COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: August 20, 2020

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Non-conforming Use Permit, pursuant to Sections 6137

of the County of San Mateo Zoning Regulations, to enlarge a non-conforming single-family residence with additions resulting in 12'-1" front, 2' rear, 3' right side, and 0'-8" left side yard setbacks, where 20' front and rear and 5' side yard setbacks are required, including legalizing the conversion and addition to a detached accessory building into a guest house with a breezeway attachment to the main residence; and waiving the requirement for a second covered parking space in association with the addition of a bedroom, located at 21 Athlone Way in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2019-00358 (Chen/Sinnott)

PROPOSAL

The applicant is requesting a Non-conforming Use Permit to enlarge a non-conforming one-story single-family residence that includes 84 sq. ft. and 44 sq. ft. first-floor addition encroachments into the front and right side yard setbacks, resulting in 12'-1" front and 3' right side yard setbacks, where 20' and 5' setbacks are required, respectively, to accommodate a one-car garage, kitchen pantry addition and expanded front porch on a legal 5,100 sq. ft. lot in the unincorporated North Fair Oaks area of San Mateo County. The applicant is also seeking to legalize the conversion and addition, completed by the previous property owner, of a 180 sq. ft. unconditioned detached accessory building into a 350 sq. ft. guest house with a full bathroom attached to the main residence by a 132 sq. ft. breezeway; the legalization of this unpermitted work results in 2' rear and 0'-8" left side yard setbacks for the residence, where 20' and 5' setbacks are required, respectively.

The property currently has no covered parking spaces. Two covered parking spaces are required in association with the proposed conforming 2nd story addition that will add a master bedroom. Due to existing development and limited space on-site, the project includes the construction of an attached one-car garage. Therefore, as part of the Nonconforming Use Permit, the applicant is seeking a waiver of a second covered parking space.

RECOMMENDATION

That the Zoning Hearing Officer approve the Non-conforming Use Permit, PLN 2019-00358, by making the required findings and adopting the conditions of approval included in Attachment A.

BACKGROUND

Report Prepared By: Summer Burlison, Project Planner

Applicant: Sam Sinnott

Owner: Robert and Emily Chen

Location: 21 Athlone Way, North Fair Oaks

APN: 060-123-540

Size: 5,100 sq. ft.

Existing Zoning: R-1/S-73 (Single-family residential/5,000 sq. ft. lot minimum)

General Plan Designation: Single-family Residential

Sphere-of-Influence: Redwood City

Existing Land Use: Single-family residence

Water Supply: California Water Service – Bear Gulch District

Sewage Disposal: Fair Oaks Sewer Maintenance District

Flood Zone: Flood Zone Z (areas of minimal flood hazard), FEMA Community Panel Number 06081C0302E, effective October 16, 2012.

Environmental Evaluation: Categorically exempt from the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15301, Class 1, for the residential addition of less than 10,000 sq. ft. of floor area on a site in an urbanized area, zoned for residential use, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

Setting: The relatively flat project parcel is located off Athlone Way, a short cul-de-sac in the North Fair Oaks area. The parcel is separated from the street by the 80-foot Hetch-hetchy right-of-way that belongs to the City and County of San Francisco. A paved driveway runs through the Hetch-hetchy right-of-way and leads to the front of the parcel used for parking. The subject property is the only parcel "fronting" Athlone Way

on the south side of the street with the parcel immediately surrounded by one-story single-family residences to the south, east and west (which front the nearby streets of San Benito Avenue and Fourteenth Avenue). On the opposite side of Athlone Way are a number of one-story single-family residences.

DISCUSSION

A. **KEY ISSUES**

1. Conformance with the General Plan

The project conforms with the following applicable General Plan Policies:

a. Policy 4.36 (*Urban Area Design Concept*) seeks to maintain and improve upon the appearance and visual character of development in urban areas and that proposed development contributes to the orderly and harmonious nature of the locality.

The project involves a remodel and addition to the existing one-story single-family residence to include a new conforming second story, stucco and board and batten siding, and gable roofing. While there is no distinct design theme for this area of North Fair Oaks, surrounding development includes older one-story residences with a mix of stucco and wood siding, gable-style roofs, and one-car garages. Thus, the proposed improvements are compatible with surrounding homes in the surrounding area.

2. Conformance with the Zoning Regulations

The project conforms with the following applicable Zoning Regulations:

a. <u>Development Standards</u>

The project parcel is zoned R-1/S-73 (Single-family residential/5,000 sq. ft. lot minimum). The existing one-story single-family residence was built in 1939 with a non-conforming left side setback of 2'-8" where 5' is required and no covered parking where two covered parking spaces are required for the existing two-bedroom residence. The following table provides an analysis of the project's conformance with the zoning development standards for the property:

S-73 Development Standards and Covered Parking Regulations				
	Required	Existing/Legal	Proposed	
Minimum Lot Width	50 ft.	50 ft.	No change	
Minimum Building Area	5,000 sq. ft.	5,100 sq. ft.	No change	
Minimum Front Yard Setback	20 ft.	21 ft., 4 in.	12 ft., 1 in.**	
Minimum Side Yard Setbacks				
Left Side	5 ft.	2 ft., 8 in.*		
Right Side	5 ft.	5 ft., 1 in.	0 ft., 8 in.** 3 ft.**	
Minimum Rear Yard Setback	20 ft.	23 ft., 2 in.	2 ft.**	
Maximum Lot Coverage	50%	29%	41%	
Maximum Floor Area	2,626 sq. ft.	1,469 sq. ft.	2,456 sq. ft.	
Maximum Building Height	28 ft.	16 ft., 9 in.	27 ft., 8 in.	
Covered Parking	2	None*	1**	
*Non-conforming.	. ,			

^{**}Non-conforming Use Permit required.

Pursuant to Section 6135.4 and 6137 of the County's Zoning Regulations, a Non-conforming Use Permit is required to enlarge a non-conforming structure where the enlargements will not conform with the current zoning regulations as evidenced above.

Non-conforming Setbacks

The project proposes non-conforming front and right-side yard setbacks of 12'-1" and 3', respectively, to accommodate a one-car garage, expanded front porch, and kitchen pantry addition where 84 sq. ft. of the addition will encroach into the front 20' setback and 44 sq. ft. into the 5' right side yard setback.

Additionally, the project includes legalizing the conversion and addition to an unconditioned 180 sq. ft. detached accessory building into a conditioned 350 sq. ft. guest house with full bathroom located in the rear yard. The unpermitted addition to this building continues non-conforming rear and left side yard setbacks, resulting in a 2' rear setback and 0'-8" left side yard setback. While detached accessory buildings require a minimum rear and side yard setback of 3', the project also includes legalizing a 132 sq. ft. breezeway addition that connects the guest house to the main residence, thereby subjecting the guest house to the setbacks of the main residence, which includes a 20' rear and 5' left side yard setback.

Non-conforming Off-street Parking

According to County records, the existing residence is non-conforming for on-site covered parking as the property currently has no covered parking where 2 spaces are required per Section 6119 of the Zoning Regulations. The project includes a 2nd story addition that will add a 3rd bedroom to the existing two-bedroom residence while providing a one-car garage. Therefore, the applicant is seeking an exception to waive the required 2nd covered parking space.

b. Use Permit Findings

The following finding, as required by Section 6137, and in reference, Section 6503, must be made in order to grant approval of the Non-conforming Use Permit:

That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

Surrounding development in the neighborhood, a non-coastal area, consists primarily of older one-story single-family residences. The proposed project will continue to utilize the property for single-family residential purpose and proposes a design and finish materials that are compatible with surrounding single-family residential development. The proposed second floor has been recessed 9' and 13' from the left and right-side property lines, respectively, to comply with the min. 5' side yard setbacks of the "S-73" development standards and to minimize impacts onto the adjacent neighbors. Additionally, the guest house and breezeway additions being legalized at the rear of the property are limited to one-story, approximately 14'-3/4" in height. Furthermore, the 80' wide Hetch-hetchy right-of-way running across the front of the property buffers the development from the Athlone Way right-of-way

According to County records, covered parking has never been established on the property. The project includes providing one covered parking space, where two covered parking spaces are required for the proposed project. Given the constraints of existing development on the parcel and configuration of the property boundaries, staff finds that the applicant's proposal for one-covered parking space is as nearly in conformance with the covered parking requirements as reasonably possible. In addition to the one-covered parking space that will be provided, the applicant has demonstrated on

plans that a second uncovered parking space can be maintained on the right side of the new one-car garage.

Therefore, as proposed, staff believes the project will not generate any significant adverse impacts or be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

B. NORTH FAIR OAKS COMMUNITY COUNCIL

Due to scheduling conflicts, this item was not considered by the North Fair Oaks Community Council. A notice of public hearing and a copy of the staff report has been provided to the Council.

C. ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15301, Class 1, for the residential addition of less than 10,000 sq. ft. of floor area on a site in an urbanized area, zoned for residential use, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

D. <u>REVIEWING AGENCIES</u>

Building Inspection Section Drainage Section

<u>ATTACHMENTS</u>

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Project Plans

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County of San Mateo Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2019-00358 Hearing Date: August 20, 2020

Prepared By: Summer Burlison, For Adoption By: Zoning Hearing Officer

Project Planner

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15301, Class 1, for the residential addition of less than 10,000 sq. ft. of floor area on a site in an urbanized area, zoned for residential use, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

For the Non-conforming Use Permit, Find:

2. That the establishment, maintenance and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the neighborhood as the project site is not located in the coastal zone and the proposed second floor has been recessed on both sides to comply with the minimum 5' side yard setbacks of the "S-73" development standards to minimize impacts onto the nearest adjacent neighboring residences. Given the constraints of existing development on the parcel and configuration of the property boundaries, the applicant's proposal for one-covered parking space is as nearly in conformance with covered parking requirements as reasonably possible. In addition to the one-covered parking space that will be provided, a second uncovered parking space will be maintained on the right side of the new garage. Furthermore, the proposed design and finish materials are compatible with surrounding residential development 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 August 20, 2020. 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. 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 apply for a building permit and shall adhere to all requirements from the Building Inspection Section and the Menlo Park Fire Protection District. Additionally, construction shall not commence until a valid building permit is issued.
- 4. To reduce the impact of any construction-related activities on neighboring properties, comply with the following:
 - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
 - c. The applicant shall ensure that no construction-related vehicles shall impede through traffic along the Athlone Way right-of-way. All construction vehicles shall be parked on-site outside public right-of-ways, including the Hetch-hetchy right-of-way, or in public locations which do not impede safe access on Athlone Way. There shall be no storage of construction vehicles in the public right-of-way, including the Hetch-hetchy right-of-way.
- 5. During project construction, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site by:
 - a. Protecting areas not to be disturbed using a vegetative buffer strip or fence/barrier.

- b. Covering construction materials stored on-site with a tarp or other waterproof material when not in use.
- c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
- d. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
- 6. Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations are prohibited on Sunday and any national holiday.
- 7. No County approvals shall nullify, replace or supersede the property owners' responsibility for adhering to the terms and restrictions under the San Francisco Public Utilities Commission (SFPUC) Revocable Permit No. EPO93A, or its subsequent permits.

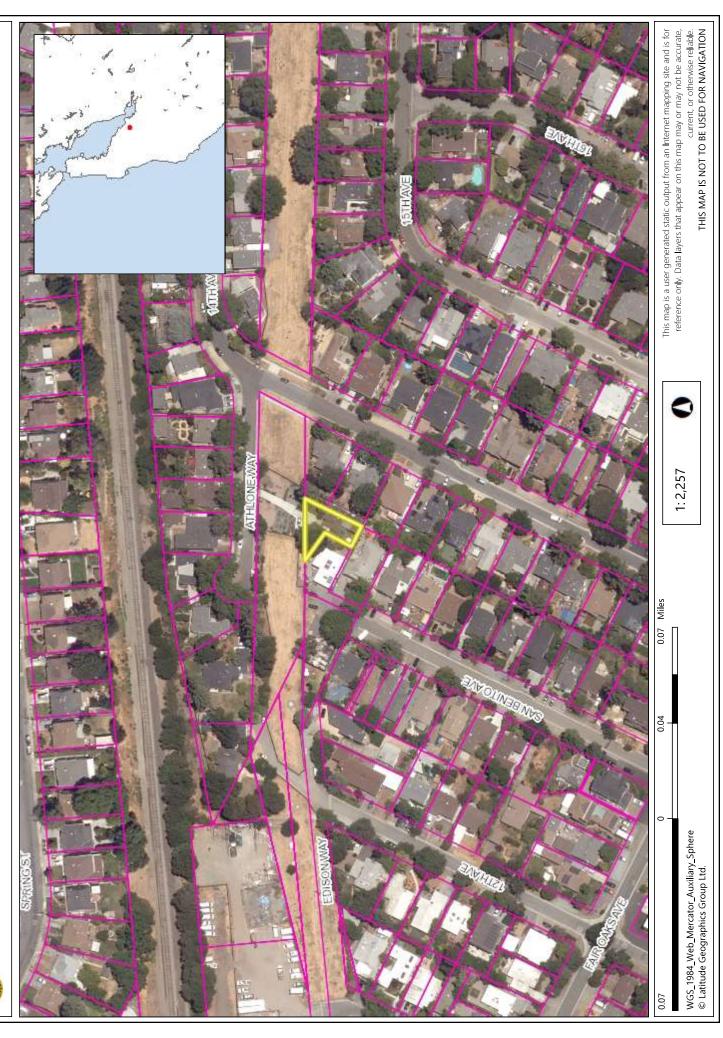
Drainage Section

8. At the time of building permit submittal, the project will be required to comply with the County's "prescriptive" drainage review requirements, including routing stormwater flows from new/replaced impervious surfaces to landscaping or mitigation features as appropriate.

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT ATTACHMENT





COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT C ATTACHMENT

TLOOR AREA EXISTING FLOOR AREA MAIN HOUSE EXISTING FLOOR AREA ADDED FLOOR AREA

FLOOR AREA

1,130.0 SF 362.0 SF 745.0 SF 2227.0 SF 679.0 SF 1250.0 SF 231.0 SF 330.0 SF 330.0 SF 2352.0 SF

Sinnott & Construction Sechifecture & construction Commercy License No 510156 Confinence of License No 510156 Confinence of Construction 94025 Tolchinge (Col.) 225-2500

EMILY & ROBERT CHEN ADDITION AND REMODEL FOR:

LOCATION MAP



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OWNER'S MAILING ADDRESS	21 ATHLONE WAY MENLO PARK, CA 94025
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EXISTING HOUSE ADDITION COVERED PARKING EXISTING NEW	REQUIRED REQUIRED 0
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SHEET INDEX

MILDING COVERAGE XISTING COVERAGE AREA DDED COVERAGE AREA

EMODEL FLOOR AREA LOOR AREA IN SETBACK EW COVERED GARAGE

— 21 ATHLONE WAY

ARCHITECTURAL	
A0.1	PLOT PLAN, PROJECT DATA SURVEY PLAN
A0.3	CONSTRUCTION BEST MANAGEMENT PRACTICES
A0.4	FROSION CONTROL PLAN
A1.1	EXISTING FLOOR PLAN & SITE/ROOF PLAN
A1.2	MAIN FLOOR PLAN
A1.3	UPPER FLOOR PLAN
A1.4	MAIN & UPPER FLOOR REFLECTED CEILING PLANS
A2.1	ELEVATIONS
A2.2	ELEVATIONS
A2.3	3D VIEWS
A3.1	SECTIONS
A5.1	DETAILS
A6.1	WINDOW & DOOR SCHEDULES
III.E 24	
T-24.1	CERTIFICATE OF COMPLIANCE
T-24.2	CERTIFICATE OF COMPLIANCE
T-24.3	RESIDENTIAL MANDATORY SUMMARY
STRUCTURAL	
29	MAIN FLOOR FRAMING
2 22	UPPER FLOOR FRAMING
3	0.10
MEP PLANS	
MEP 1.1	MAIN & UPPER FLOOR & ATTIC MEP PLANS

CONSULTANTS:

LAND S CHRIST KACIE, 101 CH LOS GA	LAND SURVEYOR CHRISTENSEN & PLOUFE LAND SURVEYING TALECE, PLOUFE LS 9013 101 CHURCH 571. #29 LOS GATOS, CA 94030	PHONE: 408-755-9784
STRUCTURA CAL DESIGN CINDY LEWIS 10455 LONGF OAKLAND, C.	STRUCTURAL ENGINEER CALL DESIGN CINDY LEWIS, C.E. GINDY LEWIS, C.E. GARLAND, CA 94603	PHONE: 510-52-0288 EMAIL: caldesign@mac.co
ENERG DESIGN DANNY 616 RAI PALO A	ENERGY COMPLIANCE DESIGN TEK ENERGY COMPLIANCE DANNY TAMIN ENE RAMONA, STREET, SUITE 4 PALO ALTO, CA 94019	PHONE: 650-329-0955 EMAIL: dienter@ix.netcom
FIRE SE ADANA DON W 396 RAI	FIRE SPRINKLERS ADDANG FIRE PROTECTION, INC DON WARDSTROM SASS RALL ROAD COURT	PHONE: 408-262-0400 x 11 EMAIL: don@adanacfire.co

SCOPE OF WORK

- REMODEL LOWER FLOCR, REPLACE UTILITY ROOM WITH A GARAGE AND PANTRY - REPLACE EXISTING WINDOWS IN SAME LOCATION AND SAME SIZE - ADD A BUTTY FRONT PORCH. - ADD A SECOND FLOOR WITH 2 BEDROOMS AND 1 BATH.

GENERAL NOTES

BUILDING CODES:

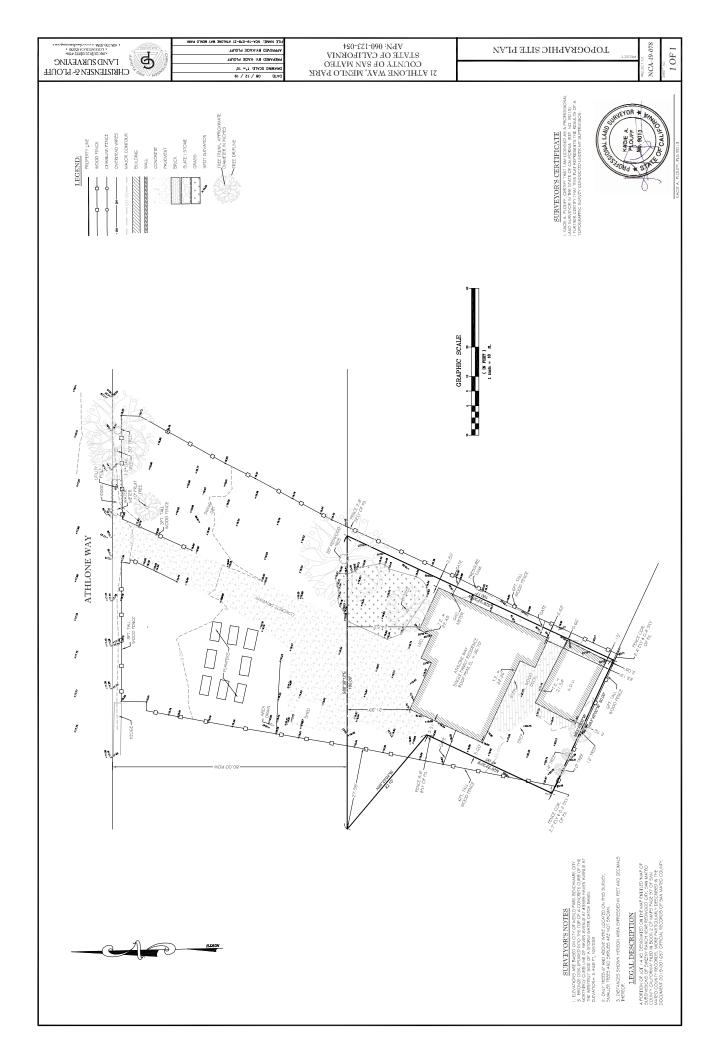
2 PLOT PLAN 1/16" = 1'-0"

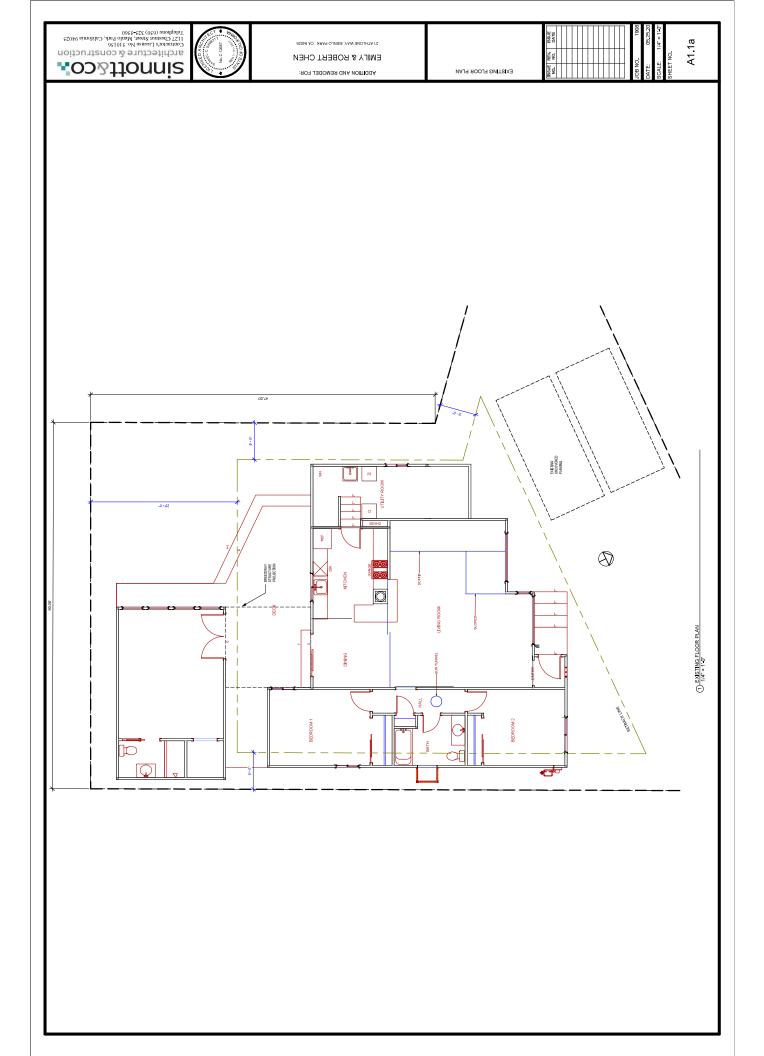
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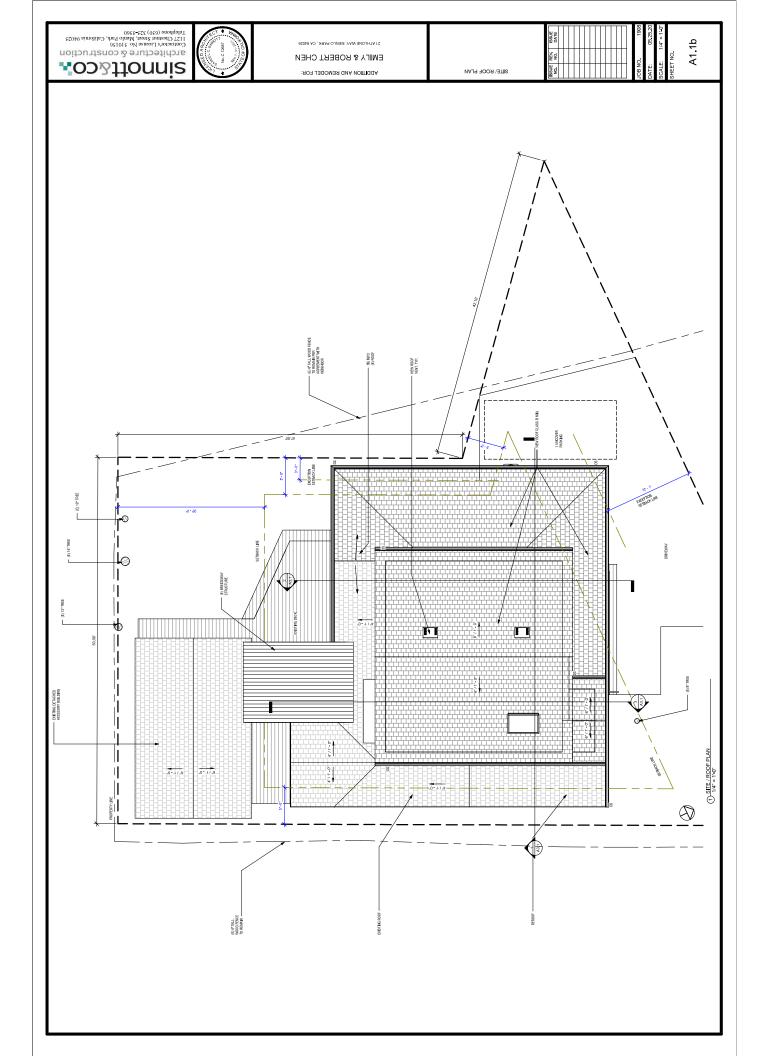
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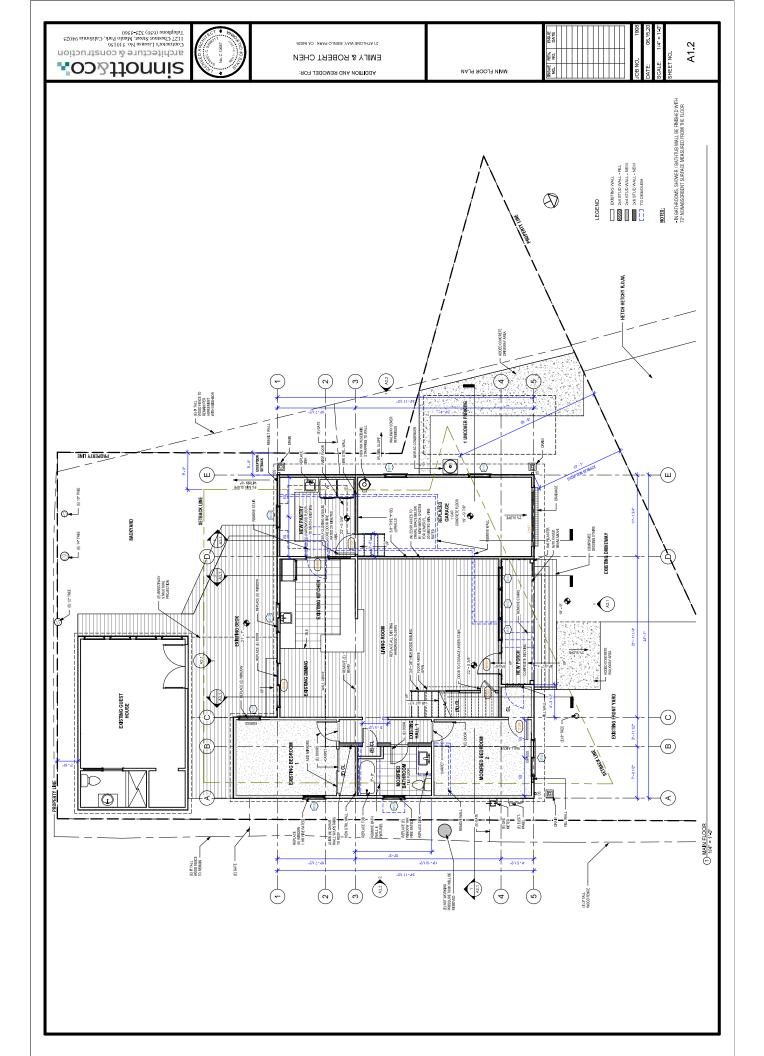
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NEW UPPER FLOOR









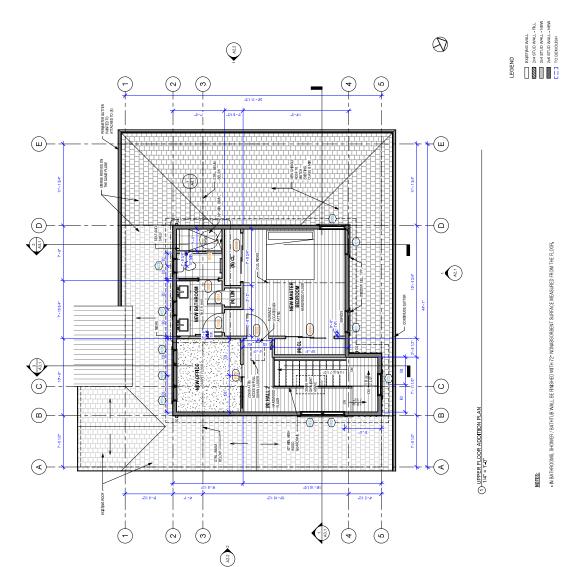
EMILY & ROBERT CHEN

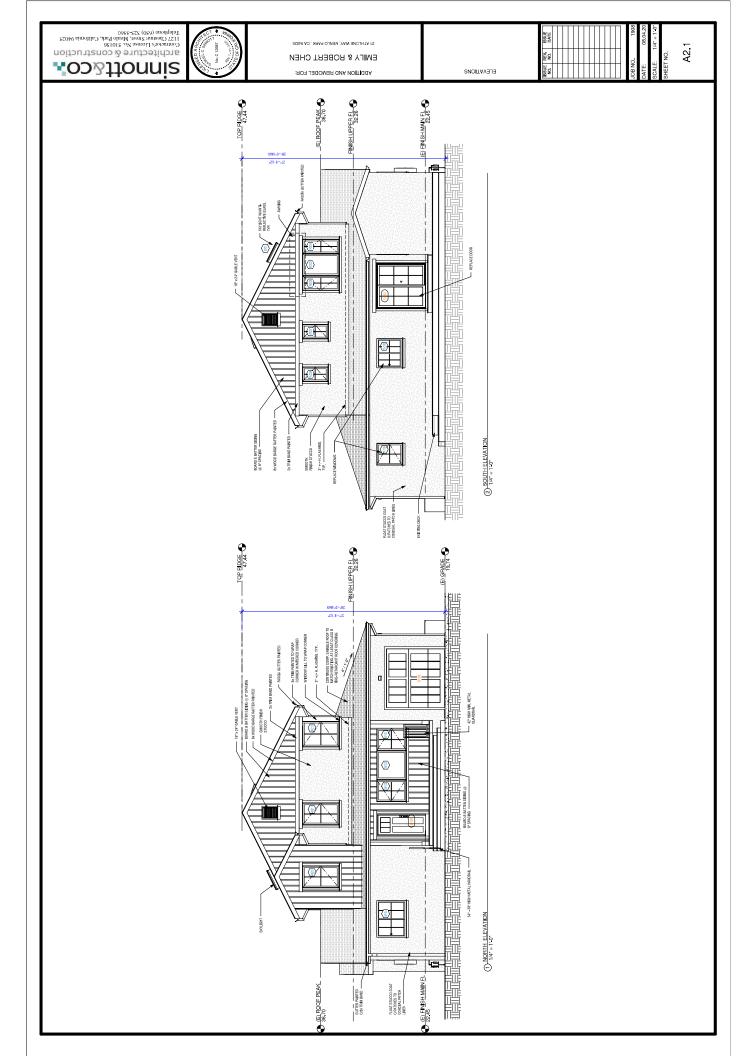
SOUTHOU AND REMODEL FOR:

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O TOP BIDGE

O FINISH UPPER FL.

O (E) FINISH MAIN FL 22.45 ⊕ (E) GRADE 19.74

1x TRIM PAINTED TO WARP CORNER W/ MITERED CORNER

