



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: November 3, 2015
Board Meeting Date: November 17, 2015
Special Notice / Hearing: Newspaper - 10 day's
Notice
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: Public hearing to consider adoption of ordinances for Zoning Text and Map Amendments to rezone two parcels from R-3 (Multi-Family Residential) to "PUD-138" (Planned Unit Development-138), pursuant to Section 6550 of the County Zoning Regulations, for the construction of a 15-unit, three-story multi-family low-income housing development at 2626 and 2642 Marlborough Avenue in the unincorporated North Fair Oaks.

RECOMMENDATION:

1. Approve the proposed Zoning Text and Map Amendments, County File Number PLN 2015-00263, by adopting the required findings and conditions of approval as contained in Attachment A.
2. Adopt the ordinance to enact, applicable only to the subject parcels, the "PUD-138" (Planned Unit Development-138) Regulations, and waive the reading of the ordinance in its entirety.
3. Adopt the ordinance to change the subject parcel's Zoning Map designation from "R-3" to "PUD-138," and waive the reading of the ordinance in its entirety.

BACKGROUND:

The applicant, St. Francis Center, proposes to construct a three-story multi-family housing development. The building will include 15 apartments (two 1-bedroom, seven 2-bedroom, and six 3-bedroom), a community room, study rooms and on-site laundry rooms. Total proposed floor area of the building will be 18,802 sq. ft. The applicant proposes 18 parking spaces (eight uncovered) for residents of the development, with two guest parking spaces. The building as proposed will be three stories tall, with a roof peak of 39'-2" above grade.

The proposed rezoning is necessary to provide relief from the setback requirements of the existing S-5 zoning overlay district, lot coverage restrictions, and parking requirements. Relief from these standards is necessary in order to utilize the project site to its maximum potential consistent with its land use designation within the North Fair Oaks Community Plan.

Planning Commission Action: On October 14, 2015, the Planning Commission voted to recommend that the Board of Supervisors approve the proposed Zoning Text and Map Amendments.

Report Prepared By: Michael Schaller, Senior Planner; Telephone 650/363-1849

Applicant/Owner: St. Francis Center of Redwood City

Location: 2626 and 2642 Marlborough Avenue, North Fair Oaks

APNs: 054-263-030 and -040

Parcel Size: 13,988 sq. ft.

Existing Zoning: R-3/S-5 (Multi-Family Residential/5,000 sq. ft. minimum parcel size)

General Plan Designation: Multi-Family Residential (24 to 60 dwelling units/acre)

Sphere-of-Influence: Redwood City

Existing Land Use: Two single-family dwellings, plus several accessory buildings

Water Supply: California Water Service

Sewage Disposal: Fair Oaks Sewer District

Flood Zone: Flood Zone X (Areas of Minimal Flooding), FEMA Panel No. 06081C0302E, effective date October 16, 2012.

Environmental Evaluation: This project is statutorily exempt from the California Environmental Quality Act (CEQA) per Sections 15192 (*Threshold Requirements for Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects*) and 15194 (*Affordable Housing Exemption*) of the CEQA Guidelines. An analysis of project compliance with these exemption requirements is included in Attachment F.

Setting: The property is located in a residential neighborhood that is a mix of single-family and multi-family dwellings, approximately one block off of El Camino Real. The project site is located within Redwood City's sphere-of-influence. The properties are occupied by existing structures and paving, with no significant vegetation on-site.

Chronology:

<u>Date</u>	<u>Action</u>
June 24, 2015	- Application for rezoning received.
August 26, 2015	- Pre-application public workshop held.
September 24, 2015	- North Fair Oaks Council meeting.
October 8, 2015	- Second North Fair Oaks Council meeting.
October 14, 2015	- Planning Commission public hearing. The Commission recommends approval.
November 17, 2015	- Board of Supervisors public hearing.

DISCUSSION:

A. KEY ISSUES

1. Compliance with the North Fair Oaks Community Plan (NFOCP)

On November 15, 2011, the Board of Supervisors adopted a Community Plan for the North Fair Oaks area. This plan is a subset of the County's General Plan and contains policies for various issues including land use, housing, and circulation, amongst others. It is the policies of the Community Plan that are applicable to this project.

Chapter 2.3 – Land Use Goals and Policies

Goal 2.2: Promote revitalization through redevelopment of underutilized and vacant land in North Fair Oaks to create jobs and housing and support community and economic development.

Policy 2C: Allow residential infill development on vacant and underutilized residential parcels and within areas identified as appropriate for additional mixed-use residential, commercial, and other development. Encourage multi-family residential and mixed-use residential development in these areas, and revise subdivision regulations to remove barriers to the development of multi-family attached for-sale housing in all appropriate areas in North Fair Oaks.

Staff's Analysis: While both parcels that comprise the project site are currently developed, it is at a much lower density than what the General Plan and existing zoning regulations envision. The proposed project would comply with both the goal and the policy by re-utilizing scarce land

resources for multi-family residential housing that is specifically targeted for low-income residents of the County, a population with extremely limited housing choices.

Chapter 2.4 – Land Use Designations

The Community Plan has designated the project site as “Multi-Family Residential.” Within that designation, the plan allows a medium-high to high density of residential land uses, with a density range of 24 to 60 dwelling units per acre. The table below summarizes the development standards (as stated in the Community Plan) for this Land Use designation against the proposal, and against the existing S-5 zoning district standards which are currently applicable to the project parcels.

	Multi-Family Residential (NFOCP)	Proposal	S-5 (Existing Zoning)
Dwelling Units Per Acre (max.)	24-60	46.71	17.42
Building Heights (max.)	50 ft. (approx. 5 stories)	39.16 ft.* (3 stories)	36 ft.** (3 stories)
Front Setbacks	20 ft.	3.16 ft. (front – Nottingham Avenue)	20 ft.
Side Setbacks	5 ft.	5 ft. (2.5 ft. on Marlborough)	5 ft.
Rear Setbacks	20 ft.	7 ft.	20 ft.
Max. Lot Coverage	-	51.68%	50%
Parking	1 space/0-1 bedroom 1.5/2+ bedrooms and 1 guest space/5 units (results in 22 resident spaces + 3 guest spaces)	18 resident spaces + 2 guest spaces	25 resident spaces required (+ 3 guest spaces)
*Finished grade to absolute building height.			
**Average finished grade to average roof peak.			

The proposed building is well below the maximum allowed density under the NFOCP. The project also complies with the height restrictions outlined in the NFOCP as well as the S-5 zoning. The project however does not comply with the setback requirements of the current zoning, necessitating the requested PUD rezoning, in order to utilize the site to maximum efficiency.

Parking

As shown above, the project is not in compliance with the suggested parking standards outlined in the NFOCP, nor with the parking requirements established by the Zoning Ordinance for residential development within the County. The applicant is proposing only 1.2 parking spaces per unit, plus two guest parking spaces. While substantially lower than what is required under the existing parking regulations, residents of this project will have limited income and most likely cannot afford more than one car per household. In some cases, they may not be able to afford a car at all. It is more likely that residents will use bicycles and buses to get to work, school, etc. In that regard, the applicant is proposing a dedicated bicycle storage room. The question before the Planning Commission is whether the proposed PUD provides sufficient parking given the circumstances of the project. For the reasons noted above, staff believes that the proposed amount of parking will adequately serve the project.

Chapter 4.2 – Infrastructure Goals and Policies

Policy 5C: Continue to require new developments that might result in an increase in stormwater runoff to provide on-site detention facilities to address increased flows. The on-site detention facilities (tank, oversized pipes, or other facilities) shall be sized so that the new development does not cause an increase of flow into the storm drain system.

Staff's Analysis: The applicant has not submitted a detailed site drainage plan at this time. Typically, such plans are submitted at the building permit stage and a condition of approval (Condition No. 14) has been placed upon the project requiring such plan to be submitted at that time. The project site is large and relatively flat, and there is no reason to believe that the applicant's engineer cannot create a drainage plan (which includes on-site retention) that complies with the County's stormwater permit.

Chapter 6.3 – Housing Goals and Policies

Goal 6.1: Increase affordable housing options in North Fair Oaks.

Policy 1B: Provide technical and financial support to affordable housing developers, including funding, information on available housing sites, information on regulatory requirements, information on other resources available, and other support needed to facilitate successful development of affordable housing.

Staff's Analysis: On April 8, 2013, the San Mateo County Board of Supervisors approved the allocation of approximately \$13.4 million of unrestricted general funds for affordable housing purposes. The Board of

Supervisors has continued to provide additional resources to this Affordable Housing Fund. Under the latest round of funding, the County awarded the applicant (St. Francis Center) \$600,000 for the purpose of planning and constructing the proposed project.

Policy 1D.2: Implement parking reductions appropriate for the actual parking needs of new projects, and encourage “unbundling” of parking spaces in new rental developments, allowing tenants to pay for parking only if they need it.

Staff's Analysis: As discussed above, the applicant is requesting a reduction in the required number of parking spaces, citing the limited income levels of future residents and the likelihood that they will not be able to afford more than one car. As a practical matter, the ability to provide the required number of spaces on this relatively small project site would result in one of two scenarios. Either the applicant excavates out a basement parking area or they build a second story of parking resulting in a four-story building, which would be much taller than the surrounding residences. Both alternatives would add substantial cost to the project, beyond the public and charitable contributions that have already been made. Relief from the strict interpretation of the parking regulations would be consistent with this NFOCP policy.

Policy 1F: In the case of conflicting or unclear regulations or policies, and in the course of discretionary approvals, interpret zoning, land use, and other policies and regulations in a manner that prioritizes creation of new residential uses, particularly affordable and special needs housing, and that discourages reduction of affordable housing stock, including demolition or conversion of residential uses.

Staff's Analysis: Strict application of all existing zoning requirements to the project would interfere with the County's ability to achieve the goals of the NFOCP. If rigidly enforced, the current zoning would result in a lower density of residential units than what the General Plan (GP) designation envisions. The proposed PUD rezoning will utilize the project site consistent with the GP designation.

Goal 6.5: Address overcrowding and demand for large family units.

Policy 5A.3: Prioritize County assistance to proposed affordable housing projects that include large units and special needs units.

Staff's Analysis: As discussed previously, the County contributed \$600,000 toward the planning and construction of this project. Of the 15 total units proposed, seven are two-bedroom and six are three-bedroom.

Chapter 7.2 – Design of the Private Realm

Section D2 – Layout and Orientation – Individual Buildings

Policy D2-1: Orient buildings such that the primary facades (or sides of the building) and key pedestrian entries of the buildings face the street, or face mid-block greenways and mews. Require building entrances on streets, pedestrian ways, and other public spaces rather than, or in addition to, on interior courtyards or parking lots.

Policy D2-2: Encourage corner buildings to actively address both streets with pedestrian-friendly entries.

Staff's Analysis: The ground floor units will have direct access off of Marlborough Avenue, as will the community room. The lobby entrance and access into the garage area will come off of Nottingham Avenue. Both facades will emphasize articulation to break up the mass of the building.

Section D6 – Building Character and Facade Articulation

Policy D6-2: Encourage varied building elements such as cornices, lintels, sills, balconies, awnings, porches, and stoops to enhance building facades.

Policy D6-3: Encourage vertical and horizontal architectural elements that mitigate long, unbroken building facades.

Policy D6-4: Encourage the use of building materials, forms and colors that provide visual interest to pedestrians and add variety to street edges.

Staff's Analysis: The building has been designed with articulation on all four sides, but with particular emphasis upon the two street facing sides, where the wall profiles have been broken up with two-story tall window bays. The facade treatment also utilizes a mix of building materials, including stucco plaster and base, and shake siding to break up the mass of each building wall. Horizontal elements, including a bellyband, are utilized along all four sides, again in an attempt to break up the mass of each building wall. The applicant proposes to utilize a variety of materials, including cement plaster (stucco) and fiber cement shake siding, as well as a varied color palette for the building.

2. Compliance with Zoning Regulations

The project site is located in the R-3/S-5 zoning district. The project includes a proposal to change the zoning of this parcel to PUD. In order to understand the ramifications of this zoning change, it is important to compare the proposed development to the existing S-5 regulations, under

which all surrounding development must comply. Below is a table listing the development standards for the S-5 zoning district and how the project proposal compares with the applicable standard.

Development Standard	S-5	Proposal
Building Site Width (minimum average)	50 ft.	105 ft.
Building Site Area (minimum)	5,000 sq. ft.	13,988 sq. ft.
Minimum Lot Area Per Dwelling Unit	2,500 sq. ft.	822 sq. ft.
Building Setbacks		
Front (Nottingham Avenue):	20 ft.	3.16 ft.
Side (Interior):	5 ft.	5 ft.
Side (Adj. to Marlborough Avenue):	10 ft.	2.5 ft.
Rear:	20 ft.	7 ft.
Maximum Building Footprint	50% for entire project site	51.68%
Building Height	36 ft. (avg. finished grade to avg. roofline)	39 ft.- 2 in. (topmost roof peak)

Parcel Size: Combining the two parcels that comprise the project site will result in a single parcel that greatly exceeds the minimum parcel size and width requirement of the S-5 zoning district.

Building Setbacks: As illustrated above, the proposed PUD will not comply with the S-5 zoning district setback requirements. The applicant is requesting relief from these requirements in order to maximize the utility of the project site. Developable land is currently a scare resource within San Mateo County. Getting the most out of it will, in some cases, require relaxation of applicable zoning regulations.

Building Footprint and Height: These two standards are commonly used to measure and regulate the overall bulk of urban development on a given parcel. As can be seen above, the proposed project will not veer significantly from what the existing zoning allows. However, the proposed apartment building will have a significantly larger bulk than the surrounding single-family dwellings which make up the immediate neighbors. As stated previously, the proposed project is consistent with the General Plan and NFOCP land use designations for this neighborhood.

3. Compliance with Planned Unit Development (PUD) Findings

Section 6191 of the Zoning Regulations states that no PUD District shall be enacted for any area unless and until the Board of Supervisors has first:

Reviewed a precise plan of the subject area and its environs, and found that the proposed zoning of the area would be in harmony with said plan, and would not be in conflict with the County Master Plan (i.e., 1986 General Plan), or with any current land use plan for a sub-area of the County previously adopted by the Commission.

Staff Response: Based on the previous discussion in the North Fair Oaks Community Plan (NFOCP) Compliance Section of this report (Section A.1), staff concludes that the proposed PUD District regulations are in harmony with the applicable NFOCP policies.

Additional required findings listed below (*italicized*), stipulate that the Board of Supervisors must find that the specific PUD District:

- a. *Is a desirable guide for the future growth of the subject area of the County.*

Staff Response: As discussed under the Community Plan section above, the project site is designated as “Multi-Family Residential” with a fairly high density. This area has had this land use designation for many years. Unfortunately, it is infeasible to develop the existing parcels within the confines of the S-5 zoning district regulations and still achieve the planned density. In order to provide parking and access into the parking area, this project requires relief from the existing setback requirements, which make more sense in a low-density, single-family zoning district.

- b. *Will not be detrimental to the character, social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas.*

Staff Response: The finished project, a multi-family apartment building with large units (2-3 bedrooms), that is specifically targeted for low-income residents, will provide desperately needed housing for this area. In that regard, it will serve families that already live within the area but perhaps in residences that are too small or expensive for their needs. Additionally, the project includes a community room (on the first floor) and study rooms (on the second and third floors). These features will help ensure social and economic stability within the community. The proposed apartment building will be significantly taller than the buildings that occupy the project site at the present. It will also be taller than the immediately surrounding single-story residences. There are, however, buildings within the surrounding area that are as tall as the project proposal – the Siena Youth Center directly across the street, and the three-story St. Clare’s apartment complex located at 2683 Marlborough Avenue (approximately 140 feet

east of the project site). Additionally, there are two more three-story apartment complexes around the corner on Buckingham Avenue. Accordingly, the proposed project is consistent and compatible with the larger neighborhood.

- c. *Will be in harmony with the zoning in adjoining unincorporated areas.*

Staff Response: The zoning in the surrounding unincorporated area will remain R-3/S-5. Approximately 250 feet to the south lies a C-2 (General Commercial) zoning district, which is generally associated with those parcels that front onto El Camino Real. The neighborhood is generally bounded by the CalTrain railroad to the north and east, and El Camino Real to the west and south. The neighborhood is composed of a mix of single- and multi-family residences. Many of the single-family residences in the area also have second dwelling units on the property. The proposed project is in the heart of this multi-family zoning district and will be consistent with the intent of the Zoning and General Plan designations.

- d. *Will obviate the menace to the public safety resulting from land uses proposed adjacent to highways in the County, and will not cause undue interference with existing or prospective traffic movements on said highways.*

Staff Response: The project site is served by two local streets – Marlborough and Nottingham Avenues. The project site is not adjacent to an existing public highway. El Camino Real (State Route 82) is located approximately 400 feet south-west of the project site. Both local streets are sufficiently improved and wide enough to accommodate the traffic volume that will be generated by this project. There is no reason to believe that the proposed project will adversely or significantly impact local or regional traffic patterns or volumes.

- e. *Will provide adequate light, air, privacy and convenience of access to the subject property and further that said property shall not be made subject to unusual or undue risk from fire, inundation, or other dangers.*

Staff Response: The project's overall site design, including the proposed buildings' location and setbacks relative to adjacent residences, provides adequate light, air, and privacy to neighboring uses. There is no evidence to suggest that the project site is any more susceptible to fire or inundation than other surrounding residential uses.

- f. *Will not result in overcrowding of the land or undue congestion of population.*

Staff Response: The PUD provides a method for constructing higher density projects of this type in a manner that ensures appropriate design. The proposed project is designed as a higher density residential development in an area that has been zoned for high density residential use for over 50 years. There is no evidence to suggest that the construction of these 15 apartments will create overcrowding or undue congestion.

B. REVIEW BY THE NORTH FAIR OAKS COMMUNITY COUNCIL

The North Fair Oaks Community Council initially heard this item at their September 24, 2015 meeting. While the Council generally supported the project, they did express concern regarding displacement of the three households currently residing on the project site. Additionally, the lack of parking in the immediate project area, and the impact of the project upon parking were discussed. At the end of the meeting, the Council requested the applicant to provide additional information regarding what measures had been made to find replacement housing for the displaced households and plans to address overflow parking generated by the project. The Council continued this item to a special meeting which was held on October 8, 2015. At that time, the applicant informed the Council that they had been able to find housing for two of the displaced households and was continuing to work with the third to find temporary housing. Additionally, the applicant presented revised plans to the Council showing a revised parking plan which will provide a total of 20 parking spaces (18 resident and two guest). Based upon this additional information, the Council recommended approval of the project.

C. MAJOR DEVELOPMENT PRE-APPLICATION WORKSHOP

Section 6415.4 of the Zoning Regulations requires a public workshop to be held for residential development involving ten (10) or more new dwelling units. The intent of the public workshop is to allow community members and public agency representatives the opportunity to provide the applicant with project input before the preparation of final development plans. The public workshop was held on August 26, 2015, at the Siena Youth Center in North Fair Oaks. Comments received during this phase of the project are discussed in the workshop's summary letter, which is included as Attachment G.

D. STATE AND FEDERAL HOUSING LAW

In addition to the County regulations discussed above, there are several State and Federal laws that regulate the provision of housing for low-income households; they include:

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Prohibition of Discrimination Against Affordable Housing (Government Code Section 65008). This statute forbids discrimination against affordable housing developments, developers or potential residents by local agencies when carrying out their planning and zoning powers. Agencies are prohibited not only from exercising bias based on race, sex, age or religion, but from discriminating against developments because the development is subsidized or occupancy will include low- or moderate-income persons. Local governments may not impose different requirements on affordable developments than those imposed on non-assisted projects. It applies to any land use action that has a disproportionate impact on assisted developments or the potential minority or low-income occupants. SB 619 (Ducheny) (Chapter 793, Statutes of 2003) prohibited discrimination against multi-family housing.

The California Fair Employment and Housing Act (Government Code Section 12900 et seq.). This statute expressly prohibits discrimination through public or private land use practices and decisions that make housing opportunities unavailable. Similarly, the Federal Fair Housing Act (42 U.S.C. Section 3601 et seq., or "Title VIII") has been held to prohibit public and private land use practices and decisions that have a disparate impact on protected groups.

E. ENVIRONMENTAL REVIEW

This project is statutorily exempt from the California Environmental Quality Act (CEQA) per Sections 15192 (*Threshold Requirements for Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects*) and 15194 (*Affordable Housing Exemption*) of the CEQA Guidelines. An analysis of project compliance with these exemption requirements is included in Attachment F.

F. REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Menlo Park Fire Protection District
North Fair Oaks Community Council
County Housing Department

County Counsel has reviewed and approved the report and ordinances as to form.

Approval of this project contributes to the Shared Vision 2025 of a Livable Community by providing housing and services for residents experiencing existing or potential homelessness in accordance with the North Fair Oaks Community Plan.

FISCAL IMPACT:

No fiscal impact.

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ATTACHMENTS:

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Floor Plan
- E. Elevations
- F. CEQA Statutory Exemption
- G. August 26, 2015 Pre-Application Workshop Summary