



CITY OF SAN MATEO

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Agenda Report

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TO: Planning Commission

FROM: Christina Horrisberger

PREPARED BY: Community Development Department

MEETING DATE: July 12, 2022

SUBJECT:
415 Fairfax Avenue – New Single-Family Residence (PA-2021-066)

RECOMMENDATION:

Adopt a Resolution to approve a Special Use Permit (SUP) for demolition of an existing single-family residence, and Single-Family Dwelling Design Review (SFDDR) for construction of a new 3,910 square-foot single-family residence, with an attached two-car garage and attached accessory dwelling unit (ADU) located at 415 Fairfax Avenue; and accept the Categorical Exemption from environmental review under Class 1 section 15301(I) and Class 3 section 15303 of the California Environmental Quality Act, based on the Findings for Approval and subject to the Conditions of Approval ([Attachment 1](#)).

BACKGROUND:

On October 29, 2021, Eric Nyhus of Nyhus Design Group (the applicant) submitted a planning application to demolish the existing two-story single-family dwelling and construct a new two-story single-family dwelling with an attached accessory dwelling unit (ADU) at 415 Fairfax Avenue in the City's Baywood neighborhood. Prior to submittal of the application, the applicant held a neighborhood meeting in which neighbors expressed opposition to the project. During the project review period, City staff continued to receive public comments expressing opposition to the proposed project. The main concerns from the neighbors include demolition of the existing residence, the proposed building design, and the proposed tree removal.

As part of the project review, the City consulted with its historic preservation consultant, Bridget Maley of *architecture + history*, to prepare a historic resources evaluation, which determined that the existing residence does not qualify as a historic resource. In response, neighbors provided additional comment letters and a historic report by Richard Brandi (historic preservation consultant) asserting that the Baywood neighborhood qualifies as a historic district and that the subject residence is a contributor to this historic district.

Municipal Code Section 27.06.020 does allow the Zoning Administrator to take action on the project; however, staff has referred this application to the Planning Commission due to a potential conflict with findings to approve a requested tree removal. In addition, given the public controversy and neighborhood concerns, the applicant requested that the Planning Commission review this application rather than the Zoning Administrator.

Project Site

The project site is located at 415 Fairfax Avenue on the southeast side of Fairfax Avenue in a larger lot single-family neighborhood. The site is zoned R1-B (One Family Dwellings) and has a parcel area of 10,558 square-feet. An existing two-story single-family residence that is 2,612 square feet in size with a Spanish Colonial Revival style of architecture is located on the site. The immediate neighborhood consists primarily of single-family residences with a variety of period revival architectural styles including Spanish, Mediterranean, Monterey, Colonial, Tudor, French, and Cape Cod Cottage. Many of

the existing residences in the immediate neighborhood are two stories in height. A location map showing the project and its vicinity is included as [Attachment 2](#).

Project Description

The proposed project includes full demolition of the existing single-family residence and construction of a new 3,910 square-foot, two-story, single-family residence with an attached, 798 square-foot accessory dwelling unit (ADU). The project also includes an attached 470 square-foot two-car garage as well as one uncovered parking stall, resulting in a total of three (3) off-street parking stalls. In addition, the project includes the proposal for removal of one large Coast Live Oak tree located in the rear yard, which qualifies as a Protected Tree.

The overall architectural character of the proposed residence is best categorized as Transitional in that the design combines both contemporary and traditional architectural features. The project employs a gabled roof form with a 5:12 roof slope and has an overall height of 27 feet, 10-½ inches measured from existing grade to the highest roof ridge. Project plans showing the proposed site plan, floor plans, and elevations are included in [Attachment 3](#).

The project requires two planning entitlements: a Special Use Permit (SUP) for the complete demolition of the existing residence and a Single-Family Dwelling Design Review (SFDDR) for the new two-story single-family residence.

Applicable Code and Policy Review

General Plan and Zoning Code

The General Plan Land Use Map designates the project site as Single Family. A list of applicable General Plan policies and discussion of the project's compliance is included in [Attachment 1](#) (Findings for Approval).

Consistent with its land use designation, the project site is zoned R1-B (One Family Dwellings), which permits one-family detached dwellings as well as ADUs. The R1-B zone is subject to the development standards in Municipal Code Section 27.18 including floor area ratio (FAR), building height, daylight plane, setbacks, and off-street parking.

The project proposes a total floor area of 3,910 square-feet total floor area, which is within the site's maximum floor area of 3,911 square-feet. The project includes a 798 square-foot ADU which is exempt from FAR calculations pursuant to Municipal Code Section 27.19.050. The project proposes an overall building height of 27 feet, 10-½ inches measured to roof peak, and 21 feet, 2-¾ inches measured to the highest plateline, both of which are measured from existing grade. These measurements are within the maximum roof peak height of 32 feet and maximum plateline height of 24 feet. A project data table is included as [Attachment 4](#) and shows compliance with all applicable Zoning Code standards.

Special Use Permit (SUP) for Substantial Removal of an Existing Residence

Because the applicant is requesting complete demolition of the existing residence, the project requires a SUP for substantial removal of an existing residence, which is considered the demolition of 50 percent or more of the structure's exterior walls and/or roof in accordance with Municipal Code Section 27.18.035. The Municipal Code also requires that the application for a new residence be submitted concurrently with the SUP application, which the applicant complies with. In addition, the City must find that the granting of the SUP will not adversely affect the general health and safety of the community and that the SUP will not cause injury or disturbance to adjacent property through impacts such as traffic, noise, or dust.

As a condition of approval, the applicant is also required to obtain a demolition permit from the Building Division and comply with noise, dust control, and material hauling measures during the project's construction period. The City also engaged its historic preservation consultant, Bridget Maley of *architecture + history*, to prepare a historic resources evaluation ([Attachment 5](#)), which concludes that the existing residence does not qualify as a historic resource. As such, staff's evaluation of the proposed demolition of the existing residence is that findings to approve the SUP can be made, which are discussed in greater detail within [Attachment 1](#).

Single Family Dwelling Design Review (SFDDR)

The proposed construction of a new two-story single-family residence requires a SFDDR in accordance with Municipal

Code Section 27.08.032. The Municipal Code requires the project be consistent with the Single-Family Dwelling Design Guidelines in addition to findings that the development will not be detrimental to the growth of the City, impair investment or occupation in the vicinity, and the public health, safety, or welfare.

The project contributes to the growth and investment of the City through the establishment of a new residence that employs similar building materials and colors and proposes an architectural style utilizing traditional architectural features such as decorative corbels, oriel bay windows, and decorative columns which are compatible with residences found in the neighborhood. The project contributes to the growth of the City by providing an additional dwelling unit through the proposed ADU. Lastly, the project meets the applicable General Plan policies and Zoning Codes for required development standards. As such, staff's evaluation of the proposed design of the residence is that findings to approve the SFDDR can be made, which is discussed in greater detail in [Attachment 1](#).

City of San Mateo Single-Family Design Guidelines

As discussed above, the project has been evaluated in accordance with the Single-Family Design Guidelines (Design Guidelines), which provide guidance on the design of new single-family dwellings and second-story additions. The Design Guidelines contain provisions that address a building's size, architectural character, and relationship to the street and nearby residences. It should be noted that the Design Guidelines are not intended to require an identical, regimented design for every residence. There may be instances when strict adherence to these guidelines is inappropriate and result in deviation from the Design Guidelines. The guidelines are designed to identify key characteristics and components which help define neighborhoods within the context of the project site and to be implemented accordingly.

Staff finds that this project is in substantial conformance with the Design Guidelines, by utilizing materials and colors which are found in the neighborhood, and maintaining a consistent building scale, massing, and height as established by other residences in the neighborhood. Additional detail about the Design Guidelines are discussed in greater detail in [Attachment 1](#) and the *Design Review* section below.

Senate Bill 330 Preliminary Application

The applicant submitted a Preliminary Application under the Housing Crisis Act (HCA) or Senate Bill 330 (SB330) in accordance with Government Code Section 65941.1(a) and 65589.5 on May 27, 2022. The proposed single-family residence with an attached ADU is considered a housing development project, as defined in Government Code Section 65589.5. As such, the project is eligible for a Preliminary Application under HCA, which prohibits the City from conducting more than five public hearings, and imposing ordinances, policies, and standards after the Preliminary Application was submitted unless required to lessen impacts of the project under the California Environmental Quality Act (CEQA), or revisions to the project result in number of units or square-footage changes by 20 percent or more.

Housing Accountability Act

Government Code Section 65589.5 outlines application review limitations for projects subject to Housing Accountability Act (HAA). The proposed single-family residence with an attached ADU is considered a housing development project as defined in Government Code Section 65589.5(h)(2). Projects subject to HAA limit local agency's ability to deny, reduce the density of, or render housing development projects infeasible if objective standards are met. Staff has evaluated the proposed project and finds that it meets all applicable objective standards in the General Plan and Zoning Code.

Neighborhood Concerns

Since application submittal, staff has received several public comment letters in opposition of the project. The main concerns raised by neighbors include the City's historic analysis of the existing residence; the proposed residence's architectural design and ADU; and the proposed Protected Tree removal.

Historic Analysis

As part of the project review, the City's historic preservation consultant, Bridget Maley of *architecture + history*, completed an historical resources evaluation ([Attachment 5](#)). The evaluation concluded that the existing residence is not individually eligible for listing in the California Register of Historical Resources. It should be noted that the City completed a Historic Building Survey in 1989 that identifies historic resources throughout the City. However, some neighborhoods, including

Baywood, were not included in the survey. The Office of Historic Preservation (OHP) letter from January 22, 1990, identifies there are several neighborhoods which may be register-eligible residential districts, one of which includes Baywood, however a complete evaluation of eligibility, boundaries, and contributors has not yet been completed. Please refer to [Attachment 6](#) for the 1989 Historic Building Survey and 1990 OHP letter.

A primary issue raised by neighbors is that the existing residence and Baywood neighborhood appear to qualify as a potential contributing historical resource to a potential historic district respectively. A neighbor to the proposed project, Laurie Hietter, submitted a letter to the Mayor on February 1, 2022 ([Attachment 7](#)) raising concerns under the California Environmental Quality Act (CEQA) that the demolition of four residences in Baywood, including the proposed project, would result in a “cumulative impact” and have an “adverse effect” to the potential historic district and requires an Environmental Impact Report (EIR). None of these four sites are considered individually eligible, nor has the neighborhood provided letters for the other three projects. The City issued a response letter on March 10, 2022 ([Attachment 8](#)) explaining that the proposed demolition does not preclude the use of a Categorical Exemption under CEQA, since the sites are not considered individual resources or contributors since the neighborhood is not a fully-studied and recognized historic district.

On April 18, 2022, Rachel Mansfield-Howlett submitted a letter to the City ([Attachment 9](#)) and a Historic Assessment Analysis report prepared by Richard Brandi on behalf of the Baywood Neighborhood Association ([Attachment 10](#)) as well as a letter dated April 4, 2022 ([Attachment 11](#)). Rachel Mansfield-Howlett’s letter conveys that the Baywood neighborhood and the existing residence must be treated as historic resources under CEQA since the report concludes that Baywood appears to be eligible for listing as a National Register of Historic Places and the residence at 415 Fairfax Avenue would be a potential contributor to this potentially eligible district. The report prepared by Richard Brandi, however, does not appear to be a complete analysis of the Baywood neighborhood in that it does not indicate a district boundary and does not identify or rank contributors to the district. Given the absence of a fully documented and defined Baywood historic district, the concerns that the demolition of the residence at 415 Fairfax Avenue would result in a “cumulative impact” or “adverse effect on the historic district” such that it would cause a “substantial adverse change in the significance of a historical resource” are not justified. The focus of the City’s CEQA analysis is based on whether the structure proposed to be demolished qualifies individually as a historic resource, which it does not, as determined by the project’s historic resources evaluation.

Design Review

Several comment letters included concerns with respect to the proposed building scale, specifically the second-story placement, massing, and building height. The adjacent neighbor at 411 Fairfax Avenue expressed a concern pertaining to the placement and massing of the proposed second story, and that it is inconsistent with the Design Guidelines. While the project proposes a smaller, 10-foot second-story setback along the project’s left side (adjacent to 411 Fairfax Avenue), the proposed setback conforms with the minimum required five-foot setback and the Daylight Plane as required in Municipal Code 27.18. Staff also found other examples of residences with similar second-story placement and massing including 300 Harvard Road and 439 Fairfax Avenue. Concerns were also raised about the proposed building height, noting that the residence appears taller than other residences in the surrounding neighborhood. Staff’s evaluation of the proposed residence height is that it is similar to that of other residences in the vicinity and is within the City’s maximum height requirement of 32 feet measured to roof peak.

Concerns were also raised about the design of the residence, mentioning that the proposed design is contemporary in nature and does not match the existing traditional Spanish-style architecture of the existing residence nor does the proposed project complement the various Period-Revival architectural styles of the existing neighborhood. It should be noted, however, the Design Guidelines do not preclude any particular architectural style. The proposed Transitional architectural style combines both traditional architectural features such as decorative corbels, oriel bay windows, and front entry columns, and contemporary colors and materials, which staff has evaluated to be compatible with the existing neighborhood. Staff also finds that the project utilizes materials, such as lap siding, asphalt shingle roof tiles, and earth-toned exterior colors which are similar to materials and colors found in the neighborhood to further compatibility.

Lastly, neighbors expressed concerns about the proposed ADU, noting that the proposed 798 square-foot ADU is too large

and is proposed as a way for the homeowners to exceed the allowable floor area limits. However, Municipal Code Section 27.19 outlines that the initial 800 square-feet of an ADU is exempted from the site's maximum floor area. In addition, Government Code Section 65852.2 provides that the City's review of ADUs is ministerial, not discretionary. This precludes the City from applying the Single Family Design Guidelines and from requiring a reduction in the size of the ADU.

In consideration of the neighborhood comments pertaining to design review and staff's evaluation of the building design, staff finds that the project substantially conforms to the Design Guidelines, which is discussed in detail in [Attachment 1](#).

Protected Tree Removal

The project includes a proposal to remove a large Protected Tree located in the rear yard, which is a 33-inch Coast Live Oak tree, identified as "Tree #1" in the project's Arborist Report, included as part of the project plans in [Attachment 3](#). Neighbors opposed removal of this tree and asserted that the existing tree provides both privacy and shade to the neighboring residences. The applicant's Arborist Report explains that removal of the tree is necessitated by the subject tree's proximity to proposed ADU. It should be noted, however, that the tree is not located within the footprint of the proposed ADU. Thus, since there does not appear to be sufficient evidence to justify removal, staff has included Condition of Approval No. 9 which requires that the Oak tree be preserved as part of the project and employ appropriate tree protection measures. Should the applicant continue to pursue removal of the subject tree, the Condition of Approval requires the applicant file a Tree Removal Permit through the City's Parks and Recreation Department and requires the applicant demonstrate that the construction of the ADU would be detrimental to the health of the tree. Demonstration of detriment to the health of the tree include preliminary excavation to show the root locations and demonstrate how the construction of the ADU will cause adverse effects on the tree. If the ADU construction does not require removal, the Oak tree will need to be preserved, and appropriately protected during construction.

PUBLIC COMMENTS:

The applicant held an informal neighborhood informational meeting on August 4, 2021 and received comments from eight members of the public. The applicant's summary of the neighborhood meeting is included in [Attachment 12](#). Participants of the meeting commented on the following:

- Demolition of the existing residence
- Contemporary design
- ADU size and location
- Heritage tree removal

On January 6, 2022, City Staff met with three representatives of the interested parties from the surrounding neighborhood to discuss the project application status, City process in reviewing Planning Applications, Design Guidelines, State-wide accessory dwelling unit guidelines, historic preservation ordinance, and to field any additional questions.

Staff has also received approximately 60 public comments during the formal planning application review, which are included in [Attachment 13](#). A substantial portion of the public comments were received between November and December of 2021. Public comments on the project generally pertained to:

- Historic resource impacts
- Design review
- Heritage tree removal
- Accessory dwelling unit size

Public comments received after publishing of this report will be forwarded to the Planning Commission for review and consideration at the Public Hearing and posted to this item on the City's Agendas & Minutes Public Meeting Portal as "Post Packet Public Comments."

ENVIRONMENTAL DETERMINATION:

Staff has determined that the project is categorically exempt from further review under the California Environmental

Quality Act (CEQA) under Class 1 Section 15301(l)(1) *Demolition and removal of one single-family residence*; and Class 3 Section 15303(a) *New construction of one single-family* given that the project includes demolition of one single-family residence which does not qualify as a historic resource and includes construction of one single-family dwelling with an attached ADU on an urban lot. The exceptions to the use of a categorical exemption (Section 15300.2) do not apply as the project would not result in a cumulative impact nor does it result in a substantial adverse change in the significance of a historical resource. The existing residence was constructed in 1933 and was not included in the City's Historic Building Survey conducted in 1989. Since the structure is greater than 45 years old, the City conducted a Historic Resource Evaluation which determined the existing residence at 415 Fairfax Avenue is not a historic resource under CEQA. Based on this evaluation, the project is exempt from further CEQA analysis.

NOTICE PROVIDED

In accordance with Government Code section 65091 and the City's Municipal Code noticing requirements in Chapter 27.08.050, this hearing was noticed to the following parties ten days in advance of the Planning Commission meeting:

- Property owners, residential tenants and business tenants within 500 feet of the project site;
- The City's "900 List" which contains nearly 100 Homeowner Associations, Neighborhood Associations, local utilities, media, and other organizations interested in city-wide planning projects;
- The City's Planning "Notify Me" email list; and,
- The interested parties list, which includes interested individuals who contacted the City and requested to be added to the project notification list.

ATTACHMENTS

Att 1 – Resolution with Findings and Conditions of Approval

Att 2 – Location Map

Att 3 – Project Plans

Att 4 – Project Data Sheet

Att 5 – Historic Resource Evaluation – June 14, 2021

Att 6 – Excerpt from City of San Mateo's Historic Building Survey and Office of Historic Preservation Letter (1989 and 1990)

Att 7 – Letter from Laurie Hietter – February 1, 2022

Att 8 – City Response to Laurie Hietter – March 10, 2022

Att 9 – Rachel Mansfield-Howlett Letter – April 18, 2022

Att 10 – Richard Brandi's Historic Asset Analysis

Att 11 – Richard Brandi Letter – April 4, 2022

Att 12 – Applicant's Neighborhood Meeting Summary

Att 13 – Public Comments

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