

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2017-00517 Hearing Date: November 13, 2018

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Project Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Guidelines Section 15301, Class 1, as the residential addition is less than 10,000 sq. ft. of floor area in an urbanized area that is zoned for residential use where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

For the Non-Conforming Use Permit, Find:

2. That the proposed development is proportioned to the size of the parcel on which it is being built, as the proposed project will comply with the maximum allowed lot coverage and floor area of the applicable "S-74" development standards and the new second floor will be recessed from the existing first floor to comply with the minimum required side yard setbacks of the zoning development standards.
3. That all opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible as none of the adjacent conforming-sized parcels significantly exceed the minimum lot size for the applicable zoning district or have additional net land to offer the project parcel (once the development standards are applied for those adjacent parcels), and are under separate private ownership.
4. That the proposed development is as nearly in conformance with the Zoning Regulations currently in effect as is reasonably possible as the first floor additions are minor extensions of existing non-conforming side yard setbacks and the new second floor will only slightly encroach into the "16'/45°" side setback line daylight planes of the "S-74" development standards. The second floor addition is proposed to be recessed from the first floor in order to comply with the minimum 5' side yard setbacks, maximum allowed floor area, and height allowance of the "S-74" development standards. Furthermore, the size and configuration of the

existing parcel and residential development limits the options available to create a functional floor plan that provides a reasonable front entrance and internal stairway access to the new second floor if a second covered parking space were provided. Therefore, the applicant's proposal to continue providing off-street parking by a one-car garage and one tandem uncovered parking space in the driveway is as nearly in compliance with the zoning standards as reasonably possible.

5. That the establishment, maintenance and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the neighborhood as the project site is not located in the coastal zone and the proposed second floor of the subject project has been recessed on both sides to comply with the minimum 5' side yard setbacks of the "S-74" development standards and proposes minimal windows along the right side property line to minimize privacy impacts onto the nearest adjacent neighboring residence (also situated on a non-conforming 25' wide parcel). While the proposed second story will encroach into the daylight plane, such encroachment area is minimal and will not generate a significant adverse impact to the neighbor or area.

Furthermore, the project will continue use of a one-car garage with one uncovered tandem parking space in the driveway to minimize street parking impacts along Rutherford Avenue, which is the consistent pattern of a majority of the residential development along this block of the roadway. Therefore, the project will not generate any significant adverse impacts to or be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

6. That the use permit approval does not constitute a granting of special privileges as the Zoning Regulations Nonconformities Chapter provides the same exception process for similar parcels under the same conditions and the use permit authorizes a single-family residence of a size similar to other residences in the neighborhood.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents, and plans described in this report and submitted to and approved by the Board of Supervisors on November 13, 2018. 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 Non-Conforming 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 this permit 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 and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works, and the Menlo Park Fire Protection District. Additionally, construction shall not commence until a valid building permit is issued.
4. 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 Rutherford Avenue right-of-way. All construction vehicles shall be parked on-site outside the public right-of-way, or in locations which do not impede safe access on Rutherford Avenue. There shall be no storage of construction vehicles in the public right-of-way.
5. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo Ordinance Code Section 4.88.360).
6. The project parcel is limited to single-family residential uses permissible under the "R-1" zoning regulations.

Building Inspection Section

7. The project shall be designed and constructed according to the currently amended and adopted California Building Standards Code, which at the time of this review is the 2016 version.
8. The project requires fire sprinklers to be installed throughout the existing and proposed structure.

Department of Public Works

9. Prior to the issuance of the building permit, the applicant will be required to provide payment of “roadway mitigation fees” based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.

Menlo Park Fire Protection District

10. The project requires the installation of a NFPA 13-D fire sprinkler system to be submitted under a separate fire permit. The fire sprinkler system shall be a two (2) head calculation.
11. Residential fire sprinklers shall have an interior alarm activated by the flow switch that is audible in all sleeping areas.
12. Fire flow data shall be provided at the time of deferred submittal for the fire sprinkler system.
13. Smoke detectors shall be installed in each sleeping area, the area outside of sleeping areas and on each level of the house (2016 CBC 907.2.11.2). Furthermore, carbon monoxide detectors shall be installed outside of sleeping areas and on each level of the house (2016 CBD Sec. 420). Smoke and carbon monoxide detectors shall be inter-connected for alarm.
14. Window and door schedules are required to be submitted with the building permit submittal. Emergency escape and rescue openings shall meet the following conditions and be verified by the Building Inspection Section who is the authority having jurisdiction:
 - a. Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 sq. ft. (0.53m²); 2016 CFC/CBC 1029.2.

Exception: The minimum net clear opening for grade-floor emergency escape and rescue openings shall be 5 sq. ft. (0.46m²)
 - b. The minimum net clear opening height dimension shall be 24” (610 mm). The minimum net clear opening width dimension shall be 20” (508 mm). The net clear opening dimensions shall be the result of normal operation of the opening; 2016 CFC/CBC 109.2.1.
 - c. Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44” (1118 mm) measured from the floor; 2016 CFC/CBC 1029.3.

15. The applicant shall provide and maintain at least 4" tall with 1/2" stroke illuminated address numbers; solar is not an allowed illumination source. The address shall be visible from the street and contrasting to its background.
16. Fire Department approved plans and letter must be on-site at the time of all inspections by the Menlo Park Fire Protection District.
17. Upon completion of the work and prior to closing the ceiling, the Menlo Park Fire Protection District's Deputy Fire Marshal, Bob Blach, shall be contacted for a final inspection at 650/688-8430. A 48-hour notice is required for all inspections.