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

DATE: July 6, 2023

- **TO:** Zoning Hearing Officer
- **FROM:** Planning Staff
- **SUBJECT:** Consideration of a Non-conforming Use Permit, pursuant to Sections 6133.3(b)(2) and 6133(b)(3) of the San Mateo County Zoning Regulations, to legalize a non-conforming 120 sq. ft. first story addition to an existing non-conforming two-story single-family residence on a non-conforming parcel. The room addition has an 11-foot rear yard setback where 20 feet is required, and a 2-foot 7-inch left side yard setback where 5 feet is required, on a substandard 2,500 sq. ft. parcel located at 509 Stanford Avenue in the unincorporated North Fair Oaks. No tree removal and no grading are proposed.

County File Number: PLN 2022-00129 (Yung)

### PROPOSAL

The applicant proposes to legalize a habitable office addition (120 sq. ft., added by a prior owner) located at the rear of the existing non-conforming two-story single-family residence on a non-conforming 2,500 sq. ft. parcel in the R-1/S-73 Zoning District of North Fair Oaks where 5,000 sq. ft. is the required minimum lot size.

Legalization of the 120 sq. ft. habitable office requires a Non-conforming Use Permit due to the proposed 2-foot 7-inch left side yard setback and 11-foot rear yard setback where 5 feet and 20 feet is required, respectively. The project proposes no grading and no tree removal.

#### RECOMMENDATION

That the Zoning Hearing Officer approve the Non-Conforming Use Permit, County File Number PLN 2022-00129, by making the required findings and adopting the conditions of approval listed in Attachment A.

## BACKGROUND

Report Prepared By: Olivia Boo, Project Planner, oboo@smcgov.org

Owner/Applicant: Eva Yung

Public Notification: Ten (10) day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing posted in the San Mateo Times, a newspaper of general public circulation on June 24, 2023.

Location: 509 Stanford Avenue, North Fair Oaks

APN: 054-244-300

Size: 2,500 sq. ft.

Existing Zoning: R-1/S-73 (One-family Residential/5,000 sq. ft. lot minimum)

General Plan Designation: North Fair Oaks Community Plan Designation: Medium Density Residential (6.1-8.7 dwelling units per acre)/Single-family Residential (15 dwelling units per acre to 24 dwelling units per acre)

Sphere-of-Influence: Redwood City Existing Land Use: Developed with a two-story single-family residence

Water Supply: N/A for the proposed project to legalize an addition, as the addition does not propose water use fixtures. However, the parcel is served by California Water Service-Bear Gulch.

Sewage Disposal: N/A for the proposed project to legalize an addition, as the addition does not propose water use fixtures. However, the parcel is served by Fair Oaks Sewer District

Flood Zone: Zone X (Area of Minimal Flood Hazard), FEMA Panel Number 06081C0302E, effective date: October 16, 2012

Environmental Evaluation: The project is categorically exempt pursuant to California Environmental Quality Act Guidelines Section 15301, Class 1(e), for a residential addition to an existing structure where the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition, or 2,500 sq. ft., whichever is less.

Setting: The property is located in the unincorporated community of the North Fair Oaks area and is developed with a non-conforming two-story single-family residence with no covered parking. An Off-street Parking Exception was approved under County File Number PLN 2018-00439 in 2020 to allow two uncovered parking spaces where two covered parking spaces is required in order to demolish an unpermitted carport. The parcel size is 2,500 sq. ft., and is non-conforming in size, as it does not meet the 5,000 sq. ft. minimum parcel size required in the S-73 Zoning District. The surrounding parcels include both 5,000 sq. ft. and substandard sized parcels. The area is developed with both one story and two-story single-family residences. Chronology:

Date	Action
April 20, 2022 -	Received application.
August 25, 2022 -	North Fair Oaks Community Council meeting.
January 20, 2023 -	Received conditional approval by Redwood City Fire District. Application deemed complete.
July 6 ,2022 -	Zoning Hearing Officer public hearing.
DISCUSSION	

#### <u>\_\_\_\_\_</u>

#### A. <u>KEY ISSUES</u>

1. <u>Compliance with the General Plan/North Fair Oaks Community Plan</u>

The County General Plan and North Fair Oaks Community Plan designate the parcel as Medium Density Residential and Single-Family Residential, respectively. The current use of the property as a single-family residence is consistent with these designations and the proposed land use will remain single-family residential. Furthermore, all public services and infrastructure are available to serve the project.

- 2. <u>Compliance with the Zoning Regulations</u>
  - a. <u>Development Standards</u>

The project parcel is zoned R-1/S-73. The project complies with the S-73 development standards, except for the left side and rear yard setbacks, which the applicant is seeking the subject Non-conforming Use Permit to address.

	S-73 Development Standard	Existing (based on legal building area)	Proposed Addition
Minimum Lot Size	5,000 sq. ft.	2,500 sq. ft.	No change
Minimum Front Setback	20 feet	25 feet*	No change
Minimum Rear Setback	20 feet	11 feet	11 feet**

Minimum Side Setbacks	5 feet	3 feet, 8 inches (right side) 2 feet, 7 inches (left side)	No change 2 feet, 7 inches (left side) **
Maximum Height	28 feet	13 feet (addition to be legalized)	Addition to be legalized. No change.
Lot Coverage	50 percent/1,250 sq. ft.	42 percent/1,064 sq. ft.	47 percent/1,184 sq. ft.
Floor Area Ratio	2,600 sq. ft.	1,491 sq. ft.	1,611 sq. ft.

\*Illegal carport to be removed with demolition permit

\*\*Non-conforming Use Permit required.

## b. Parking Requirements

Section 6118 and 6119 of the County Zoning Regulations (*Parking*) requires two (2) independently accessible covered parking spaces for all single-family dwelling units with two (2) or more bedrooms, located outside of the required front yard setback. The existing two-story single-family residence plus basement has three (3) bedrooms. The proposed office addition does not have a closet and therefore does not meet the definition of a bedroom and does not require additional covered parking. The subject property was granted an Off-street Parking Exception on July 6, 2020, County File Number PLN 2018-00439, which allows for two (2) uncovered parking spaces located within the front yard setback on the property in lieu of the two covered parking spaces required outside of the 20-foot front yard setback.

## 3. <u>Conformance with Non-conforming Use Permit Findings</u>

The following findings, as required by Zoning Ordinance Sections 6133.3(b)(3), must be made in order to grant approval of the Nonconforming Use Permit.

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

The proposed parcel is a legal 2,500 sq. ft. non-conforming parcel where 5,000 sq. ft. is the minimum required parcel size in the S-73 Zoning District.

The request to legalize the first story 120 sq. ft. office addition and associated substandard setbacks is minor and is reasonable to provide usable living space on the project parcel, where the total floor

area and lot coverage will be below the maximum limits. The substandard rear and left yard setbacks are conditioned to comply with the Redwood City Fire District regulations and pose no threat to the health of the community or obstruct access to any other parcel.

#### 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.

All parcels contiguous to the parcel are privately owned and are developed with single-family residences. Many of the parcels on Stanford Avenue are also substandard in size or meet the minimum required parcel size of 5,000 sq. ft. and therefore do not have excess land to offer for the subject parcel to meet the 5,000 sq. ft. minimum parcel size.

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

All of the exceptions are as nearly in conformance with the Zoning Regulations currently in effect as is reasonably possible while still allowing for a reasonably sized residence on the constrained parcel. The proposed project will allow reasonable usable living space on the project parcel, where the total floor area and lot coverage will be below the maximum limits.

# d. The establishment, maintenance, and/or conduction 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 the said neighborhood.

Surrounding development in the neighborhood consists primarily of older one-and two-story single-family residences. The proposal will continue to utilize the property for single-family residential purpose and will maintain a design that is compatible with surrounding singlefamily residential development. The project has been reviewed by the Building Inspection Section and Redwood City Fire District and is required to comply with both department requirements. The project is not located in the coastal zone and therefore would not impact coastal resources. Based on the foregoing, staff has determined that this proposal would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

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

The requested exceptions to the rear yard and left side yard setback requirements to legalize the minor addition do not make the residence out of character with the overall surrounding residential development. Furthermore, the Non-conformities Chapter of the Zoning Regulations provides the same exception process for other substandard parcels in the same/similar situation. Therefore, the proposed Non-conforming Use Permit approval does not constitute the granting of a special privilege that is not available to other properties in similar situations.

### B. NORTH FAIR OAKS COMMUNITY COUNCIL

The North Fair Oaks Community Council considered the project at their August 25, 2022 meeting and recommended approval pending Redwood City Fire District's conditional approval. Redwood City Fire District issued conditional approval on January 20, 2023.

### C. ENVIRONMENTAL REVIEW

The project is categorically exempt pursuant to California Environmental Quality Act Guidelines Section 15301, Class 1(e), for a residential addition to an existing structure where the addition will not result in an increase of more than 50 % of the floor area of the structure before the addition, or 2,500 sq. ft., whichever is less.

#### D. <u>REVIEWING AGENCIES</u>

Building Inspection Section Drainage Section Redwood City Fire District

## **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Plans
- D. 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 2022-00129 Hearing Date: July 6, 2023

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

### RECOMMENDED FINDINGS

#### For the Environmental Review, Find:

 That the project is categorically exempt pursuant to California Environmental Quality Act Guidelines Section 15301, Class 1(e), for a residential addition to an existing structure where the addition will not result in an increase of more than 50 % of the floor area of the structure before the addition, or 2,500 sq. ft., whichever is less.

#### For the Non-Conforming Use Permit, Find:

- 2. That the proposed development is proportioned to the size of the parcel on which it is being built. The request to legalize the addition and associated substandard setbacks is minor and is reasonable to provide usable living space on the project parcel where the total floor area and lot coverage will be below the maximum limits. The substandard rear and left yard setbacks are conditioned to comply with the Redwood City Fire District regulations and pose no threat to the health of the community or obstruct access to any other parcel.
- 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. All parcels contiguous to the project parcel are privately owned and are developed with single-family residences. Many of the parcels on Stanford Avenue are also substandard in size or meet the minimum required parcel size of 5,000 sq. ft., and therefore which do not have excess land to offer for the subject parcel to meet the 5,000 sq. ft. minimum parcel size.
- 4. That the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible. The proposed project will allow reasonable usable living space for the project parcel where the total floor area and lot coverage will be below the maximum limits.

- 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 the property or improvements in the said neighborhood. The project is not located in the Coastal Zone and would not impact coastal resources. The residence would be compatible with the surrounding residences. Based on the foregoing, staff has determined that this proposal would not be detrimental to the public welfare or injurious to the property or improvements based on the size of the parcel, the need for housing and the requirement to comply with the Redwood City Fire District regulations.
- 6. That the use permit approval does not constitute a granting of special privileges. The requested exceptions to the rear yard and left side yard setback requirements to legalize the minor addition do not make the residence out of character with the surrounding residential development. The proposed development does not constitute the granting of a special privilege not available to other properties in similar situations.

### **RECOMMENDED CONDITIONS OF APPROVAL**

#### Current Planning Section

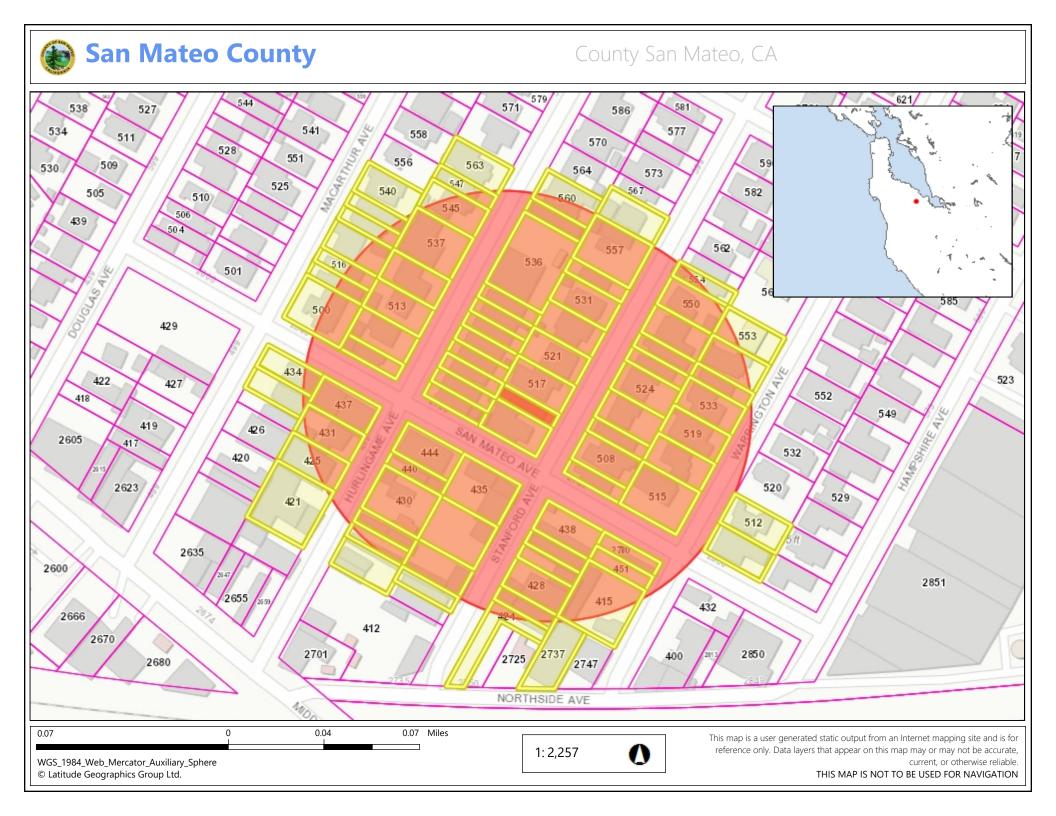
- 1. This approval applies only to the proposal, documents, and plans described in this report and materials approved by the Zoning Hearing Officer on July 6, 2023. The Community Development Director may approve minor revisions or modifications to the project if they are consistent with the intent of 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. 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 apply for a building permit and shall adhere to all requirements from the Building Inspection Section and the Redwood City Fire District. Additionally, construction shall not commence until a valid building permit is issued.
- 4. No significant trees are proposed for removal. Any tree removal of trees greater than 12 inches in diameter at breast height is subject to the San Mateo County Tree Ordinance and will require a separate permit for removal.
- 5. No site disturbance shall occur until a building permit has been issued.

- 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 impede through traffic along the right-of-way on Stanford 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 Stanford Avenue. There shall be no storage of construction vehicles in the public right-of-way.
- 7. A planning final inspection is required prior to the final building inspection of any associated building permit to verify the final size and location. The addition to be legalized shall match the single-family residence in color and material.
- 8. The applicant shall include an erosion and sediment control plan to comply with the County's Erosion Control Guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control measures to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
- 9. 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 County Ordinance Code Section 4.88.360).

## <u>Drainage</u>

10. At the time of building permit submittal, the project will be required to demonstrate compliance with the County's "basic" drainage review requirements, including showing splashblocks at roof gutter downspouts to disperse rainwater to landscaping where feasible and adding swales between the structure and property line where appropriate.

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# YUNG RESIDENCE ADDITION/REMODEL

# 509 STANFORD AVE. REDWOOD CITY, CA 94063

	SHEET	INDEX
GENERAL		STRUCTURAL
A0.0 COVER SHEET		
RCHITECTURAL A1.1 PROPOSED/EXIST	ING FLOOR PLAN & ELEVATIONS	
PROJECT	r summary	SCC
ASSESSOR'S PARCEL NO:	054-244-300	
ZONING:	R-1/S-73	1. Addition of 126 sf to the rear, incl
JURISDICTION:	REDWOOD CITY	44sf (legalized PLN2018-00439).
TYPE OF CONSTRUCTION:	TYPE V-B, NON-SPRINKLERED	
BUILDING OCC. GROUPS:	R-3/U (SINGLE FAMILY RESIDENTIAL)	
EXISTING BUILDING/LOT DATA		
PROPERTY SETBACKS:	25'-0" FRONT, 11'-0" REAR, AND SIDE SETBACKS OF 3'-20" AND 2'-7"	
EXISTING FLOOR AREA: TOTAL	1,328 SF	SPEC
1ST FLOOR	787 SF	
2ND FLOOR	357 SF	
BASEMENT	184 SF	
EXISTING GARAGE AREA : EXISTING COVERED FRONT PORCH:	0 SF 89 SF	
EXISTING BUILDING HEIGHT:	21.8 FT +/-	
YEAR BUILT:	1956	
ALLOWABLE BUILDING/LOT AREAS		
MAX. LOT COVERAGE: MAX. BUILDING FLOOR AREA:	50 % 2,600 SF	
MAX BUILDING HEIGHT	28 FT	
PROPOSED BUILDING/LOT DATA:		
NEW ADDITION FLOOR AREA: 1ST FLOOR		
	82 SF (OFFICE) 44 SF (LEGALIZED PLN2018-00439)	
PROPOSED FLOOR AREA: TOTAL	1,484 SF	
1ST FLOOR	913 SF	
2ND FLOOR BASEMENT	387 SF	DEFERR
PROPOSED COVERED FRONT PORCH:	184 SF 89 SF	
PROPOSED GARAGE:	0 SF	
PROPOSED LOT COVERAGE:	1,186 SF / 2,500 SF = 47.4 %	
PROPOSED BUILDING FLOOR AREA:	1,573 SF	<b> </b>
APPLICABL		
		LOCA
APPLICABLE CODES		
SAN MATEO COUNTY MUNICIPAL CODE 2019 CALIFORNIA RESIDENTIAL CODE, CRC		
2019 CALIFORNIA FIRE CODE, CFC		

2019 CALIFORNIA FIRE CODE, CFC

2019 CALIFORNIA BUILDING CODE, CBC

2019 CALIFORNIA MECHANICAL CODE, CMC 2019 CALIFORNIA PLUMBING CODE, CPC

2019 CALIFORNIA GREEN BUILDING STANDARDS

2019 CALIFORNIA ADMINISTRATIVE CODE, CAC, TITLE 24 2019 CALIFORNIA REFERENCED STANDARDS, TITLE 24

2019 ENERGY EFFICIENCY STANDARD, TITLE 24

2019 CALIFORNIA ELECTRICAL CODE, CEC

🗿 🔍 Sushinaloa f Keep Storage The Counter Capelo's Barbecue os 🔘 iration Studio Bayshore Elite Gymnastics La Casita Chila S S W

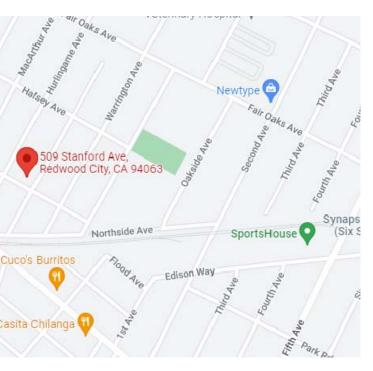
OPE OF WORK

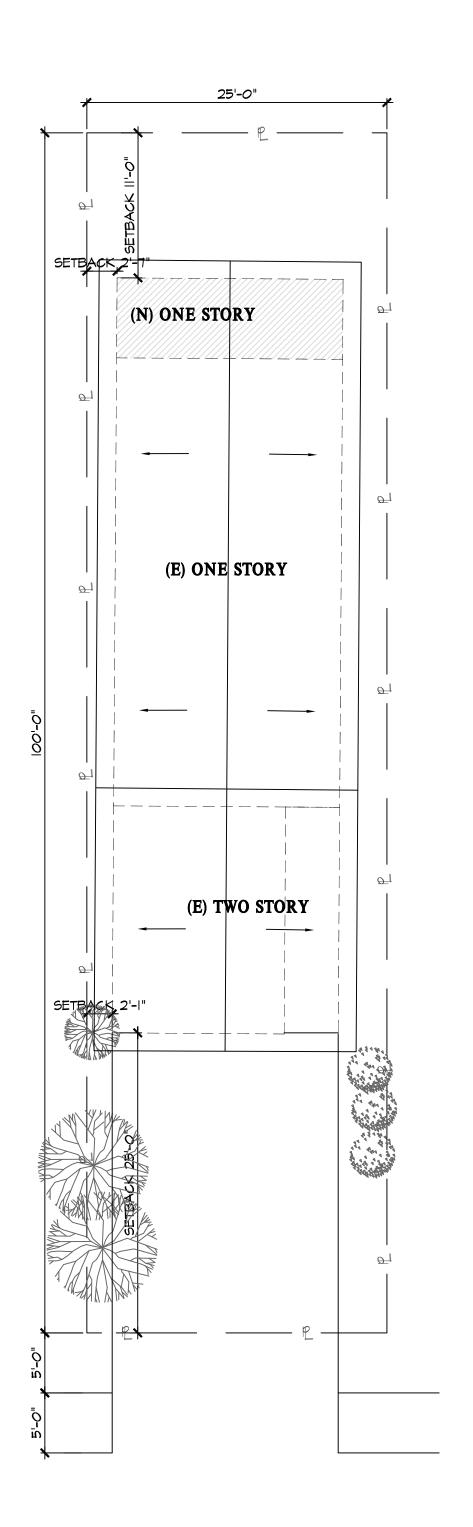
ncluding one office of 82 sf, and one bathroom of

# CIAL NOTES

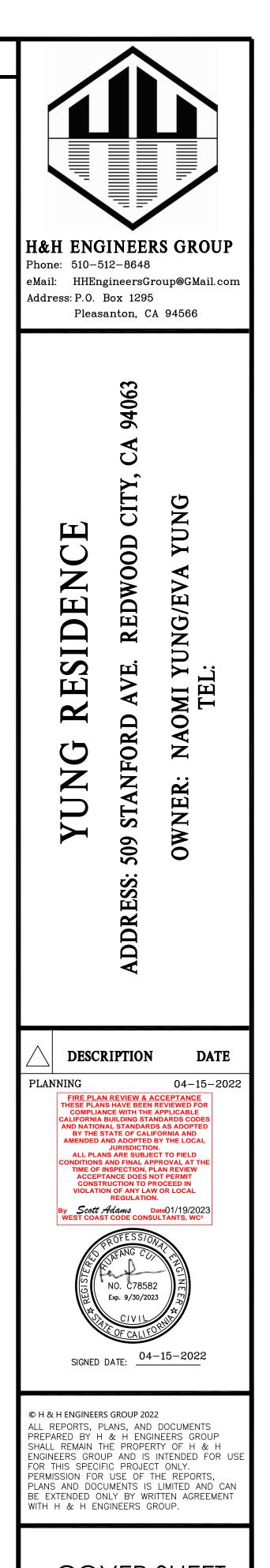
RED SUBMITTALS

# ATION MAP





# SITE AND ROOF PLAN





I. Contractor verifies existing dimensions, roof pitches on site before the construction.

> (M)E G (5)

**PROPERTY LINE/FENCE** 

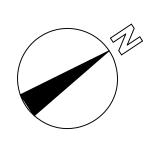
ROOF PITCH, 3.5:12, V.I.F.

WATER METER **ELECTRICAL METER** 

GAS METER

SEWER BOX

**NEW ADDITION** 

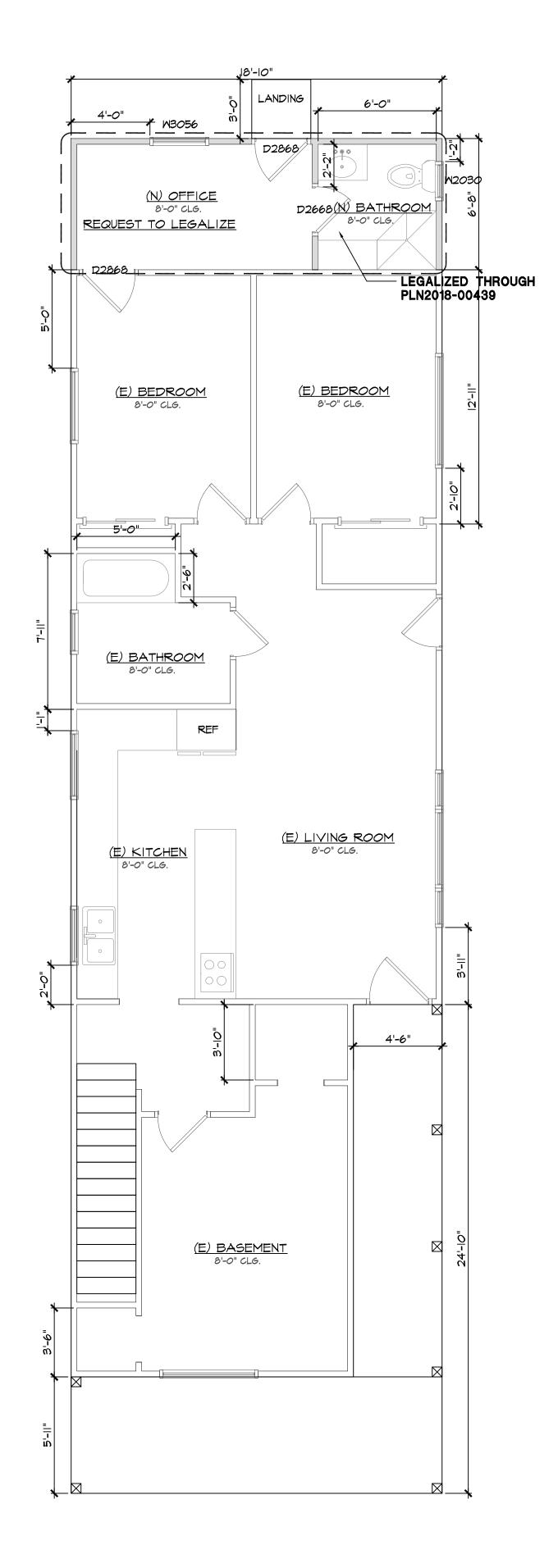


COVER SHEET

JOB NO: H220301

**SCALE:** 1/8"=1'-0"





EXISTING IST FLOOR PLAN

# EXISTING 2ND FLOOR PLAN

PARTIAL NOTES:

1) All dimensions are taken from framing, stud to stud. 2) Exterior windows and doors to be centered to the wall, unless otherwise noted, typ. 3) All doors are placed 4 in away from the closest wall (stud), unless in the middle of hallway

or otherwise noted.

4) Frost bathroom windows. 5) The window above the bath tub in addition and glasses of the doors to the backyard, if

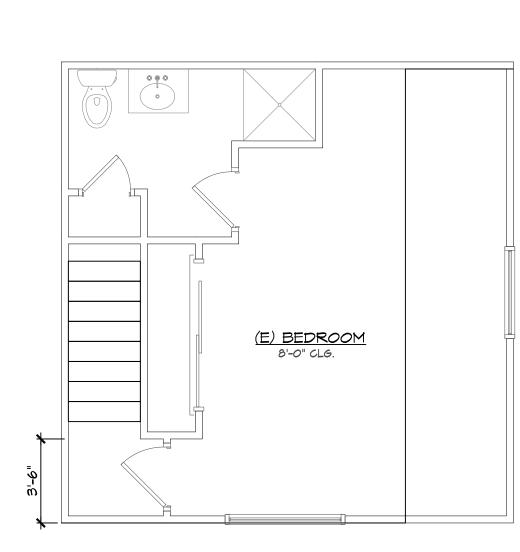
any, are safety glazed. CRC r308.4 specify locations where safety glazing is required, including: Glazing in all fixed and operable panels of swinging, sliding and bifold doors. Glazing in an individual fixed or operable panel adjacent to a door, where the nearest vertical edge is within a 24-inch arc of either vertical edge of the door in a closed position, and where the bottom exposed edge of the glazing is less than 60 inches

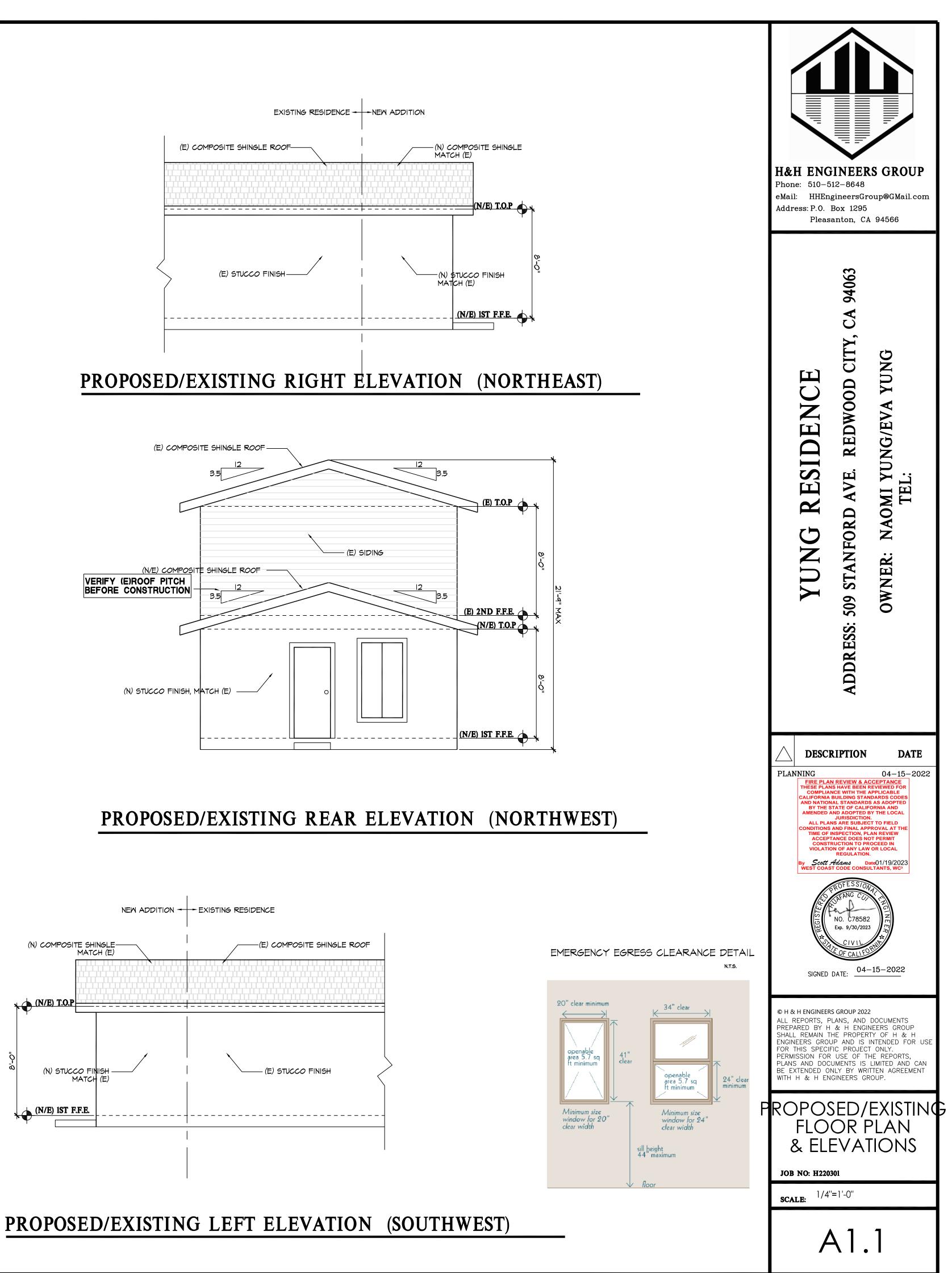
above the floor or walking surface. • Glazing enclosing hot tubs, spas, whirlpools, saunas, steam rooms, bathtubs, showers, and indoor or outdoor swimming pools where the bottom exposed edge of the glazing is less than 60" measured vertically above any standing or walking surface.

6) Each bathroom containing a bathtub or shower shall be mechanically ventilated to control humidity. Window operation is not a permissible method of providing humidity control in a bathroom. CMC CHAPTER 4, CRC R303.3.1 7) Clear space around a toilet shall measure a minimum 15" from centerline of toilet to wall or barrier on each side, and a minimum 24" in front of the toilet. CPC 402.5 8) At shower/bathtub walls, use cement backing board. The backing material shall be cementitious material or gypsum board approved for this installation. If tub surround walls will have the finish, please provide cementitious tile backing over waterproof membrane. 9) Thresholds dimension at a required egress door not to exceed 1.5 inches.

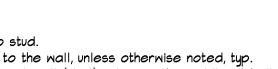
10) All sink faucets, shower heads, toilets and urinals shall comply with California Civil Code Section IIOI.I through IIOI.8. (Kitchen faucets shall not exceed I.8gals/min. Lavatory faucets shall not exceed 1.5gals/min. Shower heads shal not exceed 2.0gals/min. Toilets shall not exceed 1.28 gals/flush and Urinals shall not exceed .5 gals/flush.) 11) Comply with CPC 408.5 side-hinged shower doors shall open in the direction of egress (outswing) to provide unobstructed opening for egress. Comply with CPC 408.6 shower compartments shall have a minimum finished interior of 1024 square inches and shall also capable of encompassing a 30-inch circle, measured at a height equal to the top of the threshold and a point tangent to its centerline.



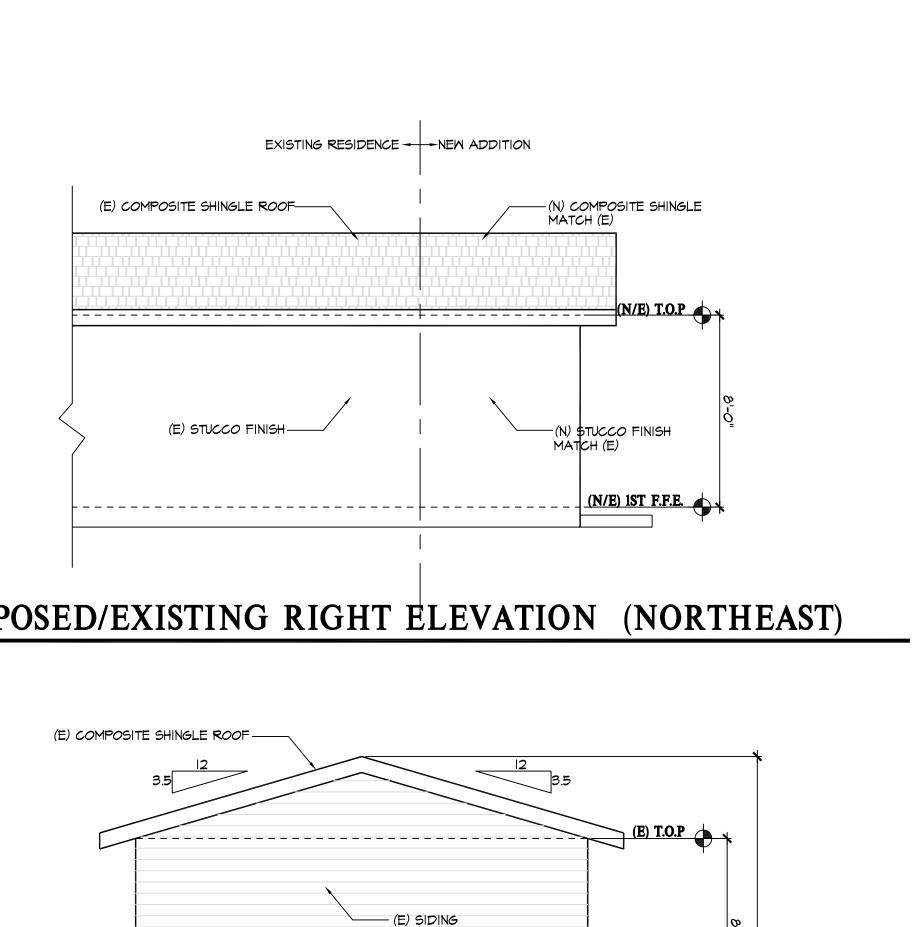


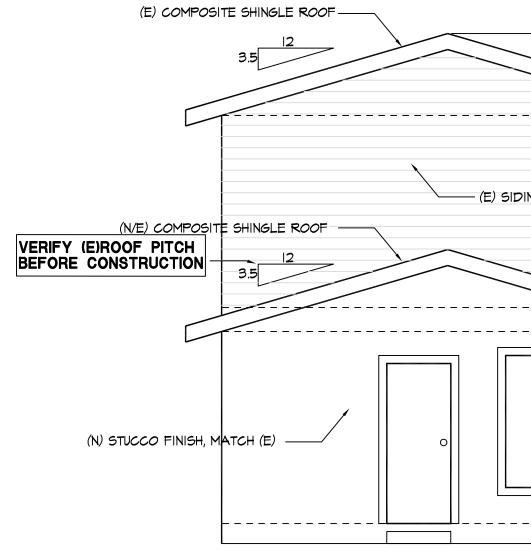


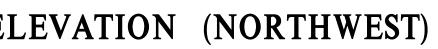
(E) WALL TO RETAIN

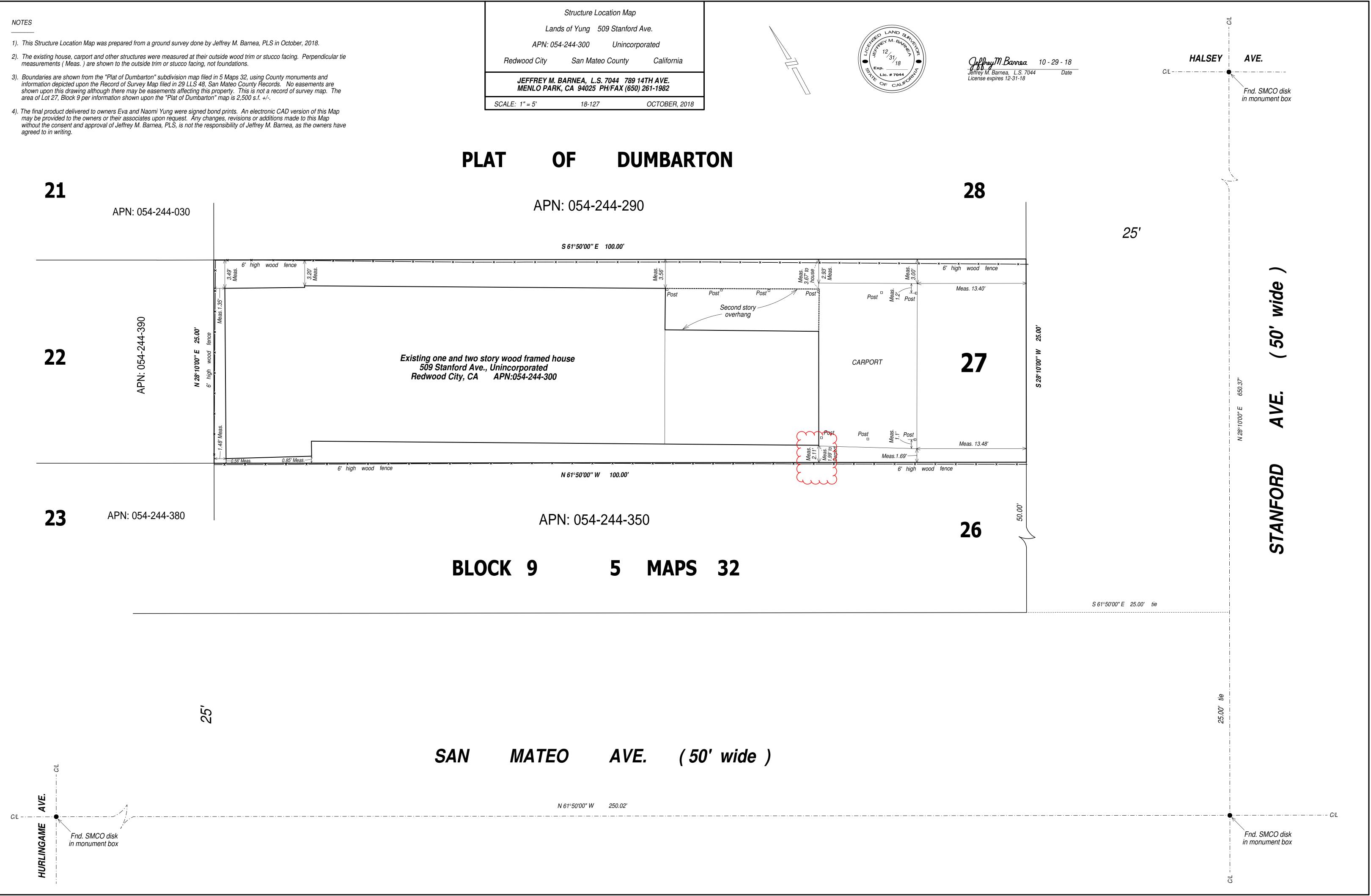












	Structure Location N	lap	
Land	ls of Yung 509 Stant	ford Ave.	
APN: 054	1-244-300 Unin	corporated	
Redwood City	San Mateo County	/ California	
	BARNEA, L.S. 7044 7 , CA 94025 PH/FAX (		
SCALE: 1" = 5'	18-127	OCTOBER, 2018	7







view of right side yard from rear yard