

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

DATE: July 2, 2015

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Non-Conforming Use Permit, pursuant to Section 6133 of the County Zoning Regulations, to legalize a 130.5 sq. ft. addition to an existing single-family residence which encroaches into the required right side yard setback. The encroachment results in a 3.64-foot setback where 5 feet is required. The property is located at 711 Third Avenue, in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2015-00108 (Daley/Kleinsmid)

PROPOSAL

The applicant proposes to legalize a 130.5 sq. ft. addition to an existing single-family residence which encroaches 1.36 feet into the right side yard setback. The project also includes a minor remodel which consists of relocating a half bathroom, reconfiguring the full bathroom, and window changes (like for like in location). The existing residence is a legal non-conforming structure due to existing non-conforming left and right side yard setbacks. Further, the subject parcel is also considered legal non-conforming as it is 3,000 sq. ft. in size where 5,000 sq. ft. is the minimum parcel size. The proposal does not involve the removal of any trees or any grading.

RECOMMENDATION

That the Zoning Hearing Officer approve the Non-Conforming Use Permit, County File Number PLN 2015-00108, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Angela Chavez, Project Planner, Telephone 650/599-7217

Owner: Raymond Daley

Applicant: Greg Kleinsmid

Location: 711 Third Avenue, North Fair Oaks

APN: 060-012-190

Parcel Size: 3,000 sq. ft.

Existing Zoning: R-1/S-73 (Single-Family Residential/5,000 sq. ft. minimum parcel size)

General Plan Designation: Single-Family Residential (15-24 dwelling units/acre)

Existing Land Use: Single-Family Residential

Water Supply: California Water Service Company

Sewage Disposal: Fair Oaks Sewer Maintenance District

Parcel Legality: Lot 34, Block 25, North Fair Oaks Subdivision 1 RSM 5/42 (recorded November 18, 1907). Building Permit No. 40907 issued October 30, 1956 for construction of existing single-family residence. A Certificate of Compliance Type A, County File COC90-11, was processed and recorded for this parcel on December 13, 1991.

Flood Zone: Zone X (areas of minimal flooding), FEMA Panel No. 06081-C0302E, effective date October 16, 2012.

Environmental Evaluation: Exempt; California Environmental Quality Act (CEQA) Section 15301, Class 1 (minor alteration of/to existing structures)

Setting: There is an existing single-story 1,066 sq. ft. residence with an attached 281 sq. ft. carport. The property is flat and is bordered by single-family residential development on all sides.

History: A building permit (40907) was issued in 1956 for the construction of the subject single-family residence (one bedroom and one bathroom) and the attached one-car carport with the construction being finalized in 1957. In 1958, a subsequent building permit (45345) was issued for a bedroom and a half bathroom addition to the residence and this work was completed in 1959. Since 1958, no other permits have been issued for additions to the single-family residence.

DISCUSSION

A. KEY ISSUES

1. Conformance with General Plan

Staff has reviewed the project for conformance with the visual quality and urban land use policies contained in the General Plan and has determined

that the project is in conformance. The policies applicable to this project include the following:

Policy 4.36 (*Urban Area Design Concept*) calls for the maintenance and improvement of the appearance and visual character of development in urban areas and that the proposed development contributes to the orderly and harmonious nature of the locality. The proposed project results in only minor exterior changes to the residence, as the area in question has already been constructed, and the proposed modifications to the windows are minor (no new window locations to be added). The existing exterior materials and design of the house will remain untouched. The addition currently matches the existing colors and materials of the residence. Therefore, there is no impact to the appearance and/or visual character of the property. The continuation of the existing design contributes to the orderly and harmonious nature of the development on the property and is similar in appearance to the surrounding development.

Policy 8.39 (*Height, Bulk, and Setbacks*) calls for the regulation of height, bulk, and setback requirements in order to ensure that the size and scale of development is compatible with the parcel size, that there is sufficient light and air in and around structures, that development to permitted densities is feasible, and to ensure public health and safety. The proposed project complies with the maximum allowable height, front and rear yard setbacks, lot coverage, and floor area as defined by the zoning district. While the residence does not meet the minimum required right and left side yard setbacks, the house is otherwise compliant with the development standards and is consistent with the pattern of development present on the neighboring parcels ensuring that there is sufficient light and air around structures.

2. Conformance with Zoning Regulations

a. R-1/S-73 Zoning District Regulations

As shown in the table below, the proposed addition does not comply with the S-73 Zoning District Regulations with regard to side yard setbacks otherwise the existing residence complies with all other aspects of the Zoning Regulations.

	A	B	C
	S-73 Combining District Standards	Existing Legal Conditions	Proposed
Minimum Lot Size	5,000 sq. ft.	3,000 sq. ft.*	No Change
Maximum Building Site Coverage	50% or 1,500 sq. ft.	1,213.5 sq. ft.	1,344 sq. ft.
Maximum Floor Area Ratio	2,600 sq. ft.	1,213.5 sq. ft.	1,344 sq. ft.
Minimum Front Setback	20 ft.	25 ft.	No Change
Minimum Side Setback	5 ft. (Each Side)	2.17 to 2.38 ft. (left)* 2 to 3.81 ft. (right)*	No Change (left) 3.64 (right)**
Minimum Rear Setback	20 ft.	25.39 ft.	No Change
Maximum Building Height	28 ft.	14 ft.	No Change
Covered Parking	2**	1*	No Change
* Indicates aspects of existing parcel or residence that are legal non-conforming. ** Aspect of project non-conformance with zoning district regulations, for which a use permit is requested. *** Parking - Chapter 3 of the Zoning Regulations.			

b. Parking Regulations

Section 6119 of the County Zoning Regulations states that dwelling units that have two or more bedrooms must provide two covered off-street parking spaces. While the existing residence contains two bedrooms and only a single covered parking space, it was constructed in this manner with the benefit of building permits and is considered a legal non-conforming situation. Per Chapter 4, Zoning Non-Conformities, of the County Zoning Regulations, continuation of a non-conforming situation is allowed assuming all other areas of the chapter are met. In this case, the proposed project does not enlarge the non-conforming situation, as there is no increase in the number of bedrooms, and the proposed remodel of the house is considered minor. Given that the project is not considered an enlargement of the non-conforming situation, the continuation is allowed without consideration of additional exceptions.

c. Zoning Non-Conformities Regulations

Section 6133 of the County Zoning Regulations states that the proposed development which does not comply with the zoning currently in effect on an improved non-conforming parcel can be allowed with the issuance of a use permit. See chart above for details

on the non-conforming aspects of the proposed project and the use permit findings below in Section 3. Further, a use permit is also required for enlargement of a non-conforming structure.

3. Conformance with Use Permit Findings

As previously stated, Section 6133 of the County Zoning Regulations allows for the proposed enlargement of a structure on a non-conforming parcel which does not conform to the zoning regulations currently in effect with the issuance of a use permit. The existing residence is located on a non-conforming parcel and was constructed with the benefit of permits. However, at some time post 1958, an additional 130.5 sq. ft. was added to the rear of the residence in order to enlarge the existing legal bedroom. This addition continues the right side and rear yard lines of the legal portions of the residence providing for a square shaped bedroom rather than the previously approved rectangular shaped bedroom. In continuing the existing setbacks, the addition to be legalized encroaches into the right side yard setback by 1.36 feet for a total square footage encroachment of approximately 20 sq. ft. Per Section 6133, exceptions to the enlargement of structures on non-conforming parcel are allowed with the issuance of a use permit.

The following findings, as required by Section 6133, must be made in order to approve a use permit for the proposed project:

a. **The proposed development is proportioned to the size of the parcel on which it is being built.**

The existing structure with the area to be legalized currently conforms to the allowable building site lot coverage and floor area. The structure also conforms to the minimum front and rear yard setbacks and building height. However, the existing structure, both with and without the addition to be legalized, does not comply with the minimum required left and right side yard setbacks. As discussed previously, the addition results in approximately 20 sq. ft. of encroachment into the right side yard setback. While this encroachment is non-conforming, the amount is relatively minor and the proposed area to be legalized is otherwise compliant with the development standards of the underlying zoning district. The proposed project is proportioned to the size of the parcel on which it is being built given that the amount of encroachment into the setback is minor and that the proposed project does not exceed the maximum allowable lot coverage or building floor area.

- b. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible.**

The contiguous parcels located adjacent to the subject property are separately owned, are already developed, and/or are not available for purchase. The acquisition of one or any part of these parcels is infeasible.

- c. The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.**

While the existing single-family residence is considered legal non-conforming due to the existing setback encroachments and lack of one of the two required parking spaces, the proposed project itself is minor in nature. The addition to be legalized continues these existing non-conformities but otherwise complies with the R-1/S-73 zoning district development standards. As described in Section 2, above, the residence is compliant with front and rear yard setbacks, maximum allowable lot coverage, maximum allowable floor area, and building height. Further, the area in which the addition is located provides for the most reasonable and consistent development of the parcel. Given the layout of the existing residence, conforming aspects of the project, and limitations to development due to the non-conforming lot size, the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.

- d. 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 said the neighborhood.**

The addition to be legalized is contained entirely on the subject property and does not pose a detriment to the public welfare or neighboring properties. The project will have no impact on coastal resources, as the property is not located in the Coastal Zone. The project, as proposed, will not create any significant visual or erosion impacts and is compatible with development in the neighborhood.

- e. Use permit approval does not constitute a granting of special privileges.**

The approval of this project does not constitute a granting of special privileges, as the existing building was built legally prior to the adoption of the zoning regulations that are currently in effect and

additions to residences are allowed within this residential district. To adhere to the zoning regulations that are applicable to the property at this time is infeasible due to the constraints associated with the size of the parcel and the manner in which the existing house is located on the parcel.

B. ENVIRONMENTAL REVIEW

This project is exempt under Section 15301, Class 1 (minor addition/alteration of existing structures) of the California Environmental Quality Act (CEQA).

C. 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. Site Plan
- D. Existing and Proposed Floor 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 2015-00108

Hearing Date: July 2, 2015

Prepared By: Angela Chavez
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That this project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, relating to the construction of additions to existing structures.

Regarding the Use Permit, Find:

2. That the proposed development is proportioned to the size of the parcel on which it is being built, as it conforms to the maximum allowable lot coverage, the maximum allowable floor area, and largely conforms to the required setbacks.
3. That all opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible, as the contiguous parcels are separately owned, are already developed, and/or are not available for purchase.
4. That the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible. The project complies with all of the development standards of the underlying zoning district with the exception of one of the two required parking spaces and the left and right side yard setbacks. The size of the parcel and orientation of the existing house limit the development potential and the project, as proposed, results in development which is orderly and consistent with the legal portions of the house.
5. 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 said the neighborhood. As proposed, the addition to be legalized is contained entirely on the subject property and does not pose a detriment to the public welfare or neighboring properties. The project will have no

impact on coastal resources, as the property is not located within the Coastal Zone. The applicant has utilized a design and site planning which continues the existing design aesthetic of the property and minimizes impacts to adjoining properties.

6. That approval of the use permit does not constitute a granting of special privileges, as the existing building was built legally and prior to the adoption of the zoning regulations that are currently in effect. To adhere to the zoning regulations currently in effect is infeasible due to parcel size, location, and orientation of the existing house.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Zoning Hearing Officer on July 2, 2015. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are consistent with the intent of and in substantial conformance with this approval.
2. This use permit is valid for one (1) year, in which time a building permit shall be issued. An extension may be granted upon written request at least sixty (60) days prior to expiration and payment of applicable extension fees.
3. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.
4. No site disturbance shall occur, including any grading.
5. No trees are permitted for removal as part of this permit. If any trees are required to be removed, a separate tree removal permit and process are required and then only those trees approved for removal shall be removed.
6. To reduce the impact of construction 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 right-of-way on Third Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Third Avenue. There shall be no storage of construction vehicles in the public right-of-way.
7. 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.
8. During construction, the project, where applicable, shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including:
- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
 - b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - c. Controlling and preventing 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.
 - d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
 - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - h. Performing clearing and earth-moving activities only during dry weather.

- i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilizing designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction best management practices.
- m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.

Building Inspection Section

- 9. The applicant shall comply with all requirements of the Building Inspection Section at the building permit stage of the project.

Redwood City Fire Department

- 10. The applicant shall comply with all requirements of the Redwood City Fire Department at the building permit stage of the project.

Department of Public Works

- 11. Prior to the issuance of the building permit or planning permit (for Provision C.3 Regulated Projects), the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the after-the-fact 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.
- 12. 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.

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Source: Esri, DigitalGlobe, GeoEye, Earthstar, DigitalGlobe, GeoEye, Earthstar (USA), InGIS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

VICINITY MAP

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____

NEW MASTER BATHROOM & HALL BATHROOM REMODEL FOR: RAYMOND DALEY

711 3rd AVENUE
REDWOOD CITY, CA 94063
APN #060-12-190



1. ALL CONSTRUCTION WORKMANSHIP AND MATERIALS SHALL CONFORM CALIFORNIA BUILDING CODE 2007 EDITION CALIFORNIA MECHANICAL CODE 2007 EDITION CALIFORNIA PLUMBING CODE 2007 EDITION ALONG WITH ANY OTHER APPLICABLE LOCAL & STATE LAWS AND REGULATIONS.
2. ALL ELECTRICAL, FIRE PROTECTION, MECHANICAL, PLUMBING, AND STRUCTURAL WORK SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH EACH FIELD'S APPLICABLE CODES AND STANDARDS.
3. CONSTRUCTION DRAWING NOTES AND DETAILS TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS, ALL DIMENSIONS TAKE PRECEDENCE OVER SCALE SHOWN ON PLANS, SECTIONS AND DETAILS.
4. CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS SHOWN ON THESE DRAWINGS, ANY DISCREPANCY SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY IN WRITING PRIOR TO COMMENCING WORK.
5. THE PROJECT SITE SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION AND KEPT FREE OF RUBBISH AND ACCUMULATIONS OF WASTE.
6. ALL DIMENSIONS ARE TO FACE OF STUD, UNLESS OTHERWISE NOTED.
7. VERIFY (E) CONDITIONS ON SITE AND REVIEW MODIFICATIONS REQUIRED TO SUIT (E) CONDITIONS PRIOR TO FABRICATION AND INSTALLATION.
8. ALL DOORS ADJACENT TO WALLS ARE GIVEN AS 4" FROM FACE OF JAMB TO FACE OF FINISH OF ADJACENT WALL UNL.

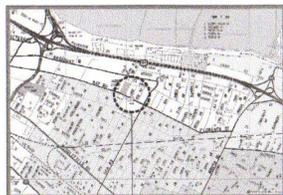
BUILDING TYPE: VB
ZONING: RT-8
FIRE SPRINKLERS: NO
BUILDING SQUARE FOOTAGE:
 LOT SQUARE FOOTAGE: 3,000 S.F.
 EXISTING LIVING AREA: 1,993 S.F.
 EXISTING CARPORT: 281 S.F.
TOTAL LIVING AREA: 1,810 S.F. 35%
TOTAL LOT COVERAGE: 1,810 S.F. 35%

APPLICABLE CODES:
 CALIFORNIA FIRE CODE 2013 EDITION
 CALIFORNIA BUILDING CODE 2013 EDITION
 CALIFORNIA MECHANICAL CODE 2013 EDITION
 CALIFORNIA PLUMBING CODE 2013 EDITION
 CALIFORNIA ELECTRIC CODE 2013 EDITION
 CALIFORNIA ENERGY CODE 2010 EDITION
 CALIFORNIA RESIDENTIAL CODE 2013 EDITION
 CALIFORNIA GREEN BUILDING STANDARDS 2013 EDITION

OWNER: RAYMOND DALEY
 711 3rd AVENUE
 REDWOOD CITY, CA 94063
 850.440.2215

CONTRACTOR: Altrive Builders
 GREG KLEINSMID, CCBP
 3241 GLENEDEEN WAY
 SAN JOSE, CA 95117
 408.687.3373
 LICENSE # 905016

GENERAL NOTES 6



SITE

PROJECT INFORMATION 4

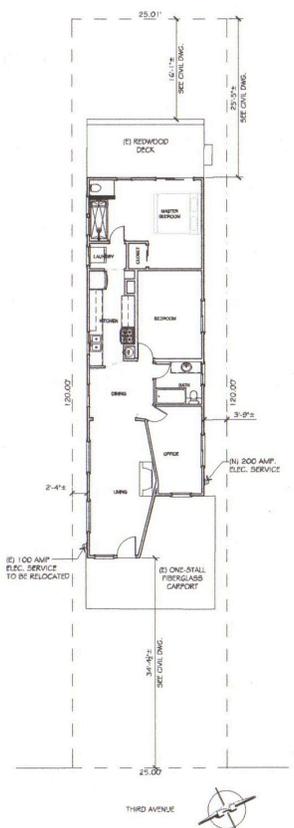
ARCHITECTURAL
 A0.0 TITLE SHEET & SITE PLAN
 A1.0 EXISTING FLOORDEMOLITION & PROPOSED FLOOR PLAN
 ELECTRICAL & LIGHTING PLAN
 A2.0 CIVIL SITE PLAN

PROJECT DIRECTORY 2

THIS PROJECT INVOLVES THE REMODEL TO THE EXISTING HALL BATH, A NEW BATHROOM IN THE MASTER BEDROOM & A RELOCATION OF THE EXISTING ELECTRICAL METER AND SERVICE UPGRADE TO 200AMP. THE PROJECT ALSO INVOLVES A NEW WINDOW IN THE KITCHEN, DINING ROOM AND MASTER BEDROOM.

ALL ROOM DESIGNATIONS, WINDOWS AND DOOR ARE EXISTING AND THEY ARE TO REMAIN UNCHANGED. CONSTRUCTION IS TYPE V WOOD FRAME.

EXTERIOR WALL FINISH: WOOD SIDING.
 ROOF MATERIAL: COMPOSITION SHINGLE, CLASS 'A' RATED



1/8" = 1'-0" 1

LOCAL MAP 7

SHEET INDEX 5

SCOPE OF WORK 3

SITE PLAN 1

**NEW MASTER BATHROOM &
HALL BATHROOM REMODEL TO THE EXISTING HALL BATH FOR:
RAYMOND DALEY**
 711 3rd AVENUE
 REDWOOD CITY, CA 94063
 APN #060-12-190

COVER SHEET,
PROJECT DATA,
SCOPE OF WORK,
SITE PLAN

NO.	REVISION	DATE
1	BUILDING SUBMITAL	3.25.15

SHEET NO.

A0.0

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San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:
 File Numbers:

Attachment:

