

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

**DATE:** September 21, 2017

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Use Permit Amendment pursuant to Section 6500 of the County Zoning Regulations, to legalize the construction of staff resting quarters in association with an existing legal 10-room residential care facility. The project is located at 617-5th Avenue in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2016-00030 (Rapadas/ Bumanglag)

**PROPOSAL**

The applicant is proposing to legalize a 474 sq. ft. one-story addition to an existing one-story legal detached one-car garage located at the rear of the property. The addition is used as staff quarters and includes two bedrooms, storage space, and a common area (the common area is being converted from an illegal third bedroom). The addition serves as resting quarters for staff who provide 24-hour care for the clients of the onsite residential care facility.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Use Permit Amendment, County File No. PLN 2016-00030, by making the required findings and adopting the conditions of approval in Attachment A.

**BACKGROUND**

Report Prepared By: Olivia Boo, Project Planner, Telephone: 650/363-1818

Applicant: Jaime Rapadas

Owner: Victor Bumanglag

Location: 617 5th Avenue, Redwood City

APN: 060-034-080

Parcel Size: 16,597 sq. ft.

Existing Zoning: R-1/S-73 (Single-Family Residential)

General Plan Designation: Single-Family Residential (15du/ac-24du/ac)

Sphere-of-Influence: Menlo Park

Existing Land Use: Single-Family Residence converted to a 10-room Residential Care Facility, in operation since 1955.

Water Supply: Existing service by California Water Service

Sewage Disposal: Existing service by Fair Oaks Sewer District

Flood Zone: Zone X (area of minimal flood hazard); Community Panel No. 06081C0302E, effective October 16, 2012.

Environmental Evaluation: Categorically exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA), related to the minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure.

Setting: The project site is a flat parcel located on 5th Avenue near the intersection of Edison Way. Railroad tracks exist to the south. Single family residences and a few high density residential housing structures exist to the west, north and east. Industrial and commercial uses exist on the other side of the railroad tracks.

Chronology:

<u>Date</u>	<u>Action</u>
May 5, 1955	- Original Use Permit, County File Number: UP 1164, approved to operate a residential care facility for eight residential guests.
August 21, 1957	- Use Permit Amendment to allow the residential care facility to house no more than 15 residential patients, Board Resolution.
March 20, 2003	- Off-Street Parking Exception approved for the construction of a new one-car garage to replace the existing, non-conforming garage, County File Number: PLN 2003-00161.

- October 3, 2014 - Stop Work Notice (SWN 2014-00132) issued for the un-permitted garage addition. The illegal addition is being used as habitable living space (three bedrooms and one bathroom). The illegal addition was found upon inspection of a separate building permit for solar panels (County File Number: BLD 2014-01003).
- October 6, 2014 - Building Permit (BLD 2014-001825) opened to demolish the un-permitted three bedrooms and one bathroom addition, to resolve the Stop Work Notice (SWN 2014-00132). Planning Staff informed the applicant in order to legalize the three bedrooms and storage area, a Use Permit Amendment application submittal to the Planning Department is required.
- January 27, 2016 - Planning application received for subject Use Permit Amendment to legalize two bedrooms, storage space and common area. The facility currently is a 10-bed facility.
- April 1, 2016 - Application deemed complete.
- February 23, 2017 - North Fair Oaks Council Meeting.
- September 21, 2017 - Zoning Hearing Officer Hearing.

**DISCUSSION**

A. KEY ISSUES

1. Conformance with the General Plan

Policy 4.36 (Urban Area Design Concept) seeks to maintain the visual character of development in urban areas and ensure that new development is designed and constructed to contribute to the orderly and harmonious development of the locality. The project site is located within the urban residential community of North Fair Oaks. The addition is constructed of materials and colors that match the existing residential care facility, blend well with the existing structure and complies with the required setbacks. The project will be conditioned to require colors and materials verification prior to a building permit final inspection; colors and materials shall match that of the existing buildings.

Policy 8.39 (Height, Bulk, and Setbacks) regulates height, bulk, and setback requirements in zoning districts in order to: 1) ensure that the size and scale of development is compatible with the parcel size, 2) provide sufficient light and air in and around the structure, and 3) ensure public health and safety.

2. Conformance with the Zoning Regulations

a. Development Standards

The project parcel is zoned R-1/S-73 (Residential Combining District). The applicant requests a Use Permit Amendment to legalize an addition of two bedrooms, one bathroom, storage space and common area, all attached to an existing detached garage. There are no changes proposed to the main structure. The two bedrooms will be used as rest areas during staff work shifts. The bedrooms are not intended to serve as on site living quarters.

S-73 Development Standards			
	Required	Existing	Proposed
Minimum Lot Width	50 ft.	138.31 ft.	No change
Minimum Building Area	5,000 sq. ft.	16,597 sq. ft.	No change
Minimum Front Yard Setback	20 ft.	50 ft.	No change
Minimum Side Yard Setbacks	5 ft. 5 ft.	32 ft. (left) 12 ft. (right)	No change
Minimum Rear Yard Setback	20 ft.	See accessory structure compliance below	N/A
Maximum Lot Coverage	50%	25.7%	26.8%
Maximum Floor Area	33.8%	27%	27%
Maximum Building Height	28 ft.	13 ft.	No change

The addition to be legalized complies with the height, bulk, and setback requirements of the S-73 Zoning District, discussed below in Section A.2. The addition is set back 5 feet from the main building and 5 feet from the rear boundary line (5 feet is the required minimum for each setback). Setbacks between the addition and the main building provides adequate light and air between the structures and within the property overall. The one-story addition is modest in size and scale to both the main building and overall property. The subject parcel is larger than most in the vicinity at 16,597 sq. ft. The total square footage of all structures covers less than 50% of the parcel. The addition to be legalized is minimally visible from the 5th Avenue public right-of-way, given its location, is setback over 50 feet from the front property line. It is partially screened by the existing main building and

also by existing mature trees in the front yard and left side yard. The addition has been reviewed by the Building Inspection Section for building code compliance, and the Redwood City Fire Department at the building permit stage for fire compliance, to ensure public health and safety. The existing exterior paint color of the accessory building already matches the main building and its use is an enhancement to the patients of the care facility by providing on-site sleeping/rest accommodations for the staff of the care facility. The project will be conditioned to continue to maintain matching colors and materials.

3. Compliance with the Parking Regulation

As stated in the Parking Policy for Residential Care Facilities: Buildings constructed to be residential care facilities with no live-in attendants or owners shall require only uncovered parking (one space for each five beds); covered parking must meet all requirement of the Zoning Ordinance. The Residential Care Facility is approved for up to 15 beds, and thereby would require three uncovered parking spaces. The property has tandem parking on site, which includes an existing one car garage and three uncovered parking spaces at the rear of the property. Staff has determined the existing parking to be in compliance with Parking Policy requirements.

Staff inspected the property and observed that one car garage was blocked by accessory equipment. The garage must have free and clear access and used as a garage. The applicant shall maintain the garage available to park one car.

4. Compliance with Use Permit Findings

Section 6500 (Use Permits) of the Zoning Regulations allows the granting of a Use Permit amendment to intensify an existing use by making the following findings:

**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.**

Legalizing the addition, allowing the continued use of the two bedrooms, storage space and common area, will not be detrimental to the public welfare. The two bedrooms and common area provide staff a resting place during their shift while caring for patients at the care facility. The addition to be legalized is located in the rear of the property and minimally visible to the public as viewed from 5th Avenue, public right-of-way. The project has been reviewed by the Building Department and Fire Department to ensure the project will not be detrimental to the public welfare or injurious to the

property or improvements. The project is conditioned to obtain state residential care facility certification from the State of California.

The State Housing Element requires that reasonable housing accommodations are provided for persons with disabilities (County of San Mateo 2015 Housing Element, Constraints to Housing Production, Chapter 4). This includes group homes or “rest homes” that provide care to the elderly. The County does not restrict the siting of proposed group homes in relation to one another. Approval of the needed 24-hour staff care for this 10-bed patient residential care facility fulfills the goal of needed housing for the elderly.

**B. NORTH FAIR OAKS COMMUNITY COUNCIL**

The project was presented to the Council on February 23, 2017. There were no objections to the project. The council voted to recommend approval of the project.

**C. ENVIRONMENTAL REVIEW**

Categorically exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA), related to the minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure.

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan
- D. Existing Floor Plan
- E. Existing Enlarged Floor Plan/Elevations
- F. Floor Plan/Elevations (Existing and Proposed)
- 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 2016-00030      Hearing Date: September 21, 2017

Prepared By: Olivia Boo  
Project Planner

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

For the Environmental Review, Find:

1. That the proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, related to the minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure.

For the Use Permit, Find:

2. That the establishment, maintenance, and conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. Legalizing the addition, allowing the continued use of the two bedrooms, storage space and common area, will not be detrimental to the public welfare. The two bedrooms and common area provide staff a resting place during their shift in caring for patients at the care facility. The addition to be legalized is located in the rear of the property and minimally visible to the public as viewed from 5th Avenue, public right-of-way. The project has been reviewed by the Building Inspection Section and the Fire Department to ensure the project will not be detrimental to the public welfare or injurious to the property or improvements. The project is conditioned to obtain state residential care facility certification from the State of California. Approving needed 24-hour staff care for this 10-bed patient residential care facility fulfills the goal of needed housing for the elderly. That the use is necessary for the public health, safety, convenience, or welfare. This facility contributes to by providing needed elderly care for the community.

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Current Planning Section**

1. This permit shall be valid for ten (10) years until September 21, 2027. The applicant shall file for a renewal of this permit six months prior to expiration with the County Planning Department, by submitting the applicable application forms and paying the applicable fees, if continuation of this use is desired. Any modifications to this facility will require a use permit amendment. If an amendment is requested, the applicant shall submit the necessary documents and fees for consideration at a public hearing.
2. This approval applies only to the proposal as described in this report and materials dated September 21, 2017. Minor amendments 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.
3. A building permit shall be issued prior to the start of any construction work associated with this approval.
4. The Use Permit Amendment legalizes the two bedrooms to be used as resting quarters for the 24 hour on-site staff. Any additional modifications to this use shall require a Use Permit Amendment.
5. The applicant shall obtain the appropriate certifications and documentation required to comply with State residential care facility regulations.
6. The garage must have free and clear access and be used as a garage.
7. The applicant shall notify the Planning Department of any changes in ownership or management and shall provide the Planning Department with a copy of the most recent license to operate the facility from Community Care Licensing.
8. Any future modifications to the approved facility or amendments to the use permit for this facility shall require written authorization from the property owner.

### **Building Inspection Section**

9. The roof projections, beyond the exterior wall, that are closer than 5 feet to the property line require materials of 1 hour rating on the underside of the projections.

### **Redwood City Fire Protection District**

10. An automatic residential fire sprinkler system shall be installed in one-and two-family dwellings. (IRC R313.2)



11. Smoke alarms shall be installed in the following locations: A) In each sleeping room, and B) Outside each separate sleeping area in the immediate vicinity of the bedrooms. (IRC314.3).
12. An approved carbon monoxide alarm shall be installed in existing dwellings having a fossil fuel- burning heater or applicant, fireplace or an attached garage. (IRC315.2)
13. All 120-vold, single phase, 15- and 20- ampere branch circuits supplying outlets in dwelling units family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination-type, installed to protection of the branch circuit. (NEC-2011 edition, article 210.12(A)).
14. Every sleeping room shall have at least one operable emergency escape and rescue opening. Where emergency escape and rescue openings are provided, they shall have the bottom of the clear opening not greater than 44 inches measured from the floor. All grade floor emergency escape and rescue openings shall have a minimum net clear opening of 5 square feet. The minimum net clear opening height shall be 24 inches. Emergency escape and rescue openings shall be maintained free of any obstructions. (IRC310).
15. The garage shall be separated from the residence and attic (staff quarters) by not less than 1/2-inch gypsum board or equivalent applied to the garage side. (IRC302.6).

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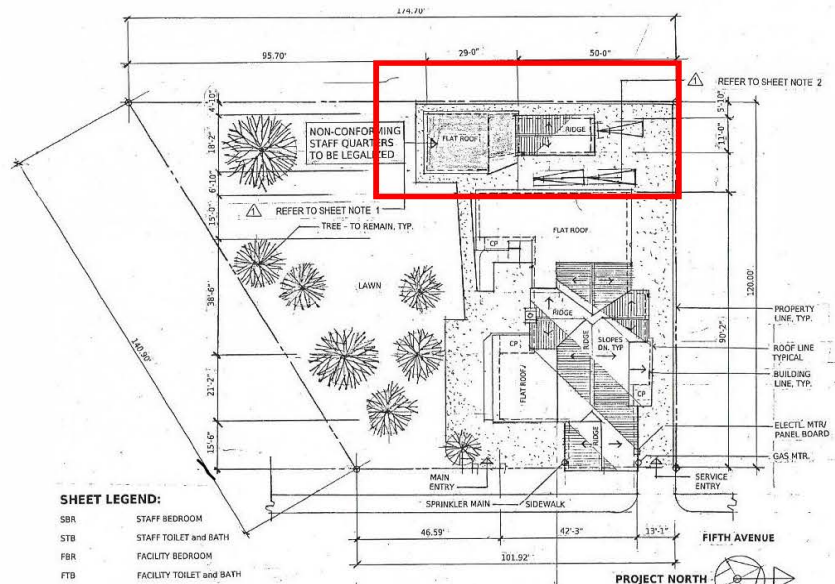


**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: \_\_\_\_\_

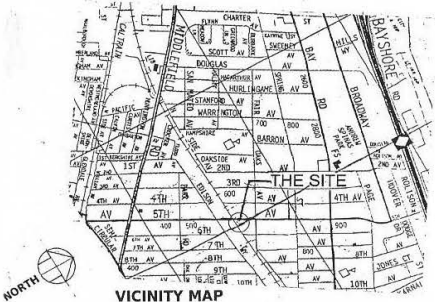
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- SHEET LEGEND:**
- SBR STAFF BEDROOM
  - STB STAFF TOILET and BATH
  - FBR FACILITY BEDROOM
  - FTB FACILITY TOILET and BATH
  - CLO CLOSET
  - LIN LINEN
- BROOM FINISH CONC FINISH  
 TYP. THROUGH OUT- OPEN  
 PATIOS, DRIVEWAY, SERVICES  
 PARKING AREA WITH BRICK/ GRAVEL  
 WASHOUT BORDER FINISH  
 4" X 4" WALKWAYS
- CP COVERED PORCH
  - DN DOWN
  - TYP TYPICAL
  - MTR METER

**(E) ROOF and SITE PLAN**  
SCALE 1/16"=1'-0"



**PROJECT DATA**

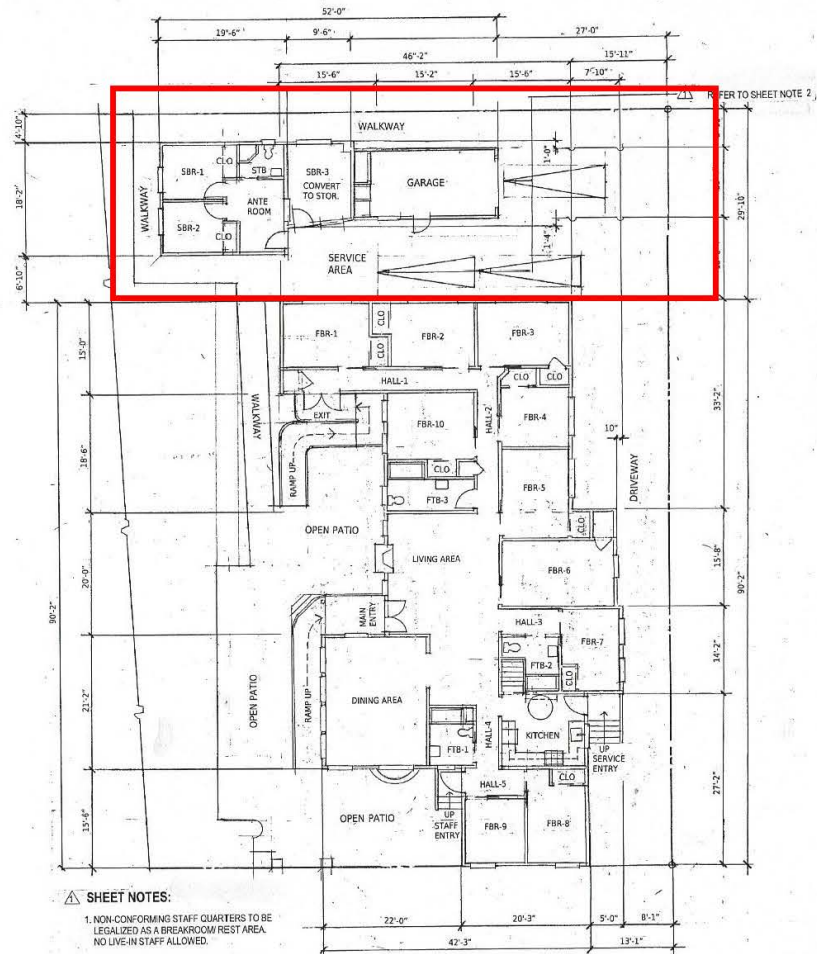
LOT SIZE	16,597 SF	
A PARCEL NO	060-034-080	
ALLOWABLE BUILDING FLOOR AREA	5,615 SF	
(E) EXISTING BUILDING COVERAGE		
ONE STORY HABITABLE FACILITY	3,227	
DETACHED STAFF QUARTERS TO BE RENOVATED	474	
DETACHED GARAGE	253	
COVERED PORCHES	147	
<b>TOTAL (E) BLDG. COVERAGE</b>	<b>4,101 SF</b>	
PROPOSED RENOVATION:		
STAFF QUARTERS	354 SF	
(N) NEW STORAGE SPACE	120	
LOT COVERAGE	PERCENT OF LOT	
BUILDING	25% (NO CHANGE)	4,101 SF
HARDSCAPE	29% (NO CHANGE)	4,766
SOFTSCAPE	46% (NO CHANGE)	7,729
<b>TOTAL</b>	<b>100%</b>	<b>16,596 SF</b>
ZONE	R1/ S73	
TYPE OF CONST :	V-N with FIRE SPRINKLER	
CODES :	2013 CBC, CMC, CPC, CEC and TITLE-24 EFFICIENCY STDS; COUNTY OF SAN MATEO ZONING REGULATIONS	

## San Mateo County Zoning Hearing Officer Meeting

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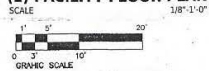
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- △ SHEET NOTES:**
1. NON-CONFORMING STAFF QUARTERS TO BE LEGALIZED AS A BREAKROOM/REST AREA. NO LIVE-IN STAFF ALLOWED.
  2. PROVIDE THREE (3) ON-SITE UNCOVERED PARKING.

**(E) FACILITY FLOOR PLAN**



**DRAWING INDEX:**

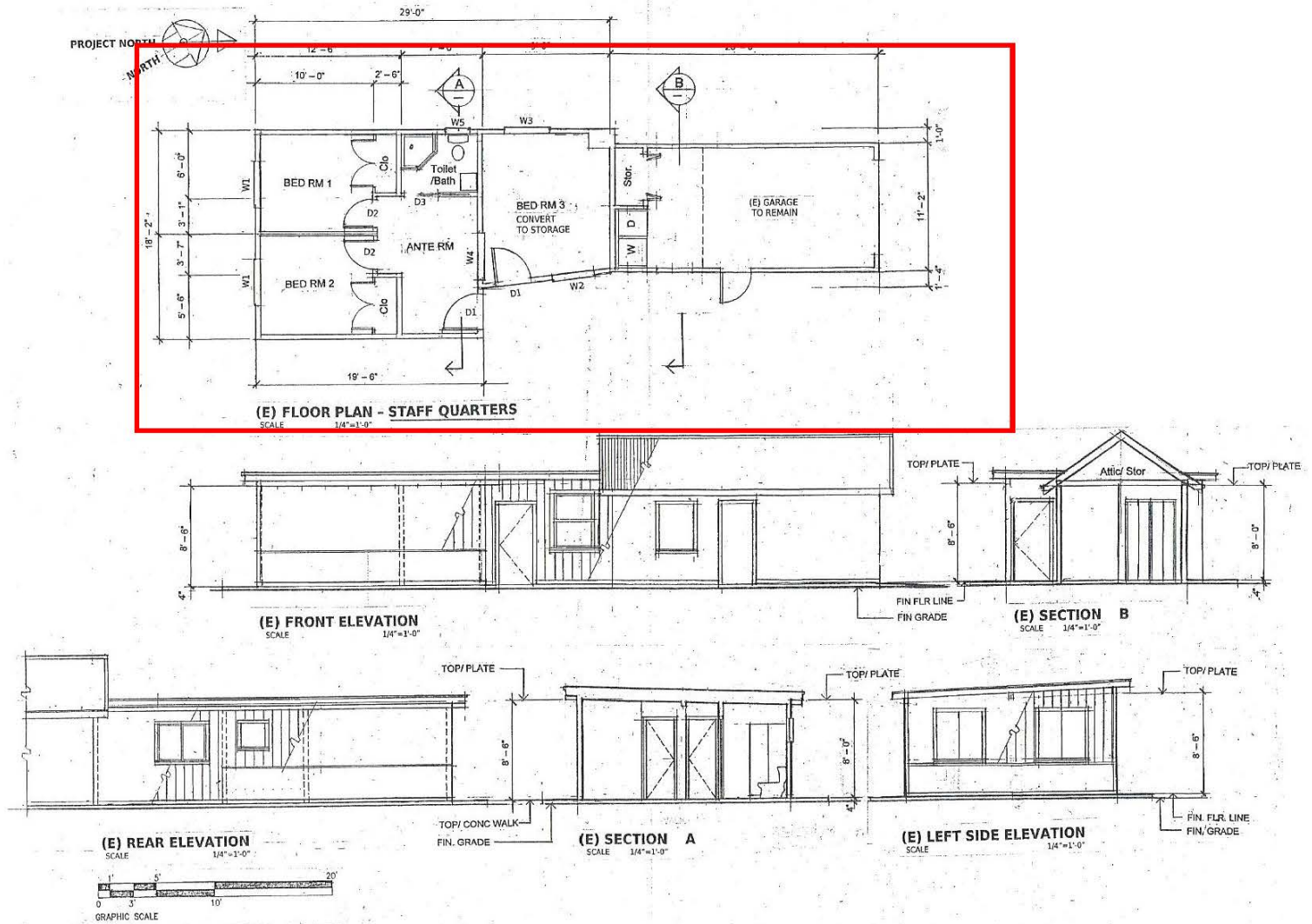
- A-1 (E) FACILITY FLOOR PLAN; (E) ROOF and SITE PLAN; PROJECT DATA; VICINITY MAP; SHEET LEGEND
- A-2 (E) FLOOR PLAN, ELEVATIONS and SECTIONS - NON-CONFORMING STAFF QUARTERS; (E) DRAINAGE PLAN; SHEET LEGEND
- A-3 (N) FLOOR PLAN, ELEVATIONS and SECTIONS - STAFF QUARTERS for LEGALIZATION; SCOPE of WORK; SHEET LEGEND

**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_



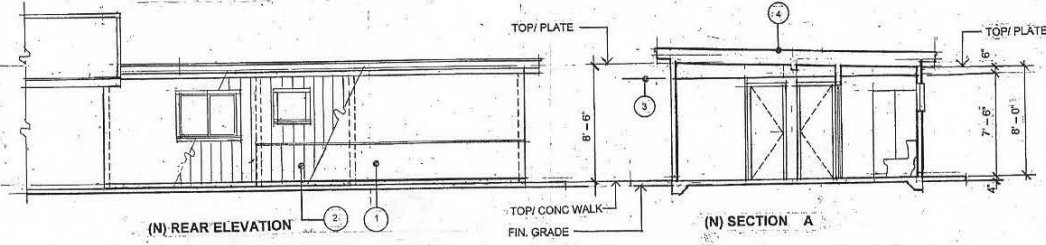
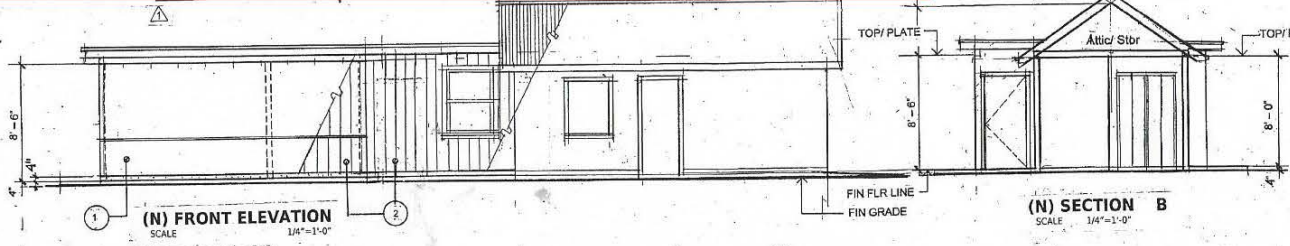
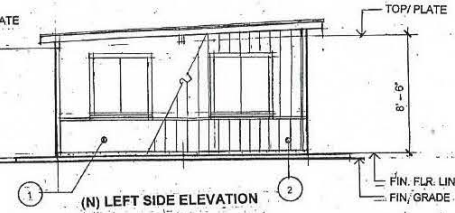
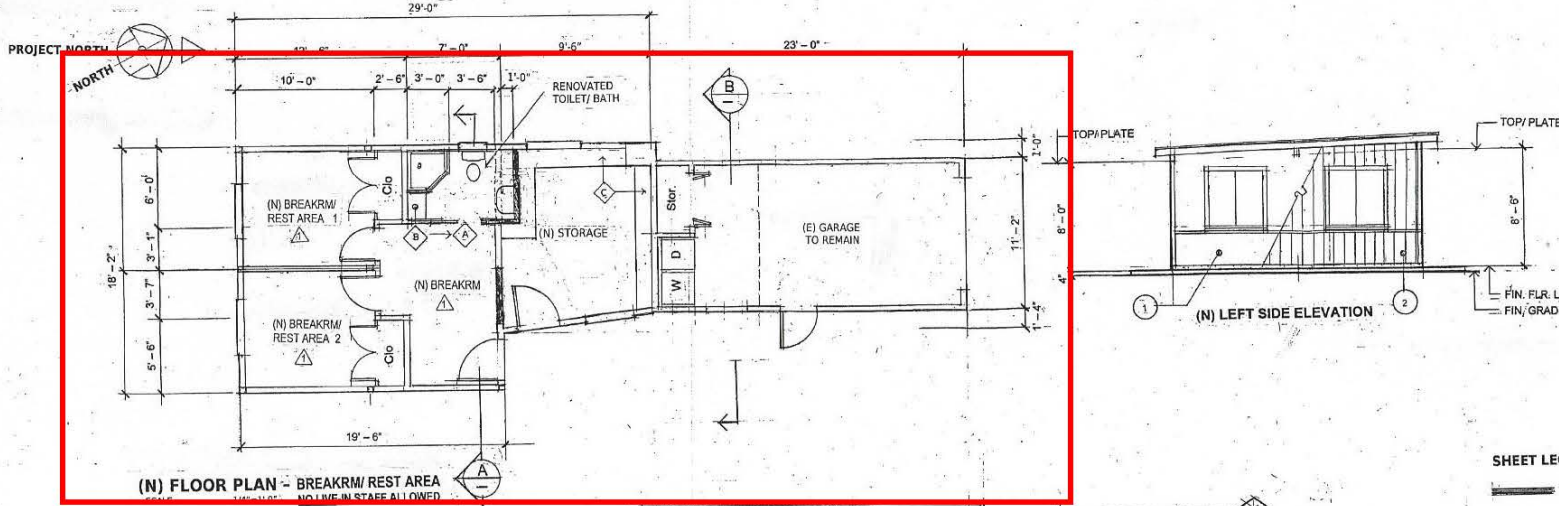
## Rest Area Floor Plan/Elevations

### San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers:



- SHEET LEGEND:**
- 5/8" GYP BD. BOTH SIDES OVER 2"X4" STUDS @ 16" O.C. PROVIDE R13 INSULATION AS REQUIRED
  - (E) WALL PARTITION TO BE REMOVED
  - (E) 2'6" 6'8" POCKET DOOR RELOCATED
  - (N) TOWEL SHELVES
  - (N) STORAGE SHELVES

- SCOPE of WORK:**
- 1 REMOVE EXISTING (E) PLYWOOD SHEATHING and PROVIDE (N) 4" X 6" CONC. CURB AROUND. (N) and (E) 2" X STUDS @ 16" o.c. SHALL BE ON (N) 2" X PTDF ANCHORED PLATES.
  - 2 (N) SIDINGS TO MATCH (E); CONTRACTOR TO VERIFY EXISTENCE OF R-13 WALL INSULATION and PROVIDE AS REQUIRED.
  - 3 (N) CEILING LINE IF REQUIRED TO ALLOW FOR R-30 INSULATION THROUGH OUT STAFF QUARTERS INCLUDING TOILET BATH
  - 4 (E) ROOF SYSTEM SHALL BE REMOVED and REPLACED WITH (N) TAR and GRAVEL BUILT-UP SYSTEM.

## San Mateo County Zoning Hearing Officer Meeting

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Attachment:

File Numbers:



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