



North Fair Oaks Community Council
San Mateo County Coordinated
Departmental Response



DATE: February 15, 2019
NFOCC MEETING DATE: February 28, 2019
SPECIAL NOTICE/HEARING: 10 Days; within 300 feet
VOTE REQUIRED: Majority

TO: Members, North Fair Oaks Community Council

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit, pursuant to Section 6500 of the County Zoning Regulations, to allow for reduced rear and side yard setbacks for a one-story, 466 sq. ft. Second Dwelling Unit located at 667 18th Avenue in the North Fair Oaks Community of San Mateo County.

County File Number: PLN 2018-00275 (Barmina)

PROPOSAL

The applicant is requesting a Use Permit to allow for a rear yard setback of 3 feet (where 5 feet is required); and a side yard setback of 2 feet (where 5 feet is required) for a one-story 466 sq. ft. detached second dwelling unit converted from an existing workshop with full bathroom. The proposed second dwelling unit, aside from the rear and side yard setback requirements, meets all zoning development standards for Second Dwelling Units, and building site coverage area and floor area requirements for the R-1/S-73 District.

RECOMMENDATION

That the North Fair Oaks Community Council provide a recommendation to the Zoning Hearing Officer on the proposed Use Permit application for relief of the rear and side yard setback requirement for the second dwelling unit.

BACKGROUND

Report Prepared By: Bryan Albini, Project Planner, 650/363-1807

Owner: Spigner Levie A Trust

Applicant: Maria Barmina

Location: 667 18th Avenue, North Fair Oaks

APN: 060-142-020

Parcel Size: 8,025 sq. ft.

Existing Zoning: R-1/S-73 (One Family Residential District, Combining District – North Fair Oaks Area)

General Plan Designation: Single-Family Residential (15du/ac to 25du/ac) Urban

Existing Land Use: Residential

Water Supply: California Water Service – Bear Gulch

Sewage Disposal: Fair Oaks Sewer District

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

Environmental Evaluation: Categorically Exempt pursuant to Section 15301, Class 1, (New Construction or Conversion of Small Structures) relating to the construction of a second dwelling unit in a residential zone.

Setting: The subject parcel is an urbanized lot, improved with a 1,640 sq. ft. single-family residence and single-car garage constructed in 1958. The parcel is located in and completely surrounded by Zoning District R-1/S-73 (One-Family Residential District, Combining District – North Fair Oaks Area and located within the Single-Family Residential (15 du/ac to 25 du/ac) Urban Land Use designation.

Chronology:

<u>Date</u>	<u>Action</u>
July 20, 2018	- Use Permit application to allow the conversion of an existing workshop to second dwelling unit, with non-conforming setbacks (PLN 2018-00275), to allow for a 2-foot rear and side yard setback (where 5 feet is required for a second dwelling unit).
August 2, 2018	- Building permit application to legalize conversion of 466 sq. ft. workshop into Second Dwelling Unit (BLD 2018-01618).
February 21, 2019	- North Fair Oaks Community Council Meeting.

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

Staff has reviewed and determined that the project complies with all of the applicable General Plan Policies, including the following:

a. Policy 4.36 (Urban Area Design Concept)

This policy seeks to ensure that new development in urban areas 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 North Fair Oaks. The second dwelling unit is located in the rear of a mid-block 8,025 sq. ft. parcel. The parcel is developed such that the primary residence impedes any view of the second unit and the rear yard. The second dwelling unit exterior is designed to complement the primary residence with stucco finish and shingle roof. The applicant shall submit photos to the Planning Department to demonstrate that the second dwelling unit matches the primary residence prior to building permit final inspection.

b. Policy 8.39 (Height, Bulk, and Setbacks)

This policy regulates height, bulk, and setback requirements in zoning districts in order to: (1) ensure that the size and scale of development is compatible with parcel size, (2) provide sufficient light and air in and around structures, (3) ensure that development of permitted densities is feasible, and (4) ensure public health and safety. The Second Dwelling Unit ordinance requires a 5-foot rear setback for second dwelling units of 16 feet in height or less. The second dwelling unit was constructed at 2 feet from the rear and side property lines where a detached accessory structure was originally built. The second dwelling unit meets all other requirements concerning height, floor area, and distance from the primary residence. To ensure public health and safety, the second dwelling unit requires compliance with current building codes by the Building Inspection Section before final approval of the active building permit (BLD 2018-01618). The Building Inspection Section has reviewed and approved the project, and found it in conformance with building standards, and would not require fire sprinklers to change the designation from workshop to habitable space. A reduction in the required rear yard setback will still ensure that sufficient light and air around the structure is provided. Further, as a second dwelling unit, the unit is exempt from the minimum lot

area per dwelling unit provision of the S-73 Zoning District, thus the development density is allowed.

2. Compliance with the North Fair Oaks Community Plan

Staff has reviewed and determined the project complies with all the applicable goals and policies identified in the North Fair Oaks Community Plan, an element of the General Plan, including the following:

Chapter 6, Goal 6.1 (Increase Affordable Housing Options in North Fair Oaks) directs the County to support new affordable rental and ownership housing to meet the needs of current and new North Fair Oaks residents. Policy 1D.5 of Chapter 6, states the need for the County to identify the significant existing need for affordable housing in the North Fair Oaks area and to encourage legal second dwelling units which add to the overall housing supply, allowing for a variety of housing options. Policy 1F directs the county, in the case of conflicting or unclear regulations or policies, and in the course of discretionary approval, to interpret zoning regulations in a manner that prioritizes creation of new residential uses. The granting of the use permit would also fulfill the County’s policies to prioritize the creation of new residential uses, particularly affordable housing.

3. Compliance with the Zoning Regulations

a. Development Standards

The project is compliant with the S-73 Combining District development standards and those of the Second Dwelling Unit Ordinance as outlined below.

	Required Standard	Existing Structures
Minimum Parcel Size	5,000 sq. ft.	6,000 sq. ft.
Maximum Parcel Lot Coverage	50% (3000 sq. ft.)	34% (2050 sq. ft.)
Maximum Parcel Floor Area Ratio	47.6% (2860 sq. ft.)	34% (2050 sq. ft.)
Minimum ADU Rear Yard Setback	5 ft.	3 ft.
Minimum ADU Side Yard Setbacks	5 ft. (right side) 5 ft. (left side)	2 ft. (right side) 48 ft. (left side)
Minimum Distance from Residence	5 ft.	5 ft.
Maximum ADU Height	26 ft.	11 ft.
<i>Note: Minimum setbacks are based on a detached second dwelling unit of 16 feet or less in height.</i>		

b. Parking Requirements

Second dwelling units require one off-street parking space with the construction of a new second dwelling unit. The applicant can accommodate one uncovered space of 9 feet by 19 feet within the existing driveway of the primary residence, and therefore compliant with the required parking spaces for second dwelling units. The primary residence is served by a two-car garage.

4. Compliance with Use Permit Regulations

Section 6431 (*Requirements for Conditionally Permitted Second Dwelling Units*) of the Zoning Regulations allows the granting of a use permit for second units not meeting all applicable standards of the Second Dwelling Unit Ordinance 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 dwelling unit was proposed at the current location to utilize the footprint of an existing 466 sq. ft. accessory structure. The second dwelling unit will continue to provide affordable housing in conformance with the State mandate (January 2017) and the County's revised Second Dwelling Unit Ordinance (Section 6429, *Development Standards for New Second Units*). The second dwelling unit will be required to comply with all San Mateo County Building Inspection Section requirements. The Building Inspection Section has reviewed the proposed development 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. One uncovered parking space located within the existing driveway, has been dedicated for the second dwelling unit structure.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval for Zoning Hearing Officer
- B. Location Map
- C. Site Plan

BRA:ann – BRADD0076_WNU.DOCX

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2017-00206

Hearing Date: March 21, 2018

Prepared By: Bryan Albini
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, for new construction or conversion of small structures (construction of a second dwelling unit in a residential zone).

Regarding the 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 dwelling unit will continue to provide affordable housing to residents in San Mateo County, one parking space is provided on-site and the addition will comply with the San Mateo County Building Inspection Section regulations ensuring the public safety and welfare.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

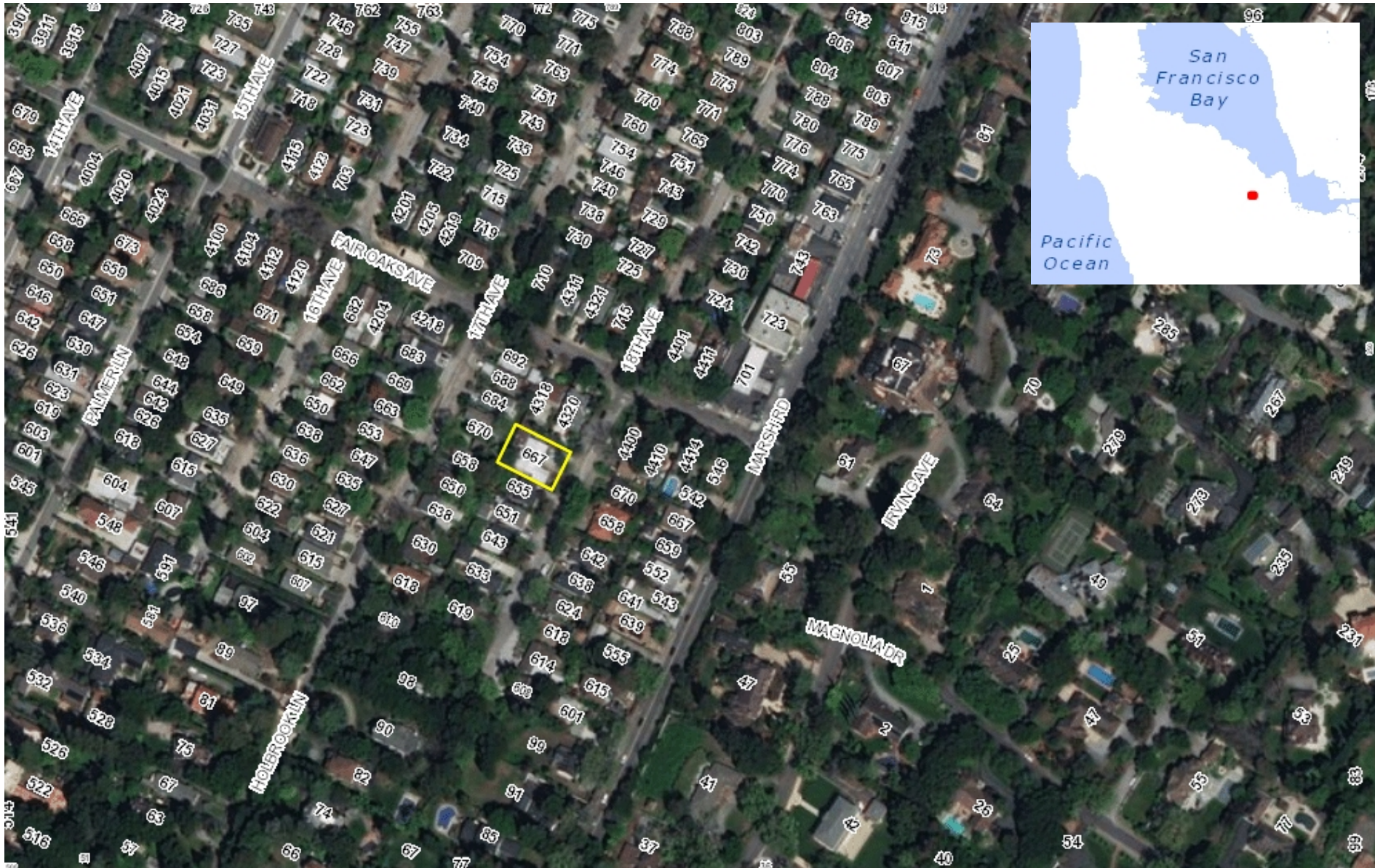
1. This approval applies only to the proposal, documents, and plans described in this report and submitted to and approved by the Zoning Hearing Officer on March 21, 2019. Minor modifications to the project may be approved by the Community Development Director if they are consistent with the intent of, and in substantial conformance with, this approval.
2. This use permit is valid for one (1) year from the date of final approval, in which time all active building permits associated with the project 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. This permit does not allow for the removal of any trees. Removal of any tree with a diameter equal to or greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
4. Upon completion of all building permits associated with the project, photos of the completed exterior colors and materials matching the primary residence shall be submitted prior to Planning final approval.
5. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 5:00 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo Ordinance Code Section 4.88.360).

Building Inspection Section

6. Final inspection of Building Permit BLD 2018-01618 for this project is required prior to certificate of occupancy issuance.
7. Walls of the proposed ADU less than 5' to a property line shall be one (1) hour fire rated.
8. As currently proposed, fire sprinklers are not required for this project based on a Building Safety Score of 21.14.



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re © Latitude Geographics Group Ltd.

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

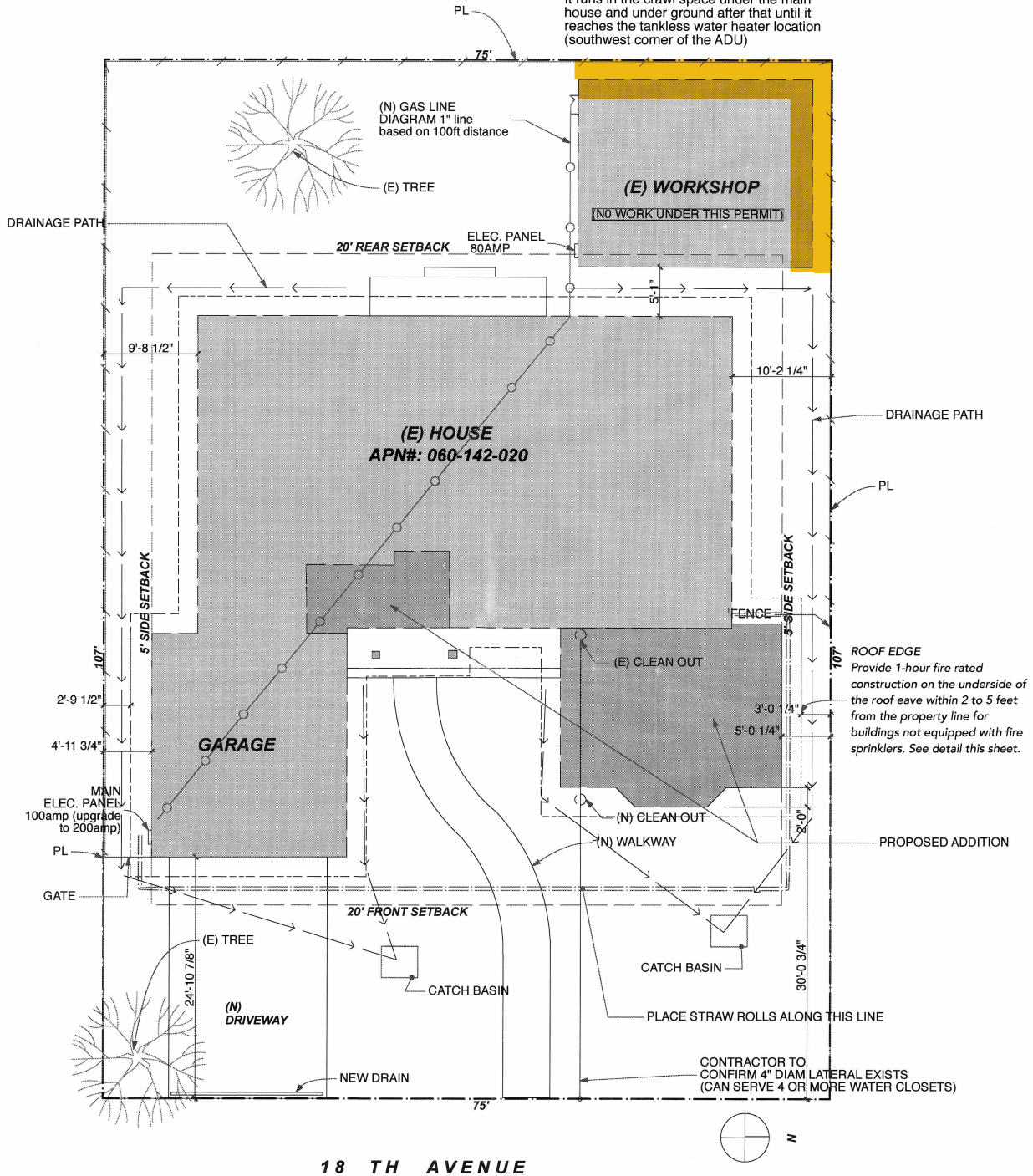
Gub`A UHc`7 ci bhmBcfh` : Uj`CU_g`7 ca a i b]hm7 ci bW`A YH]b[

Owner/Applicant:

Attachment:

File Numbers:

The gas pipe will be replacing the current gas pipe going from the gas main to the ADU as depicted below. It runs in the crawl space under the main house and under ground after that until it reaches the tankless water heater location (southwest corner of the ADU)



18 TH AVENUE

PROPOSED SITE PLAN

1/8" = 1'-0"

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Owner/Applicant:

Attachment:

File Numbers: