

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

DATE: December 7, 2017

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Non-Conforming Use Permit, pursuant to Section 6130 of the San Mateo County Zoning Regulations, to legalize a 1,200 sq. ft. second dwelling unit constructed within an existing single-family residence, located at 406 Crest Drive, in the unincorporated Emerald Lake Hills area of San Mateo County.

County File Number: PLN2015-00087 (Thompson/Satterlee)

PROPOSAL

The applicant is seeking to legalize a basement conversion (second dwelling unit) of a legal conforming single-family residence. The converted basement is located at ground level of the existing home that is built on a sloping site. The basement exterior is visible at the rear elevation at ground level of the existing two-story residence. A Use Permit is required pursuant to Section 6130 to for the conversion of the basement which will create a non-conforming structure, since the legalization of the converted space will exceed the maximum allowable floor area in the RH/DR Zoning District.

The existing residence is non-conforming in regard to the right yard setback (6'-1" where 7.5' is required) and maximum height (30.14' where 28' is required). Legalization of the basement conversion for the second dwelling unit use will not aggravate these non-conformities. The second dwelling unit is compliant with the County's updated Second Dwelling Unit Ordinance.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit (County File Number PLN 2015-00087), 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: James Thompson, JET Engineering

Owner: Mark Satterlee

Location: 406 Crest Drive, Redwood City

APN: 057-202-120

Size: 11,970 sq. ft.

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

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

Sphere-of-Influence: Redwood City

Existing Land Use: Two-Story Single-Family Residence with an attached Second Dwelling Unit

Water Supply: City of Redwood City Municipal Water

Sewage Disposal: Emerald Lake Sewer 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 that is not greater than 2,500 sq. ft. of the existing structure.

Setting: The project site is a sloped parcel located near the intersection of Crest Drive and Summit 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>
September 12, 2014	- Received complaint of an illegal second dwelling unit located on the ground floor. Stop Work Notice issued (County File Number: SWN 2014-00121).
September 16, 2014	- Building permit opened in response to Stop Work Notice (County File Number: BLD 2014-01687).
March 9, 2015	- Planning application submitted proposing to legalize second dwelling unit. (County File Number: PLN 2015-00087)

- March 23, 2017 - Application deemed complete.
- December 7, 2017 - Zoning Hearing Officer 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 dwelling unit is located within the existing footprint of the residence, an unfinished basement space has been converted to habitable space without permits. The exterior of the second dwelling unit is constructed of material and color that match 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 legalized second dwelling unit continues to match the existing structure prior to building permit final inspection. The second dwelling unit is minimally noticeable, since it is located below street level, is visible only from the rear elevation and the external access door faces the rear yard. It is not visible from Crest Drive.

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 area proposed for legalization is within the existing house footprint thus no footprint expansion is proposed and the existing house will remain in scale with the parcel size. The second dwelling unit complies as best as possible with the required setbacks because the additional floor area to be legalized is within the footprint of the existing residence. No additional footprint is proposed, beyond the existing structure. The existing setbacks will remain, with no further encroachment to the right side yard setback. No increase in building height will result from the legalization of the space. 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 code and fire safety requirements, as conditioned.

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 dwelling unit which will cause the total floor area of the residence to exceed the allowable floor area ratio by 6%, a total of 36% where 30% is the maximum permitted for the zoning district.

RH/DR Development Standards			
	Required	Existing Residence without Second Dwelling Unit	Including Second Dwelling Unit
Minimum Lot Width	50 ft.	105 ft.	No change
Minimum Parcel Size	12,000 sq. ft.	11,970 sq. ft. *	No change
Minimum Front Yard Setback	20 ft.	20 ft.	No change
Minimum Left Side Setback	12.5 ft. (minimum 7.5 ft. on one side)	12.5 ft.	No change
Minimum Right Side Setback	7.5 ft.	7 ft. legal non-conforming	No change
Minimum Rear Yard Setback	20 ft.	>20 ft.	No change
Maximum Floor Area	30% sq. ft. (30% or 2,400 sq. ft. whichever is greater)	2,925 sq. ft. ** (24.4%)	4,353 sq. ft. ** (36%)
Maximum Lot Coverage	25% maximum	24.4%	No change
Maximum Building Height	28 ft.	24 ft.	No change
* <i>Legal Non-Conforming.</i>			
** <i>The proposal requires a non-conforming use permit to allow the single-family residence to exceed the allowable floor area, legalizing the basement area (second dwelling unit living area) for the RH/DR Zoning District.</i>			

b. Compliance with Second Dwelling Unit Regulations

The second dwelling unit project was deemed complete on March 23, 2017. Zoning Regulations Chapter 22.5 (*Second Dwelling Units*), was amended and became effective on February 9, 2017, thus the proposed second dwelling unit legalization is subject to the amended ordinance. Section 6430 of the Zoning Regulation describes the development standards for second dwelling units. The project has

been reviewed against the Second Dwelling Unit Ordinance and was found to be in compliance with regard to maximum floor area, parking, and ingress/egress, as shown in the chart below. Section 6429(9) of the Zoning Regulations provides that parking for second dwelling units shall be required for one bedroom second dwelling units. Two uncovered tandem parking spaces are located on site, within the front yard setback (left side yard), thereby parking is in compliance.

Second Dwelling Unit Development Standards			
	Required	Existing	Second Dwelling Unit Proposed to be Legalized
Minimum Front Yard Setback	20 ft.	20 ft.	20 ft.
Minimum Left Side Setback	5 ft.	12.5 ft.	5 ft. No change
Minimum Right Side Setback	5 ft.	7 ft.	7 ft. No change
Minimum Rear Yard Setback	10 ft.	>20 ft.	No change
Maximum Floor Area	Not to exceed 1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.
Maximum Lot Coverage	25% maximum	24.4%	No change
Maximum Building Height	16 ft.	No Change	No change

3. Compliance with Non-Conforming Use Permit Regulations

Section 6137 (*Exceptions*) of the Zoning Regulations allows the granting of a use permit to allow enlargement of a non-conforming structure provided the following finding is made:

- a. 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 to accommodate the existing second dwelling unit use is compliant with the County’s revised Second Dwelling Unit Ordinance (effective February 9, 2017) and the overall RH/DR Zoning District with exception to the maximum floor area ratio to with the use permit is requested. Granting the use permit will allow for the continuation of a second dwelling unit which provides affordable housing in conformance with the State mandate and the County’s revised Second Dwelling Unit Ordinance. Legalization of the addition will require compliance with the San Mateo County Building Inspection Section regulations. Both the County Building Inspection Section and Redwood City Fire Department have given conditional approval of 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 tandem parking

spaces are located on site, within the front yard setback (left side yard).

C. ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act Categorically exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) related to the minor addition that is not greater than 2,500 sq. ft. of the existing structure.

D. REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Redwood City Fire Department

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Existing Site Plan
- D. Existing Floor Plan
- E. Proposed Second Dwelling Unit Floor plan
- F. Elevation
- G. 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: PLN2015-00087 Hearing Date: December 7, 2017

Prepared By: Olivia Boo For Adoption by: Zoning Hearing Officer
Project Planner

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, related to the minor addition that is not greater than 2,500 sq. ft. 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. Legalization of the addition is required to comply with the San Mateo County Building Inspection Section 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 December 7, 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 of the painted existing addition to be legalized, which reflect that matching colors and materials are utilized, to the Planning Department. Fulfillment of this requirement will be added to the building permit as a finalized inspection by the Current Planning Section prior to the final building inspection.
4. This permit does not allow for the removal of any trees. Removal of any tree with a circumference of 55 inches or greater, as measured 4.5 feet above the ground, shall require additional review by the Community Development Director prior to removal. Only the minimum vegetation necessary shall be removed.

Building Inspection Section

5. Final inspection of a valid building permit for this project is required to clear the associated Stop Work Notice (SWN 2008-00095) and to finalize the Building Permit (BLD 2009-00480).

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 final signoff by the Department of Public Works, the engineer who prepared the approved grading plan shall provide written certification to the Department of Public Works that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, as conditioned, and the Grading Ordinance.
8. A grading plan shall be prepared and signed by the engineer, and shall be submitted to the Department of Public Works and the Planning Department for approval prior to commencing any work.
9. 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.

Redwood City Fire Department

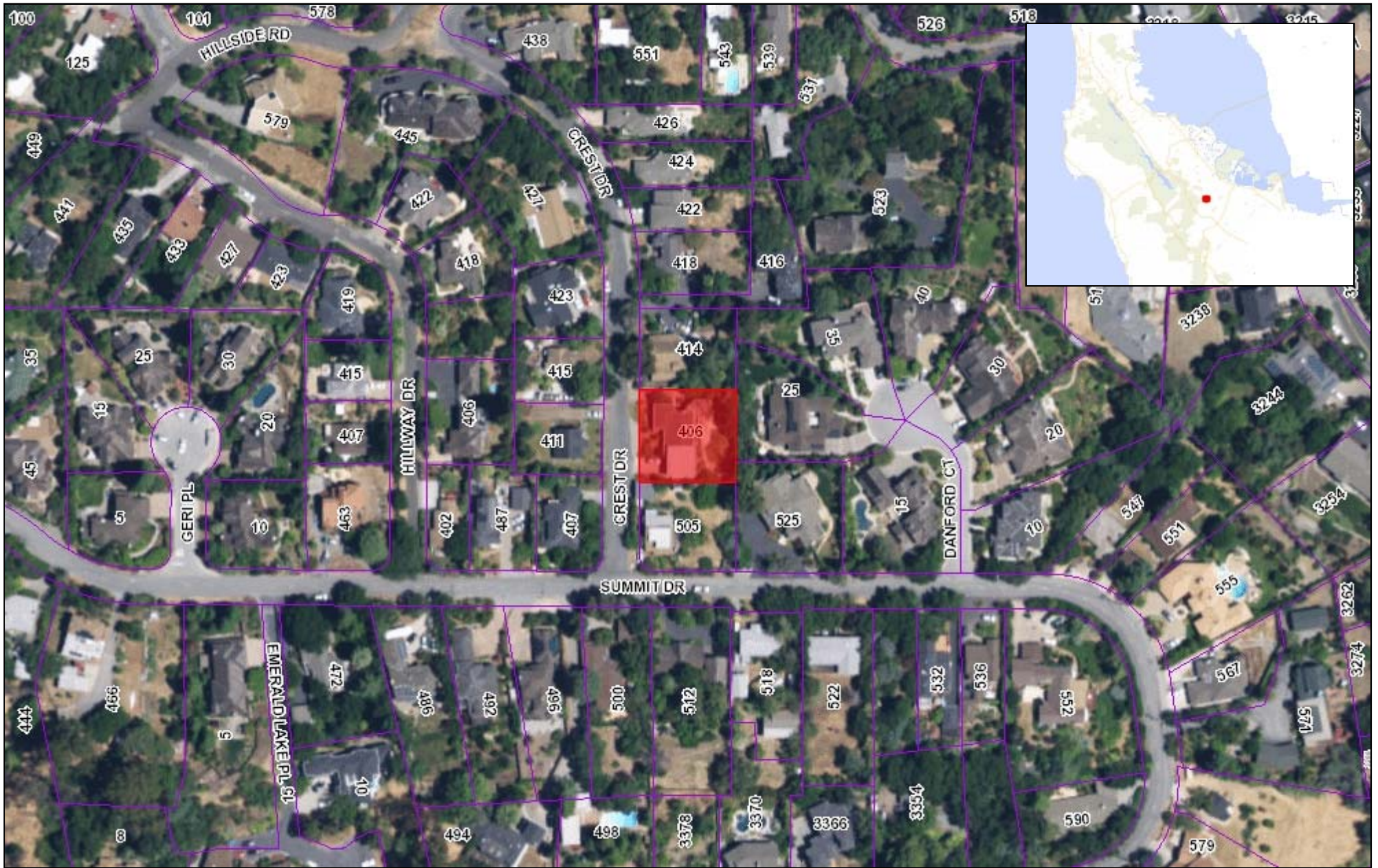
10. Smoke alarms/carbon monoxide detectors are required; smoke alarms shall be hardwired and interconnected with battery backup. Existing smoke alarms may have battery powered smoke alarms.
11. Address numbers shall be 4 inches in height with a minimum 3/5-inch stroke and shall be internally illuminated and conspicuously posted and visible from the street. Second dwelling units must have a separate address.
12. Vegetation management is required.
13. If a chimney is present the installation of an approved spark arrester is required. Spark arresters shall be made of 12-gage woven or welded wire screening and have an opening not to exceed 12 inches.
14. Attached garage shall meet occupancy separation requirements.
15. New bedrooms and windows replaced in existing bedrooms shall meet the escape/rescue window requirements.
16. If the project increases the valuation of the building by more than 50%, as determined by the San Mateo County Building Official, then the entire structure shall meet all San Mateo County Fire requirements as for a new building (San Mateo County Building Regulations Section 9022(3)).
17. Provide fire flow report from water purveyor for the hydrant. The hydrant is to flow 1,000 gallons per minute at 20 pounds per square inch. If there is not a hydrant within 250 feet with the required flow, one will have to be installed at the applicant's expense.
18. An Automatic Fire Sprinkler is required; the system shall comply with the 2013 NFPA 13D, CRC and San Mateo County Fire requirements.
19. New residential buildings shall have an internally illuminated address. The numbers/letters shall be 4 inches in height with a minimum 3/4-inch stroke contrasting with the background.
20. The building is in a Very High Fire Hazard Severity Zone and will required a Class A roof. This shall be added to the building plans.
21. The project is located in a State Responsibility Area for wildfire protection. Roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors and underfloor protection shall meet CRC R327 requirements. This information shall be added to the plans.

22. Escape or rescue windows shall a minimum net operable area of 5.7 sq. ft., 5.0 sq. ft. at grade level. The minimum net clear operable height dimension shall be 24 inches. The minimum clear width dimension is 20 inches.
23. Identify rescue windows in each bedroom and verify they meet all requirements. This information shall be added to the building plans.
23. A separate permit will be required for the Fire Sprinkler System along with plans.

Environmental Health Division


25. The second dwelling unit must connect to the public sanitary sewer system.

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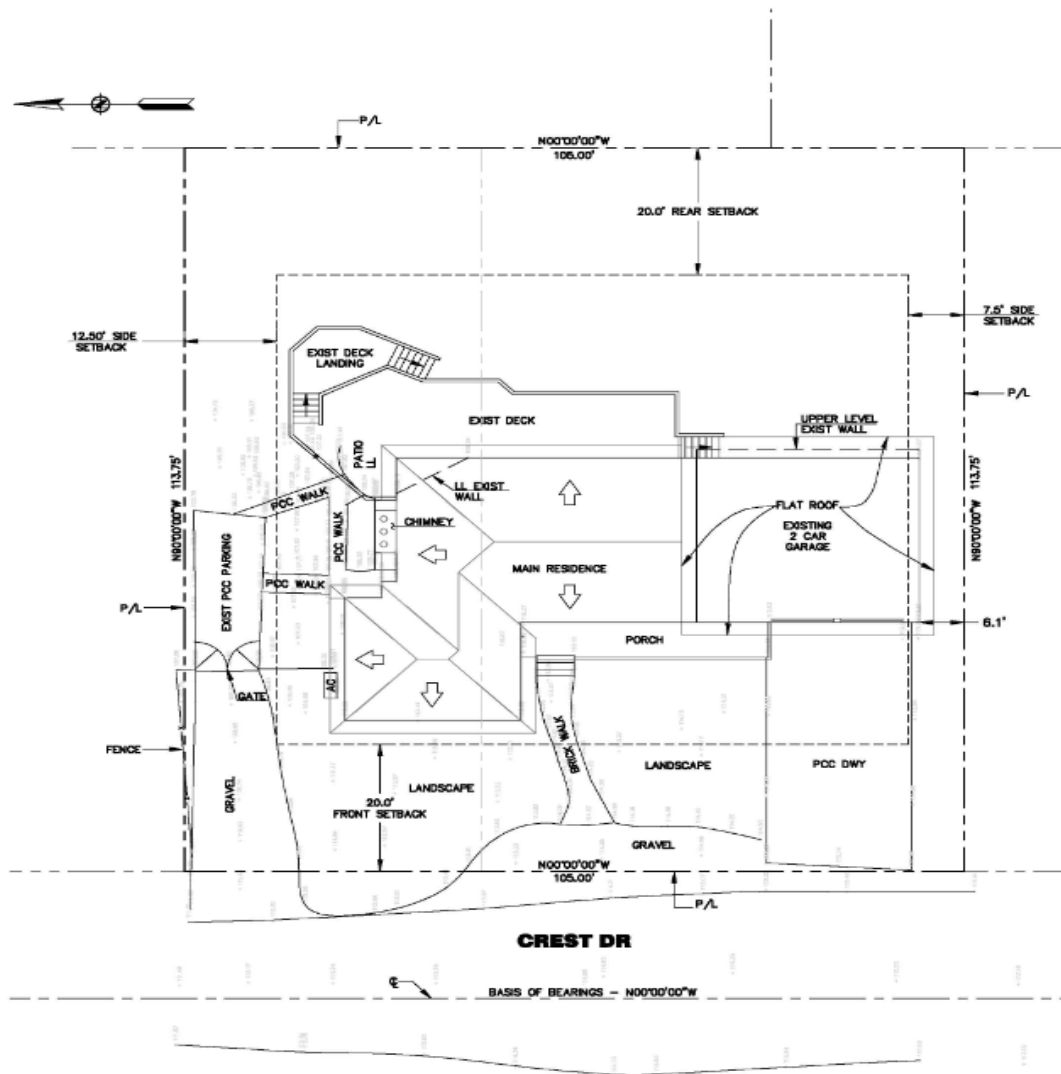
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Attachment B

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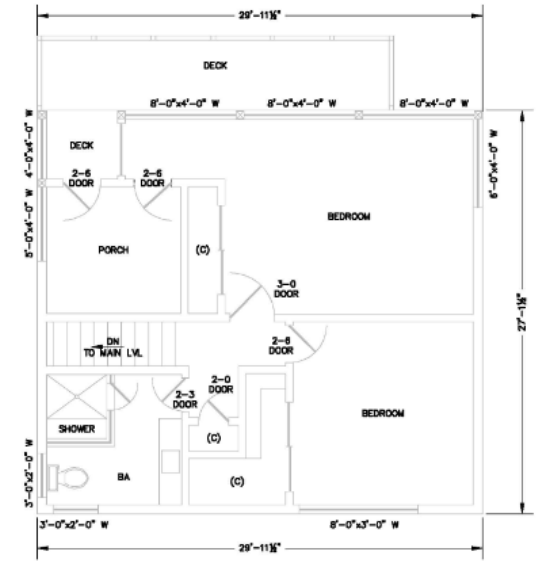
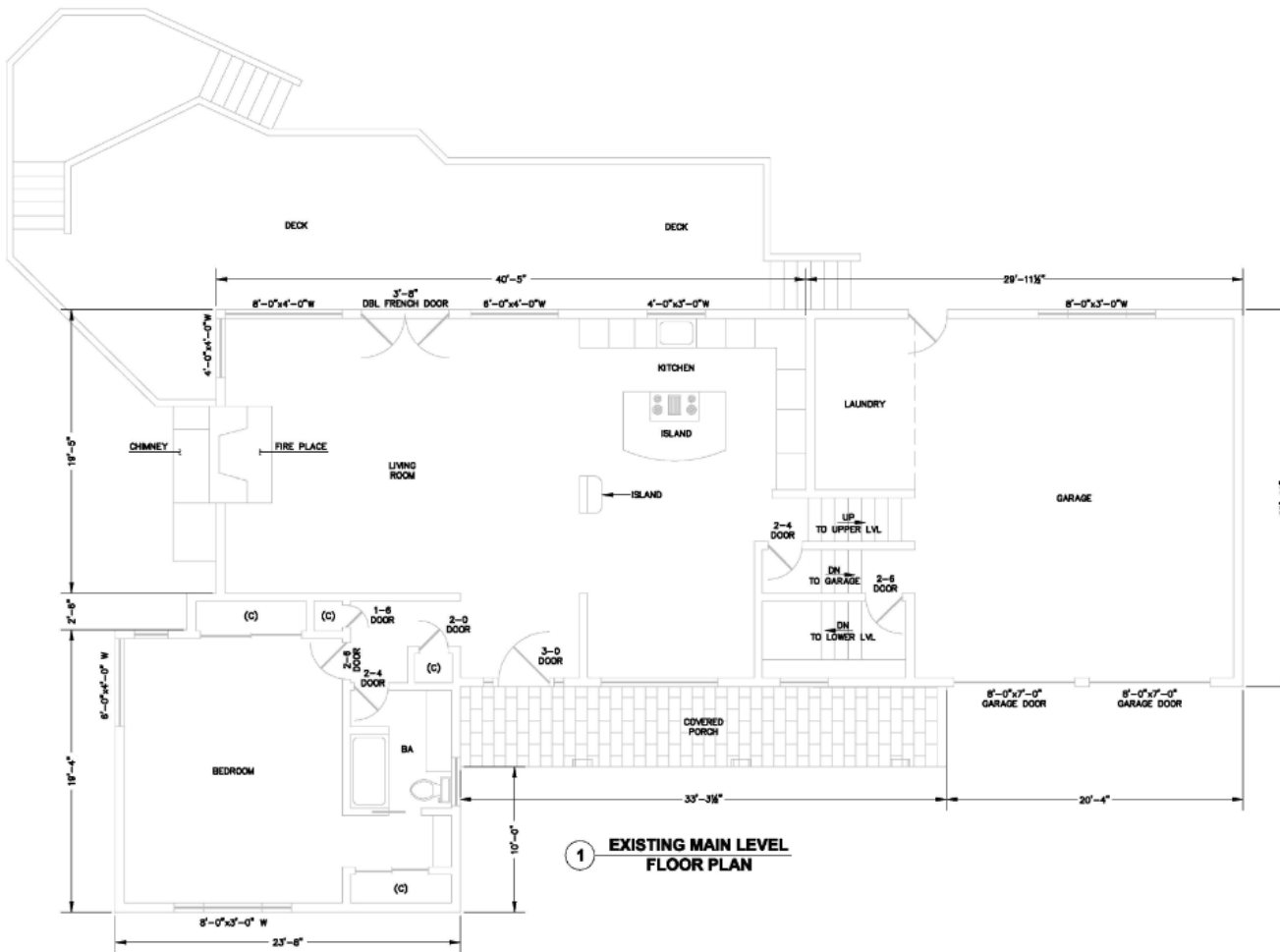


San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

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File Numbers:



NOTE:
FOR EXISTING BUILDING AREAS AND ZONING CALCULATIONS SEE SHEET C8.1.

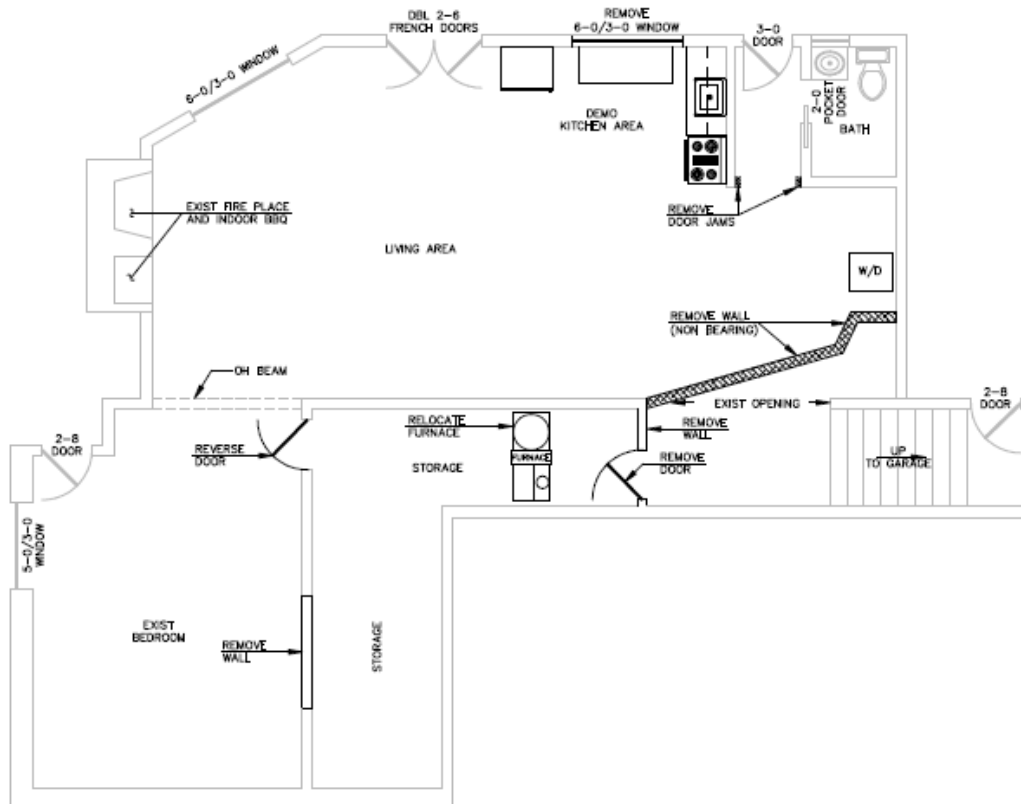


San Mateo County Zoning Hearing Officer Meeting

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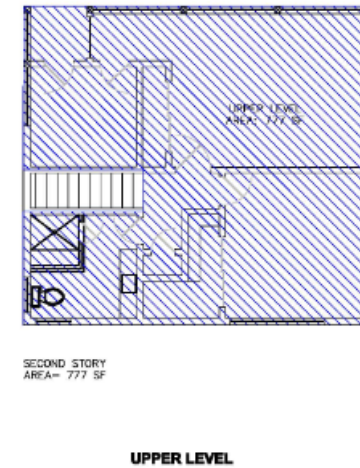
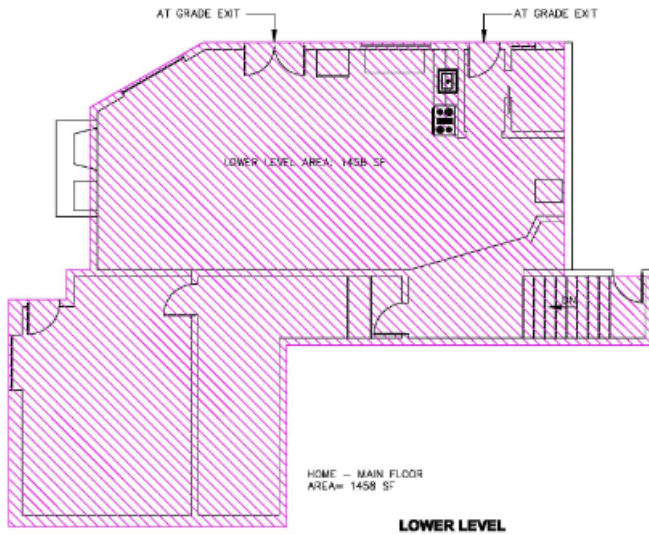
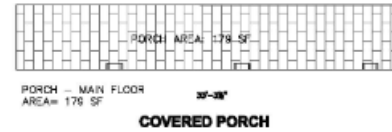
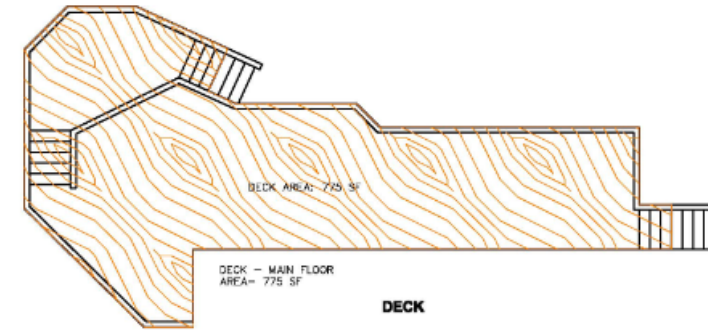
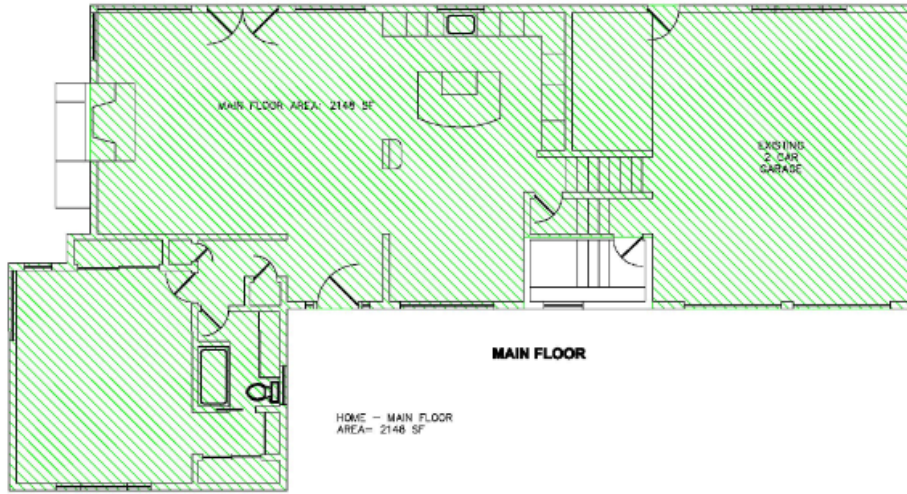
1 **EXIST LOWER LEVEL FLOOR PLAN**

San Mateo County Zoning Hearing Officer Meeting

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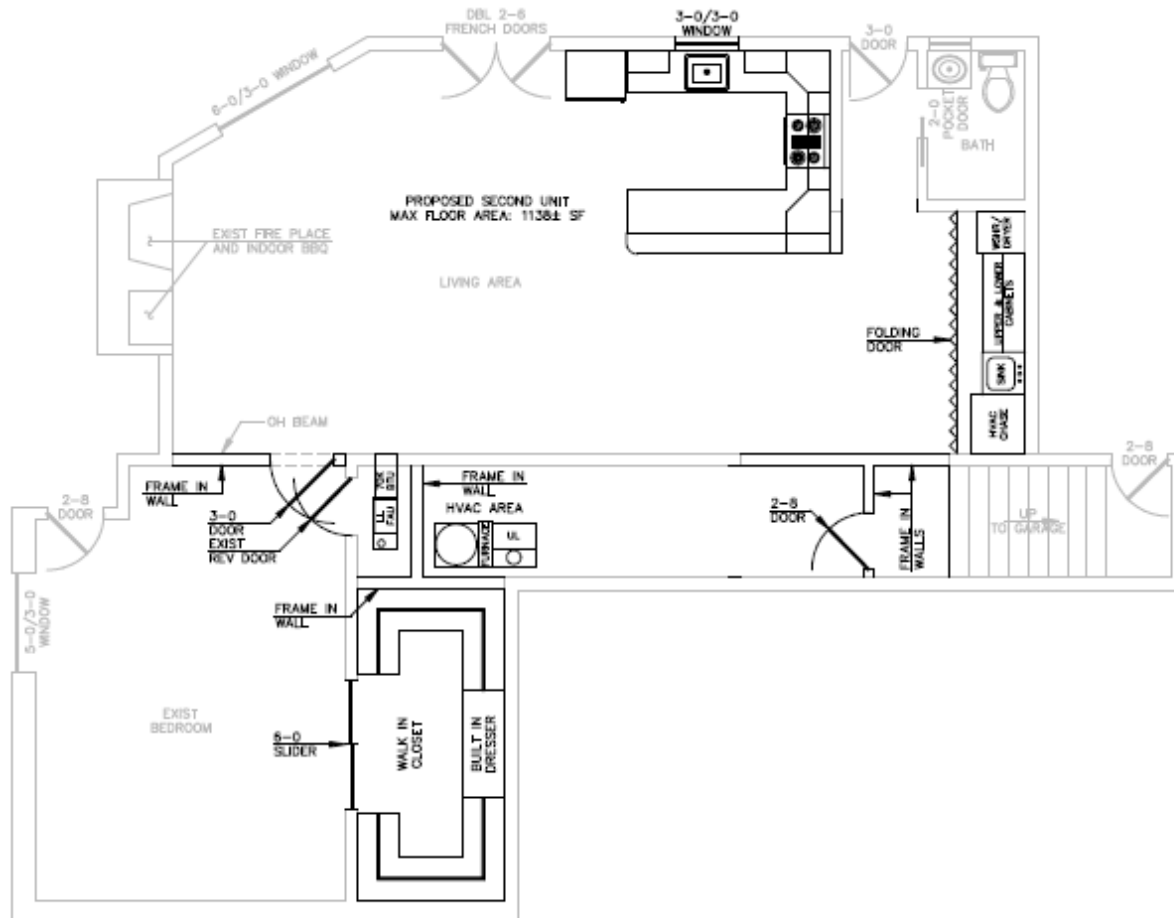


San Mateo County Zoning Hearing Officer Meeting

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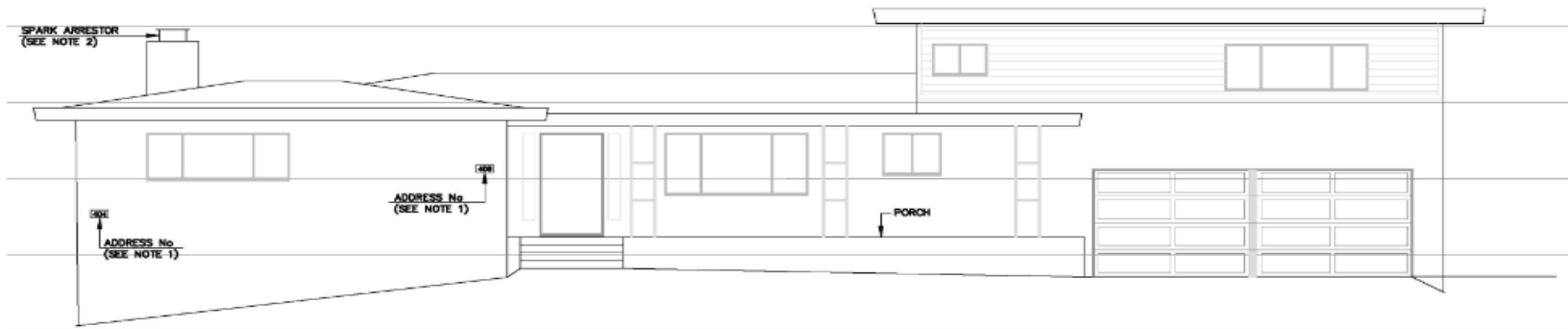
2 **PROPOSED LOWER LEVEL FLOOR PLAN**

San Mateo County Zoning Hearing Officer Meeting

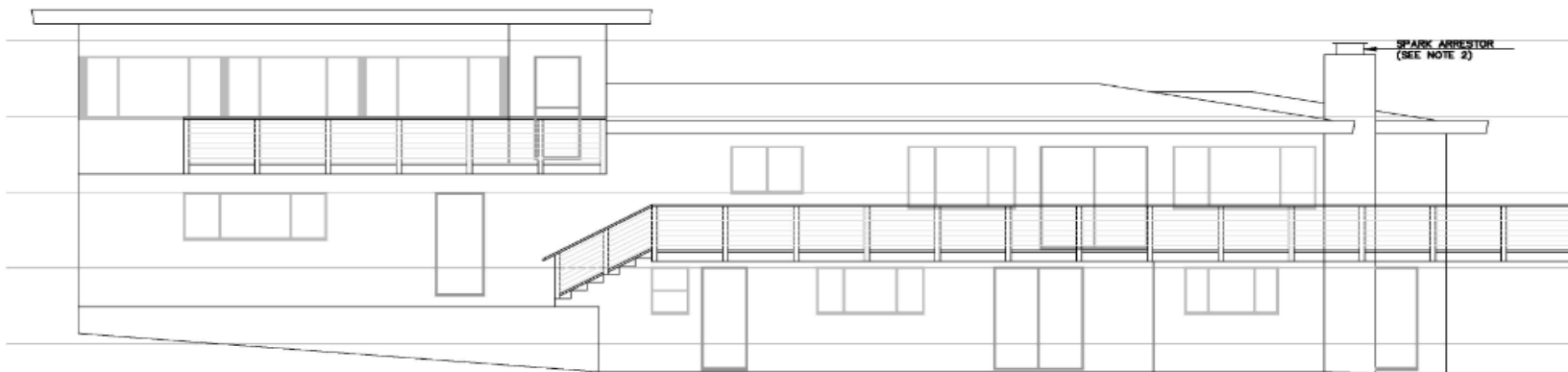
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1 FRONT ELEVATION



2 REAR ELEVATION

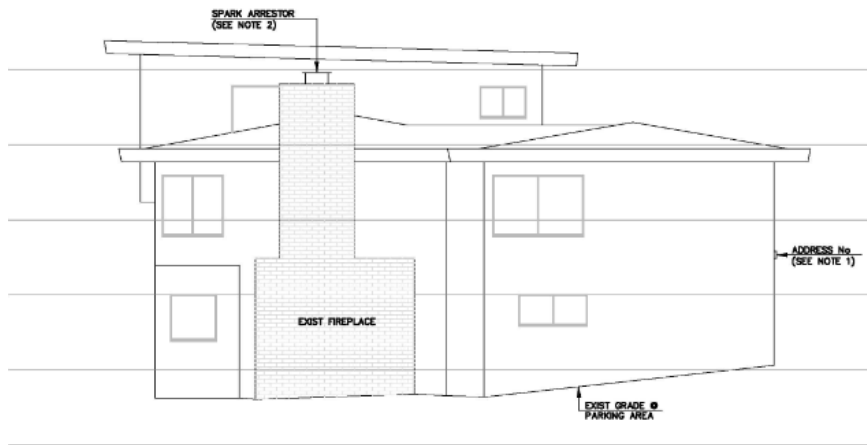
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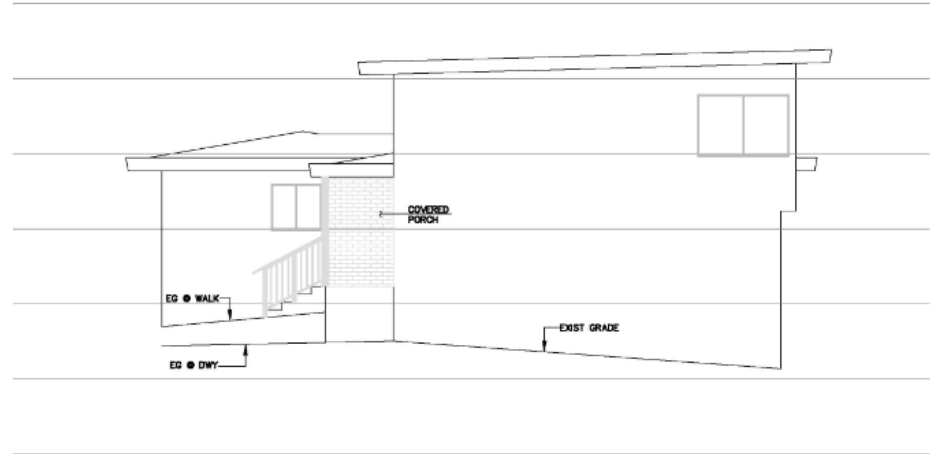
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① NORTH ELEVATION



② SOUTH ELEVATION

San Mateo County Zoning Hearing Officer Meeting

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San Mateo County Zoning Hearing Officer Meeting

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