



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
Planning and Building



**Date:** November 13, 2013  
**Board Meeting Date:** December 10, 2013  
**Special Notice / Hearing:** Newspaper/10-Day  
Notice/Property Owners  
**Vote Required:** 4/5ths

**To:** Honorable Board of Supervisors

**From:** Jim Eggemeyer, Community Development Director

**Subject:** Public hearing to consider the adoption of: (1) a Resolution to amend the General Plan Land Use Map to change the land use designation for four parcels from "Neighborhood Mixed Use" to "Single-Family Residential"; (2) an Ordinance to rezone three parcels from C-1/S-1 (Neighborhood Commercial) and C-1/NFO/FO (Neighborhood Commercial/Fair Oaks) to R-1/S-73, both actions pursuant to Section 6550 of the County Zoning Regulations; and (3) certification of a Negative Declaration, pursuant to the California Environmental Quality Act, to rezone the parcels located at 3821 and 3823 Fair Oaks Avenue and 719 San Benito Avenue in the unincorporated North Fair Oaks area.

**RECOMMENDATION:**

1. Approve the proposed General Plan Land Use Map Amendment and Zoning Map Amendment, and certify the Negative Declaration, County File Number PLN 2012-00315, by adopting the required findings as contained in Attachment A.
2. Adopt the Resolution to change the subject parcels' General Plan Land Use designation from "Neighborhood Mixed Use" to "Single-Family Residential."
3. Adopt the Ordinance to change the subject parcels' Zoning Map designation from C-1/S-1 (Neighborhood Commercial) and C-1/NFO/FO (Neighborhood Commercial/Fair Oaks) to R-1/S-73 (Single-Family Residential/5,000 sq. ft. minimum parcel size) and waiver of reading the Ordinance in its entirety.

**BACKGROUND:**

The Planning Department is proposing to rezone three parcels (060-123-360: C-1/NFO/Fair Oaks; -550: mixed zoning of C-1/S-1 and R-1/S-73; and -580: C-1/S-1) from their current commercial zoning to a residential zoning designation (R-1/S-73). Additionally, the proposed project will require a change to the General Plan Map

designation (as shown on the North Fair Oaks specific plan map) of the above three parcels, as well as the adjacent parcel: 060-123-570, from “Neighborhood Mixed Use” to “Single-Family Residential.” No new physical development is proposed on the four parcels at this time.

Planning Commission Action: On November 20, 2013, the Planning Commission voted 5-0 to recommend that the Board of Supervisors approve the proposed General Plan Land Use Map Amendment and Zoning Map Amendment, and certify the Negative Declaration.

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

Applicant: San Mateo County Planning and Building Department

Owners: Jaime Gonzalez (3821 Fair Oaks Avenue – Zoning and GP Amendment)  
Andrea Houghton (719 San Benito Avenue – Zoning and GP Amendment)  
Michael Browne (No address – remainder parcel – Zoning and GP Amendment)  
Stephen Russell (3823 Fair Oaks Avenue – GP Amendment)

Locations: 3821 and 3823 Fair Oaks Avenue and 719 San Benito Avenue, North Fair Oaks

APNs: 060-123-360, -550 and -580 (Zoning Map Amendment)  
060-123-360, -550, -570 and -580 (General Plan Map Amendment)

Size: 9,152 sq. ft. (Zoning Map Amendment)  
15,952 sq. ft. (General Plan Map Amendment)

Existing Zoning: C-1/NFO/Fair Oaks (060-123-360)  
C-1/S-1 (060-123-550 and -580)  
R-1/S-73 (060-123-550 and -570)

General Plan Designation: Neighborhood Mixed Use

Sphere-of-Influence: Redwood City

Existing Land Use: 060-123-550 and -570: Single-Family Dwelling  
060-123-360 and -580: Mixed Use Commercial (currently a catering business and one residential unit)

Water Supply: California Water Service Company

Sewage Disposal: Fair Oaks Sewer District

Flood Zone: Zone X (areas of minimal flooding), based on the FEMA Flood Zone Map, Community Panel No. 06081C 0302 E, effective October 16, 2012.

Environmental Evaluation: Initial Study and Negative Declaration issued with a public review period between October 18, 2013 and November 8, 2013.

Setting: Parcels 060-123-360 and -580 are developed with a mixed-use building. The front portion of the building contains a commercial establishment, currently a catering business. The back portion of the building contains one residential unit. The other two project parcels, as well as the surrounding parcels, are developed with single-family residences. The project area is flat, with no sensitive habitat present.

## **DISCUSSION:**

### **A. KEY ISSUES**

#### **1. Compliance with the General Plan**

The following General Plan policies are applicable to this project:

##### **Urban Land Use Policies**

Policy 8.14 (*Land Use Compatibility*) – This policy calls for the protection of existing single-family areas from adjacent incompatible land use designations which would degrade the environmental quality and economic stability of the area. As was discussed extensively at the September 11, 2013 Planning Commission hearing, there is significant evidence that the current commercial zoning of the subject parcels has become incompatible with the surrounding residential neighborhood. Conflicts cited include increased traffic (both volume and type), insufficient parking, noise and odors.

The current use notwithstanding, any commercial business at this location will generally generate traffic levels above what is typically customary for a single-family neighborhood. Additionally, many of the types of businesses allowed in the C-1 zoning district require the delivery of goods to and from the business. More often than not, these deliveries are carried out by large semi-trailers and vans. The presence of a traffic circle in the middle of the adjacent road intersection physically constricts access to the project site. Accommodating such oversized vehicles becomes problematic as these vehicles cannot park on the project site but must park on the public road, creating a potentially dangerous situation for other motorists using either Fair Oaks Avenue or San Benito Avenue.

In addition to traffic and parking, neighbors adjacent to the project site have complained of noise and odors not commonly associated with residential districts. Again, the current use notwithstanding, there are many different types of commercial uses that are allowed by the C-1 zoning regulations

that, by their nature, could generate abnormal noise or odors. For example, restaurants, which are a principally permitted use in the C-1, would generate many of the same noise and odor issues as the current use.

Policy 8.17 (*Buffers*) – This policy requires commercial land uses to be buffered from contiguous residential uses, when possible. The project site sits immediately adjacent to surrounding residential uses on two sides. The setbacks to these adjacent residences are 10 feet or less. As discussed above, noise and odors are common byproducts of many types of commercial uses, not just the present use on the site. Because of the nature of noise and odors, a distance greater than 10 feet is typically needed to attenuate these types of impacts. Because of the nature of the project site, it does not appear possible to adequately buffer the adjacent residential uses from the commercial use at the project location.

#### North Fair Oaks Community Plan Guidance

The North Fair Oaks (NFO) Community Plan land use map designates a portion of the project sites as Neighborhood Mixed Use (Medium Density) Commercial/Residential/Public. One of the key goals of the Land Use Chapter calls for “preserving and enhancing residential character in primarily single-family residential areas.” As discussed above, rezoning of the project parcels would enhance and preserve the residential nature of the surrounding neighborhood. The NFO Plan has one particular policy that pertains to the corner parcel of the project sites:

*Policy 2.F: Explore opportunities to strengthen neighborhood-scaled and neighborhood-located commercial and retail locations, such as the existing commercially zoned area at 13th Avenue and Fair Oaks, through modifications to zoning designations, expansion of commercial areas, and other modifications to improve compatibility and appropriateness of local uses, and provide accessible local-serving retail throughout North Fair Oaks.*

The Planning Commission considered the opportunities for neighborhood-scaled commercial and retail uses at the project site at the March 13, 2013 and September 11, 2013 public hearings and concluded that the most appropriate land use designation for these parcels should be single-family residential. At the September 11 hearing, the Commission concluded that conflicts between commercial uses on the project site and adjacent residential uses could not be mitigated to a less than significant level, particularly with regard to traffic circulation and safety. They also concluded that, given the isolated nature of this location, continued commercial use of the corner parcel is not viable.

## Zoning Regulations

Under the current C-1 zoning, permitted commercial uses on the site are subject to different development standards than the surrounding R-1 uses. In addition, residential uses are permitted within the C-1 district subject to the issuance of a use permit. However, the development standards for this associated residential use are also different than those of the surrounding R-1 areas. The following table summarizes the different development standards at play:

	<b>C-1/Fair Oaks (Commercial Use)</b>	<b>C-1/Fair Oaks (Residential Use**)</b>	<b>R-1/S-73</b>
Minimum Parcel Size	*	*	5,000 sq. ft.
Front Setback (minimum)	0 feet	0 feet	20 feet
Rear Setback (minimum)	6 feet	20 feet	20 feet
Side Setback (minimum)	3 feet	5 feet	10 feet – when side property line fronts a public street 5 feet – all other cases
Maximum Building Height	*	**	28 feet
Maximum Lot Coverage	*	**	50%
Maximum Floor Area	*	**	2,600 sq. ft.
*The C-1 zoning regulations do not stipulate a minimum parcel size, maximum building height, lot coverage or floor area.			
**All portions of buildings intended for residential use must comply with the underlying “S” district regulations with regard to side and rear setbacks.			

As can be seen above, under the existing C-1 zoning, any new structural development (whether commercial or use permit approved residential) could potentially be constructed up to the front property line, thus encroaching far closer to the street than other buildings in the neighborhood and presenting a disjointed, heterogeneous appearance along Fair Oaks Avenue. In contrast, a new building constructed under the R-1 zoning would be approximately the same distance to Fair Oaks Avenue as adjacent houses and would create a more homogeneous streetscape.

## Findings for Rezoning and General Plan Map Amendment

There are two findings that the Board of Supervisors must make in order to change the General Plan Land Use designation and the zoning for the affected parcels. The required findings are:

1. *That the General Plan Land Use Map Amendment is compatible with adjacent land uses and will not be in conflict with the policies of the General Plan.*

As discussed above under the General Plan section and at a public hearing with the Planning Commission on November 20, 2013, the current land use designation (Neighborhood Mixed Use) is not compatible with the surrounding residentially designated properties, nor can a sufficient buffer zone be provided between the two different land use designations. Re-designation of the project parcels to the "Single-Family Residential" use will provide a consistent land use pattern in this area.

2. *That the proposed zoning of the area will be in harmony with surrounding uses, and will not be in conflict with the County Master Plan (i.e., 1986 General Plan), nor with any current land use plan for a sub-area of the County previously adopted by the Board of Supervisors.*

To preserve consistency between the General Plan and the Zoning Ordinance, this finding must also be made. The language of this finding is consistent with the General Plan finding but addresses the particulars of the Zoning Ordinance.

The Planning Commission on November 20, 2013, recommended to your Board that the two findings above can be made.

#### B. ENVIRONMENTAL REVIEW

An Initial Study was completed and a Negative Declaration issued in conformance with CEQA Guidelines (see Attachment D). The public review period for this document was October 18 through November 11, 2013. As of the publication of this report, staff has received no comments on the proposed Negative Declaration.

County Counsel has reviewed and approved the Ordinance and Resolution as to form.

The approval of the proposed General Plan and Zoning Map amendments contributes to the 2025 Shared Vision outcome of a Livable Community by reducing land use conflicts in the North Fair Oaks neighborhood.

#### **FISCAL IMPACT:**

No fiscal impact to the Planning and Building Department.

**ATTACHMENTS:**

- A. Recommended Findings
- B. Location Map
- C. Current Zoning and General Plan Land Use
- D. Initial Study and Negative Declaration

Attachment A

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**RECOMMENDED FINDINGS**

Permit File Number: PLN 2012-00315

Board Meeting Date: December 10, 2013

Prepared By: Michael Schaller  
Senior Planner

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS FROM THE PLANNING COMMISSION:**

**Regarding the Negative Declaration, Find:**

1. That the Board of Supervisors does hereby find that this Negative Declaration reflects the independent judgment of San Mateo County.
2. That the Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
3. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project will have a significant effect on the environment.

**Regarding the General Plan Map Amendment, Find:**

4. That the General Plan Land Use Map Amendment is compatible with adjacent land uses and will not be in conflict with the policies of the General Plan.

As discussed in Section A.1 of the staff report to the Board of Supervisors, the existing Neighborhood Mixed Use (Commercial) designation of the affected parcels conflicts with the residential nature of the surrounding parcels. A primary conflict cited by the Planning Commission concerns commercial vehicles traveling and parking on the constrained neighborhood roads. Additionally, the economic viability of a small, isolated commercially designated parcel was cited by the Planning Commission as another reason to change the General Plan designation. Changing the land use designation of the subject parcels will provide for consistent application of development standards and eliminate conflicts between adjacent land uses.

5. That the Board of Supervisors amend the County General Plan Land Use Map to change the subject parcels' General Plan Map designation from "Neighborhood Mixed Use" to "Single-Family Residential."



Regarding the Zoning Map Amendment, Find:

6. That the proposed zoning of the area will be in harmony with surrounding uses, and will not be in conflict with the County Master Plan (i.e., 1986 General Plan), nor with any current land use plan for a sub-area of the County previously adopted by the Board of Supervisors.