

County of San Mateo  
Planning and Building Department

**ACTIONS, FINDINGS, AND CONDITIONS OF APPROVAL**

Project File Number: PLN2021-00081

Hearing Date: October 17, 2023

Prepared By: Kanoa Kelley, Project Planner For Adoption By: Board of Supervisors

**RECOMMENDED ACTIONS**

Board of Supervisors:

1. Adopt a resolution to change the General Plan Land Use Designation for APN 054-261-210 from Multi-family Residential to Commercial Mixed Use;
2. 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 Map designation for APN 054-261-210 from R-3/S-5 (Multiple-family Residential/S-5 Combining District) to CMU-1 (Commercial Mixed Use-1); and
3. Authorize the Lot Merger and approve the Use Permit, County File Number PLN 2021-00081, by making the required findings and adopting the conditions of approval listed below.

**FINDINGS**

Environmental Review

1. The proposed project was analyzed in the context of the 2011 Program Environmental Impact Report (Program EIR) for the North Fair Oaks Community Plan, which evaluated planned development in the North Fair Oaks area, including the project site. As documented in the North Fair Oaks EIR consistency analysis no new environmental impacts will occur and no new mitigation measures are required. Therefore, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168(c), no additional environmental review is required as the project is within the scope of the Program EIR. In addition to the conditions of approval proposed for this project, the project will implement all applicable mitigation measures adopted in the Program EIR.

### Use Permit Findings

2. That the establishment, maintenance, and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

The establishment of a hotel is wholly consistent with the San Mateo County General Plan and North Fair Oaks Community Plan with regard to compatible land uses. The project will further the area goals by revitalizing an existing developed site, providing better utilization of the property, and creating a commercial use in a planned commercial corridor. The project was analyzed in the context of the 2011 Program EIR for the North Fair Oaks Community Plan and it was determined that the project poses no new impacts requiring new mitigation. Therefore, the project would not be detrimental to the public welfare.

### Lot Merger Findings

3. That the merger of the parcels will not result in a greater density of development than that which is currently allowed by the County Zoning Regulations in the CMU-1 zone.

## **CONDITIONS OF APPROVAL**

### Current Planning Section

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Board of Supervisors on October 17, 2023. Minor modifications to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. Within two years from final planning approval, the applicant shall obtain a valid building permit to implement the project, or the planning approvals shall expire. The planning approval may be extended by a 1-year increment with submittal of an application for permit extension and payment of applicable extension fees 60 days prior the expiration date.
3. Any project changes or change in intensity of use may require an amendment to the Use Permit. Amendments not determined by the Community Development Director to be minor, per Condition No. 1, require an application for amendment, payment of applicable fees, and consideration at a public hearing.
4. The Lot Merger shall be recorded prior to the issuance of building permits. Prior to recordation of the Lot Merger, the applicant shall pay to the County Planning and Building Department all applicable fees charged by the County Recorder's Office.

5. The applicant shall be responsible for implementation of all applicable mitigation measures adopted in the 2011 Program Environmental Impact Report (Program EIR) for the North Fair Oaks Community Plan as identified in the approved North Fair Oaks program EIR consistency analyses.
6. The applicant shall provide “finished floor elevation verification” to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site.
  - a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
  - b. This datum point and its elevation shall be shown on the submitted site plan.
  - c. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
  - d. Prior to the County Planning Department approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) the garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
  - e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
  - f. If the actual floor height, garage slab, or roof height, as constructed, is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and the Community Development Director.

7. The property owner shall submit a schedule of all grading operations to the Current Planning Section, subject to review and approval by the Current Planning Section. The submitted schedule shall include a schedule for winterizing the site. If the schedule of grading operations calls for the grading to be completed in one grading season, then the winterizing plan shall be considered a contingent plan to be implemented if work falls behind schedule. All submitted schedules shall represent the work in detail and shall project the grading operations through to completion.
8. No grading shall be allowed during the winter season (October 1 to April 30) or during any rain event to avoid potential soil erosion unless prior written request by the applicant is submitted to the Community Development Director at least two (2) weeks prior to the projected commencement of grading activities. The application will be reviewed and approved or denied by the Community Development Director.
9. Prior to the issuance of any building permit, the property owner(s) shall submit a Final Transportation Demand Management (TDM) Plan with TDM Checklist to the Current Planning Section that demonstrates compliance with the C/CAG TDM Policy, subject to review and approval by the Community Development Director. The Final TDM Plan shall:
  - a. Describe how the project will achieve the minimum percentage trip reduction requirements as defined by C/CAG through a combination of C/CAG's required and recommended TDM measures, as outlined in the C/CAG TDM Checklist;
  - b. Detail how the project will achieve each identified TDM measure; and
  - c. Commit to monitoring and reporting requirements, including providing an ongoing point of contact for TDM measure implementation and coordination, completion of TDM Self-Certification Forms and project occupant surveys every two years for the initial six years after project occupancy, and completion of TDM Self-Certification Forms and project occupant surveys every three years after the initial six years, until post-occupancy year 20.
10. The approved Final TDM Plan must be implemented to the satisfaction of the Community Development Director prior to the occupancy of any project structures. Facilities, programs, monitoring, and reporting requirements of the approved Final TDM Plan, or comparable measures approved by C/CAG and/or the Community Development Director, shall be maintained and implemented for the life of the project. The County reserves the right to assess and monitor compliance with the Final TDM Plan. In the event there are concerns regarding compliance with implementation of the Final TDM Plan, the County and property owner(s) shall confer to discuss appropriate corrective actions.

11. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 5:00 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo County Ordinance Code Section 4.88.360).
12. At the building permit application stage, the project shall demonstrate compliance with the Water Efficient Landscape Ordinance (WELo) and provide the required information and forms if applicable.
13. The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:
  - a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
  - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
  - c. Performing clearing and earth-moving activities only during dry weather.
  - d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
  - e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges, to storm drains and watercourses.
  - g. Use of sediment controls or filtration to remove sediment when dewatering the site and obtain all necessary permits.
  - h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
  - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
  - j. Limiting construction access routes and stabilization of designated access points.

- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
  - l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
  - m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
  - n. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
14. The applicant shall require construction contractors to implement all the Bay Area Air Quality Management District's Basic Construction Mitigation Measures, listed below, and include these measures on permit plans submitted to the Building Division for permit:
- a. Water all active construction areas at least twice daily.
  - b. Apply water two times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking, and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - c. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
  - d. Limit traffic speeds on unpaved roads within the project parcel to 15 miles per hour.
  - e. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485, of the California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
15. A building permit shall be applied for and obtained from the Building Inspection Section prior to demolishing any existing on-site structures.

16. At the time of building permit submittal for the hotel, the applicant shall pay to San Mateo County Planning and Building Department affordable housing impact fees. The fees will be calculated based on the adopted Housing Impact Fees Schedule at the time of building permit submittal for Non-Residential Use, Hotel.
17. All new power and telephone utility lines from the street or nearest existing utility pole to the approved development on the property shall be placed underground.

#### Department of Public Works

18. The project shall comply with the San Mateo County Drainage Policy and the San Mateo Countywide National Pollution Discharge Elimination System (NPDES) permit. Prior to the issuance of the building permit or planning permit (for Provision C3 Regulated Projects), the applicant shall submit a plan with construction details conforming with County standards, and a drainage analysis including narrative and calculations showing pre-development and post-development runoff onto and off of the parcel(s) demonstrating compliance with the Policy for review and approval by the Department of Public Works.
19. If the applicant is proposing to tie into the County storm drain system, it must demonstrate that the system has sufficient capacity, or it must mitigate by upsizing the system prior to issuance of a building permit.
20. The applicant shall, at their expense, record documents which address future maintenance responsibilities of any private drainage and/or roadway facilities which may be constructed. Prior to recording these documents, they shall be submitted to the Department of Public Works for review and approval.
21. The applicant shall submit documentation to the Department of Public Works, for review and approval, demonstrating the dedication of sidewalk easements for public use along El Camino Real to the City of Redwood City or Caltrans prior to the approval of the building permit.
22. No proposed construction work within the County right-of-way shall begin until Caltrans requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Transportation Inspector prior to commencing work in the right-of-way.
23. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.

Fair Oaks Sewer Maintenance District (Department of Public Works)

24. The applicant shall compensate for the additional sewage to be generated by the site's change in use with a sanitary sewer project within the Sewer District to reduce the amount of inflow and infiltration (I/I) in its collection system. This improvement will offset the project's effect on downstream Sewer District pipes by reducing or eliminating wet weather inflow and infiltration from the Sewer District that would otherwise be conveyed to the downstream agencies' sewer systems. Based on preliminary calculations, the applicant would need to replace approximately 400-1,000 linear feet of pipes within the Sewer District to mitigate the additional flows. The Sewer District will select the improvement project prior to issuance of the building permit. The applicant shall be responsible for the cost of designing, constructing, and managing such improvement project.

Geotechnical Section

25. A Geotechnical report is required at the building permit stage.

Drainage Section

26. The project will require a building permit. The following will be required at the time of building permit submittal:
- a. A Final Drainage Report stamped and signed by a registered Civil Engineer.
  - b. A Final Grading and Drainage Plan stamped and signed by a registered Civil Engineer consistent with the requirements in the County's current Drainage Manual.
  - c. A Final C.3 and C.6 Development Review Checklist.
27. Project shall comply with all requirements of the Municipal Regional Stormwater NPDES Permit Provision C.3. Please refer to the San Mateo Countywide Water Pollution Prevention Program's (SMCWPPP) C.3 Regulated Projects Guide for assistance in implementing LID measures at the site.
28. The design of biotreatment measures shall be consistent with technical guidance for the applicable type of biotreatment measure provided in Chapter 6 of the C.3 Regulated Projects Guide.
29. Plant species used within the biotreatment measure area shall be consistent with Appendix A of the C.3 Regulated Projects Guidance.
30. Prior to the final of the building permit for the project, the property owner shall coordinate with the Project Planner to enter into an Operation and Maintenance Agreement (O&M Agreement) with the County (executed by the Community Development Director) to ensure long-term maintenance and servicing by the



property owner of stormwater site design and treatment control measures according to the approved Maintenance Plan(s), for the life of the project. The O&M Agreement shall provide County access to the property for inspection. The O&M Agreement shall be recorded for the property.

31. The property owner shall be responsible for conducting all servicing and maintenance as described and required by the treatment measure(s) Maintenance Plan(s). Maintenance of all site design and treatment control measures shall be the owner's responsibility.
32. The property owner is responsible for submitting an Annual Report accompanied by a review fee to the County by December 31 of each year, as required by the O&M Agreement. The property owner is also responsible for the payment of an inspection fee for County inspections of the stormwater facility, conducted as required by the NPDES Municipal Regional Permit.
33. Approved Maintenance Plan(s) shall be kept on-site and made readily available to maintenance crews. Maintenance Plan(s) shall be strictly adhered to.
34. Site access shall be granted to representatives of the County, the San Mateo County Mosquito and Vector Control District, and the Water Board, at any time, for the sole purpose of performing operation and maintenance inspections of the installed stormwater treatment systems and Hydromodification Management controls. A statement to that effect shall be included in the O&M Agreement recorded for the property.
35. The property owner shall be required to pay for all County inspections of installed stormwater treatment systems as required by the Regional Water Quality Control Board or the County.

#### City of Redwood City

36. Prior to building permit issuance, obtain Encroachment Permit from the City of Redwood City. The application can be found here:  
<https://www.redwoodcity.org/home/showpublisheddocument/1942/636887802406330000>
37. Prior to occupancy, the applicant shall enter into a Landscape Maintenance Agreement (LMA) in the form acceptable to the City Attorney and the Community Development Director of Redwood City. The LMA will be for all assigned landscape areas in public rights of way, easements, and/or on property in which the City holds an interest to be maintained. Maintenance items shall include, but are not limited to, planting trees, shrubs, flowers, grass and all appurtenances including irrigation systems and pedestrian scale lighting.

## Menlo Park Fire Protection District

38. Overhead Electrical Obstruction – Overhead Electrical Utility power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building on El Camino Real.
39. Fire apparatus roadways, including public and private streets and in some cases, driveways used for vehicle access, shall be capable of supporting the imposed weight of a 75,000-pound (34,050 kg) fire apparatus and shall be provided with an all-weather driving surface. Only paved or concrete surfaces are considered to be all-weather driving surfaces. CFC 2019, Appendix D.
40. NOTE ON FIELD PLAN: Fire apparatus roadways, including public or private streets or roads used for vehicle access shall be installed and in service prior to construction. Fire protection water serving all hydrants shall be provided as soon as combustible material arrives on the site:
  - a. PRIOR TO COMBUSTIBLE MATERIAL ARRIVING ON THE SITE, CONTACT THE MENLO PARK FIRE PROTECTION DISTRICT TO SCHEDULE AN INSPECTION OF ROADWAYS AND FIRE HYDRANTS. CFC 2019.
41. For buildings 30 feet (9144 mm) and over in height above natural grade, the required fire apparatus access roadway shall be a minimum of 26 feet (7925 mm) in width and shall be positioned parallel to at least one entire side of the building, and the fire lane shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building. CFC 2019, Appendix D105:
  - a. Fire District staging areas to be determined for Aerial Ladder Truck Minimum and Maximum climbing angles, if a climbing angle is less than 50 degrees the roadway shall be adjusted to comply to the charging condition listed above. Note: Aerial Ladder requires a minimum 4-foot setback on any side to allow for outriggers.
42. If applicable, a Traffic Opticom Signal Preemption System is required for all traffic intersections controlled with a traffic signal. An encroachment permit shall accompany these installations.
43. Direct access to the fire sprinkler riser shall be required.
44. The applicant shall provide fire flow information through a separate engineered plan showing how this is to be achieved. This document shall be submitted to Menlo Park Fire Protection District for review and approval prior to issuance of any building permits. CFC 2019, Sec. 507.5.1 Appendix B Section 105.2 & Table 105.1.

45. A public hydrant is required at El Camino Real fronting this project. All hydrants to comply to the following:
  - a. All fire hydrants shall be wet barrel standard steamer type with 1-4 1/2-inch (114.3 mm) and 2-2 1/2-inch (63.5 mm) outlets. MPFPD CFC Sec. 507.5.1 Appendix C.
46. Fire hydrants and fire appliances (fire department connections and post indicator valves) shall be clearly accessible and free from obstruction.