

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

DATE: June 15, 2017

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of: 1) a Non-Conforming Use Permit, pursuant to Sections 6137 and 6503, of the San Mateo County Zoning Regulations, to allow a 67 sq. ft. expansion of a bedroom and a 314 sq. ft. addition along the left side of an existing 1,320 sq. ft. legal non-conforming single family residence, and 2) a Use Permit pursuant to Section 6430 of the Zoning Regulations (Second Units) to legalize the conversion of a legal non-conforming detached garage into a second dwelling unit.

County File Number: PLN 2016-00114 (Caplan)

PROPOSAL

The applicant proposes a Non-Conforming Use Permit to allow a 67 sq. ft. expansion of a bedroom and a 314 sq. ft. addition along the left side of an existing (3-bedroom) legal non-conforming (due to setbacks) single family residence and a Use Permit to legalize the conversion of a legal non-conforming (due to setbacks) garage into a second dwelling unit. The proposed additions to the main residence will maintain a 6-foot 1-inch and 7-foot 7-inch rear yard setback where 20 feet is required. The second dwelling unit will maintain a 2-foot 8-inch side yard setback where 5 feet is required and a 7-foot 8-inch front yard setback where 20 feet is required. The two covered parking spaces eliminated due to conversion of the garage to a second unit will be replaced as uncovered parking spaces side by side within the front setback. Parking for the second dwelling unit is not required. All such parking provisions are compliant with the recently adopted and revised second unit regulations.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit, County File Number PLN 2016-00114, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Tiare Peña, Project Planner, 650/363-1850

Owner/Applicant: Robert and Laura Caplan

Location: 790 12th Avenue, Menlo Park, CA 94025

APN: 055-183-150

Size: 7,100 sq. ft.

Existing Zoning: R-1/S-73 (Single Family Residential, 5,000 sq. ft. minimum parcel size)

General Plan Designation: Single Family Residential Urban (15 du/ac to 24 du/ac)

Sphere-of-Influence: Redwood City

Existing Land Use: Single Family Residential

Water Supply: California Water Service Company

Sewage Disposal: Fair Oaks Sewer Maintenance District.

Flood Zone: FEMA Flood Insurance Rate Map Zone X (Area of Minimal Flooding) designation; Community Panel Number 06081C0302E dated October 10/16/2012

Environmental Evaluation: Categorically exempt under Provisions of Class 1, and 3 Sections 15301 and 15303, respectively, of the California Environmental Quality Act Guidelines; minor alterations to existing private structures and new construction and conversion of such structures in a residential zone.

Setting: The parcel is located at the end of 12th Avenue and is adjacent to a M-1/Edison/NFO zoned property to the left and a single-family residence on the right. The San Francisco Public Utilities Commission (SFPUC) Alameda and Bay Division Pipeline Numbers 1, 2 and 5 are located adjacent to and along the frontage of the property. The rear portion of the property backs up to the Southern Pacific Railroad tracks.

Chronology:

<u>Date</u>	<u>Action</u>
January 13, 1963	- Variance #1267 approved for the construction of a single-family residence and detached two-car garage to encroach into required front and rear setbacks.
March 3, 2016	- Subject application submitted.
January 11, 2017	- SFPUC sends comments to San Mateo County in objection to this application due to concerns that the property owner will use the easement for parking as there appears to be no parking opportunities on-site if the Use Permit for the second dwelling unit is approved.
January 23, 2017	- SFPUC reviews a revised plan depicting two tandem uncovered parking spaces provided on-site. They file an objection to the revision with concerns that parking in tandem will ultimately result in parking on their property.
January 31, 2017	- SFPUC reviews a revised plan depicting two spaces on-site (side by side) and withdraws the objection to the application.
May 18, 2017	- North Fair Oaks Community Council Meeting (item not heard due to calendaring conflicts).
June 15, 2017	- Zoning Hearing Officer Public Meeting

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan

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 existing garage/secondary unit is visually pleasing and blends well with the primary single-family dwelling and mature vegetation on the site.

2. Compliance with the North Fair Oaks Community Plan

Policy 6.3 (Housing Goals and Policies) seeks to encourage legal accessory dwelling units (“second units” or “in-law units”) by adopting appropriate parking requirements, and by promoting the fact that the County will assist, facilitate, and streamline approval of accessory units to the maximum extent possible. This application is to legalize the conversion of the garage into a second dwelling unit. If approved, it will provide a legal accessory dwelling unit which meets this goal.

3. Compliance with the Zoning Regulations

Development Standards for Primary Residence

The subject parcel is zoned R-1/S-73. On January 13, 1963, Variance #1267 was originally approved by the San Mateo County Planning Commission to allow for the construction of a single-family residence to maintain a 6-foot front setback and a 5-foot rear setback where 20 feet is required; an 8-foot tall rear fence where 6 feet is the maximum allowed and a detached garage to maintain a 7-foot front setback where 20 feet is required.

The proposed 67 sq. ft. addition at the northeast portion of the property will maintain a 7-foot 7-inch rear yard setback. The proposed 314 sq. ft. addition at the northwest to the single-family residence unit will maintain an 6-foot 1-inch rear yard setback and is encumbered by a 10-foot unused sewer easement originally intended for potential use for installation of public service utilities (sewer) crossing the property. However, these utilities were never installed, and the County Department of Public Works has determined that the easement is no longer needed and will not be needed at any future point. However, as described in Government Code Section 65402, in order for the County to vacate the easement, the Planning Commission must determine that the proposed easement conforms to the County General Plan, and the Board of Supervisors must then act to formally abandon the unused easement.

Given that the County has determined that the easement is not, and will not be needed, these actions are unlikely to be problematic. Since the timing of the Planning Commission and Board of Supervisors hearings on the action are uncertain, it is advisable to condition the granting of this permit on the full completion of the vacation of the sewer easement.

R-1/S-73 Development Standards-Primary Residence			
	Required	Existing	Proposed
Minimum Lot Width	50 ft.	49 ft.	No change
Minimum Building Area	5,000 sq. ft.	6956 sq. ft.	No change
Minimum Front Yard Setback	20 ft.	7'9 3/4**	No change
Minimum Side Yard Setbacks			
Left Side	5 ft.	6'4"	No change
Right Side	5 ft.	2'4 1/2**	No change
Minimum Rear Yard Setback (Northwest)	20 ft.	8 ft.*	6'.1"
Minimum Rear Yard Setback (Northeast)	20 ft.	8 ft.	7'7"
Maximum Lot Coverage	50%	27% (1932/6956)**	33% (2313/6956)**
Maximum Floor Area	.26(6956-5000)+2600 3108 sq. ft. allowed	1932 sq. ft.**	2313 sq. ft.**
Maximum Building Height	28 ft.	17 ft.	17 ft.
*Legal non-conforming ** Includes both the residence and the second unit ***The proposal requires a Non-Conforming Use Permit.			

b. Parking Requirements

Parking for the second unit is waived per the recently revised and adopted Second Unit Regulations as discussed below. Parking for the primary residence will be replaced with 2 uncovered spaces in the front setback.

4. Compliance with Second Unit Regulations

On January 10, 2017, the revised Second Unit Regulations (Chapter 22.5 of the Zoning Regulations) became effective. Section 6430 describes the development standards for second units.

Second Unit Development Standards		
	Required	Existing
Minimum Rear Yard Setback	5 ft.	20 ft.
Minimum Side Yard Setback	5 ft.	2'8" ft.*
Minimum Front Yard Setback	20 ft.	7'9 3/4" ft.*
Second Unit Size	750 sq. ft.	630 sq. ft.
Second Unit Parking	0	0**
* Proposal Requires a Use Permit ** Per Second Unit Regulations, additional parking is not required; the property owner is providing on-site two side by side uncovered parking spaces between the main house and the second unit.		

Section 6429 (9) of the Zoning Regulations provides that parking for second units shall not be required if the second unit is part of an existing

accessory structure. In this case, the second unit is located within the converted detached garage, therefore, any additional parking for this site is waived. The 2 covered parking spaces for the primary residence lost due to conversion of the garage to habitable space can be replaced by uncovered parking spaces, and can be located within the front setback.

5. Compliance with Use Permit Regulations

Pursuant to the County's Zoning Non-Conformities Regulations, Section 6137 (Exceptions), a Use Permit may be granted to allow the enlargement of a non-conforming use, structure or situation. The Use Permit shall be processed in accordance with the procedures and requirements of Section 6503 (Use Permits) of the Zoning Regulations.

In order to grant the Use Permit, the findings 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 legal 6,956 sq. ft. parcel is zoned R-1/S-73 (Single Family Residential – 5, 000 sq. ft. minimum) with a lot coverage maximum of 50% and a maximum floor area of 3,108 sq. ft. $(.26(6856-5000)+2,600)$. The proposal including the legalization of the garage is 2,313 sq. ft. and is well below the maximum allowed. The wedge shape of the parcel made it impossible to place a conforming structure within the required setbacks, therefore, Variance #1267 was approved to allow the construction of the single-family residence and the two-car garage to encroach into front, rear and side yard setbacks.

The subject parcel is encumbered by the San Francisco Public Utilities Commission (SFPUC) Alameda and Bay Division Pipeline Numbers 1, 2 and 5 which are located adjacent to the parcel. The rear of the parcel backs to the Southern Pacific Tracks. The northeast portion of the parcel is encumbered by a 10-foot storm drain easement, the Department of Public Works will allow vehicles to park atop the storm drain easement under the condition that no permanent parking pad is constructed.

The proposed addition is modest in scope and does not add additional bedrooms. As discussed above, lot coverage and floor area limitations are met. The encroachments into the front, side and rear yards will be remedied by this Use Permit. Due to the configuration of the parcel, buildability is constrained, however, staff has determined that the required Use Permit findings can be made.

B. ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Class) 1, which includes minor alterations to existing private structures (i.e., a single family residence and detached garage), where the project involves negligible expansion of the existing (residential) use. It is also exempt pursuant to Section 15303 (Class 3), which includes the conversion of existing small structures from one use to another where only minor modifications are made to its exterior; this can include conversion of a garage to a second unit in a residential zone as is proposed with this project.

C. NORTH FAIR OAKS COMMUNITY COUNCIL (NFOCC)

Due to calendaring conflicts, this item was not brought before the NFOCC for a recommendation. Staff will provide the staff report and letter of decision to the Council chair.

D. SAN FRANCISCO PUBLIC UTILITIES COMMISSION (SFPUC)

The SFPUC has expressed concern with this application and the possible use of the city lands in order to comply with San Mateo County Zoning and Parking Regulations. SFPUC staff concerns are discussed under the chronology section of this report. At the time of this report, the SFPUC has approved the plan and conditions of approval have been drafted to address the land use concerns raised by the SFPUC.

E. REVIEWING AGENCIES

REVIEWING AGENCY	RECOMMENDATION	CONDITIONS
Building Inspection Section	Approval	Yes
Department of Public Works	Approval	Yes
Menlo Park Fire Protection	Approval	Yes
SFPUC	Approval	Yes

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan
- D. SFPUC Correspondence
- E. 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 2016-00114

Hearing Date: June 15, 2017

Prepared By: Tiare Peña
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to 1) Section 15301 (Class 1) in regards to minor alterations to existing private structures, and 2) Section 15303 (Class 3) conversion of small structures to a second unit in a residential zone.

For the Use Permit, Find:

2. 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 proposed development and legalization of the second dwelling unit will not result in any adverse impact or be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The proposal including the legalization of the garage is 2,313 sq. ft. and is well below the maximum allowed. Surrounding properties are currently developed and under separate ownership and due to the encumbrances presented by the SFPUC lands, there are no opportunities to acquire any additional lands in order to achieve conformity with the current Zoning Regulations.

The proposed addition is modest in scope. Lot coverage and floor area limitations are met, and the encroachments into the front, side and rear yards will be remedied by this Use Permit. Further, the proposal meets the goal of providing second dwelling units in San Mateo County.

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 June 15, 2017. 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. The two uncovered parking spaces shall be depicted on the building plans and shall occur on-site and atop the storm drain. The applicant shall provide permeable pavers. No permanent parking pad shall be constructed
3. Parking upon the San Francisco Public Utilities Commission city lands is prohibited.
4. The San Francisco Public Utilities Commission right-of-way shall not be utilized as a construction staging area; therefore vehicles or building materials are not permitted on the city land at any time.

Building Inspection Section

5. Prior to issuance of the building permit, the completion of the vacation of the sewer easement must be completed, before any further encroachment is allowed.
6. A pre-site inspection of the second unit performed by the Building Inspection Manager or designee shall be made prior to any Building Department permit application.

Department of Public Works

7. Prior to the issuance of the Building permit or Planning permit (for Provision C3 Regulated Projects), the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan.

The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.

8. The applicant shall submit to the Department of Public Works, for review, documentation of the easements and allowable use. If no documentation is available, then the applicant shall remove the encroachment.
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 #3277.

Menlo Park Fire Protection District

10. The installation of a NFPA 13_C fire sprinkler system for the second unit shall be required under a separate fire permit.
11. The applicant shall provide at least 4-inch tall with 1/2 stroke illuminated address numbers.
12. Full review of this application shall occur during the building application and inspection phase.
13. Approved plans and approval letter must be on site at the time of inspection.

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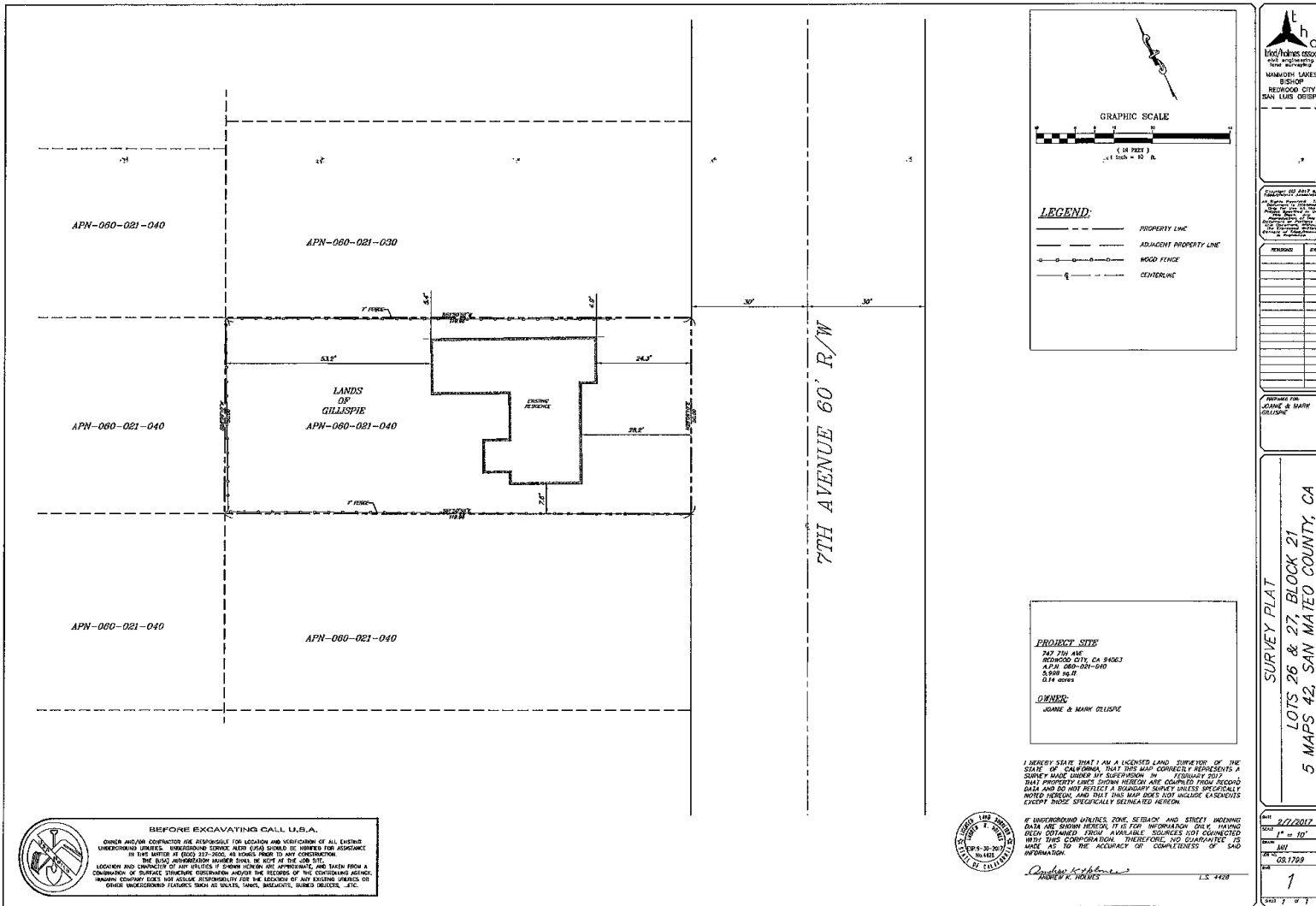


San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

File Numbers:

Attachment:



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers:



January 11, 2017

VIA EMAIL TO TPENA@SMCGOV.ORG

Tiare Pena, Project Manager
 County of San Mateo
 Planning and Building Department
 Redwood City, CA 94063

Re: Planning Case No. PLN2016-00114
 Project Location: 790 – 12th Avenue, Menlo Park, CA 94025
 Objection by City and County of San Francisco (City), through its Public
 Utilities Commission (SFPUC), to application by Laura N. Caplan for
 proposed use of City's Property

Dear Ms. Pena:

Thank you for the opportunity to comment on Planning Case No. PLN2016-00114 (Project). We write to object to the proposal by real estate agent Laura N. Caplan (Ms. Caplan) to use City property to meet any San Mateo County requirements related to the legalization of an unpermitted second unit on the adjacent property owned by Ms. Caplan and her husband, Robert Caplan (Caplan Property).

Background

Under the SFPUC's jurisdiction, City owns a *fee estate* in the City Property adjacent to the Caplan Property. The SFPUC's Alameda Pipeline and Bay Division Pipeline Numbers 1, 2, and 5 are located under the City Property.

The SFPUC requires unrestricted access to the City Property to ensure timely completion of both routine and emergency maintenance on our high-pressure water pipelines. To protect its access to its pipelines, the SFPUC Commission adopted land use policies which heavily restrict the scope of use by third parties of any City property where pipeline infrastructure is placed (sometimes referred to as the "Right of Way" or "ROW."). Among other policies, ***the SFPUC has a long-standing policy which prohibits the Right of Way from***

Edwin M. Lee
 Mayor

Anson Moran
 President

Ike Kwon
 Vice President

Ann Moller Caon
 Commissioner

Francesca Vietor
 Commissioner

Vince Courtney
 Commissioner

Harlan L. Kelly, Jr.
 General Manager



being used to meet a third party's setback, parking, open space, or other entitlement requirement.

1992 Access Easement

In 1992, City granted an access easement to the previous owner of the Caplan Property solely for "...vehicular and pedestrian ingress to and egress from Grantee's property...in, over and across that certain real property...." The access easement does not grant any parking rights with respect to the City Property. At the time that City granted the access easement, the residence on the Caplan Property had a functioning garage, and City expected that the cars on the Caplan Property would be parked within the garage and had no knowledge or expectation that the garage would be converted to a dwelling. Although the SFPUC also issued a revocable encroachment permit to the prior owners that allowed a driveway across the City Property, it did not anticipate or authorize use of the City Property for parking.

The SFPUC advised Ms. Caplan in 2015 that the City Property cannot be used to legalize the second unit on the Caplan Property.

On September 11, 2015, Ms. Caplan appeared before the SFPUC's Project Review Committee (Committee) to inquire about an easement vacation, and asked for permission to park on the City Property, and to adjust the boundary of the property subject to the SFPUC's encroachment permit. At that time, she advised the Committee that the Caplan Property has a garage that was converted to a studio apartment (second unit) without the proper permit(s). She sought to use City Property to help legalize the Caplan's unpermitted second unit.

The Committee at the time advised Ms. Caplan that the City Property cannot be used to meet any entitlement requirements to legalize the second unit. The attached Project Review Meeting Summary provided to Ms. Caplan states that "while it is unfortunate that a previous owner converted the garage without proper permit, the SFPUC's ROW property cannot be used to abate a planning or building code violation at the private property. To allow parking on the ROW would create an unacceptable burden on the SFPUC's fee owned ROW and would be incompatible with the water utility purpose of this [City] property. The Alameda Pipeline and the Bay Division Pipeline Nos. 1, 2 and 5 are located on this portion of the ROW."

In September of 2016, the SFPUC issued an encroachment permit to the Caplans to allow them to use the SFPUC property for landscaping and

gardening and to maintain an existing gravel driveway and wooden fence. The SFPUC did not authorize parking on the City Property.

Planning Case No. PLN2016-00114

We recently received a copy of Ms. Caplan's San Mateo County Planning Department application for a use permit to legalize the unpermitted second unit on the Caplan Property. In her permit application, Ms. Caplan claim that the second-unit parking occurs off-site on the City Property directly in front of the Caplan home. Despite our written instructions in 2015 that the SFPUC Right of Way cannot be used to meet a third party's entitlement requirements, she is seeking a parking waiver from the County by using the City Property to fulfill the Caplan's setback and parking requirements for the second unit.

To protect the SFPUC's utility use, the City Property cannot be used to meet any third party's entitlement requirements. ***We object to the use of the City Property to fulfill the Caplans' setback and parking requirements for the second unit and urge the County of San Mateo to deny Ms. Caplan's request to use the City Property for parking or to meet any other requirement of the County of San Mateo to legalize the Caplans' second unit.***

Please contact my colleague, Jonathan Mendoza at jmendoza@sflower.org or me with any questions.

Sincerely,



Rosanna Russell
Real Estate Director

Attachments:

SFPUC Real Estate Guidelines
SFPUC September 11, 2015 Project Review Meeting Summary
Caplan Encroachment Permit



Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission



WATER ENTERPRISE

Natural Resources and Lands Management Division

1657 Rollins Road, Burlingame, CA 94010 | Tel: (650) 652-3209 | Fax: (650) 652-3219

Certificate of Completion of the Project Review Process

Project Name: 790 - 12th Ave., North Fair Oaks, Unincorporated San Mateo County Easement Vacation, Parking and Encroachment Permits	
Project Case No: 15.09-RW61.00	Project Contact Information: <i>Name:</i> Laura and Robert Caplan <i>Agency/Company:</i> Property Owners <i>Address:</i> 790 - 12th Ave., North Fair Oaks, Unincorporated San Mateo County <i>Telephone No:</i> (650) 363-7900 <i>Email:</i> <u>laura@lauracaplan.com</u>
Project Location: SFPUC ROW	
Project Review Meeting Date: 09/11/15	
Project Description (<i>Abbreviated; for a full description, please see case file</i>): <p>The proposal is to modify the existing easement to allow parking on the SFPUC rights-of-way (ROW) to serve the adjacent residence at 790 - 12th Avenue. The existing easement only allows ingress and egress over the SFPUC ROW. The proposal is also to landscape a portion of the ROW. The applicants also requested clarification regarding whether they are responsible for maintaining the fenced areas on the ROW as well as the areas that lie beyond the fence. Some of this fencing was modified and/or built under an encroachment permit for landscaping by the previous owner of 790 - 12th Avenue. [Update: According to the 8/27/14 Project Review meeting summary: "Maintenance of the chain link fence is the responsibility of the property owner and the project proponent intends to fully fund the current fence replacement/cladding proposal." Additionally, the easement states "Grantee shall be solely responsible for construction, repair and maintenance of all roadway improvements within the easement and San Francisco shall have no obligation whatsoever for such construction, repair and maintenance."]</p> <p><i>Parking Proposal</i></p> <p>In 1992, an access easement was granted to the previous property owner of 790 - 12th Avenue by the City and County of San Francisco for "...vehicular and pedestrian ingress to and egress from Grantee's property...in, over and across that certain real property...." In 1992, the residence at 790 - 12th Avenue had a functioning garage and the expectation was that cars would be parked within the garage located on the private property. According to the applicants and current property owners, a previous owner of 790 - 12th Avenue converted the garage into living space, apparently without proper permit. In discussing the parking proposal, the Committee noted that while it is unfortunate that a previous owner converted the garage without proper permit, the SFPUC's ROW property cannot be used to abate a planning or building code violation at the private property. To allow parking on the ROW would create an unacceptable burden on the SFPUC's fee owned ROW and would be incompatible with the water utility purpose of this property. The Alameda Pipeline and the Bay Division Pipeline Nos. 1, 2 and 5 are located on this portion of the ROW.</p> <p><i>Landscape Proposal</i></p> <p>The applicant requests an encroachment permit to landscape a small area of the ROW that is adjacent to the residence at 790 - 12th Avenue (and adjacent to the rear of the neighboring property at 32 Athlone Way). This small area, with dimensions of approximately 21 feet by 21 feet, does not appear to be under permit. The applicant proposes to remove dense brush and a palm tree, and landscape with smaller plants. A small wooden fence is located in this area (perpendicular to the chain link fencing installed by the SFPUC).</p>	

The applicants also submitted an encroachment permit request to essentially extend the encroachment permit granted to the previous property owner for landscaping the access easement area. The encroachment permit application is pending review and approval by SFPUC Real Estate Services. The applicants also request clarification as to what portions of the fencing (some of which consists of fencing improvements by the previous owner) is their responsibility to maintain. The applicants also requested removal of the portion of the encroachment permit that lies beyond the fence, as it is not accessible to the applicant and therefore cannot be maintained by the applicants.

Required Measures (*To be incorporated into the Project*):

- 1) SFPUC Real Estate Services will review their records to ascertain responsibility for maintenance of fencing and the land beyond the fencing on the SFPUC ROW adjacent to 790 - 12th Avenue (contact Janice Levy, Administrative Analyst, at jlevy@sfwater.org or (415) 554-1821). In addition, SFPUC-NRLMD will review Project Review records for the previous owner's approved fencing improvements for information about maintenance responsibility (contact Joanne Wilson, Senior Land and Resources Planner, at jwilson@sfwater.org or (650) 652-3205). [Update: Completed. According to the 8/27/14 Project Review meeting summary: "Maintenance of the chain link fence is the responsibility of the property owner and the project proponent intends to fully fund the current fence replacement/cladding proposal." Additionally, the easement states "Grantee shall be solely responsible for construction, repair and maintenance of all roadway improvements within the easement and San Francisco shall have no obligation whatsoever for such construction, repair and maintenance."]
- 2) Real Estate Services staff will discuss the parking proposal with the SFPUC Director of Real Estate Services, Rosanna Russell, and send a written response to the applicants (contact Janice Levy, Administrative Analyst, at jlevy@sfwater.org or (415) 554-1821). [Update: Completed. The easement does not permit parking on the SFPUC ROW.]
- 3) The Project Review Coordinator will discuss the additional landscaping proposal (in the small area with dimensions of approximately 21 feet by 21 feet) with the ROW Manager, Jane Herman. If the ROW Manager has no objections, then the applicants will submit a landscaping plan for review and approval (contact Jane Herman, ROW Manager, at jherman@sfwater.org or (650) 652-3204; and Joe Naras, Peninsula Watershed Manager, at jnaras@sfwater.org or (650) 652-3209). The proposed landscaping must comply with the SFPUC's Integrated Vegetation Management Policy which can be found on the SFPUC's website: <http://www.sfwater.org/index.aspx?page=431>. [Update: The ROW Manager did not have any objections to landscaping the additional area to be included in the updated encroachment permit. Any new landscaping proposal must be reviewed and approved by the SFPUC.]

This certificate is only valid for the scope of work and construction dates specified. If the project description and/or the construction period changes, please contact Jonathan Mendoza, Land and Resources Planner at ismendoza@sfwater.org. Further project review may be required.

Findings:

- 1) The Project is located on SFPUC ROW Lands and conforms to applicable SFPUC policies, including the SFPUC's *Right of Way Integrated Vegetation Management Policy* and the SFPUC Stewardship Policy.
- 2) The proposed activity does not require a discretionary action by the SFPUC or other local agency and is therefore not a "Project" under the California Environmental Quality Act (CEQA).

This is to certify that the above-referenced project has been reviewed by the Natural Resources and Lands Management Division for compliance with SFPUC policies pertaining to its watershed lands.

01/05/17

Date

Jonathan Mendoza

Authorized Signature

If you are applying for an Access Permit, please submit a copy of this certificate with your application.

Project Location Map

Project Name: 790 - 12th Ave., North Fair Oaks, Unincorporated San Mateo County - Easement Vacation, Parking and Encroachment Permits
Project Case No: 15.09-RW61.00
Project Location: 09/11/15



Tiare Pena

From: Joanne Wilson <jwilson@sflower.org>
Sent: Tuesday, January 31, 2017 4:59 PM
To: Tiare Pena
Cc: Christopher J Wong; Janice Levy; Joe Naras; Jonathan S Mendoza; Rosanna S Russell; Stacie Feng; Tracy Leung; Dave Holbrook
Subject: RE: SFPUC objection to revised Caplan plans and proposed use of City property under SFPUC jurisdiction for Caplan project

Hi Tiara: Thank you so much for working with the Caplans to revise their site plan to depict two independently accessible parking spaces. We appreciate the extra effort on your part to work with the County's Public Works Department to ascertain whether parking on the County's drainage easement (using pervious paving materials) would be acceptable (and it looks like it was).

Because this revised proposal makes it less likely that San Francisco City property under SFPUC jurisdiction would be used for unauthorized parking, the SFPUC withdraws its objection to the Caplans' proposal provided that San Mateo County Planning Department's requirement for maintaining the two approved independently accessible parking spaces is recorded as a special restriction on the Caplans' property deed (e.g., Notice of Special Restrictions). I suspect this is your procedure for approval of proposals at variance with the strict requirements of the planning code.

If you have any questions or need more information, please contact me.

Thanks again for all of your help on this.

Joanne

Joanne C. Wilson, AICP

Senior Land and Resources Planner

Natural Resources and Lands Management Division / Water Enterprise

San Francisco Public Utilities Commission

Hetch Hetchy Regional Water System

1657 Rollins Road

Burlingame, CA 94010-2310

Tel: (650) 652-3205

Fax: (650) 652-3219

Email: jwilson@sflower.org

For more information on the Natural Resources and Lands Management Division, go to:

<http://naturalresources.sflower.org>

Hetch Hetchy Regional Water System

Operated by San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



**Hetch Hetchy
Regional Water System**

Services of the San Francisco Public Utilities Commission

From: Tiare Pena [<mailto:tpena@smcgov.org>]

Sent: Tuesday, January 31, 2017 1:10 PM

To: Russell, Rosanna S

Cc: Wong, Christopher J; Levy, Janice; Naras, Joe; Mendoza, Jonathan S; Wilson, Joanne; Feng, Stacie; Leung,

Tracy; Dave Holbrook

Subject: Re: SFPUC objection to revised Caplan plans and proposed use of City property under SFPUC jurisdiction for Caplan project

Good afternoon,

The Caplans have revised their site plan to depict two parking spaces. We will be requiring that the spaces be created on-site with pervious pavers. I think this will satisfy all of our concerns.

Thoughts?

Tiare Peña

From: Rosanna S Russell <RSRussell@sflower.org>

Sent: Friday, January 27, 2017 11:26:39 AM

To: Tiare Pena

Cc: Christopher J Wong; Janice Levy; Joe Naras; Jonathan S Mendoza; Joanne Wilson; Stacie Feng; Tracy Leung; Dave Holbrook

Subject: RE: SFPUC objection to revised Caplan plans and proposed use of City property under SFPUC jurisdiction for Caplan project

Tiare:

If the agreement to which you are referring is a non-SFPUC agreement, kindly provide us with a copy of the agreement.

Thank you.

Rosanna

From: Tiare Pena [<mailto:tpena@smcgov.org>]

Sent: Tuesday, January 24, 2017 11:19 AM

To: Russell, Rosanna S

Cc: Wong, Christopher J; Levy, Janice; Naras, Joe; Mendoza, Jonathan S; Wilson, Joanne; Feng, Stacie; Leung, Tracy; Dave Holbrook

Subject: RE: SFPUC objection to revised Caplan plans and proposed use of City property under SFPUC jurisdiction for Caplan project

Good morning,

The revised plans depict two parking spaces on-site and not encroaching on the City property. They are within the county set-back regulations, therefore the project is subject to a Non-conforming Use Permit for the Second Dwelling and the tandem parking spaces (to meet the required two-car on-site parking standards). The access to the parking spaces off the City land is through an approved agreement for access to the site.

Best,

Tiare Pena

SMCo Planning Department

From: Rosanna S Russell [<mailto:RSRussell@sflower.org>]

Sent: Monday, January 23, 2017 4:48 PM

To: Tiare Pena <tpena@smcgov.org>

Cc: ChristopherJ Wong <CJWong@sflower.org>; Janice Levy <JLevy@sflower.org>; Joe Naras <JNaras@sflower.org>; Jonathan S Mendoza <JSMendoza@sflower.org>; Joanne Wilson <jwilson@sflower.org>; Stacie Feng <SFeng@sflower.org>; Tracy Leung <TLeung@sflower.org>; Dave Holbrook <dholbrook@smcgov.org>

Subject: RE: SFPUC objection to revised Caplan plans and proposed use of City property under SFPUC jurisdiction for Caplan project

Dear Tiare:

Thank you for sending us the revised Caplan plans. The SFPUC objects to the revised plans because the new parking design will likely result in the Caplans' unauthorized use of SFPUC property. The proposed revised plans are disingenuous in that they do not show the immediate proximity of the new parking spaces to our property.

We prefer to see two independently accessible parking spaces that do not rely upon the use of SFPUC property. Please do not take this revised proposal to the North Fair Oaks Council. We request that you ask the Caplans for a new proposal on a drawing that does not use our property but clearly delineates the location of our adjacent property.

Thank you.

Rosanna Russell

Rosanna S. Russell

Real Estate Director

San Francisco Public Utilities Commission

Telephone: (415) 487-5213

RSRussell@sfwater.org

From: Tiare Pena [<mailto:tpeana@smcgov.org>]

Sent: Friday, January 20, 2017 2:54 PM

To: Russell, Rosanna S

Subject: FW: Corrected SFPUC letter objecting to proposed use of City property under SFPUC jurisdiction for Caplan project

Good afternoon,

The Caplan's have revised their plans to provide two uncovered parking spaces on-site. We will be taking this new proposal to the North Fair Oaks Council for review.

I will send you the agenda and staff report when it is prepared.

Best,

Tiare Pena

Project Planner

San Mateo County

(650) 363-1850

From: Laura Caplan [<mailto:laura@lauracaplan.com>]

Sent: Friday, January 20, 2017 1:46 PM

To: Tiare Pena <tpeana@smcgov.org>

Cc: Dave Holbrook <dholbrook@smcgov.org>

Subject: Re: Corrected SFPUC letter objecting to proposed use of City property under SFPUC jurisdiction for Caplan project

Mimecast Attachment Protection has created safe copies of your attachments.

Hi Tiare,

We have revised the site design to show two uncovered tandem parking spaces to the side of the converted garage as we discussed. Please see attached plan and confirm receipt.

Thank you.

Laura

On Jan 17, 2017, at 3:04 PM, Tiare Pena <TPena@smcgov.org> wrote:

Hi Laura,

Due to the response received from the SFPUC, staff will be recommending denial of your application unless you can provide two covered parking spaces (even tandem) on-site.

Call me when you get a chance.

Tiare Pena

From: Rosanna S Russell [<mailto:RSRussell@sfwater.org>]

Sent: Wednesday, January 11, 2017 5:55 PM

To: Tiare Pena <tpeana@smcgov.org>

Cc: Christopher J Wong <CJWong@sfwater.org>; Janice Levy <JLevy@sfwater.org>; Joe Naras <JNaras@sfwater.org>; Jonathan S Mendoza <JSMendoza@sfwater.org>; Joanne Wilson <jwilson@sfwater.org>; Stacie Feng <SFeng@sfwater.org>

Subject: Corrected SFPUC letter objecting to proposed use of City property under SFPUC jurisdiction for Caplan project

Dear Ms. Pena:

Please see the corrected letter regarding the Caplan project. The earlier letter I sent you was missing a page.

Please contact Jonathan Mendoza with any questions.

Rosanna Russell

[Click here](#) to download attachments.

Laura Caplan
REALTOR
Keller Williams Realty
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650-363-7900
650-279-7196 mobile
laura@lauracaplan.com

I always have time for your questions and your referrals.