

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

DATE: October 15, 2026

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Home Improvement Exception, pursuant to Section 8.320 of the San Mateo County Zoning Ordinance whereby a public hearing has been requested, to add 570 sq. ft. to the first story of an existing 1,242-square foot house on a 9,640-square foot nonconforming-size lot at 15 Patterson Avenue in the unincorporated West Menlo Park area of San Mateo County. The proposed addition would encroach 9 feet, 11 inches into the rear yard setback, where 20 feet is the minimum required for the R-1/S-92 District.

County File Number: PLN2026-00114 (Liu Qianchu Et Al)

PROPOSAL

The applicant is requesting a Home Improvement Exception (HIE) to allow the construction of a new 570-square foot addition, partially located within the required rear yard setback to the residence. The residence is located on a developed, nonconforming-size 9,640-square foot parcel where the minimum lot size is 10,000 sq. ft. within an existing single-family residential neighborhood. Additionally, development of the property is constrained by a 12-foot-wide storm drain easement running the width of the property that effectively divides the lot into two buildable portions, with the house on the western portion and an Accessory Dwelling Unit (ADU) on the eastern portion of the lot.

The rear wall of the existing residence is located at the 20-foot rear yard setback line. The initial proposal would extend the kitchen by 9 feet, 11 inches, into the required rear yard setback, while the proposed living room would encroach 8 feet, resulting in a total encroachment of 190 sq. ft. into the rear yard setback. Consistent with the requirements of the HIE regulations, Staff mailed the required optional hearing request notice to surrounding property owners on May 6, 2026. A request for a hearing was received from neighboring property owners prior to the close of the noticing period, resulting in this public hearing, along with letters stating concerns with the project, including impacts to privacy and a desire for the project to conform to required setbacks.

Addressing these comments received by neighbors, Staff spoke with the Applicant on August 28 and September 2, 2026, regarding reducing the proposed encroachments into the rear yard setback in response to the neighbors' objections. The Applicant was receptive to the requested changes and submitted revised plan set options.

- Option A preserves the initially proposed 117-square foot kitchen encroachment of 9 feet, 11 inches, while reducing the living room encroachment to 5 feet 7 inches. This reduces total encroachment by 51 sq. ft. to 154 sq. ft. Option B also retains the 117-square foot kitchen encroachment of 9 feet, 11 inches, while completely removing the living room encroachment and placing the living room within the building envelope permitted by the Zoning Regulations.

The project includes minor grading and does not propose the removal of any significant trees.

RECOMMENDATION

That the Zoning Hearing Officer approves Option B of the HIE Application, County File Number PLN2026-00114, by making the required findings listed in Attachment A.

BACKGROUND

Report Prepared By: Randall Cohen, Project Planner, Telephone 650/383-4658

Applicant: Shifan Deng

Owner: Liu Qianchu Et Al.

Public Notification: Ten-day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing posted in a newspaper (San Mateo County Times) of general public circulation. In addition, advance notice of the hearing was mailed to interested parties.

Location: 15 Patterson Avenue, unincorporated West Menlo Park

APN(s): 070-270-280

Size: 9,640sq. ft. parcel

Zoning: R-1/S-92

General Plan Designation: Single-Family Residential

Sphere-of-Influence: Menlo Park

Existing Land Use: Developed with a Single-Family Residence

Water Supply: California Water Service – Bear Gulch

Sewage Disposal: West Bay Sanitary District

Flood Zone: Zone X (Areas of Minimal Flood Hazard), FEMA Panel: 06081C0304E
Effective Date: 10-16-2012

Environmental Evaluation: This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Class 1(e), relating to minor additions to existing structures.

Setting: The property is in an area designated for single-family residential use, with residences located on all sides.

Chronology:

<u>Date</u>	<u>Action</u>
March 26, 2026	- Subject application (PLN2026-00114) received by County of San Mateo Planning and Building
May 6, 2026	- Project Deemed Complete
-	Public Notification sent to neighboring properties 300 feet from project location. Informed property owners did not receive notification until May 11, 2026. Public commenting period was adjusted to May 11, 2026, through May 21, 2026.
May 18, 2026	- Multiple written objections were received, and a request for a public hearing was submitted by neighboring property owners concerned that the proposed addition would impact privacy. The objecting parties also stated that the encroachment would significantly impact their quality of life and could potentially reduce the values of neighboring properties. Staff informed applicant of objections to project and request for Public Hearing. Subsequently, the Applicant asked to delay scheduling a hearing so that they could speak with neighboring property owners to explain the proposal. No consensus for the proposal could be reached.
August 28, 2026	- Staff met with Applicant to discuss reducing proposed encroachment of kitchen and living room into the rear setback.
September 2, 2026	- Follow-up meeting with Applicant to discuss revised plans. County Staff suggested further reduction of living room, and to focus efforts into buildable area south of the building where development is granted by right.
September 3, 2026	- Applicant provided Options A and B, which represent reduced encroachments into the rear setback. Applicant indicated that while they prefer the initial proposal, they would find the options acceptable.
October 15, 2026	- Zoning Hearing Officer Meeting

DISCUSSION

A. KEY ISSUES

1. Conformance with General Plan

a. Visual Quality Policies

Policy 4.15 (*Appearance of New Development*) regulates development to promote and enhance good design, appropriate site relationships, and other aesthetic considerations. The Zoning Regulations, which implement the General Plan, include setback provisions to prevent overcrowding in neighborhoods, ensure adequate access to light and ventilation for each property, and promote a visually-consistent appearance within a community by regulating where buildings can be placed on a lot. Setbacks are particularly important in maintaining appropriate separation between structures and protecting the privacy, safety, and aesthetic character of neighboring properties.

In this instance, the proposed encroachments would reduce the required yard setback adjacent to the common property line with the neighboring parcels. The reduced separation between the proposed development and the neighboring properties would increase the visual and physical presence of the structure from the adjacent parcels and would affect the privacy and site relationship between the properties. Section 8.320 of the Zoning Regulations allow for minor encroachments into setbacks for small residential additions through a Home Improvement Exception. Staff concludes that Option B best achieves the intent of Policy 4.15, which seeks to ensure that new development is appropriately situated on a site and does not adversely impact the privacy, aesthetic character, or relationship of adjoining properties, while allowing the owner to expand their kitchen in an area that is particularly constrained by the easement.

2. Conformance with Zoning Regulations

a. Compliance with S-92 Zoning District Regulations

The 9,640-square foot project site does not conform to the 10,000 sq. ft. minimum lot size of the R-1/S-92 zoning district. Currently, the existing residence complies with the minimum setback requirements, although the east wall encroaches into an easement.

As shown in the table below, the proposed project does not comply with the minimum rear setback requirements of this zoning district.

Table 1 - Compliance with the R-1/S-17/DR/CD Zoning District			
	<i>Required</i>	<i>Proposed</i>	<i>Complies?</i>
Min. Side Yard Setback	10 ft.	(R)13 ft. – 7 in. (L) 10 ft. – 4 in.	Yes
Min. Front Setback	20 ft.	62 ft. – 7 in.	Yes
Min. Rear Setback	20 ft.	10 ft. - 1 1 in.	No, HIE needed
Max. Floor Area	4,006.4 sq. ft. max.	2,668 sq. ft.	Yes
Max. Building Site Coverage	50%	22%	Yes
Min. Average Lot Width	50 ft.	70'	Yes
Min. Lot Size	10,000 sq. ft.	9,640 sq. ft.	No, Existing Non - Conformity

3. Conformance with Home Improvement Exception (HIE) Findings

After the required written notice of the project was sent, neighbors Eamonn Dunphy (6 San Juan Avenue), Helen Ward (16 San Juan Avenue), Charles Ehrlich (1888 Camino a los Cerros), and Eleanor Lacey and David Berkey (1890 Camino a los Cerros) have requested the hearing and expressed concerns regarding impact to privacy and property values.

In an effort to address the required HIE findings and comments received from neighbors, staff worked with the applicant to develop Options A and B to address the owner's desire for home expansion, maximizing use of buildable areas allowed by the zoning, and minimizing privacy impacts:

- Option A preserves the initially proposed 117-square foot kitchen encroachment while reducing the living room encroachment for a total project encroachment of 154 square feet. Option B retains the 117-square foot kitchen encroachment while removing the living room encroachment and placing the living room within the building envelope permitted by the Zoning Regulations.

The Initial Proposal and both Options comply with HIE General Provision criteria:

Requirement	Requirement Met?
(1) The improvement exception is for an addition to an existing one-family residential unit, an existing two-family residential unit, or a detached garage in the R-3 district.	Yes.
(2) The addition will not result in the creation of a new story.	Yes.
(3) At least 75 % of the existing exterior walls (in linear feet) will remain.	Yes.
(4) At least 50 % of the existing roof (in sq. ft.) will remain.	Yes.
(5) The addition will be located at least three feet from a property line.	Yes.
(6) The existing structure is located in an area with an average slope of less than 20 %.	Yes.
(7) Development on the parcel does not exceed maximum floor area, if located in the Mid-Coast.	Yes.
(8) The total floor area approved through home improvement exceptions on a given parcel shall not be greater than 250 sq. ft., and no more than 100 sq. ft. may extend into a side yard.	Yes.
(9) If the addition will not result in a visible change to the exterior shape and size of the residential unit, improvement exceptions may apply to projects that require relief from the Zoning Regulations for height, involve the addition of a new story, or exceed the 250-square foot limit.	This provision is not applicable to the proposed project.

In order to approve an HIE, the following findings must be made:

- a. **The existing structure has a design or there are conditions applicable to the property such that the proposed project would result in only minor exterior changes.**

The existing house sits at an angle, parallel to the rear setback line. The initially proposed 570-square foot addition would result in a 190-square foot encroachment into the required rear yard setback, extending to 9 feet, 11 inches, into the rear setback. The house does not have a unique design; however, due to the 12-foot-wide storm drain easement running the width of the property and the nonconforming lot size, the lot is effectively divided into two buildable portions. In an effort to address the required findings, the subsequently proposed options consider compliance with the requirement for minor exterior changes by reducing the living room encroachment into the rear yard setback (Option A) or completely removing the living room from the rear setback (Option B). Option B would result in the least exterior change as experienced by the neighbors.

- b. **The Home Improvement Exception sustains the integrity or enhances an existing design concept or the neighborhood character.**

The subject house, as designed, was placed at the rear setback line to utilize the limited buildable area onsite due to the 12-foot-wide storm drain easement that runs through the property. The placement of the structure helps maintain privacy for the adjacent properties in this direction. The Initial Proposal would reduce privacy for the adjacent properties; however, the subsequent Options address this concern and reduce the potential impact of the proposal.

- c. **The granting of this application will not be detrimental or injurious to the property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.**

As discussed previously, the requested exception to the Zoning Regulations would reduce the required setback between the proposed development and the adjacent parcels to the rear of the subject property, thereby increasing the visual and physical presence of the proposed addition from the neighboring properties.

Although an HIE may authorize improvements that would otherwise be prohibited by the applicable setback requirements, the granting of an exception must not result in impacts that are detrimental or injurious to neighboring properties or inconsistent with applicable General Plan policies. As initially proposed, Staff found that the extent of the proposed encroachments would affect the privacy and visual quality of the neighboring properties and would therefore present a detrimental impact on the surrounding properties.

Subsequent revisions to the project, including Options A and B, acknowledge these concerns and incorporate modifications to reduce the potential impacts of the proposed encroachments. Both options acknowledge the need for the proposed kitchen encroachment to allow for a reasonably sized kitchen. In analyzing the floor plan, staff found that the living room and entry areas could be re-configured to reduce the setback encroachment while achieving a comparable purpose.

Option A reduces the extent of the living room encroachment, while Option B eliminates the living room encroachment entirely and places the living room within the building envelope permitted by the Zoning Regulations. These revisions substantially reduce the visual and physical presence of the proposed development within the rear yard setback and improve the separation between the subject property and the adjacent parcels.

Furthermore, the revised options demonstrate the Applicant's effort to address the Visual Quality policies of the General Plan, including Policy 4.15 (*Appearance of New Development*), by minimizing the extent of the

proposed encroachment while maintaining the functional needs of the addition. While the kitchen encroachment remains necessary due to the site constraints, including the 12-foot-wide storm drain easement and the nonconforming lot size, the subsequent revisions reduce the overall extent of the encroachment and eliminate the more substantial impacts associated with the initially proposed living room encroachment.

Based on the revised options, Staff finds that the Applicant has acknowledged and made reasonable efforts to address the potential privacy, visual quality, and site relationship impacts identified with the initial proposal. The revisions provide additional compliance with the intent of the Zoning Regulations and applicable General Plan policies and reduce impacts that would otherwise make the required finding difficult to support. Accordingly, Staff finds that the revised proposal, particularly Option B, would be the least detrimental or injurious to the property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.

B. ENVIRONMENTAL REVIEW

This project is exempt from environmental review pursuant to CEQA Guidelines Section 15301(e) regarding additions and alterations to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 sq. ft., whichever is less. As proposed, 46 percent of the house or 570 sq. ft. would be remodeled.

C. REVIEWING AGENCIES

Drainage Section
Geotechnical Section
Fire

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Existing Site Plan
- D. Original Proposed Plan Set
- E. Plan Set "Option A"
- F. Plan Set "Option B"
- G. Request for Hearing

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN2026-00114

Hearing Date: October 15, 2026

Prepared By: Randall Cohen, Planner II

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding Environmental Review, Find:

1. This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301(e), relating to minor additions to existing structures.

Regarding the Home Improvement Exception (HIE), Find:

2. **The existing structure has a design or there are conditions applicable to the property such that the proposed project would result in only minor exterior changes.**

The house currently sits at an angle, parallel to the rear setback line. The initially proposed 570-square foot addition would result in a 190-square foot encroachment into the required rear yard setback, extending to 9 feet, 11 inches, into the rear setback. The house does not have a unique design; however, due to the 12-foot-wide storm drain easement running the width of the property and the nonconforming lot size, the lot is effectively divided into two buildable portions. In an effort to address the required findings, the subsequently-proposed options consider compliance with the requirement for minor exterior changes by reducing the living room encroachment into the rear yard setback or completely removing the living room from the rear setback. Staff recommendation approval of Option B to allow the construction of the kitchen to encroach into the rear yard setback to the distance of 9 feet, 11 inches, while eliminating the encroachment of the living room entirely and building within the entitled building envelope.

3. **The HIE sustains the integrity or enhances an existing design concept or the neighborhood character.**

The subject house, as designed, was placed at the rear setback line to utilize the limited buildable area onsite due to the 12-foot-wide storm drain easement that runs through the property. The placement of the structure helps maintain privacy for the adjacent properties in this direction. As initially proposed, the addition would reduce privacy for the adjacent properties; however, the subsequent options address this

concern and reduce the potential impact of the proposal.

4. **The HIE authorizes only uses or activities which are permitted by the zoning district.**

The subject parcel is zoned for single-family residential use. Kitchens and living rooms are a typical use within single family dwellings.

5. **The HIE is consistent with the objectives of the General Plan and the Zoning Regulations.**

As discussed within the Staff Report, Staff believes that the initially proposed encroachment conflicts with Visual Quality policies of the General Plan. Subsequently proposed Option B acknowledges this required finding and provides consideration to the neighbors' concerns.

CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposed Option B, as described in documents and plans described in this report and as approved by the Zoning Hearing Officer on October 15, 2026. Minor revisions or modifications not including the enlargement of the proposal may be subject to the review and approval of the Director of Planning and Building.
2. If after one year from the date of approval, a building permit has not been issued, the HIE will expire. The exception may be extended for an additional one year if the applicant requests an extension in writing and submits payment of applicable extension fees at least 60 calendar days before the expiration date.
3. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours of 7:00am to 6:00 p.m. weekdays and 9:00am to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo County Ordinance Code Section 4.88.360.e).
4. During project construction, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into the storm drain systems and water bodies by:
 - a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
 - b. Stabilizing all denuded area and maintaining erosion control measures continuously between October 1 and April 30.

- c. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - d. Storing, handling, and disposing of construction materials and wastes so, as to avoid their entry to the storm drain system or water body.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing applications of pesticides and fertilizers to avoid polluting runoff.
5. The applicant shall include a construction staging plan on the plans submitted for the building permit. The plans shall identify the type and location of construction staging elements (i.e., location of material storage, portable toilet, concrete washout, construction vehicle parking, tree protection, etc.) to be utilized as part of the project to maintain a clean and orderly job site.
 6. No site disturbance shall occur, including any land disturbance, until a building permit has been issued.
 7. This permit does not allow for the removal or trimming of any trees. Removal or trimming of any tree with a diameter equal to or greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
 8. The applicant shall apply for and obtain a building permit prior to commencing any construction or construction related activities.

Menlo Park Fire Protection District

9. A final plan set approved by the Menlo Park Fire Protection District, along with any conditions applicable to the approved option, must be submitted when a Building Permit is applied for.

Drainage Section

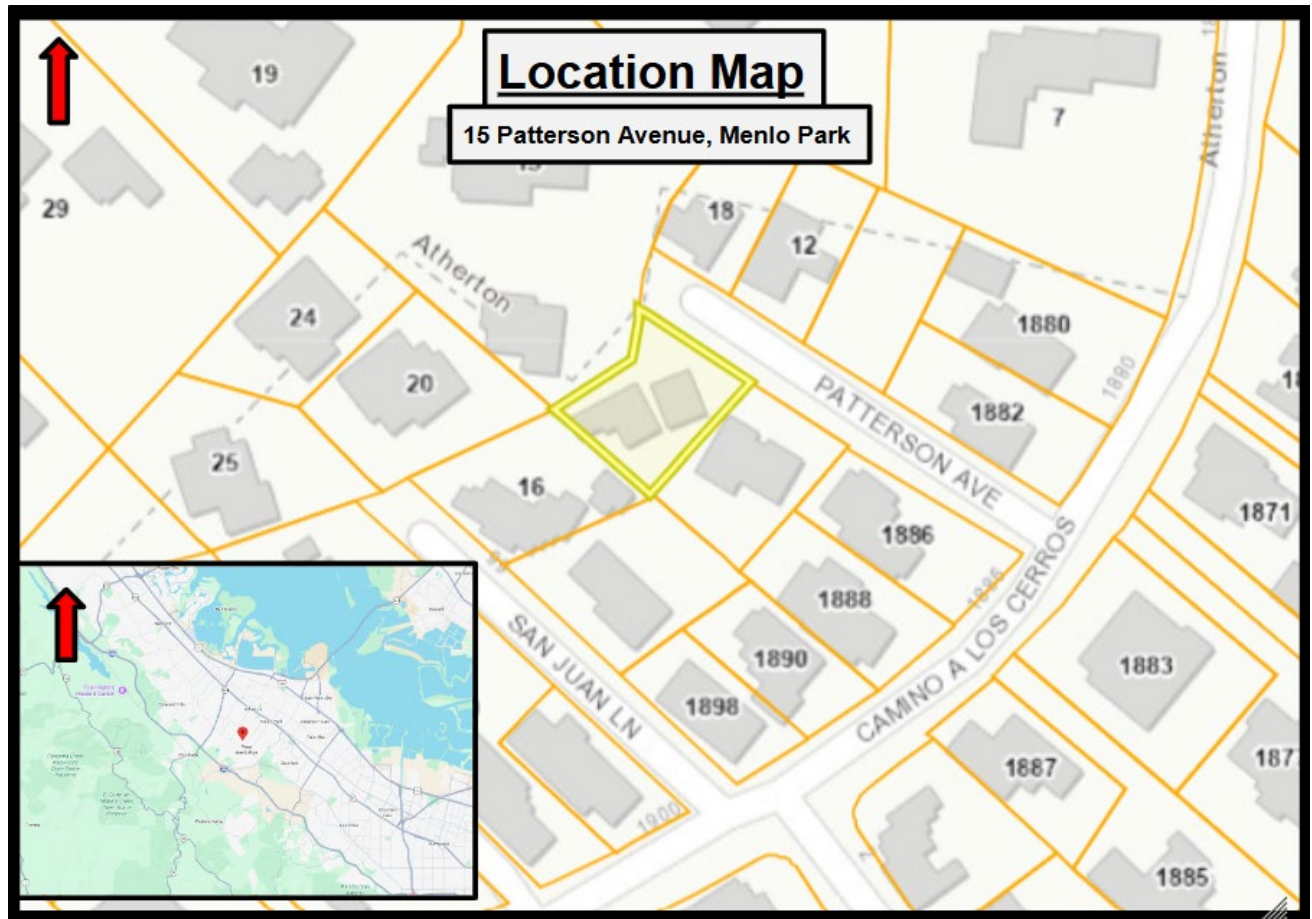
10. At the time of building permit application, the project shall comply with the County Drainage Manual to prevent stormwater from flowing across property lines. For projects that trigger size and/or slope thresholds, prior to the issuance of the building permit for new residential development, the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project. 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 and Planning and Building Department for review and approval.

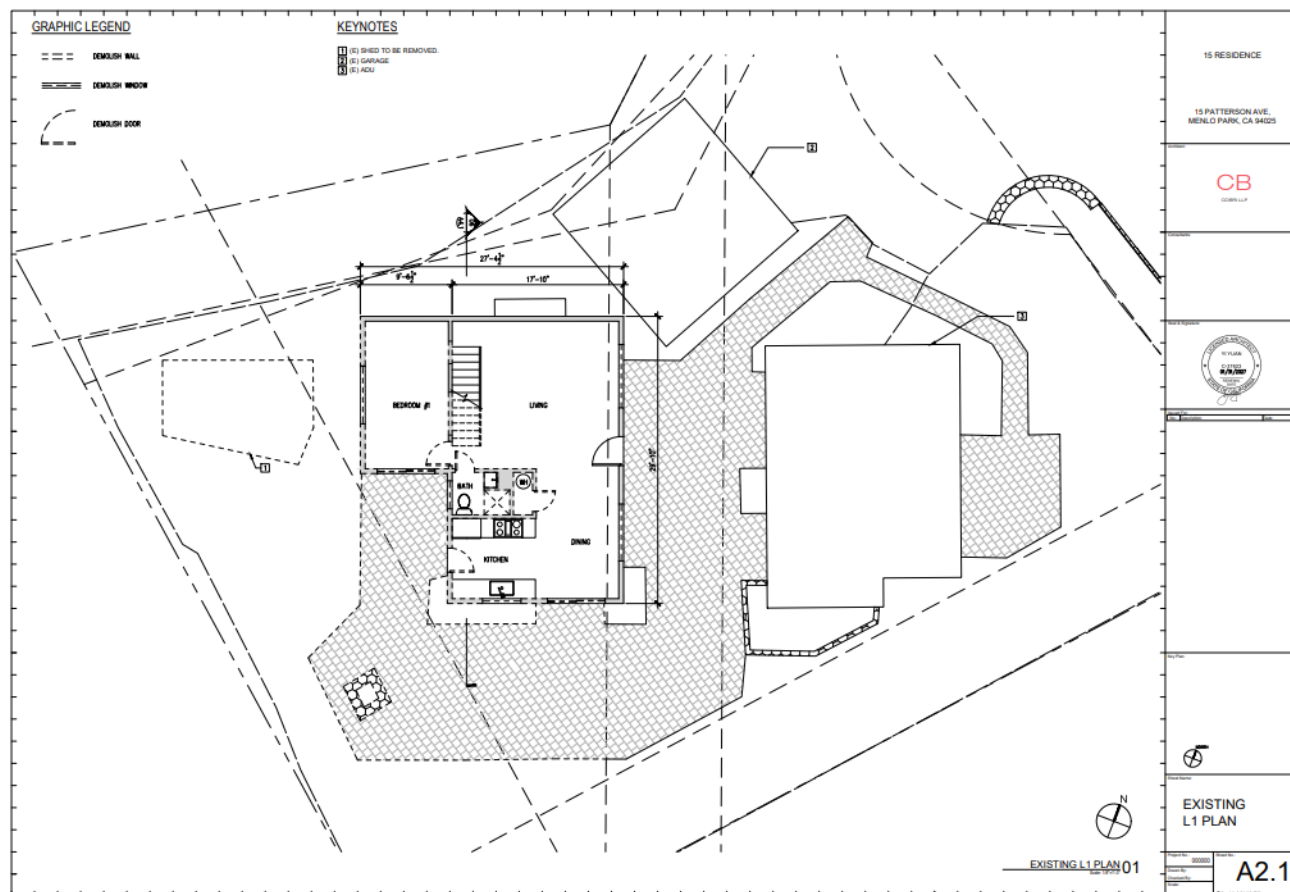
11. A final C.3 and C.6 Development Review Checklist, a final drainage plan, and a drainage report shall be provided at the time of building permit submittal.
12. Plans between designers shall be consistent.
13. If proposing deck as a pervious surface, plans shall indicate the spacing between boards and the surface underneath the deck to confirm with County whether deck is considered a pervious or impervious surface.
14. To avoid delays or additional plan review cycles please reference the San Mateo County Drainage Manual (SMCDM) online at: <https://planning.smcgov.org/drainage-manual>.

Geotechnical Section

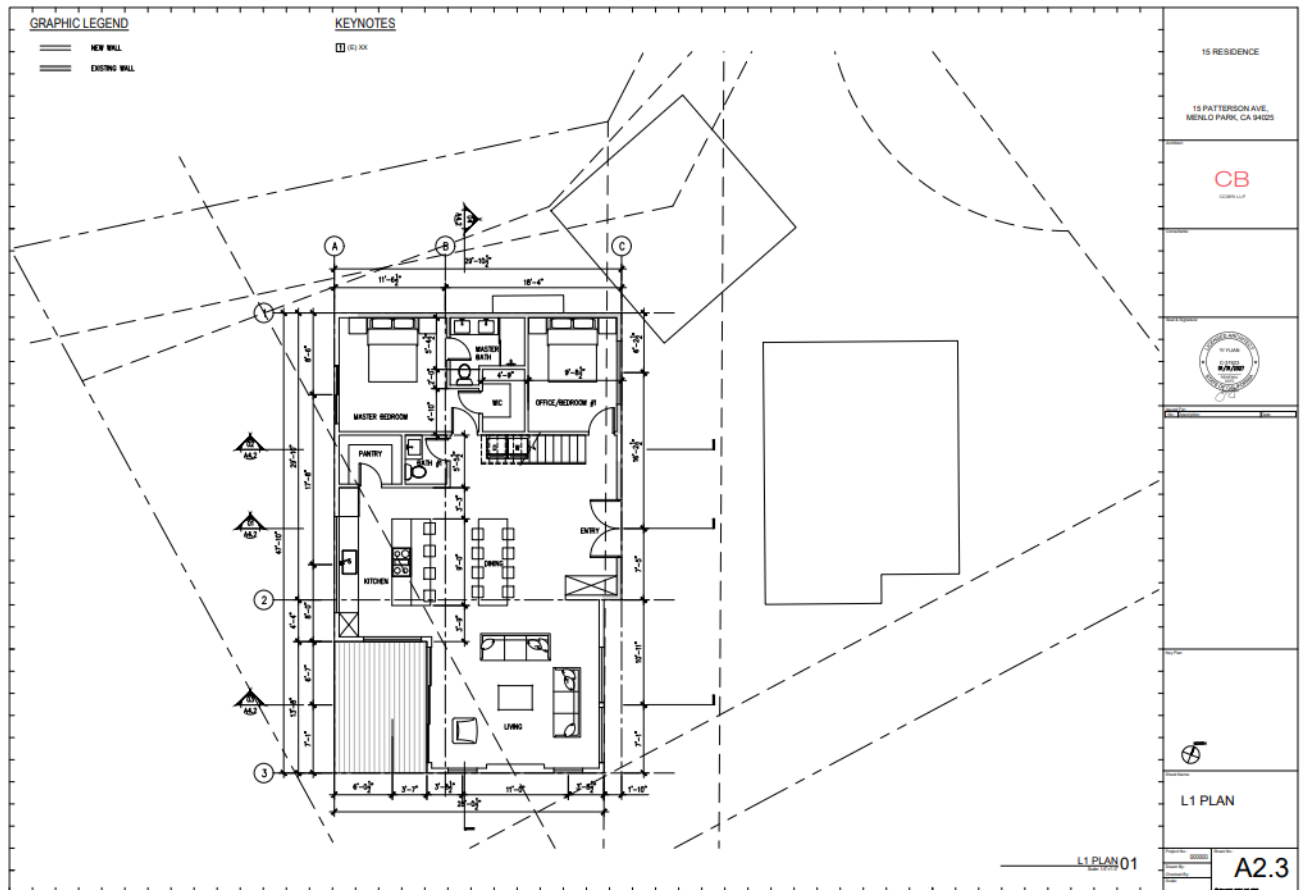
15. At the time of building permit application, a current geotechnical report defining the soils condition onsite shall be submitted alongside any proposed plans and applications.



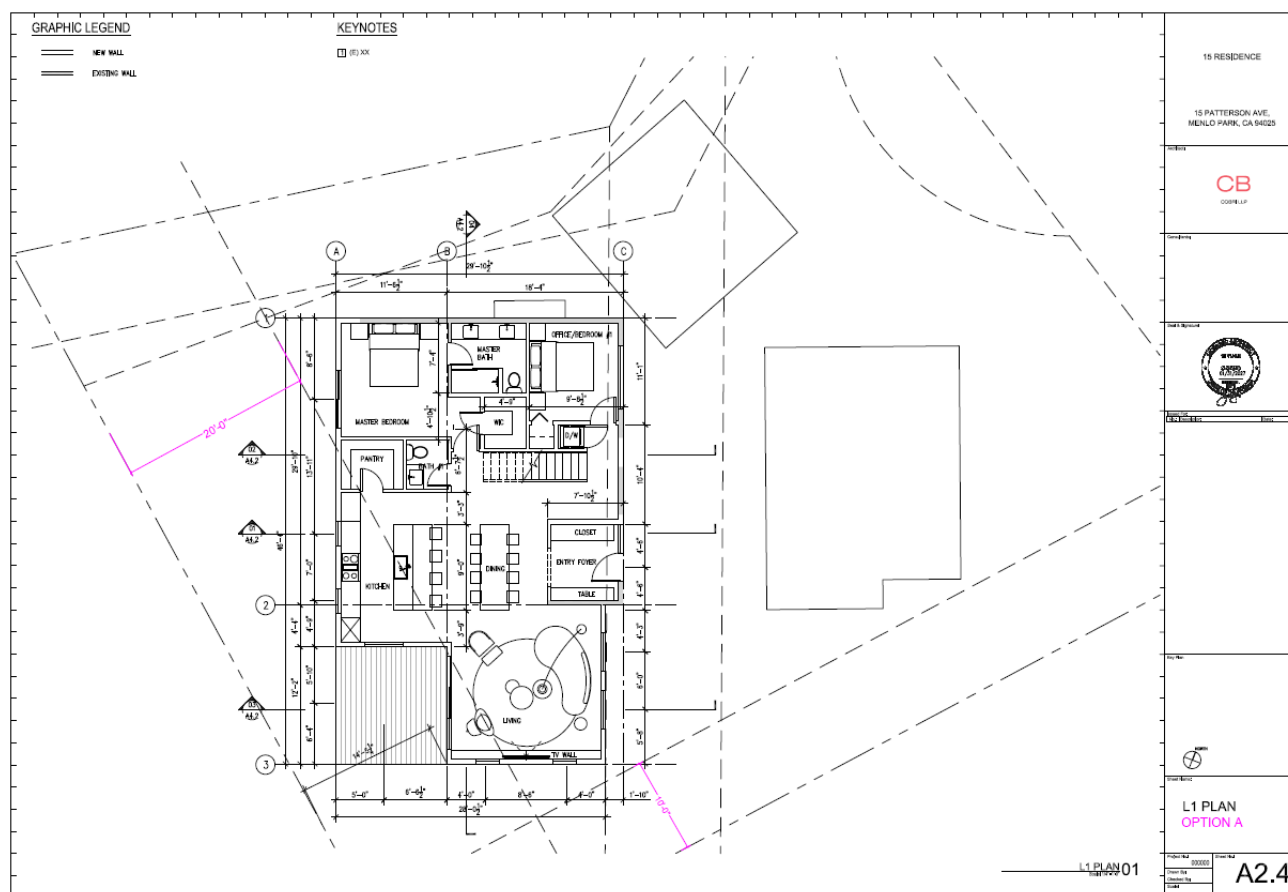
Existing Site Plan



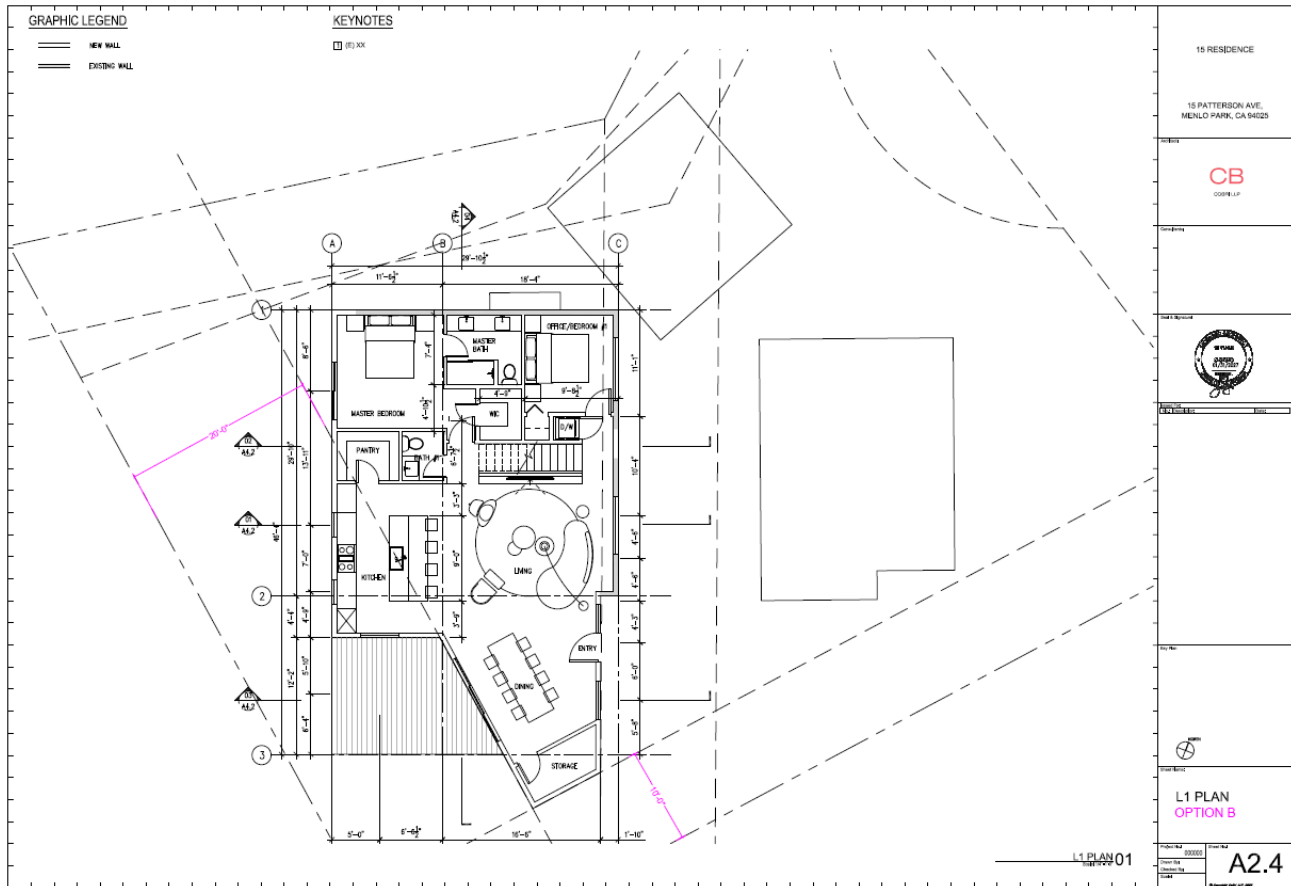
Original Proposal Plan Set



Plan Set “Option A”



Plan Set Option "B"



Requests for Public Hearing

Eamonn Dunphy (6 San Juan Avenue)

Dear Mr. Cohen,

I wish to object to the Home Improvement Exception application PLN2026-00114 at 15 Patterson Ave., Menlo Park.

The County of San Mateo has established a 20 ft setback for this district presumably to protect the esthetics of the neighborhood and provide privacy for the residents. The reasons stated to build an extension with a 10 ft setback, according to a telephone conversation with you, are to extend a kitchen and another room.

The reasons for my objection are my privacy concerns, as the proposed extension is close to my back yard, and to protect the esthetics and building density of the neighborhood. The stated reasons for the exception, an irregular lot and an adjacent stream, were obviously present when the proprietor purchased the lot. I believe the proprietor should abide by the building regulations of a 20 ft setback applicable to all the owners in this district when she bought the property. In addition, the proposed extension is in contravention of the rules for the approval of a home improvement extension:

Section 6531 #(9) the total floor area approved through home improvement exceptions on a given parcel shall not be greater than two hundred and fifty (250) square feet and no more than one hundred (100) square feet may extend into a side yard. If the addition will not result in a visible change to the exterior shape and size of the residential unit, improvement exceptions may apply to projects which (1) require relief from the provisions of the Zoning Regulations for height; (2) involve the addition of a new story; and (3) exceed the 250 square feet limit.”

The proposed extension is 569.9 sq ft, clearly in excess of 250 sq ft permitted by the exception. I find it difficult to determine from the diagram if it extends more than 100 sq ft into the side yard. Perhaps you could inform me of this? Also it appears that the extension will result in a visible change to the size and shape of the residential unit, so improvement exceptions should not apply to a project that exceeds 250 sq ft.

My neighbor Helen Ward of 16 San Juan Ave. has informed me that the house at 15 Patterson Ave. is not the primary residence of the proprietor, and that it is rented out to at least 2 individual tenants. While I have not verified this personally, I would point out that, if this is the case, the proposed extension is not for personal use of the owner, but rather to extend the area of the developed property for rental use. I am not sure if subdivision of a single family residence for rental purposes into 2 sub-units is permitted in this district, but would be grateful for your input on this matter.

Regarding the request of the proprietor or their representative for a direct conversation with me, I do not wish to permit this or divulge my identity. However, if the proprietor/representative wishes to make their argument in writing, they should send it to you, and you can forward it to me for my consideration.

Best regards,

Eamonn P Dunphy, MD

Helen Ward (16 San Juan Avenue Sir, My neighbor, Eamonn Dunphy has made me aware of our properties being threatened of losing our privacy. Him, from his private pool, and more. The issue is illegal set backs of the project at 15 Patterson Avenue, Menlo park My property is 16 San Juan Avenue located behind said property. I have not received any information about this project when in fact my property will be most affected. 15 Patterson already has a hot tub building against the fence and two rented units on the property. I am not aware that rental units are allowed in our area. Now speculating, she wants to build another unit to rent?. She is asking to put in a two story building looking down into my private yard and into my fifteen feet of glass windows and sliding doors. It will be only 10 feet from my wood Fence and wooden garage, Then another four feet from my garage to my wooden building. I am concerned that if her over built property should have a fire it would take no time for it to burn my fence, garage, and home to the ground. I need to know what I need to do to protest this intrusion to my property please send me all facts and meeting notes. I hope this encroachment is dissolved. Charles Ehrlich (1888 Camino a los Cerros)