

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

**DATE:** September 1, 2016

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Non-Conforming Use Permit, pursuant to Sections 6135 and 6137 of the San Mateo County Zoning Regulations, to legalize a non-conforming laundry room addition to an existing non-conforming apartment building. The project site is located at 57 Berkshire Avenue in the unincorporated Redwood City area of San Mateo County.

County File Number: PLN 2015-00038 (Young)

**PROPOSAL**

The applicant requests a non-conforming use permit to legalize an 89 sq. ft. laundry room that encroaches into the left side yard setback of a non-conforming three-story apartment building. The laundry room has an 8 ft. 9 inch setback where 10 ft. is required and is located under an existing exterior stairway that accesses the second and third levels of the apartment building.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Non-Conforming Use Permit (County File Number PLN 2015-00038), by making the required findings and adopting the conditions of approval in Attachment A.

**BACKGROUND**

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

Applicant: Andrew Young, Young and Borlik Architects, Incorporated

Owner: 57 Berkshire Partners, LLC

Location: 57 Berkshire Avenue, Redwood City, California

APN: 054-283-280

Parcel Size: 8,100 sq. ft.

Existing Zoning: R-3/S-5

General Plan Designation: Multi-Family Residential (24du/ac-60du/ac)

Sphere-of-Influence: Redwood City

Existing Land Use: Three-Story Apartment Complex

Water Supply: California Water Service

Sewage Disposal: 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 located on a flat parcel located at the corner intersection of Berkshire Avenue and Blenheim Avenue. The property is situated within a developed residential area with primarily single-family residences and some high density development.

Chronology:

<u>Date</u>	<u>Action</u>
October 16, 2008	- Stop Work Notice (SWN 2008-00095) issued for the construction of a laundry room addition without a valid building permit.
April 29, 2009	- Building Permit (BLD 2009-00480) opened to resolve the Stop Work Notice (SWN 2008-00095) to legalize laundry room.
September 15, 2015	- Planning application received for the subject Use Permit to legalize the laundry room.
March 18, 2016	- Application deemed complete.
September 1, 2016	- Zoning Hearing Officer public hearing.

## DISCUSSION

### A. KEY ISSUES

#### 1. Compliance with the General Plan

- a. 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 laundry room is constructed of material and color that match the apartment complex and the addition blends well with the existing structure. Prior to a final building inspection to legalize the addition, the project shall be conditioned to continue to utilize matching colors and materials that blend with the structure. The applicant shall submit photos to the Planning Department to demonstrate that the addition matches the existing structure.
- b. 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. The existing apartment building complies with the height, bulk, and setback requirements with the exception of the 10-ft. side yard setback required along the public right-of-way. The right side yard setback is legal non-conforming with no changes proposed. The laundry room is a small addition located at ground level within the left side yard setback along Blenheim Avenue and underneath an existing exterior open staircase. The addition does not interfere with existing light and air around the stairs. The addition will be reviewed by the Building Department for building code compliance and Menlo Park Fire District for fire compliance to ensure public health and safety. The existing exterior paint color of the addition blends well with the apartment complex, is minimally noticeable, and its use is an enhancement to the residents by providing on-site laundry facilities. The project is conditioned to maintain matching colors and materials.

#### 2. Compliance with the Zoning Regulations

##### a. Development Standards

The project parcel is zoned R-3/S-5 (Residential Combining District). The applicant requests a non-conforming use permit to legalize a

laundry room with an 8 ft. 9 inch left side yard setback where 10 ft. is required. The existing apartment complex otherwise complies with the S-5 District.

S-5 Development Standards			
	Required	Existing	Proposed
Minimum Lot Width	50 ft.	92.65 ft.	No change
Minimum Building Area	5,000 sq. ft.	8,100 sq. ft.	No change
Minimum Front Yard Setback	20 ft.	20.916 ft.	No change
Minimum Side Yard Setbacks			
Left Side	10 ft.	15 ft.	8.812 ft. *
Right Side	5 ft.	4.812 ft. (legal non-conforming)	No change
Minimum Rear Yard Setback	20 ft.	20.895 ft.	No change
Maximum Lot Coverage	50%	25.7%	26.8%
Maximum Floor Area	NA	NA	NA
Maximum Building Height	36 ft.	30 ft.	No change
*The Proposal is requiring a non-conforming use permit.			

### 3. Compliance with Non-Conforming Use Permit Regulations

Section 6137 (*Exceptions*) of the Zoning Regulations allows the granting of a use permit to enlarge a non-conforming structure provided the following finding is made:

**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.**

The room addition will continue to provide on-site laundry amenities to the residents. The addition is required to comply with both the San Mateo County Building Department and the Menlo Park Fire Protection District regulations; both agencies have reviewed the legalization and have conditionally approved the project. As conditioned, the project will not be detrimental to the public welfare or injurious to the property or improvements.

B. ENVIRONMENTAL REVIEW

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

C. NORTH FAIR OAKS COUNCIL

Due to time constraints, the project was not reviewed by the Council.

D. REVIEWING AGENCIES

Building Inspection Section  
Menlo Park Fire Protection District  
Department of Public Works

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan
- D. First Floor Plan
- E. Elevation
- F. 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 2015-00038      Hearing Date: September 1, 2016

Prepared By: Olivia Boo  
Project Planner

For Adoption By: Zoning Hearing Officer

**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, as a minor addition to an existing structure where the addition is less than 50% of the floor area of the existing structure.

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.**

The room addition will continue to provide on-site laundry amenities to the residents. The addition is required to comply with both the San Mateo County Building Department and the Menlo Park Fire Protection District regulations; both agencies have reviewed the legalization and have conditionally approved the project. As conditioned, the project will not be detrimental to the public welfare or injurious to the property or improvements.

**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 Zoning Hearing Officer on August 18, 2016. 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. As part of an outstanding tree removal permit replacement requirement for an approved tree removal permit (PLN 2008-00336), three 5-gallon trees of indigenous species shall be planted on-site as required prior to the final inspection of the building permit for this project. The applicant shall submit photos of the planted trees to the Planning Department. Please reference the County File Number, PLN 2008-00336, upon submittal of the tree photos. Fulfillment of this requirement will be added to the building permit as a Final by Planning inspection, prior to the final building inspection.
4. The applicant shall submit photos of the painted reconstructed addition, which reflect that matching colors and materials are utilized, to the Planning Department. Fulfillment of this requirement will be added to the building permit as a Final by Planning inspection, prior to the final building inspection.

#### Building Inspection Section

5. Final inspection of a valid building permit for this project is required to clear the associated Stop Work Notice (SWN 2008-00095) and to finalize the Building Permit (BLD 2009-00480).

#### Menlo Park Fire District

6. Alterations to the building that impact the Fire alarm and/or Fire Suppression Systems shall require a deferred submittal with a minimum of two sets of plans and with specifications provided by the Menlo Park Fire District (MPFD) for review and approval prior to initiating work that would impact those systems. Only a qualified C-16 contractor working on a fire suppression system or C-10 licensed contractor working on a fire detection system can complete the necessary work on those systems.
7. Plans do not provide sprinkler system status. If the building is not protected with a fire sprinkler system, then the existing floor area, as illustrated on the provided plans at 10,308 sq. ft. with an area added/alterd at 89 sq. ft., resulting in a percentage .08% and is significantly less than the 50% threshold and will not require sprinkler system installation.
8. The building Fire Sprinkler System shall be maintained operational at all times during alteration. When the renovation requires modification of a portion of a fire

protection system, the remainder of the system shall be kept in service. When it is necessary to shut down the entire system, a fire watch shall be kept on-site until the system is returned to service. CFC Sections 3304.5 and NFPA 241 Section 10.8.

9. The sprinkler system shall comply with NFPA 13 (2013 EDITION). The fire alarm system shall comply with NFPA 72 (2013 edition). As amended by MPFPD.
10. The stairway and walkway that is located atop the new proposed laundry room is the primary means for access and egress for the residential units located on the second and third levels. Based on this use and in accordance to CFC Sections 1026, 1026.6, and 1022.7, building walls within 10 feet horizontally of a nonrated wall or unprotected opening shall have a fire resistive rating of not less than one (1) hour. Opening within such exterior walls shall be protected by opening protective having a fire protection rating of not less than 3/4 hour. This construction shall extend vertically from the ground to a point 10 feet above the topmost landing of the stairway or roof line, whichever is lower.
11. The plans shall provide supportive construction detail within future Building Submittal documents that support the required fire resistive construction in accordance to CBC Section 705 and is provisioned in CBC/CFC Section 1026.
12. A minimum 2A 10BC rated fire extinguisher shall be located at or near exits and shall be placed so that the travel distance to a fire extinguisher shall not exceed 75 feet. The applicant shall verify with a Fire Inspector at time of rough inspection to assist with placement of extinguishers.
13. Exit signs, emergency lighting, address posting, fire lane, marking, fire extinguishers, and Knox Box location to be field verified by Fire Inspector.
14. Fire extinguishers, exit signs, emergency lighting, and fire department lock box to be field verified by the fire inspector.
15. A final inspection by the Fire Prevention Division is required.
16. Approved plans, approval letter, and permit must be on-site at the time of inspection.
17. Upon completion of work and prior to closing ceiling, contact Fire Inspector, Bob Blach, of the Menlo Park Fire Protection District at (650) 688-8430, to schedule a final inspection. 48-HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS.

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**San Mateo County Zoning Hearing Officer Meeting**

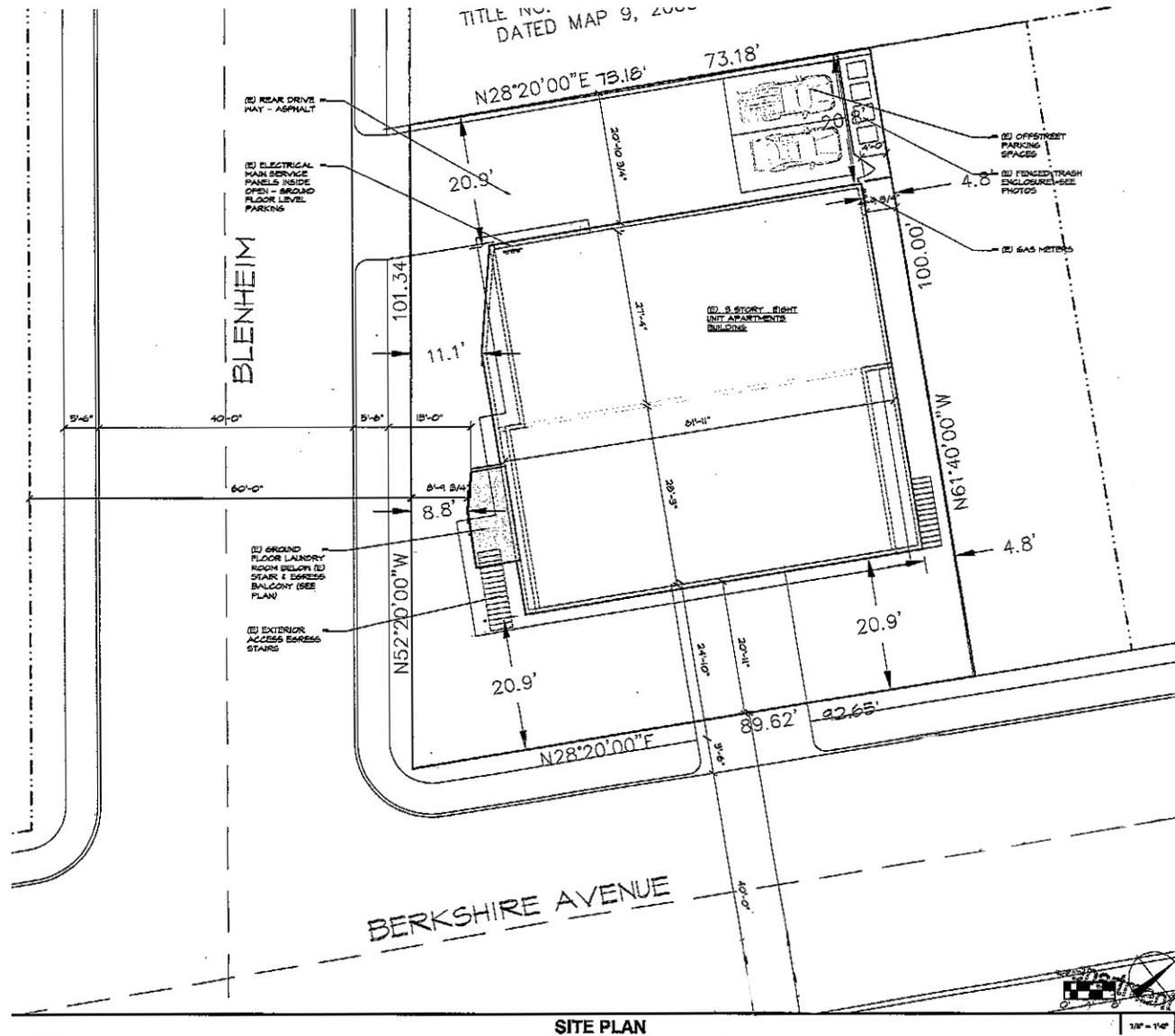
Owner/Applicant: \_\_\_\_\_

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

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

# APARTMENT UNIT CONFORMANCE

## REDWOOD CITY, CALIFORNIA



### San Mateo County Zoning Hearing Officer Meeting

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

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

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





**PRELIMINARY:**  
NOT YET APPROVED  
FOR CONSTRUCTION

(E) LAUNDRY ROOM



**EXISTING STREET ELEVATION**

1/4" = 1'-0" **1**

## San Mateo County Zoning Hearing Officer Meeting

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

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

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



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

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