DATE: July 11, 2019

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Home Improvement Exception, pursuant to Section

6532 of San Mateo County's Zoning Regulations, to allow for the

construction of an attached 375 sq. ft. two-car garage to partially encroach 15 feet into the required 20-foot front yard setback. The project is located at 1274 Orange Avenue in the unincorporated West Menlo Park area of

San Mateo County.

County File Number: PLN 2018-00327 (Faberowski/Schwanke)

PROPOSAL

The applicant is proposing the addition of a 375 sq. ft. two-car garage and 95 sq. ft. laundry room to an existing single-family residence, for the purposes of converting the existing two-car garage to a family room and bathroom. A portion of the new garage (249 sq. ft.) will encroach 15 feet into the required 20-foot front yard setback.

The required 300 ft. radius public notification for processing of the Home Improvement Exception application was mailed on October 31, 2018, with the public comment beginning on October 31, 2018 and ended on November 12, 2018. A written request for the optional public hearing was received by staff November 8, 2018.

RECOMMENDATION

That the Zoning Hearing Officer approve the Home Improvement Exception, County File No. PLN 2018-00327, by adopting the findings and conditions of approval cited in Attachment A.

BACKGROUND

Report Prepared By: Bryan Albini, Project Planner, Telephone 650/363-1807

Owner: Nicholas Faberowski

Applicant: Steve Schwanke

Location: 1274 Orange Avenue, West Menlo Park, CA 94025

APN: 071-013-150

Parcel Size: 8,161 sq. ft.

Parcel Legality:

Existing Zoning: R-1/S-72 (Single-Family Residential/5,000 minimum parcel size)

General Plan Designation: Medium Density Residential Urban

Existing Land Use: Single-family residence

Water Supply: California Water Service – Bear Gulch

Sewage Disposal: West Bay Sanitary District

Flood Zone: The project site is located in Flood Zone X as defined by FEMA (Community Panel Number 069081C0312E, dated October 16, 2012), which is an area with minimal potential for flooding.

Environmental Evaluation: The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, for a minor alteration of an existing private structure where the project involves negligible expansion of use.

Setting: The project site is located at the end of a private drive off of Orange Avenue. Access to the property is from a shared easement (private street) serving the subject parcel and westerly adjacent residentially developed parcel. The front of the subject parcel abuts the rear of the adjacent southerly parcel along Orange Avenue. The house was built in 1963 and has remained a single-family residence. The current home has six rooms total, with four bedrooms and two bathrooms. The residence is completely surrounded by single-family residences.

DISCUSSION

A. <u>KEY ISSUES</u>

1. Conformance with the General Plan

The proposed project complies with all applicable General Plan policies, specifically:

a. Visual Quality Policies

Policy 4.36 (*Urban Area Design Concept*) states to: a) maintain and, where possible, improve upon the appearance and visual character of development in urban areas; and (b) ensure that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality.

The landlocked parcel is accessed via a shared easement (for the benefit of the subject parcel and westerly adjacent parcel 071-013-150). The front yard of the subject parcel abuts the rear yard of two parcels to the south. With exception to the proposed 5-foot front yard setback, the residence is otherwise compliant with rear and side yard setbacks. Due to the parcel's location, at the end of a private drive, the proposal for a two-car garage and laundry room addition does not impact the visual character of the neighborhood, or the adjacent residences. The addition will match the existing exterior materials and colors of the existing residence.

b. Urban Land Use Polices

Policy 8.39 (*Height, Bulk, and Setbacks*) discusses regulating height, bulk, and setback requirements to ensure that the size and scale of development is compatible with parcel size, provide sufficient light and air in and around structures, and ensure public health and safety.

As proposed and conditioned, the project will require a building permit and compliance with applicable building code regulations prior to building permit issuance to ensure public health and safety. Only a portion of the one-story garage will encroach into the front yard setback thereby ensuring sufficient light and air in and around structures and compatible size and scale of development. The proposed 5-foot setback also ensure adequate fire access around the residence.

2. Compliance with the Zoning Regulations

The existing single-family residence currently complies with all development standards required for the S-72 Zoning District, with a 2,129 sq. ft. residence on the 8,161 sq. ft. parcel; meeting front, side and rear setback requirements. The addition of the proposed 375 sq. ft. garage and 95 sq. ft. laundry room will require a 249 sq. ft. encroachment extending into the front yard setback, creating a non-conforming structure, which is allowed through approval of the Home Improvement Exception.

R-1/S-72 Development Standards			
	Requirements	Existing	Proposed
Minimum Parcel Size	5,000 sq. ft.	8,161 sq. ft.	N/A
Maximum Floor Area Ratio (All Development)	44% (3,622 sq. ft.)	26 % (2,129 sq. ft.)	32 % (2,587 sq. ft.)
Maximum Lot Coverage (All Development)	50% (4,080 sq. ft.)	26 % (2,129 sq. ft.)	32 % (2,587 sq. ft.)
Front Yard Setback	20 ft.	20 ft.	5 ft.
Rear Yard Setback	20 ft.	20.1 ft.	No change
Side Yard Setbacks	5 ft. each side	5 ft. (east) 10 ft. (west)	No change
Parking	2 covered	2 covered	2 covered

3. Compliance with Home Improvement Exception Regulations

a. Optional Hearing Request

An optional hearing request notice for the Home Improvement Exception was sent out on October 31, 2018 within a 300-foot radius of the project site. The comment period started on October 31, 2018 and ended on November 11, 2018. During the notification period, a request for the item to be heard by the Zoning Hearing Officer was received by staff.

The neighbor identified four areas of concern in their request:

(1) The proposed placement and orientation of a new single-story garage would require significant encroachment into the setback of the front of their lot, an encroachment that would lead to new and intrusive structural proximity to buildings that are already in place on several properties, including 1272 and 1280 Orange Avenue.

The encroachment into the front yard setback would allow the garage to be located closer to rear property line of 1280 Orange Avenue property, however, this encroachment abuts the rear yard of 1280 Orange Avenue and is not closer than the required setback for buildings located within a rear yard. To elaborate, the property owners of 1280 Orange Avenue may place a detached accessory building in the rear yard not closer than 3 feet from the rear property line and, in the case of an accessory dwelling unit, not closer than 5 feet. The proposed setback for

the new garage addition is similar in that a 5-foot setback will be maintained.

While the proposal will result in the new garage being closer to the side property line adjacent to 1272 Orange Avenue than the existing garage, other portions of the existing house are much close; the existing residence is approximately 5 feet from the side property line and the new garage is proposed at 16 feet from the side property line).

(2) Approval of the HIE and proposed the development would eliminate the possibility of the owners, visitors, delivery trucks, or repairmen, etc. accessing the other paved parking area of their driveway, without violating the driveway easement and using our property to maneuver their vehicle(s).

Visitors, service providers, and emergency vehicles will be able to use the driveway area on the property or park onto Orange Avenue when accessing the subject property. The paved area is not clearly marked to make drivers whose vehicles are exiting the easement and encroaching onto parcels. Without a parking agreement amongst the affected property owners, there are no restrictions on the use of the easement to access the parcels to the rear. Affected neighbors may enforce their property rights if vehicles are being stored on their properties without consent.

(3) The proposed placement and orientation of their garage would require them to only back out (or back in) the entire length of the driveway easement in order to access their proposed garage. This would present a regular and significant safety hazard to property and persons along their driving path.

As briefly described above, the subject parcel is accessed by a 20 ft. wide access easement through 1270 Orange Avenue (APN 071-013-120) and 1280 Orange Avenue (APN 071-013-130) which directly front onto the public right-of-way, and 1272 Orange Avenue (APN 071-013-160) behind them (See Attachment D). This private road serves as the primary access to both the subject property and 1272 Orange Avenue and serves as secondary access to the rear detached garages at 1280 and 1270 Orange Avenue. As seen in Attachment D, the asphalt paving (shown in light green) extends beyond the 20 ft. access easement (shown in dark green) and into the front yard setback area of the neighboring parcel for guest parking at 1272 Orange Avenue (See Attachment E). Currently and historically, all vehicles exit the subject property by backing into the

easement, and onto the neighboring parcel's paved area to turn around, before exiting the private road to merge onto Orange Avenue. The approval of the home improvement exception would not modify the historic use of the access easement that passes through 1272 Orange Avenue. The addition of the garage would allow for two covered spaces, and two uncovered spaces in the driveway, with the potential of a third compact space at the entrance to the residence. There is no barrier or change in material delineating the access easement for the subject parcel from the front yard of the neighboring parcel, nor barriers restricting encroachment. Since the easement is designated as a private road, there are no zoning regulations or County ordinances that compel its maintenance or regulate its use. Without a civil maintenance and use agreement recorded with the properties impacted by the access easement, parking enforcement becomes a civil matter amongst aggrieved parties.

(4) Alternatives, including the construction of a second story over their current garage.

The applicant has stated that the additional cost of adding a second story would make the project infeasible with their available budget, while not achieving the goal of adding a ground floor living room and laundry room. The proposed siting of the garage addition in the designated front yard setback location, is necessary as the only access to the parcel is through the 20-foot wide easement starting in the southwest corner of the parcel fronting the adjacent parcel at 1272 Orange Avenue. Typically, parcels are oriented along the length of the parcel, with entrances on the shortest side with street fronting access. In the case of this proposal, the closest the applicant can comply is locating the garage addition within the front yard setback, approximately 18 feet from the side property boundary. This accommodates the required two covered parking spaces and provides two uncovered spaces in the proposed driveway (see Attachment C). The project proposal meets all other zoning regulation requirements and will be in compliance with the approval of the home improvement exception.

b. <u>Home Improvement Exception Criteria</u>

Staff has reviewed the project for compliance with the Home Improvement Exception criteria which include:

 An addition to an existing residential dwelling unit within an R-1 district.

- (2) The addition will not result in the creation of a new story.
- (3) At least 75% of the existing exterior walls (in linear feet) will remain.
- (4) At least 50% of the existing roof area will remain.
- (5) The addition will be located at least three feet from a property line.
- (6) The existing building is located in an area with an average slope of less than 20%.
- (7) Total floor area approved through a home improvement exception shall not be greater than 250 sq. ft.

c. <u>Home Improvement Exception Findings</u>

In order to approve the Home Improvement Exception, the zoning Hearing Officer must make the following findings.

 The existing structure has a design or there are conditions applicable to the property such that the proposed project would result in only minor exterior changes.

The addition to the garage will match the existing home and garage with regard to architectural style (board and batten wood siding) and details. The improvements will not be viewed from the public right-of-way, nor impede access.

2. The Home Improvement Exception sustains the integrity or enhances an existing design concept or the neighborhood character.

The proposed addition will match the existing finishes, colors, and materials of the residence. The architectural style is in keeping with the surrounding neighborhood aesthetic.

3. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.

The encroachment into the front setback authorized through this HIE will not significantly increase the intensity of residential use on the property and will have a negligible impact on the public health or safety of the community. The improvements will make

a negligible change to existing traffic and parking practices. The required building permit will further ensure public health and safety.

4. The Home Improvement Exception authorizes only uses or activities which are permitted by the zoning district.

The addition of the garage and laundry room makes no changes to the existing residential use, which is an allowed use in this residential zoning district.

5. The Home Improvement Exception is consistent with the objectives of the General Plan and the Zoning Regulations.

The exception for this project meets all the criteria required for a Home Improvement Exception and with approval, will provide sufficient parking, and sufficient setbacks that provide adequate separation between buildings for light and air, while maintaining privacy.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt under the provisions of Class 1, Section 15301 (Existing Facilities), of the California Environmental Quality Act Guidelines, for the operation of and minor alteration to existing private structures, involving negligible expansion of use beyond that existing at the time of the lead agency's determinations.

C. <u>REVIEWING AGENCIES</u>

Building Inspection Section Geotechnical Section (Drainage) CalFire

ATTACHMENTS

- A. Findings and Conditions of Approval
- B. Vicinity Map
- C. Project Plans
- D. Boundary Survey with Easement/Asphalt Area
- E. Site Pictures

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County of San Mateo Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Project File Number: PLN 2018-00327 Hearing Date: July 11, 2019

Prepared By: Bryan Albini, Project Planner For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is categorically exempt under provisions of Class 1, Section 15301 (*Existing Facilities*), of the California Environmental Quality Act Guidelines, for minor alteration to existing private structures, involving negligible expansion of use beyond that existing at the time of the lead agency's determinations.

For the Home Improvement Exception, Find:

- 2. That the existing structure has a design or there are conditions applicable to the property such that the proposed project would result in only minor exterior changes. The addition to the garage will match the existing home and garage with regard to architectural style (board and batten wood siding) and details. The improvements will not be viewed from the public right-of-way, nor impede access.
- 3. That the Home Improvement Exception sustains the integrity or enhances an existing design concept or the neighborhood character. The proposed garage is designed to match, both in material and mass, the existing single-story residence. The proposed addition will match the existing finishes, colors, and materials of the residence. The architectural style is in keeping with the surrounding neighborhood aesthetic. The proposed addition cannot be seen from the public right-of-way on Orange Avenue.
- 4. That the granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience. The encroachment into the front setback authorized through this HIE will not significantly increase the intensity of residential use on the property and will have a negligible impact on the public health or safety of the community. The improvements will make a negligible

- change to existing traffic and parking practices. The required building permit will further ensure public health and safety.
- 5. That the Home Improvement Exception authorizes only uses or activities which are permitted by the zoning district. The proposed attached garage will not change or modify the existing use on the property, a single-family residence within the R-1/S-72 Zoning District.
- 6. The Home Improvement Exception for this project is consistent with all the criteria required for a Home Improvement Exception and with approval, will provide sufficient parking, and setbacks that provide adequate separation between buildings for light and air, while maintaining privacy.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

- This approval applies only to the proposal as described in those plans, supporting materials and reports and as approved by the Zoning Hearing Officer on July 11, 2019. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director, if they are consistent with the intent of and in substantial conformance with this approval.
- 2. This permit shall be valid for two years. If after two years from the date of approval, the applicant has not obtained all other necessary permits and made substantial progress toward completing the proposed development, the permit will expire. An extension may be granted if the applicant has obtained all other necessary permits and made substantial progress toward completing the proposed development, and/or the applicant requests an extension in writing, with payment of applicable fees, at lease sixty (60) calendar days before the expiration date.
- 3. The applicant shall include the permit approval letter on the top pages of the building plans.
- 4. The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:
 - a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
 - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.

- c. Performing clearing and earth-moving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges, to storm drains and watercourses.
- g. Use of sediment controls or filtration to remove sediment when dewatering the site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- I. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the building inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
- n. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
- 4. The applicant shall include an erosion and sediment control plan to comply with the County's Erosion Control Guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control measures to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.

- 5. During project construction, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
 - a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
 - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
 - c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.
- 6. The applicant shall include an erosion and sediment control plan to comply with the County's Erosion Control Guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control measures to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
- 7. All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.
- 8. No site disturbance shall occur, including any vegetation removal or grading, until a building permit has been issued.
- 9. To reduce the impact of construction 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 Edgewood Road. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Edgewood Road. There shall be no storage of construction vehicles in the public right-of-way.
- 10. 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).
- 11. At the building permit application stage, the project shall demonstrate compliance with the Water Efficient Landscape Ordinance (WELO) and provide the required forms. WELO applies to new landscape projects equal to or greater than 500 sq. ft. A prescriptive checklist is available as a compliance option for projects under 2,500 square feet. WELO also applies to rehabilitated landscape projects equal to or greater than 2,500 square feet. The following restrictions apply to projects using the prescriptive checklist:
 - a. Compost: The project must incorporate compost at a rate of at least four (4) cubic yards per 1,000 sq. ft. to a depth of 6 inches into the landscape area (unless contra-indicated by a soil test).
 - b. Plant Water Use (Residential): Install climate adapted plants that require occasional, little, or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water.
 - c. Mulch: A minimum 3-inch layer of mulch should be applied on all exposed soil surfaces of planting areas, except in areas of turf or creeping or rooting groundcovers.
 - d. Turf: Total turf area shall not exceed 25% of the landscape area. Turf is not allowed in non-residential projects. Turf (if utilized) is limited to slopes not exceeding 25% and is not used in parkways less than ten (10) feet in width. Turf, if utilized in parkways, is irrigated by sub-surface irrigation or other technology that prevents overspray or runoff.
 - e. Irrigation System: The property shall certify that Irrigation controllers use evapotranspiration or soil moisture data and utilize a rain sensor; irrigation controller programming data will not be lost due to an interruption in the primary power source; and Areas less than ten (10) feet in any direction

utilize sub-surface irrigation or other technology that prevents overspray or runoff.

- 13. At the building permit application stage, the applicant shall submit a tree protection plan which protects off-site trees within the proximity of grading and/or construction activities, including the following:
 - a. Identify, establish, and maintain tree protection zones throughout the entire duration of the project.
 - b. Isolate tree protection zones using 5-foot tall, orange plastic fencing supported by poles pounded into the ground, located at the driplines as described in the arborist's report.
 - c. Maintain tree protection zones free of equipment and materials storage; contractors shall not clean any tools, forms, or equipment within these areas.
 - d. If any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting as required in the arborist's report. Any root cutting shall be undertaken by an arborist or forester and documented. Roots to be cut shall be severed cleanly with a saw or toppers. A tree protection verification letter from the certified arborist shall be submitted to the Planning Department within five (5) business days from site inspection following root cutting.
 - e. Normal irrigation shall be maintained, but oaks shall not need summer irrigation, unless an arborist's report directs specific watering measures to protect trees.
 - f. Street tree trunks and other trees not protected by dripline fencing shall be wrapped with straw wattles, orange fence, and 2 x 4 boards in concentric layers to a height of eight (8) feet.
 - g. Prior to issuance of a building permit or demolition permit, the Planning and Building Department shall complete a pre-construction site inspection, as necessary, to verify that all required tree protection and erosion control measures are in place.

Building Inspection Section

- 14. The proposed project requires a building permit.
- 15. The project shall be designed and constructed according to the currently adopted and locally amended California Building Standards Code, which at the time of this review is the 2016 version.

16. The proposed "family room" meets the County of San Mateo definition of a bedroom and this would necessitate the installation of fire sprinklers throughout the entire house as the number of bedrooms would exceed 4, which is the County of San Mateo threshold for required installation of fire sprinklers. However, it also appears that this area of construction meets the description of an ADU and as such if the application is submitted as an ADU creation then the requirement for fire sprinkler installation is preempted by the state.

Menlo Park Fire Protection District

17. Any increase in the current permitted occupancy will require installation of fire sprinklers. Further comments and review will be addressed at the time of Building Permit submittal.

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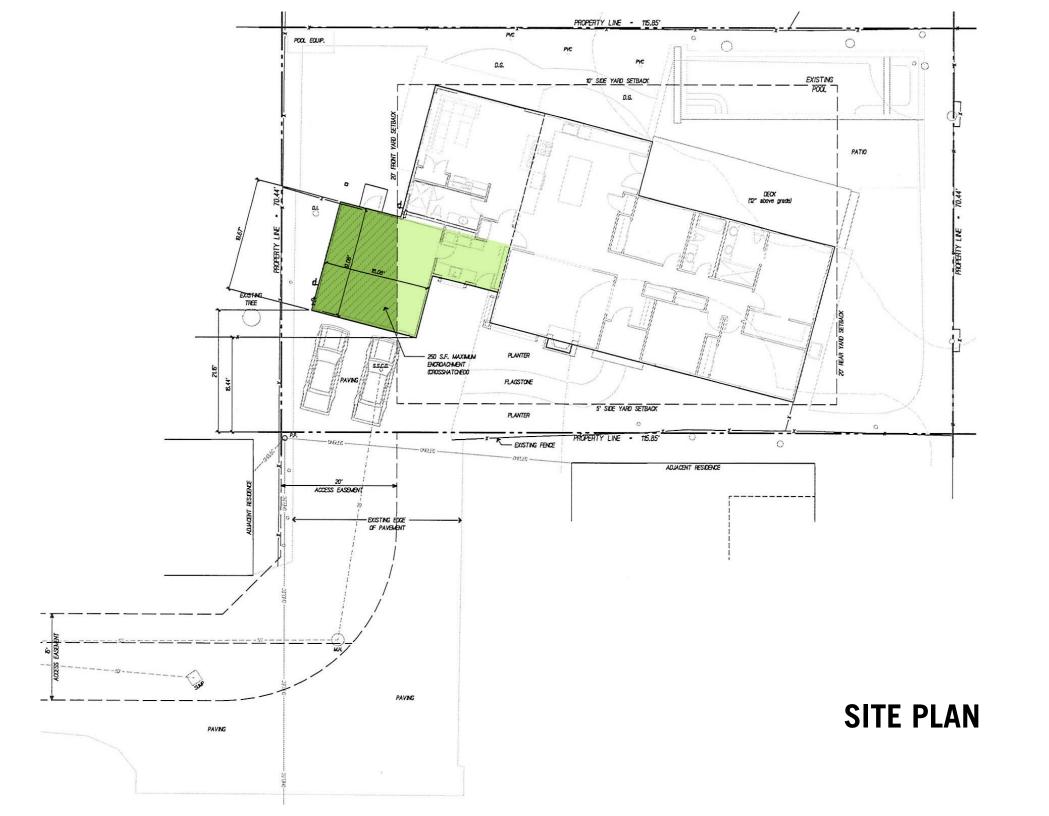


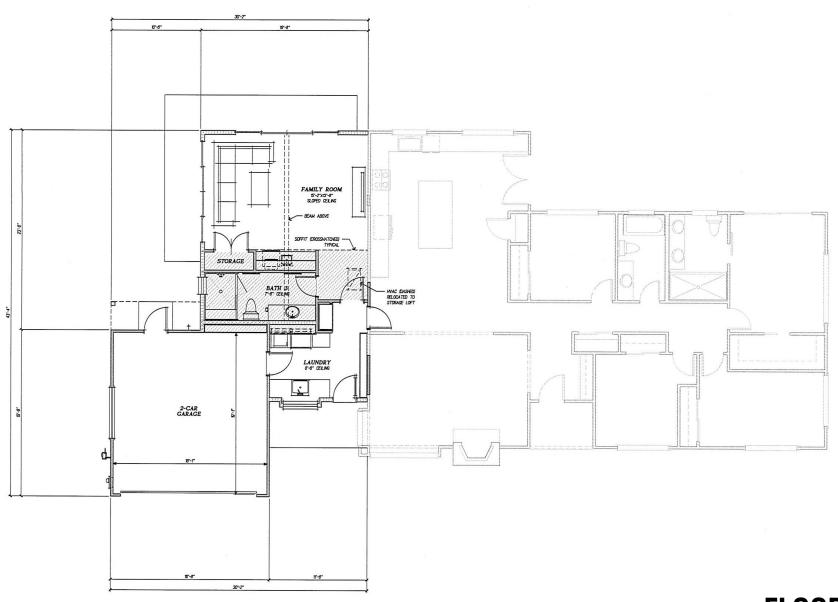
ATTACHMENT B





ATTACHMENT C





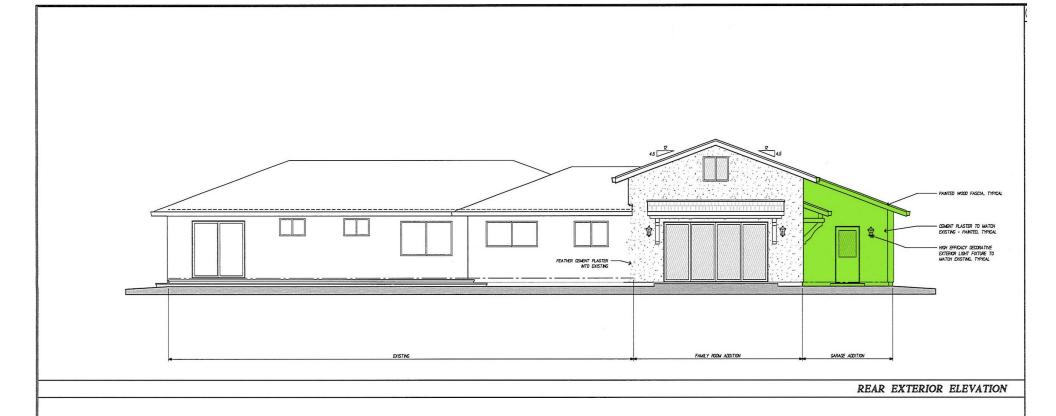
FLOOR PLAN





FRONT ELEVATION

RIGHT SIDE EXTERIOR ELEVATION



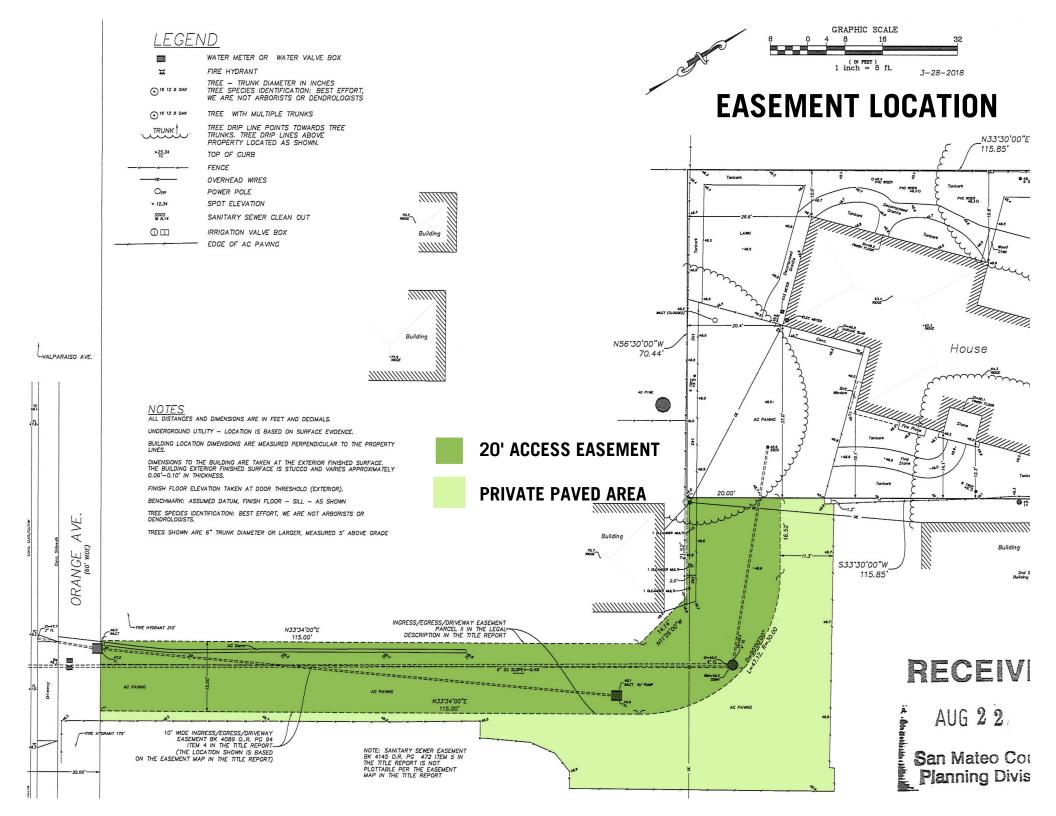


REAR ELEVATION

LEFT SIDE EXTERIOR ELEVATION



ATTACHMENT D





ATTACHMENT E







