

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

DATE: July 8, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a Non-Conforming Use Permit to: (1) legalize a bedroom addition at the rear of a legal non-conforming single-family residence with a 4' 8" side yard setback where a minimum 5' setback is required, (2) allow a one-car garage to remain where two covered parking spaces are required; and (3) legalize an illegally constructed detached accessory structure located 10" and 1' 6" from rear and side property lines, respectively, where minimum 3' setbacks are required; located at 638 - 18th Avenue in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2014-00311 (Denari)

PROPOSAL

The applicant requests a Non-Conforming Use Permit to: (1) legalize a bedroom addition at the rear of a legal non-conforming single-family residence which maintains a 4' 8" side yard setback where a minimum 5' setback is required, (2) allow an existing one-car garage to remain where two covered parking spaces are required (triggered because the addition is a third bedroom); and (3) legalize a detached accessory "office" building (built without permits) located 10" and 1' 6" from rear and side property lines, respectively, where minimum 3' setbacks are required. The Zoning Non-conformities Regulations, upon issuance of a Use Permit, can allow structures to be built with non-conforming setbacks and non-conforming situations (e.g., the parking) to continue.

RECOMMENDATION

That the Planning Commission: (1) approve the Non-Conforming Use Permit to legalize the addition onto the rear of the residence and the non-compliant one-car garage parking by making the required finding and adopting the conditions of approval included; and (2) deny the Non-Conforming Use Permit to legalize the detached building, due to substandard setbacks, by making the required finding for denial.

BACKGROUND

Setting: The subject property is developed with a one-story, 1,336 sq. ft., single-family residence, built in 1938, a detached 590 sq. ft. one-car garage (assumed to have been built near time of original house) and a detached 162 sq. ft. building (used as an office)

located in the left rear corner of the property with substandard setbacks. A covered patio attached to the back of the house was built legally in 1967. The owner proposes to legalize both the conversion of that patio to a third bedroom/bathroom, to maintain the one-car garage, and to legalize the detached “office” structure together comprising the three issues prompting this permit application.

Compliance with Zoning Regulations: With the exception of the existing and proposed non-conforming setbacks of the residence and addition of a bedroom onto the residence, overall development on the parcel complies with the R-1/S-73 standards for maximum allowable building floor area, maximum allowable lot coverage, maximum allowable height, and daylight planes. The existing development’s non-compliant setbacks and parking generate the applicant’s request for the Use Permit.

Compliance with Zoning Non-Conformities Regulations and Use Permit Exceptions: The original house is considered a legal, non-conforming structure because while it maintains a 3’-8” side setback toward the front (where a 5’ setback is required), it was built legally with a permit in 1939. The subject rear addition generally represents a replacement of the 1967 patio; although legalizing its construction still requires a Use Permit, due to its 4’ 8” side setback where 5’ is required. Surveys to confirm setbacks for new construction were generally not required prior to 1990, thus, such non-conformities are common with older houses and subsequent additions. This represents the first element of the requested Use Permit Exception.

The legally constructed but non-conforming detached one-car garage complies neither with the locational and setback requirements for detached accessory buildings nor parking requirements for a residence with two or more bedrooms. Allowing this non-conforming structure to remain and the non-conforming parking situation to continue represents the second element of the Use Permit Exception.

The illegally constructed detached “office” accessory building also is not compliant with the setback requirements for detached accessory buildings, and represents the third element of the Use Permit Exception.

Staff can recommend the requisite Use Permit finding for the addition to the back of the house and the continuation of the non-compliant parking situation, since this development arises from legal, non-conforming structures and situations, is situated such that the parcel’s current development does not easily accommodate compliance, and only represents the addition of a third bedroom, a common feature in neighborhood homes.

However, staff recommends that the finding to legalize the detached “office” building cannot be made. While accessory buildings of this type are allowed by the zoning regulations, this building was built without permits sometime after 1980, with side and rear yard setbacks substantially less than the required 3’ minimum. As such, the Non-Conformities Regulations provide no mechanism to legalize a building that is both non-conforming and built without permits, and to allow it remain would set a bad precedent that undermines the zoning and permitting requirements.

Finally, while staff's recommendation regarding the detached "office" building remains, the North Fairs Oaks Council recommended that the subject Use Permit be approved, including the legalizations of this detached accessory building, pursuant to conditions of approval requiring that it be held to complete Building and Fire codes, and not be allowed for permanent residential occupancy. In the event the Planning Commission's decision prefers to accommodate the North Fairs Oaks Councils' recommendation, that discussion and a revised set of findings and conditions has been included.

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

DATE: July 8, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a Non-Conforming Use Permit, pursuant to the San Mateo County Zoning Regulations Sections 6137, to: (1) legalize a bedroom addition with a 4' 8" side yard where a minimum 5' setback is required at the rear of a legal non-conforming single-family residence, (2) allow a one-car garage to remain where two covered parking spaces are required; and (3) legalize an illegally constructed detached accessory structure located 10" and 1' 6" from rear and side property lines, respectively, where minimum 3' setbacks are required; located at 638 - 18th Avenue in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2014-00311 (Denari)

PROPOSAL

The applicant requests a Non-Conforming Use Permit to: (1) legalize a bedroom addition at the rear of a legal non-conforming single family residence which maintains a 4' 8" side yard setback where a minimum 5' setback is required, (2) allow a one-car garage to remain where two covered parking spaces are required (triggered because the addition is a third bedroom); and (3) legalize a detached accessory building (built without permits; improved as an office) located 10" and 1' 6" from rear and side property lines, respectively, where minimum 3' setbacks are required.

RECOMMENDATION

That the Planning Commission:

1. Approve the Non-Conforming Use Permit to legalize the addition onto the rear of the residence and the non-compliant single-car garage parking, by making the required findings and adopting the conditions of approval included in Attachment A; and
2. Deny the Non-Conforming Use Permit to legalize the detached accessory building, due to substandard setbacks, by making the required findings for denial in Attachment B.

BACKGROUND

Report Prepared By: Dave Holbrook, Senior Planner, 650/363-1837

Owners: Nihal and Yasemin Denari

Applicant: Gregory Denari

Location: 638 - 18th Street, North Fair Oaks

APN: 060-144-150

Parcel Size: 5,350 sq. ft.

Existing Zoning: R-1/S-73 (Single-Family Residential/5,000 sq. ft. lot minimum)

General Plan Designation: Medium Density Residential (15 – 24 dwelling units/acre)

Sphere-of-Influence: Menlo Park

Existing Land Use: Single-Family Residence

Water Supply: California Water Service Company

Sewage Disposal: West Bay Sanitary District

Parcel Legality: The project parcel is deemed legal due to the issuance of a building permit in 1938 for the existing single-family residence, a principally permitted use.

Flood Zone: Zone X (Area of minimal flood hazard)

Environmental Evaluation: Categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, for a minor alteration to an existing private structure (a Single-Family Dwelling) where the intensification of the use is negligible.

Setting: The subject property is developed with a one-story, 1,336 sq. ft., single-family residence, built in 1938, a detached 590 sq. ft. one-car garage (assumed to have been built near time of original house) and a detached 162 sq. ft. building (used as an office) located in the left rear corner of the property with substandard setbacks. A covered patio attached to the back of the house was legally added with a permit in 1967. The owner proposes to legalize both the conversion of that patio to a third bedroom/bathroom, to maintain the one-car garage, and to legalize the detached “office” building, together comprising the three issues prompting this permit application.

Chronology:

<u>Date</u>	<u>Action</u>
November 13, 2007	- Previous owner (Manuma) submits building permit (BLD 2007-01173 for foundation work on rear addition to house. It is "Failed," since it is associated with an addition that was constructed without permits, whereby the owner is informed that the addition will need to be legalized. Accompanying site plan shows the addition to be 13' x 14' (182 sq. ft.) in size and does not show the detached building in the left rear corner of the parcel. There is no subsequent activity or response to this permit's comments or the Building Inspection Section's directive.
January 11, 2008	- Building Inspection Section (Building) receives complaint of the attached patio to rear of house being converted to a bedroom/bathroom without permits.
January 25, 2008	- Building receives letter from owner (Manuma) stating that he had purchased the property in 2000 in an "As Is" condition and that he had not changed the structure in any way.
February 25, 2008	- Building issues a Stop Work Notice (SWN 2008-00011) regarding the illegally constructed addition to the back of the house.
April 27, 2009	- Building sends a letter to owner (Manuma) reminding him of the issued Stop Work Notice and of the consequences of not responding to it.
April 25, 2014	- New owner applies for and is issued Building Permit (BLD 2014-00722) to demolish unpermitted addition (cited above); this permit provides a 120-day deadline, by which time the addition shall either have been demolished or legalized. Submitted site plan also shows the detached "office" building located in the right rear of the property. Although it has clearly been remodeled and improved over the years, it was not built with permits and does not comply with the required minimum 3' side/rear setbacks. Staff clarifies with owner that although this may be difficult to legalize, any subsequently submitted planning application to legalize the house addition must also deal with this detached building as well.

August 22, 2014 - Owner submits subject Planning application to legalize house addition, as well as the detached “office” structure.

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

Policy 4.35 (*Urban Area Design Concept*) encourages the maintenance and improvement of the appearance and visual character of development in urban areas and that proposed development contributes to the orderly and harmonious nature of the locality. While legalizing the addition attached to the back of the house does not disrupt the neighborhood’s visual character, legalizing the detached “office” structure is at odds with this policy, since it would legalize a structure less than 3’ from the property lines. While there are certainly similar, albeit illegally constructed, structures in and around this residential area, staff concludes it sets a poor precedent to legalize development with severely substandard setbacks built without permits.

2. Compliance with Zoning Regulations

The project parcel is zoned R-1/S-73 (Single-Family Residential/5,000 sq. ft. lot minimum). With the exception of the existing and proposed non-conforming setbacks of the residence (triggering the first element of the requested Non-Conforming Use Permit of this application and discussed in Section A.3.a of this report), overall development on the parcel otherwise complies with the S-73 standards for: (a) maximum allowable building floor area (1,292 sq. ft. where 2,691 sq. ft. is allowed), (b) maximum allowable lot coverage (32% where 50% is allowed), (c) maximum allowable height (single-story residence far less than the 28’ height limit allowed), and (d) daylight plane (single-story residence does not trigger daylight plane requirements).

While legally constructed but non-conforming, the detached one-car garage complies neither with the locational and setback requirements for detached accessory buildings nor parking requirements for a residence with two or more bedrooms (pursuant to Zoning Regulations, Sections 6410 and 6119, respectively). Allowing this non-conforming structure to remain and the non-conforming parking situation to continue triggers the second element of the requested Nonconformities (NC) Use Permit as discussed in Section A.3.a of this report.

The illegally constructed detached “office” building also is not compliant with the setback requirements for detached accessory buildings, and represents

the third element of the NC Use Permit application, as further discussed in Section A.3.b of this report.

3. Compliance with Non-Conforming Use Permit Regulations

a. Non-conforming Addition to Back of House and Detached One-Car Garage.

The original house is considered a legal, non-conforming structure because while it maintains a 3' 8" side setback toward the front (where a 5' setback was, and currently still is, required), it was built legally between 1932 and 1938 (the Assessor's data notes that the house was approved in 1939). In 1967, a rear covered patio was legally added to the back of the house, set back a bit further, but still maintaining a legal, non-conforming 4' 8" side setback (see Attachment D.). Surveys to confirm setbacks were generally not required prior to 1990, thus, such non-conformities are common with older houses and subsequent additions. The rear addition that is a subject element of this application generally represents a replacement of that patio; although legalizing its construction still requires an exception because of the substandard side setback and, thus, the NC Use Permit. The detached one-car garage is considered both a legal, non-conforming structure and situation relative to the Non-Conformities Regulations, since it has estimated to have been built with the main house in or around 1938, long before detached building location requirements or parking requirements were adopted. Generally unchanged since it was built, its non-conforming status derives from its location in the non-compliant "front half of lot" area of the parcel, with side setbacks ranging from 1' 6" to 2' 3" and providing one-car covered parking where current regulations would have it located in the parcel's rear half and provide two-car covered parking for a residence of two or more bedrooms (the rear addition adds a third bedroom).

Pursuant to the Zoning Nonconformities (NC) Chapter of the Zoning Regulations, Section 6135.4 (*Enlargement of Non-Conforming Structures*) states that a non-conforming structure's enlargement must comply with current zoning regulations (e.g., legalizing the non-conforming addition to the back of the non-conforming house). Section 6136.1 (*Continuation of Non-Conforming Situations*) states that a non-conforming situation (such as the covered parking for only one car) may continue to exist providing all other provisions of the Non-Conformities Chapter are met (which is not the case, since the added third bedroom would require that two-car covered parking be provided). However, Section 6137 (*Exceptions*) allows for the Planning Commission to grant a use permit to excuse compliance

with any provision in the Non-Conformities Regulations to continue or enlarge a non-conforming structure or situation. The legal non-conforming development elements on the subject parcel which staff is recommending approval are the addition attached to the back of the house and the existing detached one-car garage.

Accordingly, the NC Use Permit Exception requires that the following finding, pursuant to the Zoning Regulations, Chapter 24 (*Use Permits*), Section 6503, be made:

Find 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.

- (1) Use Permit Finding For the Addition at Back of House. As discussed previously, the subject addition of a third bedroom and bathroom generally occupies an area that had been developed with a legally built covered patio that maintained a similar non-conforming side setback (4' 8" where 5' is required). Thus, the current addition generally poses no adverse impact to the neighbor or the surrounding neighborhood that was not present from the previous covered patio. Additionally, its use as a third bedroom is typical of the number of bedrooms that residences in this neighborhood have.
- (2) Use Permit Finding For Maintaining the Detached One-Car Garage. While the one-car garage is a legal, non-conforming situation, it is the addition of the third bedroom that, pursuant to the Non-Conformities Regulations, triggers the requirement to provide a second covered parking space. The NC Use Permit this application seeks includes retaining only the one-car garage, due to the unreasonable task of reconstructing the garage, house, or both to provide compliant two-car covered parking. One scenario is to reconstruct a two-car covered parking structure (either a carport or garage) attached to the house. However, with two side-by-side parking stalls requiring an interior width dimension of 18', that would leave 3' or less (where a 5' side setback is required) to the parcel's left side property line. It is not intended that a NC Use Permit would be used to require or promote new development that results in substandard setbacks. Likewise, it could be argued that the owner could merely remove the one-car garage and, instead, run a driveway back between the house and the left property leading to a new two-car covered parking structure toward the rear of the property where there is ample room (with or without

the illegal detached “office” building). However, it is not typical that a NC Use Permit would require, simply as a condition of approval, this degree of demolition and reconstruction for simply adding a third bedroom to the house. Finally, room for an additional parking space, albeit tandem in front of the one-car garage, is available.

Based on the discussion of these two project elements, staff concludes that the establishment, maintenance and/or conducting of the use (legalizing the addition to the back of house and allowing the one-car covered parking to remain) will not, under the circumstances of this particular case, be detrimental to the public welfare or injurious to property improvements in said neighborhood.

b. Non-Conforming Detached “Office” Building

The detached “office” building was built without permits after 1980. Neither the Assessor’s data nor review of the Building Inspection Section’s microfilmed permits show any record of it. Being built to side and rear yard setbacks less than the required 3’ minimum makes this an illegal and non-conforming structure. The Non-Conformities Regulations provide no such mechanism to remedy a structure both non-conforming and built without permits. As a result, staff concludes that the requisite Use Permit finding cited above cannot be made. Approval of a NC Use Permit to allow such a building to be legalized would create a problematic precedent that could be detrimental to the public welfare or injurious to property or improvements in the neighborhood. As a result, staff recommends denial of the Use Permit to legalize this building pursuant to the Finding of Denial in Attachment B.

4. North Fair Oaks Community Council (NFOCC) Review

On June 25, 2015, the NFOCC considered the subject Use Permit. They voted 6-0 to recommend approval of the Use permit, including all three elements of exception. While they found little issue and offered no substantive discussion on legalizing the non-conforming (side setback) third bedroom or maintaining the non-conforming one-car covered parking (garage), their discussion around legalizing the detached “office” building supported approval but only if there were conditions added to ensure its complete compliance with all applicable Building and Fire codes (for health and safety of building occupants and neighbors) and that it would not be used for permanent living purposes. To that point, the applicant testified that he would comply with all such requirements, including reducing the full bath to a half bath (removing the shower). Given the NFOCC’s recommendation, Section C and its discussion follows below.

B. ALTERNATIVE DECISION BY THE PLANNING COMMISSION REGARDING THE DETACHED “OFFICE” BUILDING

Given the NFOCC’s decision to recommend full approval of the Use Permit (as cited in the previous section) and should the Planning Commission decide to approve the NC Use Permit to include legalization of the non-conforming (by setbacks) detached “office” building, an “Alternative Findings and Conditions of Approval” (Attachment C) is included in this report. While identical to Attachment A, this alternative includes a revised Use Permit finding that includes legalizing the detached “office” building, as well as added conditions as would be required by the County Building Inspection Section and Menlo Park Fire Protection District to ensure – given the building’s illegal construction and location to boundary lines – that it poses no health or safety issues, be it to occupants or neighbors. In this scenario, the County’s Building Inspection Section and Menlo Park Fire Protection District conditions (applied under the assumption that the building will remain in its current non-conforming location) will require that the building’s structural components (including foundation), building materials (including Fire Code compliance), electrical and plumbing elements be brought up to current codes. Critical examples would include that the building must be equipped with fire sprinklers, its exterior walls built closest to the property lines would have to be reconstructed and converted to 1-hour fire walls (with the left side window likely being removed); overhanging eaves near the closest property line may need to be removed; the full bathroom would have to be reduced to a half bath (sink and toilet only); the interior sink would have to be removed.

All such requirements are reflected in the added conditions of approval in Attachment C.

C. ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, for the minor alteration of an existing structure (i.e., a single-family residence) where the expansion of the existing use (i.e., residential) is negligible.

D. REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Menlo Park Fire Protection District
North Fair Oaks Community Council

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Recommended Finding of Denial
- C. Alternative Recommended Findings and Conditions of Approval
- D. Vicinity/Zoning Map
- E. Existing/Proposed Site Plan
- F. "As-Built" Floor Plan of Existing Residence, Garage and Detached "Office" Building
- G. Site Photos

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2014-00311

Hearing Date: July 8, 2015

Prepared By: Dave Holbrook
Senior Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, for the minor alteration to existing private structures (including single-family residences) where the expansion of the use (in this case, residential) is negligible.

For 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, as (a) regarding the non-conforming bedroom, this addition maintains the same setback as the previous legal, non-conforming patio had and the addition of a third bedroom is typical of the number of bedrooms that residences in this neighborhood have, and (b) regarding the non-conforming one-car garage, it is not unusual to accommodate a third bedroom with an exception that allows a one-car garage to remain, where options to provide two covered spaces are limited and on-site tandem, uncovered parking is still available.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents, and plans, except for the detached "office" building, described in this report and submitted to and approved by the Planning Commission on July 8, 2015. 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 Use 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 within 180 days of its issuance. Any extension of these permits shall require submittal of an application for permit extension and payment of applicable fees sixty (60) days prior to expiration.
3. The applicant shall apply for a building permit for the subject addition to the back of the house (which plans shall also address all other issues cited by the Building Inspection Section in Condition No. 8) and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works, and the Menlo Park Fire Protection District.
4. Since the applicant has indicated that the detached "office" building is not able to be relocated to a compliant location (relative to minimum required side setbacks), the applicant shall apply for a building permit to demolish this building. The building permit cited in Condition No. 3 shall only be issued concurrently with the permit to demolish the detached "office" structure. Likewise, the building permit cited in Condition No. 3 shall not be finalized until it is confirmed that this structure has been removed and this permit finalized.

If either of these outcomes do not occur, and since both the illegally constructed third bedroom and illegally constructed "office" accessory building constitute pending building violations, such violation(s) may be recorded against the title of the subject parcel.

5. Regarding any necessary and remaining construction to complete and obtain final approval of the building permit from the Building Inspection Section to reduce the impact of any construction-related activities on neighboring properties, comply with the following:
 - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
 - c. The applicant shall ensure that no construction-related vehicles shall impede through traffic along the right-of-way on 18th Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations, which do not impede safe access on 18th Avenue. There shall be no storage of construction vehicles in the public right-of-way.

6. Regarding any necessary and remaining construction to complete and obtain final approval of the building permit from the Building Inspection Section: Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations are prohibited on Sunday and any national holiday.
7. The applicant shall provide one designated, on-site parking space measuring a minimum of 8.5' x 18', to be available at all times on the subject property, located and constructed off to the immediate right of the driveway entering the property. The designated uncovered parking space shall be shown on building permit plans. The surface parking materials of this parking space shall be indicated on the building plans (e.g., asphalt, pavers). Prior to final Planning Department approval of the building permit for this project, the applicant shall submit photos to the Planning Department verifying the uncovered parking space placed and constructed in the manner cited.

Building Inspection Section

8. The required building permit as required in Condition No. 3 shall also address and include resolution of the following comments as cited by the Building Inspection Manager based on his site visit to the property: As a result of the entire house having been remodeled by the previous owners (with no records of permits), the ceiling joist appears to have been removed to create high ceilings, plastic drain and vent lines have been installed throughout the walls and house. The bedroom/bathroom addition to the house as well as any and all other structural issues previously cited through the entire house will be required to comply with all current code requirements. The submitted building plans for the subject addition to the back of the house shall address all of these items to the satisfaction of the Building Inspection Section. Structural engineering sheets and calculations shall be submitted with the building permit plans for review and approval. All drawings must be drawn to scale and clearly define the whole project and its scope. The owner or applicant is encouraged to speak with either the Building Inspection Manager or the Building Permit Coordinator to ensure a full understanding of what the building plans need to show.
9. An automatic fire sprinkler system is required for the main residence, as more specifically cited and required by Menlo Park Fire Protection District, Condition Nos. 15 and 16. This permit must be issued prior to or in conjunction with the building permit.
10. A site drainage plan shall be submitted with the building permit plans for review and approval, as more specifically cited and required by the Department of Public Works, Condition No. 13. This plan must demonstrate how roof drainage and site runoff will be directed to an approved disposal area.

11. Smoke detectors are required in all bedrooms, outside of the bedrooms (hallway), one at each level, and shall be hardwired. In addition, carbon monoxide detector(s) are required at each level of a dwelling (not required in the garage). These requirements shall be shown on the building permit plans submitted for review and approval. This condition is reiterated as a requirement by the Menlo Park Fire Protection District in Condition No. 17.

Department of Public Works

12. Any proposed construction work within the County right-of-way shall not commence until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
13. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.
14. The existing driveway curb cut shall not be widened.

Menlo Park Fire Protection District

15. Water Supply: Access to the nearest public fire hydrant is located at the corner of Marsh Road and Fair Oaks Avenue (550') and therefore does not meet the provisions listed in CFC Section 507 for Fire Hydrant Access. To mitigate the hydrant distance deficiency, a sprinkler system installed in the main residence will increase the required hydrant distance to 600'. Therefore, a NFPA 13-D fire sprinkler system shall be installed under a separate building permit for review by the Menlo Park Fire Protection District Standards. Fire sprinkler system to comply with Menlo Park Fire Protection District Standards.
16. Residence: The plans illustrate the existing residence scaled at 850 sq. ft. with the addition of the third bedroom/bath and laundry accounting for 385 sq. ft., resulting in 45.2% floor area being added to or altered. When the scope of work changes where 50% or more of the existing floor area is added and/or remodeled, repaired or renovated, the project will require installation of a NFPA 13-D fire sprinkler system. (Note that the criteria that triggers the sprinkler system installation for access to water supply has already been cited as noted under Condition No. 15.)

17. Residence: Install smoke detectors in each sleeping area and the area outside sleeping areas. Install carbon monoxide detector outside sleeping areas. Smoke and carbon monoxide detectors shall be hardwired and interconnected for alarm.
18. Addressing: The applicant shall provide at least 4" tall with Y2" stroke illuminated address numbers. The address shall be visible from the street and contrasting to its background. Address numbers shall be maintained.
19. Approved plans and approval letter must be on-site at the time of inspection. Final acceptance of this project is subject to field inspection.
20. Detached Garage: The detached garage, as submitted, does not require the installation of a fire sprinkler system. If the scope of work changes where the detached garage floor area increases to an area of 1,000 sq. ft. and greater, or if the garage is attached to the residence, a NFPA 13-D fire sprinkler system would then be required.
21. Fire Inspector Bob Blach of the Menlo Park Fire Protection District at 650/688-8430 is assigned to this project. Contact either Jon Johnston or Bob Blach at the numbers listed within this letter for questions of comments. Nothing in this review is intended to authorize or approve any aspects of the design or installation which do not strictly comply with all applicable codes and standards. Menlo Park Fire Protection District is not responsible for inadvertent errors or omissions pertaining to this review and/or subsequent field inspection(s) i.e., additional comments may be added during subsequent drawing review or field inspection. Please call with any questions.

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING OF DENIAL

Permit or Project File Number: PLN 2014-00311

Hearing Date: July 8, 2015

Prepared By: Dave Holbrook
Senior Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING OF DENIAL

For the Non-Conforming Use Permit (to Legalize Detached "Office" Building), Find:

That the establishment, maintenance and/or conducting of the use will, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood, since approval of a Use Permit to allow an illegally constructed building with substandard setbacks to be legalized would create a problematic precedent that, where similar approvals may then be issued, undermining the public safety intent and purpose of zoning setback requirements, which could be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

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County of San Mateo
Planning and Building Department

ALTERNATIVE
RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2014-00311

Hearing Date: July 8, 2015

Prepared By: Dave Holbrook
Senior Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, for the minor alteration to existing private structures (including single-family residences) where the expansion of the use (in this case, residential) is negligible.

For 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, as (a) regarding the non-conforming bedroom, this addition maintains the same setback as the previous legal, non-conforming patio had and the addition of a third bedroom is typical of the number of bedrooms that residences in this neighborhood have, (b) regarding the non-conforming one-car garage, it is not unusual to accommodate a third bedroom with an exception that allows a one-car garage to remain, where options to provide two covered spaces are limited and on-site tandem, uncovered parking is still available, and (c) regarding the non-conforming office building, it can be kept for use as an office/workshop or any such accessory use that does not allow permanent occupancy and is bought up to the code requirements of the County Building Inspection Section and Menlo Park Fire Protection District pursuant to their respective conditions in Attachment C.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents, and plans, except for the detached “office” building, described in this report and submitted to and approved by the Planning Commission on July 8, 2015. 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 Use 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 within 180 days of its issuance. Any extension of these permits shall require submittal of an application for permit extension and payment of applicable fees sixty (60) days prior to expiration.
3. The applicant shall apply for a building permit for the subject addition to the back of the house (which plans shall also address all other issues cited by the Building Inspection Section in Condition No. 8) and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works, and the Menlo Park Fire Protection District.
4. Regarding the detached accessory building (labeled as “existing office” on plans), the applicant or property owner shall submit plans showing that the building’s structural components (including foundation, interior/exterior framing and building materials), electrical and plumbing elements are brought up to current building codes. Critical elements that these plans shall include are that the building must be equipped with a fire sprinkler system, its exterior walls built closest to the property lines would have to be reconstructed and converted to 1-hour fire walls (with the left side window likely being removed); overhanging eaves near the closest property line may need to be removed; the full bathroom would have to be reduced to a half bath (sink and toilet only); and the interior sink would have to be removed. A separate building permit shall be applied for to ensure that such plans will be plan-checked for inclusion of and compliance with such codes and that, upon issuance, the necessary inspections would occur to ensure that such changes have occurred to the satisfaction of the Building Inspection Section and Menlo Park Fire Protection District. If it is determined for any reason by the applicant or property owner that these code changes are not feasible or possible, then the accessory building shall be demolished. In either event, the building permit cited in Condition No. 3 shall not receive a final building inspection approval until it is confirmed that the detached “office” accessory building has either been demolished or brought up to all required codes and received its own final building inspection approval.

If either of these outcomes do not occur, and since both the illegally constructed third bedroom and illegally constructed “office” accessory building constitute pending building violations, such violation(s) may be recorded against the title of the subject parcel.

5. Regarding any necessary and remaining construction to complete and obtain final approval of the building permit from the Building Inspection Section to reduce the impact of any construction-related activities on neighboring properties, comply with the following:
 - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
 - c. The applicant shall ensure that no construction-related vehicles shall impede through traffic along the right-of-way on 18th Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations, which do not impede safe access on 18th Avenue. There shall be no storage of construction vehicles in the public right-of-way.
6. Regarding any necessary and remaining construction to complete and obtain final approval of the building permit from the Building Inspection Section: Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations are prohibited on Sunday and any national holiday.
7. The applicant shall provide one designated, on-site parking space measuring a minimum of 8.5' x 18', to be available at all times on the subject property, located and constructed off to the immediate right of the driveway entering the property. The designated uncovered parking space shall be shown on building permit plans. The surface parking materials of this parking space shall be indicated on the building plans (e.g., asphalt, pavers). Prior to final Planning Department approval of the building permit for this project, the applicant shall submit photos to the Planning Department verifying the uncovered parking space placed and constructed in the manner cited.

Building Inspection Section

8. In addition to the required building permit for the detached “office” building cited in Condition No. 4., the required building permit as required in Condition No. 3 shall also address and include resolution of the following comments as cited by the Building Inspection Manager based on his site visit to the property: As a result of the entire house having been remodeled by the previous owners (with no records of permits), the ceiling joist appears to have been removed to create high ceilings, plastic drain and vent lines have been installed throughout the walls and house. The bedroom/bathroom addition to the house as well as any and all other structural issues previously cited through the entire house will be required to comply with all current code requirements. The submitted building plans for the subject addition to the back of the house shall address all of these items to the satisfaction of the Building Inspection Section. Structural engineering sheets and calculations shall be submitted with the building permit plans for review and approval. All drawings must be drawn to scale and clearly define the whole project and its scope. The owner or applicant is encouraged to speak with either the Building Inspection Manager or the Building Permit Coordinator to ensure a full understanding of what the building plans need to show.
9. An automatic fire sprinkler system is required for the main residence, as more specifically cited and required by Menlo Park Fire Protection District, Condition Nos. 15 and 16. This permit must be issued prior to or in conjunction with the building permit.
10. A site drainage plan shall be submitted with the building permit plans for review and approval, as more specifically cited and required by the Department of Public Works, Condition No. 13. This plan must demonstrate how roof drainage and site runoff will be directed to an approved disposal area.
11. Smoke detectors are required in all bedrooms, outside of the bedrooms (hallway), one at each level, and shall be hardwired. In addition, carbon monoxide detector(s) are required at each level of a dwelling (not required in the garage). These requirements shall be shown on the building permit plans submitted for review and approval. This is condition is reiterated as a requirement by the Menlo Park Fire Protection District in Condition No. 17.

Department of Public Works

12. Any proposed construction work within the County right-of-way shall not commence until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
13. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative

and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.

14. The existing driveway curb cut shall not be widened.

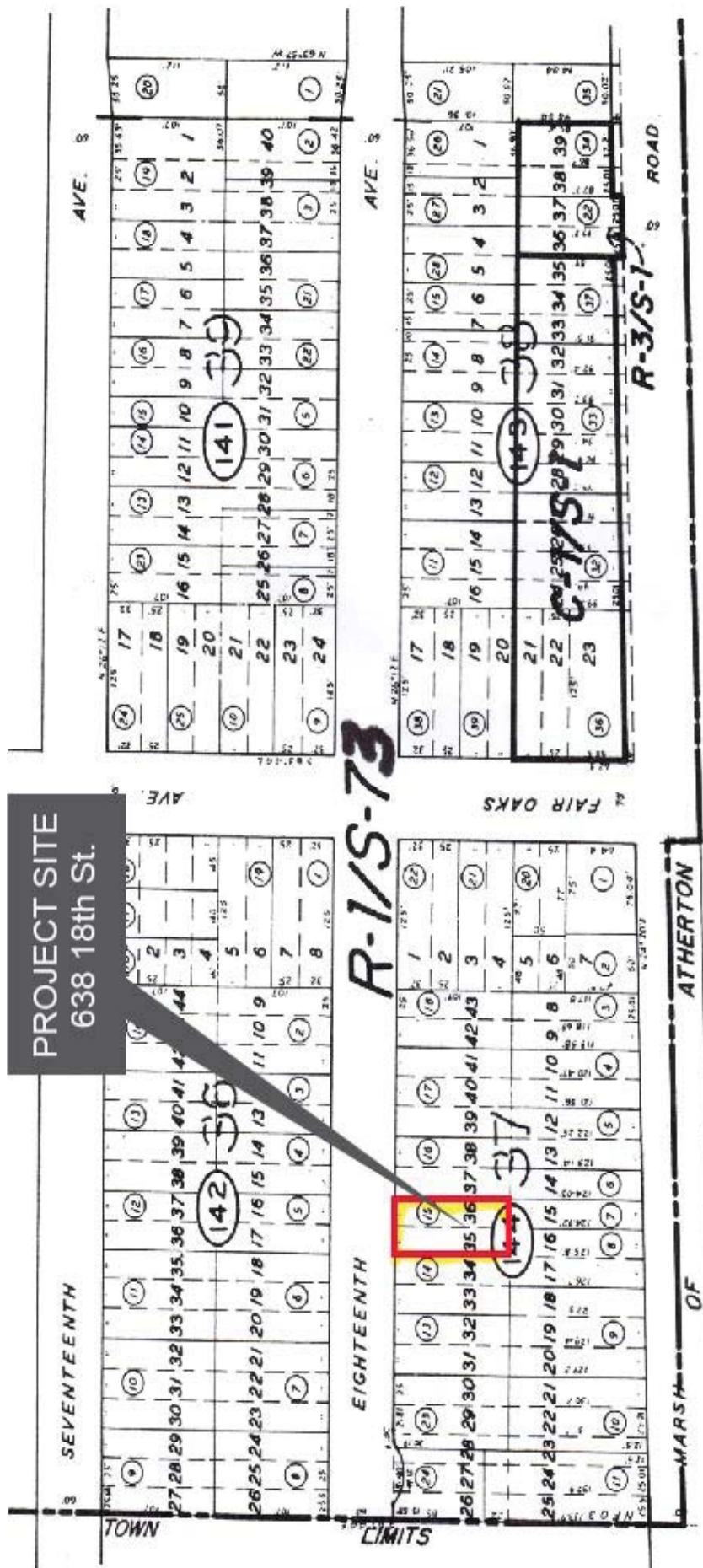
Menlo Park Fire Protection District

15. Water Supply: Access to the nearest public fire hydrant is located at the corner of Marsh Road and Fair Oaks Avenue (550') and therefore does not meet the provisions listed in CFC Section 507 for Fire Hydrant Access. To mitigate the hydrant distance deficiency, a sprinkler system installed in the main residence will increase the required hydrant distance to 600'. Therefore, a NFPA 13-D fire sprinkler system shall be installed under a separate building permit for review by the Menlo Park Fire Protection District Standards. Fire sprinkler system to comply with Menlo Park Fire Protection District Standards.
16. Residence: The plans illustrate the existing residence scaled at 850 sq. ft. with the addition of the third bedroom/bath and laundry accounting for 385 sq. ft., resulting in 45.2% floor area being added to or altered. When the scope of work changes where 50% or more of the existing floor area is added and/or remodeled, repaired or renovated, the project will require installation of a NFPA 13-D fire sprinkler system. (Note that the criteria that triggers the sprinkler system installation for access to water supply has already been cited as noted under Condition No. 15.)
17. Residence: Install smoke detectors in each sleeping area and the area outside sleeping areas. Install carbon monoxide detector outside sleeping areas. Smoke and carbon monoxide detectors shall be hardwired and interconnected for alarm.
18. Addressing: The applicant shall provide at least 4" tall with Y2" stroke illuminated address numbers. The address shall be visible from the street and contrasting to its background. Address numbers shall be maintained.
19. Approved plans and approval letter must be on-site at the time of inspection. Final acceptance of this project is subject to field inspection.
20. Detached Garage: The detached garage, as submitted, does not require the installation of a fire sprinkler system. If the scope of work changes where the detached garage floor area increases to an area of 1,000 sq. ft. and greater, or if the garage is attached to the residence, a NFPA 13-D fire sprinkler system would then be required.

21. Detached "Office" Building: The applicant's plans (as required with a building permit cited in Condition No. 4) shall show full compliance with Fire District regulations, including a fire sprinkler system as required by County Building code.
22. Fire Inspector Bob Blach of the Menlo Park Fire Protection District at 650/688-8430 is assigned to this project. Contact either Jon Johnston or Bob Blach at the numbers listed within this letter for questions of comments. Nothing in this review is intended to authorize or approve any aspects of the design or installation which do not strictly comply with all applicable codes and standards. Menlo Park Fire Protection District is not responsible for inadvertent errors or omissions pertaining to this review and/or subsequent field inspection(s) i.e., additional comments may be added during subsequent drawing review or field inspection. Please call with any questions.

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PROJECT SITE
638 18th St.



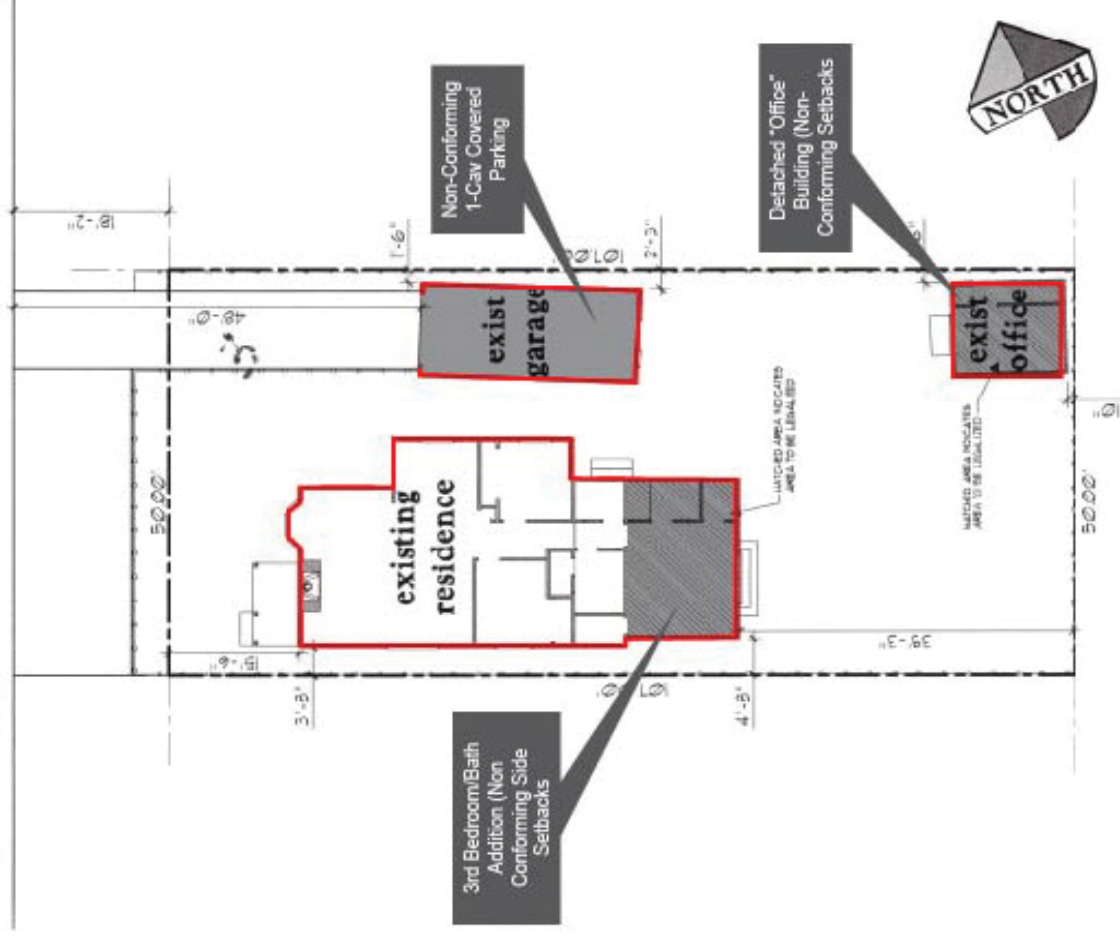
San Mateo County Planning Commission Meeting

Owner/Applicant: DENARI

File Numbers: PLN2014-00311

Attachment: D

638 18th Avenue

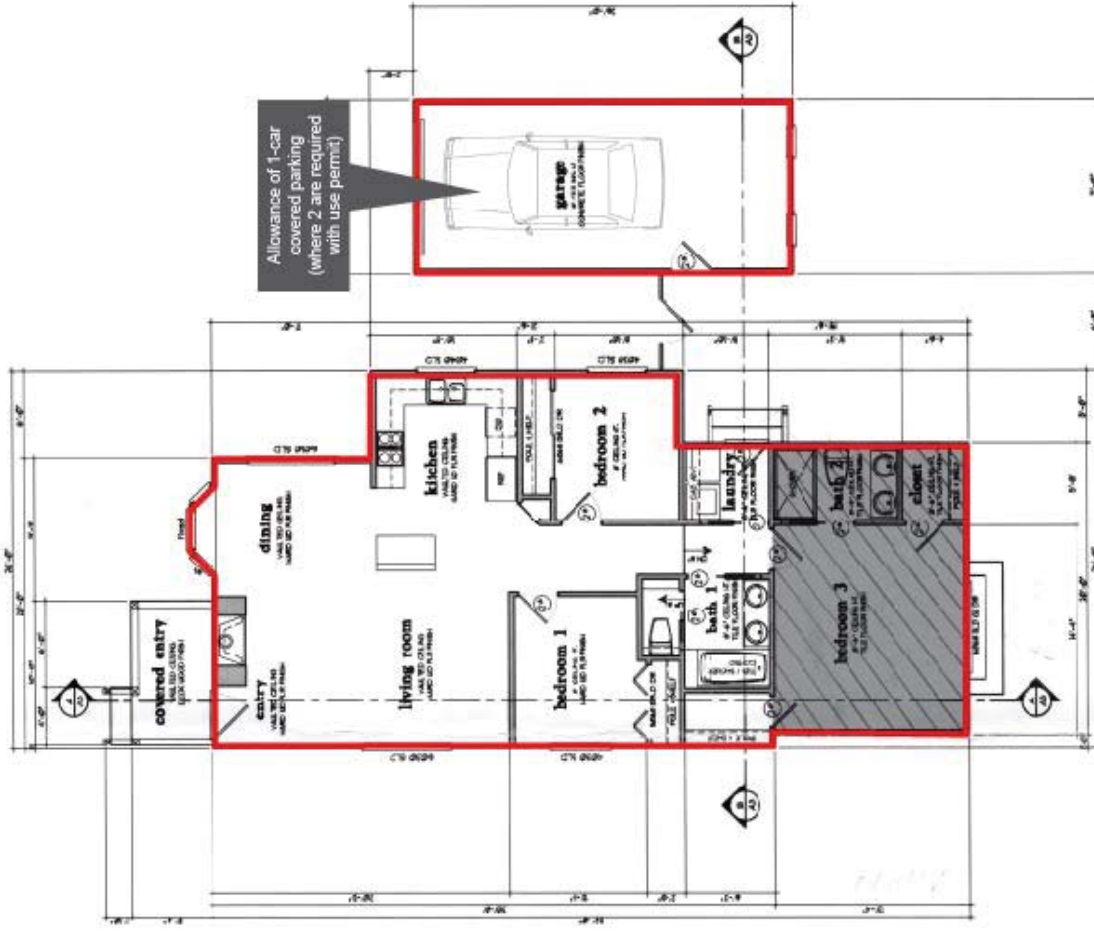


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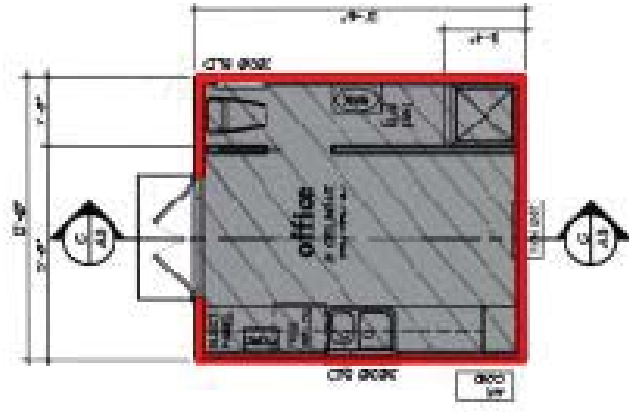
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As-Built Floor Plan Scale 1/8"=1'-0"

SEE PG. 24. Working Area
SEE PG. 25. Storage Area

Proposed for Legalization with Use Permit



As-Built Floor Plan

SEE PG. 26. Accessory Area

Scale 1/8"=1'-0"

Proposed for Legalization with Use Permit

San Mateo County Planning Commission Meeting

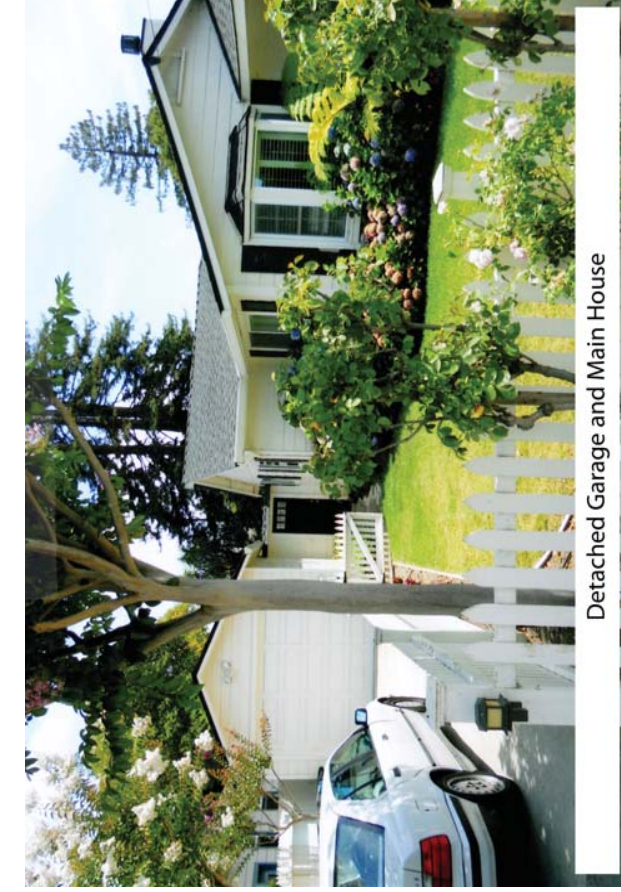
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Attachment: F



Subject Site 638 18th St.



Detached Garage and Main House



House to Right of Subject Site

San Mateo County Planning Commission Meeting

Owner/Applicant: DENARI

Attachment: G

File Numbers: PLN2014-00311



House to Left of Subject Site



Subject Bedroom Addition to Back of House



Detached "Office" Building



Detached building near property line of parcel in back of subject site

San Mateo County Planning Commission Meeting

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Attachment: G