



# CITY OF SAN MATEO

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## Agenda Report

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**TO:** Planning Commission  
**FROM:** Christina Horrisberger, Director  
**PREPARED BY:** Community Development Department  
**MEETING DATE:** November 8, 2022  
**SUBJECT:**  
445 Virginia Avenue - New Single-Family Residence (PA-2021-020)

### RECOMMENDATION:

Adopt a Resolution to approve a Single-Family Dwelling Design Review (SFDDR) for a new 3,520 square-foot single-family residence with an attached 408 square-foot accessory dwelling unit (ADU); a Site Development Planning Application (SDPA) for grading exceeding five feet in height and a Special Use Permit (SUP) for demolition of an existing single-family residence at 445 Virginia Avenue; and accept the Categorical Exemption from environmental review pursuant to Sections 15301 and 15303 of the California Environmental Quality Act, based on the Findings for Approval and subject to the Conditions of Approval.

### BACKGROUND:

On March 25, 2021, Josh Smith (property owner and applicant) submitted a planning application to demolish the existing two-story single-family dwelling and construct a new three-story single-family dwelling with an attached three-car garage and attached accessory dwelling unit (ADU) at 445 Virginia Avenue in the City's Baywood neighborhood. Prior to submittal of the application, the applicant held a neighborhood meeting for the project.

Municipal Code Section 27.06.020 provides the Zoning Administrator with approval authority for the SUP and SFDDR applications for single-family uses. However, since the project proposes grading that exceeds five feet in depth at its maximum point, per Municipal Code Section 23.40.040(a)(1), an SDPA that is reviewed and approved by the Planning Commission is required. Thus, the Planning Commission shall consider and act upon the entire Planning Application, including the SUP and SFDDR, in accordance with Municipal Code Section 27.06.060.

### Project Site

The project site is located at 445 Virginia Avenue, on the southern side of the street between Jackson Street and Harvard Road. The site is zoned R1-B (One Family Dwellings) and has a parcel size of 8,610 square feet. The existing two-story residence, which is 2,164 square feet in size, has a split-level Ranch style of architecture. The immediate neighborhood consists primarily of single-family houses with a variety of post-war architectural styles, including split-level Ranch and single-story Ranch, and different revival architectural styles, including Spanish, Mediterranean, Monterey, Colonial, Tudor, French, and Cape Cod Cottage. Most of the residences in the immediate neighborhood are two-story in height. A location map showing the project and its vicinity is included as Attachment 2.

### Project Description

The proposed project includes the full demolition of the existing single-family residence and construction of a new 3,520 square-foot, three-story, single-family residence with an attached 591 square-foot three-car garage. The project also includes an attached 408 square-foot accessory dwelling unit (ADU) on the middle level of the house. In addition, the

project includes approximately 515 cubic yards of soil disturbance and grading at a depth of up to 13 feet, 8-½ inches measured from existing grade to accommodate a basement, to lower the finished floor of the garage and to install an elevator.

The overall architectural style of the proposed residence is best categorized as Mediterranean with architectural features and materials commonly found in the neighborhood. The project employs both front and side facing gable roof forms utilized in Mediterranean style residences. Project plans, which include the proposed site plan, floor plans, and elevations, are included in [Attachment 3](#).

### **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) which finds the project consistent with the applicable General Plan policies in the Land Use, Housing, and Urban Design elements.

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 3,520 square-feet (not including the ADU), which is within the site's maximum floor area of 3,521 square feet. The project includes a 408 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 29 feet, 8 inches measured to the roof peak, and approximately 24 feet 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, a Special Use Permit (SUP) is required for the substantial removal of an existing residence, which is considered 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 granting 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 would be required to obtain a demolition permit from Building Division and comply with standard 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, llc*, to prepare a historic resources evaluation ([Attachment 5](#)) since the structure is more than 45 years old. The evaluation concluded that the existing residence does not qualify as a historic resource. Based on the conclusion of the historic evaluation, along with the standard conditions of approval for the demolition, there is sufficient basis to make the findings to approve the SUP. The Resolution ([Attachment 1](#)) includes additional information to support these findings.

#### Single-Family Dwelling Design Review (SFDDR)

The proposed construction of a new three-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 creation of a new residence that utilizes similar building materials and architectural style as neighboring residences. The proposed design of the residence

incorporates decorative gable vents, divided light windows, and an entryway arch which helps further compatibility with other 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 project is that findings to approve the SFDDR can be made. Additional information to support the SFDDR findings is included in the Resolution ([Attachment 1](#)).

#### Site Development Planning Application

A Site Development Planning Application (SDPA) is required for grading with an area of more than 5,000 square feet and/or 5,000 cubic feet (185 cubic yards) of volume, and when the proposed grading (cut/fill) exceeds five feet (height/depth) at its maximum point. The City's Site Development Code defines grading as excavation or fill, or any combination thereof, and includes the conditions resulting from any excavation or fill (Municipal Code Section 23.40.020(i)). The project site is characterized by a moderate upslope towards the rear with a ground surface elevation of 25 feet. The project proposes to grade the entire site that is 8,610 square-feet in size, cut 515 cubic yards of soil, and fill 15 cubic yards of soil. In addition, the project proposes excavation to a depth of up to 13 feet, 9 inches from existing grade for the installation of an elevator shaft.

The proposed grading (cut/fill and height/depth) would not have any visual impacts on the project or neighboring residences since the proposed residence is within the maximum height limit and is consistent with neighboring residences. In addition, the project proposes grading and changes in slope to allow for new landscaping in all yard areas which includes planting drought resilient ground covering, privacy trees, and a variety of shrubs. Lastly, the project grading includes the installation of a new concrete retaining wall with stucco finish in the rear yard. The stucco finish helps further compatibility with the main residence while blending with the proposed landscaping. As part of the project, the proposed grading will have the appropriate drainage and erosion control measures to meet all applicable standards which will be reviewed by Public Works. Standard conditions of approval have been included to address drainage and erosion control in [Attachment 1](#).

Under the Site Development Code, the Planning Commission can approve the application if all concerns regarding surface grading, drainage, subsurface conditions, erosion, and landscaping are found to be addressed. Based on the proposed grading and drainage plans and geotechnical report, staff's evaluation is that findings to approve the SDPA can be made, which is discussed in greater detail in [Attachment 1](#).

#### Single-Family Design Guidelines

The project was evaluated in accordance with the City's Single-Family Design Guidelines, which provide guidance on the design of new single-family dwellings. The Design Guidelines contain provisions which address building size, architectural character, and relationship to the nearby residences. The Design Guidelines are not intended to require identical, regimented design for every residence, and there may be instances when strict adherence to these guidelines is inappropriate and/or inconsistent due to context specific conditions. The Design 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 an architectural style and materials which are found in the surrounding neighborhood, providing second-story step backs to reduce the apparent mass, and retaining an overall building scale and height which appears consistent with neighboring residences. Staff's evaluation of the project's design and its consistency with the Design Guidelines are included in the Resolution ([Attachment 1](#)).

#### Senate Bill 330 Preliminary Application

The applicant submitted a Preliminary Application under the Housing Crisis Act (HCA) of Senate Bill 330 (SB330) in accordance with Government Code Section 65941.1(a) and 65589.5 on August 17, 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 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.

#### **PUBLIC COMMENTS:**

The applicant held the required informal neighborhood meeting on February 4, 2021, with five members of the public in attendance. The applicant's summary of the neighborhood meeting is included in [Attachment 7](#). Some participants of the meeting raised concerns regarding the potential view and privacy impacts from the project, citing the proposed project has a number of west facing windows as compared to the existing residence, with additional concerns about construction noise and dust. To address the concerns regarding the west-facing windows, the applicant raised the sill height and proposed obscure glazing to reduce any privacy impacts. Other participants voiced general support for the project.

No public comments were received during the application review process or after public notice of this hearing. 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.

#### **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 – August 25, 2020

Att 6 – Geotechnical Report

Att 7 – Applicant's Neighborhood Meeting Summary

#### **STAFF CONTACT**

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