



County of San Mateo

Inter-Departmental Correspondence

Department: PLANNING AND BUILDING

File #: 18-781

Board Meeting Date: 9/4/2018

Special Notice / Hearing (Planning and Building): 10-Day Notice
Special Notice / Hearing (Real Property Services): 2-Week Notice
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: Consideration of (1) a General Plan Land Use Map Amendment changing the land use designation of one parcel from Multi-Family Residential to Commercial Mixed-Use; (2) a Zoning Map and Text Amendment to rezone one parcel from Two Family Residential District/S-5 Combining District (R-2/S-5) and five parcels from Neighborhood Mixed Use -El Camino Real (NMU-ECR) to Planned Unit Development (PUD); and (3) vacation of a public alley and sanitary sewer easement to allow construction of a 90-unit residential elderly care facility. The project is located at the northern corner of El Camino Real and East Selby Lane in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2017-00251 (Liang/ Mortgage Investors III, IV, XI, XII LLC)

RECOMMENDATION:

Recommendation to the Board of Supervisors to:

- A) Open public hearing
- B) Close public hearing
- C) Approve the proposed General Plan Land Use Map Amendment and Zoning Map and Text Amendment by adopting the required findings and conditions of approval; and
- D) Adopt an ordinance (1) amending Division VI of the County Ordinance Code (Zoning Regulations), Appendix A (Planned Unit Developments) to add the zoning text to enact the Planned Unit Development Zoning District Regulations, (2) amending Chapter 2 (Zoning Districts) of Division VI of the County Ordinance Code (Zoning Regulations) to revise the zoning maps to add the Planned Unit Development Zoning District affecting six properties in the unincorporated North Fair Oaks area, and (3) amending County General Plan Land Use Maps 8.1M and 8.4M to revise the land use designation of one property in the unincorporated

North Fair Oaks area and waive the reading of the ordinance in its entirety; and

- E) Adopt a resolution authorizing the vacation of a public service easement and alley that cross APNs 054-285-260 and 060-271-060, -070, -080, -090, -100 and -110 in unincorporated Redwood City (Vacation No. R098G).

BACKGROUND:

The applicant, Jerry Liang of Sunrise Senior Living, requests a General Plan Land Use Map Amendment, Zoning Map and Text Amendment, and vacation of a public alley (alley) and sanitary sewer easement (easement) to allow construction of a two- and three-story 90-unit residential elderly care facility at the corner of El Camino Real (ECR) and East Selby Lane in the unincorporated North Fair Oaks area of San Mateo County. The proposed project also requires the Planning Commission to authorize a Lot Merger, approve a Grading Permit, and determine if the proposed vacation of the alley and easement conforms to the County General Plan.

Planning Commission Hearing: At its public hearing on July 25, 2018, the Planning Commission considered the proposed project and recommended approval (four in favor, none opposed) of the proposed General Plan Land Use Map Amendment and Zoning Map and Text Amendment, approved the Lot Merger and Grading Permit to be effective upon the Board of Supervisors' adoption of the proposed General Plan Land Use Map Amendment and Zoning Map and Text Amendment, and found the proposed vacation of the alley and easement to be in compliance with all applicable General Plan policies. The Planning Commission's vacation compliance determination allows the Real Property Services Division to move forward with the applicant's vacation request.

North Fair Oaks Community Council Hearing: At its public hearing on March 22, 2018, the North Fair Oaks Community Council (NFOCC) considered the proposed project and recommended approval (five in favor, none opposed) subject to two conditions. Refer to Section B below for further discussion of the NFOCC's consideration of the project.

Proposal:

Sunrise Senior Living Facility

The applicant is proposing the construction of a two- and three-story 90-unit residential elderly care facility at the corner of El Camino Real (ECR) and East Selby Lane in the unincorporated North Fair Oaks area of San Mateo County. Sunrise has several residential elderly care facilities in the San Francisco Bay Area. Sunrise would like to provide senior housing and assisted living services to this area and surrounding areas and fill the gap between two existing locations, one to the north (Belmont) and one to the south (Palo Alto).

With the average age of residents starting at 85 years old, the facility's staff will provide assisted living services for up to 127 elderly residents in 90 residential units (53 studio, 19 double, and 18 semi-private). Services include bathing, dressing, feeding, and assistance with dementia and memory loss. Approximately 75-100 employees will be working in the facility in three shifts: morning shift from 7:00 a.m. to 3:00 p.m., afternoon shift from 3:00 p.m. to 11:00 p.m., and night shift from 11:00 p.m. to 7:00 a.m. Visiting hours will be from 9:00 a.m. to 5:00 p.m. (when doors will be locked). The facility will not have medical professionals on staff, and therefore no medical services will be provided on-site.

The facility will include a secured garden on the northeast side of the site, along Markham Avenue, an access road and delivery area along the western property line accessed via ECR, several patios and decks, and a roof garden accessible from the third floor. Various rooms for resident and staff use are located throughout the building. A 63-space underground parking garage (56 standard, 3 accessible, 3 electric vehicle, and 1 accessible electric vehicle) is proposed within the facility and includes a 15-bicycle storage room, and several rooms for office space, mechanical equipment, and storage. Vehicular access to the underground parking garage will be provided via a driveway from East Selby Lane leading to a pick up/drop off area and ramp to enter the garage.

Public Realm Improvements

To achieve general compliance with the NMU-ECR development standards to the extent feasible, the proposed project will include public realm improvements such as upgraded sidewalks with street trees and public bicycle racks and installation of a bulb out at the corner of ECR and East Selby Lane. The applicant has also had several meetings with the Selby Park Neighborhood community, the residential neighborhood east of the project site, since February 2017 regarding their concerns about the proposed development and its potential impacts on their neighborhood. The community has requested that the applicant install some street improvements and fund a residential permit parking program for their neighborhood. After discussing the feasibility of these requests with the Planning Department and Department of Public Works (Public Works), the applicant has agreed to install, maintain, and fund the following (see Attachment H and Condition Nos. 47-49 in Attachment A):

1. Upgrade of bulb-outs and neighborhood street signage on East Selby Lane between the triangular island and alley.
2. Upgrade of triangular island at the intersection of East Selby Lane, Markham Avenue, and Dexter Avenue.
3. Installation of bulb-outs and neighborhood street signage on Glendale Avenue between Columbia Avenue and 5th Avenue.
4. Installation of bulb-outs and neighborhood street signage on Columbia Avenue north of the alley.
5. Installation of neighborhood street signage on Waverly Avenue between Columbia Avenue and 5th Avenue.
6. Payment of \$20,000 to Public Works which will be deposited into a parking permit account to support a future permit parking program for this neighborhood.

The proposed use is not permitted and does not fully comply with all the development standards of the Neighborhood Mixed Use-El Camino Real (NMU-ECR) Zoning District. A Zoning Map and Text Amendment is required to rezone one of the six parcels (APN 060-271-060) zoned Two Family Residential District/S-5 Combining District (R-2/S-5) and the other five parcels zoned NMU-ECR to Planned Unit Development (PUD). The proposed PUD District will be customized to accommodate the unique use, which will result in conformance with the allowed uses and maximum densities outlined in the North Fair Oaks Community Plan for this area. Additionally, to achieve a consistent land use designation throughout the proposed merged parcel, a General Plan Land Use Map Amendment is required to change the land use designation of one parcel (APN 060-271-060) from

Multi-Family Residential to Commercial Mixed Use (CMU). The proposed project also requires a Lot Merger to merge six parcels (APNs 060-271-060, -070, -080, -090, -100, and -110) to create one 61,726 sq. ft. (1.42-acre) parcel for the proposed development and a Grading Permit for approximately 11,000 cubic yards of excavation for the facility's underground parking garage and the removal of 14 significant-sized trees. The Lot Merger was authorized and Grading Permit was approved by the Planning Commission at their meeting on July 25, 2018, to be effective upon the Board of Supervisors' adoption of the proposed General Plan Land Use Map Amendment and Zoning Map and Text Amendment.

Vacation of Alley and Easement

The requested vacation of a 20-foot wide dead-end alley ("alley" or "public alley") and public service easement ("easement" or "sanitary sewer easement") north of East Selby Lane is required to develop the proposed facility. The easement, granted to the County in 1929, crosses the project site (APNs 060-271-060, -070, -080, -090, -100 and -110) and one additional parcel (APN 054-285-260, 2907 ECR) along a path designated as an "alley" in the subdivision map and serves the subject parcels and the additional parcel. All parcels served by the alley are currently owned by the same group of related entities, which are among the group of property owners who have petitioned the County for the vacation. The alley was offered for dedication to the County when the area was subdivided, but was rejected by the County Board of Supervisors in 1926. As a result, the County does not have any direct interest in the alley, but pursuant to Government Code section 66477.2(a), the dedication offer remains open and vacation with respect to the alley may be accomplished in the same manner as an accepted dedication of a public street or alley.

A sewer lateral and Pacific Gas & Electric (PG&E) lines that serve only the seven parcels crossed by the alley are currently located within the easement. The applicant has agreed that, as a condition of the proposed vacation, it will relocate those utilities. Vacation of the alley and easement is required for the proposed project as it runs through the middle of the proposed merged lot.

With respect to the alley that crosses the subject parcels, available information suggests that the alley is not currently used as a "public" alley (this term has been used in this report for ease of reference only), but rather as a private drive aisle to access the subject parcels and associated parking. Although the alley continues south for two additional blocks, only the portion of the alley that crosses the seven parcels at issue is the subject of the proposed vacation.

The Real Property Services Division requested, pursuant to Government Code Section 65402, determination of whether vacation of the alley segment and sewer easement conforms to the County General Plan. The Planning Commission considered the Real Property Services Division's request at their public hearing on July 25, 2018, and found and reported the proposed vacation to be in compliance with all applicable General Plan policies.

Under the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code, Section 8300 et seq.), the legislative body of a local agency (such as the Board of Supervisors with respect to San Mateo County) may vacate any street, highway, or public service easement within its jurisdiction if determined to be unnecessary for present or prospective public use, contingent on the satisfaction of certain conditions precedent.

Report Prepared By: Carmelisa Morales, Project Planner, Telephone 650/363-1873

Applicant: Jerry Liang, Sunrise Senior Living

Owners: Mortgage Investors III LLC, Mortgage Investors IV LLC, Mortgage Investors XI LLC, Mortgage Investors XII LLC

Location: El Camino Real at East Selby Lane, Redwood City

Parcel Information:

APN	Address	Parcel Size	General Plan Designation	Existing Zoning	Existing Land Use
060-271-060	21 Markham Avenue	13,673 sq. ft.	Multi-Family Residential ¹	Two-Family Residential District/S-5 Combining District (R-2/S-5)	Single-Family Dwelling
060-271-070	No Assigned Address	7,791 sq. ft.	Commercial Mixed Use ² (CMU)	Neighborhood Mixed Use-El Camino Real (NMU-ECR)	Parking Lot
060-271-080	No Assigned Address	9,684 sq. ft.	CMU ²	NMU-ECR	Parking Lot
060-271-090	2991 El Camino Real	6,556 sq. ft.	CMU ²	NMU-ECR	Offices (Vacant)
060-271-100	2963 El Camino Real	11,400 sq. ft.	CMU ²	NMU-ECR	Parking Lot
060-271-110	2915 El Camino Real	5,884 sq. ft.	CMU ²	NMU-ECR	Restaurant
¹ The land use designation of this parcel will be changed to Commercial Mixed Use (CMU). ² The zoning of this parcel will be changed to Planned Unit Development (PUD).					

Sphere-of-Influence: Redwood City

Water Supply: California Water Service Company-Bear Gulch District

Sewage Disposal: County Administered Sewer (Fair Oaks Sewer Maintenance District

Flood Zone: The project site is located in Flood Zone X as defined by FEMA (Community Panel Number 06081C0302E, dated October 16, 2012, and Community Panel Number 06081C0204E, not printed), which is an area with minimal potential for flooding.

Environmental Evaluation: Pursuant to Section 15168(c) (Program EIR) of the California Environmental Quality Act (CEQA) Guidelines, staff has concluded that the proposed project is within the scope of the project covered by the Program Environmental Impact Report (Program EIR) certified for the North Fair Oaks Community Plan Update in 2011, and that the proposed project would have no new effects and would require no new mitigation measures. Further, the project is required to implement all applicable mitigation measures adopted in the Program EIR (see Condition No. 6 in Attachment A). Therefore, no additional environmental review is required.

Setting: All six parcels are generally flat and improved with existing development. The parcel farthest west (2915 ECR) has a two-story building in which a restaurant, John Bentley's Restaurant, is located. The parcel immediately south (2991 ECR) and the two parcels farthest east contain surface parking lots. A one-story office building is located on the southernmost parcel at the corner of ECR and East Selby Lane. A single-family dwelling is located on the northernmost parcel facing Markham Avenue (21 Markham Avenue).

A 20-foot wide dead-end public alley and sanitary sewer easement is located approximately 120 feet northeast of the corner of ECR and East Selby Lane. The alley and easement runs approximately 267 linear feet north of East Selby Lane and adjoins all six subject parcels and a neighboring parcel (APN 054-285-260, 2907 ECR). The alley is accessed from East Selby Lane and ends behind the neighboring parcel. The alley is one of three segments of alleys parallel to ECR. The other two segments run from East Selby Lane, crosses Columbia Avenue, and ends at 5th Avenue.

Twenty-eight (28) significant-sized trees (trees with diameters at breast height (dbh) of 12 inches or more) are scattered throughout the six parcels with a majority of the trees in the public right-of-way (sidewalk area) along East Selby Lane and Markham Avenue. Various ornamental shrubbery are also located along the various facades of the existing buildings.

A residential neighborhood within the Town of Atherton's jurisdiction is located on the western side of ECR, opposite of the project site. The project site is surrounded by commercial development to the north and south and an unincorporated North Fair Oaks neighborhood on the east.

Chronology:

<u>Date</u>	- <u>Action</u>
January 26, 2017	-Applicant submitted application for Major Development Pre-Application Workshop (Planning Case No. PRE 2017-00006) for proposed project.
May 4, 2017	-Major Development Pre-Application Workshop held at the Fair Oaks Health Center in North Fair Oaks.
June 21, 2017	-Applicant submitted application for the General Plan Land Use Map Amendment, Zoning Map and Text Amendment, Lot Merger, and Grading Permit.
March 9, 2018	-Application deemed complete.
March 22, 2018	-North Fair Oaks Community Council (NFOCC) meeting. The NFOCC voted to recommend support of the proposed project to the Planning Commission.
May 23, 2018	-San Mateo County Real Property Services Division submitted application for a General Plan Conformity Request for the proposed vacation of public alley and sanitary sewer easement requested by applicant required for the proposed project.
July 25, 2018	-Planning Commission (PC) public hearing. The PC voted to recommend support of the proposed project to the Board of Supervisors. The PC also

authorized the Lot Merger and approved the Grading Permit to be effective upon the Board of Supervisors' adoption of the proposed General Plan Land Use Map Amendment and Zoning Map and Text Amendment, and found and reported that the proposed vacation of the public alley and sanitary sewer easement to be in conformance with all applicable General Plan Policies.

September 4, 2018 -Board of Supervisors public hearing. The first reading was heard at the Planning Commission meeting on July 25, 2018 and this is the second reading for adoption.

DISCUSSION:

A. KEY ISSUES

1. Compliance with the General Plan/North Fair Oaks Community Plan

On November 15, 2011, the County Board of Supervisors (BOS) adopted a Community Plan for the North Fair Oaks (NFO) area. This plan is a subset of the County's General Plan (GP) and contains policies for various issues including land use, parking, and design. Upon review of the applicable provisions of the GP and NFO Community Plan, staff has determined that the proposed project complies with all GP and NFO Community Plan Policies, specifically:

a. Land Use

General Plan Policy 8.12a (*General Plan Land Use Designations for Urban Areas*) encourages the adoption of the land use designations of the North Fair Oaks (NFO) Community Plan. Additionally, GP Policy 8.28 (*Parcel Consolidation*) encourages the consolidation of smaller parcels which are designated for intense land uses to achieve quality site planning and greater design flexibility.

The three parcels fronting ECR and the two parcels along East Selby Lane and Markham Avenue are designated as Commercial Mixed Use (CMU) with a maximum density of 80 dwelling units (d.u.) per acre and no maximum density for institutional uses. The parcel at the northeastern corner (APN 060-271-060, 21 Markham Avenue) is designated as Multi-Family Residential with a minimum density of 24 d.u. per acre and maximum density of 60 d.u. per acre. Both land use designations were adopted in the NFO Community Plan and provide for medium to high density residential uses in addition to the commercial uses allowed under the CMU designation (e.g., a mix of regionally-oriented commercial and institutional uses supported by community facilities).

The applicant is proposing the construction of a 44-foot tall, 90-unit residential elderly care facility on a proposed merged 61,726 sq. ft. parcel. The proposed facility is considered an institutional and residential use with a proposed density of 63 d.u. per acre. Re-designation of the Multi-Family Residential designated parcel to CMU will allow for a consistent land use designation throughout the proposed merged parcel. Re-designation of the parcel will also achieve the higher density

adopted in the NFO Community Plan for this area. Further, the consolidation of the six parcels (parcel sizes varying from 5,884 sq. ft. to 13,673 sq. ft.) into one merged 61,726 sq. ft. parcel is required for the feasibility of the project as the building footprint and proposed landscaping spans all six parcels and is therefore necessary to achieve quality site planning and greater design flexibility.

b. Zoning

To ensure proposed development is consistent with land use designations, GP Policy 8.35 (*Zoning Regulations*) encourages the continuation of the use of zoning districts which regulate development by applying specific standards.

The BOS approved and adopted Ordinance No. 4787 on November 21, 2017 to rezone specific NFO areas along ECR and 5th Avenue and to implement and make this NFO area consistent with the land use designations adopted in the NFO Community Plan. The new zoning also incorporates the design, development, and performance standards outlined in the NFO Community Plan, specifically Chapter 7 (*Design Standards and Guidelines*). Prior to the approval of the new zoning, the subject parcels had the following zoning designations: the three parcels along ECR are zoned C-2/S-1 (General Commercial District/S-1 Combining District); the two parcels along Markham Avenue and East Selby Lane are zoned P (Parking); and the parcel at the northeastern corner fronting Markham Avenue is zoned R-2/S-5 (Two-Family Residential/S-5 Combining District). Ordinance No. 4787 rezoned five of the parcels to NMU-ECR (Neighborhood-Mixed Use-ECR). The residential parcel was not included in the rezoning.

The proposed project is not a permitted use and does not comply with all the development standards of the NMU-ECR District, thus requiring a Zoning Map and Text Amendment to rezone all six parcels to Planned Unit Development (PUD). Although this PUD District will have its own specific conditions that will regulate the use of the property, the project was designed to be in general compliance with the development, design, and performance standards of the NMU-ECR District to the extent feasible. Further discussion on the project's general compliance with the required standards of the NMU-ECR District are discussed in Sections A.2 and A.3 of this report.

c. Proposed Design

GP Policy 4.14 (*Appearance of New Development*) regulates development to promote and enhance good design, site relationships and other aesthetic considerations. Policy 2C and 2D of the NFO Community Plan also encourage sidewalk improvements for continuous ADA-accessible sidewalks, street trees, landscaping, and other amenities.

As discussed in the previous section, the parcels will be rezoned to PUD. Although the subject application was submitted prior to December 21, 2017, the effective date of Ordinance No. 4787, the project was designed to comply with most of the development, design, and performance standards of the NMU-ECR Zoning District to the extent feasible. The standards include compliant building setbacks, a primary ECR facade, articulated building facades and roofs, high quality, durable

roofing and wall materials, underground parking, underground utility lines, screened trash enclosures, a 10-foot-wide sidewalk on ECR with street trees and bicycle racks, and landscaped open areas. The applicant strategically designed the proposed building to be mindful of adjacent land uses. The three-story section of the building will face ECR while the two-story section buffered by the proposed garden will face the adjacent residential neighborhood east of the project site. Further, Sunrise plans to designate the two-story section of the building as memory care residential units. The access road, where most of the commercial activities will take place, will be in generally the same location as the driveway for the existing restaurant. The proposed driveway leading to the garage entrance is also in the same general location of the existing public alley. With its general compliance with the NMU-ECR zoning standards and attention to existing neighboring land uses, the proposed project will improve the appearance, visual character, and site relationships for the project area and its surrounding vicinity aligning with the goals and vision of the NFO Community Plan.

General Plan Policy 8.43 (*Buildings*) encourages the construction of energy efficient buildings that utilize renewable resources and resource-efficient design to the maximum extent possible.

The applicant has informed the County of his commitment to certify the proposed facility to adhere to the criteria of the Environmental Protection Agency Energy Star Program, a voluntary energy efficiency program. The proposed facility will have a comprehensive maintenance program in place to maintain equipment and conserve energy costs in order to meet the criteria for certification. The proposed building will include various energy-efficient elements such as a thermal envelope designed to minimize heat loss/gain and reduce the load on heating systems, LED lighting, and a “solar ready” roof that will be structurally and electrically prepared for future solar panels. Furthermore, the applicant will implement all applicable mitigation measures adopted in the NFO Community Plan Program EIR (see Condition No. 6 in Attachment A and the Health Risk Assessment in Attachment I).

d. Parking and Transportation

General Plan Policy 8.40 (*Parking Requirements*) encourages the regulation of on-site parking and parking development standards to accommodate the parking needs of the development, prevent congestion on public streets, and discourage an over-reliance on auto travel to the exclusion of other travel modes. Policy 5P of the NFO Community Plan also requires effective and meaningful Transportation Demand Management (TDM) programs for new higher intensity development.

An existing access road connects ECR to the public alley and private parking lots on the subject parcels. The proposed facility will include a driveway from East Selby Lane for primary vehicular access leading to a pickup/drop off area and ramp to access the 63-space underground parking garage. An access road for deliveries, trash pickup, and other maintenance activities, is proposed along the northern side of the building in generally the same location and configuration as the existing access road. A median strip on ECR prevents vehicles from entering and exiting the access road in both directions. All vehicles must come from northbound and exit toward the northbound direction.

The on-site parking will primarily be used by staff and visitors as most residents, if any, will not own and/or drive a vehicle. A total of approximately 75-100 employees will be working in the facility in three shifts: morning shift from 7:00 a.m. to 3:00 p.m., afternoon shift from 3:00 p.m. to 11:00 p.m., and night shift from 11:00 p.m. to 7:00 a.m. Visiting hours will be from 9:00 a.m. to 5:00 p.m. (when doors will be locked). To analyze the potential transportation and parking impacts of the project, the applicant submitted a Transportation Assessment and a Supplemental Parking and TDM Report prepared by Fehr & Peers (see Attachments J and K). The reports analyzed the potential transportation impacts of the project based on trip generation estimates and surveyed data from existing Sunrise facilities in Belmont and Palo Alto.

Fehr & Peers calculated the expected traffic generated from the proposed use by applying trip generation rates from surveys conducted at the Belmont and Palo Alto facilities, similar Sunrise facilities with a comparable number of units (78 and 81 respectively). The estimated traffic for the restaurant was calculated by counting ingress and egress at the two driveways serving the restaurant, an inbound driveway on El Camino Real and a two-way driveway on East Selby Lane during morning and evening peak commute hours. For the single-family residence and office building (currently vacant), Fehr & Peers used estimated rates from the Institute of Transportation Engineers (ITE) Parking Generation Manual.

Fehr & Peers concluded that the proposed facility would generate fewer daily vehicle trips, but slightly more morning and evening peak hour vehicle trips (approximately 10 more trips) than the existing restaurant and single-family residence. The slightly higher peak hour vehicle trips are due to the different operating characteristics of the existing uses (more vehicle trips during lunch and dinner times) and proposed use. If the office building was occupied and generated traffic, the proposed facility's vehicle trips would not change during morning and evening peak hours, but would have a greater reduction of vehicle trips per day. Based on the estimated number of additional vehicle trips that would be generated if the NFO area was completely built out, Fehr & Peers concluded that the proposed facility's trip generation estimates would be well below the estimated build out totals.

Regarding parking rates, Fehr & Peers used the ITE Parking Generation Manual parking rates for assisted living developments of 0.41 spaces per unit and 0.54 spaces per unit for the 85th percentile rate (where 85% of the surveyed parking rates are lower). Parking surveys were conducted in December 2016 at the Belmont and Palo Alto facilities. The Belmont facility (92% capacity at the time of surveying) was determined to have parking demand rates of 0.33 spaces per unit and 0.37 spaces per occupied. The Palo Alto facility (93% capacity at the time of surveying) was determined to have parking demand rates were 0.44 spaces per unit and 0.48 spaces per occupied unit. Based on the analysis of the existing facilities, the proposed facility with a 63-space underground parking garage will have a parking supply rate of 0.70 spaces per unit. Based on the lower than average parking demand rates of the existing facilities analyzed and the average ITE parking demand rates for assisted living development, Fehr & Peers concluded that the proposed facility has an adequate number of parking spaces for the

proposed use. Furthermore, the project has been reviewed and conditionally approved by the Department of Public Works.

The reports also include a preliminary TDM Plan that will be used to reduce the amount of vehicle traffic and parking generated by the development by creating measures, strategies, incentives, and policies to promote the use of other travel modes such as public transit, carpooling, cycling, and walking. The TDM measures in the TDM Plan include bicycle parking, showers and changing facilities for staff, job positions to support the TDM Plan (i.e., Transportation Coordinator), a Commuter Assistance Center, and a carpool matching service. Fehr & Peers concluded that the TDM measures will help reduce the amount of vehicle traffic and incentivize staff, residents, and visitors to seek alternative modes of transportation.

e. Trees and Vegetation

GP Policy 4.3 (*Protection of Vegetation*) aims to minimize the removal of visually significant trees and vegetation to accommodate structural development.

The proposed project requires the removal of 14 significant-sized trees (trees with diameters at breast height (dbh) of 12 inches or more): 6 live oaks, 1 European birch, 3 tulip poplars, 2 American elms, and 2 trees of heaven. The applicant submitted arborist reports prepared by Walter Levison (see Attachments L and M), analyzing the 28 significant-sized trees on the property. The analysis includes an assessment of the health of the trees, potential impacts of the proposed project, tree protection and maintenance recommendations for the 14 trees that will be preserved, and replacement tree recommendations for the trees that will be removed. Upon review of the arborist reports submitted, staff determined that the 14 significant-sized trees require removal to accommodate the proposed facility. The County Significant Tree Ordinance requires a 1:1 replacement for every tree proposed for removal. Every coast live oak tree proposed for removal (total of 6) will be replaced with a coast live oak tree of at least 48-inch box size. The proposed landscaping, replacement trees, and proposed street trees will minimize the visual impact of the proposed development and improve the visual quality of the project area and surrounding vicinity.

f. Grading and Erosion and Sediment Control

GP Policy 2.17 (*Regulate Development to Minimize Soil Erosion and Sedimentation*) regulates development to minimize soil erosion and sedimentation including, but not limited to, ensuring the stabilization of disturbed areas. The project includes 11,000 cubic yards of excavation for the proposed underground parking garage on the subject parcel, therefore requiring the approval of a Grading Permit. The applicant submitted a grading plan (see Attachment G) and geotechnical assessment (see Attachment N) both reviewed and approved by the County Geotechnical Consultant. Erosion and sedimentation control measures are also proposed and outlined in the applicant's preliminary erosion control plan (see Attachment G) to ensure all disturbed areas are stabilized.

g. Public Alley and Sewer Easement

As required by Government Code Section 65402, the Real Property Division, in response to a request from the owners of the subject property, has requested an analysis of whether vacation of the dead-end public alley and public sanitary sewer easement located north of East Selby Lane conforms to the County General Plan.

The subject alley is one of three segments parallel to ECR and runs south, crossing East Selby Lane and Columbia Avenue, and eventually ending at 5th Avenue. The entire alley was created through the Dumbarton Park subdivision approved by the BOS on January 18, 1926 and recorded on January 20, 1926. The County was offered, but rejected all public rights-of-way in the subdivision, including the alley. On December 16, 1929, the BOS approved and adopted the acceptance of a sewer easement for several streets within and near the project area, including the streets and alley involved in the project. Several utilities can be found over and under the alley such as a County maintained public sanitary sewer line and underground PG&E gas line both serving only the subject parcels, and an overhead power line serving the subject parcels and potentially other nearby parcels.

In reviewing requests for the sale, vacation, or abandonment of County streets, rights-of-way, or easements, GP Policy 12.23 (*Vacation of County Streets and Easements*) requires the consideration of the following: (1) whether access is available to existing parcels and developed areas adjacent to the subject area, or possible future development based on adopted area plans; (2) the area to be vacated is not suitable for public transit use based on adopted plans; and (3) the area to be vacated is not suitable for non-motorized use.

The proposed vacation conforms to all of these considerations. The alley currently provides ingress and egress to the private parking lots on most of the subject parcels and dead-ends behind a neighboring parcel (APN 054-285-260, 2907 El Camino Real). Although the other two segments of alleys south of East Selby Lane are actively being used for access between public streets, the property owners (also the property owners of all the subject parcels) have confirmed that the subject parcels are not and have not been used for any purpose other than private site access. Specifically, the parking lots on three of the subject parcels serve two existing uses located on two other subject parcels with primary access from ECR. The only subject parcel that does not use the alley for primary access is the residentially zoned parcel fronting Markham Avenue. This parcel serves a residential use and has primary access via Markham Avenue. Maintenance of the alley is conducted solely by the property owners. Furthermore, the alley and easement is not suitable for transit use or non-motorized use as it dead-ends before reaching Berkshire Avenue.

The vacation of the alley and easement would entirely extinguish the County's easement rights, and the former easement area would revert to the underlying property rights pertaining to this area. The vacation of the alley and easement will be conditioned to require that the applicant complete the design and construction to re-route the existing sewer lateral serving an adjacent developed parcel, APN 054-285-260 (Planned Parenthood Redwood City Health Center at 2907 El Camino Real) to the Fair Oaks Sewer Maintenance District (Fair Oaks Sewer) sewer main on Berkshire Avenue, develop and implement a mitigation project to offset the net increase of sewage proposed to be generated by the proposed facility, and transfer

the ownership and maintenance responsibilities of the remaining sewer main in the alley connected to the Fair Oaks sewer manhole located in the roadway of East Selby Lane to the subject property owners. The vacation of the alley and easement will also be conditioned to require the applicant to remove and relocate the existing PG&E electric and gas services at no cost to PG&E or the County. All of these conditions shall be completed prior to the final building inspection for this project.

Development of the former alley and easement area will be regulated by the CMU General Plan land use designation, the land use designation of the adjoining parcels (with the exception of the existing land use designation of the residential parcel which will be changed to CMU if this project is approved) and the unique PUD zoning of the proposed merged parcel. In addition to conformity with GP Policy 12.23 (*Vacation of County Streets and Easements*), the proposed vacation does not contradict any other County GP policies.

As discussed previously, the Planning Commission considered the Real Property Services Division's General Plan Conformity request at their public hearing on July 25, 2018. The Planning Commission found and reported the proposed vacation to be in compliance with all applicable General Plan Policies, specifically GP Policy 12.23 (*Vacation of County Streets and Easements*).

2. Compliance with the Zoning Regulations

As discussed in the previous sections, five of the six parcels were rezoned to NMU-ECR (Neighborhood-Mixed Use-El Camino Real) in December 2017. The sixth parcel was not rezoned and still has the R-2/S-5 (Two-Family Residential/S-5 Combining District) zoning designation. Since the proposed project is not a permitted use and does not comply with all the development standards of the NMU-ECR District, the applicant has requested a Zoning Map and Text Amendment to rezone all six parcels to Planned Unit Development (PUD) is required. Although this PUD District will have its own specific conditions that will regulate the use of the property, the project was designed to be in general compliance with the development standards of the NMU-ECR District to the extent feasible.

The following table outlines a comparison of the proposed project and the development standards of the NMU-ECR District. The non-conforming development standards are in **bold**:

	NMU-ECR Development Standards ¹	Proposal
Minimum Parcel Area	5,000 sq. ft.	61,726 sq. ft.
Minimum Parcel Width	50 feet	58.24 feet (shortest width)
Building Front Setback	0 - 10 feet	10 feet
Building Rear Setback	20 feet (directly adjoining R-1 (Single-Family Residential District) zoned parcels) 5 feet (all other cases)	22 feet / 21 feet

Building Side Setbacks	No Requirement	Minimum 10 feet
Required Frontage	ECR Frontage	Complies
Maximum Building Floor Area ²	61,726 sq. ft. (100% for institutional uses)	78,026 sq. ft. (including garage)
Maximum Lot Coverage	No Requirement	28, 965 sq. ft.
Maximum Building Height	40 feet	46 feet
Vehicle Parking ³	78 covered or uncovered spaces	63 covered spaces
Private Bicycle Parking ³	52 spaces (each 1,500 sq. ft.)	25 spaces (15 spaces in garage and 10 spaces on the first level)
Public Bicycle Parking ³	34 spaces ³ (2 spaces required each 35 feet of street frontage ⁴)	6 spaces (along ECR)
Electric Vehicle (EV) Charging Stations	8 EV Charging Stations ³ (1 minimum; 10% of required parking over 10 spaces)	4 EV Charging Stations

¹ From Chapter 29.3 (NMU-ECR District) of the County Zoning Regulations ² Pursuant to Section 6566.15 of the County Zoning Regulations, parcels within the NMU-ECR District shall comply with the Maximum Building Floor Area of Section 6567.4. ³ The proposed use is not a permitted use in the NMU-ECR District. For the purpose of this finding, the "Any Institutional or Other Use in this Subsection in a Mixed-Use Development" parking requirement of Section 6567.8 of the County Zoning Regulations was used for both vehicle and bicycle parking requirements for this proposed PUD zoned use. ⁴ Proposed 609-foot street frontage (along East Selby Lane and Markham Avenue).

Proposed development in the NMU-ECR Zoning District must comply with specific public realm and private design standards outlined in Sections 6566.15 (*Public Realm Requirements for Private Development*) and 6566.16 (*Private Property Design Standards*) of the County Zoning Regulations. The proposed project complies with these standards to the extent feasible which includes traffic calming devices for pedestrian safety, wider sidewalks along ECR and East Selby Lane, street trees, bicycle racks for public use, a proposed handicap bulb-out at the corner of ECR and East Selby Lane, and a conscious building design with articulate walls and roofs and adequate screening from existing and proposed landscaping.

Additionally, upon the request of the property owners in the Selby Park neighborhood and as conditionally approved by the Planning Department and Department of Public Works, the applicant will install and maintain street improvements on East Selby Lane, Columbia Avenue, Glendale Avenue, Waverly Avenue, and the intersection of East Selby Lane, Markham Avenue, and Dexter Avenue. The applicant will also contribute to a fund for a future residential permit parking program for this neighborhood.

3. Compliance with Planned Unit Development Findings

Pursuant to Section 6191 (Review and Findings) of the County Zoning Regulations, a Planned Unit Development (PUD) District may not be enacted for any area unless and until the Board of Supervisors has:

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, or with any other current land use plan for a sub area of the County previously adopted by the Commission.

Staff's Response: With the conditional approval of the change in land use designation of the residential parcel from Multi-Family Residential to Commercial Mixed-Use (CMU), the project will be in compliance with the County General Plan and North Fair Oaks (NFO) Community Plan. Additionally, although not required due to the unique PUD zoning proposed, the project complies with the development standards of the NMU-ECR (Neighborhood-Mixed Use- El Camino Real) Zoning District to the extent feasible. Ordinance No. 4787, an ordinance that was approved and adopted by the County Board of Supervisors (BOS) to rezone specific NFO areas along ECR and 5th Avenue, implements and is consistent with the land use categories adopted in the NFO Community Plan.

The Board of Supervisors must also find that the specific PUD District:

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

The proposed facility will have a density of 63 dwelling units (d.u.) per acre. With the conditional approval of a General Plan Land Use Map Amendment to change the land use designation of the residential parcel from Multi-Family Residential to CMU, an adopted CMU land use designation from the NFO Community Plan, the proposed use will have a consistent land use designation throughout the merged parcel. The proposed facility will also comply with the density requirement of the CMU land use designation, which would otherwise not be possible if the residential parcel continued to have a Multi-Family Residential land use designation. Based on these findings, the project is expected to help guide future growth for this area.

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

The proposed development is required to comply with the California Building Code and all other applicable regulations. The project will improve the value of these parcels and the surrounding area, and help fulfill the goals and visions of the NFO Community Plan to revitalize and promote beneficial redevelopment of this area.

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

The zoning of the surrounding unincorporated areas includes the following: R-1/S-73 (Single-Family Residential District/ S-73 Combining District) and R-3/S-5 (Multi-Family Residential District/ S-5 Combining District) to the east; CMU-2 (Commercial Mixed-Use District) to the north; and NMU-ECR (the existing zoning of five of the six project parcels) to the south. Although the proposed merged parcel will be zoned PUD and have its own specific conditions that will regulate the use of the property, the project generally complies with most of the development and design standards of the NMU-ECR District. The proposed development includes

articulated building facades and roofs for a smooth transition from the ECR commercial and transportation corridor to the unincorporated residential neighborhood on Markham Avenue. The third level and primary facade of the proposed building is concentrated along ECR where adjoining unincorporated areas to the north and south also have similar zoning and land use designations. The section of the building closest to Markham Avenue will be two stories tall with articulated building facades and roofs to lessen the visual impact on the adjacent unincorporated residential neighborhood. The proposed garden on the Markham Avenue side will also provide an open space barrier between the proposed facility and residential neighborhood. As designed, the proposed project will be in harmony with the zoning in adjoining unincorporated areas.

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 proposed traffic movements on said highways.*

An existing access road connects ECR to the public alley and private parking lots on the project parcels. The proposed facility will include a driveway from East Selby Lane for primary vehicular access that leads to a pickup/drop off area and ramp to access the underground parking garage. An access road that will be used for deliveries, trash pickup, and other maintenance activities, is proposed along the northern side of the building in generally the same location and configuration as the existing access road. A median strip on ECR prevents vehicles from entering and exiting the access road in both directions. All vehicles must come from northbound and exit towards the northbound direction.

The Transportation Assessment and Supplemental Parking and Transportation Demand Management Report submitted by the applicant analyze potential transportation and parking impacts of the proposed project. The expected traffic generated for the proposed use are based on trip generation estimates and surveyed data from existing Sunrise facilities in Belmont and Palo Alto. The reports concluded that the proposed use would generate fewer daily vehicle trips than the existing uses on the project parcels and that the projected parking demand rates for the proposed use is below the average ITE parking demand rate for assisted living developments. The project is not expected to adversely impact local or regional traffic patterns or volumes. An adequate number of parking spaces is also proposed.

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.*

The project's overall site design, including the design of the building and landscaping will provide adequate light, air, privacy, and convenience of access to the subject property. Further, the project is required to comply with the current California Building Code and all other applicable regulations required by other agencies including the Department of Public Works and Menlo Park Fire Protection District that will ensure there are no unusual or undue risk from fire, inundation, or other dangers.

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

The proposed facility will have a density of 63 d.u. per acre which complies with the density requirement (a maximum of 80 dwelling units (d.u.) per acre and no maximum density for institutional uses) of the CMU land use designation for five of the six subject parcels and the proposed CMU land use designation of the sixth parcel currently designated as Multi-Family Residential (24 to 60 d.u. per acre). The project will not result in overcrowding of the land or undue congestion of population as medium to high residential uses and institutional uses are all permitted and promoted under the CMU land use designation adopted from the NFO Community Plan.

4. Major Development Pre-Application Workshop

As discussed previously, Section 6415 (*Major Development Pre-Application Procedures*) of the San Mateo County Zoning Regulations requires a major development pre-application workshop to foster early public involvement and input on major development projects, and, to the extent feasible, resolve potential issues before the formal County review process begins. The public workshop was held on May 4, 2017 at the Fair Oaks Health Center in North Fair Oaks.

5. Vacation of Alley and Easement

The Real Property Services Division has managed the petition and the vacation process, which included discussions with the Department of Public Works to establish whether the public alley (alley) and sanitary sewer easement (easement) are necessary for public purposes. The Department of Public Works has determined that once the sewer lateral is relocated and connected to the Fair Oaks Sewer Maintenance District sewer main and associated formal conditions (as included in the resolution) are satisfied, there would be no current or prospective public use of the alley or easement.

Notice of the proposed vacation was sent to property owners within 500 feet of the subject parcels and applicable utilities and service agencies. All required notices were also posted and published as required by the Streets and Highways Code. No individuals, agencies, or utilities indicated any material concerns over the proposed vacation, except for the condition that the existing PG&E lines be relocated prior to vacation. A General Plan Conformity request was processed by the Planning Department and the vacation was found to be in conformity with the County General Plan.

B. REVIEW BY THE NORTH FAIR OAKS COMMUNITY COUNCIL

At its public hearing on March 22, 2018, the North Fair Oaks Community Council (NFOCC) considered the proposed project and recommended approval (five in favor and none opposed) of the proposed project subject to two conditions. The conditions have been outlined below with staff's response immediately after:

1. *That all contingencies agreed upon by the applicant and neighborhood committee be implemented.*

Staff's Response: At the NFOCC meeting, Kent Manske, a resident and member

of the Selby Park Neighborhood Health and Safety Committee (Neighborhood Committee), presented a letter to the NFOCC (see Attachment O) detailing the several meetings the committee has had with the applicant since February 2017. Mr. Manske stated that the Neighborhood Committee's support of the project was subject to the contingencies outlined in the letter which includes street improvements and funding for a residential permit parking program for the neighborhood. As discussed previously, after discussing the feasibility of the requests with the Planning Department and Department of Public Works, the applicant has agreed to install and maintain the street improvements (as shown in Attachment H) and contribute to a fund for a future residential permit parking program as outlined in the Proposal Section above. The applicant is required to install the street improvements and contribute to a fund for the future residential permit parking program prior to the final building inspection for this project as outlined in Condition Nos. 47-49 in Attachment A.

2. *That the County ensures that this project will not be a precedent for future projects seeking abandonment of the alleys from East Selby Lane to 5th Avenue as these alleys are currently actively being used by the public.*

Staff's Response: Staff's recommendation in support of vacation of the subject alley and sanitary sewer easement are based on the specific circumstances and features of the proposed project. In particular, staff has noted that the subject alley does not provide an avenue for through traffic (pedestrian or otherwise) due to its dead-end nature. Other projects that might seek to abandon other segments of the alleys would be subject to their own site-specific review, and appropriate consideration would be given to public use. The County cannot, however, impose a condition related to other parcels not affected by the proposed project.

C. REVIEW BY THE PLANNING COMMISSION

As discussed previously, the Planning Commission considered the proposed project and recommended approval (four in favor and none opposed) of the proposed General Plan Land Use Map Amendment and Zoning Map and Text Amendment at its public hearing on July 25, 2018. The Planning Commission also authorized the proposed Lot Merger and approved the Grading Permit to be effective upon the Board of Supervisors' adoption of the proposed General Plan Land Use Map Amendment and Zoning Map and Text Amendment, and found and reported the proposed vacation of the public alley and sanitary sewer easement to be in compliance with all applicable General Plan Policies.

D. ALTERNATIVES

Should the proposal be denied, the residential parcel (APN 060-271-060) will remain and be restricted to uses allowed under the "R-2/S-5" Zoning District and the "Multi-Family Residential" land use designation. Should the proposal be denied, the other six subject parcels will remain and be restricted to allowed uses under the "NMU-ECR" Zoning District and the "Commercial Mixed-Use" land use designation.

E. ENVIRONMENTAL REVIEW

As discussed previously, the environmental impacts outlined in the NFO Community Plan were evaluated in a Program Environmental Impact Report (Program EIR) in 2011. Pursuant to

Section 15168(c) (*Program EIR*) of the California Environmental Quality Act (CEQA) Guidelines, “subsequent activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared...If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document would be required.”

Staff analyzed the proposed project in the context of the impacts and mitigation measures discussed in the NFO Community Program EIR and concluded that no new effects could occur and no new mitigation measures would be required. Therefore, no additional environmental review is required for the proposed project as the Program EIR adequately describes the potential impacts and includes sufficient mitigation measures to address foreseeable environmental impacts. Further, the proposed project is required to implement all applicable mitigation measures adopted in the Program EIR (see Condition No. 6 in Attachment A).

F. REVIEWING AGENCIES

Building Inspection Section
California Water Service-Bear Gulch District
County Counsel
Department of Public Works
Geotechnical Section
Menlo Park Fire Protection District
Real Property Services Division

County Counsel has reviewed the report and Ordinance as to form.

Approval of this project contributes to the Shared Vision 2025 of a Livable Community by achieving the desired uses and densities adopted in the NFO Community Plan.

FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS:

- A. Recommended Findings and Conditions of Approval
- B. Ordinance
- C. Resolution
- D. Vicinity Map
- E. Existing and Proposed Zoning Maps
- F. Existing and Proposed General Plan Land Use Maps
- G. Project Plans
- H. Selby Park Neighborhood Street Improvements Plan
- I. Health Risk Assessment, dated November 17, 2017
- J. Fehr & Peers Transportation Assessment, dated June 26, 2017
- K. Fehr & Peers Supplemental Parking and Transportation Demand Management Assessment, dated November 17, 2017
- L. Walter Levison Arborist Assessment, dated May 2, 2017
- M. Walter Levison Revised Arborist Assessment, dated October 25, 2017
- N. Cornerstone Earth Group Geotechnical Investigation, dated December 21, 2016

O. Selby Park Neighborhood Letter to North Fair Oaks Community Council, dated March 19, 2018