

**CITY OF SAN MATEO  
RESOLUTION NO. \_\_\_\_ (2024)**

**DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION AND ZONING  
ADMINISTRATOR'S APPROVAL OF A SINGLE-FAMILY DWELLING DESIGN REVIEW (PLANNING  
APPLICATION PA-2023-017) AT 619 W. 39TH AVENUE (APN 042-093-020)**

WHEREAS, Steve Lesley (herein referred to as the "Applicant") submitted Planning Application PA-2023-017 on March 20, 2023 for a Single-Family Dwelling Design Review (SFDDR) to construct a new 438 square-foot third story addition to an existing two story single-family residence, located at 619 W. 39<sup>th</sup> Avenue, APN 042-093-020 (collectively referred to as "Project") in the City of San Mateo ("City"); and

WHEREAS, the Zoning Administrator found that the Project is categorically exempt from California Environmental Quality Act (CEQA) under Class 1 Section 15301(e) *Additions to Existing Structures*; and

WHEREAS, the Zoning Administrator found that the Project is consistent with the applicable policies of the General Plan and other applicable codes and policies, including the Single-Family Dwelling Design Guidelines; and

WHEREAS, the Zoning Administrator approved the Project on January 3, 2024, following a duly noticed public review period; and

WHEREAS, Katherine Doughty (herein referred to as the "Appellant") filed an Appeal of the decision by the Zoning Administrator to approve the Project (Planning Application PA-2023-017) on January 12, 2024; and

WHEREAS, the San Mateo City Charter and Municipal Code Section 27.08.090 authorizes the Planning Commission to take action on the Appeal of a Zoning Administrator decision; and

WHEREAS, on April 23, 2024, the Planning Commission held a duly noticed public hearing to consider the Appeal and adopted a resolution denying the appeal and upholding the Zoning Administrator's approval of the project; and

WHEREAS, on May 2, 2024, the Appellant filed an appeal of the Planning Commission's decision; and

WHEREAS, the San Mateo City Charter and Municipal Code Section 27.08.090 authorizes the City Council to take action on the Appeal of a Planning Commission decision; and

WHEREAS, on July 15, 2024, the City Council held a duly noticed public hearing to consider the Appeal.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY RESOLVES that:

1. The Project will not have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA under Class 1 Section 15301(e) *Additions to Existing Structures*.
2. The Appeal is denied based on the analysis of the Project as a whole and substantial evidence in the record.
3. The decision of the Planning Commission to adopt the Resolution denying the appeal and upholding the Zoning Administrator decision to approve the Project based on findings and subject to the conditions of approval attached hereto as Exhibit A and incorporated by reference is upheld.
4. Pursuant to SMMC Section 27.08.032, the Single-Family Dwelling Design Review and associated Conditions of Approval are approved based on the following findings:
  - a) The structures, site plan, and landscaping are consistent with the adopted R1 Single Family Dwelling Design Guidelines in that:
    - i. The proposed addition is well integrated into the existing architectural character of the neighborhood and does not change the current configuration of the site. The surrounding neighborhood consists of a mix of one- and two-story homes with a variety of architectural styles. In the surrounding neighborhood, garages are typically attached and located at the front of the residence. The addition will result in a three-story residence and preserves the location and orientation of the garage, which is also along the front of the residence.
    - ii. To reduce impacts to views for neighboring properties up hill to the rear and right of the project site, the project locates the addition above the left-side of the existing second story. The addition also has a smaller footprint area to further minimize impacts to views. This is consistent with the Single-Family Dwelling Design Guidelines, which encourage minimizing blockage of established views through configuring living space in areas where it would have less impact to views. The project also proposes a hipped roof with a slope of 4:12, which reduces the apparent massing and view impacts, and is consistent with the roof design of the existing residence. Lastly, the proposed third story windows are offset from neighboring windows and do not present privacy impacts for neighboring yards and living areas.
    - iii. The residence will appear as a two-story residence from the side and rear elevations due to the lot slope which exposes the face of the garage on the first story. The project will also continue the use of vertical board siding on the second and third stories, brick veneer on the first story, and a composition shingle roof. These materials are common throughout the neighborhood.
  - b) The development will not be detrimental to the harmonious and orderly growth of the City in that the proposed addition is designed in accordance with the San Mateo Zoning

Code and adheres to the maximum floor area ratio (FAR), minimum setback, and maximum building height. The proposed residence is in the R1-B zoning district which allows for a maximum floor area of 0.50 for parcels up to 6,000 square-feet plus 0.20 for any parcel area over 6,000 square-feet. The proposed floor area is 3,022 square-feet, which is within the maximum of 3,033 square-feet. The maximum height is 24 feet to the plate line and 32 feet to the roof peak. The proposed building is 24 feet to the plate line and 27 feet, six inches to the roof peak.

- c) The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interests of the public health, safety, or welfare in that the proposed project is designed in a manner that is sensitive and compatible with the surrounding neighborhood.
  - d) The development meets all applicable standards as adopted by the Planning Commission and City Council, conforms with the General Plan, and will correct any violations of the zoning ordinance, building code, or other municipal codes that exist on the site in that the proposed dwelling does not exceed the height limitation, parking, or daylight plane requirements for the site and will be constructed in conformance with the California Building Code.
  - e) The development will not adversely affect matters regarding police protection, crime prevention, and security in that it will be constructed in accordance with the City's Security ordinance.
5. The Project conforms to applicable policies of the Land Use Element policies of the City's General Plan 2030.
- a) In accordance with Policy LU 1.9, which encourages the preservation of single-family areas and limiting new development to low-density residential uses, the proposed Project maintains the single-family use as delineated on the Land Use Map by proposing an addition to an existing single-family residence.
  - b) In accordance with Policy LU 1.9a, which encourages the livability of San Mateo neighborhoods by reviewing Single-Family Dwelling Design Review planning applications for compatibility with the City's Single-Family Design Guidelines, the Project has been evaluated for compatibility with the surrounding neighborhood and incorporates guidance from the City's Single-Family Design Guidelines by stepping back the third-story to reduce the overall scale and massing that is similar to surrounding residences. The Project maintains the existing style and materials of the residence, which are consistent with those seen throughout the neighborhood.
6. The Project conforms to Policy UD 2.12 of the Urban Design Element of the City's General Plan 2030, which encourages single-family dwellings to substantially conform to the City's Single-Family Design Guidelines and preserve the neighborhood scale, materials, architectural style, privacy, and views. The Project has been evaluated to conform with the City's Design

Guidelines and preserves and enhances the neighborhood through maintaining a similar design as the existing residences and common materials such as board siding and composition shingle roofing. The Project has been designed with sensitivity to privacy and view impacts and the scale and location of the addition are provided in such a way as to limit these impacts.

**EXHIBIT A**  
CONDITIONS OF APPROVAL  
PA-2023-017, 619 W. 39TH AVE., SFDDR

619 W 39TH AVE, SAN MATEO, CA 94403-4104  
PARCEL # 042093020  
AS APPROVED BY THE CITY COUNCIL ON \_\_\_\_\_.

The following conditions of approval apply to the project referenced above. The conditions of approval are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Types of Building permits include Demolition, Shoring/Excavation, Foundation, and Superstructure.

**The following conditions shall be satisfied prior to issuance of a DEMOLITION PERMIT, BUILDING PERMIT FOR SHORING OR FOUNDATION, or SITE DEVELOPMENT PERMIT, whichever is issued first, or prior to the deadline specified in that condition.**

**Planning Division (PA)**

- 1 APPROVED PLANNING APPLICATION CONFORMANCE – All building permit plans, details, and subsequent construction shall substantially conform with the approved planning application. This includes but is not limited to plans, materials, project description, and other items submitted as part of the approved planning application. Any proposed modifications to the approved planning application shall be reviewed and approved by the Community Development Director, or his/her designee, prior to construction of the proposed modifications. The Community Development Director, or his/her designee, shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a planning application modification is required to be submitted to permit the proposed modifications, as required by Municipal Code Section 27.08.080 Modifications. (PLANNING)
  
- 2 CONDITIONS OF APPROVAL – This complete list of Conditions of Approval shall be reproduced onto the second sheet of all building permit plan sets. (PLANNING)
  
- 3 PAYMENT OF OUTSTANDING PLANNING APPLICATION FEES – The applicant shall pay all outstanding planning application fees. (PLANNING)

**Building Division (PA)**

- 4 APPLICABLE BUILDING STANDARDS AND LOCAL CODES – All building permit plans shall demonstrate compliance with the applicable California Building Standards

Codes and local amendments as adopted by the Building Division at the time of filing the building permit application. (BUILDING)

**Public Works Department (PA)**

- 5 STORMWATER POLLUTION PREVENTION PERMIT – The applicant shall obtain a Stormwater Pollution Prevention (STOPPP) Construction permit, paying the required fees and posting the required cash deposit, for all work associated with the stormwater pollution prevention program in accordance with San Mateo Municipal Code Chapter 7.39.170. The fee amount will be based upon the City Council resolution in effect at the time the building permit application is made. (PUBLIC WORKS)

**The following conditions shall be satisfied prior to issuance of a BUILDING PERMIT FOR THE SUPERSTRUCTURE.**

**Building Division (PA)**

- 6 CALGREEN – The building permit plans shall incorporate the applicable CALGreen Checklist noting the green building measures the project will incorporate in accordance with the California Green Building Standards Code and City of San Mateo Reach Codes subject to the review and approval by the Building Official, or his/her designee. Current City of San Mateo CALGreen checklists are located on Building Division webpage or will be provided by Community Development Department staff, if requested. (BUILDING)
  
- 7 WATER CONSERVATION IN LANDSCAPING – The applicant shall submit a completed Water Conservation in Landscaping Screening Form. If the screening form indicates the project is subject to the Water Conservation in Landscaping Ordinance pursuant to Municipal Code Section 23.72.030, additional documentation prescribed by the screening form shall also be included with the site plan. City of San Mateo Water Conservation in Landscaping forms are located on Building Division webpage. The applicant shall submit the required landscape documentation package with building permit application subject to the review and satisfaction of the Building Official, or his/her designee. (BUILDING)

**Public Works Department (PA)**

- 8 DRAINAGE – The building permit plans shall show drainage designed into landscaping with the purpose of reducing volume or improving quality of runoff from the site shall be implemented, to extent feasible, subject to the approval of the Director of Public Works or designee or designee. Where necessary, sidewalk drains per City Standard Drawing 3-1-120 shall be provided to direct the water under the sidewalk and through the curb. No increase to the peak discharge shall be permitted

downstream. In addition, discharge shall conform to any non-point source permit issued by the Regional Water Quality Control Board. Drainage improvements made on-site shall conform to standard engineering practices and shall not allow any site drainage to impact adjacent properties. The building permit plans for the superstructure shall show drainage. (PUBLIC WORKS)

9 FENCES AND OTHER PERMANENT STRUCTURES – The applicant shall locate all project fencing and foundations of a permanent nature within the project’s property and out of the City right-of-way. (PUBLIC WORKS)

10 SEWER LATERAL INSPECTION – As required by Municipal Code Section 7.38.432, the applicant shall hire a licensed plumber or contractor to perform a sewer lateral inspection and complete a Sewer Lateral Inspection Form (Form) to be submitted to the Director of Public Works or designee, unless the project is exempt per Municipal Code Section 7.38.432(c)(2). The video inspection shall be completed prior to building permit issuance. The Form shall be reviewed by the Department of Public Works. If the Form indicates a failed inspection, the repair and/or replacement of the sewer lateral shall appear on the building permit plans for the superstructure prior to building permit issuance. In addition, if the Form indicates a failed inspection, the applicant shall repair and/or replace the sewer lateral, with all required permits, and provide an updated Form with a passing inspection, prior to occupancy. (PUBLIC WORKS)

**The following conditions shall be met prior to RELEASE OF UTILITIES, FINAL INSPECTION, ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY, or ISSUANCE OF A CERTIFICATE OF OCCUPANCY, whichever occurs first.**

**Planning Division (PA)**

11 FINAL LANDSCAPING FOR SINGLE FAMILY PROJECTS – Apart from paved driveway and walkway areas, required front yard and street-side yard areas (if applicable) shall be improved with landscaping, which may consist of a combination of drought-tolerant plants and other organic and inorganic materials, except paving. If new landscaping is not proposed, any damaged landscaping shall be replaced with new landscaping as described above. Proposed new landscaping shall be shown on the building permit plans prior to permit issuance and all landscaping shall be installed prior to final inspection, subject to the satisfaction of the Community Development Director, or his/her designee. (PLANNING)

12 PLANNING FINAL INSPECTION – Upon completion of all construction and landscaping, the applicant shall request the Project Planner conduct a Planning Final inspection for verification of compliance with all outstanding conditions of approval.

The applicant shall contact the Project Planner to schedule each inspection a minimum of 72 hours in advance of the requested inspection. (PLANNING)

**The following conditions shall be complied with AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.**

**Planning Division (PA)**

- 13 FRAME/PLANNING ROUGH INSPECTION – Upon completion of all framing and prior to the installation of exterior sheathing and windows, the applicant shall request the Project Planner conduct a Rough Frame inspection to verify items including, but not limited to, window locations, window sizes, and massing. The applicant shall contact the Project Planner to schedule each inspection a minimum of 72 hours in advance of the requested inspection. (PLANNING)
  
- 14 SINGLE FAMILY DWELLING WALL AND ROOF DEMOLITION – The applicant shall not demolish any exterior walls or roof structure beyond the demolition approved in this planning application approval and subsequent building permit. The applicant shall notify the Project Planner if any additional demolition of wall, roof structure, or any other portion of the building not originally approved for removal is requested. Any proposed modifications to the approved planning application shall be reviewed and approved by the Community Development Director, or his/her designee, prior to construction of the proposed modifications. (PLANNING)

**Building Division (PA)**

- 15 CONSTRUCTION WORK HOURS – Construction shall occur only between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, between 9:00 a.m. and 5:00 p.m. on Saturday, and between 12:00 noon and 4:00 p.m. on Sundays and holidays. These hours do not apply to construction that takes place inside a completely enclosed building and does not exceed the exterior ambient noise level as measured 10 feet from the exterior property lines. The applicant shall conform to the construction work hours to control traffic congestion, noise, and dust unless an exemption is granted in accordance with Municipal Code Section 23.06.061. (BUILDING)

**Fire Department (PA)**

- 16 ADDRESS NUMBERS – The applicant shall post temporary address numbers on each building at the project site that must be easily visible from the street or fire access road. (FIRE)
  
- 17 DEMOLITION – The applicant shall comply with the California Fire Code Chapter 33 during all phases of construction of the project. (FIRE)

18 EGRESS – The applicant shall maintain required egress for all adjacent buildings/properties. (FIRE)

**Public Works Department (PA)**

19 BEST MANAGEMENT PRACTICES (BMP) – The applicant shall perform all construction activities in accordance with the City’s Storm Water Management and Discharge Control Rules and Regulations (SMMC 7.39), and the San Mateo Countywide Water Pollution Prevention Plan (SMCWPPP) by reference. Detailed information can be located at: <https://www.flowstobay.org/preventing-stormwater-pollution/with-new-redevelopment/construction-best-practices/> (PUBLIC WORKS)

**The following conditions shall be complied with AT ALL TIMES that the project permitted by this planning application occupies the premises.**

**Planning Division (PA)**

20 APPROVED PLANNING APPLICATION CONFORMANCE AT ALL TIMES – All physical improvements, uses, and operational requirements authorized by the approved planning application shall, at all times that the use permitted by this planning application occupies the premises, substantially conform with the approved planning application. This includes but is not limited to plans, materials, project description, and other items submitted as part of the approved planning application. Any proposed modifications to the approved planning application shall be reviewed and approved by the Community Development Director, or his/her designee, prior to construction of the proposed modifications. The Community Development Director, or his/her designee shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a planning application modification is required to be submitted to permit the proposed modifications, as required by Municipal Code Section 27.08.080 Modifications. (PLANNING)

21 ONGOING LANDSCAPE MAINTENANCE – All landscaped areas shall be maintained free of litter, debris and weeds. All plantings shall be permanently maintained in a healthy growing condition and, whenever necessary, replaced with equivalent plant materials to ensure continued conformance with approved plans. (PLANNING)

**City Attorney (PA)**

22 INDEMNIFICATION – The applicant will defend, indemnify, and hold harmless the City of San Mateo, its elected and appointed officials, employees, and agents from and against any costs, claims, or liabilities arising out of the approval of this planning

application, including, without limitation, any award of attorney fees that might result from third party challenge. If applicant is required to defend the City, the City shall retain the right to select the counsel who shall defend the City. (CITY ATTORNEY)

23 PENALTY – In accordance with San Mateo Municipal Code section 27.02.210- Violations of Planning Application Conditions, any violation of any of the conditions of approval is unlawful and will subject the applicant to the penalties set forth in Chapter 1.04-General Penalty of the San Mateo Municipal Code as well as any other available legal remedies. (CITY ATTORNEY)