

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

DATE: November 17, 2016

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 6565.4, to legalize a non-conforming bedroom and bathroom addition to an existing legal non-conforming single-family residence. The project site is located at 20 Barbara Lane in the unincorporated Devonshire area of San Mateo County.

County File Number: PLN 2015-00292 (Yuan)

PROPOSAL

The applicant requests a non-conforming use permit to legalize a 364 sq. ft. bedroom and bathroom that encroaches into the left side yard setback on a 10,714 sq. ft. parcel. The bedroom addition has a 4 ft. setback where 5 ft. is required.

RECOMMENDATION

That the Zoning Hearing Officer approve the Non-Conforming Use Permit (County File Number PLN 2015-00292) 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/Owner: Jeff Yuan

Location: 20 Barbara Lane, San Carlos, California

APN: 049-110-460

Parcel Size: 10,714 sq. ft.

Existing Zoning: R-1/S-71/DR

General Plan Designation: Medium Density Residential, Urban (6.1 du/ac - 8.7 du/ac)

Sphere-of-Influence: San Carlos

Existing Land Use: Single-Family Structure

Water Supply: California Water Service

Sewage Disposal: Devonshire Sewer District

Flood Zone: Zone X (area of minimal flood hazard); Community Panel No. 06081C0285E, effective October 16, 2012

Environmental Evaluation: Categorically exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA), related to the 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 flat parcel located at the corner intersection of Berkshire Avenue and Blenheim Avenue. The property is situated within a developed residential area with primarily single-family residences and some high density development.

Chronology:

<u>Date</u>	<u>Action</u>
May 14, 2015	- Stop Work Notice (SWN 2015-00077) issued for the construction of a bedroom and bathroom.
July 17, 2015	- Planning application received for the subject Non-Conforming Use Permit to legalize the bedroom and bathroom.
July 12, 2016	- Application deemed complete.
November 17, 2016	- Zoning Hearing Officer public hearing.

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 Devonshire. The bedroom and bathroom is constructed of material and color that match the single-family dwelling and the addition blends well with the existing structure. Prior to a final building inspection to legalize the addition, 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 addition matches the existing structure.

- b. Policy 8.39 (*Height, Bulk, and Setbacks*) regulates height, bulk, and setback requirements in zoning districts in order to: 1) ensure that the size and scale of development is compatible with the parcel size, 2) provide sufficient light and air in and around the structure, and 3) ensure public health and safety. The existing single-family building complies with the height, bulk, and setback requirements for this zoning district, with the exception of the 4-ft. side yard setback along the portion of the property that abuts Barbara Lane. The right side yard setback is legal non-conforming with no changes proposed as the addition proposed to be legalized encroaches 4 feet as well. The bedroom and bathroom are a small addition located at ground level within the right side yard setback. The addition will be reviewed by the Building Department for building code compliance and Cal-Fire for fire compliance to ensure public health and safety. The existing exterior paint color of the addition blends well with the single-family dwelling, is minimally noticeable, and its use is an enhancement to the residents by providing an additional bedroom and bathroom. The project is conditioned to maintain matching colors and materials.

2. Compliance with the Zoning Regulations

a. Development Standards

The project parcel is zoned R-1/S-71/DR (Single-Family Residential / 5,000 sq. ft. minimum parcel size). The applicant requests a non-conforming use permit to legalize a bedroom with a 4-foot right side yard setback where 5 ft. is required. The existing single-family house has an existing non-conforming setback of 4 feet for the attached garage. The single-family house otherwise complies with the S-71 District.

S-71 Development Standards			
	Required	Existing	Proposed
Minimum Lot Width	50 ft.	77.00 ft.	No change
Minimum Building Area	5,000 sq. ft.	10,714 sq. ft.	No change
Minimum Front Yard Setback	20 ft.	24 ft.	No change
Minimum Side Yard Setbacks			
Left Side	5 ft.	7 ft.	No change
Right Side	5 ft.	4 ft. (legal non-conforming) at existing garage	4 ft. at bedroom that is proposed to be legalized. *
Minimum Rear Yard Setback	20 ft.	31 ft.	No change
Maximum Lot Coverage	50%	20.0%	23.4%
Maximum Floor Area	3,200 sq. ft.	2,144 sq. ft.	2,626 sq. ft.
Maximum Building Height	30 ft.	12 ft.	No change
*The Proposal is requiring a non-conforming use permit.			

The addition is required to comply with the San Mateo County Building Department regulations. The Building Department has reviewed the legalization and has conditionally approved the project. The encroachment of 1 foot into the required side yard setback will require a Non-Conforming Use Permit. The existing house has an already existing non-conforming side yard setback for the garage, as it is 4 feet from the property, where 5 feet is required. The proposed legalization of the bedroom and bathroom addition will also have a 4-ft. setback where 5 feet is required. As such, there will be no greater adverse impact to the zoning regulations than what currently exists on the property.

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 addition is to the first floor of an existing one story house. The 364 sq. ft. minor addition qualifies for a Design Review Exemption. The existing exterior paint color of the addition blends well with the single-family dwelling. The addition is minimally noticeable and provides the residents an additional bedroom and bathroom. The project is conditioned to maintain matching exterior colors and materials.

3. Compliance with Non-Conforming Use Permit Regulations

Section 6137 (*Exceptions*) of the Zoning Regulations allows the granting of a use permit to enlarge 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 room addition will provide an additional bedroom and bathroom to the residents of the single-family home. The addition is required to comply with the San Mateo County Building Department Regulations. The Building Department has reviewed the legalization and has conditionally approved the project. There is no evidence to suggest that, as conditioned, the project will have a detrimental effect on the public welfare or be injurious to the property or improvements.

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.

C. REVIEWING AGENCIES

Building Inspection Section
Cal-Fire
Department of Public Works

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan
- D. First Floor Plan
- E. Elevation/Site Photos

RJB:jlh – RJBAA0620_WJU.DOCX

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00292 Hearing Date: November 17, 2016

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.

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 room addition will provide an additional bedroom and bathroom to the residents of the single-family home. The addition is required to comply with the San Mateo County Building Department Regulations. The Building Department has reviewed the legalization and has conditionally approved the project. There is no evidence to suggest that, as conditioned, the project will have a detrimental effect on the public welfare or be injurious to the property or improvements.

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 November 17, 2016. 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 addition, 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 by Planning inspection, prior to the final building inspection.

Building Inspection Section

4. Provide geotechnical report at Building Department submittal.
5. Final inspection of a valid building permit for this project is required to clear the associated Stop Work Notice (SWN 2008-00095).

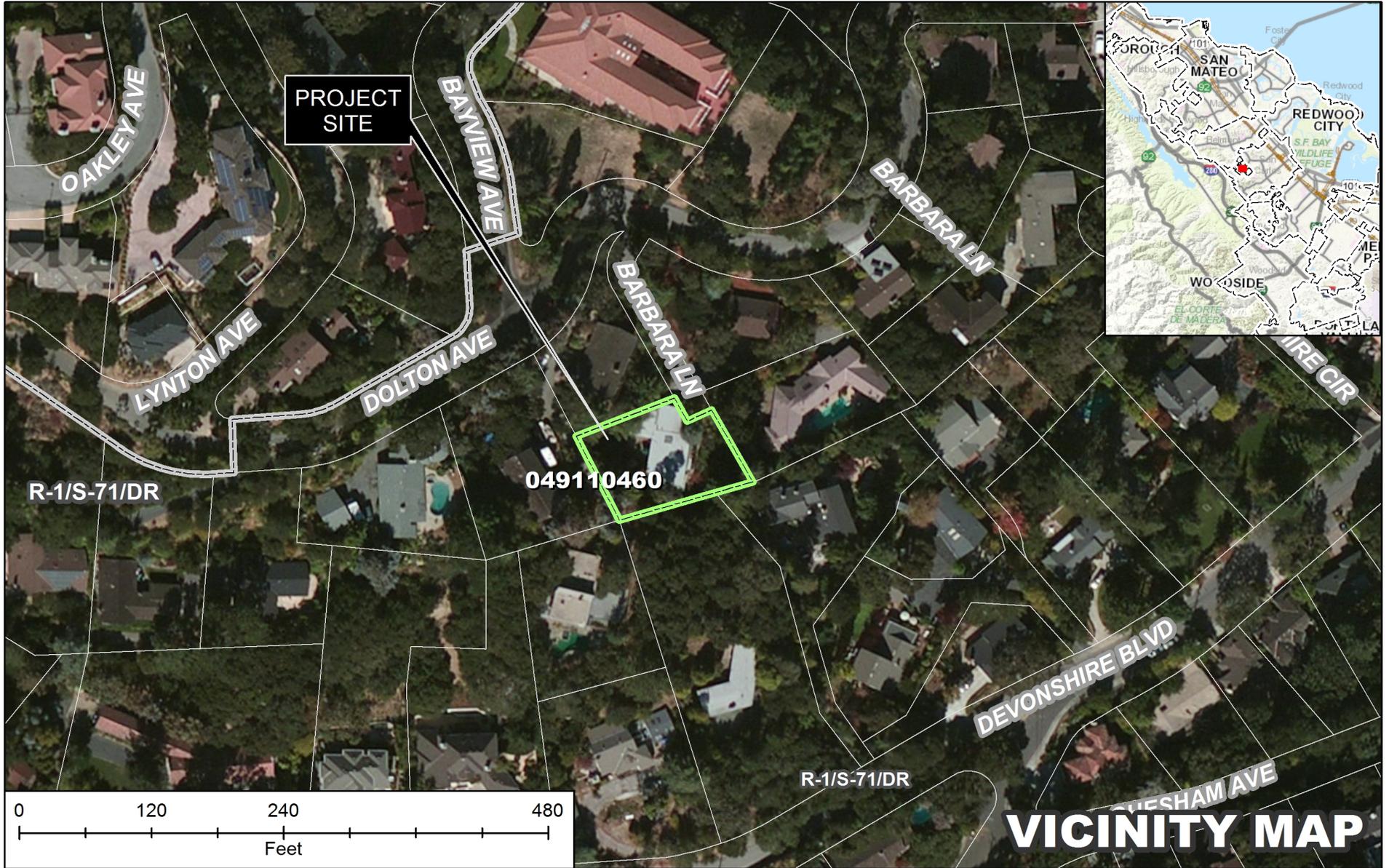
Department of Public Works

6. Prior to the issuance of the building 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 Department of Public Works 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 Department of Public Works for review and approval.

Note that any areas not previously considered for stormwater runoff shall be treated as new impervious surface in these analyses.

7. Should the access shown on the plans go through neighboring properties, the applicant shall provide documentation that "ingress and egress" easements exist providing for this access, prior to issuance of the building permit or recordation of the map (if any).
8. 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 #3277.

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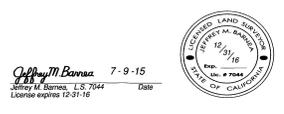
San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

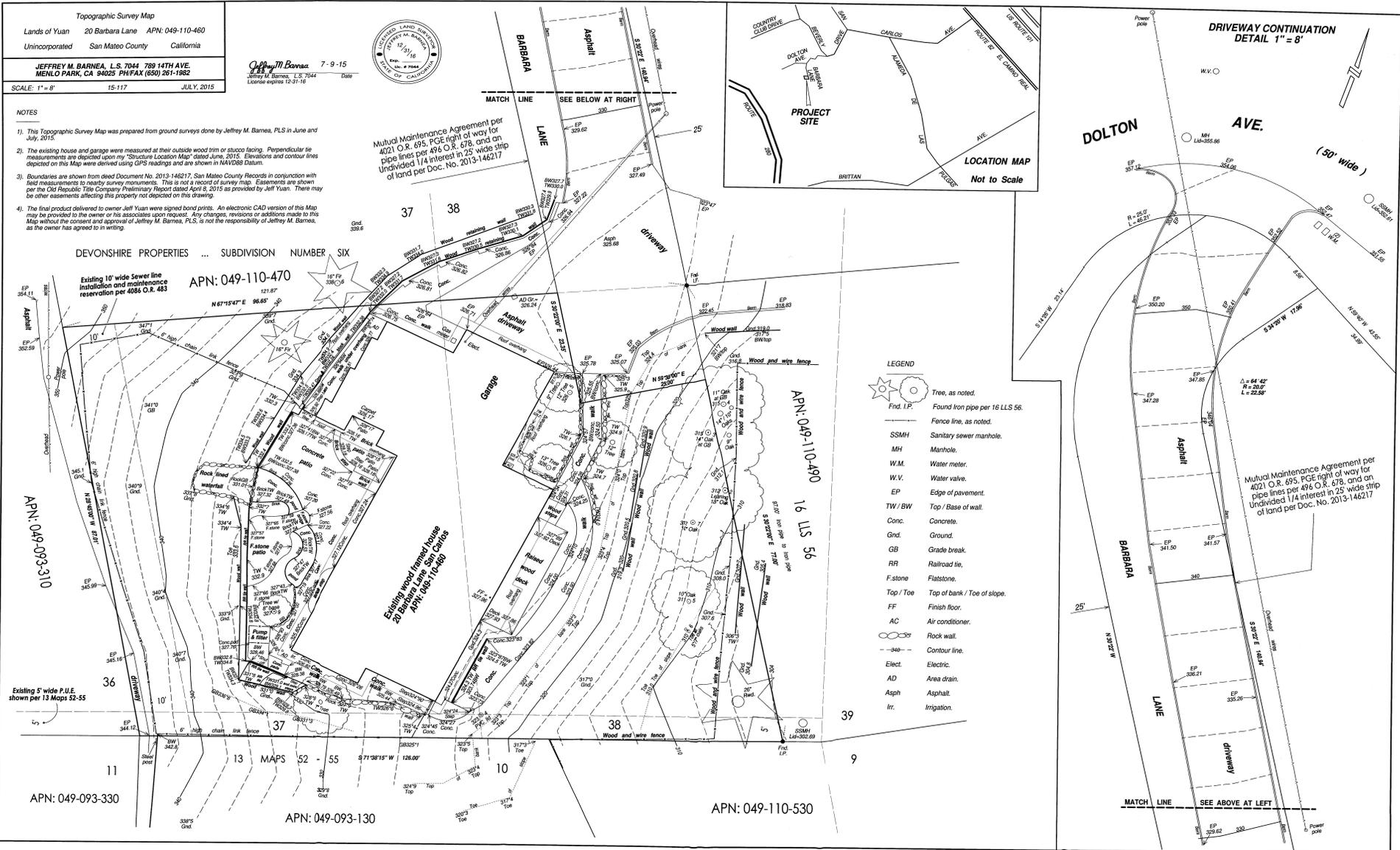
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File Numbers: _____

Topographic Survey Map
 Lands of Yuan 20 Barbara Lane APN: 049-110-460
 Unincorporated San Mateo County California
JEFFREY M. BARNEA, L.S. 7044 789 14TH AVE.
WENLO PARK, CA. 94023 PH/FAX (650) 921-1892
 SCALE: 1" = 8' 15-117 JULY, 2015



- NOTES
- 1) This Topographic Survey Map was prepared from ground surveys done by Jeffrey M. Barnea, PLS in June and July, 2015.
 - 2) The existing house and garage were measured at their outside wood trim or stucco facing. Perpendicular tie measurements are depicted upon my "Structure Location Map" dated June, 2015. Elevation and contour lines depicted on this Map were derived using GPS readings and are shown in NAVD83 Datum.
 - 3) Boundaries are shown from deed Document No. 2013-146217, San Mateo County Records in conjunction with field measurements to nearby survey monuments. This is not a record of survey map. Easements are shown per the Old Republic Title Company Preliminary Report dated April 8, 2015 as provided by Jeff Yuan. There may be other easements affecting this property not depicted on this drawing.
 - 4) The final product delivered to owner Jeff Yuan were signed hard prints. An electronic CAD version of this Map may be provided to the owner or his associates upon request. Any changes, revisions or additions made to this Map without the consent and approval of Jeffrey M. Barnea, PLS, is not the responsibility of Jeffrey M. Barnea, as the owner has agreed to in writing.



- LEGEND
- Tree, as noted.
 - Fnd. I.P. Found iron pipe per 16 LLS 56.
 - Fence line, as noted.
 - SSMH Sanitary sewer manhole.
 - MH Manhole.
 - W.M. Water meter.
 - W.V. Water valve.
 - EP Edge of pavement.
 - TW / BW Top / Base of wall.
 - Conc. Concrete.
 - Gnd. Ground.
 - GB Grade break.
 - RR Railroad tie.
 - F.stone Flatstone.
 - Top / Toe Top of bank / Toe of slope.
 - FF Finish floor.
 - AC Air conditioner.
 - Rock wall.
 - Contour line.
 - Electric.
 - AD Area drain.
 - Asph Asphalt.
 - Irr. Irrigation.

San Mateo County Zoning Hearing Officer Meeting

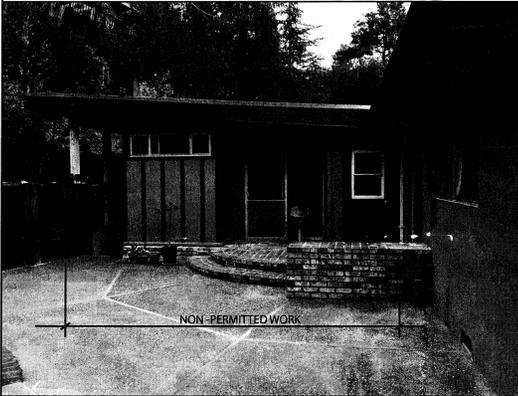
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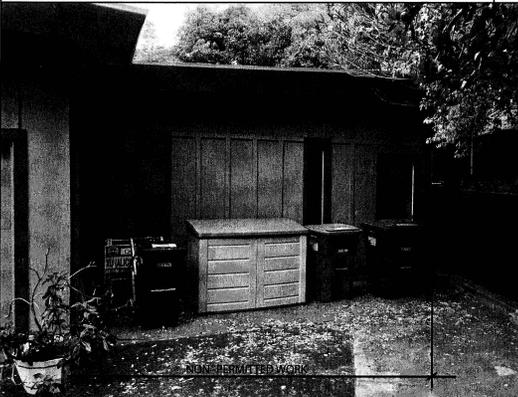
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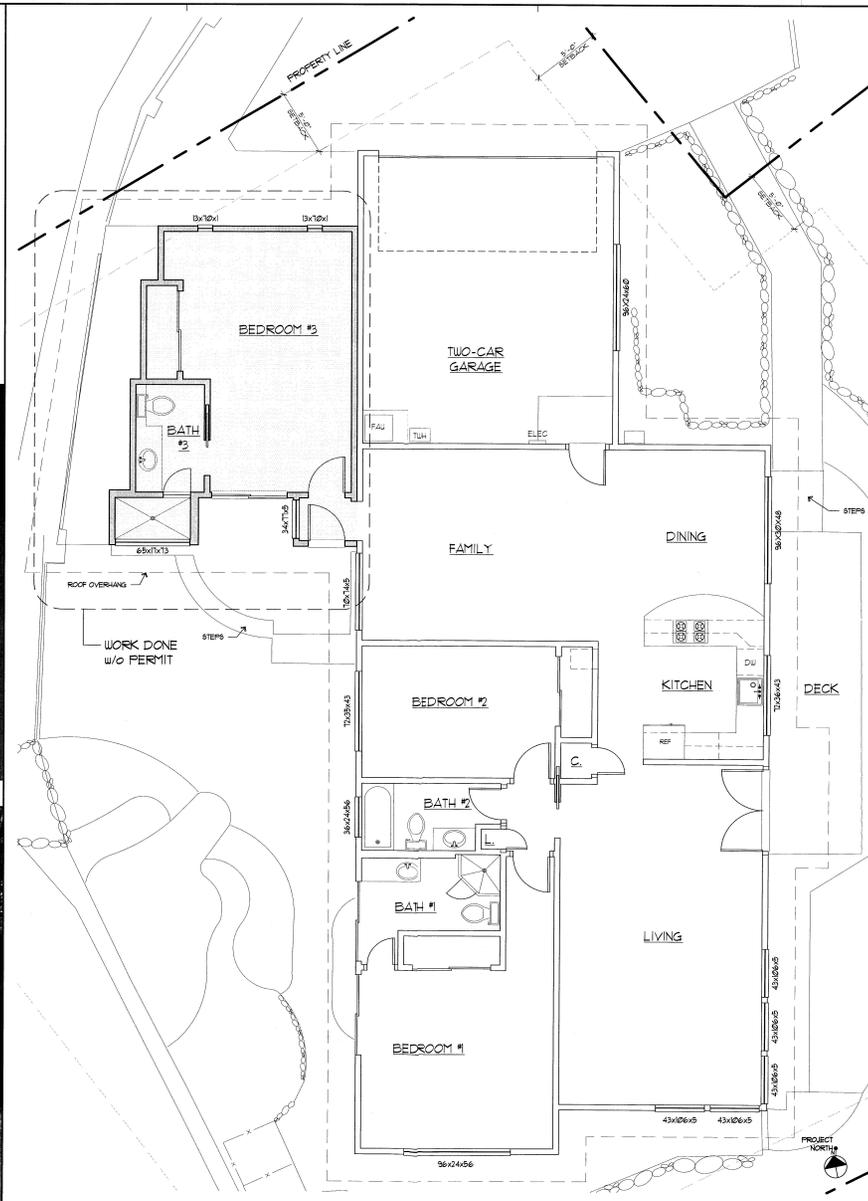
JUL 17 2015
San Mateo County
Planning Division



SOUTH ELEVATION (REAR)



BARBARA LANE ELEVATION (NORTH)



5 FLOOR PLAN

PROPERTY OWNER JEFF YUAN 20 BARBARA LANE SAN CARLOS, CA 94070 TEL: 408/258-0600 CONTACT: JEFF YUAN EMAIL: NAU44HOTMAIL.COM		SURVEYOR JEFFREY H. BARNEA, PLS 191 4TH AVENUE MENLO PARK, CA 94025 TEL: 650/326-1882 LIC: 1044 EXP: 02/2016 CONTACT: JEFFREY H. BARNEA, L.S. EMAIL: JBARNEA@PLS402.COM																																	
ARCHITECT THE KASTROP GROUP, INC. 2145 SPRING STREET REDWOOD CITY, CA 94063 TEL: 650/725-0282 LIC: C-5783 EXP: 3/2017 CONTACT: BRIAN VILAVENCIO ASSOC. AIA EMAIL: BRIAN@KASTROPGROUP.COM		PROJECT TEAM																																	
ARCHITECTURAL DR10 PROJECT TEAM (SCOPE OF WORK, LOT INFORMATION, VICINITY MAP, FLOOR PLAN, EXTERIOR ELEVATIONS)		DR11 SITE PLAN																																	
DR12 SURVEY		DR13																																	
SHEET INDEX THIS IS A RESIDENTIAL PROJECT. THE PROJECT CONSISTS OF LEGALIZING ONE BEDROOM 4 ONE BATHROOM BUILT WITHOUT PERMITS. IT WAS BUILT ON THE NORTHWEST SIDE OF THE EXISTING RESIDENCE.																																			
SCOPE OF WORK ZONING DESIGNATION: R-10S-TUDR ASSESSOR'S PARCEL NUMBER: 049-10-460 LOT AREA: 12,714 BUILDING TYPE: V-B OCCUPANCY: R-3U																																			
<table border="1"> <thead> <tr> <th>AREA DESCRIPTION</th> <th>EXISTING (SF)</th> <th>PROPOSED (SF)</th> <th>TOTAL (SF)</th> </tr> </thead> <tbody> <tr> <td>HABITABLE FLOOR AREA</td> <td>1554</td> <td>364</td> <td>1918</td> </tr> <tr> <td>GARAGE (ATTACHED)</td> <td>428</td> <td>0</td> <td>428</td> </tr> <tr> <td>REAR COVERED PORCH</td> <td>0</td> <td>25</td> <td>25</td> </tr> <tr> <td>FRONT DECK</td> <td>162</td> <td>0</td> <td>162</td> </tr> <tr> <td>SIDE COVERED PORCH</td> <td>0</td> <td>93</td> <td>93</td> </tr> <tr> <td>CALCULATIONS</td> <td></td> <td></td> <td></td> </tr> <tr> <td>TOTAL HABITABLE AREA</td> <td>1554</td> <td>364</td> <td>1918</td> </tr> </tbody> </table>				AREA DESCRIPTION	EXISTING (SF)	PROPOSED (SF)	TOTAL (SF)	HABITABLE FLOOR AREA	1554	364	1918	GARAGE (ATTACHED)	428	0	428	REAR COVERED PORCH	0	25	25	FRONT DECK	162	0	162	SIDE COVERED PORCH	0	93	93	CALCULATIONS				TOTAL HABITABLE AREA	1554	364	1918
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LOT COVERAGE (MAX ALLOWED = 50% = 5,357 SF) LOT COVERAGE (SF) 2,144 364 2,508 LOT COVERAGE (PERCENTAGE) 20.2% 3.4% 23.4% FLOOR AREA RATIO MAX ALLOWED: 0.21 (BLDG SITE AREA 5,000 SF) + 1,000 SF = 5,200 SF FLOOR AREA 2,144 492 2,636																																			
OFF-STREET PARKING REQUIREMENTS (REQUIRED: 2 COVERED + 0 UNCOVERED) PARKING SPACES PROVIDED 2 COVERED + 0 UNCOVERED																																			
LOT INFORMATION 		ORIGINAL SIGNATURE PRELIMINARY DESIGN FOR CONSTRUCTION																																	
SHEET TITLE: PROJECT TEAM SCOPE OF WORK LOT INFORMATION VICINITY MAP FLOOR PLAN EXTERIOR ELEVATIONS		DATE ISSUE TITLE 7/10/15 EXISTING CONDITIONS 7/17/15 ISSUE FOR USE PERMIT																																	
JOB NO: 1551B DRAWN: MB CHECKED: DMK SCALE: AS NOTED		DR1.0 OF BLDG PERMIT APP NO: 05																																	

F VICINITY MAP

THE KASTROP GROUP, INC.
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 2145 SPRING STREET
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 F: 650.258.1140
 www.kastropgroup.com

LEGALIZATION
YUAN RESIDENCE
 20 BARBARA LANE
 SAN CARLOS, CA 94070

PLN 2015-002972

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers:



San Mateo County Zoning Hearing Officer Meeting

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San Mateo County Zoning Hearing Officer Meeting

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