## COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

**DATE:** February 3, 2022

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Non-Conforming Use Permit, pursuant to Section

6133.3 to legalize 924 sq. ft. of construction and permit two new rear decks (792 sq. ft.), add a new roof and new detached two-car garage to a non-conforming single-family residence on a 11,500 sq. ft. non-conforming parcel. No tree removal and minimal grading is proposed. The property is located at 231 Cuesta Real, in the unincorporated La Honda area of San

Mateo County.

County File Number: PLN 2019-00077 (Casey)

## **PROPOSAL**

The applicant proposes to legalize habitable area in the basement and to the main floor (924 sq. ft., created by a prior owner), and reconfigure the main floor plan, add a new roof, add two new rear decks (total 792 sq. ft.) and proposes a new detached premanufactured two-car garage to an existing non-conforming two story-single-family residence that has a non-conforming 11-foot front yard setback on a non-conforming 11,500 sq. ft. parcel in the S-10 Zoning District where 20,000 sq. ft. is the minimum lot size.

Legalizing the 231 sq. ft. of habitable space on the main floor that was formerly an exterior porch requires a Non-conforming use permit due to the existing non-conforming 11-foot front yard setback, since it is considered an intensification of the non-conforming structure. The project proposes to retain the existing 11-foot front yard setback where 20 feet is the minimum required. The project also proposes to remodel the remainder of the main floor, legalize habitable space in the basement, add a new roof, add two new rear decks and propose a detached premanufactured two-car garage to provide on-site covered parking. There is no covered parking currently on site.

## RECOMMENDATION

That the Zoning Hearing Officer approve the Non-Conforming Use Permit County File Number PLN 2019-00077, by making the required findings and adopting the conditions of approval in Attachment A.

## **BACKGROUND**

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

Applicant/Owner: Ray Casey

Location: 231 Cuesta Real, La Honda

APN: 083-043-420

Size: 11,500 sq. ft.

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

General Plan Designation: Low Density Residential

Sphere-of-Influence: None

Existing Land Use: Developed with a two -story single-family.

Water Supply: Cuesta La Honda Guild, Inc.

Sewage Disposal: Existing onsite septic system.

Flood Zone: Zone X, Panel Number 06081C0384E, Effective Date: October 16, 2012, area of minimal flood hazard

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

Setting: The property is located in the unincorporated community of La Honda. It is developed with a two-story single-family residence with a non -conforming 11-foot front yard setback, no on-site parking and one shed. The parcel size is 11,500 sq. ft., and is non-conforming in size, as it does not meet the 20,000 sq. ft. minimum parcel size. The surrounding parcels are similar substandard size parcels. The area is developed with both one-story and two-story single-family residences.

## **DISCUSSION**

#### A. KEY ISSUES

## 1. Compliance with the General Plan

The proposed project complies with all applicable General Plan Policies,

## Visual Quality Policies

Policy 4.15a (Appearance of New Development) regulates development to promote and enhance good design, site relationships and other aesthetic considerations. Policy 4.25 (Location of Structures) calls for locating, siting and designing all structures and paved areas to carefully conform with the natural vegetation, landforms, and topography of the site so that their presence is compatible with the pre-existing character of the site; minimize the impacts of noise, light glare and odors on adjacent properties and roads. Policy 4.26 (Earthwork Operations) regulates to keep grading or earthmoving operations to a minimum; when grading is necessary, make graded areas blend with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site. Policy 4.29 (Trees and Vegetation) regulates a smooth transition between development and adjacent forested or open space areas through the use of landscaping; limit landscaping in open grasslands to areas immediately surrounding structures; where appropriate to screen uses from view, use natural vegetation rather than solid fencing.

The project site is located within the unincorporated area of La Honda, designated by the General Plan as Rural Service Center. The remodeling will be an improvement to the property with minor changes to the exterior of the house and the detached two-car garage will provide on-site parking that does not exist. The new rear decks are considered a minor exterior change and will be attached to the rear facade, thus minimally visible to the public right-of-way. The proposed roof material will be a charcoal composite, the single-family residence and carport are proposed to be painted white with brown trim. Upon review of Google maps, the area is heavily vegetated with mature trees and plants that screen the view of many of the existing homes from the right-of-way, including the subject property. The nearby residences include a mix of exterior paint colors, including white, thus the proposed white color will not be a new house paint color in the area. The proposed detached two-car garage will be constructed at the property line, having a zero (0) setback, this is permitted when the slope of the parcel is greater than 14 percent, to minimize grading. To prevent light glare to adjacent properties, the project shall be conditioned that new exterior lights be a design that focuses light downwards. No trees are proposed for removal.

#### Rural Land Use Policies

Policy 9.14 (*Development Standards for Rural Service Centers*) determines the compatibility of the proposed development with the existing development pattern within the individual Rural Service Center and the need for the proposed development in the community and the surrounding areas. Policy 9.45 (*Development Standards for Very Low Density Residential Uses*) requires buffering residential uses from surrounding resource areas by means of physical barriers, large parcels, distance, visual screening and other appropriate mechanisms.

The project proposes to legalize habitable space, in the existing basement and the converted front porch, and remodel the main floor. No additional habitable space is proposed beyond this scope of work. As discussed earlier, the two new rear decks are considered a minor visual change as they will be located in the rear yard. The new detached garage will an improvement to the property. The two new rear second decks and new detached premanufactured two-car carport will remain compatible in size and scale to the property. There is no change to the height, bulk or front setback. The new rear decks do not contribute to the bulk of the house as they do not serve as habitable space. The decks propose a 70-foot rear setback and comply with the required rear 20-foot setback, all other setbacks will remain unchanged thus retaining compatibility with the property and the surrounding area. The two-car garage will be a 360 sq. ft. addition but will comply with parking regulations by providing on site covered parking.

The remodeled single-family residence will be a visual improvement to the property and will allow a modest size one-story home with a partial habitable basement and provide needed housing in the area. The house is screened, buffered, from the public right-of way by existing mature bushes and vegetation. The remodeled single-family residence will continue to be compatible with the existing development pattern within the Rural Service Center.

## 2. Conformance with the Zoning Regulations

The project parcel is zoned R-1/S-10 (Single-family residential/20,000 sq. ft. lot minimum). The existing two-story single-family residence was built with a non-conforming front yard setback of 11 feet where 20 feet is required and no covered parking where two covered parking spaces are required for the existing two-bedroom residence. The table below provides an analysis of the project's conformance with the zoning development standards for the property.

Development Standards	Zoning Requirements	Existing residence	Proposed detached carport
Minimum Building Site Area	20,000 sq. ft.	11,500 sq. ft. *	No change
Minimum Building Site Width	75 ft.	100 ft.	No change
Minimum Setbacks			
Front	20 ft. (house),	11 ft.* (convert front porch to habitable space)	6 ft. (>40% slope)
Rear	20 ft.(house), 3 ft (detached garage)	60 ft. Left side 40 ft.	107 ft.
Sides	5 ft. (house), 3 ft. detached carport)	Right side -12 ft. Right side-5 ft. second floor.	Left side-5 ft 3 in. Right side-91 ft.
Maximum Lot Coverage	25% /2,875 sq. ft.	16%/1,873 sq. ft	19%/2,233 sq. ft
Maximum Building Floor Area	No maximum	No maximum	No maximum
Maximum Building Height	28 ft.	19 ft.	19 ft.
Minimum Parking	2 covered spaces	No on-site parking	2 covered spaces
*Use Permit		Required to convert front porch to habitable space.	

As shown in the table above, the parcel is 11,500 sq. ft. and does not conform to the S-10 Zoning District minimum parcel size of 20,000 square feet. The residence was built in 1946, prior to the implementation of the S-10 Zoning District and does not conform to the zoning with respect to the non-conforming front setback and parcel size. Pursuant to Section 6133.3b(2) and 6135, of the County's Zoning Regulations, a Non-conforming Use Permit is required to enlarge or intensify a non-conforming structure on a non-conforming parcel where the proposed development (or legalization of existing development) does not conform with the zoning regulations currently in effect.

## 3. <u>Conformance with the Parking Regulations</u>

Section 6118 and 6119 of the County Zoning Regulations (Parking) requires two 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. For a detached garage, the structure is required to be located in the rear half of the parcel. The applicant proposes to locate a new 360 sq. ft. detached premanufactured garage within the front yard setback to comply with on-site parking where no covered parking currently exists. Section 6411 of the County Zoning Regulations allows a detached garage to be located within the front half of the property when the front half of the lot has more than 14 percent slope and the garage is allowed to be located up to the front property line. The front half of the parcel has a 40 percent slope, the garage is proposed to have 6 feet setback from the front property line and will avoid tree removal of existing trees located behind the proposed detached garage location. The garage will be located on a flatter area of the property.

## 4. <u>Conformance with Non-Conforming Use Permit Findings</u>

The following findings, as required by Section 6133.3 must be made in order to grant approval of the Non-conforming 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 11,500 sq. ft. non-conforming parcel where 20,000 sq. ft. is the minimum required parcel size. The project is a modest size and complies with the development standards of the S-10 zoning district with exception of the existing11-foot front yard setback for the single-family residence. The project complies with the maximum allowed lot coverage, there is no floor area limit for the S-10 Zoning District, thus the single-family residence and proposed detached garage is reasonably proportioned to the size of the 11,500 sq. ft. 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.

The substandard sized parcel is surrounded by other substandard size parcels, therefore none of the adjacent properties have excess land to offer the project parcel. Additionally, the adjacent parcels are under separate private ownership and not available for purchase.

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

Given the existing non-conformities on the project site (parcel size, front yard setbacks and no on site covered parking), legalizing the habitable space in the basement and main floor, and allowing a new detached two-car garage, two new rear decks and new roof, will allow a reasonable addition to an existing residence without introducing any new non-conformities beyond what already exists. The detached garage shows effort to comply with the required parking. The garage location will protect existing trees (located behind the garage location) and locate the parking towards the front of the parcel where the land is flat, and thus minimizes grading. With the exceptions, the project is as nearly in conformance with the Zoning Regulations currently in effect as is reasonably possible.

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 the property or improvements in the said neighborhood.

Surrounding development in the neighborhood, a non-coastal area, 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 proposes a design that is compatible with surrounding single-family residential development. The new second story rear decks are proposed to the rear elevation and will be minimally visible from the street view.

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

The requested exception to the single-family residence front yard setback requirement and allowing intensification of the residence, does not make the residence out of character with the surrounding residential development. Staff has determined that the proposed use permit approval does not constitute the granting of a special privilege not available to other properties in similar situations.

#### B. ENVIRONMENTAL REVIEW

The project is categorically exempt pursuant to Section 15301, Class 1(e), for the residential addition to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition or 2,500 sq. ft., whichever is less.

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

Building Inspection Section Department of Public Works Environmental Health Services California Department of Forestry Cuesta La Honda Guild, Inc.

## **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Project 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 2019-00077 Hearing Date: February 3, 2022

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

## RECOMMENDED FINDINGS

#### For the Environmental Review, Find:

1. The project is categorically exempt pursuant to Section 15301, Class 1(e), for the residential addition to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition or 2,500 sq. ft., whichever is less.

## For the Use Permit, Find:

- 2. The proposed development is proportioned to the size of the parcel on which it is being built. Furthermore, the addition of habitable space is within the existing footprint of the single-family residence. The detached carport will provide on-site covered parking where none currently exists.
- 3. 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 most are developed with single-family residences. The contiguous parcels are also substandard in size and not large enough to allow a lot line adjustment for the subject parcel to acquire and gain additional square footage.
- 4. The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible since the project does not introduce any new non-conformities beyond those that already exist (parcel size and front yard setback).
- 5. 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 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 and the need for housing.
- 6. Use permit approval does not constitute a granting of special privileges. The project complies with lot coverage and height. The single-family residence complies with setbacks with exception of the existing front setback (for the single-family residence). The proposed development does not constitute the granting of a special privilege not available to other properties similarly situated.

## RECOMMENDED CONDITIONS OF APPROVAL

### Current Planning Section

- 1. The project shall be constructed in compliance with the plans once approved by the Zoning Hearing Officer on February 3, 2022. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are in substantial compliance with the approved plans, prior to being incorporated into the building plans.
- 2. No significant trees are proposed for removal, designated trees to remain shall be protected from damage during construction. 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.
- 3. The applicant shall adhere to all requirements of the Building Inspection Section, the Department of Public Works, and California Department of Forestry.
- 4. No site disturbance shall occur, including any grading or tree/vegetation removal, until a building permit has been issued.
- 5. 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 Cuesta Real. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Cuesta Real. There shall be no storage of construction vehicles in the public right-of-way.
- 6. 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).
- 7. A survey verification letter will be required when foundation forms are set to verify compliance with setbacks for the proposed detached carport.
- 8. An arborist report will be required at the time of building permit submittal to determine tree protection for the existing significant and heritage trees on site.
- 9. Any new exterior lights be designed to focus light downwards. The applicant shall submit light specification sheet for review by Planning Department staff.

#### **Building Inspection Section**

10. A building permit is required.

#### Drainage

- 11. A Drainage Report prepared and stamped by a Registered Civil Engineer.
- 12. A Grading and Drainage Plan prepared and stamped by a Registered Civil Engineer which includes any required stormwater retention features as determined in the drainage report and a driveway profile.
- 13. An updated C3 C6 Checklist, if applicable.

#### Department of Public Works

14. Prior to the issuance of the building permit or planning permit (for Provision C3 Regulated Projects), the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed 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.
- 15. Prior to the issuance of the building permit or planning permit (if applicable), the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (carport slab) complying with County Standards for driveway slopes (not to exceed 20 percent) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
- 16. 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 #3277.
- 17. The applicant shall submit a corner record (based on a field survey) to the project planner for forwarding to the Department of Public Works for review, approval, and recording.
- 18. Applicant shall also update plan set with accurate boundary survey prior to issuance of a building permit.

#### **Environmental Health Services**

- 19. The topographical survey identifies a creek on the north side of property and sheet OWTS 1 identifies a drainage ditch, please reconcile.
- 20. The applicant shall submit application for an onsite wastewater treatment system (OWTS) construction permit/variance request and appropriate fees.
- 21. The applicant shall submit sets of stamped of (OWTS) plans, and geotechnical report addressing steep slopes as specified in the Onsite Systems Manual (OSM) directly to Environmental Health Services.
- 22. The applicant shall submit to the Planning/Building Department required corrections and geotechnical report addressing OWTS relative to steep slopes >30 percent.

## California Department of Forestry

- 23. If the Building Inspection Section scores this project as less than 17 points then the residence will require an NFPA 13D automatic fire sprinkler system.
- 24. The applicant shall provide fire apparatus access to the structure on plans. Fire apparatus shall be to within 150 feet of all exterior portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved access route around the exterior of the building or facility. Access shall be 20 feet wide, all weather surface, and able to support a fire apparatus weighing 75,000 pounds. Where a fire hydrant is located in the access road, a minimum of 26 feet is required for a minimum of 20 feet on each side of the hydrant. This access shall be provided from a publicly maintained road to the property. Grades over 15 percent shall be paved and limited to 150 feet in length. No grade shall be over 20 percent. When gravel roads are used, it shall be class 2 base, or equivalent, compacted to 95 Percent. A gravel access road shall be certified by an engineer as to the compaction and weight it will support. The plan shall include an engineered section detail with thickness of and type of base and compaction.
- 25. This project is located in a State Responsibility Area for wildfire protection. Roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors and underfloor protection shall meet CRC R337 requirements. Add this note to plans.
- 26. For additional information or to schedule a fire inspection you may contact the Fire Marshal's Office at 650/573-3846.

### Cuesta La Honda Guild

27. The project shall comply with Cuesta La Honda Guild requirements.

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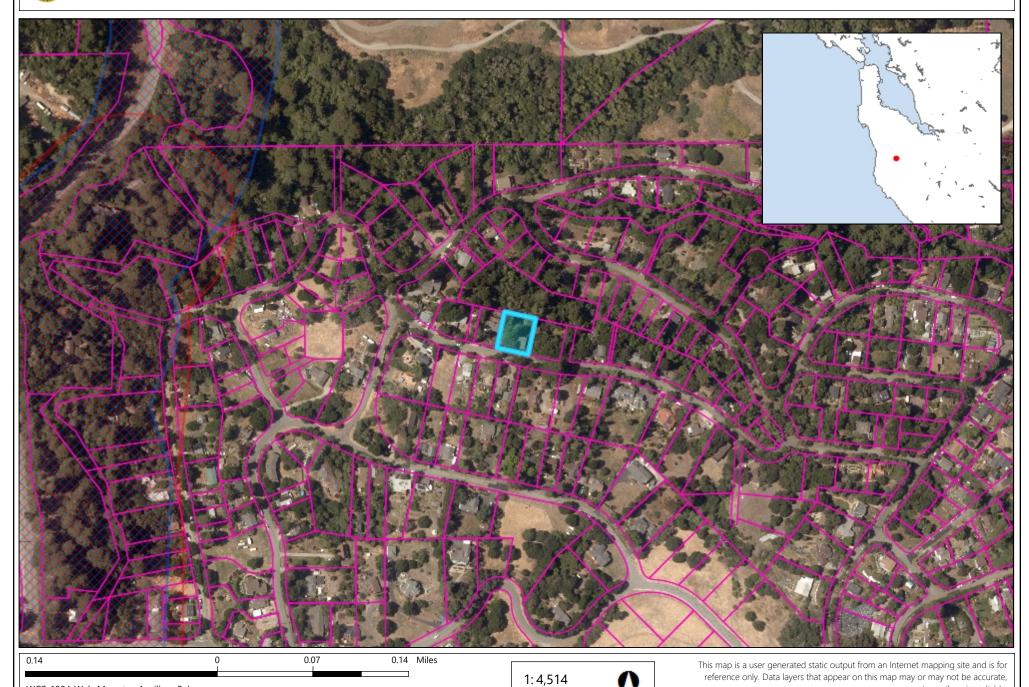
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## County San Mateo, CA

current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



APN NUMBERS: 083-043-420 OCCUPANCY: 2R SINGLE FAMILY ZONE DESIGNATION: R-1-06

SCOPE OF WORK:

- 1. INTERIOR PARTITIONS REMODEL
- 2. NEW ROOF
  3. DECK REMODEL AND DECK ADDITION

CONSTRUCTION TYPE: VB LOT SIZE: 11,500 S.F.

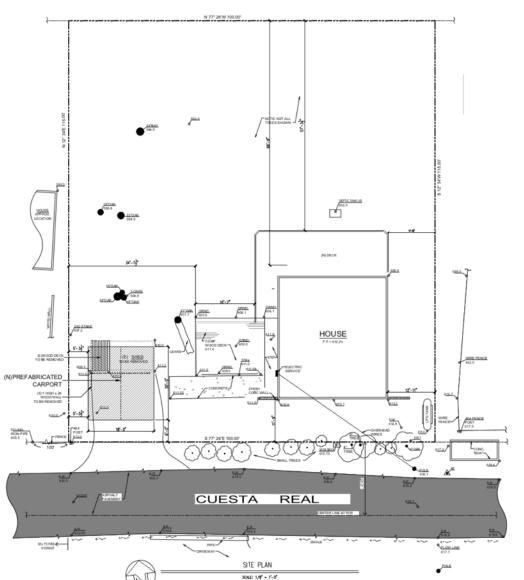
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	EXISTING:	PROPOSED:	PERMITTED:
HOUSE S.F.:	1025.15 S.F.	1025.15 S.F.	
FIRST FLOOR	977.63 S.F.	977.63 S.F.	
BASEMENT	587.56 SF	[514.00 S.F.]	
DECK: BOTTOM	100.12 S.F.	350.29 S.F.	
DECK: TOP	328.77 S.F.	498.31 S.F.	
TOTAL:	1994.08	2,340.23	
F.A.P.: LOT	11.36 %	12.83 %	25 %
SETBACK: FRONT	11'-9"	11'-9*	20*-0*
SETBACK: REAR	66"-9"	57'-3½*	20"-0"
SETBACK: RIGHT	12"-11"	12'-11"	10"-0"
SETBACK: LEFT	34"-7½"	34'-7½"	10"-0"
LEFT SIDE	0'-0"	0"-0"	36"-0"
NO. OF STORIES:	2	2	2

#### LOCATION MAP



#### SHEET INDEX:

- ALO SITE PLAN, SCOPE OF WORK
- AZ-0 EXISTING AND DEMOUTION PLANS, EXISTING ELEVATIONS
- A3.0 PROPOSED FIRST FLOOR PLAN AND PROPOSED BASEMENT PLAN
- AA.O PROPOSED ROOF PLAN AND DETAILS
- AS.O PROPOSED CLEVATION AND PROPOSED TRANSVERSE SECTION A6.0 CALGREEN
- SOLO GENERAL NOTES, STRUCTURAL NOTES STRUCTURAL SPECIFICATION, SHEET INDEX
- SO.1 NALING SCHEDULE, SHEAR WALL SCHEDULE, STANDARD DETALS, NAXIMUM HEADER SPAN
- S1.0 FOUNDATION PLAN
- S3.0 CELING FRAMING PLAN AND DETAILS
- SA.D ROOF FRANKING PLAN AND DETAILS



REVISIONS DATE



South Bay

Consulting Engineers 1585 THE ALAMEDA, SUITE 200 SAN JOSE, CALIFORNIA 95126 408-320-1050

> SINGLE FAMILY HOUSE REMODEL 231 Cuesta Real, La Honda, CA 94020

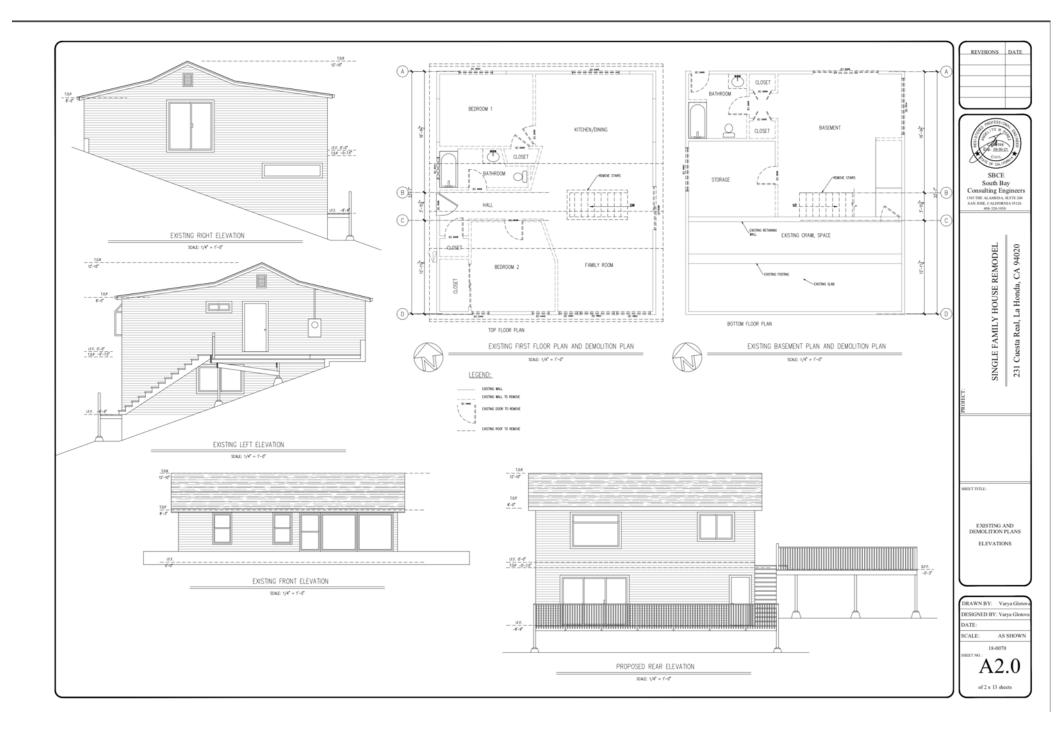
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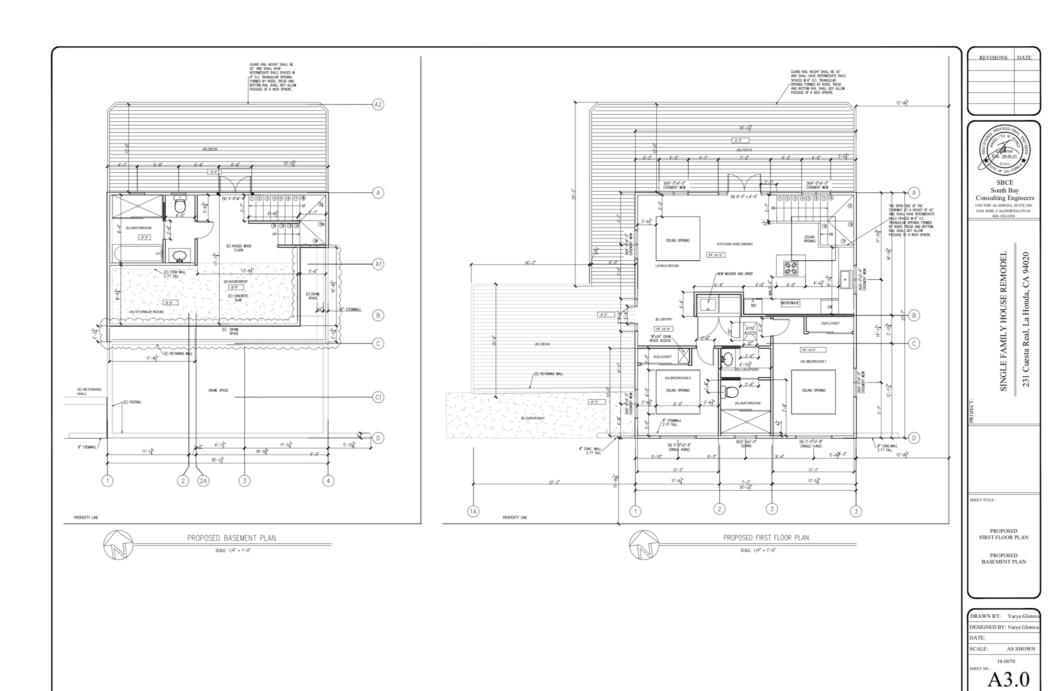
SITE PLAN

DRAWN BY: Varya Gloto DESIGNED BY: Varya Gloto DATE: SCALE: AS SHOWN

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of 1 x 13 sheets





of 3 x 13 sheets

