



CITY OF SAN MATEO

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Agenda Report

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TO: Planning Commission
FROM: Zachary Dahl, Interim Director
PREPARED BY: Community Development Department
MEETING DATE: October 10, 2023

SUBJECT:

29 Baytree Way and 22 De Sabla Road Duplex Condominium Conversion – Tentative Parcel Map and Parking Variance (PA-2022-064)

RECOMMENDATION:

Adopt a resolution to approve a Tentative Parcel Map, Variance (Parking and Setbacks), Site Plan and Architectural Review, and California Environmental Quality Act (CEQA) exemption for the conversion of an existing duplex from single entity ownership into a condominium which would allow each unit to be individually owned based on the Findings for Approval and subject to the Conditions of Approval in [Attachment 1](#).

BACKGROUND:

The property located at 29 Baytree Way and 22 De Sabla Road was constructed as a detached duplex in 1950. Sometime after 1969, an unpermitted addition was added connecting both units at the rear. To have the ability to sell each unit individually, the applicant has requested to legalize the addition and convert the existing duplex from rental units to for-sale, condominium units. The subject application includes a Tentative Parcel Map (TMP) to allow the conversion to condominium units for individual sale and a Variance from parking (number and stall dimensions) and setbacks (side and front yards), and Site Plan and Architectural Review (SPAR) to legalize the unpermitted addition. Since the main duplex structures, including the attached garages and setbacks, were approved by the City in 1950, the applicant is asking for relief from compliance with current parking and setback standards as compliance would require significant alteration of the existing building due to the limited space on site and configuration of the existing structure.

DISCUSSION:

Site Description

The project site is zoned R2 (Two Family Dwellings), has a total site area of 7,665 square-feet, and fronts both De Sabla Road and Baytree Way. The project is currently developed with a two-story duplex attached at the rear that presents as two single-family units when viewed from either street. Each unit has its own independent entry, attached garage (one-car garage for 29 Baytree Way and two car-garage for 22 De Sabla Road), and backyards that are currently adjoined; but separated by a fence with a gate. The neighborhood surrounding the project site consists of a mix of duplex, multi-family, and single-family structures with a variety of architectural styles. A site map, showing the project's location is included as [Attachment 2](#).

Project Description

The project consists of a Site Plan and Architectural Review (SPAR) to legalize a rear storage room at the 22 De Sabla unit that connects both structures and a Tentative Parcel Map (TPM) for the conversion of the existing duplex from single-entity ownership into condominiums, which would allow each dwelling unit to be individually sold and owned. No additions are proposed, and the number of dwelling units will remain unchanged. Due to space constraints, and the

already built nature of the units, the applicant is also requesting Variances to parking and setback standards to allow three (3) garage parking spaces where four (4) are required, a reduced parking stall size, and to allow reduced front and side yard setbacks.

The proposed condominium conversion would result in a 2-story, 2,156 square-foot, 2-bedroom, 2.5 bathroom unit with an attached two-car garage and 4,000 square feet of exclusive use outdoor area for the 22 De Sabla Road address; a 2-story 1,853 square-foot 2-bedroom, 1-bathroom unit with an attached one-car garage and 2,930 square-feet of exclusive use outdoor area for the 29 Baytree Way address; and a common area of 735 square-feet along the east side yard for access to utility meters (i.e. gas, water, electric). The project plans are included in [Attachment 3](#).

Applicable Code and Policy Review

General Plan

Per the General Plan Land Use Map, the project site is designated as R2 (Two Family Dwellings) property. A list of applicable General Plan policies and a discussion of the project's compliance are contained in the Findings of Approval in [Attachment 1](#).

Zoning

The Zoning designation of the subject property is R2 (Two Family Dwellings). No additions or changes are proposed with the exception of a slight reconfiguration of the storage area at 22 De Sabla to remove a door and window along a façade that fronts the backyard. No other exterior changes to the building are proposed. As stated, the main building was constructed in 1950 and is non-conforming in regard to the parking (size and number) and setbacks (front and sides). The structure is in conformance with all other applicable Zoning Code development standards as outlined in the Factual Data Sheet included in [Attachment 4](#).

Site Plan and Architectural Review (SPAR)

The project requires a Site Plan and Architectural Review (SPAR) approval to legalize an unpermitted bathroom and storage room approximately 260 square-feet in size at the rear of the 22 De Sabla unit that connects both structures. This single-story addition is not visible from the street and is screened from the closest adjacent neighbor by good neighboring fencing and vegetation. Though this room connects both structures, there is no interior access between the units. No expansion of this area is proposed, however, minor changes to remove a door and window along a façade that fronts the interior backyard area are proposed. The storage room has a low-pitched (3.5:12 slope) gable roof and a painted stucco finish that is consistent with and complimentary to the existing main duplex units. The project has been conditioned to require building permits for this previously unpermitted structure in order to meet Fire and safety standards prior to Final Map approval. Photos of the existing duplex structure with the storage room connecting addition are included in [Attachment 5](#).

Sudivision (Conversion to Condominiums)

The conversion of residential structures under single ownership into condominiums which can be owned separately is permitted by the Subdivision Regulations (San Mateo Municipal Code Chapter 26.65) subject to the review and approval by the Planning Commission. An application for condominium conversion requires that the project conform to all applicable Zoning standards in effect at the time of application, requires information detailing the physical condition and safety of the existing building(s) in relation to current building and safety codes through a property report, and requires that the property owner disclose the number of tenants in each unit and state the specific relocation assistance provided to existing tenants in the event they do not purchase their respective units.

A property report submitted by the applicant detailing and assessing the condition of the roof, foundation, mechanical equipment, electrical, plumbing, and structural elements of the building can be found in [Attachment 6](#). No issues with the structure were found. Conditions of approval relating to energy conservation measures, sound control between both units and inspections to ascertain that the structures are consistent with the public health and safety regulations prior to map recordation consistent with SMMC 26.65.60 (Condominium Conversion Conditions) have been included. Additionally, no tenant relocation assistance is required as no tenants have been on site since it was purchased by the current owners in 2019.

As noted previously, the structure is existing and legal non-conforming for parking and setbacks. Regarding compliance with existing standards, the applicant is requesting a Variance as further outlined below:

Variance

The applicant has requested a parking and setback Variance to allow:

- One (1) covered parking space where two (2) covered parking spaces are required for the unit at 29 Baytree Way;
- A reduced parking stall size of 9 ft. by 17 ft. for the three (3) parking spaces when 10 ft. x 18 ft. is required;
- A 3.81-ft. left-side setback where 5 ft. is required for the structure at 22 De Sabla Road; and
- A 4.86-ft. right side setback where 5 ft. is required and a 14.31-ft. front yard garage setback where 20-ft. is required for the structure at 29 Baytree Way.

Variances may be granted if it is found that:

- There are exceptional or extraordinary circumstances or conditions applicable to the subject property that do not generally apply to other properties in the same zone or neighborhood;
- If it is necessary for the preservation and enjoyment of substantial property rights that are also possessed by other properties in the same zone or neighborhood;
- If the variance will not be detrimental to public welfare, health, or safety, and,
- If granting of the variance will not adversely affect or be inconsistent with the General Plan.

Due to the irregular shape and double frontage nature of the property, and the constraints that arise when a property is already built out, compliance with existing parking and setback standards would require partial demolition and reconfiguration of both units. The applicant has requested a Variance from the current parking and setback standards in order to retain the existing configuration and footprint of the structure that was approved by the City in 1950 and that is commonly found in the surrounding residential neighborhood which was built between the 1940's and 1950's. The proposed Variance would not increase or decrease the number of units on site, does not result in additional bedrooms nor square footage beyond what is already existing on site, and would result in an occupancy and intensity of use that would remain substantially the same as the current duplex use. Due to the unique site conditions and the existing development on site, there appears to be a sufficient basis to support the findings for granting of the Variance.

PUBLIC COMMENTS:

The applicant held a neighborhood meeting on July 19, 2022. Four members of the public attended and inquired about the number of condominiums to be built and if any additions were proposed. The applicant clarified that no additions were proposed and that only two condominium units would be created. A summary of the neighborhood informational meeting is included in [Attachment 7](#). Staff has received no further public comment regarding this application.

ENVIRONMENTAL DETERMINATION:

This project is categorically exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA) Guidelines, Class 1 Section 15301(k) Division of Existing Multiple Family or Single-Family Residences into Common-Interest Ownership because the project represents a conversion of an existing duplex from single entity ownership into common ownership condominium units.

NOTICE PROVIDED:

All meeting noticing requirements were met. In accordance with Government Code Section 65090 and Government Code 65091 and the City's Municipal Code noticing requirements, notice for this public hearing was published in a local newspaper of general circulation, posted in three public facilities, and noticed to the following parties at least ten (10) days in advance of this Planning Commission meeting:

- Property owners, residential tenants and business tenants within 1000 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 citywide planning projects;
- The City's Planning "Notify Me" email list; and,

- The interested parties list, which includes any 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 – Factual Data Form

Att 5 – Property Photos

Att 6 – Property Report

Att 7 – Neighborhood Informational Meeting Summary Notes

Att 8 – Unit and Tenant Statement

Att 9 – Colors and Materials Board

STAFF CONTACT

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