

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

**DATE:** March 21, 2019

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Non-Conforming Use Permit, pursuant to Section 6130 of the San Mateo County Zoning Regulations to legalize two (2) residential additions and to allow a one (1) car garage to remain where two (2) car covered parking is required, for a non-conforming single-family dwelling located at 620 Larchmont Drive in the unincorporated (Broadmoor) area of San Mateo County.

County File Number: PLN 2018-00437 (Melgar)

**PROPOSAL**

The applicant is seeking to legalize two additions to the existing one-story non-conforming single-family dwelling. The project site is located on a legal 7,260 sq. ft. parcel where the minimum parcel size for a parcel in the S-7 Zoning District is 5,000 sq. ft.

The original dwelling burned down and was rebuilt to have four (4) bedrooms, two (2) bathrooms, a kitchen, living room and uncovered deck. The unpermitted additions expanded the original footprint to add one (1) bedroom, and a bathroom at the rear, and to enlarge existing bedrooms at the front. The primary dwelling had a non-conforming front side yard setback of 15 feet (where 20 feet is required). The rear addition to be legalized has a 3.7-foot left side yard setback and a 4.8-foot right side setback (where 5 feet is. required). The addition to the front of the home complies with required setbacks.

A use permit is required pursuant to Section 6135.4 and 6137 of the Zoning Regulations to allow for the expansion and encroachment of a non-conforming structure into the side yard setbacks, and to retain the one-car garage where two (2) covered parking spaces are required.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Non-Conforming Use Permit, County File Number PLN 2018-00437, by making the required findings and adopting the Conditions of Approval in Attachment A.

**BACKGROUND**

Report Prepared By: Maya Briones, Project Planner, 650/363-1882

Applicant: Suguey Melgar

Location: 620 Larchmont Drive, Colma, CA

APN: 006-312-390

Size: 7,260 sq. ft.

Existing Zoning: R-1/S-7

General Plan Designation: Medium to Low Density Residential Urban

Sphere-of-Influence: Daly City

Existing Land Use: Single-Family Residence

Water Supply: California Water Service Company- South San Francisco

Sewage Disposal: N. San Mateo Co. Sanitation District

Flood Zone: Zone X (area of minimal flood hazard); Community Panel

No. 06081C0285E, effective 10/16/2012.

Environmental Evaluation: Categorically exempt pursuant to Section 15303, Class 1 of the California Environmental Quality Act (CEQA), related to the minor addition to an existing structure.

Setting: The property is on a curving street, towards the end of Larchmont Drive. An existing one-story residence is located at the center of the subject property. The property is surrounded by other single-family homes.

Chronology:

In 2009, there was a major fire at the house. It's not clear from the County's records what occurred from that time until 2018, when plans were finally submitted to repair the fire damage. Because it was to repair fire damage to an existing home, no parcel history or survey was required, and the permit was issued. At some point during construction, the inspector determined that the construction exceeded the scope of the original permit, and a revision was required. When the plans for the revision were submitted by the applicant, along with a parcel history and a survey, it was determined that the house was a non-conforming structure with a front yard setback of 15 ft. where 20 ft. is required, that there were additions to the house that were not previously

permitted, and that the rear addition was non-conforming with regard to the side setbacks. Also, the parking remains non-conforming, since there is only one (1) covered parking space where two (2) are required. Pursuant to Sections 6135.4 and 6137, a use permit may be obtained to allow for the enlargement of a non-conforming structure, when the enlargement (the rear addition) will not conform to current setback requirements.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Compliance with the General Plan**

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 subject property is located within the urban residential community of unincorporated Broadmoor. The exterior of the addition is constructed of materials and colors that match the existing residence. The project is conditioned to continue to use matching colors and materials that blend with the existing structure. The one-story dwelling is consistent with other properties found within the neighborhood.

Policy 8.15 (*Land Use Compatibility*) seeks to protect and enhance the character of existing single-family areas. The General Plan designates the subject property as Medium Density Residential Urban. The existing dwelling complies with this designation, and the legalization of the additions, does not change the use of the property as a single-family residence.

Policy 8.35 (*Zoning Regulations*) ensures that the development is consistent with the zoning district regulations. This development is consistent with the principles of the R-1/S-7 (Single-family Residential/Minimum 5,000 sq. ft. parcel) zone. See the staff discussion below for details of zoning conformity.

Policy 8.36 (*Uses*) ensures that the uses of the zoning district are consistent with the overall land use designation. The single-family residential use is consistent with the Medium Density Residential Urban land use designation.

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 size and scale of this development is compatible

with the parcel size and is consistent with the development of the neighboring parcels. While the development encroaches into the side yards (as discussed below), the building maintains sufficient light and air circulation to ensure public health and safety.

Policy 8.40 (*Parking Requirements*) regulates on-site parking requirements in order to: (1) accommodate the parking needs of the development, (2) provide convenient and safe access, (3) prevent congestion of public streets, and (4) establish orderly development patterns. The development contains one (1) covered parking space, and one (1) uncovered parking space. The applicant is seeking an exception to waive the required two (2) covered parking spaces, given the difficulty of providing such with the orientation of the existing development on the parcel. See staff’s discussion below for on-site parking compliance.

2. Compliance with the Zoning Regulations

a. Development Standards R-1/S-7 Zoning District

The project parcel is zoned R-1/S-7. The single-family dwelling complies with the use regulations of this zone. The applicant requests a non-conforming use permit to legalize additions to the main residence which will encroach into the side yard setbacks. The project (as proposed) complies with all other R-1/S-7 Zoning Regulations. The project’s compliance with the S-7 Zoning District Development Standards is outlined in the table below:

	Constructed with Permit	Unpermitted Construction	Proposed Legalization
Back Room and Bathroom	0 sq. ft.	390 sq. ft.	390 sq. ft
Front Addition	0 sq. ft.	93 sq. ft.	93 sq. ft.
Residence	1,230 sq. ft.	483 sq. ft.	1,713 sq. ft.
Total	1,230 sq. ft.	483 sq. ft.	1,713 sq. ft.

S-7 Development Standards			
	Required	Existing	Proposed
Minimum Lot Width	50 ft.	42 ft.	No Change
Minimum Front Yard	20 ft.	15 ft.	23.99 ft.
Minimum Rear Yard Setback	20 ft.	25.7 ft.	No Change
Minimum Side Yard Setbacks			
Left Side	5 ft.	7 ft.	3.7 ft.
Right Side	5 ft.	5 ft.	4.8 ft.
Maximum Lot Coverage	50%	21%	28%

Maximum Building Height	28 ft.	14.5 ft.	No Change
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The project complies with the maximum height, maximum lot coverage, and setback requirements of the S-7 development standards with exception to the front yard setback (unaffected by this project) and right and left side yard setbacks which will be remedied by approval of the non-conforming use permit.

b. Parking Regulations

The property has one (1) covered parking space where two (2) spaces are required for the main unit as required by Section 6199 (*Parking Requirements*). One (1) uncovered parking space is provided in the driveway of the front yard. Due to the configuration of the house, a compliant two-car garage cannot be built without either reconstructing the existing house or greatly encroaching into front and side setbacks. The two (2) existing parking spaces provide sufficient parking for the proposed four-bedroom primary dwelling.

3. Compliance with Non-Conforming Use Permit Regulations

Section 6137 (*Exceptions*) and Section 6503 (*Procedure*) of the Zoning Regulations allows the granting of a non-conforming use permit to allow 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 enlargement of the existing residence to accommodate the non-permitted work is compliant with the R-1/S-7 Zoning District with the exception of the minimum setback requirements, which this use permit will remedy. Approximately 20 sq. ft. of the addition encroaches into the left side yard setback, and approximately 10 sq. ft. encroaches into the right side yard setback, which are very small encroachments and will not be detrimental to the public welfare in the neighborhood. The addition will be required to comply the San Mateo County Building Inspection Section regulations, and the County Building Inspection Section, County Public Works Section, and Colma Fire Protection District have given conditional approval of the project.

The reduction in required covered parking spaces from two (2) covered spaces to the existing one (1) covered space will not be detrimental to improvements in the neighborhood. In addition to the existing nature of

a one-car garage with the original house, there is also one existing uncovered parking spaces in the driveway. Together these two (2) parking spaces provide sufficient parking on the property to accommodate the proposed four-bedroom dwelling.

As conditioned, the project will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 (*Existing Facilities*) of the California Environmental Quality Act (CEQA), relating to additions to existing structures provided that the addition will not result in an increase of more than 10,000 sq. ft. if the project is located in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area is not environmentally sensitive. The project site is not located in a sensitive habitat area and public services are available to serve the development.

C. REVIEWING AGENCIES

Environmental Health Services  
Building Inspection Section  
Colma Fire Protection District  
Department of Public Works

ATTACHMENTS

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

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**County of San Mateo - Planning and Building Department**

# **ATTACHMENT A**

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN2018-00437

Hearing Date: March 21, 2019

Prepared By: Maya Briones  
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 (*Existing Facilities*), relating to additions to existing structures provided that the addition will not result in an increase of more than 10,000 sq. ft. if the project is located in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area is not environmentally sensitive. The project site is not located in a sensitive habitat area and public services are available to serve the development.

Regarding 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 two (2) on-site parking spaces provide sufficient parking for the primary dwelling, and the addition will comply with the San Mateo County Building Inspection Section regulations ensuring the public safety and welfare. The continuation of the existing use and the legalization of the unpermitted work will not be detrimental to the public welfare or improvements in the neighborhood.

**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 March 21, 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 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. 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. The site plan submitted for a building permit shall have setbacks that match the setbacks on the survey.
4. Prior to the building permit final inspection, the applicant shall submit photos verifying the exterior colors and materials of the addition match the residence. A planning final inspection is required prior to the final building inspection of any associated building permit to verify the final size, location, color, and material of the decks to be reconfigured and legalized.
5. No tree cutting is allowed by this permit. Removal of any tree over 12 inches in diameter shall require a separate Tree Removal Permit.
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. The applicant shall include an erosion and sediment control plan to comply with the County's Erosion Control Guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control measures to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.

#### Building Inspection Section

8. A building permit is required for this project and shall be designed and constructed according to the 2016 Building Standards Code.
9. Per the Building review, the project shall:
  - a. Ensure that Title 24 energy compliance for the addition, registered with a HERS provider, and shall be provided at the time of Building Department review.
  - b. Projections closer than 5 feet to a property line shall be protected on the underside of the projection with materials of 1-hour fire resistance rated construction.

- c. Ensure that Title 24 energy compliance for the addition registered with a HERS provider, and shall be provided at the time of Building Department review.

Colma Fire Protection District

10. The project shall comply with Building Codes as determined by the Chief Building Official.

Department of Public Works

11. 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. Applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
12. 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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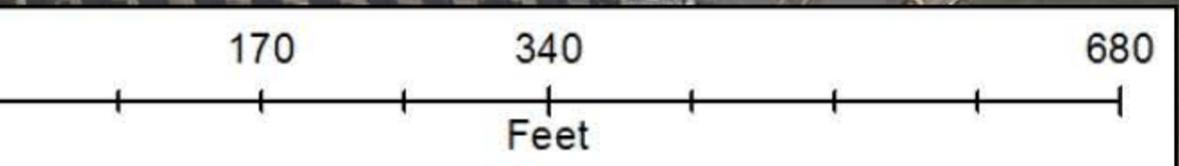
# **ATTACHMENT B**



**Project Site**

R-1/S-7

**VICINITY MAP**





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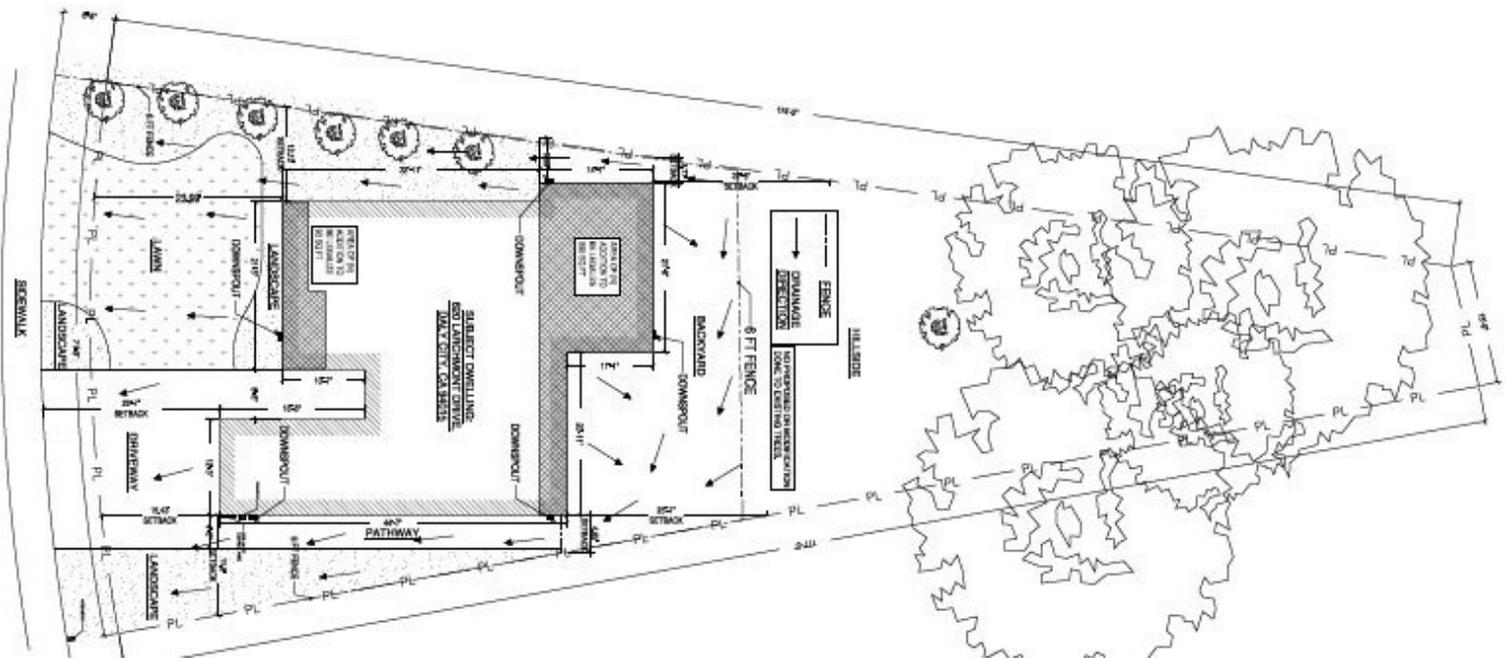
# **ATTACHMENT C**





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# **ATTACHMENT D**



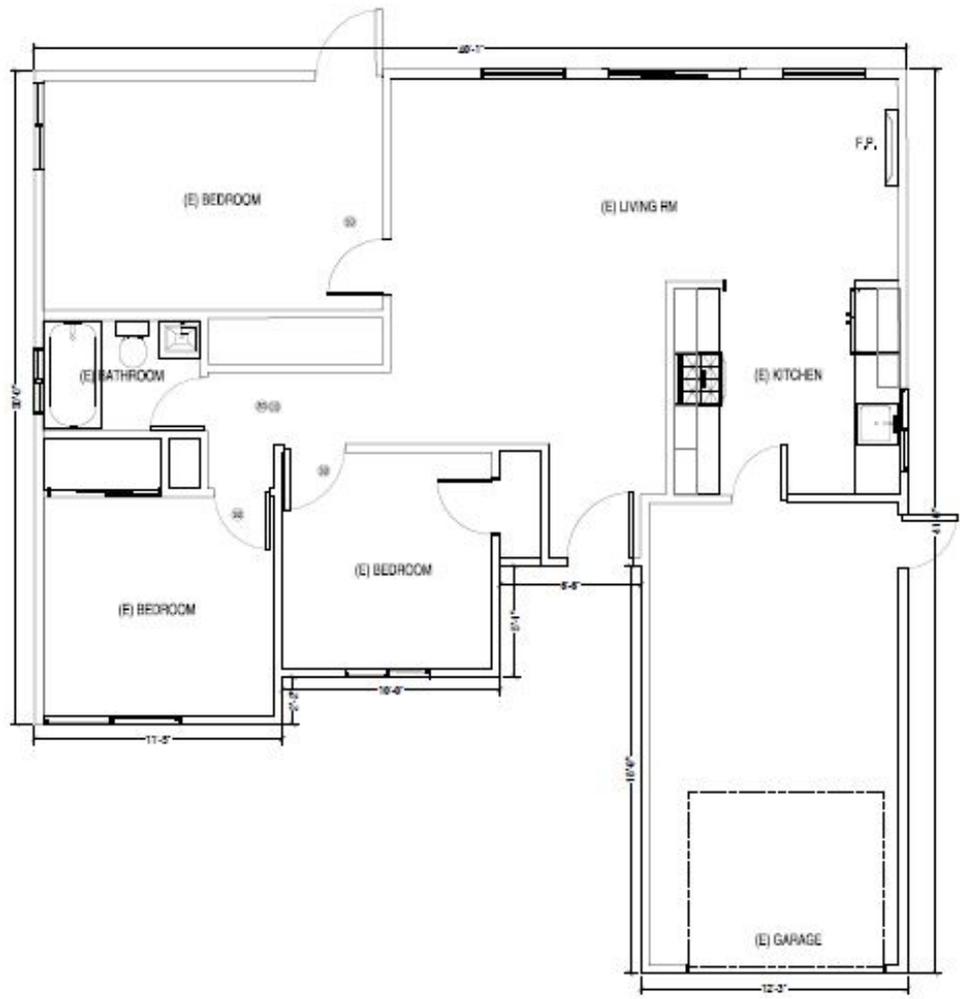
PROPOSED SITE MAP  
 SCALE: 1/4" = 1'-0"





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# **ATTACHMENT E**



**EXISTING FLOOR PLAN FROM CITY DATA**

SCALE:  $\frac{1}{4}" = 1'-0"$



