

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

**DATE:** April 19, 2018

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Coastal Development Permit and a Non-Conforming Use Permit, pursuant to Sections 6328 and 6500 of the San Mateo County Zoning Regulations, for the construction of an artist's studio within a two-car garage at 100 14th Street, in Montara, an unincorporated community of San Mateo County. The project is appealable to the California Coastal Commission.

County File Number: PLN 2017-00245 (Leiter)

**PROPOSAL**

The applicant proposes to convert a portion of an existing 685 sq. ft. garage into a 488 sq. ft. artist's studio with bathroom; the remaining 197 sq. ft. will be a one-car garage. The location of the existing legal detached garage (constructed in 1952) in the front half of the parcel does not conform to the location criteria for detached accessory buildings or the required setbacks and the conversion of a portion of the garage to the artist studio is an intensification of use that necessitates the Use Permit. No footprint expansion is proposed with this project. Since the project is located in the Appeals Jurisdiction, the project is appealable to the California Coastal Commission.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Use Permit Amendment, County File No. PLN 2017-00245, by making the required findings and adopting the conditions of approval in Attachment A.

**BACKGROUND**

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

Applicant/Owner: Charles Leiter

Location: 100 14th Street, Montara

APN: 037-011-240

Parcel Size: 8,700 sq. ft.

Existing Zoning: R-1/S-17/DR/CD (Single-Family Residential/Design Review/Coastal Development)

General Plan Designation: Medium Density Residential Urban

Local Coastal Program Designation: Medium Density Residential

Existing Land Use: Existing one-story single-family house and detached two-car garage.

Water Supply: The property is served by municipal water service by Montara Water & Sanitary District.

Sewage Disposal: The property is served by municipal water service by Montara Water & Sanitary District.

Flood Zone: The project site is located in Zone X (area of minimal flooding); FEMA FIRM Panel 06081C0117F; effective August 2, 2017.

Environmental Evaluation: Categorically exempt pursuant to Section 15301(Existing Facilities) Class 1(a), of the California Environmental Quality Act (CEQA), related to the interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

Setting: The project site is located west of Highway 1 at the end of 14th Street. The parcel gently slopes toward the Pacific Ocean with the garage located approximately 100 feet from the bluff. Single-family residences are located to the north, east, and south of the parcel.

Chronology:

<u>Date</u>	<u>Action</u>
June 16, 2017	- Application submittal for the garage conversion.
January 28, 2018	- Applicant submitted for the revised plan of interior layout. No net change in square footage of existing garage or access.
April 19, 2018	- Zoning Hearing Officer hearing.

## **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 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 proposal to convert 488 sq. ft. of an existing 685 sq. ft. detached garage complies with the policy above by matching the exterior color and materials of the existing structures on the subject property. The conversion is largely restricted to interior modifications to construct an artist studio with bathroom. The proposal also includes the removal of one single garage door to be replaced with a window and planter box. An existing 6-foot tall wooden fence screens the remainder of the structure from the street. Appearance of the garage is similar to others constructed within the neighborhood.

- 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 garage constructed in 1952 is nonconforming for location and setbacks. Detached accessory buildings are required to be located in the rear portion of a parcel and be set back from the rear and side property lines by 3 feet each. The existing 685 sq. ft. garage was constructed in the front left corner with a 3-foot left side yard setback and a 4.2-foot front yard setback. For a conforming detached garage, a 3-foot setback is required in order to provide sufficient light and air in and around the structure and for purposes of public health and safety. Although the existing garage does not meet the location criteria for a conforming garage (rear half of parcel), it does meet the 3-foot setbacks ensuring sufficient light and air and public health and safety. Additionally, the garage conforms to the development standards of the S-17 District (height, lot coverage, floor area ratio) further discussed below.

## 2. Compliance with the Local Coastal Program Policies

Staff has reviewed and determined that the project complies with all of the applicable Local Coastal Program Policies, including the following:

- a. Policy 8.13 (*Special Design Guidelines for Coastal Communities*) regulates the design, siting, and visual impacts of development within the rural and urban coast.

No footprint expansion is proposed with this project. Minor exterior changes (window to replace one garage door) will occur to accommodate the artist studio conversion, which is consistent with this policy. The conversion of the existing detached garage will not block

views to or along the ocean shoreline from Highway 1 or other public viewpoints within the Scenic corridor.

3. Compliance with the Zoning Regulations

- a. The parcel is located in the R-1/S-17/DR/CD Zoning District. Development standards for the parcel are outlined below. With exception to the location criteria and setbacks, the project is compliant with the development standards.

Development Standard	R-1/S-17/DR/CD Development Standards	Project Parcel Existing Conditions
Minimum Site Area	5,000 sq. ft.	8,700 sq. ft.
Minimum Site Width	50 ft.	~118 ft.
Minimum Front Setbacks	20 ft. (residence) N/A <sup>1</sup>	8 ft. (residence) 4.2 ft. (garage)
Minimum Rear Setbacks	20 ft. (residence) 3 ft. (detached garage)	5 ft. (residence) >3 ft. (garage)
Minimum Side Setbacks	5 ft. (residence) 3 ft. (detached garage)	0 ft. (residence) 3 ft. (garage)
Maximum Building Height	19 ft. (detached garage ridge) 10 ft. (detached garage plate)	12.5 ft. (garage ridge) 9 ft. (garage plate)
Maximum Lot Coverage	50% (4,350 sq. ft.)	33% (2,877 sq. ft.)
Maximum Floor Area	53% (4,611 sq. ft.)	33% (2,877 sq. ft.) (2,192 sq. ft. residence 685 sq. ft. garage)
<sup>1</sup> Detached Accessory Building Regulations require location of such buildings in the rear half of a parcel. In instances where the front half of a parcel has an average slope of 14%, a detached garage may be located to the front property line while maintaining the side yard setback. The average slope of this parcel does not meet or exceed the slope such that the garage may be located within the front half.		

b. Compliance with Standards for Design Review Exemption

Section 6565.3 allows the Design Review Administrator (DRA) to exempt certain activities which otherwise require design review from the requirements of the Design Review Standards when such activities, in the judgement of the DRA, are minor in nature and will not have an adverse effect on compliance with design standards. The project proposal for the conversion of the existing garage is considered minor in nature and meets the design standards by restricting exterior modifications to the removal of one single-car garage door to be replaced with a similar garage door and for the other garage door to be replaced with a window and planter box that would be seen from adjacent residences along 14th Street, for the

conversion of a portion of the garage to studio space (See Attachment C).

c. Compliance with the Parking Regulations

The existing residence is a one bedroom single-family residence that requires one covered parking space (9' x 19'). The existing garage will retain one covered parking space compliant with the Parking Regulations.

B. CONFORMANCE WITH USE PERMIT FINDINGS

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 converted garage area is within the existing garage; no footprint expansion is proposed. Minor exterior changes to effect the modification are consistent with the design review standards for this area. The interior conversion will be required to comply with the San Mateo County Building Inspection Section regulations. The Building Inspection Section has reviewed the proposed conversion 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. The remaining single-car garage space within the existing garage conforms to the required parking for single-family residences of with only one bedroom.

C. CONFORMANCE WITH COASTAL DEVELOPMENT PERMIT FINDINGS

Section 6328.15 (*Findings*) of the Zoning Regulations requires a coastal development permit for any change in intensity in use providing that the project conforms to the following findings:

**That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.**

The project application packet was originally submitted in June 2017 and later revised with updated plans on January 25, 2018 in conformance with Section 6328.7. A building permit application has also been filed under BLD 2018-00164, pending planning approval. The project has been conditioned in accordance with Section 6328.14, to require color and material verification prior to the final inspection of the associated building permit.

**Where the project is located between the nearest public road and the sea, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).**

The project parcel is located between the nearest public road and the sea (Cabrillo Highway). The project proposes to partition an existing two-car detached garage into a one-car garage and 350 sq. ft. artist studio with a 92 sq. ft. bathroom. This conversion of interior space will not impact shoreline access (both vertical and lateral); currently the street dead ends at the bluff.

**That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program.**

As referenced above, the project complies with LCP Policy 8.13 for design guideline standards for properties within a design review district and scenic corridor which regulate architectural design standards. The proposed project will not impact visual resources or detract from neighborhood characteristics as the changes are limited to interior modifications for the new 350 sq. ft. artist studio and 92 sq. ft. bathroom out of the existing 685 sq. ft. garage. The exterior changes in public view are limited to a replacement garage door and window, to match the existing colors and materials (See Attachment E).

**That the number of building permits for construction of single-family residences other than for affordable housing issued in the calendar year does not exceed the limitations of Policies 1.22 and 1.23 as stated in Section 6328.19.**

The project proposed does not involve the construction of a new single-family residence.

D. ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, related to interior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

E. REVIEWING AGENCIES

Building Inspection Section

**ATTACHMENTS**

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

BRA:jlh – BRACC0182(Rev Final)\_WJU.DOCX

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2017-00245

Hearing Date: April 19, 2018

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 15301, Class 1, related to interior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

Regarding the Coastal Development Permit, Find:

2. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program (LCP). The conversion of the existing garage conforms to LCP Policies on the Visual Quality of development with no new increase to existing floor area and has been conditioned to require colors and materials to match the residence.
3. That the project, located between the nearest public road and the sea, is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 because the interior conversion will not impede shoreline access (both vertical and lateral) from 14<sup>th</sup> Street in Montara.
4. That the project proposal for the conversion of an existing two-car garage into a one-car garage and artist studio, does not exceed the limitations on the number of building permits for construction of single-family residences because no new single-family residence is proposed.

Regarding the Use Permit, Find:

5. 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 conversion of the existing garage will continue to provide the required parking per the zoning requirements, and any construction 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 and approved by the Zoning Hearing Officer on April 19, 2018. 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 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. For any activity located within the public right-of-way, the applicant shall obtain an encroachment permit from the Department of Public Works. Additionally, prior to planting any trees within the public right-of-way, the applicant shall obtain a landscaping/encroachment permit from the Department of Public Works.
4. The applicant shall submit photos of the garage exterior for Planning review prior to the building permit final inspection. Exterior colors and materials shall match the residence.

### **Building Inspection Section**

5. Final inspection of building permit BLD 2018-00164 for this project is required prior to certificate of occupancy issuance.

BRA:jlh – BRACC0182(Rev Final)\_WJU.DOCX





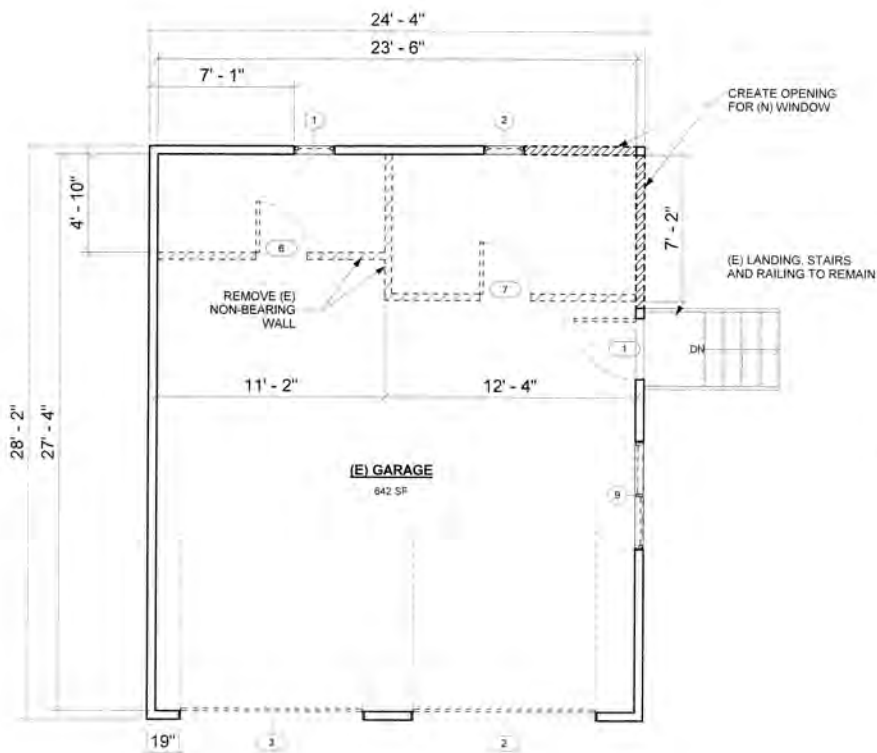
***San Mateo County Zoning Hearing Officer Meeting***

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

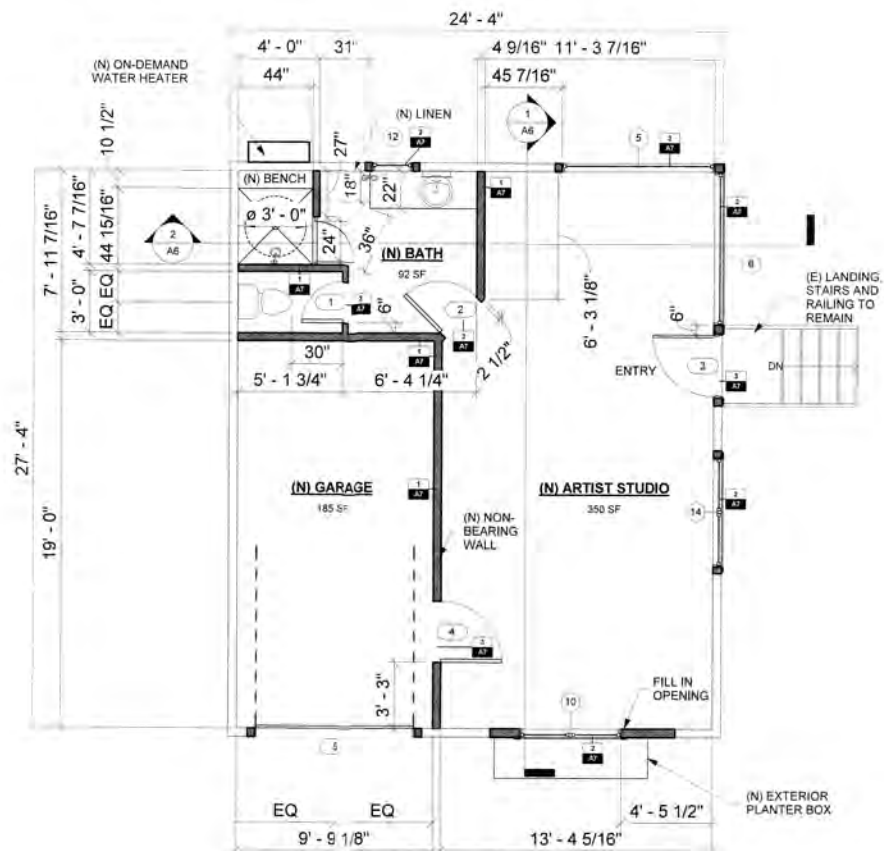
File Numbers: \_\_\_\_\_

NOTE: ALL NEW WALLS TO BE 1 HOUR FIRE RATED WALLS REFER TO 1/A7



**1** EXISTING AND DEMOLITION FLOOR PLAN

**A3** SCALE: 1/4" = 1'-0"



**2** PROPOSED FLOOR PLAN

**A3** SCALE: 1/4" = 1'-0"

## San Mateo County Zoning Hearing Officer Meeting

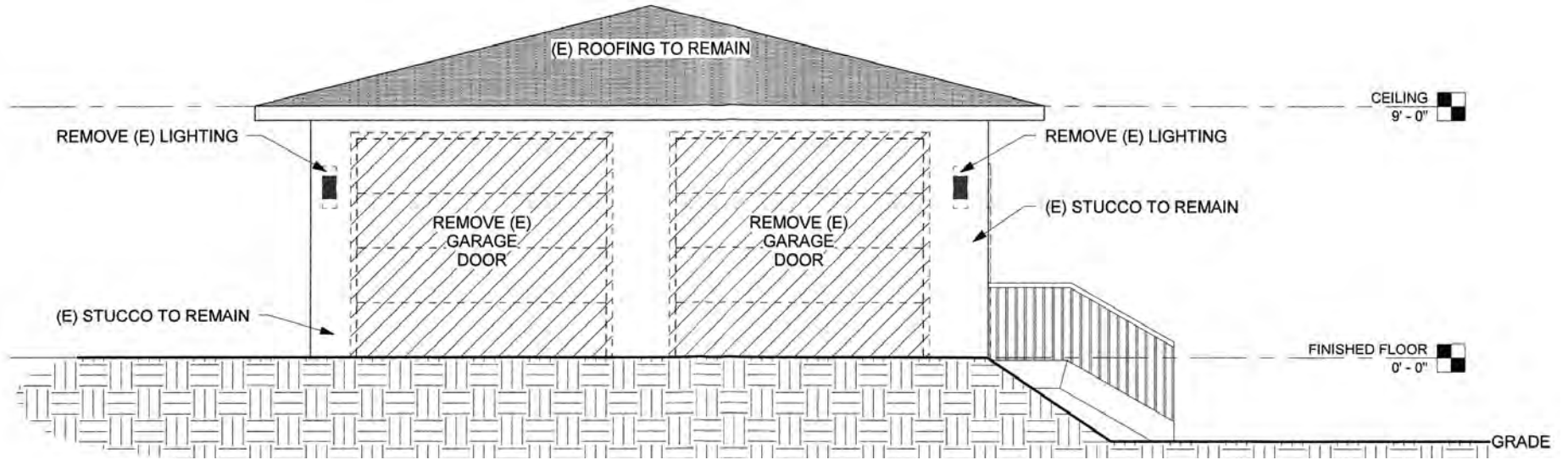
Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

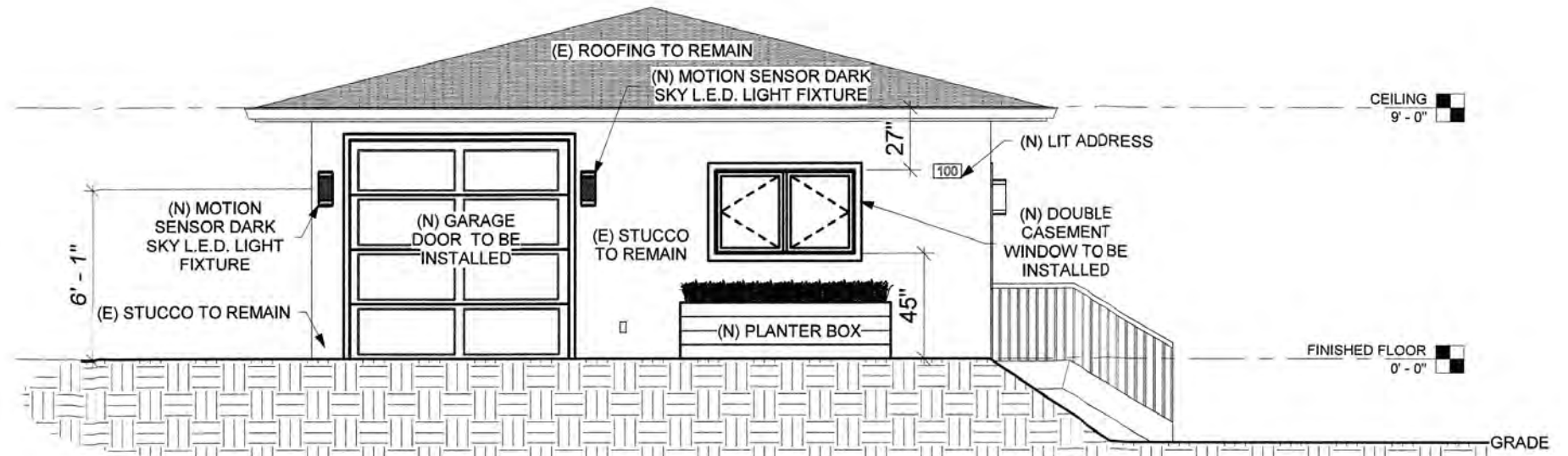
File Numbers: \_\_\_\_\_



# EXISTING CONDITIONS (AS SEEN FROM 14th ST.)



# PROPOSED (AS SEEN FROM 14th ST.)



## San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_

EXISTING SITE



***San Mateo County Zoning Hearing Officer Meeting***

Owner/Applicant:

Attachment:

File Numbers: