COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: February 16, 2017

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Non-Conforming Use Permit, pursuant to Sections 6135 and 6137 of the San Mateo County Zoning Regulations, to allow the enlargement of the non-conforming portion of a non-conforming house and the removal of one multi-trunk Mulberry tree (11", 18", and 22" in diameter). The project site is located at 401 La Mesa Drive in the unincorporated Ladera area of San Mateo County.

County File Number: PLN 2016-00340 (Hamilton)

PROPOSAL

The applicant is requesting a Non-Conforming Use Permit to raise the roof height and modify the roof design for a portion of the house at 401 La Mesa that encroaches 12 feet into the required front yard setback. The applicant also wishes to add 6 sq. ft. to the front of the house, also within the front yard setback. The existing house is approximately 2,158 sq. ft. in size, with 193 sq. ft. currently located in the required front yard setback. The rest of the proposed house remodel/addition complies with the S-104 Zoning Regulations. The applicant is also proposing to remove the existing pool and pool house building located in the rear of the parcel. The amount of grading for the project, including the filling in of the pool will total 230 cubic yards. The project also proposes the removal of one multi-trunk Mulberry tree (11", 18" and 22" in diameter) in the front side yard.

RECOMMENDATION

That the Zoning Hearing Officer approve the Non-Conforming Use Permit (County File Number PLN 2016-00340) by making the required findings and adopting the conditions of approval in Attachment A.

BACKGROUND

Report Prepared By: Rob Bartoli, Project Planner; 650/363-1857

Owner: Brett and Laura Hamilton

Applicant: Kelly Melendez

Location: 401 La Mesa, Menlo Park, California

APN: 077-192-080

Parcel Size: 14,941 sq. ft.

Existing Zoning: R-1/S-104

General Plan Designation: Medium Low Density Residential, Urban (2.4 du/ac - 6.0 du/ac)

Sphere-of-Influence: Portola Valley

Existing Land Use: Single-Family Structure

Water Supply: California Water Service

Sewage Disposal: West Bay Sanitary District

Flood Zone: Zone X (area of minimal flood hazard); Community Panel No. 06081C0314E, effective October 16, 2012

Environmental Evaluation: Categorically exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA), related to the minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure.

Setting: The project site is located on a flat parcel located at the corner intersection of La Mesa Drive and La Cuesta Drive. The property is situated within a developed residential area with single-family residences.

Chronology:

Date		Action
August 11, 2016	-	Planning application received for the subject Non-Conforming Use Permit to allow the roof height increase and new square footage for the area of the house that is located in the front yard setback.
December 22, 2016	-	Application deemed complete.
February 2, 2017	-	Zoning Hearing Officer public hearing.

DISCUSSION

A. <u>KEY ISSUES</u>

- 1. <u>Compliance with the General Plan</u>
 - a. Policy 4.36 (*Urban Area Design Concept*) seeks to maintain the visual character of development in urban areas and ensure that new development 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 Ladera. The proposed 6 feet of additional square footage proposed in the front yard setback will fill in and make flush a portion of the front exterior wall of the house, removing a small recessed area. The additional square feet will provide a more consistent facade to the existing building. The maximum height of the building will be increased from an existing height of 10 feet/3 inches to 14 feet/6 inches. This increase in height will still be less than the maximum height of 28 feet as set forth for this zoning district.
 - b. 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 existing single-family building complies with the height, bulk, and setback requirements for this zoning district. The proposed project will increase the height of the portion of the house that is located in the required front vard setback. This 193 sq. ft. portion of the house will be increased to a height of 10 feet/10 inches from the existing 9 feet/10 inches. This increase in height will be below the required 28-foot maximum building height of the zoning district. The house will remain a single-story structure. There will also be an increase of 6 sq. ft., creating a flush exterior wall at the front of the property. This additional square footage will be used to expand an existing bathroom. The addition will be reviewed by the Building Inspection Section for building code compliance and Woodside Fire Protection District for fire compliance to ensure public health and safety.

2. <u>Compliance with the Zoning Regulations</u>

a. <u>Development Standards</u>

The project parcel is zoned R-1/S-104 (Single-Family Residential). The applicant is requesting a Non-Conforming Use Permit to increase the height of an existing portion of the house that is located in the front yard setback by 1-foot, from 9 feet/10 inches to 10 feet/10 inches and add 6 sq. ft. within the front yard setback. The existing single-family house has an existing non-conforming setback of 13 feet, where 25 feet is required for the main house. The single-family house otherwise complies with the S-104 Zoning District.

S-104 Development Standards						
	Required	Existing	Proposed			
Minimum Lot Width	50 ft.	195 ft.	No change			
Minimum Building Area	8,000 sq. ft.	14,941 sq. ft.	No change			
Minimum Front Yard Setback House	25 ft.	13 ft. (Legal non-conforming)	No change			
Minimum Front Yard Setback Garage	15 ft.	16 ft.	No change			
Minimum Side Yard Setbacks						
Left Side	8 ft.	25 ft.	No change			
Right Side	8 ft.	15 ft.	No change			
Minimum Rear Yard Setback	20 ft.	31 ft.	No change			
Maximum Lot Coverage	40%	19.0%	23.%			
Maximum Floor Area	3,494.1 sq. ft.	2,879 sq. ft.	3,492 sq. ft.			
Maximum Building Height	28 ft.	10 ft. 3 in	14 ft. 6 in.			
Building Height in Front Yard Setback	N/A	9 ft. 10 in.	10 ft. 10 in.*			
*The proposal is requiring a Non-Conforming Use Permit.						

The addition is required to comply with the San Mateo County Building Inspection Section regulations. The Building Inspection Section has reviewed the project and has conditionally approved the project. The height increase of a non-conforming area is considered an intensification of the non-conforming structure, requiring a Non-Conforming Use Permit. The addition of 6 sq. ft. within the front yard setback, also requires a Non-Conforming Use Permit. The proposed addition and intensification via a height increase will not increase the non-conforming setback. As such, there will be no greater adverse impact to the zoning regulations than what currently exists on the property.

3. <u>Compliance with Non-Conforming Use Permit Regulations</u>

Section 6137 (*Exceptions*) of the Zoning Regulations allows the granting of a use permit to enlarge 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 height increase will allow for reasonable head height within the existing structure, as the existing head clearance in the area in the front yard setback is 7 feet in height. The addition of 6 sq. ft. will allow for an increase

in the size of the existing bathroom and will fill in and create a flush portion of the front facade. The addition is required to comply with the San Mateo County Building Inspection Section regulations. The Building Inspection Section has reviewed the project and has conditionally approved the project. There is no evidence to suggest, as conditioned, that the project will have a detrimental effect on the public welfare or be injurious to the property or improvements.

4. <u>Compliance with Significant Tree Regulations</u>

One multi-trunk Mulberry tree (11", 18", and 22" in diameter) is proposed to be removed due to the proximity of the new addition to the tree, the proposed new landscaping plan, and the construction of a new patio area. The removal of the tree will be in accordance with the Significant Tree Regulations, as the removal of the tree will allow reasonable economic or other enjoyment of the property, and the tree will be replaced by plantings approved by the Community Development Director, as one replacement tree will be required (Condition No. 3).

There are several trees that are proposed to be removed on the property that do not require a Tree Removal Permit, as the trees do not meet the size requirements for Heritage or Significant trees or is a stump.

B. <u>ENVIRONMENTAL REVIEW</u>

The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, as a minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure.

C. <u>REVIEWING AGENCIES</u>

Building Inspection Section Woodside Fire Protection District Department of Public Works

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plans

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County of San Mateo Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2016-00340

Hearing Date: February 16, 2017

Prepared By: Rob Bartoli For Adoption By: Zoning Hearing Officer Project Planner

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, as a minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure.

For the Non-Conforming 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 proposed project will add additional interior head height and additional square footage as part of a comprehensive major remodel and expansion of this single-family home. The addition is required to comply with the San Mateo County Building Inspection Section regulations. The Building Inspection Section has reviewed the project and has conditionally approved the project. There is no evidence to suggest that, as conditioned, the project will have a detrimental effect on the public welfare or be injurious to the property or improvements.

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 February 2, 2016. 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 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 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. This permit allows for the removal of one multi-trunk Mulberry tree (11", 18" and 22" in diameter). One 15-gallon tree shall be planted as a replacement tree prior to the final inspection of the building permit for this project. Removal of any tree with a circumference of 12 inches or greater, as measured 4.5 feet above the ground, shall require additional review by the Community Development Director prior to removal.

Building Inspection Section

4. A building permit is required and shall be applied for and obtained prior to the commencement of any construction or staging activities.

Department of Public Works

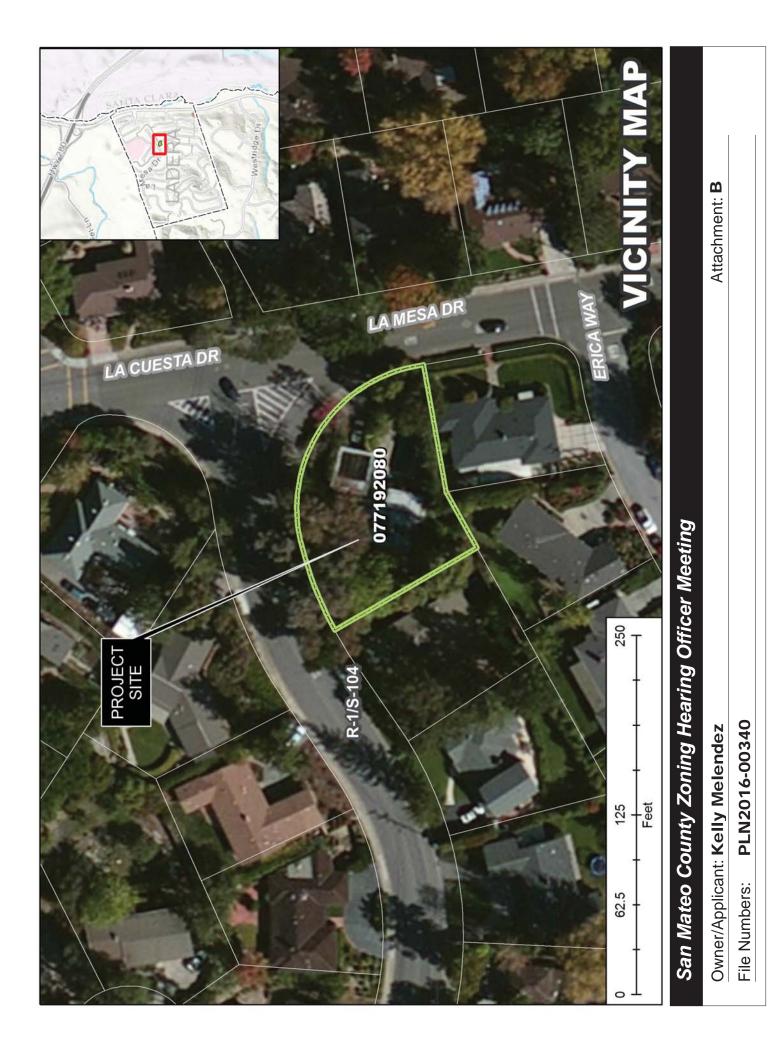
5. Prior to the issuance of the building permit (for Provision C3 Regulated Projects), the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist 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.

Note that any areas not previously considered for stormwater runoff shall be treated as new impervious surface in these analyses.

6. Prior to the issuance of the building permit, the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) 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.

- 7. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
- 8. 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 No. 3277.

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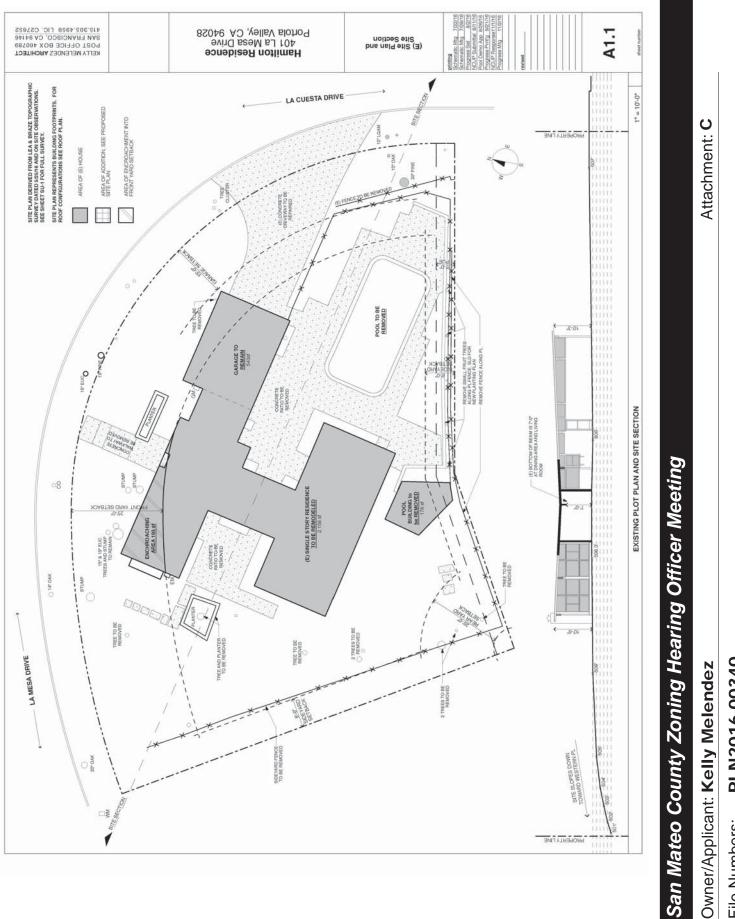
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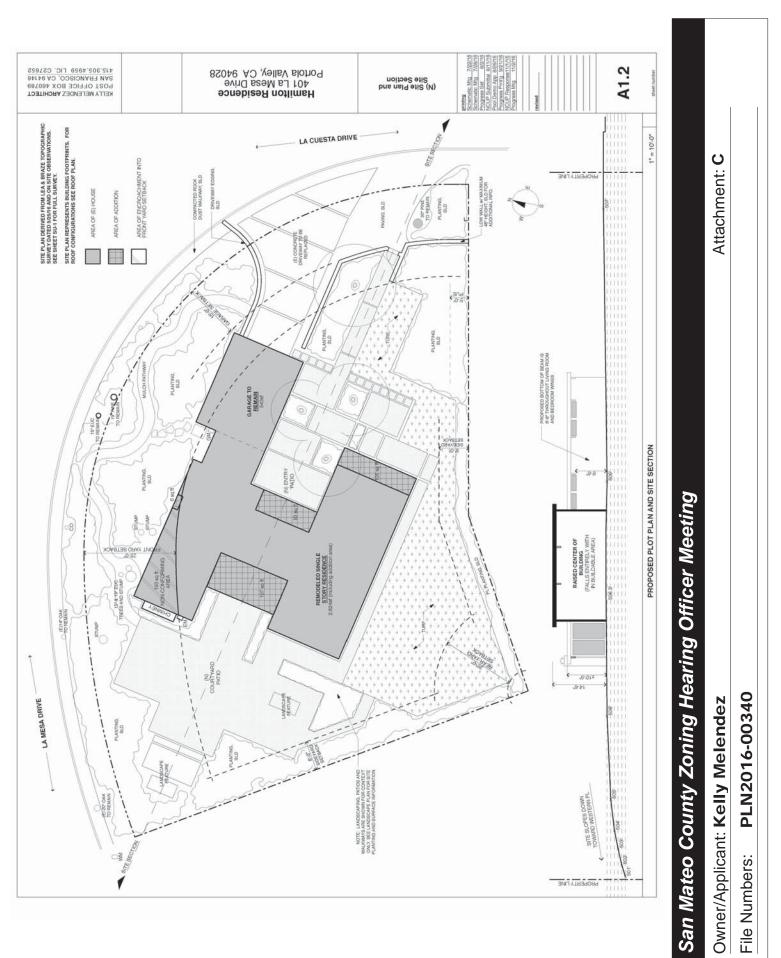
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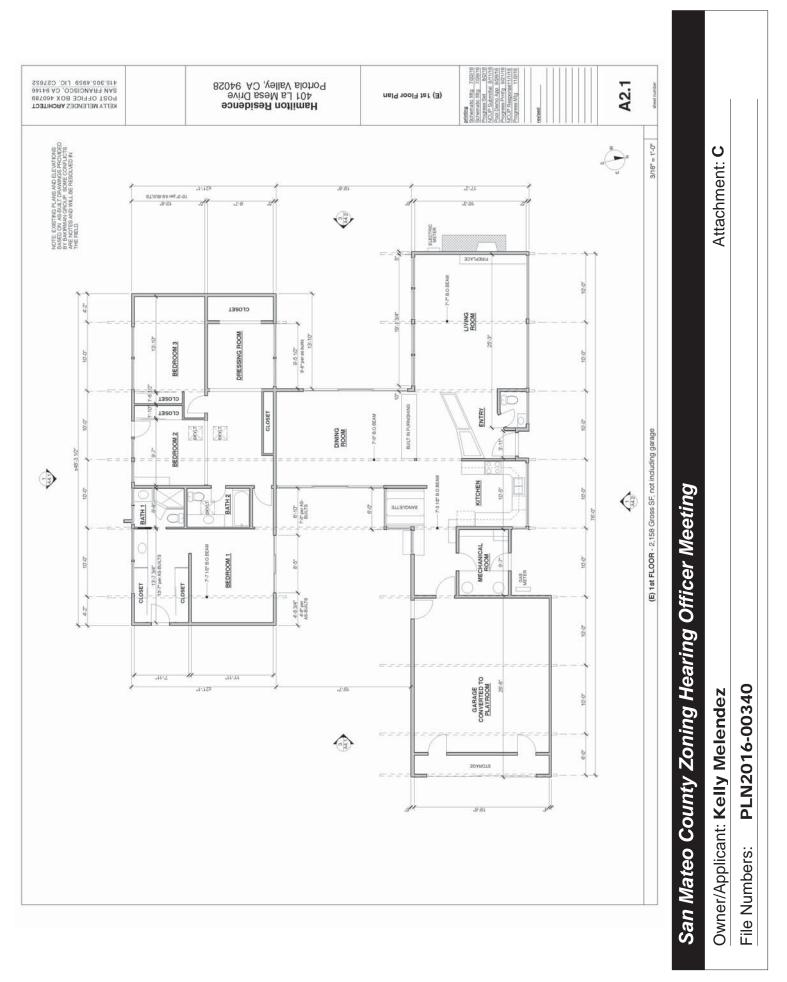
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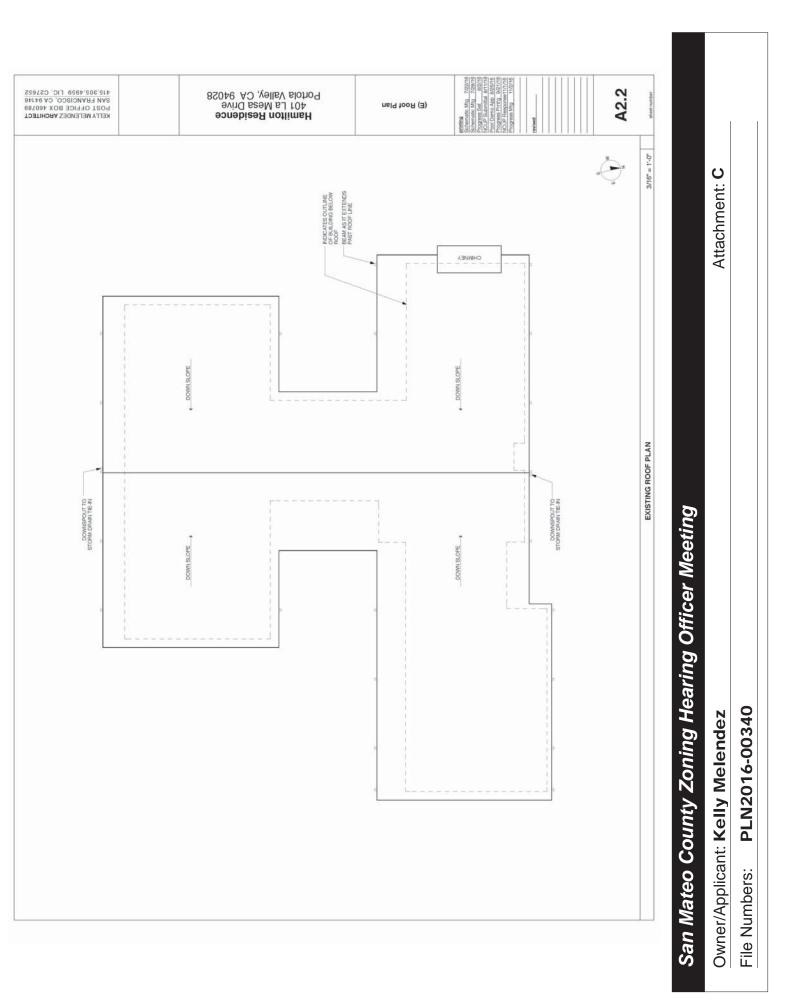
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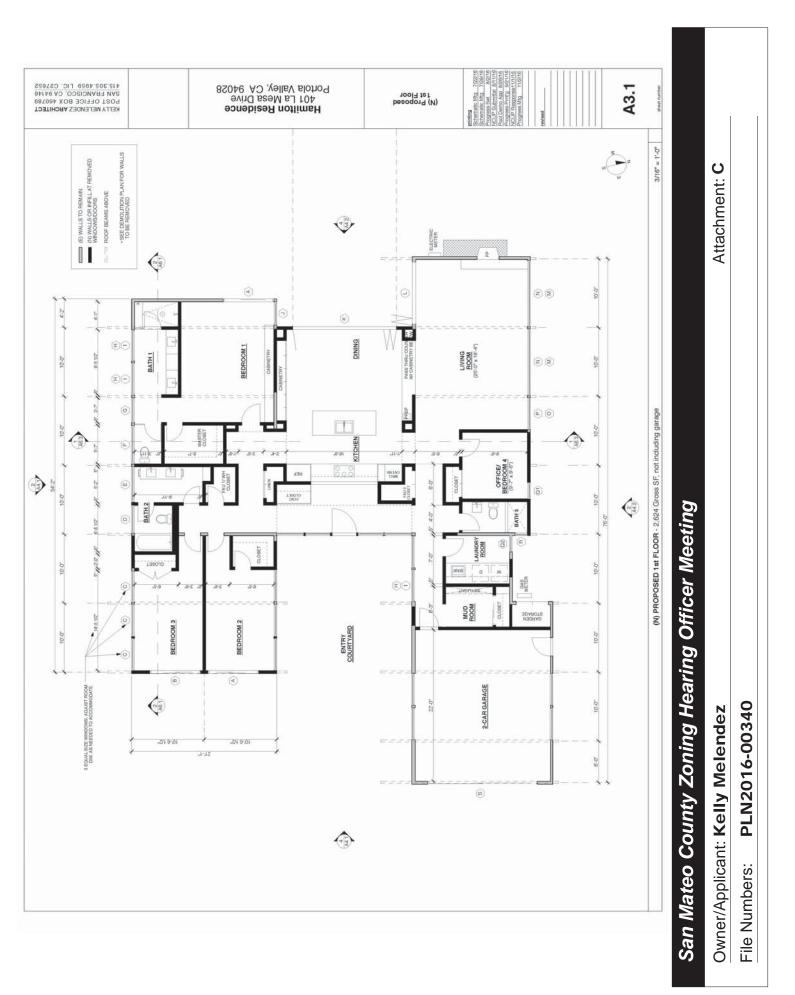


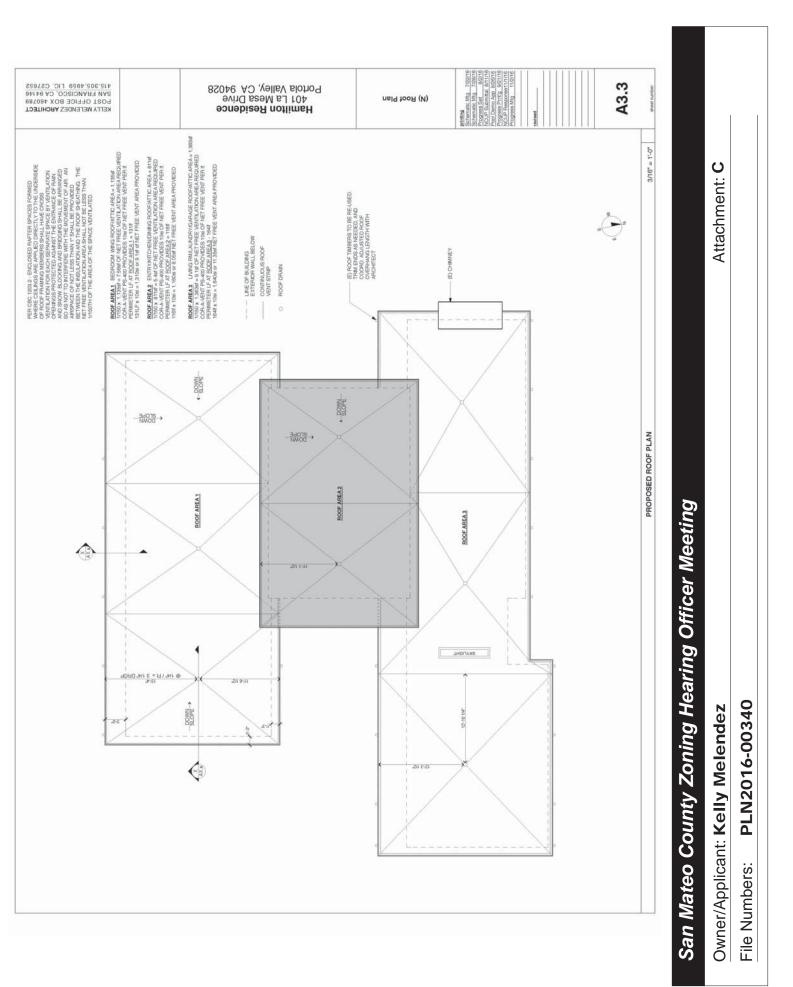
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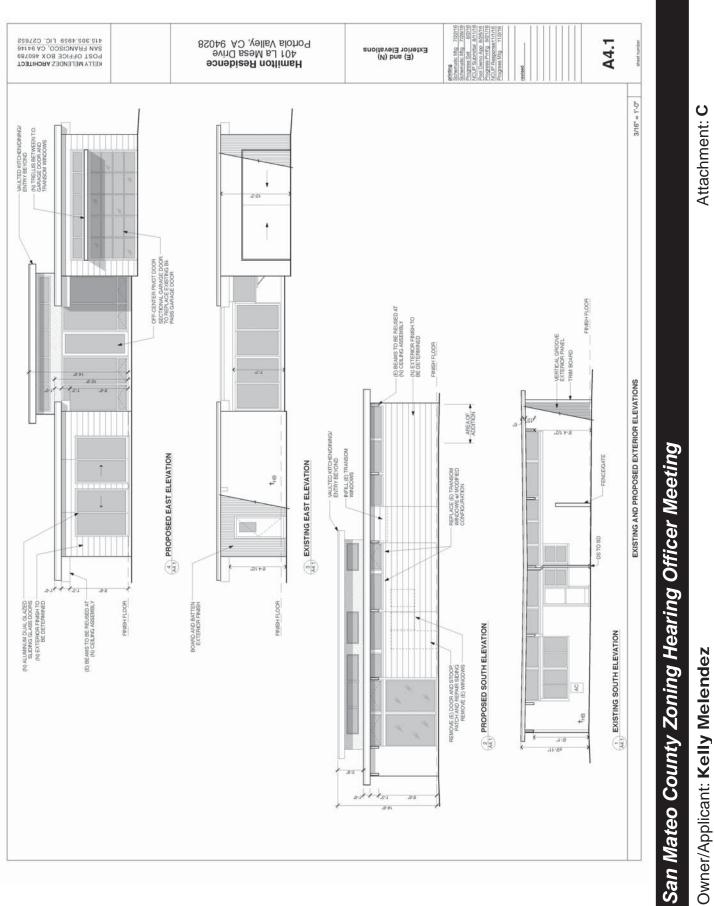












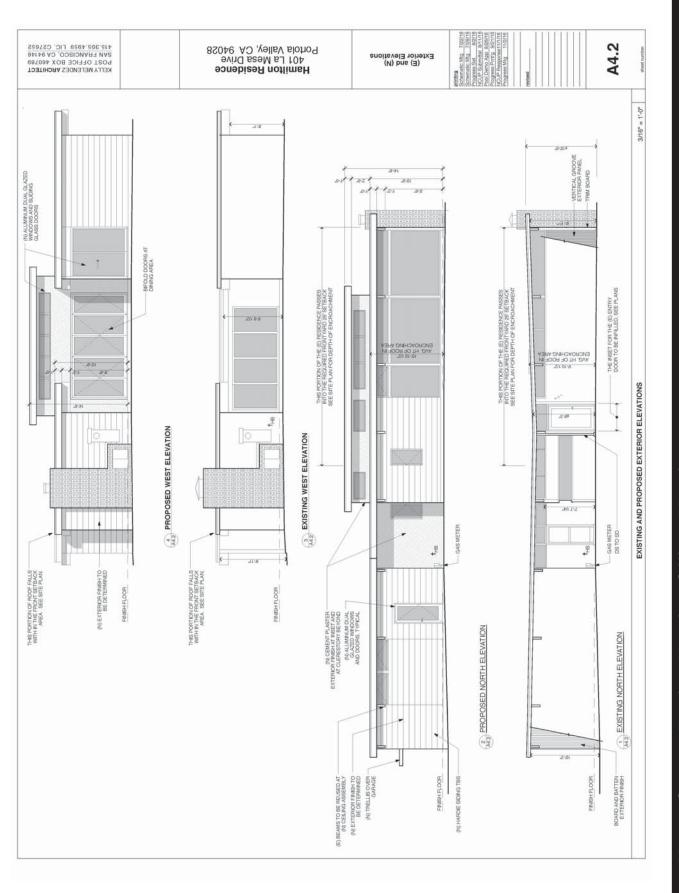
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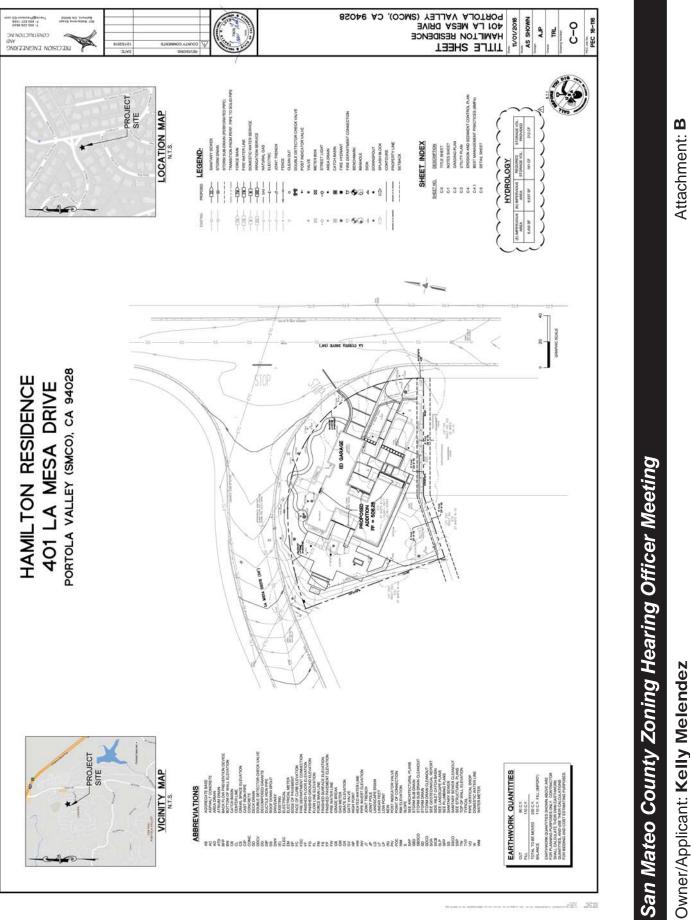
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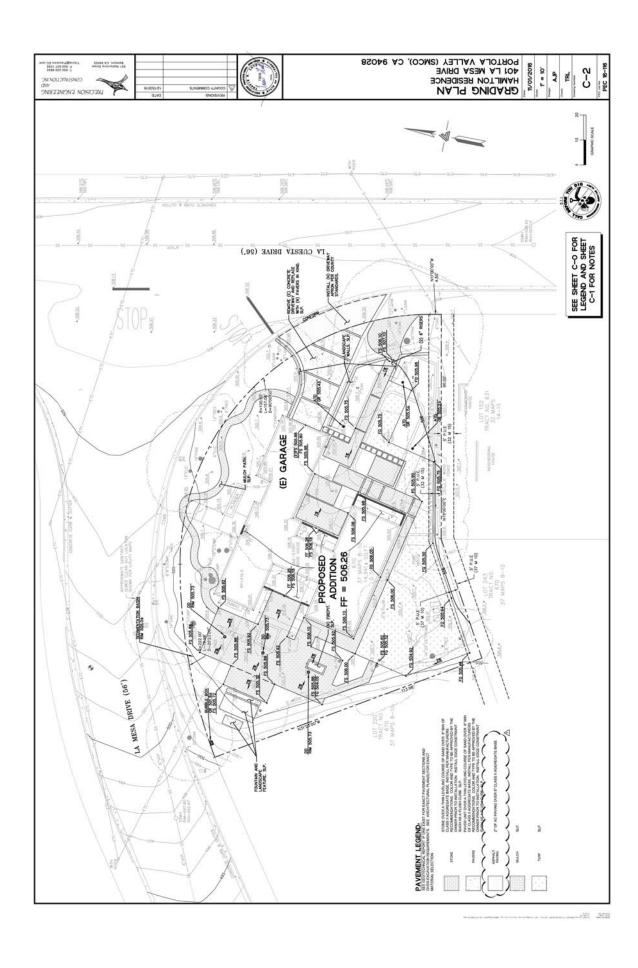


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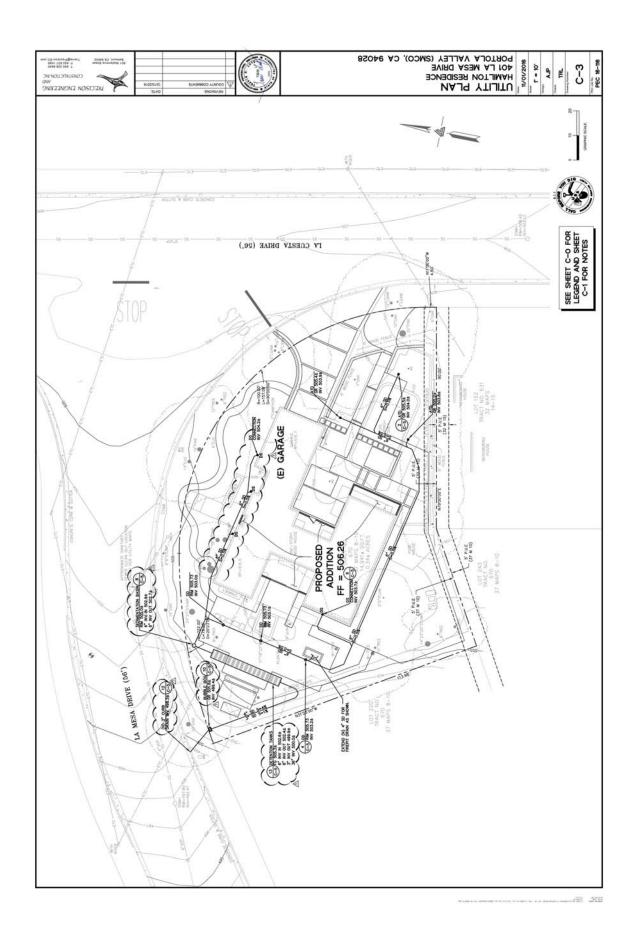
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