

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

**DATE:** September 19, 2019

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Use Permit, pursuant to Sections 6300 and 6503 of the County Zoning Regulations, to: (1) legalize 242 sq. ft. of habitable space located in the rear of the residence, (2) legalize a 827 sq. ft. rear yard deck (above 18 inches), (3) enclose 108 sq. ft. of an existing legal front porch to create a new front entry and dining room area, and (4) replace and reconfigure the existing entry stairs located at 450 Scenic Drive, an unincorporated La Honda area of San Mateo County.

County File Number: PLN 2019-00109 (Hart-Nolan/Taruno)

**PROPOSAL**

The applicant is requesting a Use Permit to: (1) legalize 242 sq. ft. of habitable space located in the rear of the residence, (2) legalize a 827 sq. ft. rear yard deck (above 18 inches) encroaching 7.6 feet into the required 10-foot side yard setback, (3) enclose 108 sq. ft. of an existing legal front porch to create a new front entry and dining room area, and (4) replace and reconfigure the existing entry stairs which encroaches 7.5 feet into the required 20-foot front yard setback. No development has been proposed beyond the existing building footprint.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Use Permit Amendment, County File No. PLN 2019-00109, by making the required findings and adopting the conditions of approval in Attachment A.

**BACKGROUND**

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

Applicant/Owner: Mark Hart-Nolan

Location: 450 Scenic Drive, La Honda

APN: 083-111-140

Parcel Size: 5,200 sq. ft.

Existing Zoning: R-1/S-10 (Single-Family Residential)

General Plan Designation: Low Density Rural Residential

Sphere-of-Influence: N/A

Existing Land Use: Single-Family Residence

Water Supply: Cuesta La Honda Guild, Inc.

Sewage Disposal: Septic System

Flood Zone: Zone X (area of minimal flood hazard): Community Panel No. 06081C0384E, effective October 16, 2012.

Environmental Evaluation: Categorically exempt pursuant to Section 15301, Class 1 of the California Environmental Quality Act (CEQA), related to minor alteration to an existing structure.

Setting: The project site is a relatively flat developed parcel at the located on Scenic Drive. The project site is completely surrounded by single-family residences in a low-density wooded rural neighborhood.

## **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 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 R-1/S-10 Zoning District requires a 10-foot side yard setback for residential structures. However, the home was constructed within its current setbacks in 1946, with a left side yard setback of 2.4 feet and a right side yard setback of 8.9 feet. The intensification of use, by enclosing 242 sq. ft. of the rear porch for a family room and laundry room, did not further expand the existing footprint of the building. An 827 sq. ft. raised rear deck was constructed prior to 1991 with a 10-foot right-side yard setback as an extension to an existing deck on the left side of the house with 7-foot lattice windscreen, and is 2.4 feet from the property line. The residence, and deck have a combined lot

coverage of 2,114 sq. ft., or 40.7%, where the maximum lot coverage allowed in the zoning district is 25%. The applicant has also proposed to enclose 108 sq. ft. of the existing front porch to create a new entryway and enlarge the existing kitchen by approximately 60 sq. ft., with no expansion to the existing building footprint. The project does not increase the scale or intensity of the existing residential use, maintains sufficient light and air around the structure, and the required building permit will ensure public health and safety.

- b. Policy 9.14 (*Development Standards for Rural Service Centers*) determines potential compatibility of the proposed development with the existing development pattern. The rear addition and deck are typical for the development pattern that has historically occurred in this neighborhood. The approval of the use permit to legalize the 242 sq. ft. enclosure and the rear yard deck, will not affect the subject home’s compatibility with the other rural residential development.

2. Compliance with Zoning Regulations

The parcel is located in the R-1/S-10 Zoning District. Development standards for the parcel are outlined below.

a. Development Standards

The table below demonstrates the comparison between the development standards required under the R-1/S-10 Zoning District and the existing conditions of the project.

Development Standard	R-1/S-10 Development Standards	Project Existing Conditions	Project Proposed Conditions
Minimum Site Area	20,000 sq. ft.	5,200 sq. ft.	5,200 sq. ft.
Minimum Site Width	75 ft.	48 ft.	48 ft.
Minimum Front Setback (House) (Stairs)	20 ft. 14 ft.	18.6 ft. 16 ft.	18.6 ft. 12.5 ft.
Minimum Rear Setback	20 ft.	32 ft.	32 ft.
Minimum Side Setback	10 ft.	8.9 ft. (right) 2.4 ft. (left)	8.9 ft. (right) 2.4 ft. (left)
Maximum Building Height	36 ft.	22.5 ft.	22.5 ft.
Maximum Lot Coverage	25% (1,300 sq. ft.)	40.6% (2,111 sq. ft.)	40.7% (2,114 sq. ft.)

b. Conformance with Yards Policy

Section 6406 of the San Mateo County Zoning Regulations states that the front yard setback be measured from the nearest point of the front wall of the building to the street line; and allowing for uncovered stairs and landings to extend into the front yard by not more than 6 feet. The existing residence was constructed with a measured distance of 18.5 feet from the closest point on the front wall to the edge of the property line, short of the required 20-foot setback mentioned above, thus legal non-conforming. The applicant has proposed to replace the existing stairway to meet current building code requirements, requiring it to protrude further into the 20-foot front yard setback by 7.5 feet, 1.5 feet over the 6-foot allowance for encroachment. The approval of the use permit allows relief for the portions of the structure encroaching into the required 20-foot front yard setback and 10-foot side yard setback, as mentioned previously in Section 1.a.

3. Compliance with Non-Conforming Use Permit Regulations

Section 6137 (*Exceptions*) of the Zoning Regulations allows the granting of a use permit to allow the enlargement of a non-conforming structure 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 subject residence was originally built prior to the existing development regulation requirements for setbacks and minimum lot coverage in the R-1/S-10 Zoning District. There is no proposed expansion of the existing building floor area. As mentioned in previous sections, the existing front covered porch will be enclosed to expand the existing kitchen, and provide a dining area for the residence. None of the improvements proposed will be detrimental to the public welfare or injurious to property in the Unincorporated La Honda Community. The project has been reviewed by the Building Inspection Section and Cal-Fire and granted conditional approval. With exception to the relief from development standards requested, the residence is compliant with the R-1/S-10 Zoning District.

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  
Cal-Fire

**ATTACHMENTS**

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

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2019-00109      Hearing Date: September 19, 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 of the California Environmental Quality Act (CEQA), related to modification of existing structures.

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 legalization of the rear elevated deck and addition to covered front porch will have no visual impacts or be incompatible with surrounding uses and issuance of the required building permit will ensure public health and safety.

**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 September 19, 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 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. During project construction, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
  - a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
  - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
  - c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - f. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.
4. 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.
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. A building permit is required for this project.

#### Cal-Fire

7. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and clearing away flammable vegetation for a distance of not less than 30 feet and up to 100 feet around the perimeter of all structures, or to the property line, if the property line is less than 30 feet from any structure.
8. All buildings that have a street address shall have the number of that address on the building, mailbox, or other type of sign at the driveway entrance in such a manner that the number is easily and clearly visible from either direction of travel

from the street. New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least 6 feet above the finished surface of the driveway. An address sign shall be placed at each break of the road where deemed applicable by the San Mateo County Fire Department. Numerals shall be contrasting in color to their background and shall be no less than 4 inches in height, and have a minimum 1/2-inch stroke. Remote signage shall be a 6-inch by 18-inch green reflective metal sign.

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# ATTACHMENT B



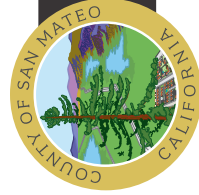
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

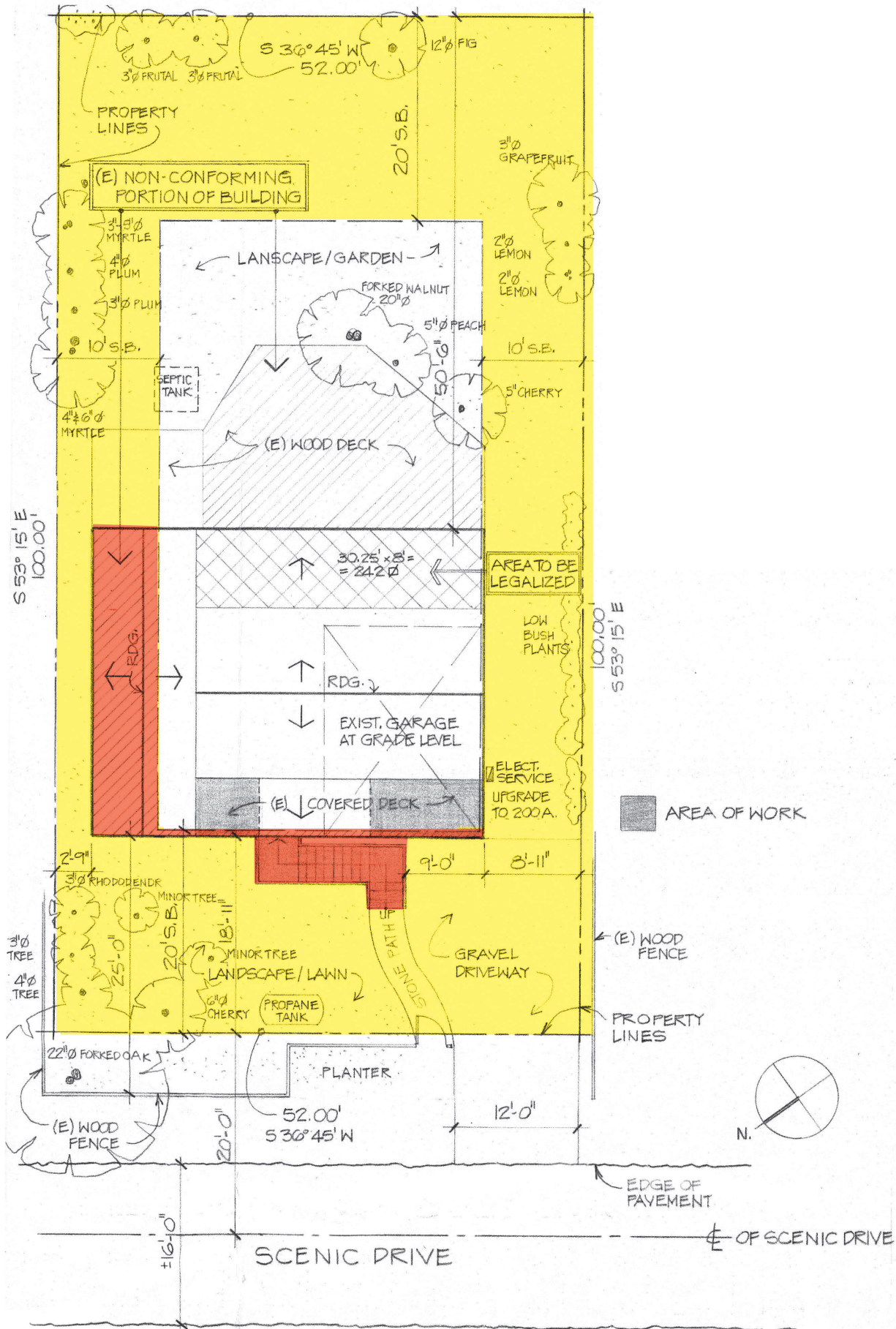
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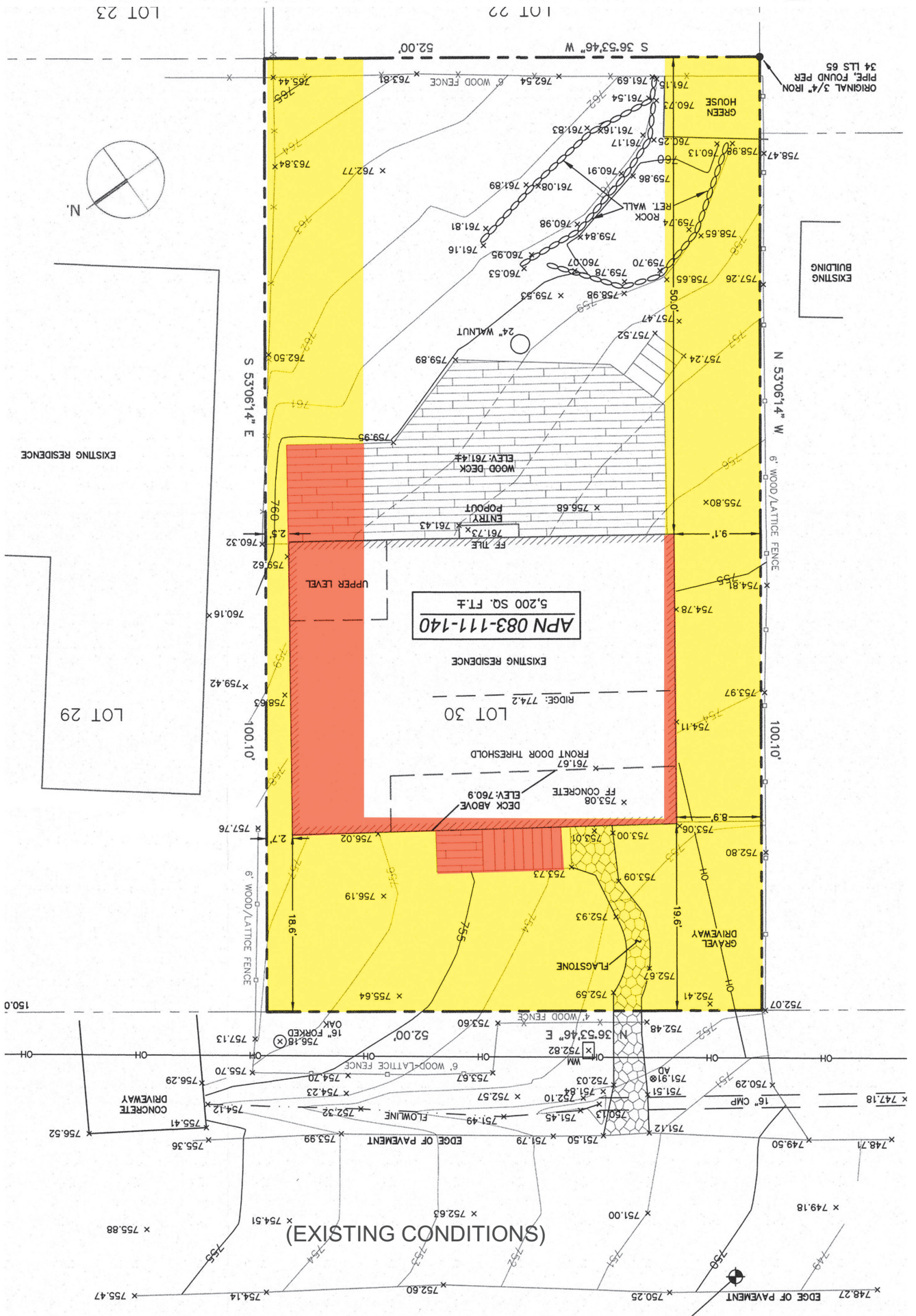
# ATTACHMENT C





1 SITE PLAN (PROPOSED)

SCALE: 1" = 10'-0"

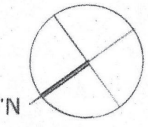


APN 083-111-140  
5,200 SQ. FT. F.

LOT 30

LOT 29

LOT 22



(EXISTING CONDITIONS)

EXISTING BUILDING

EXISTING RESIDENCE

ORIGINAL 3/4" IRON PIPE FOUND PER 34 LITS 65

150.0

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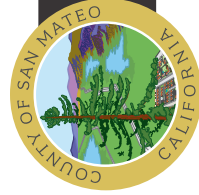
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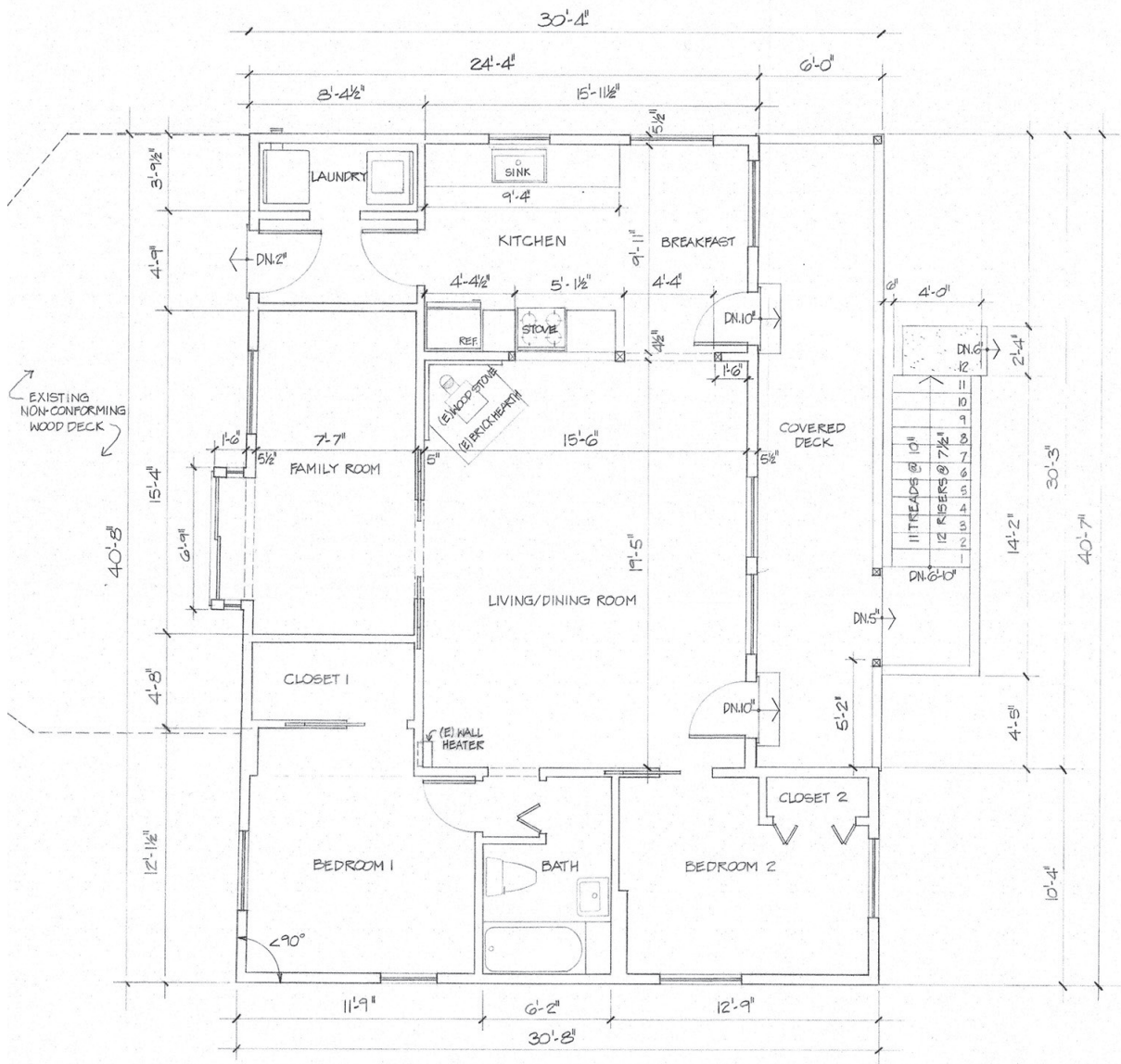
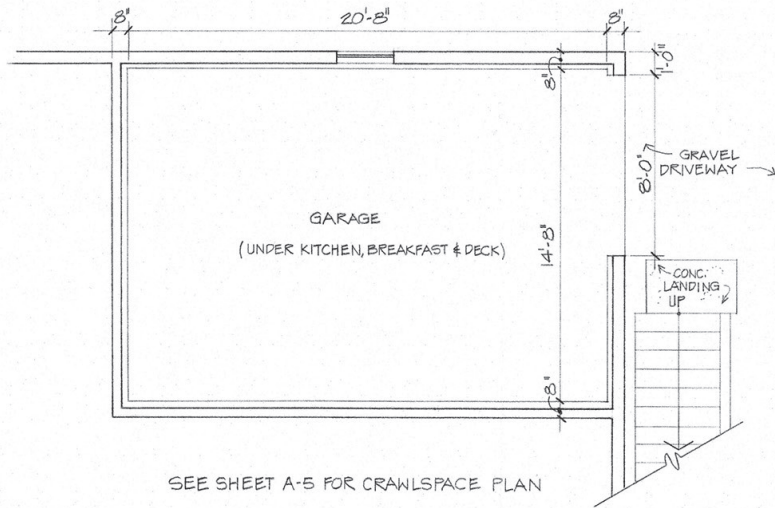


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# ATTACHMENT D

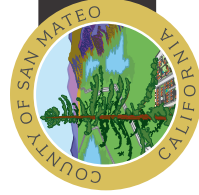






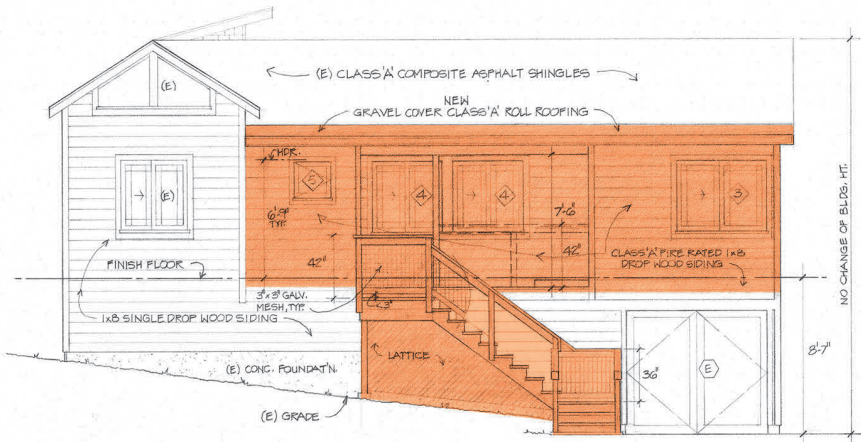
EXISTING FLOOR PLAN



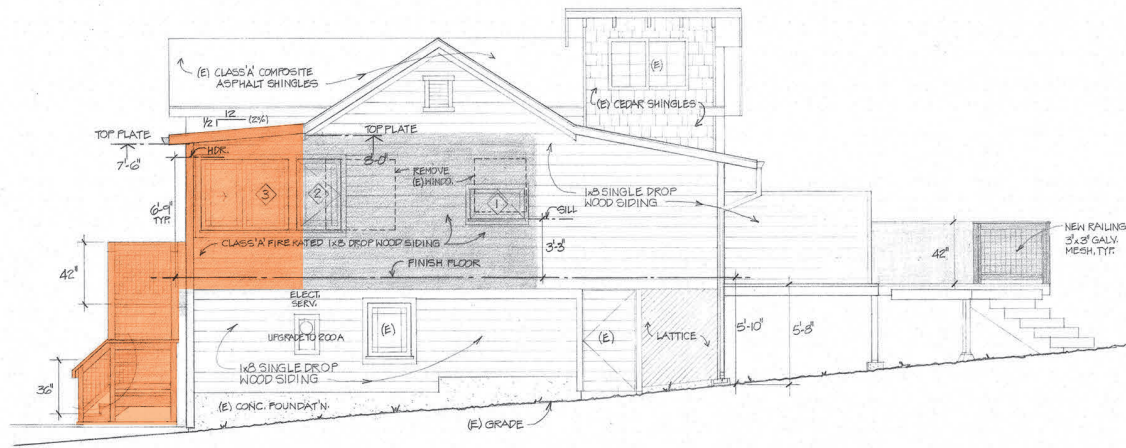


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# ATTACHMENT E

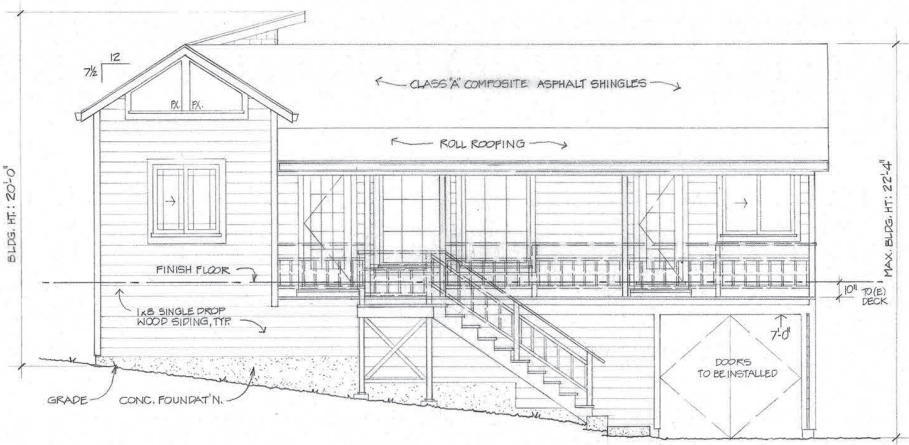


NORTH WEST ELEVATION

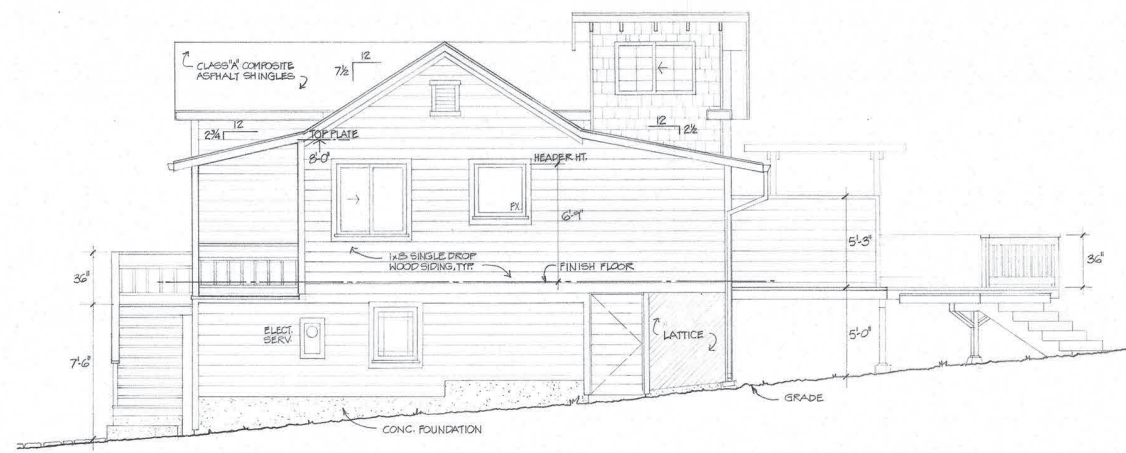


SOUTH WEST ELEVATION

REMODEL ELEVATIONS



NORTH WEST ELEVATION



SOUTH WEST ELEVATION

EXISTING ELEVATIONS