

North Fair Oaks Community Council

San Mateo County Coordinated Departmental Response



DATE: March 11, 2024

NFOCC MEETING DATE: March 28, 2024

SPECIAL NOTICE/HEARING: 10 days, within 300 feet

VOTE REQUIRED: Majority

TO: Members, North Fair Oaks Community Council

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit and Off-Street Parking Exception, pursuant

to Sections 6137, 6503, 6570.5.5. and 6570.5.9.(d) of the County's Zoning Regulations, to legalize two single-story attached residential units with two uncovered parking spaces, a minimum building height of 9 feet 3 inches where 36 feet is the minimum building height required, and a 0-foot left side yard setback where 2 feet is required, on a conforming 5,000 sq. ft. parcel located at 424 Dumbarton Avenue in North Fair Oaks. No tree

removal and no grading are proposed.

County File Number: PLN2023-00216 (Tran/Rodighiero)

PROPOSAL

The applicant proposes to legalize the conversion of a commercial building into two single-story attached habitable residential units (Units A and B) that were converted without permits. Each habitable unit is approximately 268 square feet. The attached habitable units are located at the front of the existing parcel in the CMU-3 (Commercial Mixed Use-3, North Fair Oaks) Zoning District where 5,000 sq. ft. is the minimum lot size.

A detached 1,211 sq. ft. commercial office building is also located on the property; no changes are proposed to this commercial building or use. Legalization of the two 268 sq. ft. residential units result in a horizontal commercial-residential mixed-use that requires a Use Permit in the CMU-3 Zoning District. A Non-Conforming Use Permit is required to maintain a 0-foot left side yard setback where 2 feet is required and a building height of 9 feet 3 inches where 36 feet is the minimum required. A Use Permit is also required to allow exception for zero EV parking space where one is required for the residential units.

RECOMMENDATION

That the North Fair Oaks Community Council provide a recommendation to the Zoning Hearing Officer on the Use Permit and Off-Street Parking Exception, PLN2023-00216.

BACKGROUND

Report Prepared By: Olivia Boo, Project Planner, oboo@smcgov.org

Owner/Applicant: Rodighiero Properties LLC/Kyle Tran

Location: 424 Dumbarton Avenue, Unit A and B, North Fair Oaks

APN: 054-222-300

Parcel Size: 5,000 sq. ft.

Existing Zoning: CMU-3 (Commercial Mixed Use-3 District, North Fair Oaks)

General Plan Designation: Commercial Mixed-Use (Medium High Density)

Existing Land Use: Commercial office (building No.1), and two residential units (building No.2) proposed to be legalized.

Water Supply: Existing service by California Water Service-Bear Gulch

Sewage Disposal: Existing service by Fair Oaks Sewer District

Flood Zone: Zone X (area of minimal flood hazard), FEMA Panel Number 06081C0302E, effective date: October 16, 2012.

Environmental Evaluation: The project is categorically exempt pursuant to California Environmental Quality Act Guidelines Section 15301, Class 1(a), consisting of the minor alteration of an existing private structure, interior alterations involving such things as interior partitions, plumbing and electrical conveyances.

Setting: The property is located in the unincorporated community of the North Fair Oaks area and is developed with one single-story 1,211 sq. ft. commercial office building located at the rear of the parcel and two attached single-story residential units, totaling 268 sq. ft. each, located at the front of the parcel (being the subject of this Use Permit). The property has uncovered parking spaces for more than four cars onsite, but there is not existing covered parking. The area is developed with both commercial and residential uses.

DISCUSSION

A. **KEY ISSUES**

1. Compliance with the General Plan/North Fair Oaks Community Plan

The County's North Fair Oaks Community Plan designates the parcel as Commercial Mixed-Use (Medium High Density). The current permitted commercial use on the property is consistent with this designation. The proposed legalization of two residential units requires the subject Use Permit. All public services and infrastructure are available to serve the project.

2. Compliance with the Zoning Regulations

a. Development Standards

The project parcel is zoned CMU-3 and complies with the development standards, except for the left side yard setback which the applicant is seeking the subject (Non-Conforming) Use Permit to address.

	CMU-3 Development Standard	Existing	Proposed Addition
Minimum Lot Size	5,000 sq. ft.	5,000 sq. ft.	No change
Minimum Front Setback	0 ft. + 8 ft. sidewalk	9 ft. + 5 ft. wide sidewalk	No change
Minimum Rear Setback	10 ft.	>50 ft. (to residential building)	No change
Minimum Side Setbacks	8 ft. (Including sidewalk)	6-ft. sidewalk, left side* 27 ft., right side	No change
Minimum/Maximum Building Height	36 ft. minimum height 75 ft. maximum height	9 ft., 3 in.*	No change*

Floor Area Ratio	200% (mixed-use)	34%/1,747 sq. ft.	No change
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^{*}Non-Conforming Use Permit required.

3. Parking Requirements

Section 6570.8 (Parking) supersedes Sections 6119 of the County Zoning Regulations (Parking Spaces Required) regarding the minimum number of off-street parking spaces required. Table 1, A.2 (Residential Development) states dwelling units in a Mixed-Use Development requires one (1) covered parking space for each unit with 0-2 bedrooms. Two (2) total covered parking spaces are required for the two units proposed to be legalized as each unit has 1 bedroom. There is no existing covered parking on site for the residential units, nor is there adequate free and clear space to propose covered parking onsite, thus, an Off-Street Parking Exception is required. There is adequate parking space between the commercial building (building No.1) and the residential units (building No.2), and onsite to provide clear unobstructed uncovered parking. Building No.1 includes an attached one car garage to an existing 980 sq. ft. office and storage use which requires one covered or uncovered parking space per 250 sq. ft. (total of 4 spaces) where three (3) parking spaces are provided, including one existing garage space plus two (2) uncovered onsite parking spaces.

Sections 6570.8.A.5 and 6570.8.A.7 identify that parking for residential development requires 0.25 covered or uncovered private bicycle parking spaces on site per dwelling unit and a minimum of one dedicated electrical vehicle (EV) parking space per project. There is adequate space onsite to accommodate uncovered bicycle parking for more than one bicycle. The project is requesting to legalize the conversion of commercial use to residential use, for an existing building, no additional changes are proposed. No EV parking is proposed, and the applicant is requesting an exception to the EV parking requirement.

4. Conformance with Use Permit Findings

The following findings, as required by Zoning Ordinance Sections 6503 (Procedures) and 6570.5.9 (Horizontal Mixed-Use Development - Additional Standards), must be made in order to grant approval of the Use Permit.

a. In order to grant the Use Permit as applied for or conditioned, the findings of the Zoning Hearing Officer must include that the establishment, maintenance and/or conducting of the 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 said neighborhood. The two attached residential units utilize an existing legal building onsite. Horizontal residential space in conjunction with a commercial use is allowed upon approval of a Use Permit. The two units will be required to comply with all San Mateo County Building Inspection Section requirements. The Building Inspection Section has reviewed the proposed development and has conditionally approved the project. As conditioned, the project will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The building has already been converted to residential use and, only minor modifications are expected to be necessary to comply with Building code. Minimal changes, if any, are expected to the exterior. Legalizing the residential units contributes to fulfilling the County's goal of providing needed housing in the bay area. The project site is not located within the coastal zone, thus no coastal resources will be impacted.

b. That the horizontal mixed use development is compatible with the surrounding uses, and will not detract from the commercial, pedestrian-oriented character of the street.

The surrounding area includes a mix of commercial and residential uses. The commercial and residential uses are operating in existing one-story buildings, thus the residential use proposed to be legalized in an existing one-story building matches with the surrounding uses and is not expected to detract from existing commercial uses or the pedestrian -oriented character of the street.

c. That the horizontal mixed use development has been designed so as to most closely match the intent of mixed use development in this district, as described in Chapter 2 of the North Fair Oaks Community Plan.

The two residential units proposed to be legalized constitutes is horizontal mixed use (residential and commercial) thus matching the intent of mixed use development.

d. That the horizontal alignment of the uses is necessary due to specific characteristics of the type or mix of uses in the proposed development, or due to the specific character of the parcel or location of the development.

The horizontal alignment is necessary given the building already exists, the interior use of the building for residential has already been converted and no significant changes are proposed to the structure with exception of compliance with building code regulations.

e. That provision of the same uses in a vertical mixed-use design would be unduly costly, burdensome, or would not meet the intent of mixed-use

development in this district, as described in Chapter 2 of the North Fair Oaks Community Plan.

The building conversion proposed to be legalized already exists, thus requiring a vertical mixed use design would be costly and burdensome as it would require that one of the existing buildings, building No.1 or No.2, be reconstructed atop the other support a second story residential unit.

5. Compliance with the Off-Street Parking Exception Findings

In addition to the ability to obtain a use permit for off-site parking and, in accordance with Zoning Regulations Section 6570.9.2.d., the Director of Planning and Building may grant an exception to modify the number of (vehicle and bicycle) parking spaces, size, location, or design of required parking areas upon the following findings:

- (1) The number of spaces, location, and design of existing bicycle parking would adequately serve the new building occupants.
 - There is more than adequate space on site to provide one designated bicycle parking in compliance with the CMU-3 district.
- (2) Extenuating and/or unusual circumstances exist relating to property shape or location of development that impair compliance with Section 6570.8.

Due to the location of the existing buildings, there is not adequate space to construct a new two-car garage or carport without obstructing existing access to the rear building's existing (commercial) garage doors. Requesting an Off-Street Parking Exception to provide two uncovered parking space located between the buildings will be as nearly in compliance with the parking regulations as reasonably possible.

6. <u>Impact on Housing Opportunities or Displacement</u>

The project proposes to legalize two residential units which add two small residential units to the County's housing supply. Each unit is 1 bedroom, 1 bathroom and of approximately 268 sq. ft., thus, providing a more economical housing option within the County. The residential units to be legalized will not result in displacement.

REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Fair Oaks Sewer District
California Water Service-Bear Gulch

Menlo Park Fire District

ATTACHMENTS

- Vicinity Map Plans A.
- B.

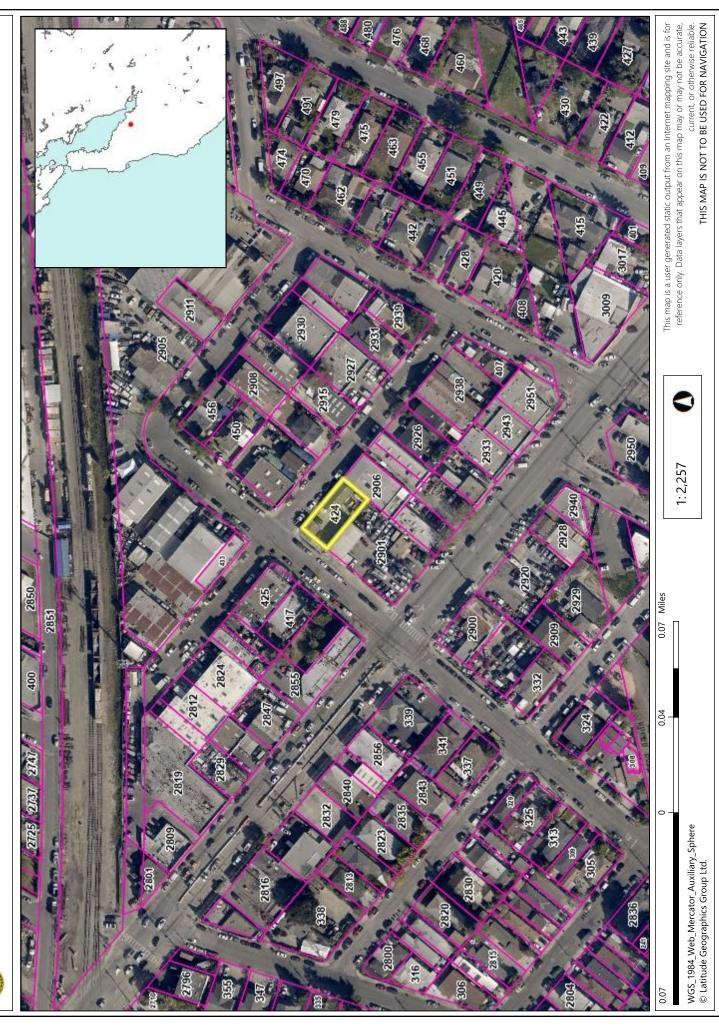
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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT A

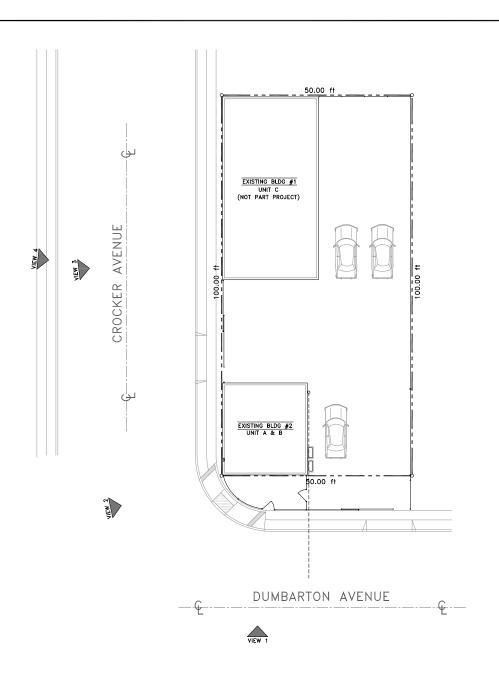






COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B













&mart . Comfortable . Functional

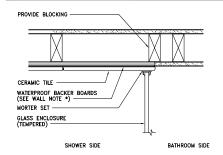
REDWOOD CITY

01.02.23 ISSUED FOR BUILDING REVIEW 02.02.23 A RESPONDING TO COMMENTS 04.18.23/2 RESPONDING TO COMMENTS
07.03.23 ISSUED – USE PERMIT REVIEW

PHOTOS OF STREET VIEWS



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* WALL NOTE:

PER CRC R702.4.2 BACKER BOARDS, MATERIALS USED AS BACKERS FOR WALL TILE IN TUB & SHOWER AREAS & WALL PANELS IN SHOWER AREAS & WALL PANELS IN SHOWER AREAS SHALL BE OF MATERIALS LISTED IN TABLE R702.4.2. & INSTALLED IN ACCORDANCE THE MANUFACTURER'S RECOMMENDATIONS.

TABLE R702.4.2

BACKER BOARD MATERIALS			
MATERIAL	STANDARD		
Glass mat gypsum backing panel	ASTM C1178		
Fiber-reinforced gypsum panels	ASTM C1278		
Nonashestos fiber-cement backer board	ASTM C1288 or ISO 8336, Category C		
Nonasbestos fiber mat reinforced cementitious backer units	ASTM C1325		

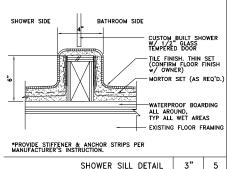
SHOWER TILE TRANSITION

3"

4

ELECTRICAL LEGEND

- SURFACE MOUNT LIGHT (IN CEILING) φ.
- ф SURFACE MOUNT LIGHT (ON WALL)
- WALL MOUNT EXT. SCONCE W/ WATERPROOF HOUSING
- EXHAUST FAN
- SINGLE POLE SWITCH
- DUPLEX RECEPTACLE
- DEDICATED APPLIANCE
- CIRCUIT (SD) SMOKE DETECTOR
- (CM) CARBON MONOXIDE ALARM



BATHROOM ELECTRICAL & MECHANICAL NOTES:

B. EXHAUST FANS WITH A MINIMUM VENTILATION RATE OF 50 CFM

ARE REQUIRED IN ALL BATHROOMS, EVEN IF AN OPERABLE WINDOW IS INSTALLED. EXHAUST FANS AND LIGHTING SHALL HAVE

SEPARATE CONTROL SWITCHES (EVEN IF A COMBINATION UNIT IS

IF ANY NEW/ADDITIONAL OUTLETS ARE INSTALLED, THE BATHROOM SHALL HAVE A DEDICATED 20-AMP CIRCUIT.

SMOKE & CARBON MONOXIDE NOTES

A. SMOKE ALARMS SHALL BE INSTALLED IN ALL SLEEPING ROOMS, EACH AREA/HALLWAY ADJACENT TO SLEEPING ROOMS, AND ON EACH FLOOR.

B. CARBON MONOXIDE (CO) ALARMS SHALL BE INSTALLED ON THE CEILING OR WALL IN EACH AREA/HALLWAY ADJACENT TO SLEEPING ROOMS AND ON EACH FLOOR.

C. SMOKE ALARMS AND CARBON MONOXIDE ALARMS ARE REQUIRED TO BE LISTED BY THE CALIFORNIA STATE FIRE MARSHAL.

D. CARBON MONOXIDE AND SMOKE ALARMS SHALL BE HARDWIRED AND INTERCONNECTED, SUCH THAT THE ACTIVATION OF ONE ALARM WILL ACTIVATE ALL ALARMS) w/ A BATTERY BACK-UP.

E. THE ALARM SHALL BE CLEARLY AUDIBLE IN ALL BEDROOMS OVER BACKGROUND NOISE LEVELS w/ ALL INTERVENING DOORS CLOSED (CRC R314.4)

*FAN NOTE:

APPLIANCE), AND FOR RECEPTACLES SUPPLYING

B. RECEPTACLES ARE TO BE LOCATED SO NO APPLIANCES ARE FURTHER THAN 2'-0 FROM ANY PLUG. (4'-0" MAX. APART LOCATED ON ALL COUNTERS).
COUNTERTOPS WIDER THAN 12" REQUIRE RECEPTACLES. COUNTERTOP RECEPTACLES SHALL BE LOCATED NO MORE THAN 20" ABOVE THE COUNTERTOP.

C. ELECTRIC STOVES AND OVENS SHALL BE SUPPLIED WITH A 40- OR 50- AMP BRANCH CIRCUIT.

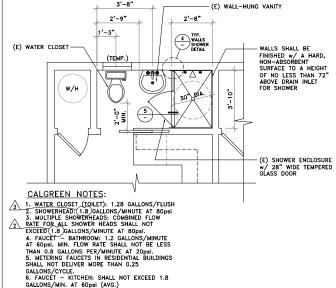
COUNTERTOP RECEPTACLES SHALL BE SUPPLIED BY A

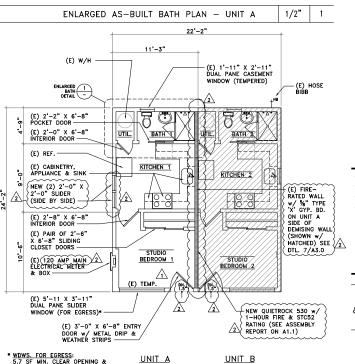
KITCHEN ELECTRICAL NOTES

A. GFCI PROTECTION SHALL BE PROVIDED FOR ALL COUNTERTOP RECEPTACLES, RECEPTACLES WITHIN 6 FEET OF A SINK (INCLUDING BELOW COUNTER AND BEHIND AN

MINIMUM OF TWO 20-AMP BRANCH CIRCUITS. A DEDICATED CIRCUIT IS REQUIRED FOR CORD AND

PLUG CONNECTED RANGE EXHAUST HOODS. SEPARATE CIRCUITS MAY BE REQUIRED FOR THE GARBAGE DISPOSAL, DISHWASHER, AND BUILT-IN MICROWAVE BASED ON THE MANUFACTURER'S REQUIREMENTS AND





AS-BUILT FLOOR PLAN - UNIT A

(NOT PART OF THIS PERMIT)

1/4"

2

MAX SILL HEIGHT OF 44" A.F.F.

1/4"

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REDWOOD

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01.02.23 ISSUED FOR BUILDING REVIEW 02.02.23/1 RESPONDING TO COMMENTS 04.18.23/2 RESPONDING TO COMMENTS 07.03.23 ISSUED - USE PERMIT REVIEW

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EXISTING FLOOR PLAN & EXISTING ELEC. PLAN



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INSTALLED). THE EXHAUST FAN MAY NEED TO BE SUPPLIED BY A GFCI PROTECTED CIRCUIT BASED ON THE MANUFACTURER'S C. LIGHTING FIXTURES LOCATED WITHIN 3 FEET HORIZONTALLY AND 8 FEET VERTICALLY OF THE BATHTUB OR SHOWER STALL THRESHOLD SHALL BE LISTED FOR A DAMP LOCATION, OR LISTED FOR WET LOCATIONS WHERE SUBJECT TO SHOWER SPRAY.

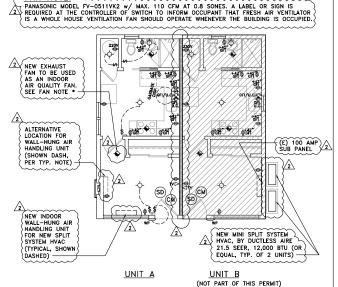
D. EACH BATHROOM SHALL HAVE ONE LIGHT FIXTURE CONTROLLED BY A VACANCY SENSOR SWITCH THAT REQUIRES A MANUAL ON BY A VACANCY SENSOR SWITCH THAT REQUIRES A MANUAL ON ACTIVATION (DOES NOT AUTOMATICALLY TURN ON) AND AUTOMATICALLY TURNS OFF WITHIN 30 MINUTES AFTER THE ROOM IS VACATED. ALL OTHER LIGHT FIXTURES SHALL BE CONTROLLED BY A VACANCY SENSOR OR DIMMER.

E. THE MIXING VALVE IN THE TUBS AND SHOWERS (INCLUDING OVER A TUB) SHALL BE PRESSURE BALANCING SET AT A MAXIMUM 120 DEGREES FAHRENHEIT. THE WATER-FILLER VALVE IN BATHTUBS/WHIRLPOOLS SHALL HAVE A TEMPERATURE LIMITING DEVICE SET AT A MAXIMUM OF 120 DEGREES FAHRENHEIT. THE WATER HEATER THERMOSTAT CANNOT BE USED TO MEET THESE

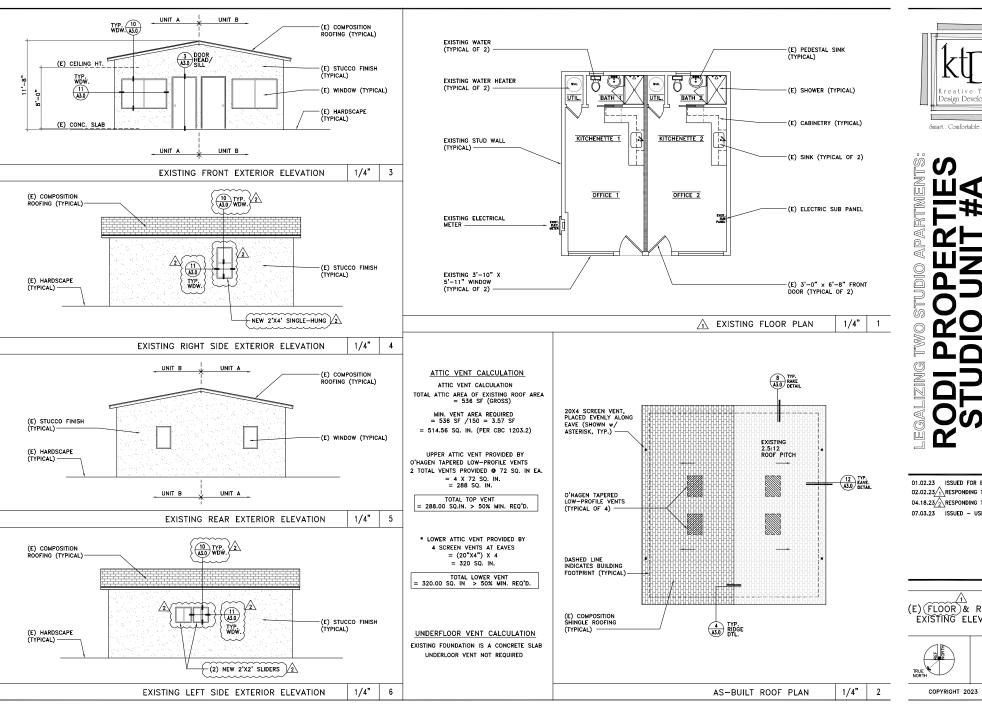
F. SHOWER STALLS SHALL BE A MINIMUM FINISHED INTERIOR OF 1,024 SQUARE INCHES, BE CAPABLE OF ENCOMPASSING A 30 INCH DIAMETER CIRCLE. ANY DOORS SHALL SWING OUT OF THE ENCLOSURE HAVE A CLEAR OPENING OF 22 INCHES MINIMUM.

G. SHOWER STALLS AND BATHTUBS WITH SHOWER HEADS INSTALLED, SHALL HAVE WALLS FINISHED WITH A NONABSORBENT SURFACE FOR A MINIMUM OF 6 FEET ABOVE THE FLOOR.

H. THE WATER CLOSET SHALL HAVE A MINIMUM CLEARANCE OF 30 INCHES WIDE (15 INCHES ON CENTER) AND A MINIMUM CLEARANCE OF 24 INCHES IN FRONT.



AS-BUILT ELECTRICAL PLAN - UNIT A





REDWOOD

01.02.23 ISSUED FOR BUILDING REVIEW 02.02.23/1 RESPONDING TO COMMENTS 04.18.23/2 RESPONDING TO COMMENTS 07.03.23 ISSUED - USE PERMIT REVIEW



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