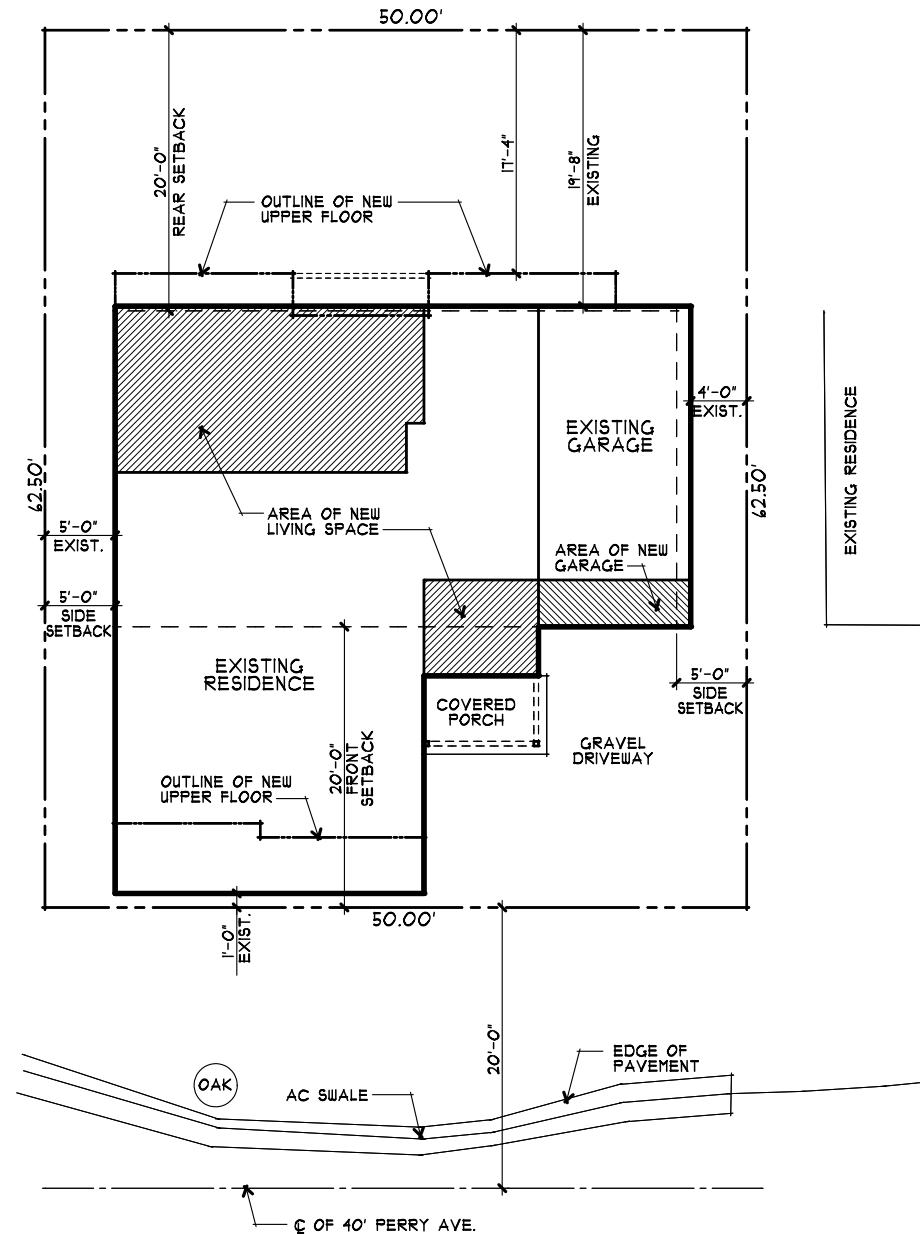


San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



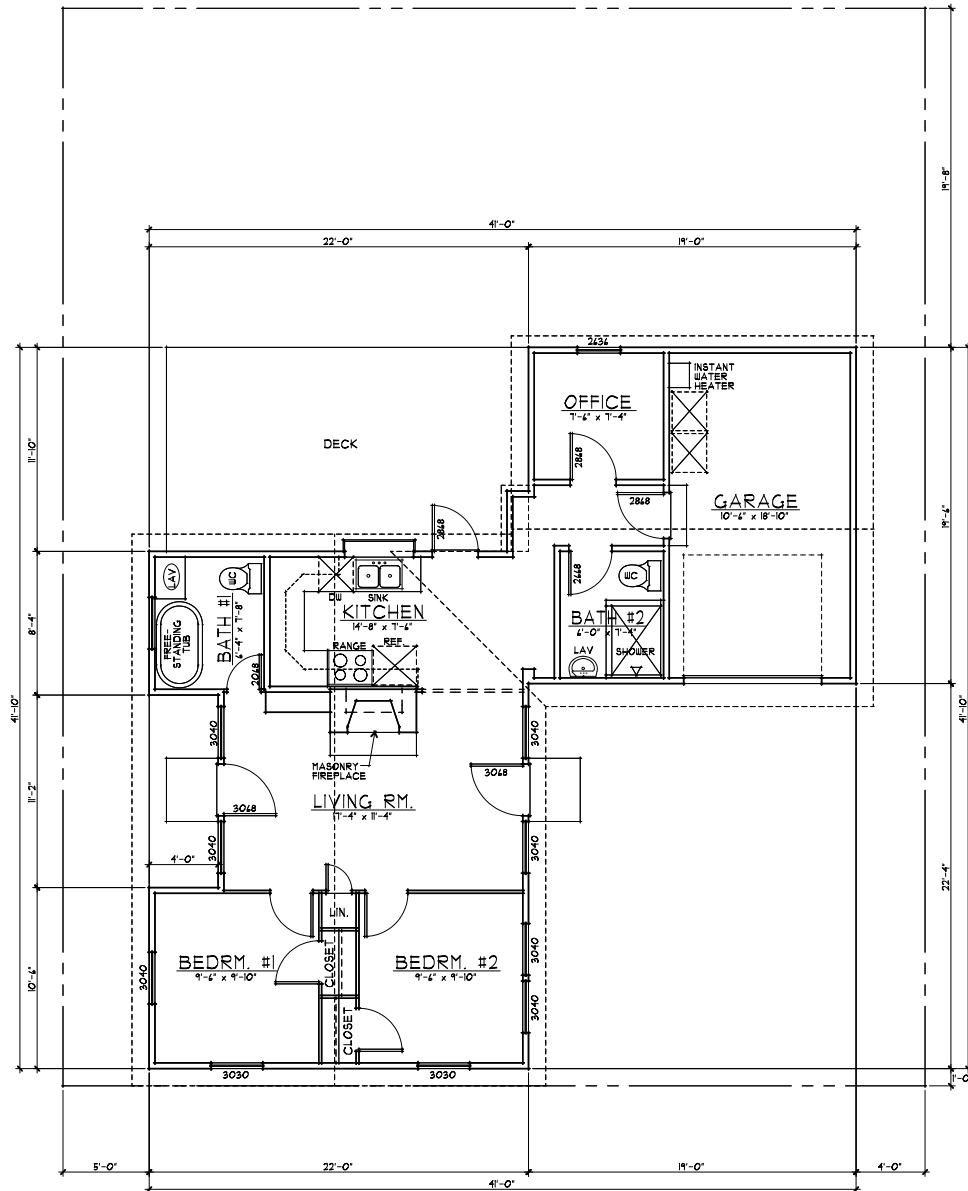
Site Plan

San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



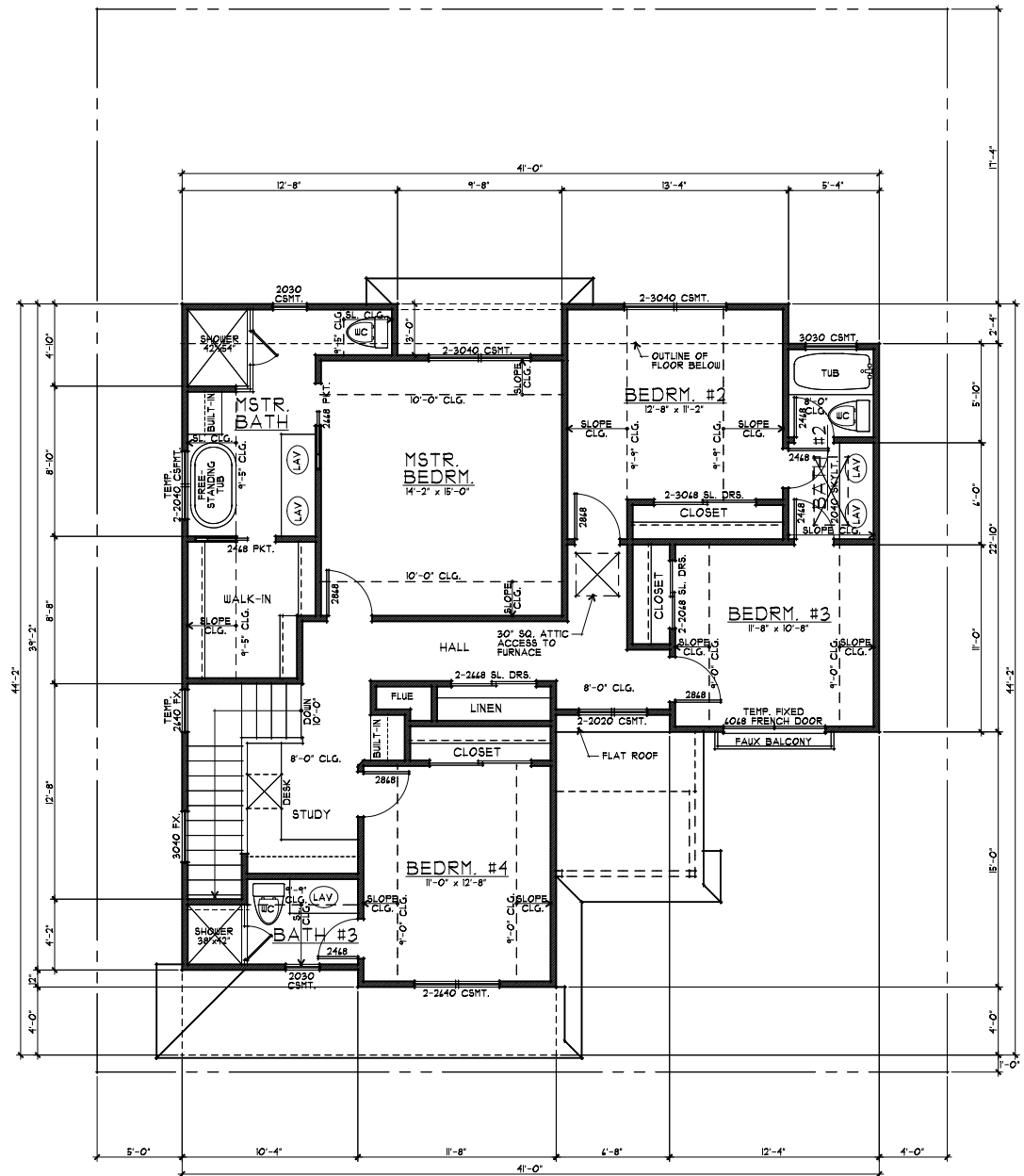
Existing Floor Plan

San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



Proposed Upper Floor Plan

San Mateo County Board of Supervisors Meeting

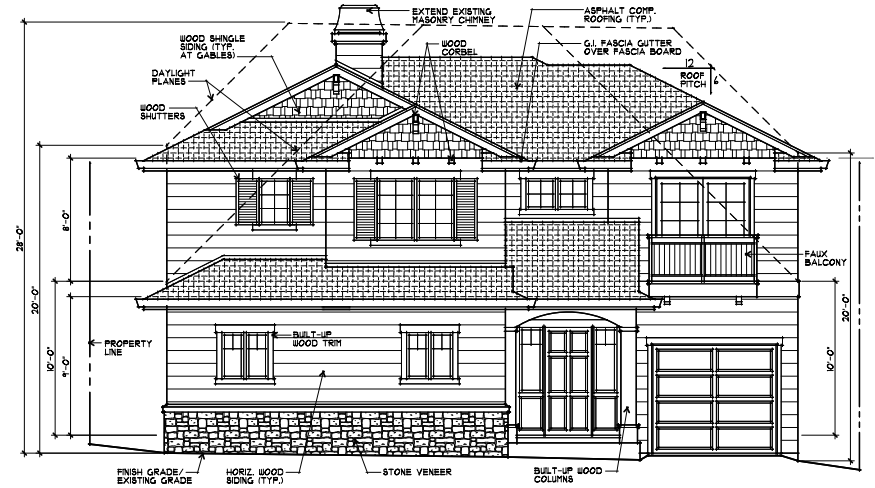
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Attachment:

File Numbers:



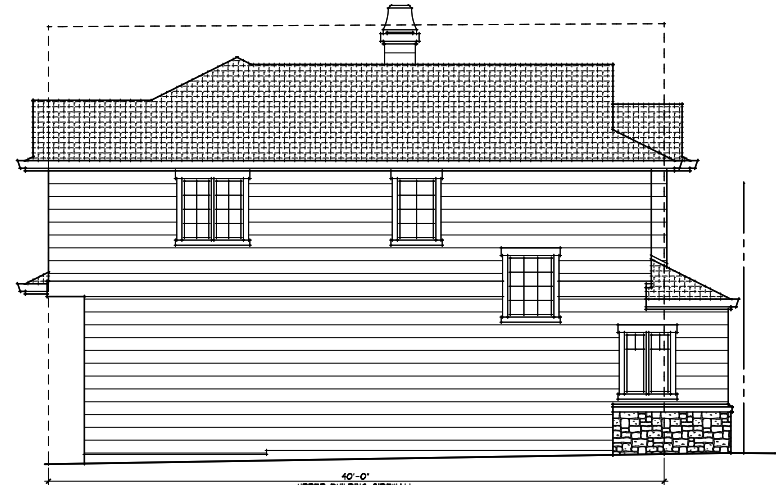
RIGHT ELEVATION



FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION

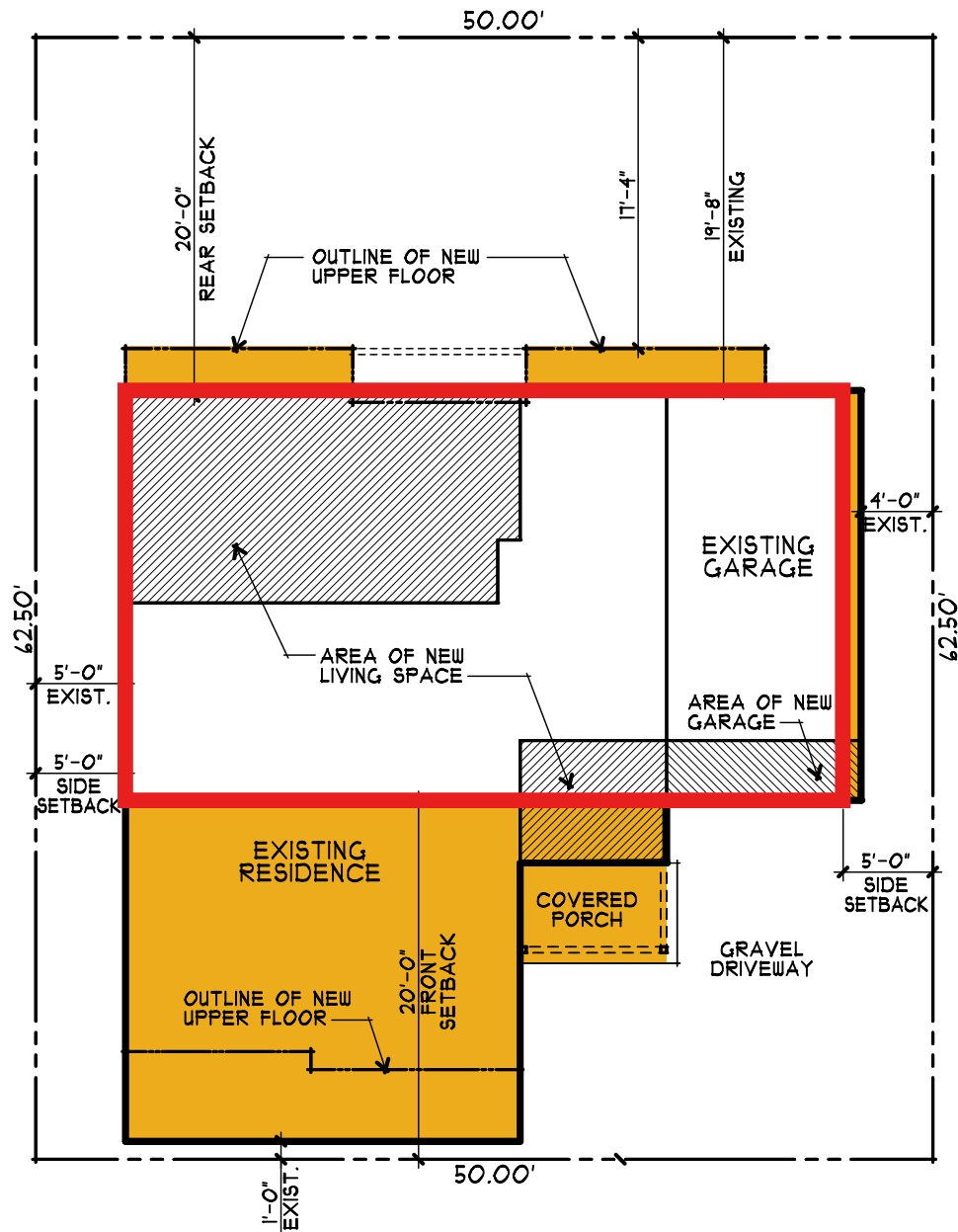
Proposed Elevations

San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



SETBACK PROTRUSION

SETBACK LINE/
BUILDING ENVELOPE

Setback Protrusions

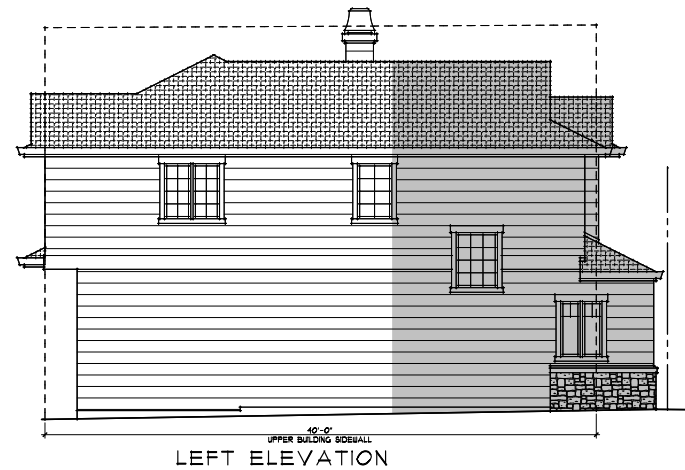
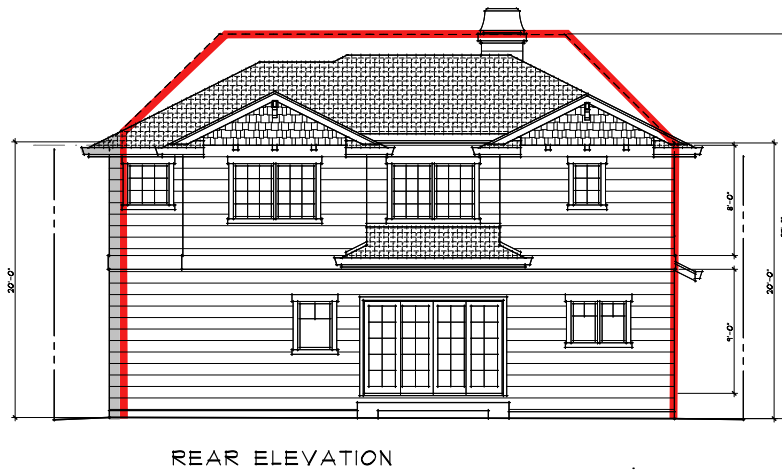
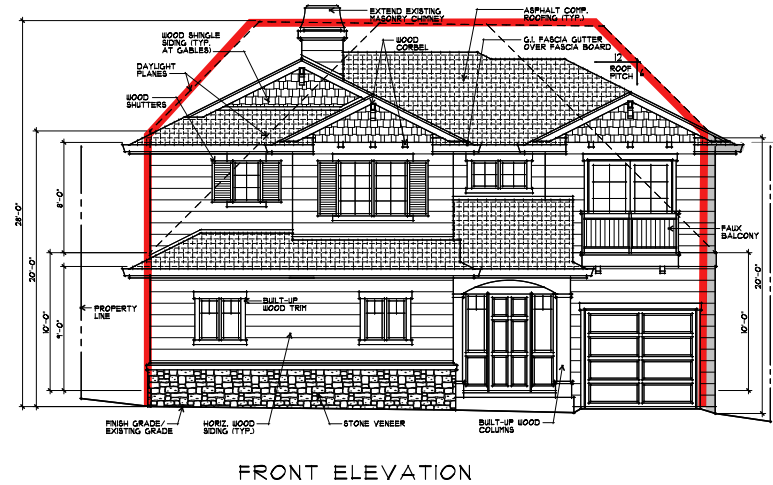
San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:

— DAYLIGHT PLANE (OPTION 1)



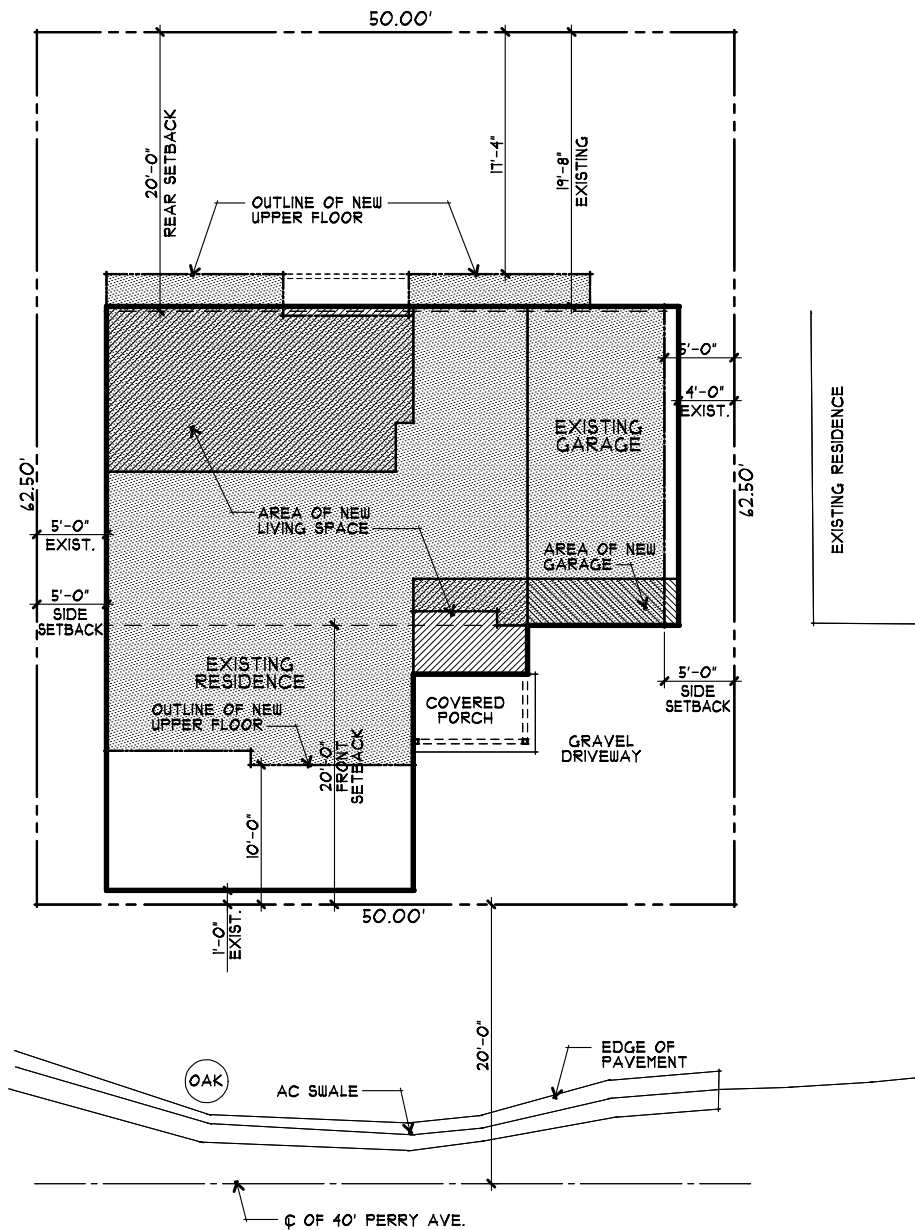
Daylight Plane Protrusions

San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



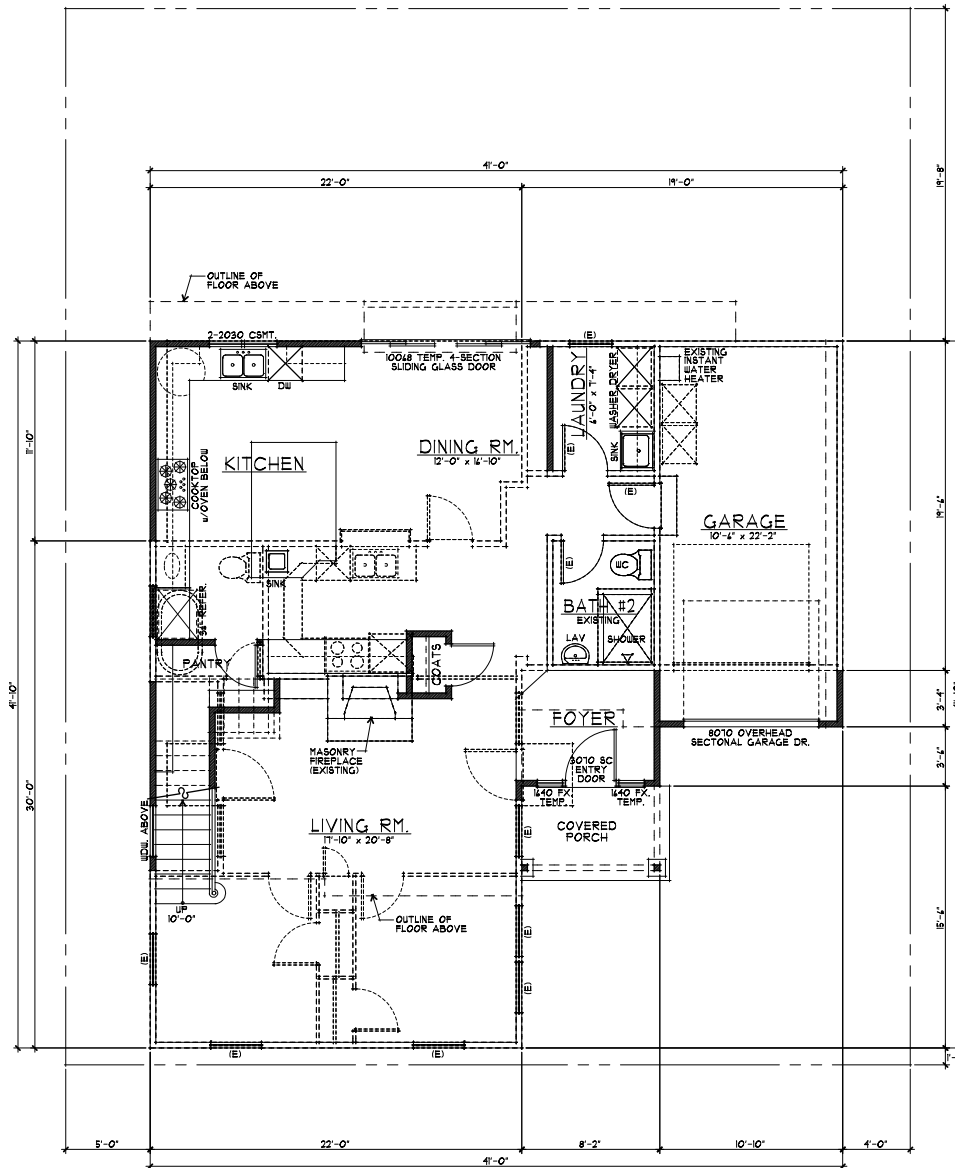
Applicant's Proposed Alternative GJhY'D`Ub'

San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



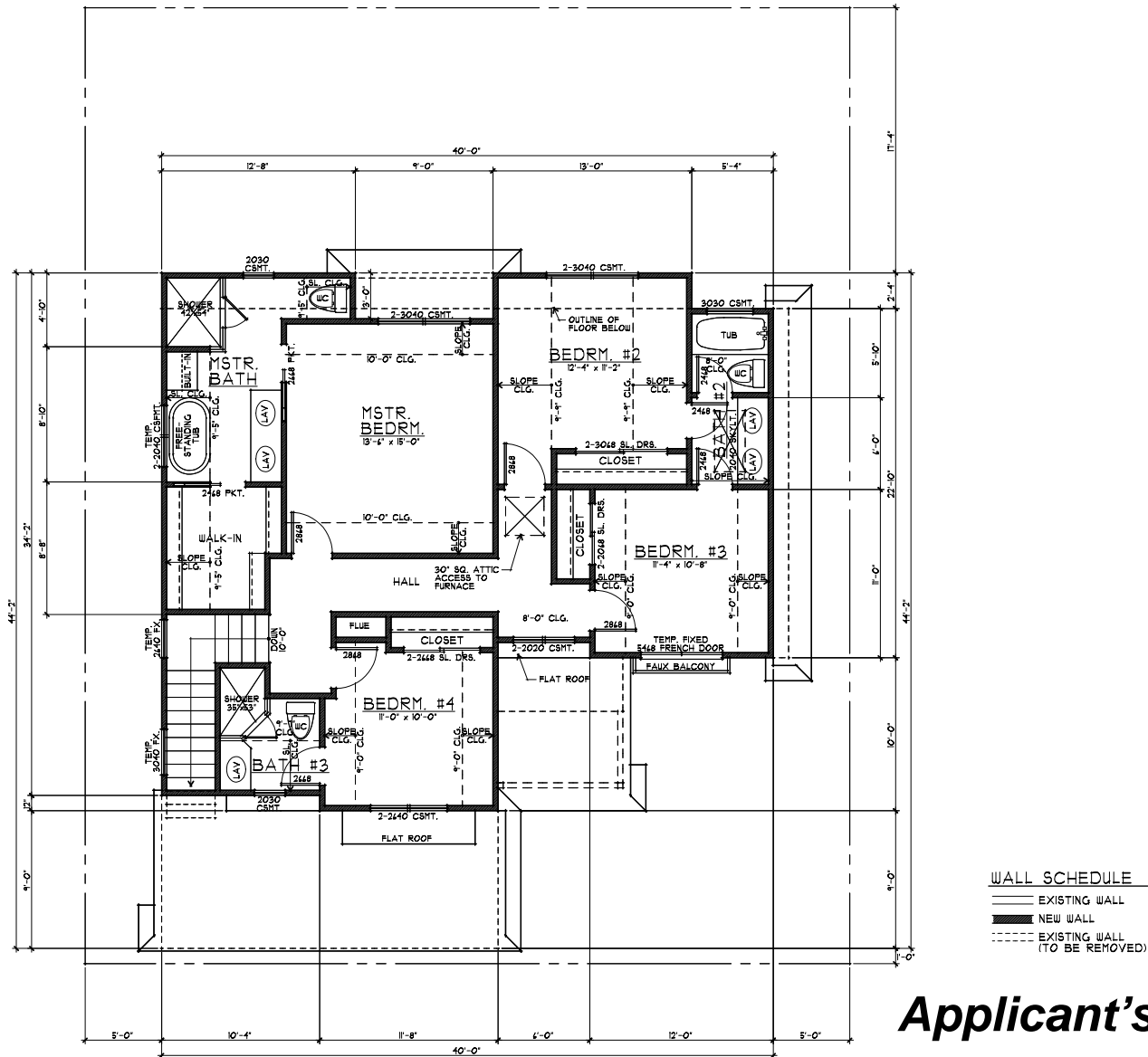
Applicant's Proposed Alternative A Ujb: `ccf'D`Ub'

San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



Applicant's Proposed Alternative
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San Mateo County Board of Supervisors Meeting

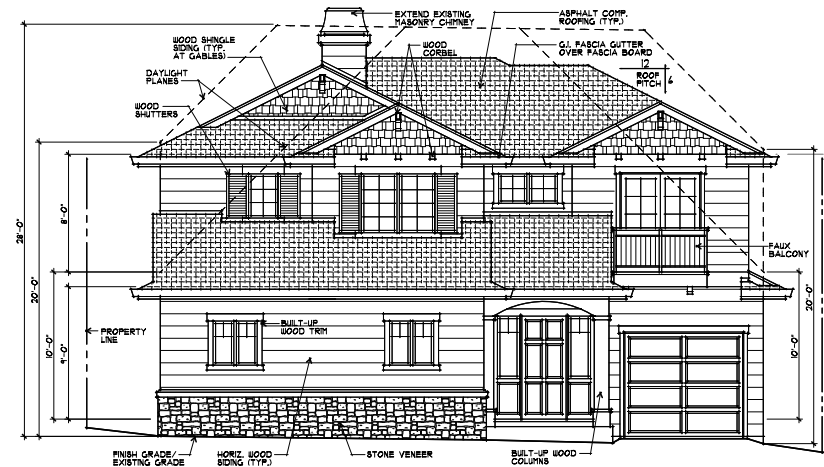
Owner/Applicant:

Attachment:

File Numbers:



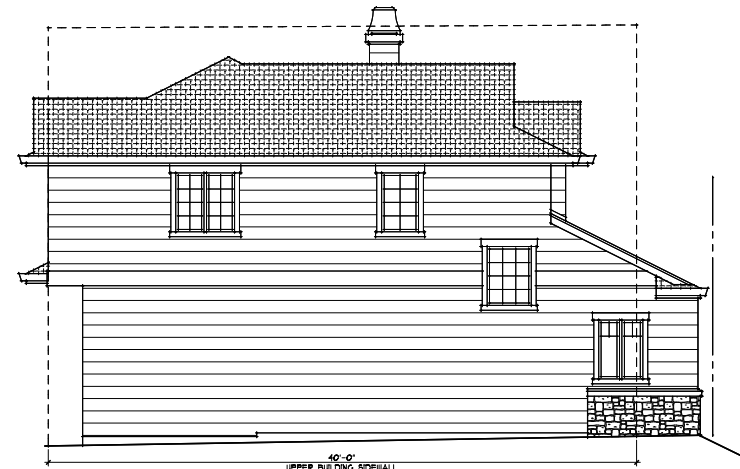
RIGHT ELEVATION



FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION

Applicant's Proposed Alternative Elevations

San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



County of San Mateo - Planning and Building Department

ATTACHMENT K

Application for Appeal**RECEIVED**☐ To the Planning Commission☒ To the Board of Supervisors

NOV 29 2012

San Mateo County
Planning and Building DepartmentPlanning and Building Department
County Government Center • 455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849**1. Appellant Information**Name: James CamarilloAddress: 1921 Perry Ave.Menlo Park, CaPhone, W: ⁴⁵⁰269-1380 H: ⁴⁵⁰854-7894Zip: 94025**2. Appeal Information**

Permit Numbers involved:

PLN 2012-00056

I hereby appeal the decision of the:

- ☐ Staff or Planning Director
☐ Zoning Hearing Officer
☐ Design Review Committee
☒ Planning Commission

made on Nov. 14 2012, to approve/deny
the above-listed permit applications.I have read and understood the attached information
regarding appeal process and alternatives.☒ yes☐ no

Appellant's Signature:

* James CamarilloDate: 11/29/12* see attached list of
additional appellants**3. Basis for Appeal**

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

see attached -

November 29, 2012

**San Mateo County Board of Supervisors
Hall of Justice
400 County Center
Redwood City, CA 94063**

Attn: Supervisor Dave Pine, District 1
Supervisor Carole Groom, District 2
Supervisor Don Horsley, District 3
Supervisor Rose Jacobs Gibson, District 4
Supervisor Adrienne Tissier, District 5

RE: PLN2012-00056 (Valentine) [4 Perry Ave., Menlo Park, CA]

Dear Supervisors:

We are writing to you on behalf of more than 46 residents of the University Park neighborhood, located within the "S-72" Combining District, the neighborhood in which the above referenced project is located. We, your voting constituents, are looking to you for balanced, fair, and open leadership in helping to negotiate a deep conflict in our otherwise healthy and growing neighborhood.

In appealing the decision the Planning Commission rendered on November 14, 2012, we ask that you carefully and thoroughly consider the concerns of all sides of this conflict and direct meaningful negotiation in a manner that results in a better neighborhood for us, as well as a reasonable family house for the applicants.

OPPOSITION SUMMARY

- A. We strongly OPPOSE the Planning Commissioners' upholding of the Zoning Hearing Officer's approval of Planning Permit Application and related Application for a Zoning Nonconformity Use Permit for the following reasons:
1. The proposed project clearly disregards the zoning standards, particularly the standards of zoning non-conformities and our neighborhood's combining district. The degree to which the proposed project violates the standards is well beyond reasonable relief from a strict interpretation of them. The granting of a Use Permit to circumvent zoning standards and effectively render our neighborhood standards irrelevant is wrong. We

have three primary concerns: 1. the disproportionate bulk of the proposed project on its lot compared to other developed parcels in the neighborhood, 2. the safety concerns of street parking at the choke point of a narrow residential street, and 3. the preservation of a heritage tree in the public right-of-way.

2. Despite two public hearings, there has not been meaningful investigation of alternatives and balanced negotiation with potential to result in a compromise solution acceptable to both the applicants and the appellant neighbors. A number of aspects of this process are deeply concerning and disturbing to us, particularly: 1. the staff reports upon which the Zoning Hearing Officer's and Planning Commission's approvals were based contain errors, inconsistencies, and selective application of the ordinance, 2. a modification to the proposed design suggested by the Zoning Hearing Officer was minor and did not address our primary concerns, and 3. the alternatives contained in the staff report to the Planning Commission were raised and summarily dismissed without meaningfully consideration.

B. We SUPPORT the growth of our neighborhood through appropriate development that follows the intent of the San Mateo County Zoning Ordinance. During our time living on Perry Avenue over 50% of the lots on Perry Avenue have been developed or are currently under construction. These projects conform to the Zoning Ordinance, and maintain the neighborhood street scale and character through appropriate setbacks and homes scaled to the size of their lots. This is the first project we have opposed. We oppose it for the reasons indicated above.

We would welcome an opportunity to show each of you our neighborhood prior to the scheduled hearing date, so that you can see it for yourselves and have first hand understanding of the neighborhood and particularities of the subject parcel, such that we may engage in more meaningful discussion at the public hearing. We look forward to presenting details supporting our opposition to you at the public hearing.

We urge you to listen equally to all voices of your constituency in directing the negotiation of an alternative solution that provides a reasonable family home for the applicants and maintains the quality of our neighborhood. We urge you to provide leadership in turning a win-lose decision that fractures our neighborhood and erodes the quality of our neighborhood, indeed erodes the very standards that were put in place twenty or so years ago to maintain the quality of our neighborhood, into a win-win solution that strengthens our neighborhood.

In the absence of a redesigned project that meets the spirit and intent of the Zoning Ordinance, particularly the standards of our neighborhood's combining district and of zoning non-conformities, we respectfully request that you uphold the appeal of, and thereby reverse, the decision to approve the Planning Permit Application and related Application for a Zoning Nonconformity Use Permit rendered by the Zoning Hearing Officer on August 2, 2012 and upheld by the Planning Commission on November 14, 2012.

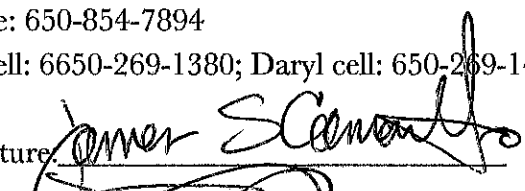
Thank you for your consideration.

Respectfully Submitted,

James Camarillo and Daryl Ann Camarillo
University Park
1921 Perry Avenue
Menlo Park, CA

Home: 650-854-7894

Jim cell: 6650-269-1380; Daryl cell: 650-269-1493

Signature: 

Signature: 

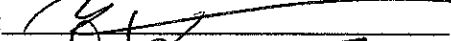
cc: Supervisor Elect, Warren Slocum

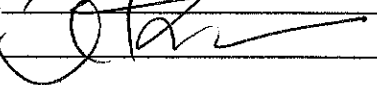
ADDITIONAL APPELLANTS

PLN 2012-00056

Scott Kamran
Linda Kamran
University Park
6 Perry Avenue Menlo Park, CA

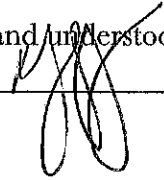
I have read and understood the attached information regarding appeal process and alternatives.

Signature: 

Signature: 

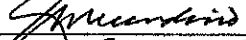
Michael Eldredge
University Park
231 Vine Street Menlo Park, CA

I have read and understood the attached information regarding appeal process and alternatives.

Signature: 

Gari Merendino
Ellen Williams
University Park
261 Vine Street Menlo Park, CA

I have read and understood the attached information regarding appeal process and alternatives.

Signature: 

Signature:  Ellen Williams

Gretchen and Mike Flanagan
University Park
1901 Palo Alto Way Menlo Park, CA

I have read and understood the attached information regarding appeal process and alternatives.

Signature: 

Signature: 

ADDITIONAL APPELLANTS

PLN 2012-00056

JoAnne Stenger
University Park
421 Vine Street Menlo Park, CA

I have read and understood the attached information regarding appeal process and alternatives.

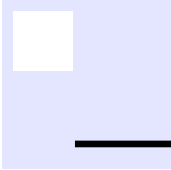
Signature: X JoAnne Stenger MD

Tim and Rene Unger
University Park
431 Vine Street Menlo Park, CA

I have read and understood the attached information regarding appeal process and alternatives.

Signature: Tim Unger

Signature: Rene Unger



15 February 2013

**San Mateo County Board of Supervisors
Hall of Justice
400 County Center
Redwood City, CA 94063**

Attn: Supervisor Dave Pine, District 1
Supervisor Carole Groom, District 2
Supervisor Don Horsley, District 3
Supervisor Warren Slocum, District 4
Supervisor Adrienne Tissier, District 5

RE: PLN 2012-00056(Valentine) [4 Perry Ave., Menlo Park, CA]

Dear Supervisors;

I am writing to you as both a 12+ year resident of the University Park neighborhood in which the proposed development referenced above is located, and on behalf of the eight appellants and 46+ neighbors who have expressed opposition to the proposed development. I am an architect licensed to practice in California for almost 20 years and have focused my practice on housing of all types.

We are not opposed to an expansion of the house in general; rather, we are opposed to the development as specifically proposed. I am asking that you provide leadership in directing an alternative to the proposed development for 4 Perry Avenue, an alternative outlined by the Planning Department that would both provide the applicant with a reasonable family house and is consistent with the proportionality and character of our neighborhood.

SUMMARY

1. We strongly OPPOSE the Planning Commission's approval of the Use Permit application. We believe the Planning Commission made this decision in error based partially on a staff report riddled with fundamental errors, and without meaningful consideration of a viable alternative.
2. We ENDORSE the second alternative outlined in the staff report to the Planning Commission which allows the existing non-conforming structure to remain, while reducing the bulk of the proposed new construction to be proportional to the lot and more nearly compliant with the zoning regulations.

SUMMARY POINT 1: Oppose Approval of Use Permit

The staff report dated November 14, 2012, is riddled with fundamental errors.

The zoning ordinance outlines a use permit process for addressing the challenges of non-conforming situations. **However, a use permit does not grant a blank slate for development.** Rather, the proposed development must be fully evaluated with respect to all current zoning standards, to ensure that the degree of relief from the standards which the development seeks is reasonable and justifiable.

Nowhere does the staff report outline all eight standards from which the proposed development seeks an exceptional degree of relief. Furthermore, the staff report contains fundamental misunderstandings and misapplication of basic planning terms and concepts. **Two of the findings required to grant a use permit cannot be reasonably justified.**

Section 6133.3.b.(3) Finding (a) that must be made is “The proposed development must be proportioned to the parcel on which it is being built.”

In addressing this finding, staff discusses maximum square footage, and compares the proposed square footage of the proposed development to that of other houses recently constructed in the neighborhood. But this approach addresses house size only and does not address proportionality of house size to parcel size.

The proposed development is for a non-conforming, sub-standard parcel. All other parcels in the vicinity but one are conforming parcels and are substantially larger, by almost double, than that of the subject parcel. Putting a similar size house on a half size lot is not proportional. **The proposed development is proportionally 47% - 61% larger than the recent developments on either side.**

Please see Attachment A.

Section 6133.3.b.(3) Finding (c) that must be made is “The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.”

In addressing this finding, staff selectively discusses only two exceptions: ground floor setbacks and side yard daylight plane, and the justification for those exceptions is based on an erroneous application of setbacks in non-conforming situations, and a fundamental misunderstanding of the term “daylight plane”. **There are actually eight regulations to which the applicant seeks an extraordinary degree of relief.**

Staff assumes that the existing non-conforming structure establishes setbacks for the new construction. However, Section 6135.4. clearly states that “A non-conforming structure may be enlarged provided the enlargement conforms with the zoning regulations currently in effect, e.e., the non-conforming portion of the structure may not be enlarged.” It is the second story front yard setback that is most offensive.

Staff also states that daylight plane is only a side yard issue and that minimum required setbacks are unrelated to the daylight plane. However, Section 6300.4.106. clearly states “A daylight plane defines a three dimensional volume of space in which a building may be constructed.” Further, Section 6300.4.100.1.b notes “The regulatory limits of Option 1 requirements are illustrated on the diagram...” and the diagram clearly shows the daylight plane volume limited by the minimum required setbacks on all sides of a structure.

Please see Attachment B.

SUMMARY POINT 2: Endorsement of Alternative 2

Fortunately, the staff report included alternatives to the proposed development, one of which has potential to result in a house much more in keeping with the spirit and intent of the Zoning Ordinance as a whole and our neighborhood's "S-72" Combining District in particular.

The second alternative proposed by staff would allow a more reasonable degree of relief from the regulations by allowing the existing non-conforming structure with its one-car garage to remain and be enlarged. We understand that this alternative would contain the second floor development behind the front yard setback. The proposed new floor area on both the first and second floor would be reduced by eliminating Bedroom #4, Bath #3 and the Study, reorienting the stair, and reducing, eliminating, and/or reorienting the Foyer and Covered Porch to fully fit within the front and right side yard setbacks, and extend no further into the rear and right side yard setback than the existing walls. This would greatly reduce the encroachments into the setbacks and reduce the overall size of the proposed bulk.

We add to this endorsement two requests:

1. provisions be put in place to maintain the health and viability of the heritage oak in the public right-of-way, including tree protection during construction, limitations on irrigation, directive on appropriate planting under oaks, etc.
2. provisions be put in place to address safety concerns of parking at the "choke-point" of the narrow street including a site plan showing uncovered parking for two standard size vehicles within the property lines, and the addition of "No Parking" signs on the portion of the street constricted by the heritage oaks in the public right-of-way.

CONCLUSION

It is my sincere hope that you, our elected Supervisors, show leadership in addressing a situation where fundamental errors have gone unchecked too long, and guide a resolution that is balanced, just, and fair to parties on both sides of this disagreement.

Respectfully,



Patricia McBrayer
Architect and Neighbor

cc: Jim Eggemeyer, Planning Director
Mike Schaller, Senior Planner



Proportion of Home to Parcel

Note: Parcel and Floor Areas for 2 & 6 Perry are from Building Permit Records, and for 4 Perry from Staff Report re: Use Permit

DEVELOPMENT PROPOSED FOR 4 PERRY AVENUE EXCEPTIONS TO STANDARDS REQUESTED BY USE PERMIT

The zoning ordinance outlines a use permit process for addressing the challenges of non-conforming situations. **However, a use permit does not grant a blank slate for development.** Rather, the proposed development must be evaluated in respect to current zoning standards, to ensure that the degree of relief from the standards which the development seeks is reasonable and justifiable.

The significant degree to which the proposed development for 4 Perry Avenue seeks exception from the standards is unreasonable and two of the findings required to grant a use permit cannot be justified.

The 8 zoning standards from which the applicant is requesting an extraordinary degree of relief are:

1. Section 6132.10.
Assume Value = Area, 990sq. ft. x 49% = 485 sq. ft. addition
Proposed addition is 1,737 sq. ft.
To allow approximately 3 1/2 times more new building floor area than a minor remodel with existing non-conforming portions of the existing house to remain would allow.
2. Section 6132.9. and 6135.5.b.
To allow the existing non-conforming portions of the existing house to remain where a major remodel requiring full compliance of both the existing and new is required due to the existing structure's greater than 50% violation of the front setback.
3. Section 6300.4.50.
(Site Dimensions - Setbacks) = Build-able Footprint
50 ft. x 62.5 ft. parcel yields 40 ft. x 22.5 ft. footprint x 2 = 1,800 sq. ft. achievable floor area.
To allow 50% more building floor area than would be allowed by a fully compliant new structure.
4. Section 6300.4.50.
Required front setback is 20 ft.,
Requested exception is for new construction with 11 ft. setback on first floor and 5 ft. setback on second floor.
To allow new building floor area on the first and second floor located within the minimum required front setback, reducing the setback by 45% on the first floor and 75% on the second floor.
5. Section 6300.4.50
Required right side setback is 5 ft.
Requested exception is for new construction with 4 ft. setback on first and second floor.
To allow new building floor area on the first and second floor located within the minimum required right side setback, thereby reducing the setback by 20%.

6. Section 6300.4.50

Required rear yard setback for first and second floor is 20 ft.

Requested exception for new construction is 19.8 ft. setback on first floor and 17.3 ft. setback on second floor.

To allow new building floor area on the second floor located within the minimum required rear setback, thereby reducing the setback by 13.5%.

7. Section 6300.4.10.6. and 6300.4.100.1.b.

To allow new building volume that substantially exceeds the maximum daylight plane volume.

8. Section 6119.

To allow the existing one car garage to remain, without the addition of a second covered parking space, as is required due to an increase in bedroom count resulting in more than two bedrooms.

END

04 March 2013

**San Mateo County Board of Supervisors
Hall of Justice
400 County Center
Redwood City, CA 94063**

Attn: Supervisor Dave Pine, District 1
Supervisor Carole Groom, District 2
Supervisor Don Horsley, District 3
Supervisor Warren Slocum, District 4
Supervisor Adrienne Tissier, District 5

RE: PLN 2012-00056(Valentine) [4 Perry Ave., Menlo Park, CA]

Dear Supervisors;

I am writing this as a supplement to my previous February 15, 2013 letter.

In the February letter I indicated opposition to the Planning Commission's approval of the development as proposed and endorsement of an alternative outlined in the staff report. I also indicated that two findings required to grant a Use Permit could not be justified for the development as proposed.

1. Section 6133.3.b.(3) Finding (a) that must be made is "The proposed development must be proportioned to the parcel on which it is being built." The proposed development is proportionally 47% - 61% larger than the recent developments on either side; therefore, the finding cannot be justified.
2. Section 6133.3.b.(3) Finding (c) that must be made is "The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible." There are eight regulations to which the applicant seeks an extraordinary degree of relief; therefore, the finding cannot be justified.

This letter outlines a third finding that cannot be justified for the development as proposed:

3. Section 6133.3.b.(3) Finding (e) that must be made is "Use permit approval does not constitute a granting of special privileges."

In addressing this finding, staff indicates that the approval would not involve the granting of a special privilege to the property owner because other exceptions have been granted in the neighborhood, including the adjacent parcel which is also substandard.

However, while a use permit was approved for the development on the substandard parcel at 2 Perry Avenue, the use permit approval came at the end of a public process during which the Planning Department directed negotiation. The house that was ultimately approved was much smaller than originally proposed, to be in proportion to its parcel with small setback exceptions. **The development at 2 Perry Avenue (the only other substan-**

dard parcel on the block) sets the standard, the precedent, for the development at 4 Perry Avenue. To do otherwise, to allow greater bulk or more exceptions, would constitute the granting of special privilege.

The development proposed for 4 Perry Avenue is 2,720 sf with an FAR of 0.87 (47% greater than 2 Perry Avenue).

2 Perry Avenue has a Floor Area Ratio (FAR) of 0.59 (2,155 sf house / 3,654 sf parcel).

Applying the same FAR to 4 Perry Avenue results in a house of 1,844 sf maximum floor area (3,125 sf parcel x 0.59).

It is important to note, that without a use permit, the standards would limit the house size to:

- a. approximately 1,475 sf if the original structure is retained and expanded (Section 6132.10 & 6135.2.&.4.)
- b. 1,800 sf if the original structure is demolished and a new house constructed (Section 6132.9. & 6135.5.b.)

A use permit granting an FAR of 0.59 with a resultant maximum floor area of 1,844 sf, following the standard set by 2 Perry Avenue, allows an increase over what would otherwise be possible on the parcel without the granting of a use permit. To get a house of this size on a parcel this small requires limited and reasonable exceptions to the setbacks and daylight plane. This is a consistent approach that would not constitute the granting of special privilege.

Also, 2 Perry Avenue respects the front setback on the street, as do all other new houses. To allow the 4 Perry Avenue development to add a second story in exception of the front setback would result in this new house looming in front of all other houses on Perry Avenue.

Approving such an exception would be granting a special privilege.

CONCLUSION

I greatly appreciate your consideration of these concerns and look forward to your leadership in negotiating a win-win resolution to this unfortunate situation. The direction the Board provides on this application and appeal has potential impact far beyond the scope of this one proposed development.

Respectfully,



Patricia McBrayer
Architect and Neighbor

cc: Jim Eggemeyer, Planning Director
Mike Schaller, Senior Planner