



# CITY OF SAN MATEO

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## Agenda Report

Agenda Number: 1

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**TO:** Planning Commission  
**FROM:** Christina Horrisberger, Director  
**PREPARED BY:** Community Development Department  
**MEETING DATE:** May 23, 2023

**SUBJECT:**

Appeal of a Second-Story Addition to an Existing Single-Family Residence at 329 Greenfield Avenue (PA-2022-051)

**RECOMMENDATION:**

Adopt a Resolution to deny the appeal of the Zoning Administrator's decision to approve the Single-Family Dwelling Design Review (SFDDR) for a 566 square-foot second-story addition to a one-story single-family residence at 329 Greenfield Avenue, based on the findings and subject to the conditions of approval included in Attachment 1.

**BACKGROUND:**

On July 21, 2022, Jessica Sin of JSD Architecture + Design (Applicant), submitted Planning Application (PA) PA-2022-051 for a new second-story addition to an existing one-story single-family residence, and worked with the City's Development Review Board to address code requirements and consistency with design guidelines for the proposed project. Following a duly noticed public review period, the Zoning Administrator approved the proposed project on March 2, 2023 (Attachment 2). On March 11, 2023, Mr. Dennis Lee (Appellant), a neighboring resident, filed an appeal of the Zoning Administrator decision, citing concerns related to privacy impacts from the proposed second-story windows. The appeal form is included as Attachment 3. San Mateo Municipal Code (SMMC) Section 27.08.090 authorizes the Planning Commission to take action on an appeal of a Zoning Administrator decision. This staff report provides a summary of the project, the issues raised in the appeal, and a discussion of how the project substantially complies with the Single-Family Dwelling Design Guidelines, Zoning Code requirements, and applicable standards for purposes of approving the project.

Project Description

The project site is located at 329 Greenfield Avenue, just to the east of the intersection with 42<sup>nd</sup> Avenue, in the Sugarloaf Neighborhood of San Mateo. The site is zoned R1-C (One Family Dwellings) and has a parcel area of 5,268 square feet. A location map showing the project site and its vicinity is included as Attachment 4.

The project is a two-story addition to an existing 1,680 square-foot one-story residence. The addition includes a new 566 square-foot second story and a 344 square-foot addition on the first story at the front of the house. A large Coast Live Oak tree located in the rear yard was approved for removal by the Department of Parks and Recreation on July 21, 2022, due to decay throughout the main trunk (Permit # HT-2022-001393). Project plans showing the proposed site plan, floor plans, elevations and landscape improvements are included in Attachment 5.

Zoning Code and Design Review

The project is subject to the requirements of SMMC Chapter 27.18 for (R1 Districts – One-Family Dwellings), which includes development standards for floor area ratio (FAR), building height, daylight plane, and setbacks. The overall proposed floor area of 2,550 square feet is within the maximum allowable FAR of 2,634 square feet for the property. The project proposes an overall building height of 22 feet, 10 ¾ inches measured to roof peak, and 18 feet, 9 ½ inches

measured to the highest plate-line, both of which are measured from existing grade. These measurements are within the district's height limits of 32 feet to roof peak and 24 feet to building plate line. The project's compliance with all applicable Zoning Code requirements is summarized in the Project Data Sheet ([Attachment 6](#)).

The proposed construction of a second-story addition requires a Single-Family Dwelling Design Review (SFDDR) in accordance with SMMC 27.08.032. This review includes evaluating the project for consistency with the Single-Family Design Guidelines (Design Guidelines). Staff found the project to be in substantial conformance with the Design Guidelines because it maintains the existing exterior finishes and incorporates second-story setbacks that provide a building form and scale that are consistent with the existing residences in the surrounding neighborhood. Additional details about the project's conformance with the Design Guidelines are provided in the Resolution ([Attachment 1](#)).

#### **APPEAL:**

An appeal was filed by Dennis Lee, a neighboring resident at 340 Midvale Avenue, located to the rear of the project site. As noted in the Appeal Form, the appeal is focused on two areas of concern with respect to privacy: 1) privacy impacts caused by the project's second story rear windows, and 2) frosting of the stairway landing window. Staff reviewed the Appellant's concerns and the project in accordance with the Design Guidelines and made the following findings with regard to consistency with the Design Guidelines:

1. Privacy Impacts: The Appellant expressed concerns that the second story rear windows will overlook into their rear yard and residence's interior and that the solutions proposed by the Applicant, including redesigning the floor plan to limit living spaces at the rear, frosting all of the five second-story rear windows, and planting of privacy hedges, do not adequately address this concern. The Design Guidelines provide guidance to respect the privacy of adjacent neighbors, which include:
  - Arrange and offset windows from neighboring windows to maximize privacy;
  - Arrange the proposed floor plan to maximize neighboring privacy;
  - Utilize high and clerestory windows;
  - Utilize landscaping or obscure glass; and
  - Acknowledge that privacy impacts are greater when close and reduce with distance.

As shown in the project plans, the Applicant proposes a total of five second story, rear-facing windows. While these windows are approximately aligned with the Appellant's rear windows, the proposed windows are located more than 50 feet from the rear windows of the Appellant's residence. Consistent with the Guidelines, staff's interpretation is that this distance reduces privacy impacts. To further reduce privacy impacts, the Applicant has also agreed to frosting all five of the second-story rear windows, which obscure the applicant's view to the rear. The Appellant expressed concern that privacy impacts will still occur if the subject windows are open; however, the subject windows are considered passive in use since they serve a stairway landing, hallway, and bathroom and not common living areas (living, kitchen, and dining) where casual viewing is more likely to occur.

In addition to the architectural solutions proposed above, the applicant has agreed to planting a privacy hedges along the existing six-foot tall fence on the rear property line to further screen views toward the Appellant's residence. Lastly, the Appellant raises a concern that the height of the windows increased to four feet since the project's neighborhood meeting and that the window heights should be reduced. Staff evaluated the design of these windows and found that they substantially comply with the Guidelines regarding privacy and window proportions and rhythm.

2. Stairway Landing Windows: The Appellant also expressed a specific request for correction in the Zoning Administrator Decision letter regarding frosting treatment for the stairway landing window. The Zoning Administrator Decision Letter dated March 2, 2023 ([Attachment 2](#)) noted in error that one of the five windows (specifically the stairway landing window) would not be frosted. This has been revised in the Resolution ([Attachment 1](#)) given that the project plans ([Attachment 5](#)) show frosting treatment for all five second-story rear windows including the stairway landing window. A Condition of Approval requiring that construction of the project, if approved, to substantially conform with the approved plans (Condition No. 1) has also been added.

As discussed above and in the Resolution ([Attachment 1](#)), the project is in substantial conformance with the Design Guidelines. Therefore, staff recommends that the Planning Commission find that the project meets all applicable policies and regulations, deny the appeal and approve the two-story addition at 329 Greenfield Avenue.

#### **ENVIRONMENTAL DETERMINATION:**

Staff has determined that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) under Class 1 Section 15301(e) *Additions to Existing Structures* in that the project will not result in an increase of more than 10,000 square-feet, is in an area where all public services and facilities are available to allow for maximum development permissible in the General plan, and is not located in an environmentally sensitive area.

#### **PUBLIC COMMENT:**

Staff received public comments from the Appellant during the initial project review and public comment period, which are included as [Attachment 7](#). The primary concern raised was privacy impacts caused by the project's second story rear windows. The applicant worked to address neighbor's concerns through floor plan design and landscaping revisions. All revisions were completed prior to issuing the Zoning Administrator decision to conditionally approve the project.

Additional public comments received following the publishing of this agenda report will be forwarded to the Planning Commission for review and consideration at the Public Hearing and posted to this item on the City's Public Meeting Portal as "Post Packet Public Comments."

#### **NOTICE PROVIDED**

In accordance with Government Code section 65091 and the City's Municipal Code noticing requirements in Chapter 27.08.050, this hearing was noticed to the following parties ten days in advance of the Planning Commission meeting:

- Property owners, residential tenants and business tenants within 500 feet of the project site;
- The City's "900 List" which contains nearly 100 Homeowner Associations, Neighborhood Associations, local utilities, media, and other organizations interested in city-wide planning projects;
- The City's Planning "Notify Me" email list; and,
- The interested parties list, which includes interested individuals who contacted the City and requested to be added to the project notification list.

#### **ATTACHMENTS**

Att 1 – Resolution with Findings and Conditions of Approval

Att 2 – Zoning Administrator Decision Letter

Att 3 – Appeal Form to the Planning Commission

Att 4 – Location Map

Att 5 – Project Plans

Att 6 – Project Data Sheet

Att 7 – Public Comments

#### **STAFF CONTACT**

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