

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

DATE: June 14, 2017

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Review of Draft Report to the Board of Supervisors, pursuant to Zoning Regulations 6552, summarizing the Planning Commission's May 24, 2017 Hearing and Recommendation regarding the proposed General Plan and Zoning Map Amendment located at 3295 El Camino Real, North Fair Oaks.

County File Number: PLN 2015-00512 (Brogno/Darrck Pearl Investments LLC)

RECOMMENDATION

1. Review this Draft Report summarizing the Planning Commission's recommendation on the proposed General Plan and Zoning Map Amendment;
2. Direct staff to make edits or additions to the Draft Report;
3. Direct the Community Development Director to file the Report with the Board of Supervisors.

REPORT TO BOARD OF SUPERVISORS REQUIRED

Zoning Regulations Chapter 27 (Amendments), Section 6552, requires that following a hearing(s) on a proposed zoning amendment, the Planning Commission shall provide a report summarizing the hearing and its findings and recommendations with respect to the proposed amendment. The report must be filed with the Board of Supervisors within 30 days of the hearing.

REPORT ON PROPOSED AMENDMENT

Summary of Proposed Amendment

On May 24, 2017, the Planning Commission considered a proposed General Plan and Zoning Map Amendment to rezone a portion of a 22,696 sq. ft. parcel currently Zoned R-2/S-50 (Two-Family Residential) and C-2/S-1 (General Commercial) located at 3295 El Camino Real. The parcel is split-zoned with the commercial portion abutting El Camino Real and the residential portion facing Amherst Avenue. The commercial

portion was previously used for retail and is currently being renovated to an office building and the residential portion is undeveloped but has historically been used as a parking lot serving the commercial use. The use of the residentially zoned portion as a parking lot is unauthorized because of its current zoning designation; the applicant proposes the rezone to remedy this situation. The map amendments are proposed to allow construction of a 20-space parking lot and 10-space bicycle parking area to serve the existing 10,900 sq. ft. office building which currently has insufficient off-street parking which is a legal non-conforming situation. Minimum site grading is proposed for parking lot construction. Two significant trees are proposed for removal and three significant trees will remain and are incorporated into the parking lot design. (Please refer to Attachment A: Project Graphics).

Summary of Planning Staff's Analysis and Recommendation

Project Planner, Bryan Albini, presented staff's analysis, findings and recommendations regarding the proposal, which are summarized below:

General Plan:

The rezone and development are consistent with General Plan Visual Quality, Urban Land Use, and Transportation polices. Ten secure bicycle spaces are proposed to serve the existing commercial building and the construction of the 20-space parking lot is compliant with policies regulating minimum on-site parking needed for the existing commercial building which currently does not have any on-site parking. The parking lot will utilize permeable pavers, wood fence screening, and bioretention areas.

North Fair Oaks Community Plan:

The North Fair Oaks Community Plan (NFOCC) encourages mixed-use development along major commercial corridors and the redevelopment of underutilized and vacant land. Rezoning of the rear portion of the parcel will serve to encourage mixed-use development if proposed in the future. The Plan also identifies rezoning as a method to overcoming potential development barriers.

Zoning Regulations:

The rezone will correct a split-zoned parcel into one zone and general plan designation. The proposed C-2 District allows office uses and mixed-use residential at a greater density compared to the existing two-family Residential Zoning District, subject to Use Permit approval. Both existing and future development is capable of meeting the proposed development standards of the C-2/S-1 District.

Major Development Pre-Application Workshop and North Fair Oaks Community Council Meeting:

As a requirement for land use designation change and rezoning proposals, a public workshop was held during the January 28, 2016, North Fair Oaks Community Council meeting. The major concerns expressed from the public at the workshop centered on the loss of residentially zoned property, the encroachment of commercial uses into residential areas, and parking and traffic impacts to residents. However, as discussed in the report, the change in use at the existing commercial building from commercial retail to commercial office creates a less intensive use of the property, thus eliminating the volume of commercial vehicle traffic generated from retail operations. Additionally, as discussed in greater detail in the report, the subject parcels have historically been held in common, with the vacant parcel used informally for parking.

Environmental Review:

A Mitigated Negative Declaration was circulated for the project. No comments were received.

Staff Recommendation:

1. Recommend to the Board of Supervisors that it approve the proposed General Plan Land Use Map Amendment and Zoning Map Amendment, and adopt the Mitigated Negative Declaration by adopting the required findings and conditions of approval.
2. Recommend to the Board of Supervisors that it adopt a resolution to amend the San Mateo County General Plan Land Use Map to change the land use designation of a portion of one parcel from "Multi-Family Residential" to "Commercial Mixed Use," in the unincorporated North Fair Oaks area.
3. Recommend to the Board of Supervisors that it adopt an ordinance amending Chapter 2 of Division VI of the San Mateo County Ordinance Code (Zoning Annex) to revise the Zoning Maps, Appendix A, to change the zoning of a portion of one parcel from "R-2/S-50" to "C-2/S-1," in the unincorporated North Fair Oaks area.

Summary of Public Testimony

There was one interested member of the public who spoke at the hearing, Mr. Robert Carter, who lives at 41 Amherst Avenue, directly adjacent to the subject property. Mr. Carter's comments are summarized in his 5/23/17 letter submitted to the Planning Commission, Attachment B.

Summary of Planning Commission Deliberations

After considering staff's presentation and the public testimony, the commissioners had questions and comments regarding the proposed amendment, the possible impacts to the surrounding neighborhood, and its relationship to the larger North Fair Oaks Community Plan implementation rezoning effort currently being drafted by the County.

The Planning Commission expressed concerns regarding the proposed amendment and the impact to the surrounding community regarding the potential loss of a property designated for residential development, when the County is under pressure to add additional residential units. The Planning Commission wanted further understanding of the amount of surrounding commercially zoned parcels in the area, and the impact of possibly losing land available to accommodate the uses allowed under the residential zoning designation, including Fire Stations.

Staff Response:

The project proposal, if approved, could potentially yield a net increase of 43 residential units, subject to development and parking standard requirements. Historically, the commercially and residentially zoned portions of the property have been owned in common since 1951. The residential portion has never been developed. The project area has commercial property on three sides with residential along the rear property line along Amherst Avenue.

On the potential loss of essential services under the change in zoning designation from residential to commercial, Menlo Park Fire District has no plans to expand its service area or to build additional stations within North Fair Oaks. Menlo Park Fire Station No. 3 is approximately one mile away from the project site.

The Planning Commission had questions regarding the reasoning behind the North Fair Oaks Community Council recommendation for denial of the proposed amendment.

Staff Response:

The North Fair Oaks Community Council had reservations on the potential loss of residentially zoned properties, the loss of any of the existing significant trees on site, and concern about expanding commercial zoning further into Amherst Avenue. The NFOCC would only consider approval if the proposed zoning designation were restricted to parking only; contrary to the policy and goals of the North Fair Oaks Community Plan and the phase-out of single-use districts.

The Planning Commission had concerns about the arborist's evaluation of the existing trees on the property and whether the proposed parking lot landscaping would include non-invasive, drought tolerant species.

Staff's Response:

The applicant provided an Arborist's Assessment provided by Kiely Arborist Services. The applicant has provided an initial landscape plan, with an extensive plant material list as part of the formal application for the General Plan Amendment and Rezoning. After working with county staff in response to Public Works and Planning comments concerning drainage and tree protection, a revised landscape plan will be required for a building permit approval. Additionally, the Planning Commission's report included conditions of approval that required that plant species used within the biotreatment measure area shall be consistent with Appendix A of the C.3 Technical Guidance.

The Planning Commission had concerns about the project proposal and whether the approval of the general plan land use amendment and rezone would impact the Commercial Mixed Use (CMU) rezoning currently being developed by the County for commercial properties along El Camino and 5th Avenue. Additionally, they wondered if the proposed amendment would create an isolated situation of "spot-zoning" that would conflict with the goals and policies identified in the North Fair Oaks Community Plan.

Staff's Response:

The project parcel has a split-zone area with a commercial portion toward El Camino Real and a residential portion towards the rear along Amherst Avenue. The proposed amendment would correct the current split-zoning and be consistent with other commercially zoned properties that directly adjacent to the subject property. The commercially zoned portion of the project area is currently included in the plan implementation area for CMU Zoning. Zoning Regulations for this area are being drafted with specific allowed uses and standards for design, development, and parking. The Recommendation of Approval would allow the entire parcel to have a Commercial Mixed Use General Plan Land Use Designation, and would be included in the plan implementation area. Furthermore, the plan specifically identifies the undeveloped portion of the project area as a potential opportunity area for development.

Summary of Planning Commission Recommendation

The Planning Commission, on a unanimous 3 to 0 vote, did not support staff's recommendation that the Planning Commission recommend that the Board of Supervisors approve the General Plan Amendment and Zoning Map Amendment for the 10,700 sq. ft. portion of the parcel at 3295 El Camino Real from Two-Family Residential to General Commercial and from "R-2/S-50" to "C-2/S-1." The Planning Commission determined that the proposed amendment would create a situation that would be incompatible with the goals and policies of the North Fair Oaks Community Plan and its implementation through the larger phased rezoning effort currently underway along the unincorporated El Camino/5th Avenue corridor. A rezoning of one parcel along the corridor would be premature without comprehensive consideration of the entire proposal for rezoning the area to CMU. Further, while they expressed no significant concerns about the current proposal for a parking lot, they shared the NFOCC's and the

neighbor's concern about the impact of other development that could be allowed in the future under the C-2/S-1 Zoning Designation on the adjacent residential area, since that zoning requires only a 6-foot rear setback and allows a three-story (36-foot) height limit for buildings housing commercial uses, without requiring any discretionary review, issues that are likely to be addressed when the proposed CMU Zoning is completed.

ATTACHMENTS

- A. Project Graphics
- B. Letter from Robert Carter to County Planning Commission, dated 5/23/17.

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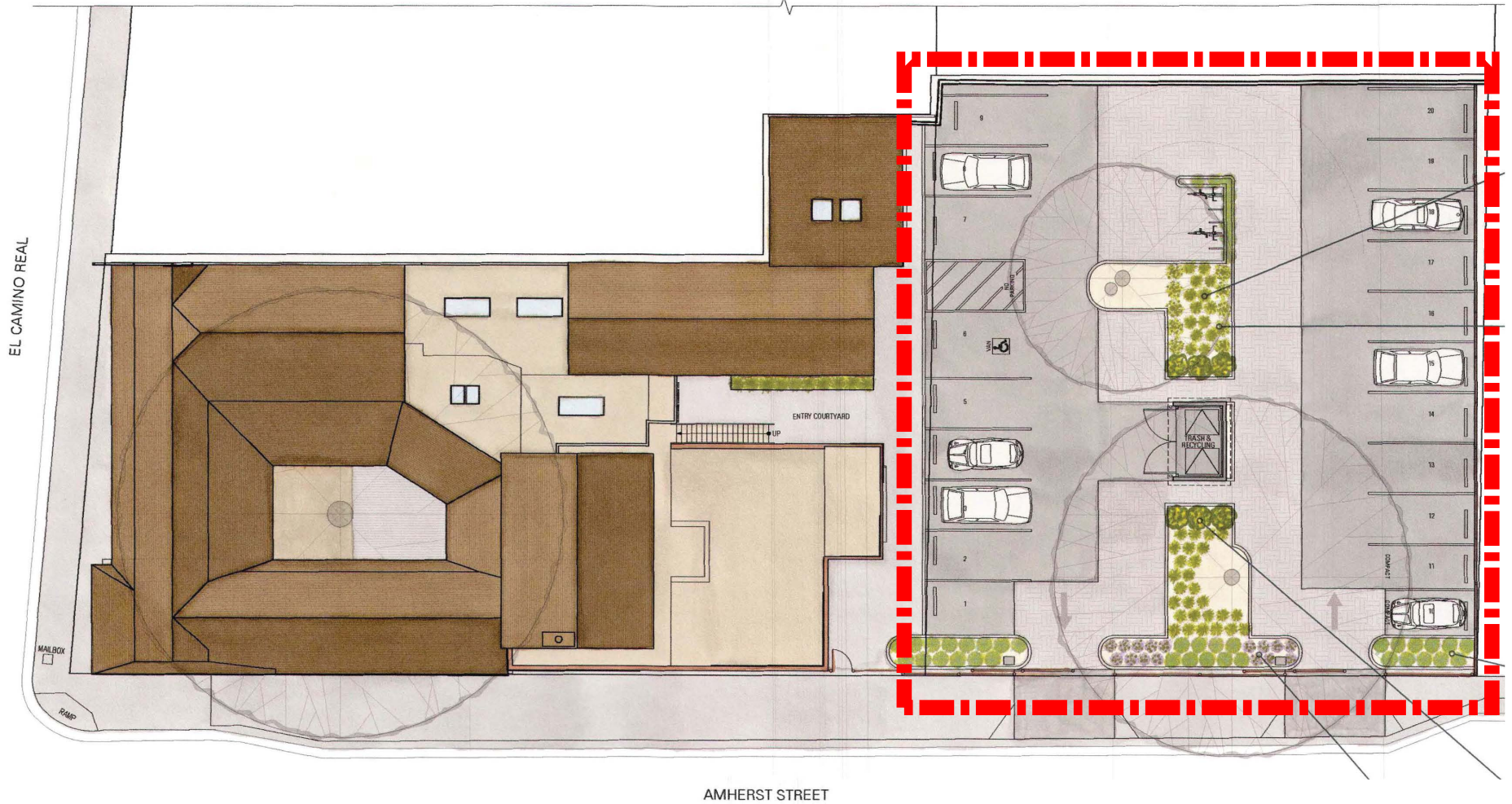


San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____

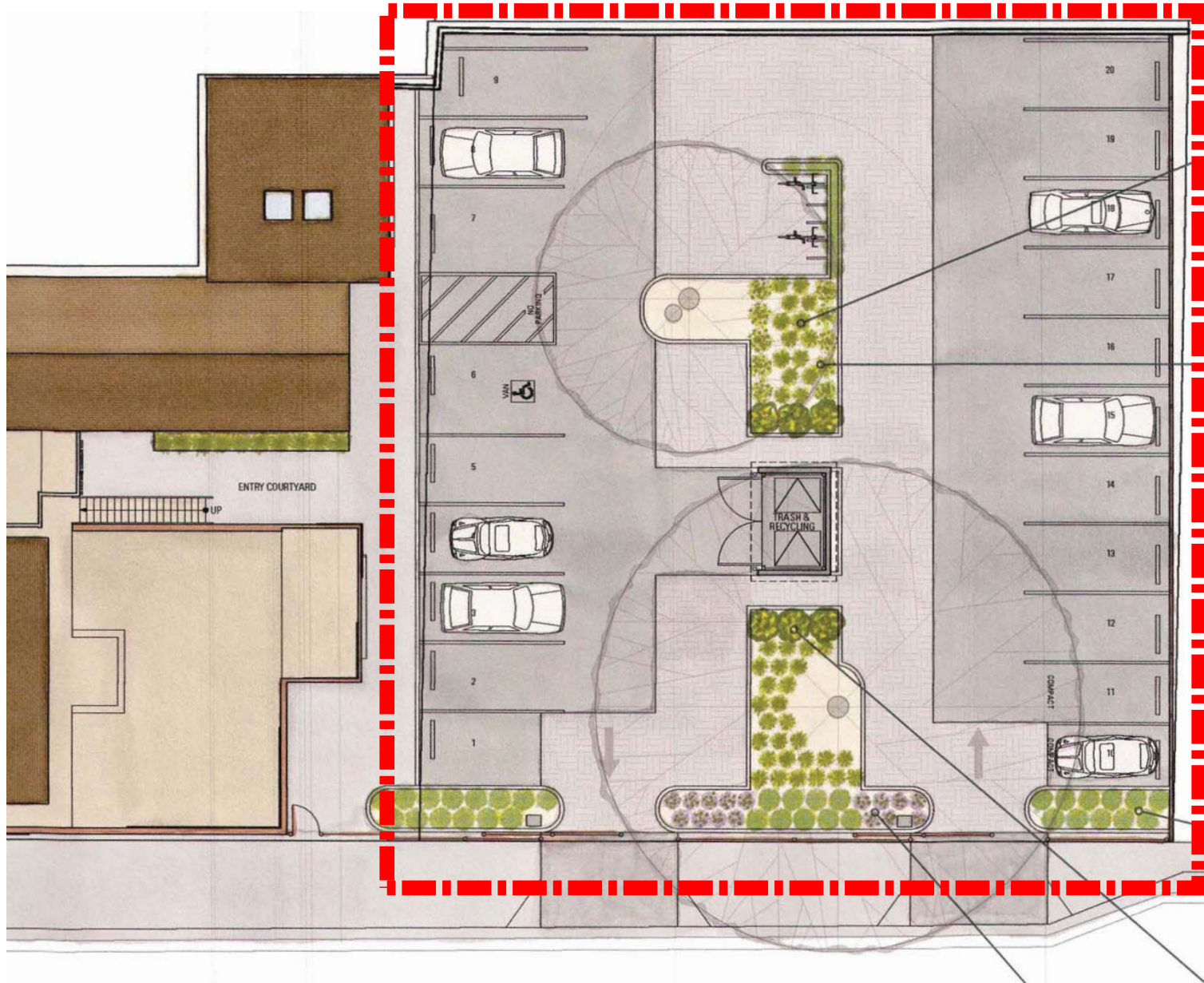


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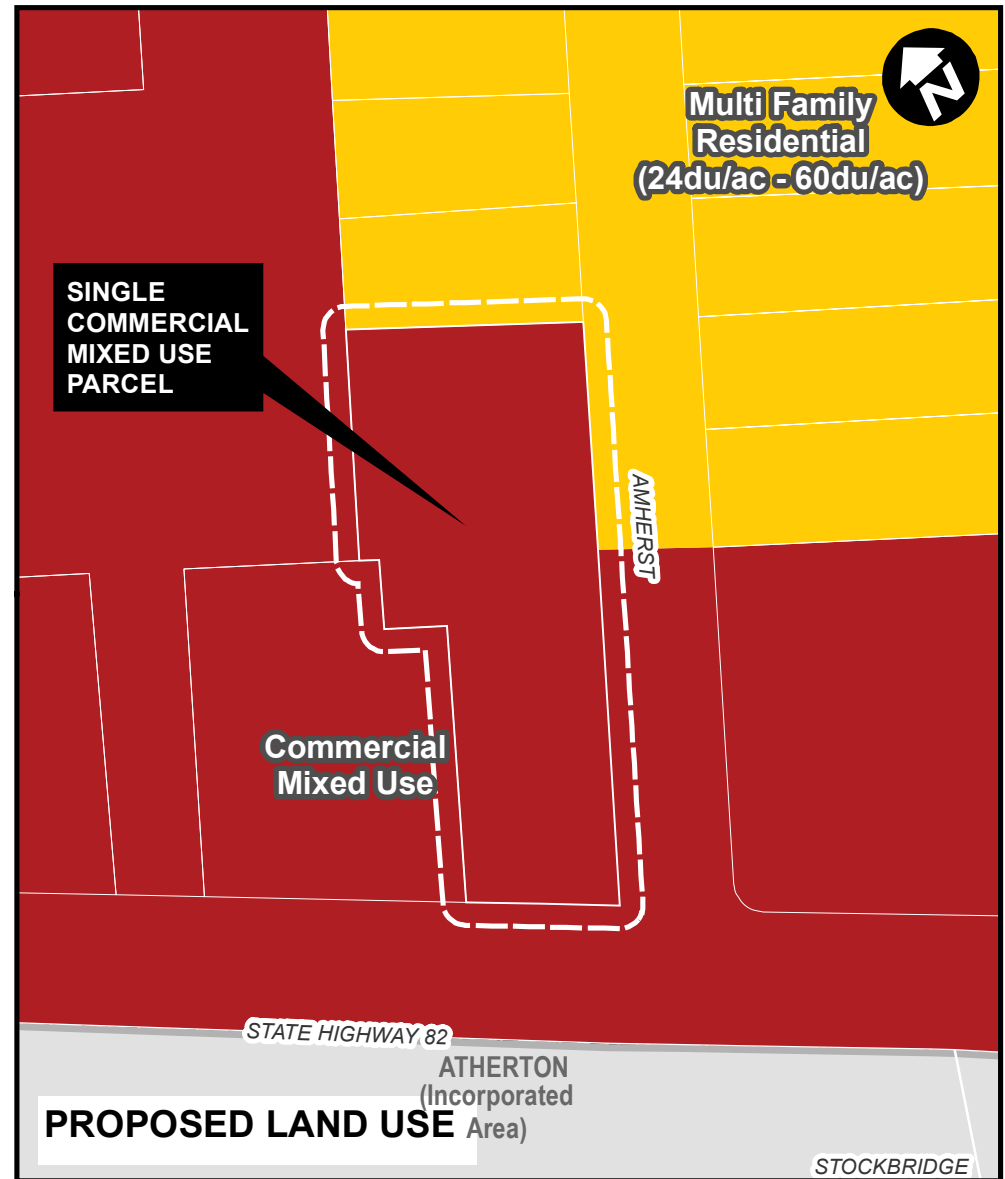
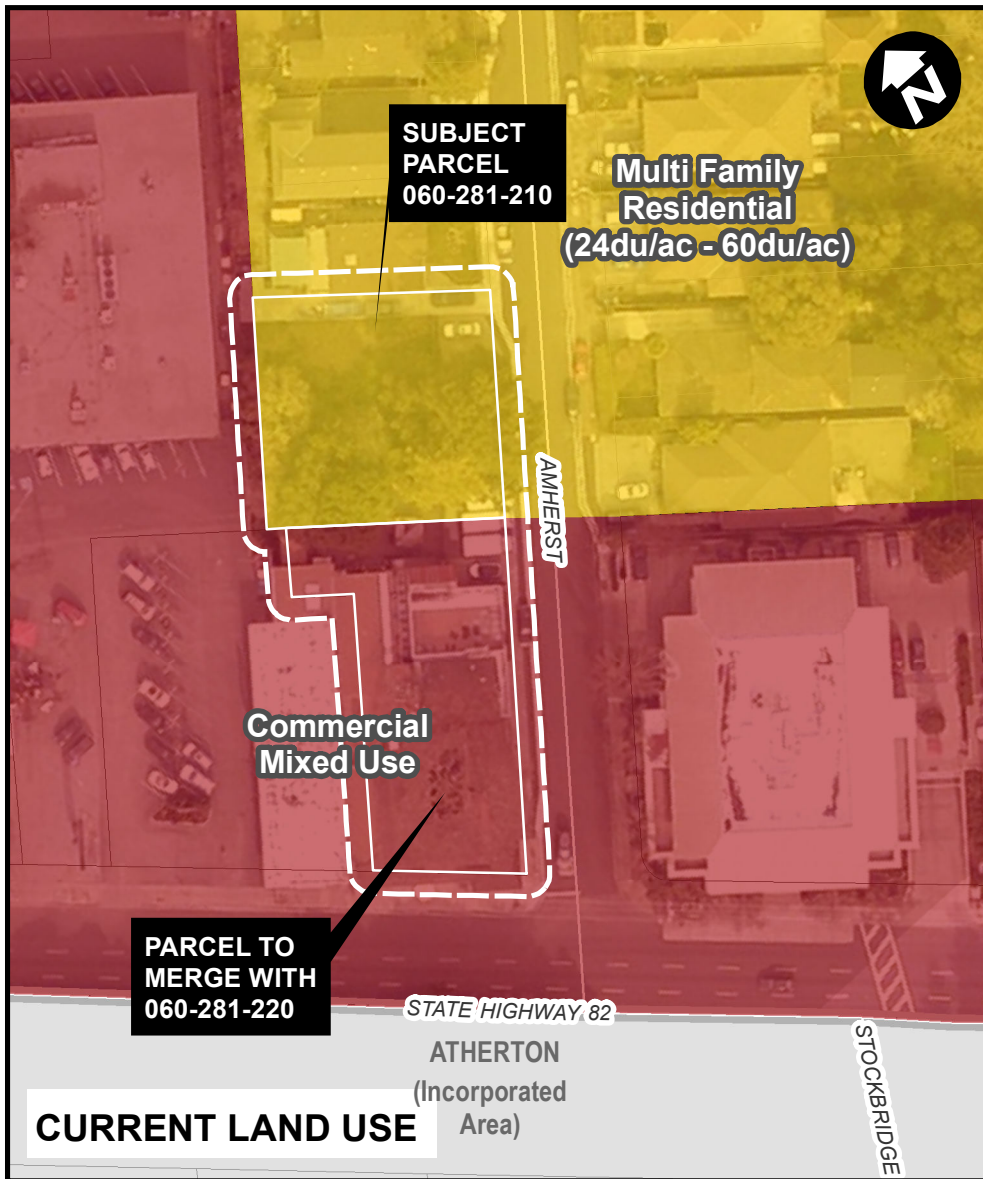


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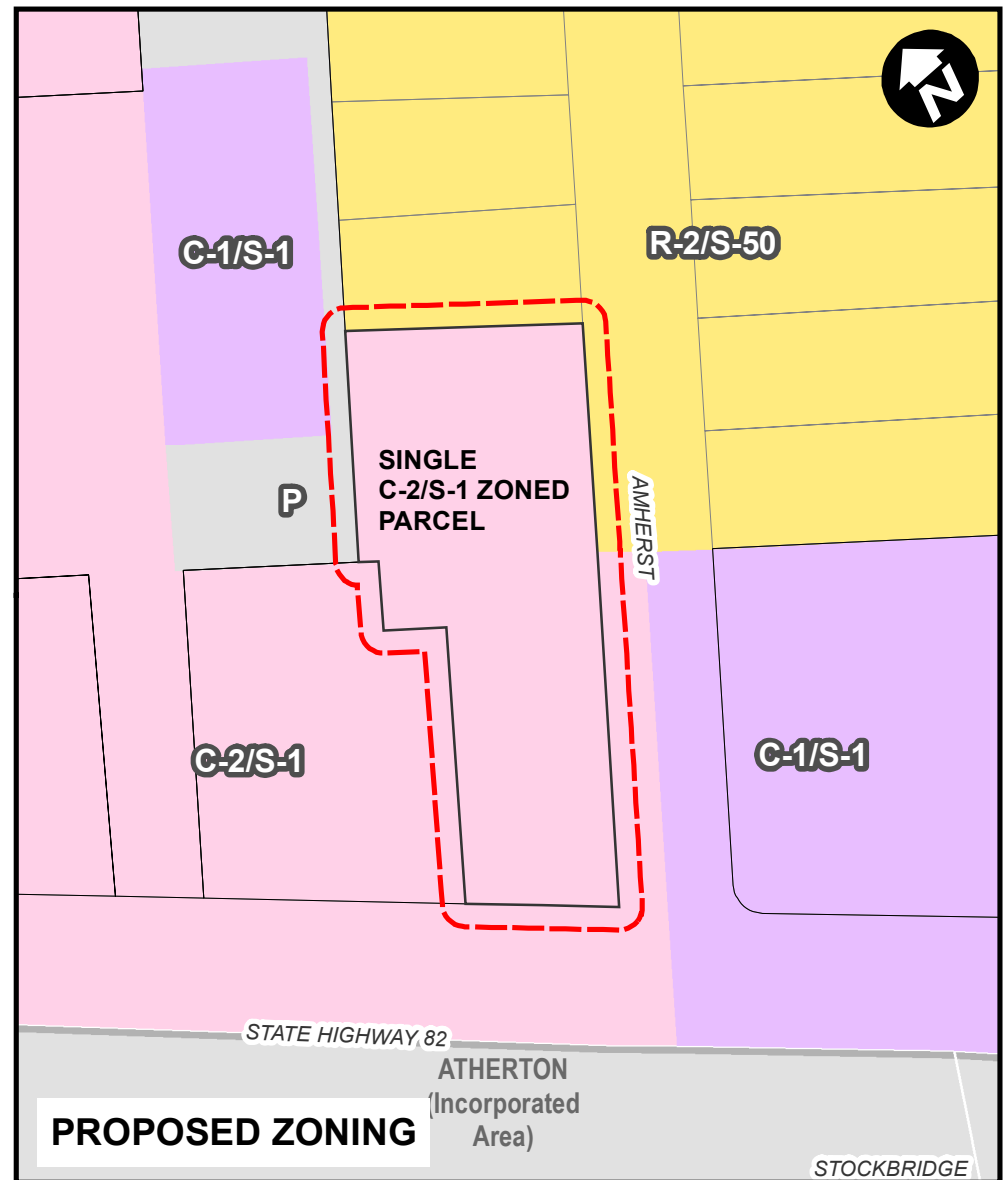
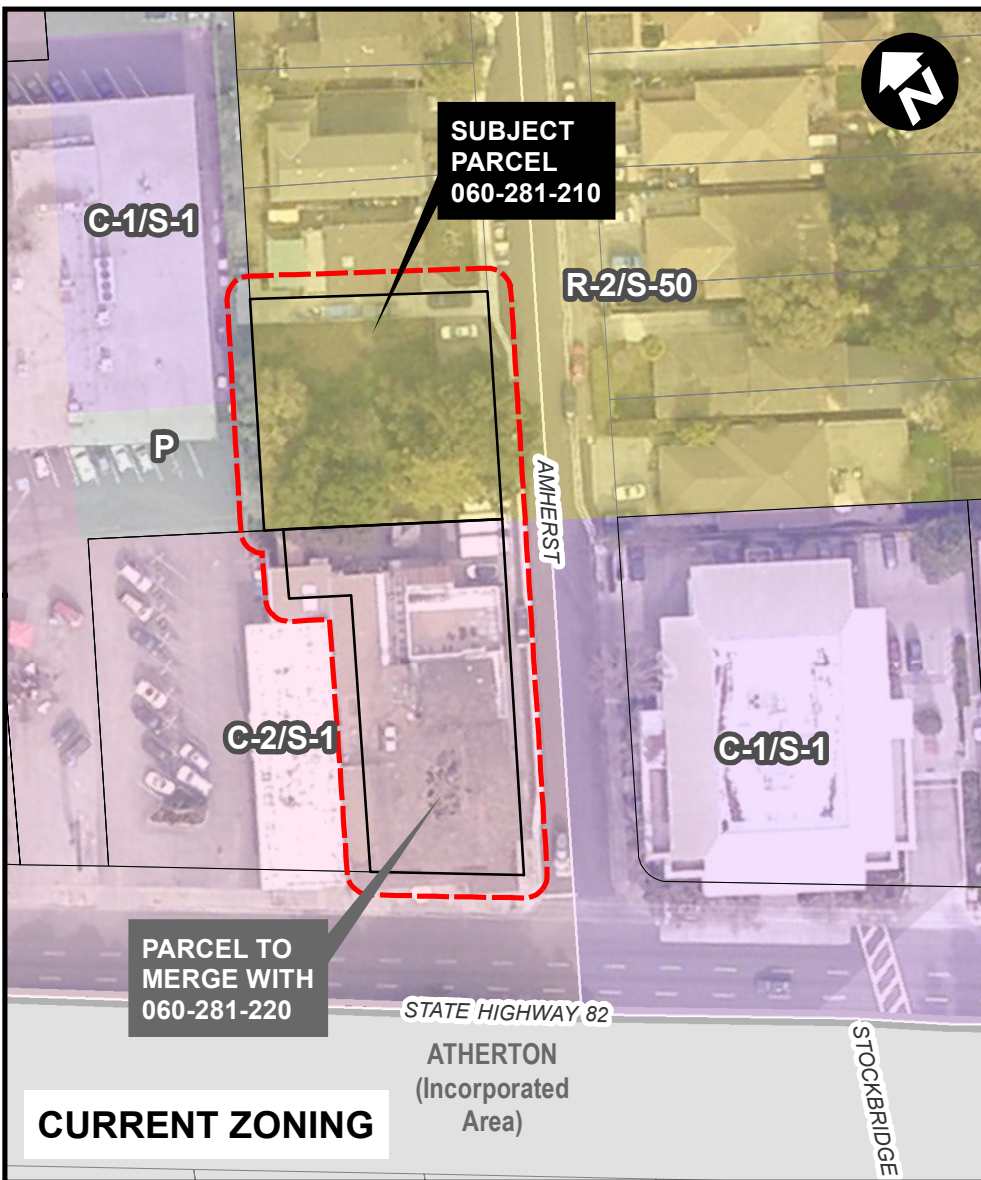


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San Mateo County Planning Commission Meeting

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Attachment: _____

File Numbers: _____

May 23, 2017

To: San Mateo County Planning Commission

From: Robert Carter
41 Amherst Ave. adjacent to project – File #PLN2015-00512
Menlo Park CA – 94025
(650) 743-3655

Dear Planning Commissioners,

My wife and I live immediately adjacent to the parcel under consideration for rezoning from residential (R-2 / S-50) to General Commercial (C-2 / S-1). We have lived at this location since 1983 (34-years). Our neighborhood is a diverse mix of ethnicity, multi family, and single family homes over the years we've watched many families, some with kids move in long-term, and some not quite as long, what makes our neighborhood special is the people and the quality of residential life in our community. It hasn't always been easy as the parcel/business immediately adjacent to our home and more specifically the lot now under consideration for rezoning for commercial uses sits deep in our community (from El Camino Real) if you stood and looked directly across the street from the common property line toward El Camino Real there are three duplexes side by side past our home up to the commercially zoned area of El Camino Real. Now on the side of the street we occupy the proposal to convert the residential lot to commercial uses offsets the balance of residential and the alignment of residential and commercial uses in the neighborhood.

BACKGROUND: for many years I cleaned the residential lot we are talking about because the owners did not, the neighborhood kids played in the lot so quality of life was good then along comes Pool Patio and Things they bought the commercial property at 3295 El Camino Real and the adjacent residential lot under consideration, and proceeded to fence a large portion of the lot which of course was their right to do however it was never maintained after that! Quite frankly the owner who I shall not name in my public remarks wasn't willing to work with anyone in the neighborhood and didn't care what the impacts of their commercial operations were on the quality of life in our community. We subsequently filed numerous complaints over the years because of trash/unscreened trash enclosures, packing materials in the neighborhood although this wasn't the worst of it Pool Patio and Things would park big box vans immediately next to our fence line, and they had Delivery Trucks coming and going in the neighborhood and again this was on the residential lot deep in the community. Pool Patio and Things employees would also use the residential lot for parking and if anyone else in the neighborhood tried to use the street in front of this lot the owner would often times block their car with her own, and scream obscenities this level of commercial activity and behavior we had to put up with for years.

My wife and I and the members of our community are very reasonable but the negative impacts of the commercial uses deep in our community was/is completely unacceptable.

COMMENTS / CONCERNS: First I would like to start by saying that I have had numerous conversations with Planner/Bryan Albini he's professional, polite and a pleasure to work with! I have also had conversations with the property owner Robert Oyster he seems nice/reasonable enough and he said he would address one of our major concerns the fence however we have no documentation of this or what exactly the fence will be and where it will be placed:

REZONING: As mentioned we are reasonable people and in fact we don't have an objection to the residential lot being used for a 20-vehicle Parking Lot as proposed (with exception of the fence issues that need to be resolved), the screening of the Parking Lot, used for office use only and no retail activity adds to the quality of the life in our community as it provides for a more open feel and preserves two heritage trees we would welcome Robert Oyster into our community however my biggest concern isn't about the current project it's about the future when the commercial zoning regulations that are yet to be defined under the North Fair Oaks Community plan come into play and we/the community have to deal with the aforementioned commercial activities yet again on top of that the allowable commercial building height increases next to our home increasing the likelihood our home will be subject to shadowing, not attractive option since we currently have a view of the sky and trees looking west, and how will the commercial zoning immediately next to residential affect the property values?

FENCE: We do not have specifics for the common fence between our home and the 20-vehicle Parking Lot, we absolutely do not want to end up with two fences side-by-side we would like to have input in the construction and placement of the fence because it affects the quality and safety of our home. As the fence is proposed it is all wood which looks great but what happens when the parking blocks fail on the other side and someone drives through the fence? I have a young granddaughter who plays in the driveway so major safety concern for us, and who maintains the fence? Robert Oyster calls it a Good Neighbor Fence I don't know what this means one definition states neighbors split the cost of the fence which is something we should not have to do as this is his development project.

[Email between Bryan Albini and Robert Carter](#)

From: Bryan Albini [<mailto:balbini@smcgov.org>]
Sent: Wednesday, October 19, 2016 4:28 PM
To: Robert Carter; Robert Oyster; Ken Brogno
Subject: PLN2015-00512 (Parking Lot) - Neighbor concerns

Mr. Carter,

Thank you for sharing your concerns with me and your continued participation in working with the project applicant in understanding the project scope. I have included the illustrated site plan and renderings of the proposed parking area and fencing per your request. In our conversation, you indicated you wanted some clarification on the following issues:

- 1) Location of the trash enclosure (first site plan showed the dumpster along property line)
 - a. The revised site plan has relocated the trash enclosure to the center of the parking lot, in line with the existing large oak located toward the front of the property (see attached site plan)
✓ **Looks Good**

- 2) The design of the “good neighbor fence”
 - a. The applicant has proposed a 6-foot tall wooden fence around the perimeter of the parking area with security gates for the entrance and exit driveways (see attached renderings)
✓ **I do not agree with what is being proposed without documentation and clarity of what and how the fence is being constructed, and how it will be maintained.**

- 3) The possibility of restrictions on future development on that property and its proximity to adjacent residential
 - a. The property would be restricted to uses currently allowed under the C-2/S-1 zone. However, as I mentioned in our conversation, the County is in the process of implementing the zoning as identified in the NFO Community Plan, which currently includes the areas along El Camino Real and 5th Avenue under the Commercial Mixed Use (CMU) General Plan Land Use designation. During the implementation process, allowed uses and development standards will be further codified. While the development standards are currently being drafted, there will be opportunities for public comment and engagement through public workshops and public meetings at the local Community Council level, the Planning Commission, and finally, at the Board of Supervisors.
✓ **Precisely my concerns with allowing commercial uses, not sure yet what I will comment on in the meeting. Please remind me what C-2/S-1 allows..... as discussed previously we also have expressed concerns with deliveries/trucks this deep in a residential neighborhood, and building heights.**

- 4) Will I be notified of the decision on this project and the larger rezoning effort?
 - a. As mentioned above every public hearing concerning both the project at 3295 El Camino and the implementation of the NFO Plan will require that surrounding residents be notified. Additionally, I have added you to our notification list for all future meetings concerning the CMU rezoning.
✓ **Done**

Please contact me if you have any further questions about this specific project or the larger rezoning effort.

Regards,

Bryan Albini

Planner

balbini@smcgov.org

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