

Board Meeting Date: October 17, 2023
Special Notice / Hearing: 10-day notice;
publication
Vote Required: Majority

To: Honorable Board of Supervisors
From: Steve Monowitz, Community Development Director
Subject: EXECUTIVE SUMMARY: Certification of an Environmental Impact Report and consideration of zoning and general plan amendments to specified areas of North Fair Oaks.

RECOMMENDATION:

Public hearing to consider certification of an Environmental Impact Report and zoning and general plan amendments to specified areas of North Fair Oaks:

- A) Open public hearing
- B) Close public hearing
- C) Recommendation to adopt a resolution certifying the Environmental Impact Report for the Project; adopt an ordinance amending Chapters 21C, 28.1, 29, 29.1, 29.2, 29.3, and 29.4, and related County Zoning Maps, previously introduced to the Planning Commission on June 21, 2023, and waive the reading of the ordinance in its entirety, and; adopt a resolution amending the text of the North Fair Oaks Community Plan (Community Plan), and amending General Plan Land Use Maps to change land use designations for specified areas in North Fair Oaks (NFO) from Medium High Density Residential to High Density Residential and Mixed-Use categories.

BACKGROUND:

In 2011, San Mateo County adopted the Community Plan, establishing goals and policies for development of NFO. Subsequently, the County adopted Zoning Regulations for various areas of NFO, implementing the Community Plan. These zoning districts included higher density commercial-residential mixed-use districts along El Camino Real (CMU-1, NMU-ECR), 5th Avenue (CMU-1, CMU-2), Middlefield Road (NMU, CMU-3), and areas around Middlefield Road and the Dumbarton Rail (CMU-3).

Implementation of the Regulations has revealed areas that could be improved for clarity and ease of implementation, new State laws regarding housing production have made various standards inapplicable, and the County also requires areas for additional housing production. To address these issues, the NFO Rezoning and General Plan Amendment Project was initiated in January 2022, with the following components:

1. Amendments to existing mixed-use zoning districts along Middlefield Road, El Camino Real, and 5th Avenue, and to the Design Review and Site Development Regulations to ensure the Regulations are consistent with State law, improve clarity, and implement the Community Plan; 2) Amendments to the Community Plan for clarity, elimination of redundancy, and consistency with the amended Zoning Regulations and State law; and 3) Rezoning and General Plan land use designation changes for several residentially-zoned areas adjacent to El Camino Real and Middlefield Road from low- and medium-density residential to high-density residential and mixed use. No changes to allowed height, bulk and density are proposed for existing CMU and NMU districts.

DISCUSSION:

The County engaged a consultant team for the project, and a Technical Advisory Committee of experts and stakeholders. The project included extensive community outreach, including stakeholder focus groups, six pop ups, a booth at the NFO Festival, door-to-door outreach, a project website, and a community survey. The NFO Community Council reviewed the project at five hearings in 2022 and 2023.

1. PROPOSED AMENDMENTS TO ZONING AND DESIGN STANDARDS

- Entirely residential uses would be allowed by right in the CMU-3 areas along south Middlefield Road and CMU-1 areas along El Camino Real. Ground floor commercial uses would still be required in the NMU areas on south Middlefield Road, the NMU-ECR district, and CMU-1 and CMU-2 areas on 5th Avenue.
- Multiple parcels along El Camino Real adjacent to Blenheim Avenue would be rezoned from R-3 to CMU-1, multiple parcels along Middlefield Road adjacent to Huntington Avenue would be rezoned from R-3 to CMU-3, and several parcels designated R-1 northeast of Middlefield Road would be rezoned to NMU.
- Parking requirements would be standardized across zoning districts, and electric vehicle charging requirements superseded by State law would be eliminated.
- To comply with State law, subjective design standards would be replaced with objective standards, and public hearings for minor permits for projects not otherwise requiring hearings would be eliminated. Design standards that are no longer best practices or have been superseded would be revised and/or removed.
- Energy efficiency and green building standards superseded and exceeded by the California Building Code, and water-efficient landscaping, low-impact design, and stormwater treatment covered by other County ordinances would be eliminated.
- Setbacks and stepbacks would be standardized across districts. An additional front setback would be required for development fronting on Huntington, to mitigate impacts on residences across the street.

2. PROPOSED AMENDMENTS TO THE COMMUNITY PLAN

- Land use standards would be clarified to indicate that floor area ratio (FAR) limits apply to non-residential development. Residential intensity would continue to be limited by maximum density. This amendment is solely for clarity.
- The Community Benefits policy, superseded by State law, would be eliminated. The Community Plan would also be amended to address various policies for clarity, elimination of redundant language, and other non-substantive changes.
- General Plan Maps would be amended to change the R-3 zoned areas proposed for rezoning to CMU-1 or CMU-3 from Medium High Density Residential to Commercial Mixed Use land use designation, and R-1 zoned areas proposed for rezoning to NMU would change from Medium Density Residential to Neighborhood Mixed Use.

3. COUNCIL AND PLANNING COMMISSION REVIEW

The NFO Community Council reviewed the project on April 27, 2023 and voted to recommend adoption of the proposed amendments. The Planning Commission reviewed this project on June 21, 2023 and voted to recommend adoption.

4. ENVIRONMENTAL IMPACT REPORT

An Environmental Impact Report (EIR) was prepared for the project, assessing potential impacts and available mitigation to address them. The EIR identified four potentially significant and unavoidable impacts:

Net increase of operational criteria pollutants. This impact was also identified in the EIR for the Community Plan. New development necessarily increases pollutants in a way that, while reducible by various techniques, cannot be entirely reduced with certainty.

Significant impact on a historic resource if development facilitated by the project would cause a substantial adverse change in the significance of that resource. This impact was also previously identified. While development projects can be required mitigate impacts on historic resources, NFO may have unidentified resources of unknown type, and the ability to mitigate impacts to such resources cannot be foreseen with certainty.

Construction, on-site operational noise impacts, and traffic noise impacts to noise-sensitive receptors. This impact was also previously identified. These impacts are the typical and inevitable consequence of most development of any significant size.

Increased VMT from future office-only commercial development. This impact is a consequence of: new methods required by State law for Vehicle Miles Traveled (VMT), and; the County's interim VMT methodology, which does not address impacts of mixed-use development. Significant office-only development in the area is unlikely, mixed-use projects would likely be below VMT thresholds, and

many projects would be exempted by County criteria, but because of the current methods, this impact must be identified.

With project adoption, the Board must certify the EIR has been completed as required by law, and considered by the Board. Because the project may result in significant unavoidable impacts, the Board must also adopt a statement of overriding consideration, describing how project benefits outweigh potential impacts.

The ordinance and resolutions have been reviewed by County Counsel as to form.

FISCAL IMPACT:

There is no fiscal impact to the County from adoption of the proposed rezoning and General Plan amendments.