

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

**DATE:** January 16, 2020

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Use Permit pursuant to Sections 6431 and 6500 of the County Zoning Regulations, to legalize an addition and the conversion of the unpermitted space into a second dwelling unit located at 111 Fey Drive in the Unincorporated Burlingame Hills area of San Mateo County.

County File Number: PLN 2019-00197

**PROPOSAL**

The applicant is requesting a Use Permit to legalize a 32 sq. ft. addition to an existing detached garage which encroaches into the required side yard setback. The encroachment results in a right-side yard setback of 1.3 ft. where 5 ft. is required. The addition is located in the loft area of the detached garage which has been converted into a second dwelling unit without the benefit of permits. While the second dwelling unit requires legalization, it is otherwise compliant with the development standards of the Second Dwelling Unit Chapter of the San Mateo County Zoning Regulations with the exception of the provision of one uncovered off-street parking space and the right side yard setback.

**RECOMMENDATION**

Approve the Use Permit, County File Number PLN 2018-00298, by making the required findings and adopting the conditions of approval in Attachment A of this report.

**BACKGROUND**

Report Prepared By: Angela Chavez, Project Planner

Applicant: Douglas Studebaker

Owner: Douglas Studebaker

Location: 111 Fey Drive, Burlingame Hills

APN: 027-072-150

Size: 17,537 sq. ft.

Existing Zoning: R-1/S-10 (Single-Family Residential/20,000 sq. ft. minimum parcel size)

General Plan Designation: Low Density Residential

Sphere-of-Influence: City of Burlingame

Existing Land Use: Single-Family Residential

Water Supply: The property is served by an existing municipal water connection provided by City of Burlingame Municipal Water Department.

Sewage Disposal: The property is served by an existing municipal sewer connection provided by the Burlingame Hills Sewer District.

Flood Zone: Zone X (Areas defined as an area of minimal flood hazard risk). FEMA Community Panel Number: 06081C0134F, dated April 5, 2019.

Environmental Evaluation: Categorically exempt per Section 15301, Class 1 of the California Environmental Quality Act for additions to existing structures where an addition does not result in an increase of more than 50 percent of the existing floor area or 2,500 sq. ft., whichever is less.

Setting: The subject parcel is located on the east side of Interstate 280 approximately 1 mile from the Trousdale exit. The subject parcel is currently developed with a single-family residence and detached garage. The surrounding parcels are all developed with single-family residential development.

Chronology:

<u>Date</u>	<u>Action</u>
May 24, 2019	- Application Submitted
September 28, 2019	- Application Deemed Complete
January 16, 2020	- Zoning Hearing Officer Meeting

## **DISCUSSION**

### A. **KEY ISSUES**

1. Conformance with the General Plan

Staff has reviewed the project for conformance with the policies contained in the General Plan and has determined that the project is in conformance with the Visual Quality chapter. The policies applicable to this project include the following:

Policy 4.15 (*Appearance of New Development*) calls for the regulation of development to promote and enhance good design, site relationships and other aesthetic considerations. The project proposes to legalize the conversion of the upper level of an existing detached garage and a minor addition to create a second dwelling unit. The proposed project continues the existing aesthetic and design of the existing garage and results in only minor exterior changes. The garage is located along the front property line on the right side of the property which sits adjacent to retaining walls and landscaping of the property to the right, thereby minimizing impacts to the adjacent property. The project complies with the development standards applicable to second dwelling units with the exception of the right side yard setback and the provision of an off-street parking space. However, the provisions of the second dwelling unit regulations allow for relief from both the required setback and parking requirements with the issuance of a Use Permit. Given the second dwelling unit's design and location on the parcel the proposed project continues good design and site relationships.

Policy 4.36 (*Urban Area Design Concept*) seeks to maintain and improve upon the appearance and visual character of development in urban areas. In addition, this policy also seeks to ensure that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality. As discussed, the proposed modifications to the garage to legalize the creation of the second dwelling unit largely comply with the second dwelling unit regulations. The location and design of the proposed modifications to the second dwelling unit minimize impacts to surrounding neighbors and continue the orderly development of the parcel and neighborhood.

2. Conformance with the Zoning Regulations

a. S-10 Zoning Regulations

As shown in the table below the proposed parcel is non-conforming in size, the subject detached garage is a non-conforming structure due to the setbacks, and there is also a non-conforming situation as the development standards require two (2) covered parking spaces where the garage only provides one. The proposed project includes the legalization of a second dwelling unit for which a separate set of

development standards applies. See 2.b. below for discussion of those standards.

	A	B	C
	S-10 Standards	Existing	Proposed
Minimum Lot Size	20,000 sq. ft.	17,537 sq. ft.	No Change
Maximum Building Site Coverage	25% or 4,384 sq. ft.	17% or 2,964 sq. ft.	17% or 2, 996 sq. ft.
Minimum Front Setback	20 feet	0.8 feet**	No Change
Minimum Side Setback	10 feet	5 feet*	1.3 feet*
Parking Spaces	2 covered	1 covered*	No Change*
*Indicates a Non-Conformity to the required standard **The front setback is conforming as the slope of the front half of the parcel is greater than 1:7.			

b. Second Dwelling Unit Regulations

The addition to the detached garage and legalization of the second dwelling unit complies with the development standards (for second dwelling units) as they pertain to height, floor area, and lot coverage. Section 6429.3.e of the Second Dwelling Unit regulations waives the setback requirements for second units that are constructed entirely within an existing attached or detached garage. However, this section does not apply to the unpermitted addition to the right side of the structure. While State law provides further relief from the setback requirements by reducing the required setback for detached second dwelling units to four feet the project as proposed still requires relief from the regulations as it is located just 1.3 feet from the property line.

As stated previously, the legalization of the second unit within the existing detached garage is allowed by the second dwelling unit provisions of the Zoning Regulations. However, additions to existing buildings are required to comply with the applicable setback requirements, as defined by the second dwelling unit regulations. The unpermitted addition to the right side of the garage does not comply with the minimum 4-foot setback as the addition is located 1.3 feet from the right side property line. In addition, as the project location is not located within one-half mile of a public transit stop or station one additional off street parking space is required. However, given the location of the garage and steep slope of the parcel the applicant is

unable to provide one (1) additional off-street parking space. Section 6431 of the Zoning Regulations provides relief from both the setback and parking requirements with the issuance of a conditional use permit pursuant to Section 6503 of the Zoning Regulations.

3. Conformance with Use Permit

As previously stated, Section 6431 of the second dwelling unit regulations allows for relief from the applicable standards of the chapter with the issuance of a conditional use permit.

The following finding, as required by Section 6503, must be made in order to approve a use permit for the proposed project:

- a. **The establishment, maintenance and/or conducting 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 property or improvements in the said neighborhood.**

The proposed use will not result in significant adverse impacts to coastal resources as the project site is not located within the coastal zone. The project has been reviewed by and received conditional approvals from the Building Inspection Section, County Fire, and Burlingame Hills Sewer District. The existing garage is located at the front property line and while it does not conform to the right side yard setback, the topography of the site and location of development on the neighboring property ensure that there is sufficient distance from existing development to avoid impacts. The project also does not result in significant changes to the exterior appearance of the existing building. The project is limited to the project site and does not involve any significant grading or tree removal. Therefore, as proposed and conditioned the second dwelling unit will not result in detriment to the public welfare or be injurious to property or improvements in the neighborhood.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt from environmental review under Section 15301, Class 1, of the California Environmental Quality Act (CEQA) which allows for additions to existing structures.

C. REVIEWING AGENCIES

Building Inspection Section

Geotechnical/Drainage Section  
Cal-Fire  
Burlingame Hills Sewer District

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Project 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 2019-00197      Hearing Date: January 16, 2020

Prepared By: Angela Chavez,  
Project Planner

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That this project is exempt from CEQA, under Section 15301 (Class 1) of the CEQA Guidelines, regarding minor additions to existing structures.

Regarding the Use Permit, Find:

2. That the establishment, maintenance and/or conducting 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 property or improvements in said the neighborhood. As proposed and conditioned, the proposed project will be contained entirely on the subject property and is designed to remain consistent with the existing development on the parcel and within the neighborhood. The proposed project does not pose a detriment to public welfare or neighboring properties. The project will have no impact on coastal resources, as the property is not located within the Coastal Zone.

**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 January 16, 2020. Minor revisions or modifications 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 shall be for the proposed project only. Any change or change in intensity of use shall require an amendment to the use permit. Amendments to this use permit require an application for amendment, payment of applicable fees, and consideration at a public hearing.

3. The Use Permit final approval shall be valid for one (1) year from the date of approval, in which time a building permit shall be issued. If a building permit has not been issued within this time period, the Use Permit approval will expire. The Community Development Director will consider an extension of this approval upon written request and payment of the applicable fees sixty (60) days prior to the permits' expiration.
4. Prior to the issuance of the building permit the applicant shall submit an erosion and sediment control plan which includes construction staging (i.e., location of material storage, portable toilet, concrete wash-out, path of travel, etc.) for review and approval by the Current Planning Section.
5. Prior to beginning any construction activities, the applicant shall implement the approved erosion and sediment control plan, which shall be maintained throughout the duration of the project. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
  - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
  - b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
  - d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
  - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
  - f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.

- g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
  - h. Performing clearing and earth-moving activities only during dry weather.
  - i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
  - j. Limiting construction access routes and stabilizing designated access points.
  - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
  - l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction Best Management Practices including, but not limited to, those listed above.
  - m. Additional Best Management Practices, in addition to those shown on the plans, may be required by the building inspector to maintain effective stormwater management during construction activities and for post-construction site stabilization. Any water leaving the site shall be clear and running slowly at all times.
6. This permit does not allow for the removal of any trees. Any tree removal will require a separate permitting process.
  7. 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).
  8. To reduce the impact of construction activities within the public right-of-way and/or on neighboring properties, the applicant shall ensure that no construction-related vehicles impede through traffic along Fey Drive or other public right-of-ways.

#### Building Inspection Section

9. A building permit is required for this project.

### Cal-Fire

10. 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 six 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 back-ground and shall be no less than 4 inches in height and have a minimum 1/2-inch stroke. Remote signage shall be a 6" x 18" green reflective metal sign.
11. 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.
12. The applicant shall install the proper occupancy separations, as per current California Building and Residential Codes. Plans at the building permit application stage shall include listing and construction details. Inspections will occur throughout construction and prior to Fire's final approval of the building permit.

### Department of Public Works

13. 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.
14. The applicant shall execute and record an after-the-fact agreement in a form approved by the Department of Public Works to remove, repair, or relocate on demand existing encroachments in the public right of way at no cost to the county.
15. 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.

### Burlingame Hills Sewer Maintenance District

16. At the building permit stage, the applicant shall apply for a second sewer connection and payment of an additional sewage treatment capacity fee.

17. The applicant shall submit plans to the Sewer District for review when the building permit is submitted. The plans shall indicate the location of the existing and proposed sewer laterals to the Sewer District main.
18. The applicant shall pay a plan review fee in the amount of \$300.00 dollars. Payment shall be made to the County of San Mateo.

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

# **ATTACHMENT B**



0.08 0 0.04 0.08 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

1:2,486 

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.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



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

# **ATTACHMENT C**

**LEGEND AND NOTES**

- BOUNDARY LINE
- - - EASEMENT
- x FENCE LINE
- SET 3/4" IRON PIPE & CAP, LS 7623
- ⊗ SET NAIL & BRASS TAG IN ROCK WALL, LS 7623
- ⊠ SET 2"x2" WOOD HUB W/NAIL & BRASS TAG, LS 7623
- (N)4"Ø ABS SEWER PIPE
- C.O. CLEAN OUT

**EASEMENT NOTE**

A CURRENT TITLE REPORT FOR THE SUBJECT PROPERTY HAS NOT BEEN EXAMINED BY LEA & BRAZE ENGINEERING, INC. EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.  
EASEMENTS ARE SHOWN PER 16 MAPS 23

REVISIONS	BY
1 JUN. 26, 2019	
2 JUL. 9, 2019	
3 AUG. 2, 2019	
4 SEPT. 4, 2019	
5 SEPT. 18, 2019	

**KEMBCON ENGINEERS**  
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EMAIL: engineers@kembcon.com

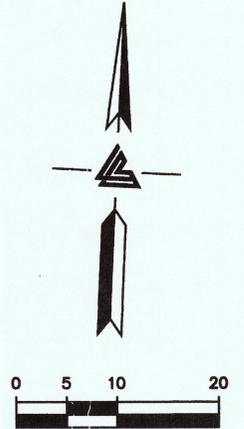
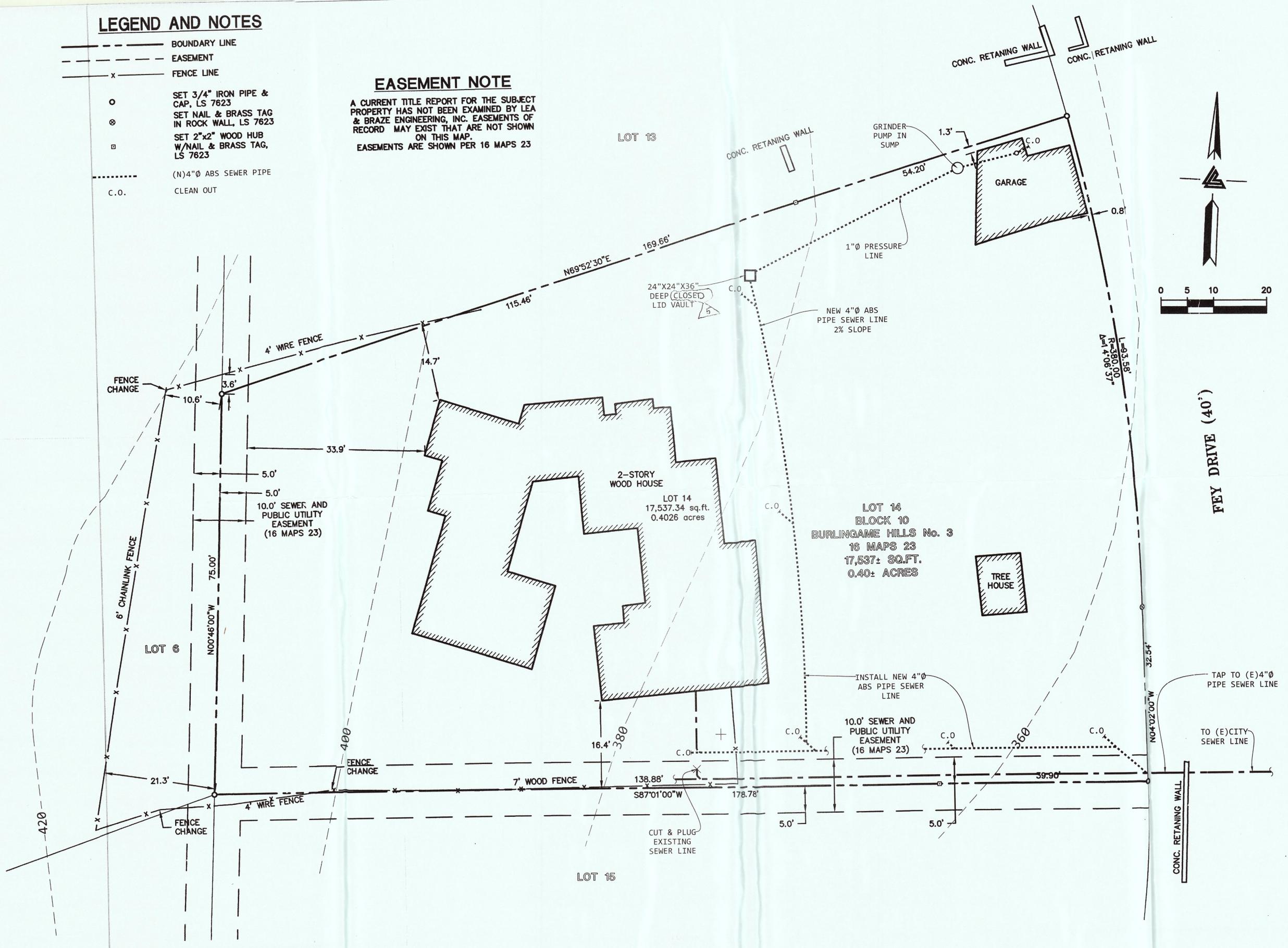


**ADDITION TO ACCESSORY UNIT**  
111 FEY DRIVE  
BURLINGAME, CA 94010

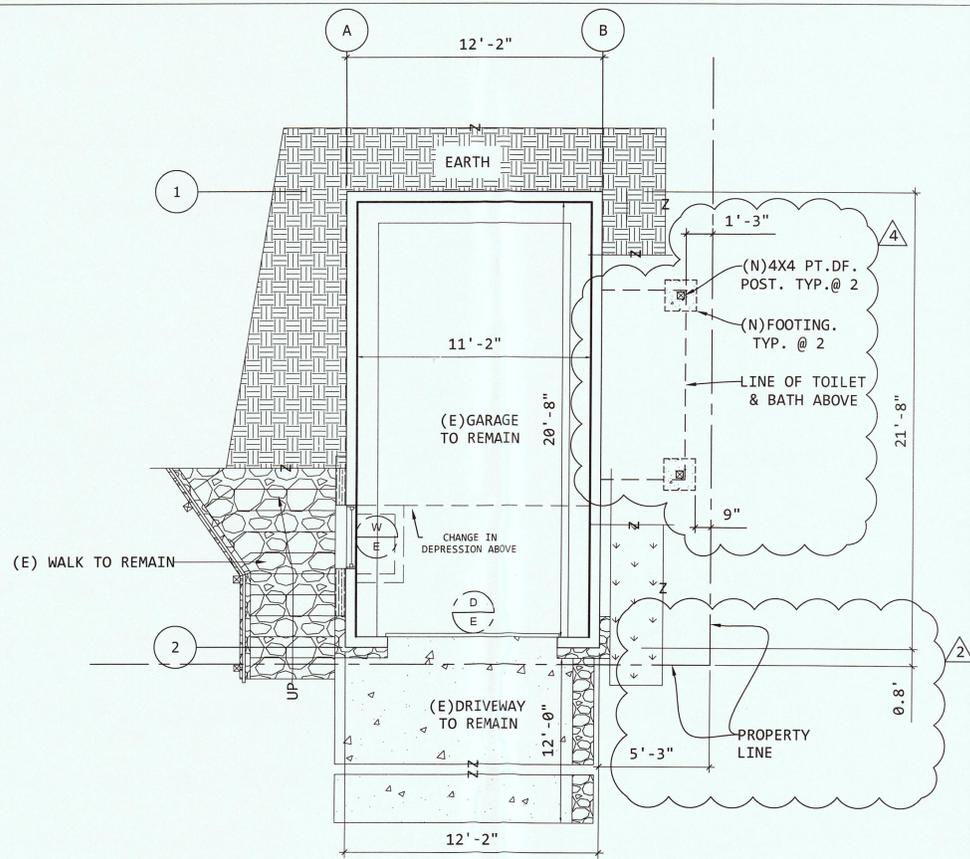
**SITE PLAN WITH (N)SEWER LINE**

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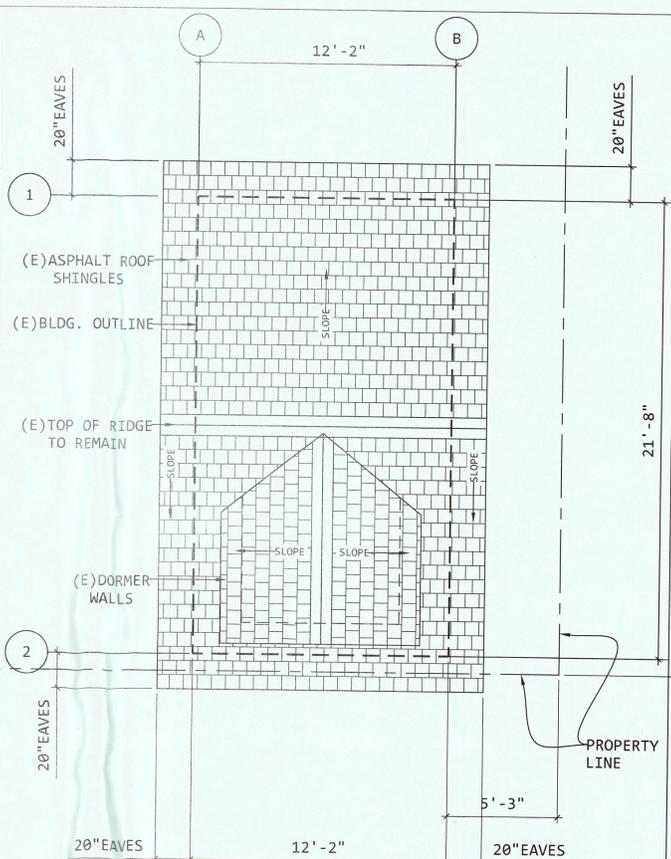
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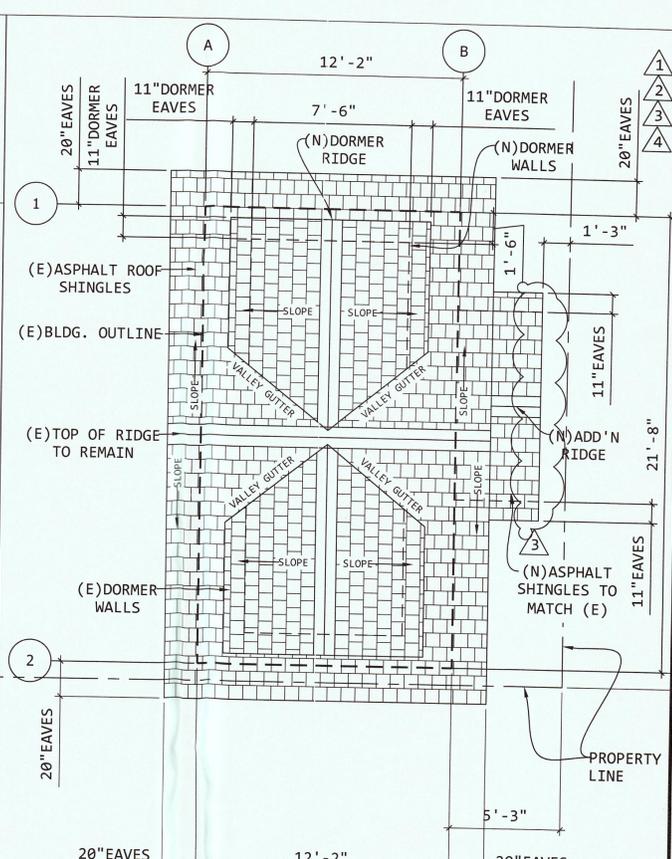
1 SITE PLAN WITH (N)SEWER LINE  
SCALE: 1"=10'-0"



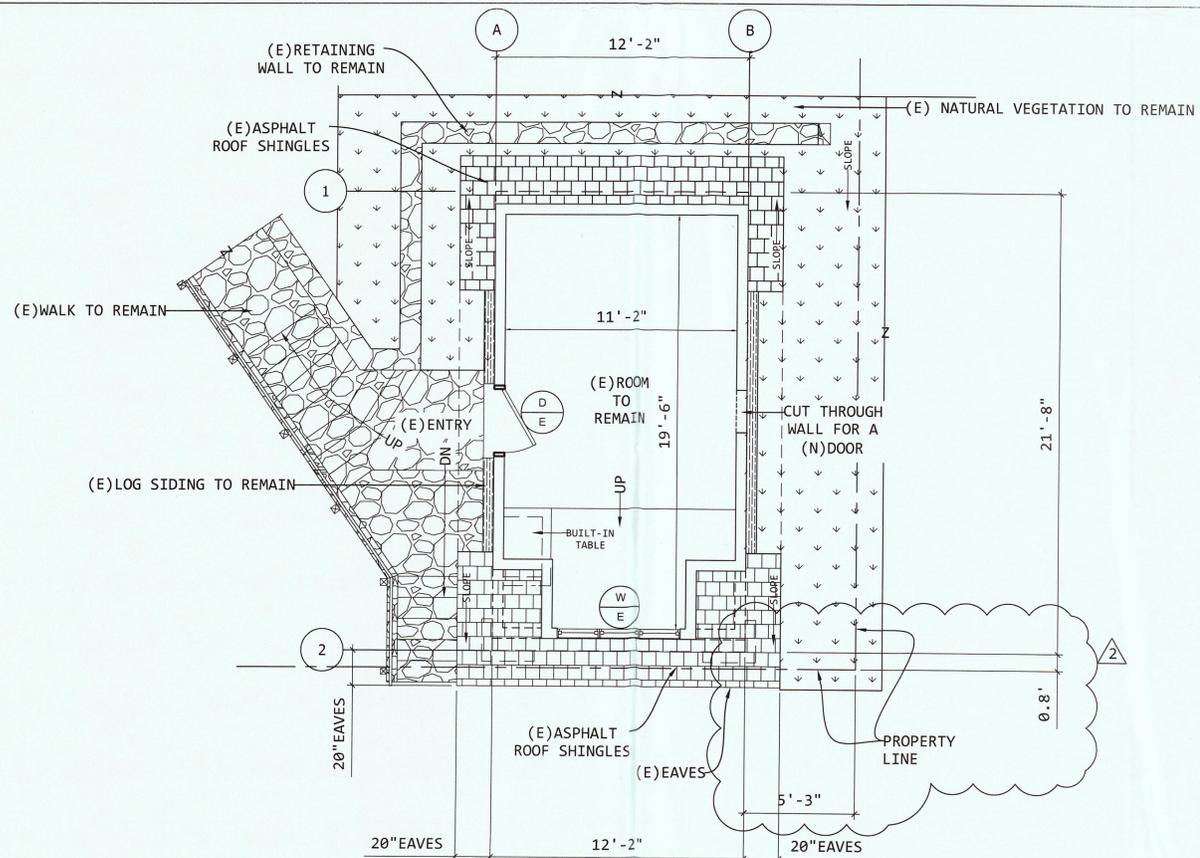
1 (E) ACCESSORY BUILDING FIRST FLOOR PLAN  
 NOTE: NO WORK IN THIS AREA  
 Scale: 1/4" = 1'-0"



4 (E) ROOF PLAN  
 Scale: 1/4" = 1'-0"



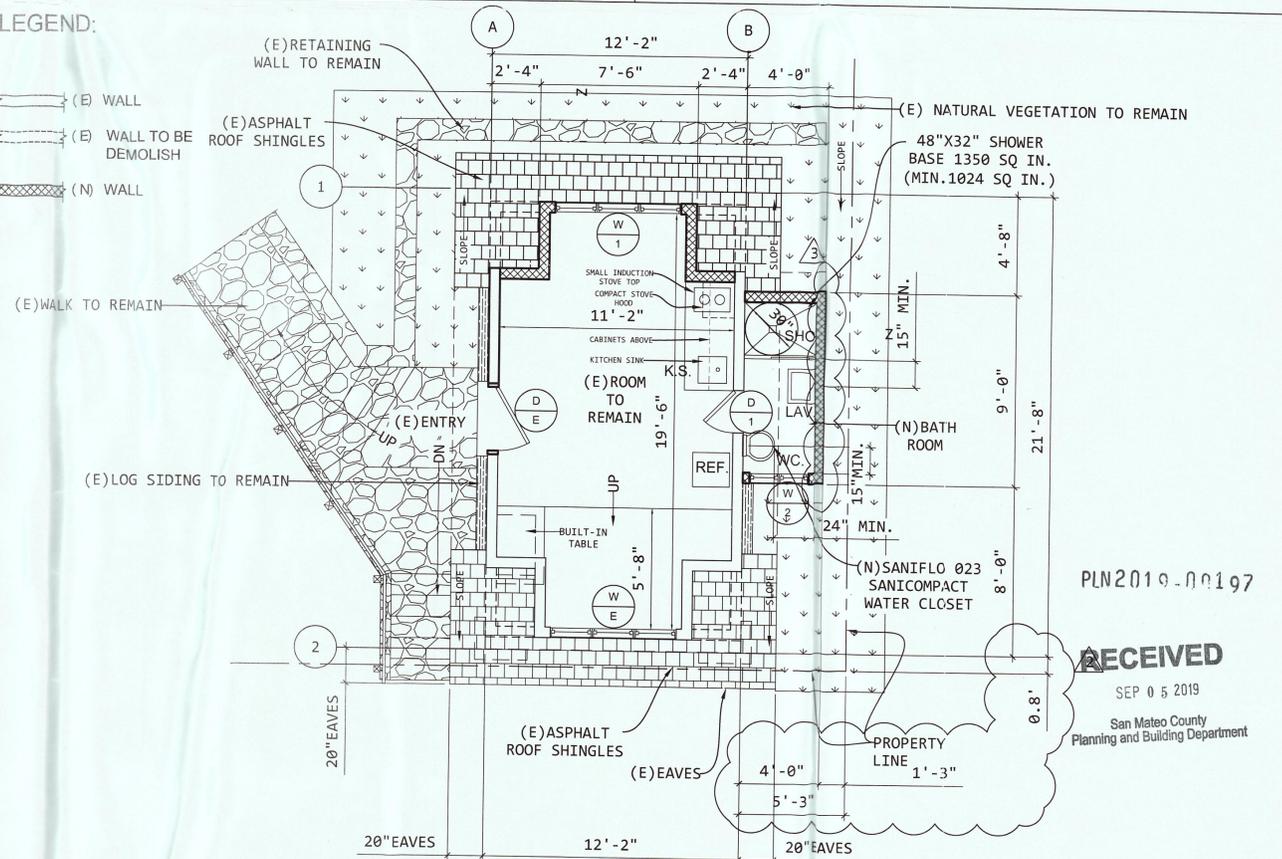
5 (N) ROOF PLAN  
 Scale: 1/4" = 1'-0"



2 (E) ACCESSORY BUILDING SECOND FLOOR PLAN  
 Scale: 1/4" = 1'-0"

LEGEND:

- (E) WALL
- (E) WALL TO BE DEMOLISH
- (N) WALL



3 (N) ACCESSORY BUILDING SECOND FLOOR PLAN  
 Scale: 1/4" = 1'-0"

REVISIONS	BY
JUN. 26, 2019	
JUL. 9, 2019	
AUG. 2, 2019	
SEPT. 4, 2019	

**KEMBCON ENGINEERS**  
 CIVIL AND STRUCTURAL ENGINEERS  
 P.O. BOX 389  
 MILLBRAE, CA 94030  
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 FAX 650.689.5242  
 EMAIL: engineers@kemcon.com



**ADDITION TO ACCESSORY UNIT**  
**111 FEY DRIVE**  
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(E) & (N) FLOOR  
 PLANS

PLN2019-00197  
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 San Mateo County  
 Planning and Building Department

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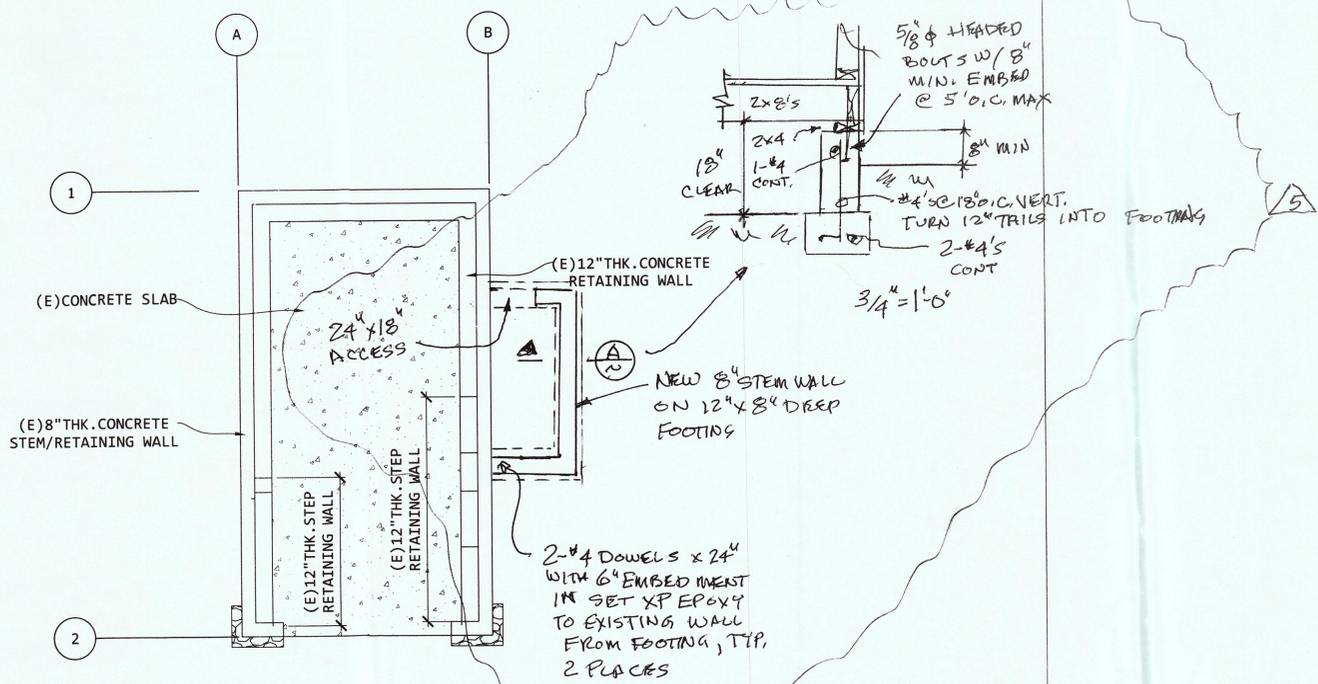
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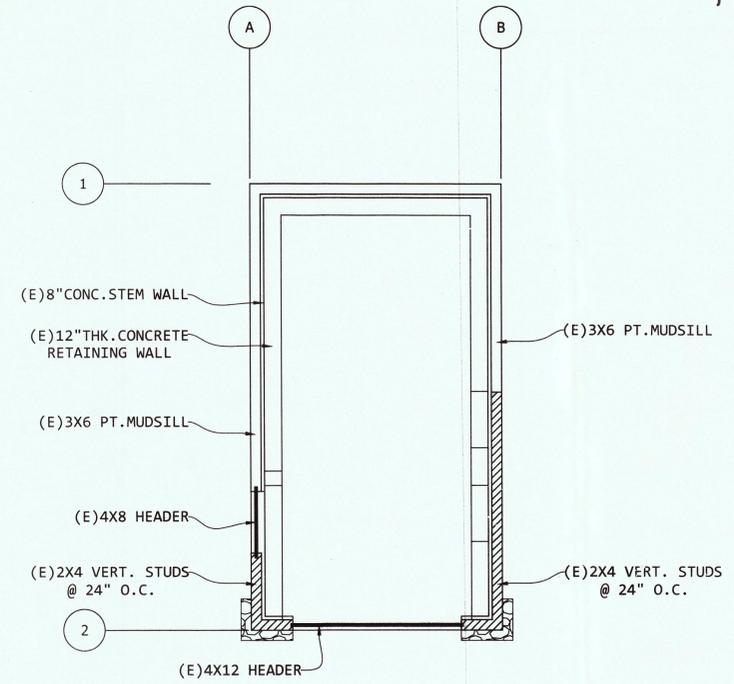
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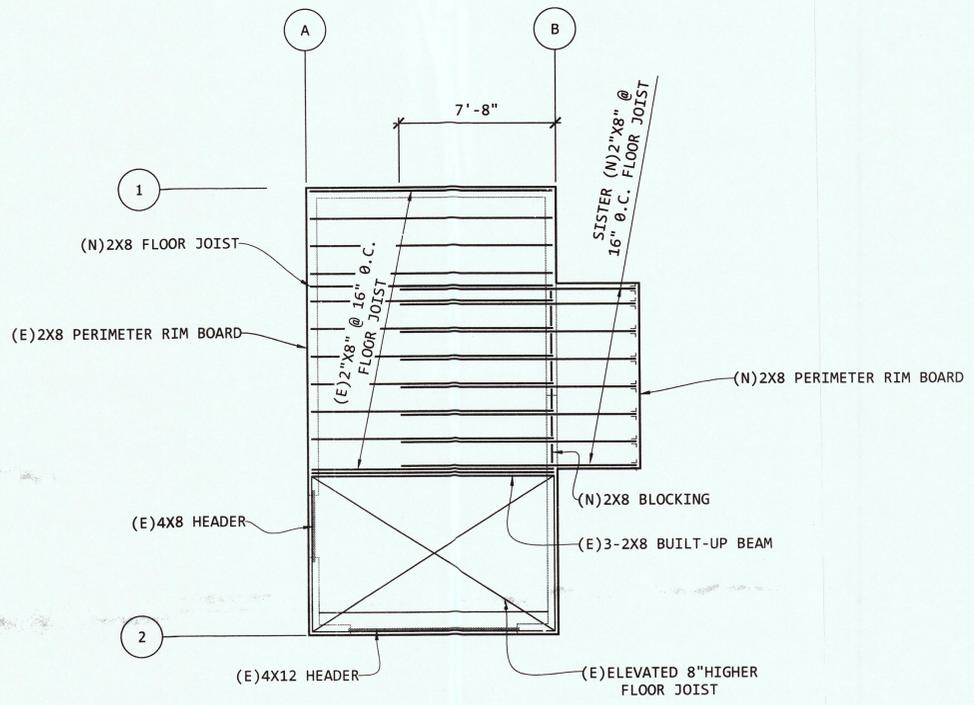
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Planning Division



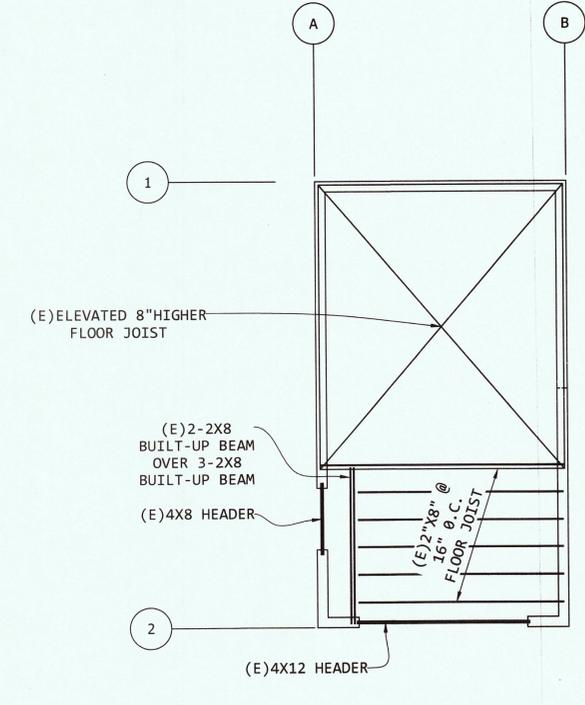
1 FOUNDATION PLAN Scale: 1/4" = 1'-0"



2 FIRST FLOOR BRACED WALL PLAN Scale: 1/4" = 1'-0"



3 SECOND FLOOR MAIN FRAMING PLAN Scale: 1/4" = 1'-0"



3 SECOND FLOOR ELEVATED FRAMING PLAN Scale: 1/4" = 1'-0"

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18 SEPT 2019	SLC

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SEP 18 2019  
 REGISTERED PROFESSIONAL ENGINEER  
 EPIC L/CA  
 NO. 25757  
 EXP. 12/31/2021  
 STRUCTURAL  
 STATE OF CALIFORNIA

**FOUNDATION PLAN, FIRST FLOOR BRACED WALL PLAN, SECOND FLOOR MAIN FRAMING PLAN, SECOND FLOOR ELEVATED FRAMING PLAN.**  
**ADDITION TO ACCESSORY UNIT**  
**111 FEY DRIVE**  
**BURLINGAME, CA 94010**

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**PLUMBING FIXTURES MAXIMUM USAGES:**

- 1-28 gallon/flush water closet.
- 1.8 gpm @ shower heads.
- 1.2 gpm @ lavatory faucets.

Provide "DUROCK" or "WONDERBOARD" from floor to ceiling at all shower walls & or tub areas with pressure balanced anti-scald valve with max. 2.5 gallon per minute flow.

All shower compartments, regardless of shape, shall have a minimum finished interior of one thousand twenty four (1,024) square inches and shall be capable of encompassing a thirty - inch circle.

Wall areas at showers and at tubs with showers shall be ceramics tiles, fiberglass, or other code approved hard and none absorbent surface to a height of 72 inches above drain.

Shower heads shall not discharge water above the protective wall surface.

Shower opening is 22" minimum.  
Shower door & enclosure shall be tempered glass.

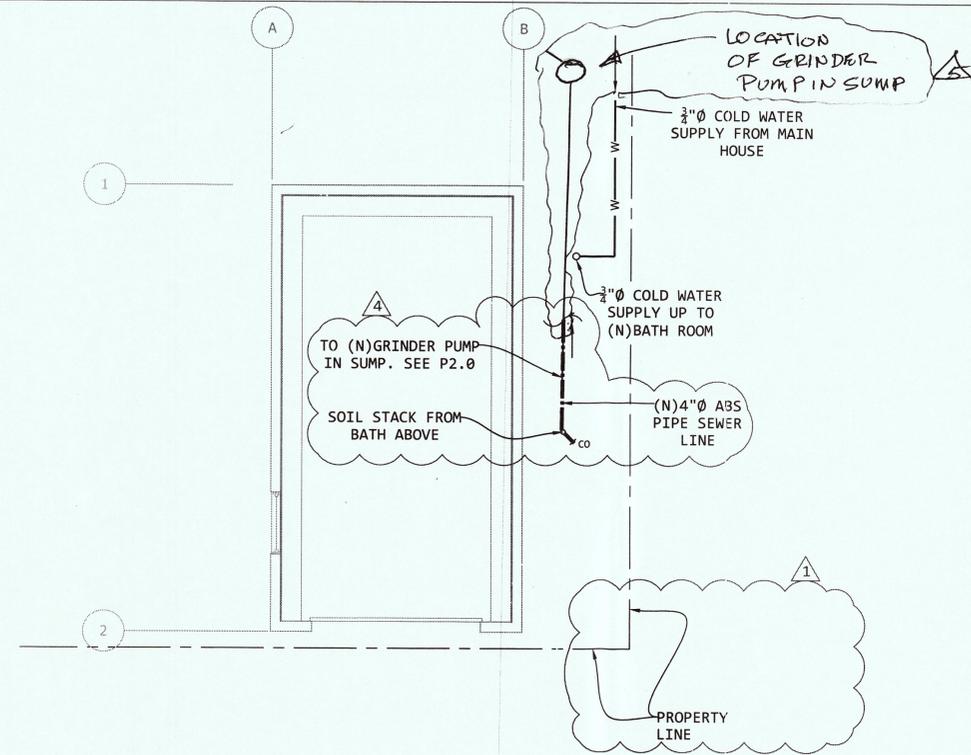
Water closet tanks shall have a maximum capacity of 1.28 gallons per flush with 24" clearance in the front & 15" on either side.

Water lines, gas lines, & sewer lines from taken out from the existing plumbing should be plug tightly to ensure that there will be no leaks in the remaining lines.

If errors, inconsistencies or omission are discovered, promptly notify designer before proceeding work.

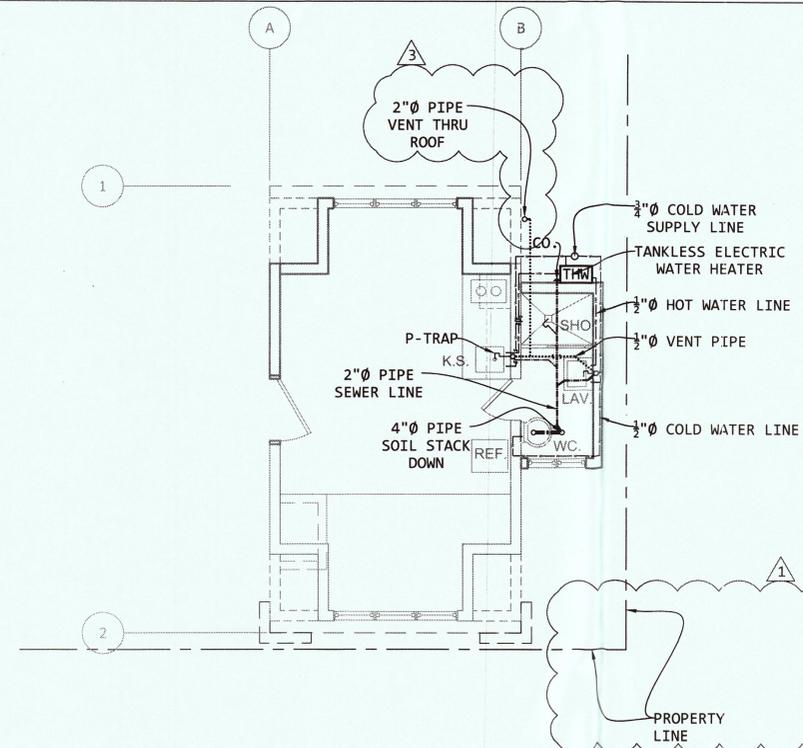
**PLUMBING LEGEND:**

- TWH TANKLESS WATER HEATER
- W- WATER LINE
- CO CLEAN OUT
- AV ANGLE VALVE
- VTR VENT THRU ROOF
- PT P-TRAP
- F FAUCET
- HW- HOT WATER LINE
- SW- SEWER LINE
- SS SOIL STACK
- VP VENT PIPE



1 FIRST FLOOR PLUMBING PLAN

Scale: 1/4" = 1'-0"



2 SECOND FLOOR PLUMBING PLAN

Scale: 1/4" = 1'-0"

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1 JUN. 26, 2019	
2 JUL. 9, 2019	
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 SEP 18 2019



**ADDITION TO ACCESSORY UNIT**  
**111 FEY DRIVE**  
**BURLINGAME, CA 94010**

**PLUMBING PLANS**

DATE: DEC. 12, 2017  
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