

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

DATE: May 2, 2019

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit, pursuant to Sections 6431 & 6503 of the County Zoning Regulations, to allow for reduced rear yard setback for the conversion and expansion of an existing detached accessory building into a one-story, 720 sq. ft. Second Dwelling Unit with a 490 sq. ft. storage area, located at 1544 Edgeworth Avenue in the unincorporated Broadmoor Community of San Mateo County.

County File Number: PLN 2018-00347 (Morales)

PROPOSAL

The applicant is requesting a Use Permit to allow for a rear yard setback of 3 feet 10 inches (where 5 feet is required) for a one-story 720 sq. ft. detached second dwelling unit, with an attached 490 sq. ft. accessory storage building which is compliant with setbacks. The proposed second unit will be converted from an existing approximately 900 sq. ft. storage building, which was built to the accessory structure setback requirements of 3 feet. The second dwelling unit, aside from the 1 foot 2-inch encroachment into the rear setback, meets all zoning development standards for Second Dwelling Units, building site coverage area and floor area requirements for the R-1/S-7 Zoning District.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit, County File No. PLN 2018-00347, by making the required findings and adopting the conditions of approval in Attachment A.

BACKGROUND

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

Owner/Applicant: Alejandro Morales

Location: 1544 Edgeworth Avenue, Broadmoor

APN: 006-343-040

Parcel Size: 7,440 sq. ft.

Existing Zoning: R-1/S-7 (One Family Residential District)

General Plan Designation: Medium Density Residential Urban

Existing Land Use: Residential

Water Supply: California Water Service – South San Francisco

Sewage Disposal: N. San Mateo County Sewer District

Flood Zone: FEMA Flood Zone X (areas of minimal flooding). Panel No. 06081C0028F, effective October 2, 201

Environmental Evaluation: Categorically Exempt pursuant to Section 15303, Class 3, (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 1,100 sq. ft. single-family residence and 340 sq. ft. single-car garage constructed in 1941. The parcel is located in and completely surrounded by Zoning District R-1/S-7 (One Family Residential), with the Medium Density Residential Urban Land Use designation. The surrounding uses are residential, but the property is adjacent to neighboring commercial uses within incorporated Daly City.

Chronology:

<u>Date</u>	<u>Action</u>
June 22, 2016	- Stop Work Notice (SWN2016-00050) and Code Violation issued for the unpermitted construction of a 905 sq. ft. accessory structure in rear yard setback.
September 15, 2016	- Building permit for accessory structure in response to SWN2016-00050 (BLD 2016-01812).
July 31, 2018	- Project scope revised to include an increase in the floor area of the structure to a total of 1,210 sq. ft. and change the use from a storage structure to a 720 sq. ft. second dwelling unit and 490 sq. ft. storage area, within the building footprint of the previous accessory structure.

- August 31, 2018 - Use Permit application submitted to allow for a 3-foot 10-inch rear yard setback (where 5 feet is required for a second dwelling unit) (PLN 2018-00347).
- February 26, 2019 - Application deemed complete.
- May 2, 2019 - Zoning Hearing Officer 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:

2. **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 Broadmoor. The second dwelling unit is located in the rear of a mid-block 7,500 sq. ft. parcel. The parcel is developed such that the primary residence obstructs much of the view of the second unit and the rear yard from the street. The second dwelling unit exterior is designed to complement the primary residence with stucco finish and shingle roof.

3. **Compliance with the Zoning Regulations:**

a. **Development Standards:**

The project is compliant with the S-7 Combining District development standards and those of the Second Dwelling Unit Ordinance as outlined below:

	Required Standard	Existing	Proposed
Minimum Parcel Size	5,000 sq. ft.	7,440 sq. ft	N/A
Maximum Parcel Lot Coverage	50% (3,720 sq. ft.)	27% (2,005 sq. ft.)	31% (2,310 sq. ft.)
Minimum Second Unit Rear Yard Setback	5 ft.	3 ft. 10 in.	3 ft. 10 in.

Minimum Second Unit Side Yard Setback	5 ft. (right side) 5 ft. (left side)	3 ft. 10 in (right side) 12 ft. (left side)	3 ft. (right side) 12 ft. (left side)
Maximum Second Unit Height	16 ft.	11 ft. 6 in.	14 ft. 0 in.
Second Unit Floor Area	750 sq. ft.	N/A	720 sq. 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 (1) uncovered off-street parking space with the construction of a new second dwelling unit. The existing primary residence, originally constructed in 1941 per the County Assessor, is currently non-conforming for parking with only one (1) covered parking space, as was typical for development of the time. No expansion of the existing structure has been proposed, and therefore, will not incur the additional covered parking that would otherwise be required. Along with the existing one-car garage, the uncovered space in the driveway, the property also has pavers within the front yard setback that can accommodate two (2) additional uncovered perpendicular parking spaces.

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 a previously demolished accessory structure. As indicated in the chronology listed above, the applicant intended to legalize an unpermitted 905 sq. ft. detached accessory structure. The adoption of the County's Second Unit Ordinance afforded the property owner the ability to add a second unit that would not be allowed under previous development standard criteria. The property owner then proposed the conversion of the existing accessory structure into a 720 sq. ft. second dwelling unit, and a 490 sq. ft.

storage area within the expanded footprint of the detached 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 (1) uncovered parking space located within the existing driveway, has been dedicated for the second dwelling unit structure.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15303, Class 3 of the California Environmental Quality Act (CEQA), related to new construction a second dwelling unit in a residential zone.

C. REVIEWING AGENCIES

Building Inspection Section

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Floor Plan
- E. Elevation

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2018-00347

Hearing Date: May 2, 2019

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 15303, Class 3, 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 (1) 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 the Zoning Hearing Officer on May 2, 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. 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).

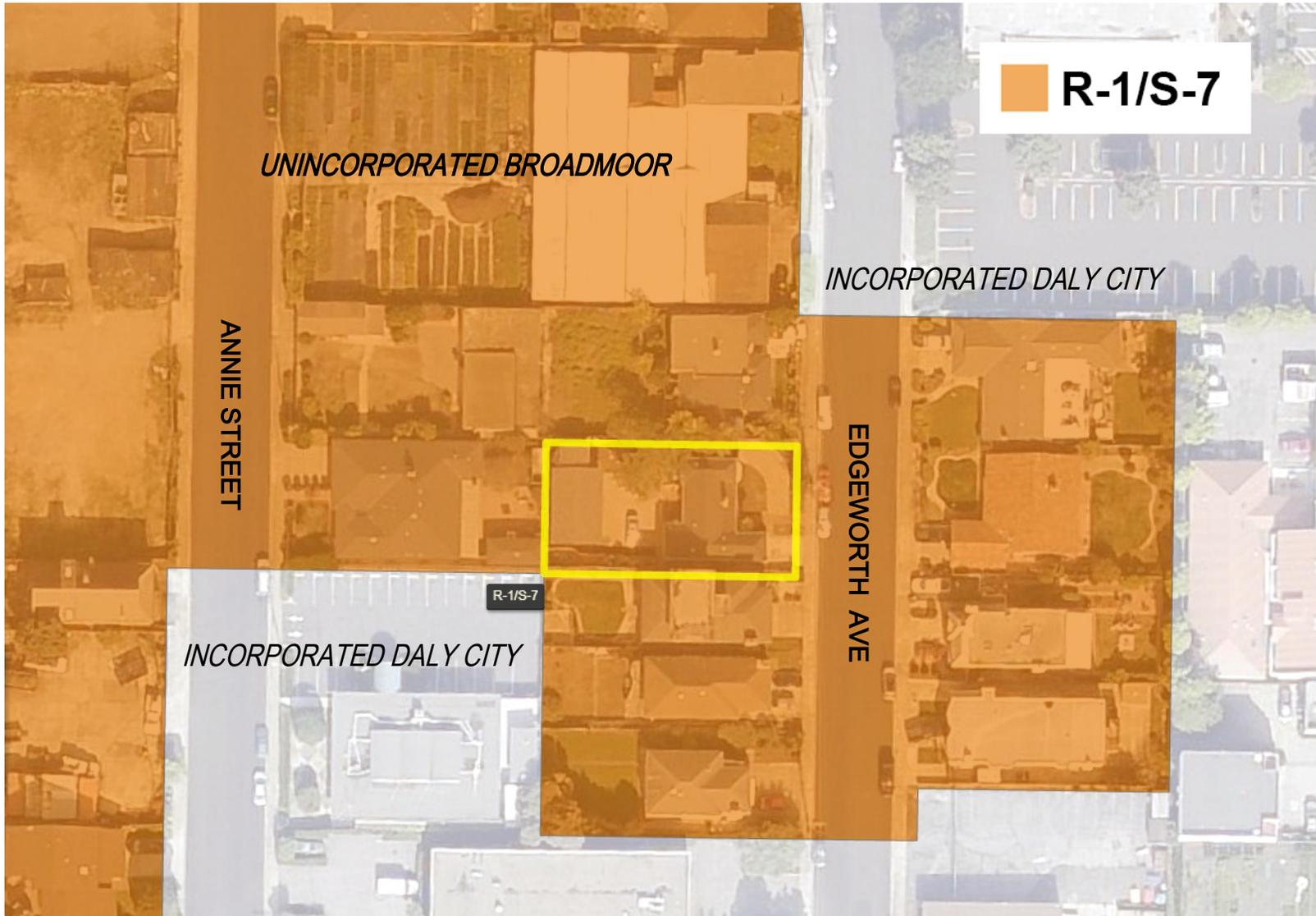
Building Inspection Section

5. The proposed project requires a building permit.
6. This property currently has a Notice of Violation recorded against it for the proposed building being constructed without a building permit. Investigative fees will be assessed at the time of building permit application.
7. Exterior walls of the structure closer than 5 feet to a property line shall be designed and constructed to be 1-hour fire resistance rated.

Colma Fire Protection District

8. The second dwelling unit will require a separate address prior to building permit issuance.

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San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____

EDGEWORTH AVE



EXISTING SITE PLAN

Scale: 1/8" = 1'

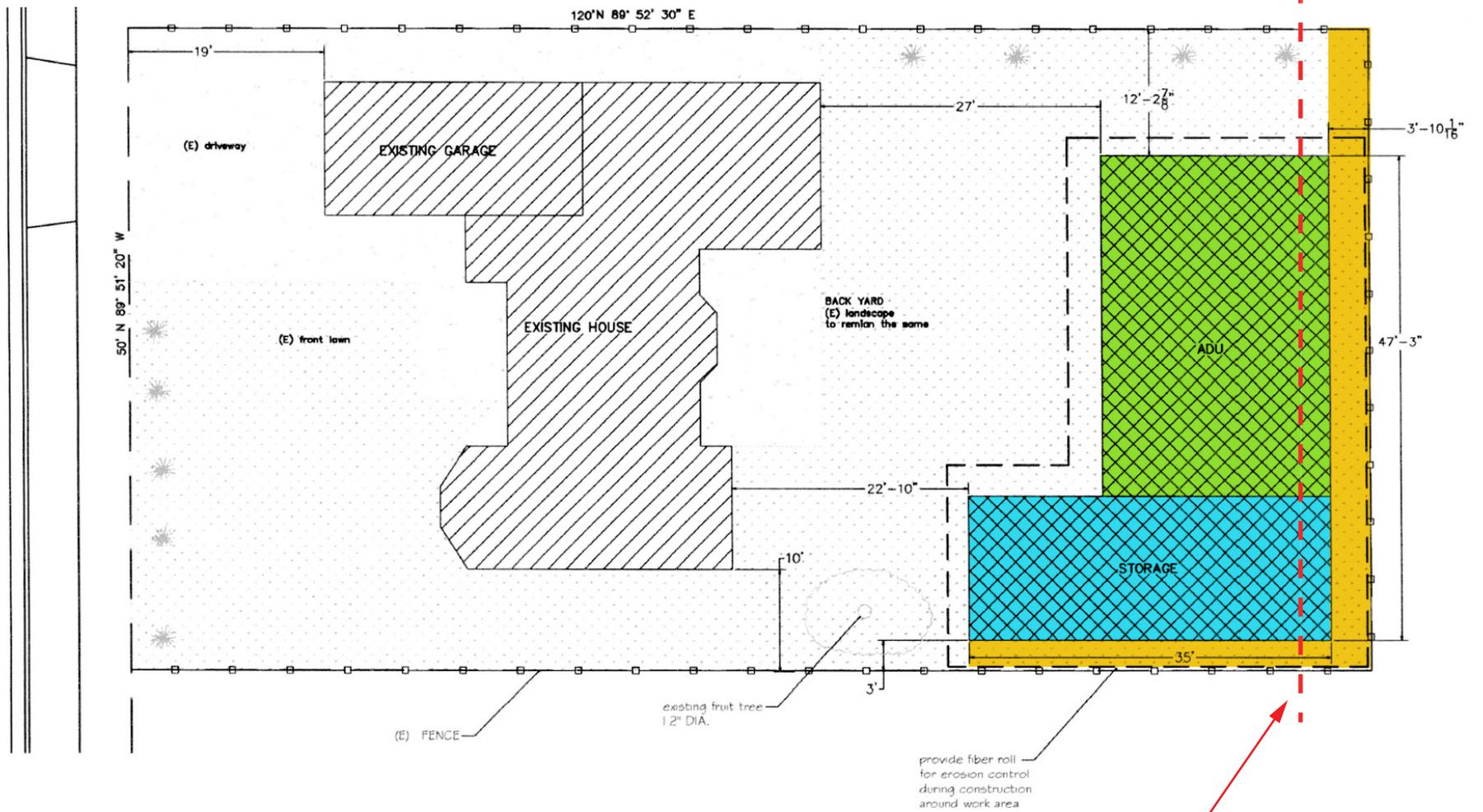
San Mateo County Zoning Hearing Officer Meeting

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Attachment: _____

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EDGEWORTH AVE



PROPOSED SITE PLAN

Scale: 1/8" = 1'

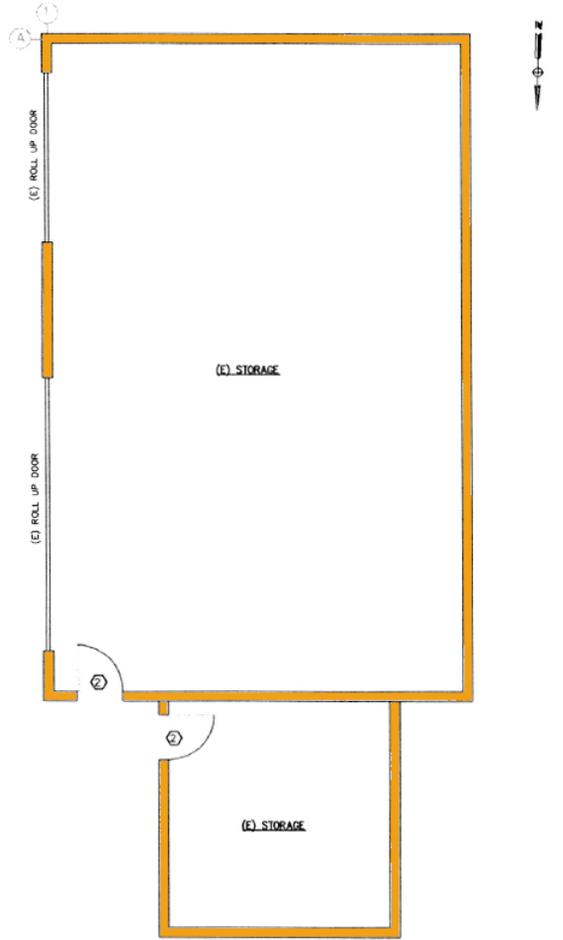
5 ft. Required Rear Setback (>16 ft. Height) 2nd Unit

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

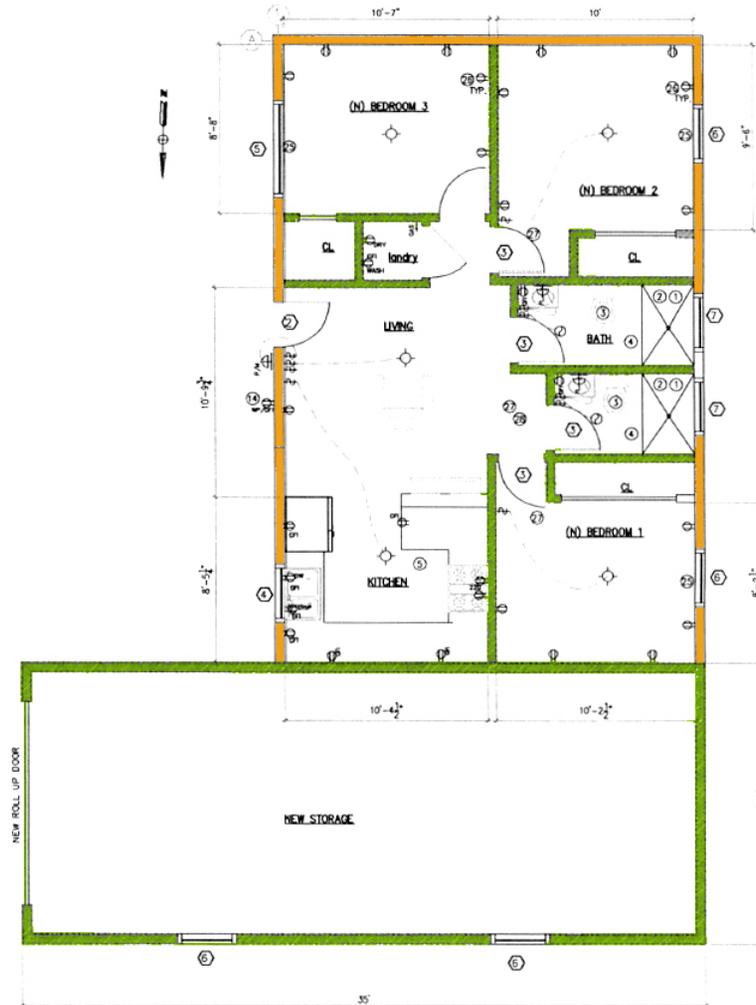
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File Numbers: _____



(E) ACCESSORY STORAGE FLOOR PLAN

Scale: 1/4" = 1'



NEW ADU/STORAGE FLOOR PLAN

Scale: 1/4" = 1'

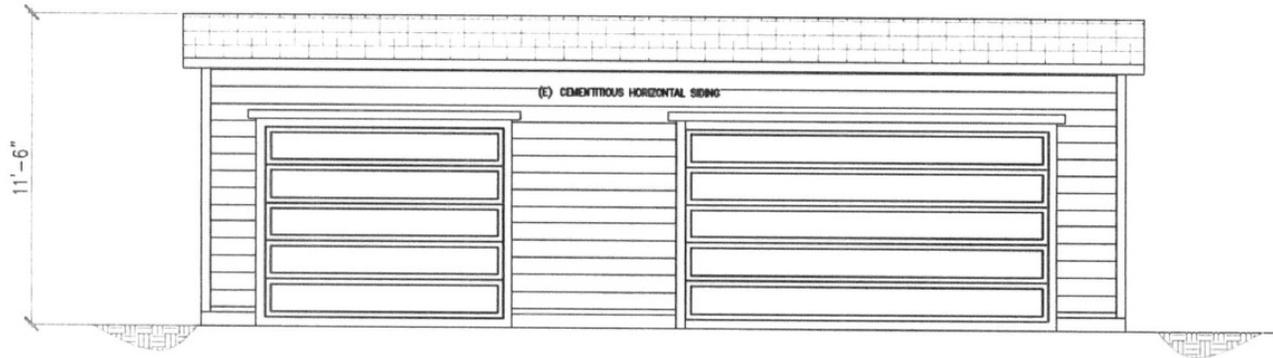


San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

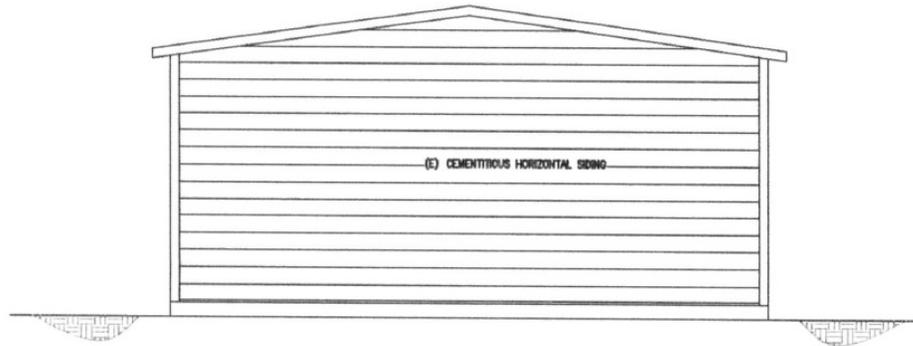
Attachment: _____

File Numbers: _____



EXISTING (WEST) FRONT ELEVATION

Scale: 1/4" = 1'



EXISTING (NORTH) LEFT ELEVATION

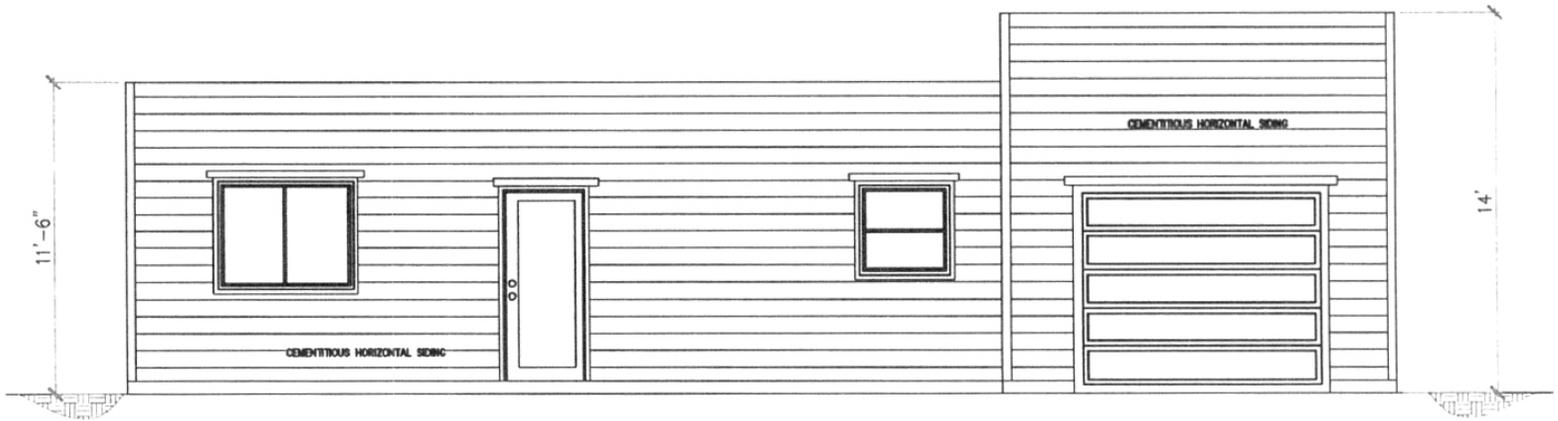
Scale: 1/4" = 1'

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



PROPOSED (WEST) FRONT ELEVATION

Scale: 1/4" = 1'

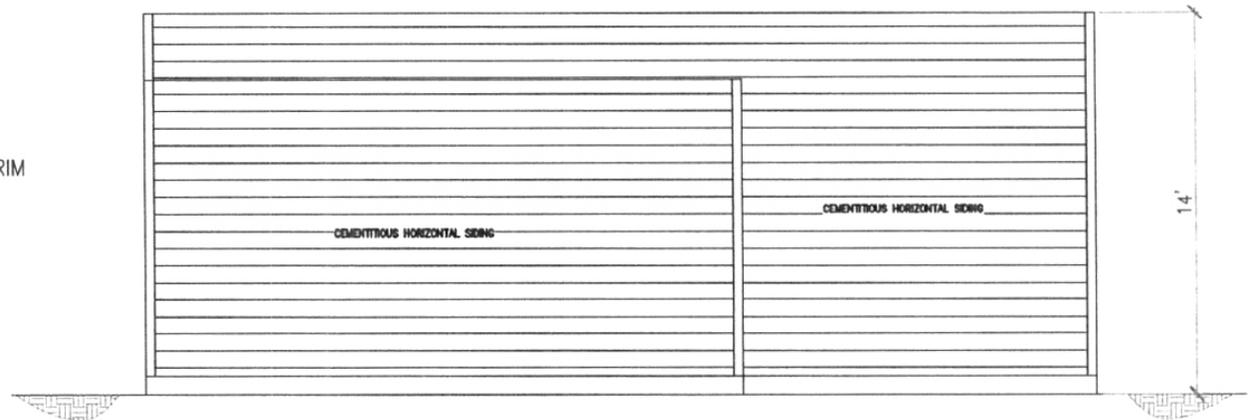
TYPICAL MATERIALS:

ROOF: CLASS "A" COOL BUILT-UP ROOF WITH REFLECTIVE CAP SHEET . TPO FOR FLAT ROOF.

SIDING: CEMENTITIOUS PREPRIMED PLANK SIDING

WINDOWS: DUAL-PANE VINYL WINDOWS WITH 4" TRIM AROUND

DOORS: DUAL PANE VINYL DOORS



PROPOSED (NORTH) LEFT ELEVATION

Scale: 1/4" = 1'

San Mateo County Zoning Hearing Officer Meeting

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Attachment: _____

File Numbers: _____