

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

**DATE:** February 19, 2015

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Use Permit, pursuant to Sections 6253.3.F, 6135, and 6136 of the County Zoning Regulations, to allow for the conversion of an existing commercial building into a mixed use development located at 3113 Middlefield Road in the unincorporated North Fair Oaks of San Mateo County.

County File Number: PLN 2014-00070 (Miller)

**PROPOSAL**

The applicant is proposing to convert an existing two floor commercial office building into a mixed use development by converting the second floor into two one-bedroom apartments while maintaining the office and storage space on the first floor. The proposed conversion will result in only minor exterior changes to the structure as windows will be added to the left side of the structure to allow for required emergency ingress and egress.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Use Permit, County File Number PLN 2014-00070, by making the required findings and adopting the conditions of approval listed in Attachment A.

**BACKGROUND**

Report Prepared By: Angela Chavez, Project Planner, Telephone 650/599-7217

Owner: Timothy Vine

Applicant: Greg Miller

Location: 3113 Middlefield Road, North Fair Oaks

APN: 060-059-340

Parcel Size: 6,098 sq. ft.

Existing Zoning: C-1/NFO/S-1/DR (Neighborhood Commercial/North Fair Oaks/  
5,000 sq. ft. minimum parcel size/Design Review)

General Plan Designation: Neighborhood Mixed Use

Existing Land Use: Commercial

Parcel Legality: A portion of lots 54 and 55 Block 3 of North Fair Oaks Subdivision (5-RSM- page 21; recorded August 1907). County Building Permit #801922 issued November 1980 for construction of existing building.

Flood Zone: Zone X (areas of minimal flooding), FEMA Panel 06081C-0302E, Effective Date: October 16, 2012.

Environmental Evaluation: Exempt; CEQA Section 15301 (Class 1, Minor alteration of existing structures)

Setting: The project site is located on Middlefield Road between Third and Fourth Streets. The property is currently developed with a two story commercial building and is utilized as office space for a landscaping design and build company. A driveway runs down the left side of the parcel to serve the existing uncovered parking area and garage space at the rear of the building. Currently, the site has six uncovered parking spaces and two covered parking spaces. The area surrounding the parcel is completely developed. The properties along Middlefield Road consist of a mix of commercial uses while the properties to the rear of the subject property consist of single-family residential development.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Conformance with General Plan**

Staff has reviewed the project for conformance with the General Plan and has determined that the project is in conformance. The policies applicable to this project include the following:

#### **Visual Quality**

Policy 4.35 (*Urban Area Design Concept*) encourages the maintenance and where possible improvement of the appearance and visual character of development in urban areas. The conversion of the second floor of the structure does not result in any significant exterior changes to the existing building. New windows will be added to the left side of the structure but no

other exterior changes are proposed. Therefore, as the project maintains the existing appearance and visual character of the building, it is found to be consistent with this policy.

### Urban Land Use

The North Fair Oaks Community is defined as an existing Urban Community by the General Plan and has an adopted community specific plan which is referred to as the North Fair Oaks Community Plan (NFOCP). The General Plan defers to the NFOCP to provide the applicable land use designation for this area. The NFOCP designates the project parcel to be located within the Neighborhood Mixed Use General Plan designation. The policies regarding the regulation of development in these areas encourage mixed use (residential and commercial) development when general development standards are followed. The policies also encourage that development standards be adopted to ensure that development is consistent with the defined land use designation. In accordance with this, the underlying zoning district for the subject parcel includes requirements regarding minimum setbacks, maximum lot coverage, maximum floor area, and maximum height of development. The proposed use change is consistent with the mixed use goal of the General Plan designation. There are no proposed changes to the layout of the parcel as the introduction of a new use will consist largely of interior modifications to the existing structure. The current parcel layout provides eight off-street parking spaces located at the rear of the parcel and within the building. Given the existing square footage and layout of the building, between 12-15 off-street parking spaces are required. However, the proposed project alters the manner in which parking requirements are calculated and reduces the number of required parking spaces to ten. While the proposed project involves minor changes, it continues to provide eight parking spaces. Therefore, the parking situation remains legal but non-conforming. Further, the introduction of a residential use to the site necessitates the use of the S-1 development standards which differ from the standards outlined in the C-1/NFO Chapter of the Zoning Regulations. A full discussion of compliance and non-compliance is discussed below in Section 2.

Per the updated 2011 North Fair Oaks Community Plan, the subject parcel's land use designation was changed from Commercial to Neighborhood Mixed Use. The proposed partial conversion of the existing commercial building is consistent with Goal 2.1, which encourages mixed use development along major commercial corridors to support a vibrant, urban community that integrates a range of amenities. Further, as the proposed residential units and commercial space are comparable in size, the proposed project is appropriately scaled to the surrounding area as defined by Policy 1A.

## Housing Element

Policy HE 16 specifically encourages residential uses in commercial zones. While the current zoning largely only allows properties to be developed with a single use, the updated North Fair Oaks Community Plan land use designation allows for mixed use development.

Policy HE 17 seeks to encourage a range of housing and mixed used development in proximity to transit or within commercial districts. The Middlefield Road corridor is an area that has been identified by the North Fair Oaks Community Plan as a priority area for allowing the type of development proposed through this project; and therefore, is in compliance with this policy.

### 2. Conformance with Zoning Regulations

The intent of the C-1/NFO/S-1/DR Zoning District is to provide neighborhood commercial areas intended primarily for the location of a limited number of trades and services to serve the needs of surrounding residential uses. However, residential uses are an allowed use in this zoning district with the issuance of a Use Permit. The proposed project meets the intent of the district by maintaining the first floor as available office space while providing needed additional residential units. As discussed previously, proposed alterations to the existing building will largely be to the interior with the only exterior change being the addition of windows to the left side of the structure. The site has eight existing off-street parking spaces. Of these, the two covered parking spaces will be dedicated to the residential units while the remaining six will be available for the commercial use. Per Section 6119, there are two applicable methods for determining the minimum parking required as there will be both office and residential space within the building. The parking regulations require one space for every 200 sq. ft. of office space and the residential use requires one space for each apartment (with one bedroom per apartment). Utilizing these methods of calculation the office space requires eight parking spaces where six are provided, and the residential use requires two covered parking spaces of which two have been provided. Per Section 6137 of the Zoning Regulations, relief from the parking requirements may be granted with the issuance of a Use Permit.

As discussed previously the proposed project will result in only minor changes to the existing building. While the building was constructed with the benefit of a building permit in 1980 and is consistent with the C-1/NFO development standards, the introduction of a residential use also requires the application of the S-1 development standards which have conflicting requirements. Therefore, the more restrictive aspects of the two have been applied and the existing building's compliance, or lack thereof, is shown in the table below.

TABLE 1			
Standard	C-1/NFO /S-1		Proposed
Lot Width	50 ft.		50 ft.
Lot Area (minimum)	5,000 sq. ft.		6,098 sq. ft.
Setbacks	For Residential S-1 Portions	For C-1	No changes to existing
Front	20 ft.	0 feet	2.05 ft.*
Rear	20 ft.	20 feet	42.17 ft.
Left Side	5 ft.	0 feet	15.45 ft.
Right Side	5 ft.	0 feet	0 ft.*
Lot Coverage	50% or 3,049 sq. ft.		No Change
FAR	80% or 4,878.4 sq. ft.		No Change
Building Height	30 ft.		23 ft. (Existing-No Change)
Parking	2 Spaces for Residential Use 8 Spaces for Office Use		2 Spaces for Residential Use 6 Spaces for Office Use**
* Indicates areas in which the project is non-conforming as a result of the proposal.			
** Indicates areas in which the existing condition is non-conforming regardless of the project.			

The second floor of the existing building will become legal non-conforming in regard to setbacks when it is converted to a residential use. The available off-street parking for the entire parcel will continue to remain non-conforming. However, the reallocation of space within the existing building changes the method in which the number of off-street parking spaces is calculated. This revised calculation requires ten total parking spaces where originally 12-15 parking spaces were required. Therefore, while still non-conforming, the project brings the property into greater conformity with parking requirements. Despite this, the introduction of a new use within the non-conforming building is considered an intensification of use, and therefore, a Use Permit is required to allow the conversion. In addition, per Section 6253.3.B.F of the Zoning Regulations a Use Permit is required in order to allow multiple-family residential mixed use development within this zoning district. A discussion of the required Use Permit finding is discussed below in Section 5.

### 3. North Fair Oaks Community Council

The North Fair Oaks Community Council reviewed the proposed project at their November 20, 2014 council meeting. The council inquired as to whether or not the units would be made available as affordable housing. The applicant was unsure as to whether or not these units would be made available in this way but indicated that the Council's concerns would be

forwarded to the property owner. Despite this, the Council unanimously recommended approval of the project.

The number of units proposed (two) does not reach the minimum threshold established in the County's inclusionary housing ordinance. Therefore, the owner is not required to make either unit below market rate.

4. Conformance with Design Review

The Design Review Officer found the proposed exterior alterations to the building to be minor in nature and in compliance with the design standards applicable to this zoning district, and exempted the project from review by the Design Review Committee given that the project includes only minor changes to the exterior of the structure.

5. Conformance with Use Permit Findings

Under the provisions of Section 6253.3.F, Multiple-Family Dwellings-Mixed Use developments are cited as an allowed use in the C-1/NFO Zoning District with the issuance of a Use Permit. Per Section 6137, a Use Permit is also required because the proposed project will create a non-conforming structure (i.e., setbacks) and will continue a non-conforming situation (i.e., parking). Per Section 6500, the following finding must be made in order for a Use Permit to be issued.

- a. **Find 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.**

As discussed previously, the proposed use will result in only minor exterior changes to the existing building with the addition of windows to the left side of the structure. Further, while the existing building does not meet the required setbacks for residential structures, the building is located toward the front right corner of the parcel which orients the building away from the existing residential development located to the left and rear, thereby reducing any negative impacts of the new use. Further, the existing building location is consistent with the development on adjacent parcels which provides for a consistent rhythm of building facades along the sidewalk. The proposed project is consistent with the parameters for mixed use development detailed by Section 6253.2.15 of the Zoning Regulations given that the two new residential units will be located on the second floor of the building and do not exceed the floor area of the commercial use on the first floor. In regard to the provision of off-street parking, the current building is non-conforming as the square footage and layout of the

existing building would require approximately 13 off-street parking spaces where only seven are provided. While the proposed project will continue the non-conformity, the alteration of existing parking spaces does bring the project into greater conformity as ten parking spaces total would now be required and the project includes eight parking spaces.

As discussed previously, the new mixed use building is in line with the type of development identified by the North Fair Oaks Community Plan and received a positive recommendation from the North Fair Oaks Community Council.

**B. ENVIRONMENTAL REVIEW**

This project is exempt pursuant to Section 15303 (Class 1: Minor alteration of existing structures) of the California Environmental Quality Act (CEQA).

**C. REVIEWING AGENCIES**

Department of Public Works  
Building Inspection Section  
Menlo Park Fire Protection District  
Environmental Health Division  
Fair Oaks Sewer Maintenance District  
North Fair Oaks Community Council

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan
- D. Proposed Floor Plans
- E. Proposed Elevations

AC:pac - ACCZ0082\_WPU.DOCX

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2014-00070      Hearing Date: February 19, 2015

Prepared By: Angela Chavez  
Project Planner

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

Regarding Environmental Review, Find:

1. This project is exempt pursuant to Section 15303 (Class 1: Minor alteration of existing structures) of the California Environmental Quality Act (CEQA).

For the Use Permit Find:

2. That the establishment, maintenance and/or conducting of the proposed 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 as the proposed project results in only minor visible changes to the exterior of the building and will remain consistent with the scale and design with the existing development in the neighborhood. Also, that the proposed project is consistent with the goals and objectives of the General Plan and North Fair Oaks Community Plan and will not result in detrimental impacts to the adjacent residential neighborhood.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. This approval is valid for one (1) year within which time a building permit shall be issued. If a building permit is not issued prior to the expiration date, the applicant shall file an extension with the San Mateo County Planning and Building Department by submitting the applicable application forms and paying the applicable fees.
2. 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 February



19, 2015. The Community Development Director may approve minor adjustments to the project in the course of applying for building permits if they are consistent with the intent of and in substantial conformance with this approval.

3. The applicant shall obtain a building permit and construct the improvements in accordance with the approved plans. The approval of this project is for the conversion of the existing building into mixed use only. If it is determined at the building stage that the project is infeasible due to the inability to bring the current building up to code, any monetary costs associated with these upgrades, etc., than a new planning permit may be required.

#### Building Inspection Section

4. The applicant shall obtain a building permit prior to the commencement of any work on the site and shall comply with all Building Inspection Section requirements at the building permit stage.
5. A structural evaluation of the building is required to determine the method of original construction, which includes engineering for second floor. Seismic retrofit may be required.
6. The exit at the rear of the building from the second floor is required to exit directly to the exterior of the structure. The applicant shall amend the plans to meet the required secondary exit for the second floor.
7. One-hour fire wall separation between the first and second floor and stairs is required.
8. Wood framing for the interior of residential portion of the structure is required.
9. Windows are required to meet ingress/egress requirements

#### Geotechnical Section

10. Applicant shall comply with all Geotechnical Section requirements at the building permit stage.

#### Menlo Park Fire Protection District

11. The project shall comply with the 2013 CA Building/Fire Codes and local amendments.
12. A NFPA 13 fire sprinkler system, NFPA 24 underground fire service, and NFPA 72 fire alarm monitoring system under separate fire permit is required. The fire sprinkler system is required to comply Menlo Park Fire Protection District Standards.

13. Install smoke detectors in each sleeping area, the area outside sleeping areas, and at each floor stair landing. Install carbon monoxide detectors outside sleeping areas and on each level of the building. Smoke and carbon monoxide detectors shall be interconnected for alarm.
14. The tree located in front of the building cannot block Fire Department ladder access to bedroom rescue window.
15. The applicant shall provide at least 6-inch tall with 3/4-inch stroke illuminated address numbers. The address shall be visible from the street and contrasting to its background.
16. Approved plans and approval letter must be on-site at the time of inspection.
17. Final acceptance of the project is subject to field inspection by the Menlo Park Fire Protection District. Upon completion of work and prior to closing the ceiling, contact Fire Inspector Bob Blach of the Menlo Park Fire Protection District at 650/688-8430 to schedule a final inspection. A 48-hour notice is required for all inspections.

#### Department of Public Works

18. 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.

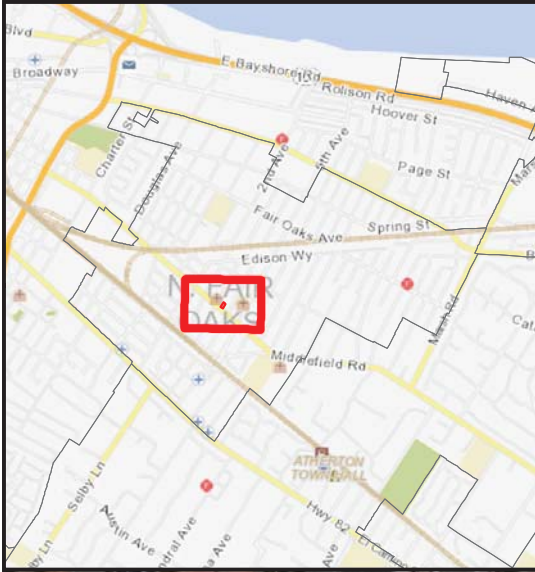
#### Fair Oaks Sewer Maintenance District (Sewer District)


19. The applicant shall submit building plans to the Sewer District for review when the building permit application is submitted. The plans shall indicate the location of the existing sewer lateral from the existing building to the Sewer District main.
20. The Sewer District will allow the proposed connection providing that all associated fees are paid. The Sewer District may require payment of an additional sewer connection fee and a sewage treatment capacity fee.
21. The Sewer District would approve the connection of the modified building if the applicant provides the Sewer District with evidence (i.e., closed circuit video camera inspection), prior to final plan approval, that the existing cleanout and lateral between the property line cleanout and sewer main meets Sewer District standards and is in acceptable condition, and the lateral connection to the main is also acceptable. The existing lateral shall be removed and replaced at the property owner's expense if the Sewer District determines that the line is in poor condition or if the lateral does not meet Sewer District standards.

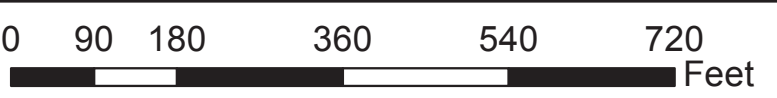
California Water Service Company

22. If a larger water service and meter are needed an application to and approval by California Water Service Company is required for any upgrades.

AC:pac - ACCZ0082\_WPU.DOCX



**PLN2014-00070**  
 Subject Parcels

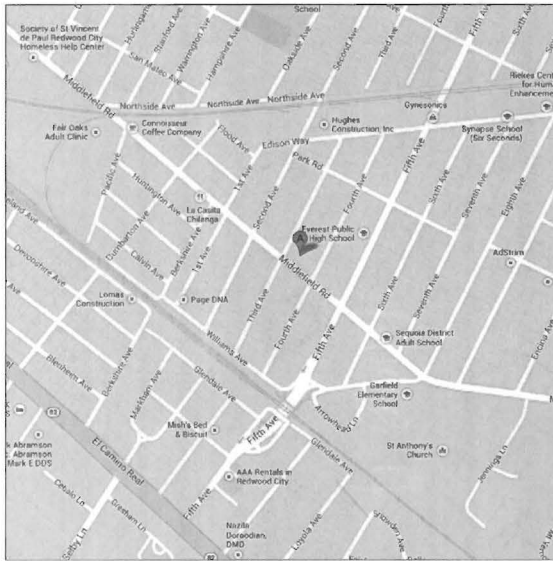


**Vicinity Map**

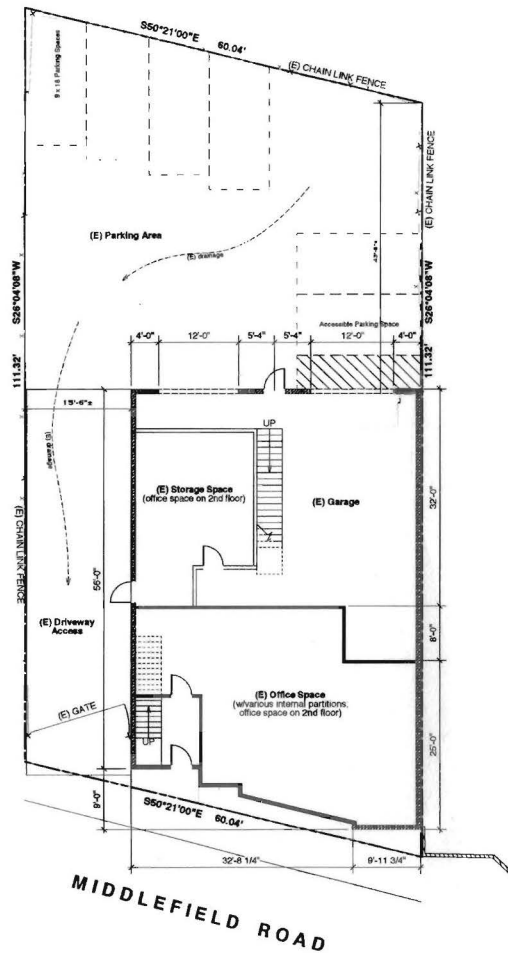
**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: \_\_\_\_\_ Attachment: B  
 File Numbers: \_\_\_\_\_





**3113 MIDDLEFIELD ROAD, REDWOOD CITY**



**1 Existing Site Plan**  
Scale: 1/8" = 1'-0"

**PROJECT DESCRIPTION:**  
**REMODEL EXISTING OFFICE BUILDING INTO MIXED-USE BUILDING**  
 ♦ OFFICES TO REMAIN ON GROUND FLOOR  
 ♦ (2) NEW RESIDENTIAL UNITS UPSTAIRS  
 ♦ NO NEW SQUARE FOOTAGE ADDED TO BUILDING FOOTPRINT  
 ♦ NEW WINDOWS ON TWO DRIVEWAY SIDE AND REAR  
 ♦ NEW PARKING LAYOUT AT REAR EXISTING PARKING AREA  
 ♦ (2) NEW RESIDENTIAL COVERED PARKING SPACES INSIDE AT REAR

**CONTACT INFORMATION:**

<b>OWNER:</b> TIM VINE 33 MONTECITO ROAD WOODSIDE, CA 650-862-5786 TIM@LSL.NET	<b>STRUCTURAL ENGINEER / TITLE 24:</b> ATA ENGINEERING ALI ADIB, P.E. 1202 MAIN STREET REDWOOD CITY, CA 94063 TEL: (650)363-2338 ATAGATAENG.NET
<b>DESIGNER:</b> GREG MILLER GREG MILLER DESIGNS 831-338-1121 GREGMILLER@GPOBOX.COM	

ZONING INFO		
ADDRESS:	3113 MIDDLEFIELD ROAD	
APN:	060-059-340	
ZONE:	C-1/NFO	
LOT AREA:	6496.34 SF	0.15 ACRES
	<b>EXISTING:</b>	<b>PROPOSED:</b>
OFFICE SPACE:	2778.40 SF	1672.00 SF
RESIDENTIAL SPACE:	0.00 SF	1672.00 SF
OFFICE SPACE FOR PARKING:		1214.00 SF
PARKING SPACES PROVIDED:		8 TOTAL
COMMERCIAL SPACES:		6 SPACES (1 ACCESSIBLE)
RESIDENTIAL SPACES:		2 COVERED
IMPERVIOUS SURFACES:	3743.18 SF	3743.18 SF
NO NEW GRADING IS PROPOSED		
NO NEW LANDSCAPING IS PROPOSED		
NO NEW IMPERVIOUS SURFACES ARE PROPOSED		

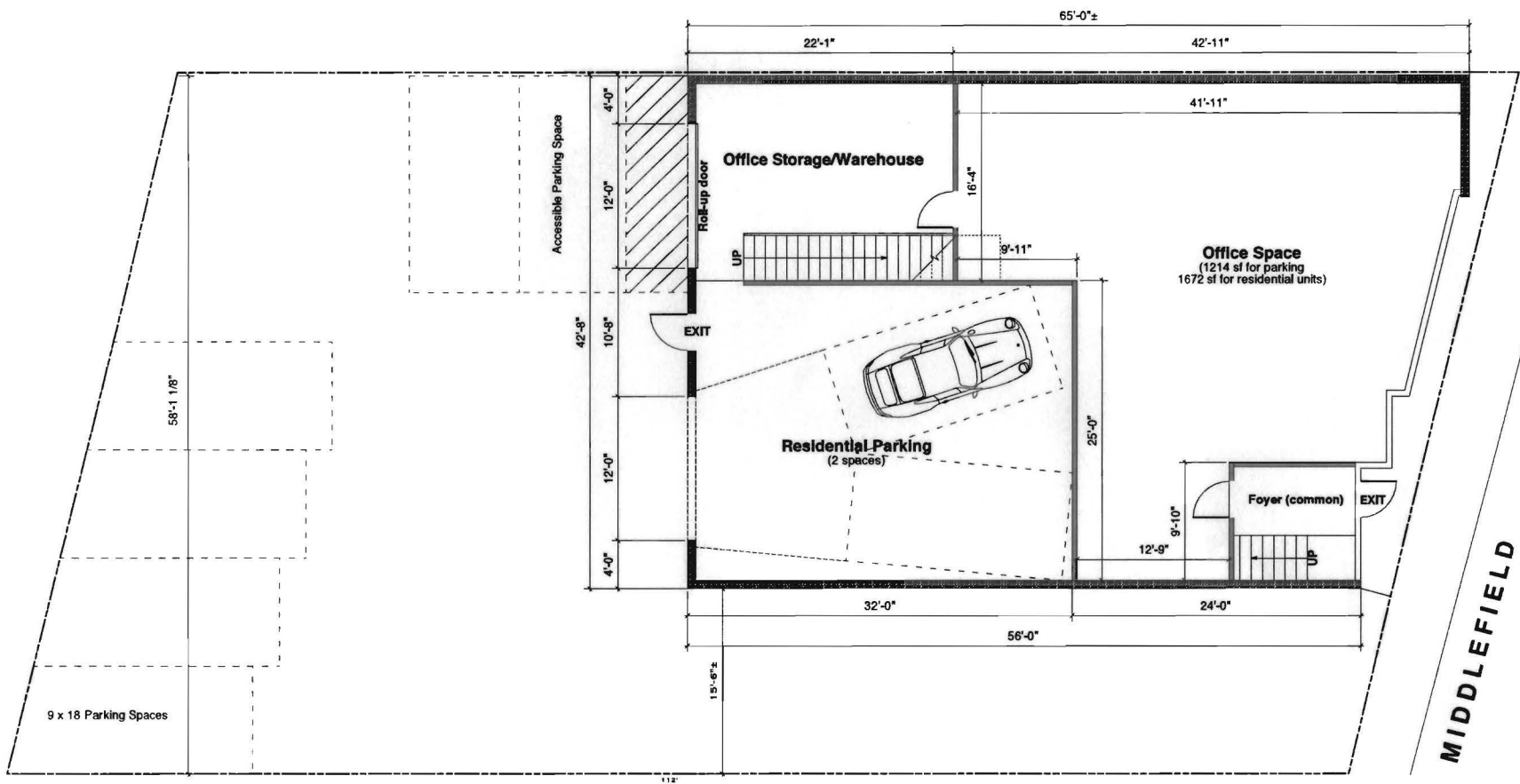
DRAWING INDEX	
A1	PROJECT INFORMATION AND SITE PLAN
A2	PROPOSED FIRST FLOOR PLAN
A3	PROPOSED SECOND FLOOR PLAN
A4	ELEVATIONS
S1	SURVEY

## San Mateo County Zoning Hearing Officer Meeting

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

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

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



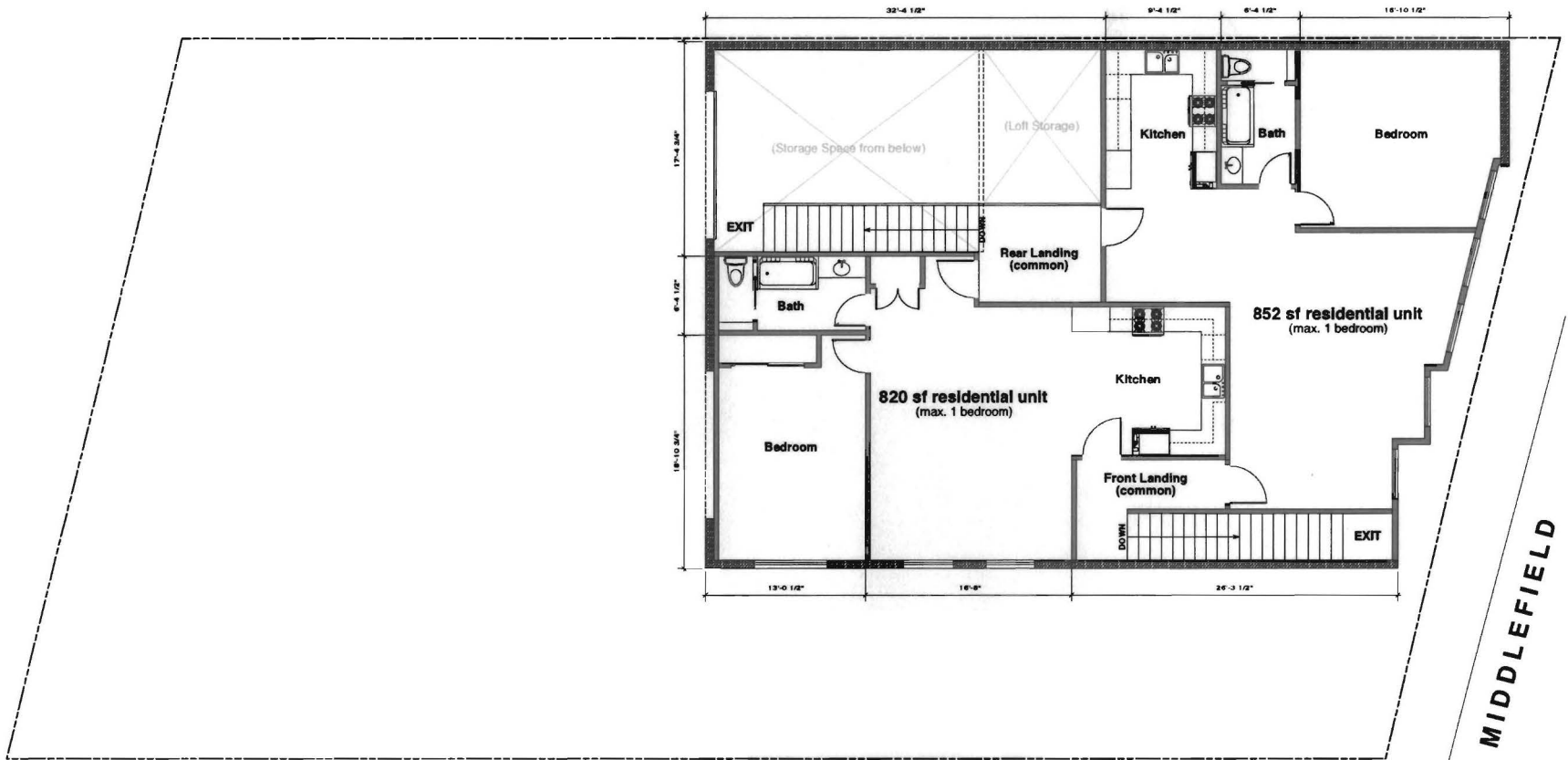
**1 Proposed First Floor**  
Scale: 1/4" = 1'-0"

## San Mateo County Zoning Hearing Officer Meeting

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

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

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



1 Proposed Second Floor  
Scale: 1/4" = 1'-0"

**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant:

Attachment: D

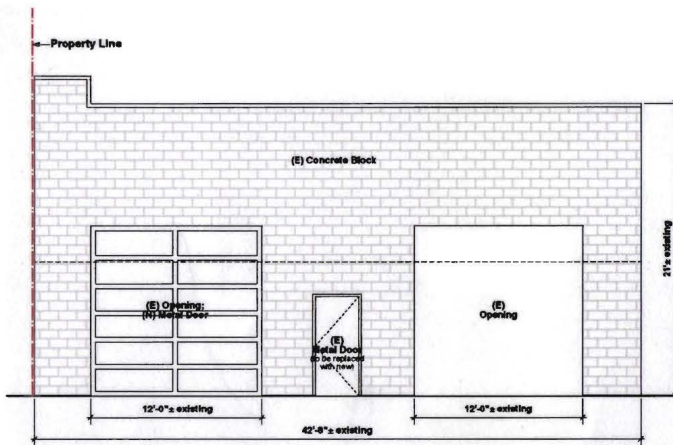
File Numbers:



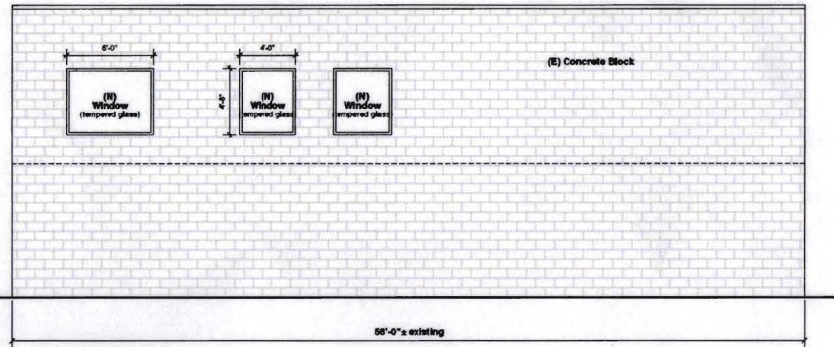
**EXISTING REAR ELEVATION**



**EXISTING SIDE ELEVATION**



**1 Proposed Rear Elevation**  
Scale: 1/4" = 1'-0"



**2 Proposed Side Elevation**  
Scale: 1/4" = 1'-0"

## San Mateo County Zoning Hearing Officer Meeting

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

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

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