

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

DATE: June 15, 2017

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit, pursuant to Section 6137 and 6430 of the San Mateo County Zoning Regulations, to legalize a 434 sq. ft. second unit constructed within a legal non-conforming single-family residence located at 3091 Oak Knoll Drive, unincorporated Emerald Lake Hills area of San Mateo County.

County File Number: PLN 2016-00301 (Panko)

PROPOSAL

The applicant is seeking to legalize a second unit constructed by converting an existing basement/crawl space beneath an existing home built on a sloping site. The second unit is located on the ground floor of the existing three story residence, which is non-conforming with regard to side setbacks, maximum height and maximum floor area. A Use Permit is required pursuant to Sections 6135.4 and 6137 to allow the enlargement of a non-conforming structure, since the second unit adds additional habitable floor area within the existing structure. A Use Permit is also required pursuant to Sections 6429.4 and 6430, since the total floor area of the second unit and the primary residence exceed the maximum floor area allowed in the RH/DR Zoning District.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit (County File Number PLN 2016-00301), by making the required findings and adopting the conditions of approval in Attachment A.

BACKGROUND

Report Prepared By: Olivia Boo, Project Planner; 650/363-1818

Applicant: Stan Panko Architects, Incorporated

Owner: Pierre Berkaloff

Location: 3091 Oak Knoll Drive, Redwood City
APN: 058-267-150

Size: 7,400 sq. ft.

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

General Plan Designation: Low Density Residential (0.3du/ac-2.3du/ac)

Sphere-of-Influence: Redwood City

Williamson Act: Not Under Williamson Act

Existing Land Use: Three-story single-family residence with attached second unit

Water Supply: City of Redwood City Municipal Water

Sewage Disposal: Oak Knoll Sewer Maintenance 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 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 steeply sloped parcel located near the intersection of Hillcrest Drive. The property is situated within a developed single-family residential area and surrounded by single-family residences.

Chronology:

<u>Date</u>	<u>Action</u>
July 7, 2014	- Received complaint of illegal second unit located on the ground floor, of the residence (County File Number: VIO2014-00113)
July 21, 2016	- Building permit opened in response to violation (BLD 2016-01329). This permit will not be resolved until the project receives approval by the Planning Department.
July 21, 2016	- Received application to legalize second unit (PLN 2016-00301).

- November 16, 2016 - Application deemed complete.
- June 15, 2017 - Zoning Hearing Officer public hearing.

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

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. The second unit is within the existing footprint of the residence, crawl space was converted to habitable space without permits to accommodate the second unit. The exterior of the second unit is constructed of material and color that matches the existing residence. The project is 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 prior to building permit final inspection. The second unit is minimally noticeable, since it is located at the rear of the residence at ground level.

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 RH/DR Zoning District requires a 20-foot combined side yard setback (minimum of 7.5 feet on one side). The existing residence was constructed with right and left side yard setbacks of 5 feet each, which is non-conforming by current zoning standards. Because the space to be legalized is within the exterior walls of the existing residence and no new external footprint is proposed, there is no known impact or change to existing light and air around the structure. To ensure public health and safety, legalizing the habitable space will require compliance with current building codes by the Building Department. The Building Department will also review the project for fire safety.

2. Compliance with the Zoning Regulations

a. Development Standards RH/DR Zoning District

The project parcel is zoned RH/DR (Residential Hillside/Design Review). The applicant requests a Non-Conforming Use Permit to legalize a second unit which exceeds the allowable floor area ratio, within a residence that has legal non-conforming side setbacks and legal non-conforming height for the zoning district.

As noted on the submitted parcel history, per Assessor’s County records, the existing house footprint is 2,720 sq. ft.

RH/DR Development Standards			
	Required	Existing Residence Without Second Unit	With Proposed Second Unit
Minimum Lot Width	50 ft.	60 ft.	No change
Minimum Building Area	12,000 sq. ft.	7,400 sq. ft.*	No change
Minimum Front Yard Setback	20 ft.	20 ft.	No change
Minimum Side Yard Setbacks			
Left Side	12.5 ft.	5 ft.**	No change
Right Side	7.5 ft.	5 ft.** (legal non-conforming)	No change
Minimum Rear Yard Setback	20 ft.	>40 ft.	No change
Maximum Lot Coverage	25%	21.3%	No change
Maximum Floor Area	2,400 sq. ft. (30% or 2,400 whichever is greater)	2,720 sq. ft.** (County Records, legal nonconforming)	3,160 sq. ft.**
Maximum Building Height	28 ft.	30.14 ft.**	No change

*Parcel is legal non-conforming. Parcel was previously zoned R-1/S-7, which designated the minimum parcel size as 5,000 sq. ft.
 **The proposal requires a non-conforming use permit to enlarge a non-conforming structure. The house (without second unit) is already legal non-conforming. The R-1/S-7 district had no maximum floor area limit, side setbacks were 5 ft., and height limit was 36 ft.

b. Compliance with Second Unit Regulations

The Second Unit Regulations, Chapter 22.5, of the Zoning Regulations were amended and became effective February 9, 2017. Section 6430 of the Zoning Regulation describes the development standards for second units. The project has been reviewed against the Second Unit Ordinance and was found to be compliance with regards to maximum unit size, parking, and ingress/egress. Since the second unit adds additional floor area to a structure that is already non-conforming with the Residential Hillside District

floor area limit as noted in the chart above, a use permit is required. Section 6429 (9) of the Zoning Regulations provides that parking for second units shall be required for each studio second unit. In this case, the second unit is a studio and located within the existing residence. Two uncovered parking spaces are provided within the front 20-foot yard setback, thereby parking is in compliance.

3. Compliance with Non-Conforming Use Permit Regulations

Section 6137 (*Exceptions*) of the Zoning Regulations allows the granting of a use permit to allow the 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 second unit will continue to provide affordable housing in conformance with the State mandate (January 2017) and the County's revised Second Unit Ordinance. The addition will be required to comply with the San Mateo County Building Department regulations. The Building Department has reviewed the legalization 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. Two uncovered parking spaces are located on site, within the front yard setback.

C. 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.

D. REVIEWING AGENCIES

Building Inspection Section
Department of Public Works

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity 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 2016-00301

Hearing Date: June 15, 2017

Prepared By: Olivia Boo,
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, 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.

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 second unit will continue to provide affordable housing to residents in San Mateo County, two parking spaces are provided on site and the addition will comply with the San Mateo County Building Department regulations ensuring the 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 June 1, 2017. 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 to the Planning Department of the exterior second unit. Color and materials shall match the existing residence. Fulfillment of this requirement will be added to the building permit as a final inspection by the Planning Department and prior to the final building inspection.

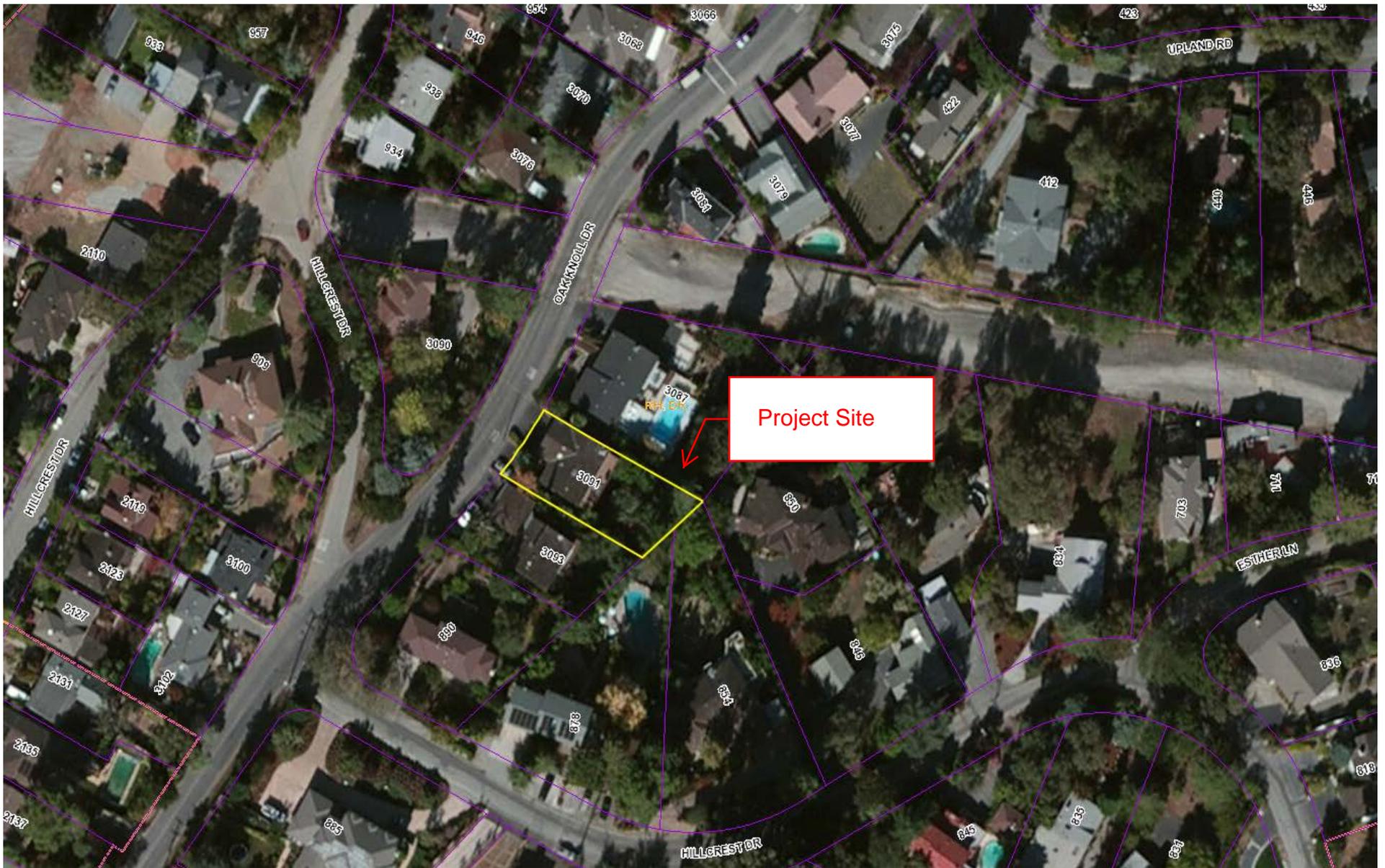
Building Inspection Section

4. Each unit shall be separated by a one hour construction assembly
5. Final inspection of building permit BLD 2016-01329 for this project is required to clear the associated Violation Notice (VIO 2014-00113).

Department of Public Works

6. 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 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.
7. 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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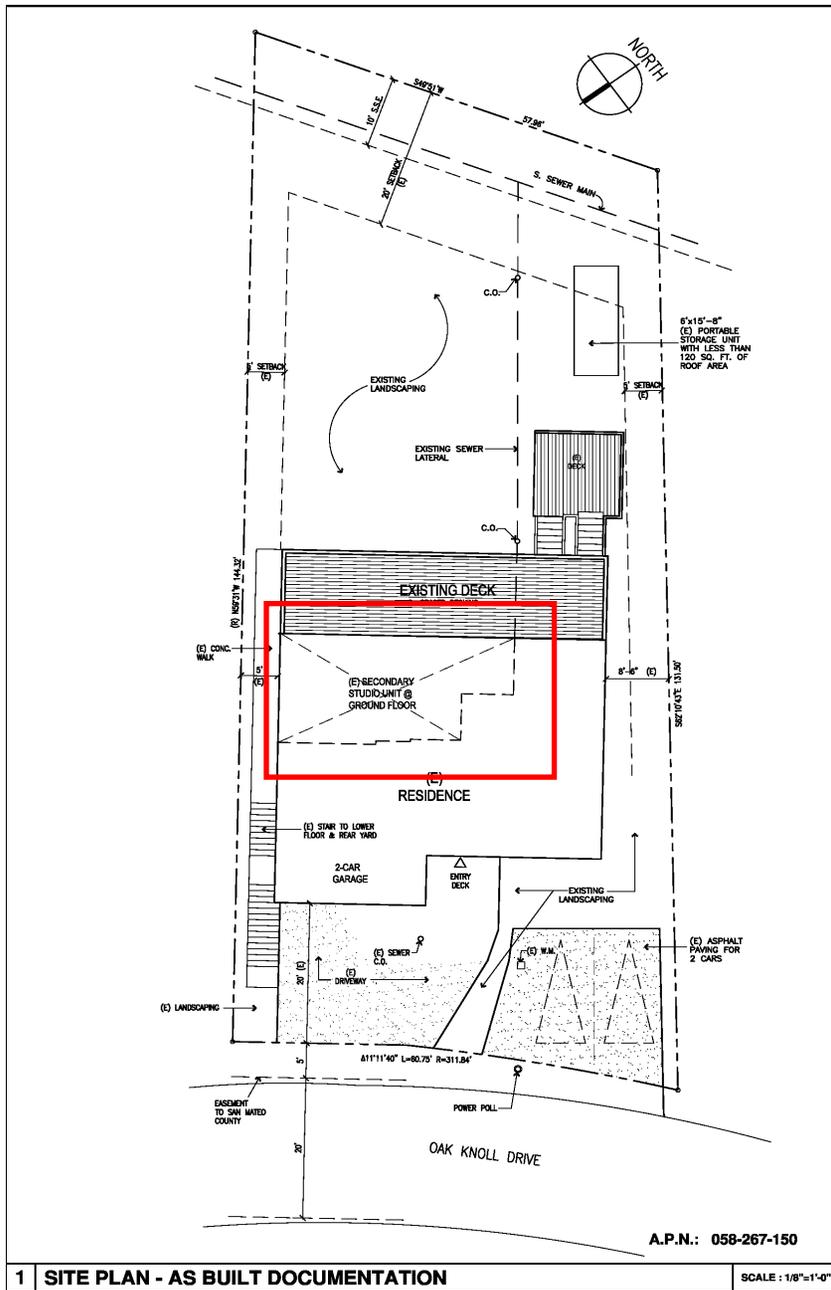


San Mateo County Zoning Hearing Officer Meeting

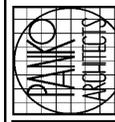
Owner/Applicant: _____

Attachment: _____

File Numbers: _____



Phone: (650)588-0100
 Fax: (650)588-0113
 311 Seventh Avenue, Suite 1
 San Mateo, California 94401



**SECONDARY LIVING UNIT
 BERKALOFF RESIDENCE**
 3081 OAK KNOLL DRIVE
 REDWOOD CITY, CA 94062

TITLE
 COVER SHEET
 SITE PLAN-AS BUILT
 DOCUMENTATION

CHECKED: SEP
 DATE: 09-19-16
 SCALE: AS SHOWN
 DRAWN: -
 JOB NO. 160102
 DWG. NO.

A1.0
 SHEET - OF -

1 SITE PLAN - AS BUILT DOCUMENTATION SCALE: 1/8"=1'-0"

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____

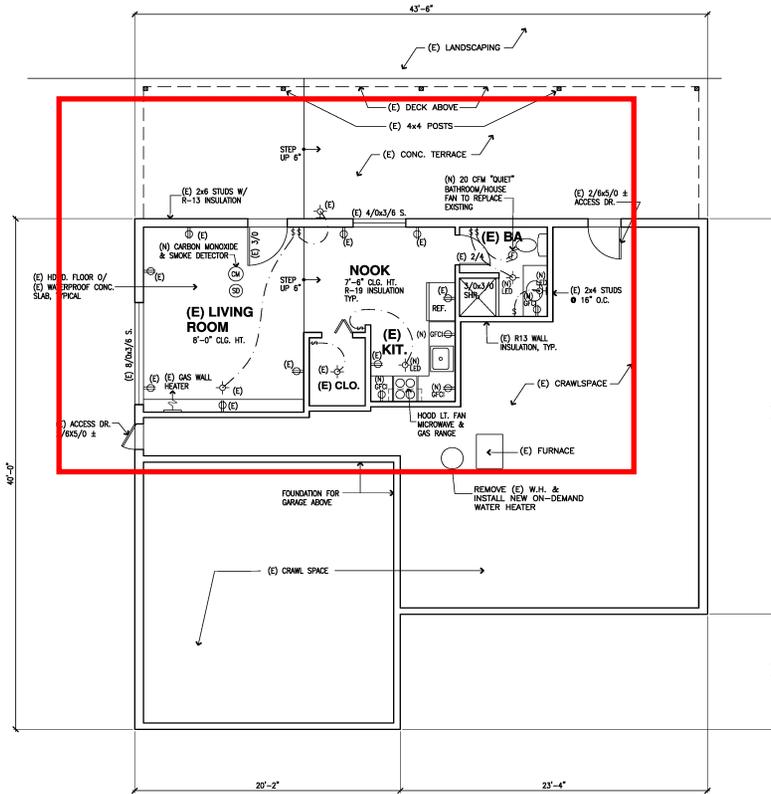
ELECTRICAL LEGEND:

- ⊕ LIGHT SWITCH
- ⊕ DUPLEX ELECT. WALL OUTLETS
- ⊕ GROUND FAULT INTERRUPTER WALL OUTLET
- LED ⊕ CEILING LED LIGHT
- LED ⊕ WALL MOUNTED LED LIGHT
- ⊕ CEILING MOUNTED PANASONIC EXHAUST FAN - W/SENSOR, CEILING SIZE, AS REQUIRED ENERGY STAR W/ HUMIDITY CONTROL
- ⊕ SMOKE DETECTOR BATTERY OPERATION
- ⊕ CARBON MONOXIDE ALARM
- RES HEAT REGISTER
- (E) EXISTING
- (N) NEW

NOTES:

1. SMOKE DETECTORS WHICH SOUND AN AUDIBLE ALARM IN ALL SLEEPING AREAS OF THE DWELLING UNIT IN WHICH THEY ARE LOCATED ARE REQUIRED TO BE INSTALLED AS SHOWN ON THE PLAN AND IN THE FOLLOWING EXISTING LOCATIONS:
 - ON THE CEILING OR WALL AT A POINT CENTRALLY LOCATED IN THE HALL OR AREA GIVING ACCESS TO ROOMS USED FOR SLEEPING PURPOSES.
 - PROVIDE DETECTOR IN ROOM IF ROOM HEIGHT IS 24" OR HIGHER THAN THAT OF HALL
 - IN THE BASEMENT
 - IN EACH SLEEPING ROOM
 SMOKE DETECTORS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING (110V) AND BE EQUIPPED W/ A BATTERY BACKUP.
2. ALL BRANCH CIRCUITS THAT SUPPLY 120-VOLT, SINGLE PHASE, 15- AND 20- AMPERE OUTLETS INSTALLED IN DWELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PORCHES, TERRACES, DECKS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, OR SIMILAR ROOMS OR AREAS SHALL BE ARC-FAULT CIRCUIT INTERRUPTER (AFCI) PROTECTED PER CEC 210.10(B).
3. ALL 125-VOLT, 15- AND 20- AMPERE RECEPTACLE OUTLETS SHALL BE LISTED TAMPER-RESISTANT RECEPTACLES PER CEC 406.12.
4. ALL NEW LIGHT FIXTURES OR REPLACED LIGHT FIXTURES SHALL COMPLY WITH SECTION 150 (K) OF THE 2013 CALIFORNIA ENERGY CODE. ALL BATHROOM AND KITCHEN LIGHTING SHALL BE FLUORESCENT OR CONNECTED TO AN OCCUPANCY SENSOR SWITCH. ALL EXTERIOR LIGHTING SHALL BE FLUORESCENT OR CONNECTED TO PHOTO SENSOR/MOTION CONTROL SWITCHES. ALL OTHER ROOMS SHALL HAVE LIGHT FIXTURES WITH DIMMER SWITCHES OR FLUORESCENT LIGHT FIXTURES.
5. THE LIGHTING IS TO BE HIGH EFFICIENCY TYPE FIXTURES, RATINGS PER THE FOLLOWING:

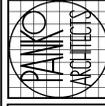
LAMP RATING	LAMP EFFICIENCY
15 WATTS OR LESS	40 LUMENS/WATT
OVER 15 & UP TO 40	50 LUMENS/WATT
6. LAMP WARE INSTALLED INTO INSULATED ENCLOSURES SHALL BE APPROVED FOR ZERO CLEARANCE INSULATION COVER (ZIC) BY UNDERWRITERS LABORATORIES OR OTHER TESTING/RATING LABORATORIES RECOGNIZED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, AND SHALL INCLUDE A LABEL CERTIFYING AIR TIGHT (AT) OR SIMILAR DESIGNATION TO SHOW AIR LEAKAGE LESS THAN 2.0 CFM AT 75 PASCALS (OR 1.57 LBS./FT²) WHEN TESTED IN ACCORDANCE WITH ASTM E283, AND SHALL BE SEALED WITH A GASKET OR CAULK BETWEEN THE HOUSING AND CEILING.
7. A 20 AMP DEDICATED CIRCUIT SHALL BE PROVIDED FOR THE BATHROOM RECEPTACLE OUTLETS PER CEC 210.11 (C) (3).
8. ALL NEW LIGHTING THROUGHOUT SHALL BE HIGH EFFICACY.



**BASEMENT FLOOR PLAN
SECONDARY UNIT (STUDIO) FLOOR AREA = 434S.F.**

NOTE:
REPLACE (E) ELECTRICAL WALL OUTLETS IN KITCHEN & BATH (TOTAL OF 5) WITH GFI OUTLETS.

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San Mateo, California 94407



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REDWOOD CITY, CA 94062

TITLE EXISTING FLOOR PLAN-AS BUILT DOCUMENTATION
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San Mateo County Zoning Hearing Officer Meeting

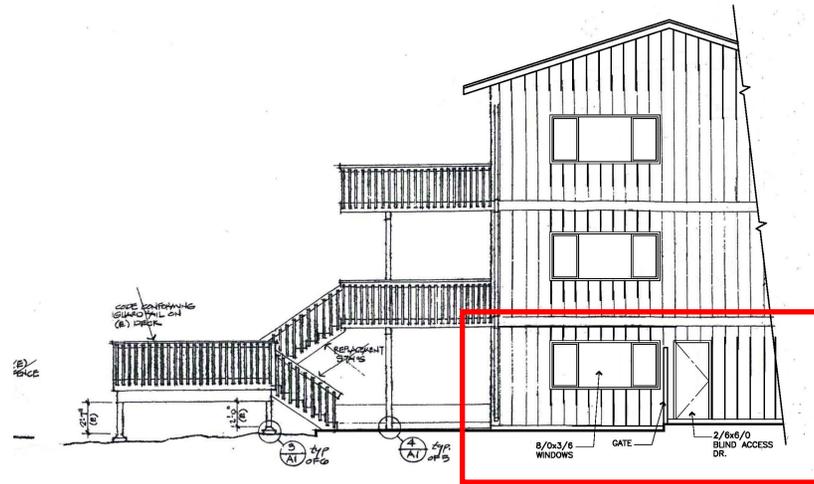
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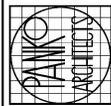


EAST ELEVATION



NORTH ELEVATION

Phone: (650)598-0100
 Fax: (650)598-0113
 311 Seventh Avenue, Suite 1
 San Mateo, California 94401



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 BERKALOFF RESIDENCE**
 3091 OAK KNOLL DRIVE
 REDWOOD CITY, CA 94062

TITLE
 EXTERIOR ELEVATIONS

CHECKED: SEP

DATE: 09-19-16

SCALE: AS SHOWN

DRAWN: -

JOB NO. 160102

DWG. NO.

A3.0

SHEET - OF -

1 EXTERIOR ELEVATIONS

SCALE: 1/4"=1'-0"

San Mateo County Zoning Hearing Officer Meeting

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Attachment: _____

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