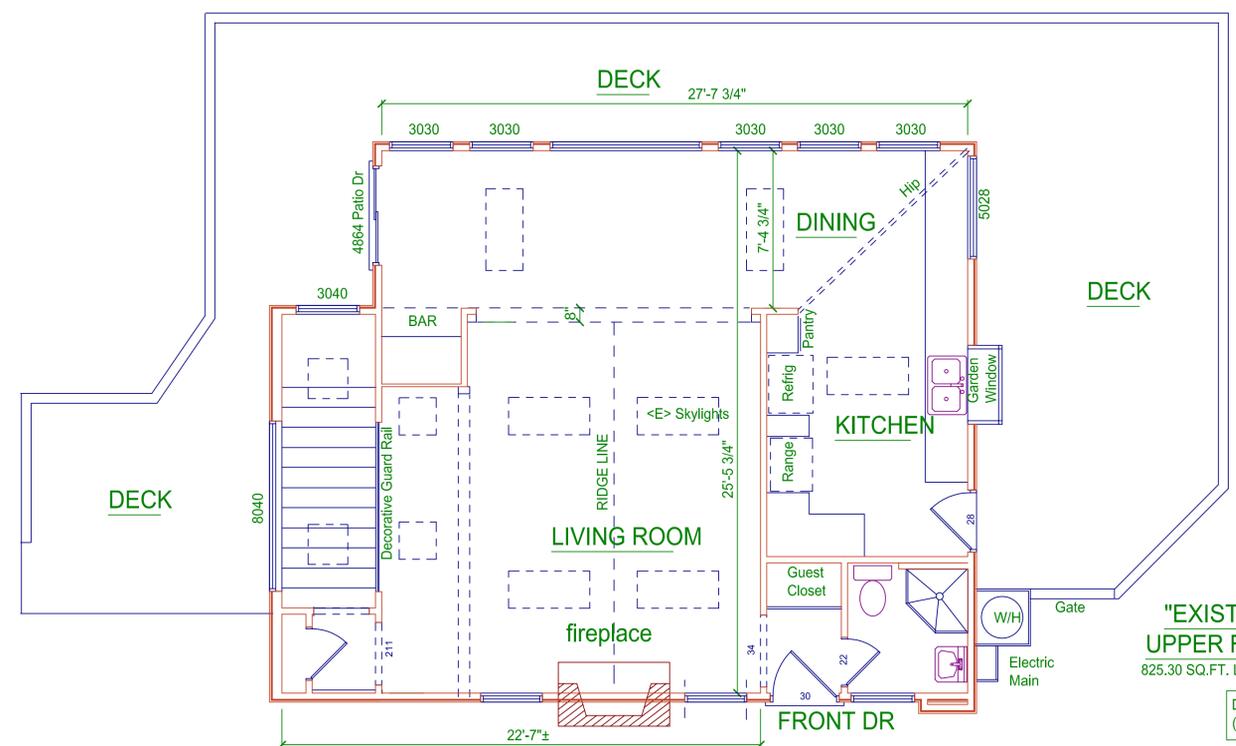
ATTACHMENT D



"EXISTING"
LOWER FLOOR
382.00 SQ.FT. ± LIVING AREA



"EXISTING"
MIDDLE FLOOR
465.20 SQ.FT. LIVING AREA



"EXISTING"
UPPER FLOOR
825.30 SQ.FT. LIVING AREA

Dimensions are to Face of Stud
(Field Verify all Dimensions)

14 EXISTING FLOOR PLANS
1/4" = 1' - 0"

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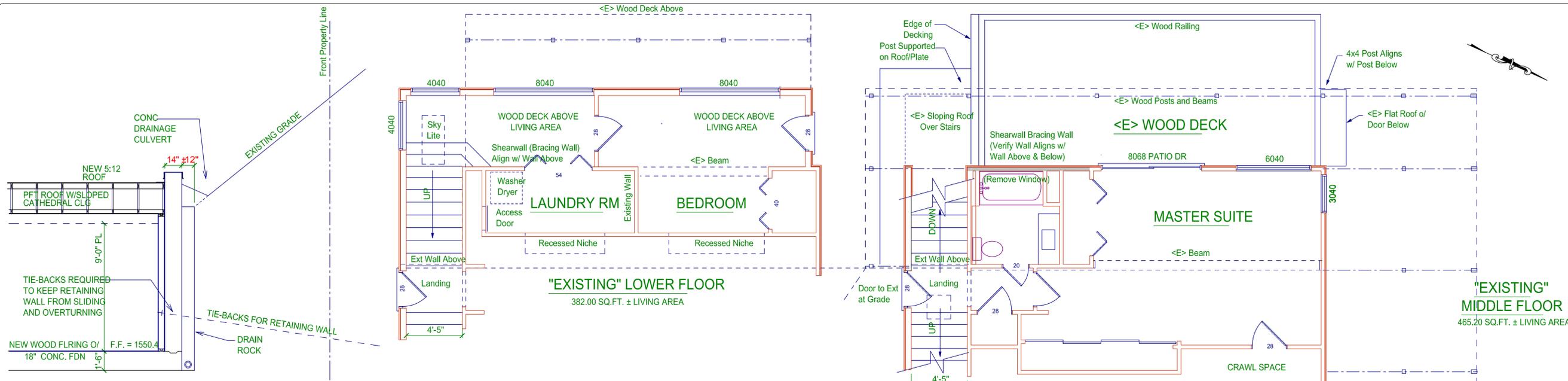
Reilly & Company
Architects /
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HOME REMODEL
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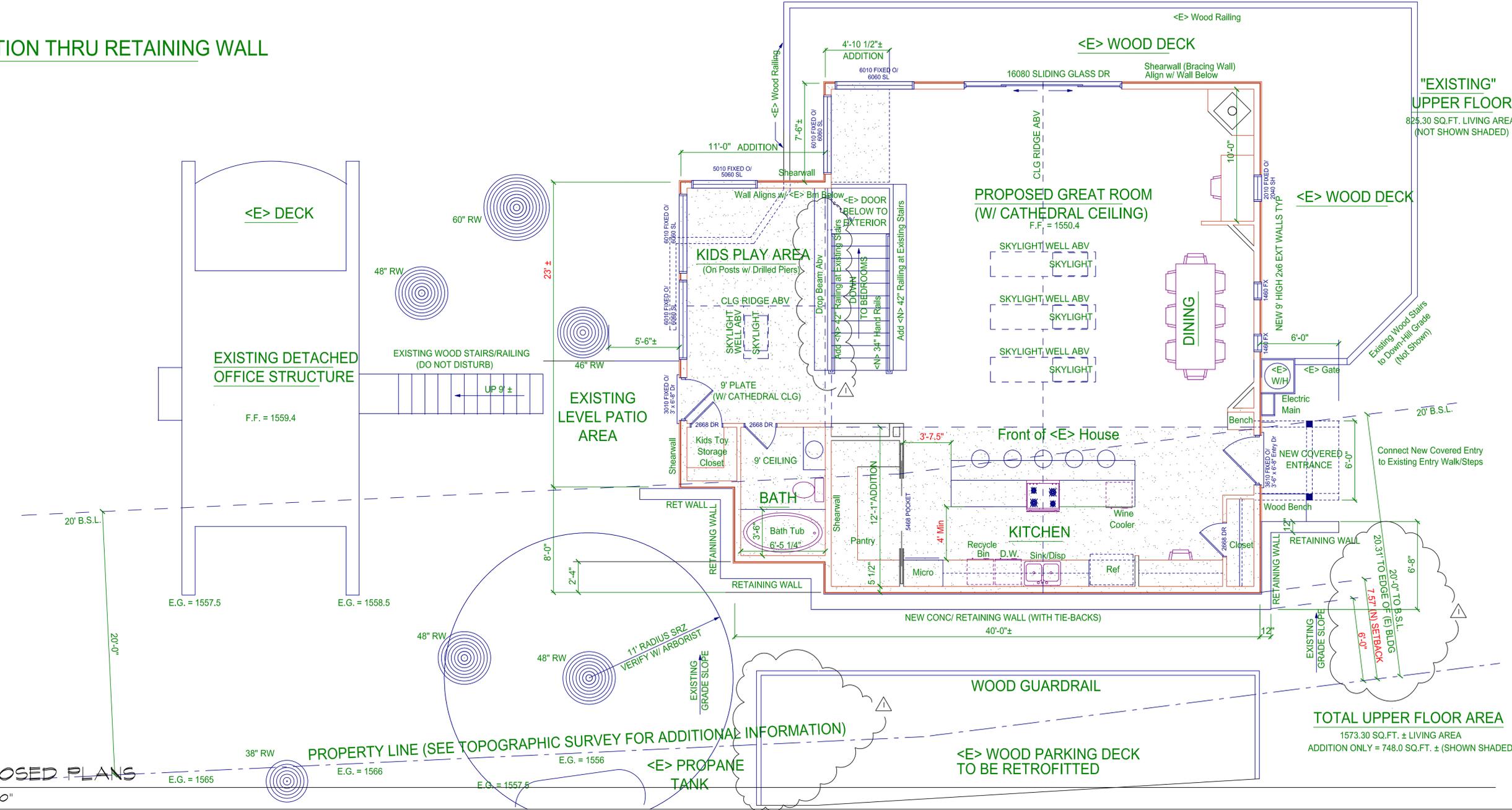


EXISTING
FLOOR PLANS

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checked
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scale AS NOTED
job no. 1814
sheet



SECTION THRU RETAINING WALL



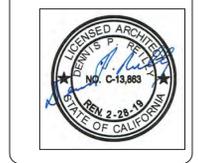
TOTAL UPPER FLOOR AREA
 1573.30 SQ.FT. ± LIVING AREA
 ADDITION ONLY = 748.0 SQ.FT. ± (SHOWN SHADED)

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

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Reilly & Company
 Architects / Structural Engineers
 165 EL CAMINO REAL
 BERKELEY, CA 94705
 510-506-8284

HOME REMODEL
 146 SKY L'ONDA DRIVE,
 REDWOOD CITY, CA., FOR
 FOR RAOUL & DAPHNE MELENDEZ



PROPOSED FLOOR PLANS

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County of San Mateo - Planning and Building Department

ATTACHMENT E

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Structural Engineers
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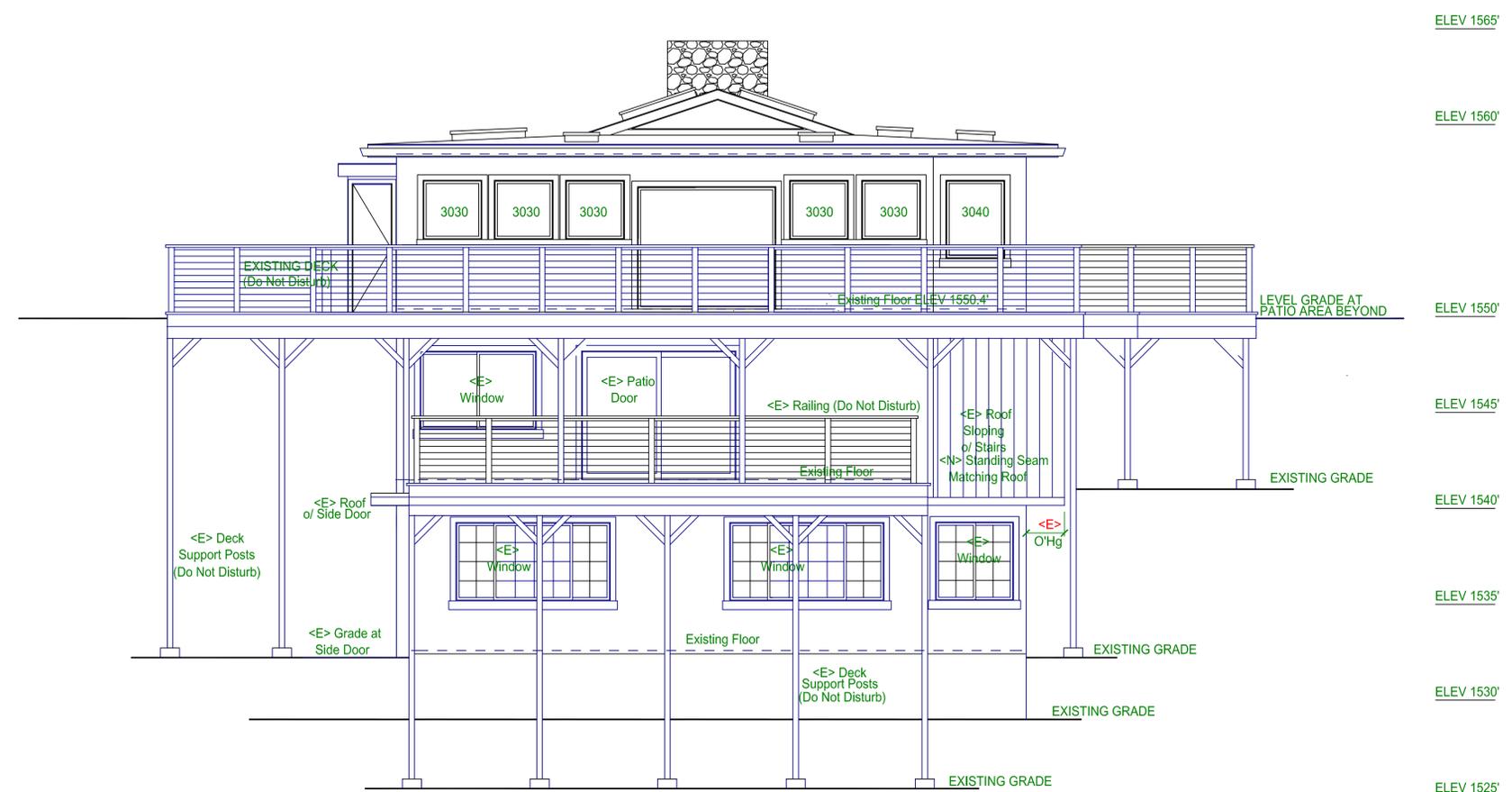
HOME REMODEL
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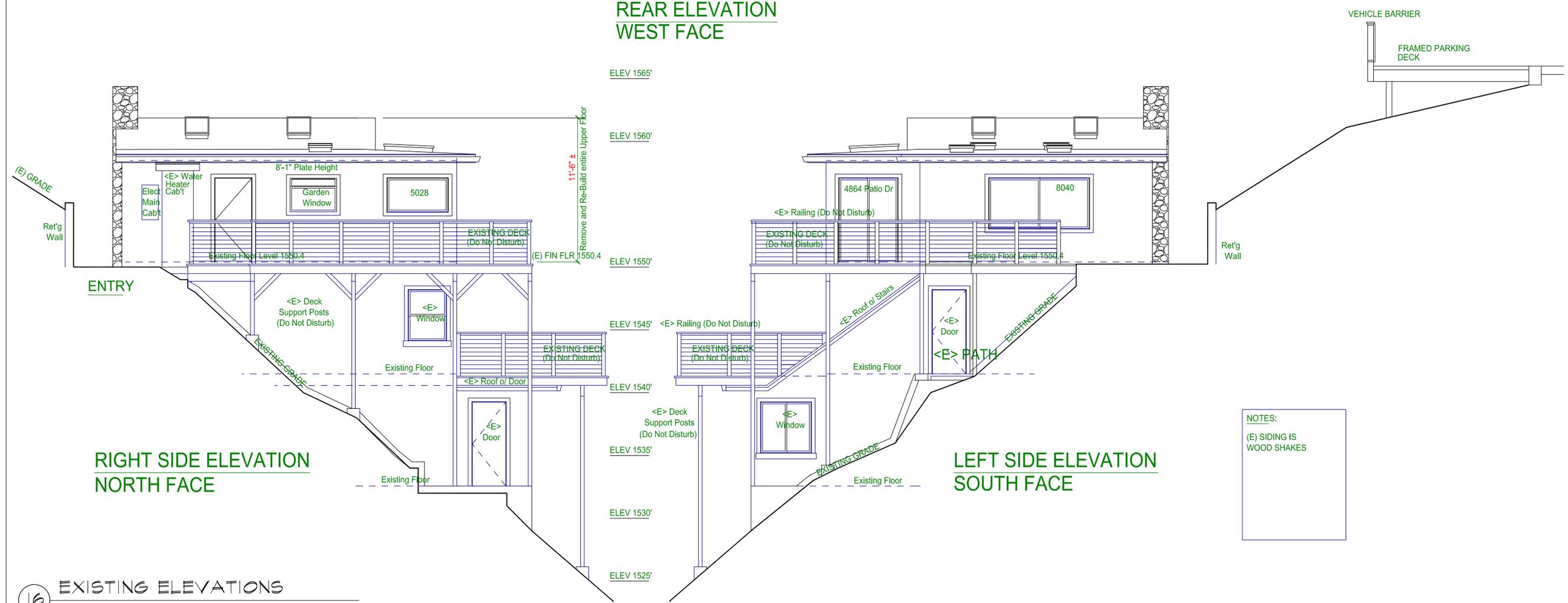
EXISTING ELEVATIONS

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of - sheets



**REAR ELEVATION
WEST FACE**



**RIGHT SIDE ELEVATION
NORTH FACE**

**LEFT SIDE ELEVATION
SOUTH FACE**

NOTES:
(E) SIDING IS WOOD SHAKES

