

October 29, 2012

Mr. Stephen Scott
Mr. Ronald Munekawa
Planning and Zoning Administrators
Department of Community Development
City of San Mateo
330 West 20th Avenue
San Mateo, CA 94403-1388

RE: PA 12-038, Kent Parcel Map, 50 Clark Dr.
APN: 032-063-230

Dear Planning Commissioners and Zoning Administrators,

The Frazier family at 16 Clark Drive, along with our neighbors residing in San Mateo Park and other interested parties would like to formally appeal the zoning administrators decision to split the lot at 50 Clark Drive as called for in the Kent application (reference numbers provided above). In addition to this letter, which outlines the grounds for appeal, we have submitted the \$515 fee to request that this decision be given a public hearing by the City of San Mateo Planning Commission. The primary reasons for the appeal are as follows:

In the zoning administrators decision letter to Mr. Kent dated October 19, 2012, section II-1. states *“the ‘remainder’ parcel does not have any resulting non-conformities that result from the lot split, and the use of the two properties will remain single family.”*

We strongly disagree with this assertion. The historic and current evidence supports use of the structures on the “remainder” lot to provide residences for two households. Even after the zoning letter was sent on October 19th, the “pool house” was used as a separate residence. Let’s examine the evidence:

The “pool house “ at 50 Clark Drive was used as a separate dwelling place for a family of four for twelve years from late 1999, through September 2011, when the Meintzer family who occupied the residence moved out. Kip Meintzer, the head of the family unit has gone on record with the zoning administrators via e-mail acknowledging his family used the unit as a separate dwelling for twelve years. Once Mr. Kent took ownership of the property in November 2011, the “pool house” residence has been used as a separate dwelling for a 40+ year-old male and his visitors. The Kents’ use of the “pool house” as a separate dwelling has continued throughout the application period for the lot split and occurred past the October 19th tentative decision date.

Furthermore, this so called “accessory building” on the “remainder” lot is in fact a full-fledged dwelling unit with a full kitchen (not permitted), two full baths, sleeping areas and a large main room sufficient to accommodate a family of four, totaling approximately 1300 to 1500 square feet. If the City were to revert to the lot lines as developed by McLaren for

San Mateo Park in his original plan, this second residence would be on a separate lot from the main house at 50 Clark Drive. Using the original lot lines as a split that would satisfy the Kent's goal of carving out a lot to sell as an alternative to the currently proposed lot split would ensure that only one dwelling unit would exist on each of the original two lots. The neighborhood could accept this as a solution, or even a tear down of the existing pool house. However, the lot split as proposed preserves two residences on the one "remainder" lot and allows a third residence to be built on aggregate property originally designed for two single family dwelling units. We believe this conflicts with the intent of LU 1.9a - the Single-Family Dwelling Projects Land Use policies of the General Plan, in that three dwellings on the 50 Clark Drive property are not *"compatible with neighborhood character, relationship to the neighborhood, and elements of design and site layout..."*

Having three dwelling units on a lot plan designed for one or two single-family homes increases the neighborhood density beyond guidelines. There is already an acute shortage of parking in the area, as the majority of the curb in front of the proposed lot is painted red, allowing no parking. Unfortunately, the parking issue is exacerbated by the rental policies in force at 2 Clark Drive, where despite having excess parking slots available, residents are charged for every spot beyond one regardless of the size of their unit. Thus, the excess demand spills onto Clark Drive. The proposed lot split would reconfigure the driveway to 50 Clark and its auxiliary residence, adding yet another curb cut and a potential third residence will only further exacerbate the parking problem. Currently, it is almost impossible for visitors to find a place to park, especially during the weekend and evening hours. Increasing the density will add further to the parking problem.

Finally, in Exhibit B, Conditions of Approval section C you indicate "THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES." Planning Condition C1.0 USE OF POOL HOUSE – The existing parcel (APN 032-063-230) was approved with a building permit on 10/02/72 under Building Permit No. 55832. This structure is considered an accessory structure under Municipal Code section 27.04.010. It is located within the required setbacks for an R1-A zoned property and as such may not be utilized as a dwelling unit, including as a sleeping quarters or as a "secondary unit" as defined in Municipal Code section 27.19.040(c).

Clearly, the Kents have no regard for this particular condition and have openly flaunted their violation of this requirement by using the "pool house" as a separate dwelling throughout the application period and up to the writing of this appeal letter. This blatant disregard for these conditions places the neighborhood in the position of having to report their repeated violations and forces the residents into a "policing" mode for the Kent's and any future owners violations. Thus is unacceptable, especially since promising to conform is no guarantee of future compliance. Once final approval is secured, the property sold and another residence built there is nothing to prevent or preclude future violations. However, denying this application outright will.