



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** PLANNING AND BUILDING

**File #:** 19-309

Board Meeting Date: 4/9/2019

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Steve Monowitz, Community Development Director

**Subject:** Consideration of an offer to dedicate a public easement for public use to create a 10-foot-wide sidewalk in association with the construction of a 67-unit affordable housing residential project located at 2821 El Camino Real in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: BLD 2018-01934  
(2821 El Camino Real, L.P./Palo Alto Housing)

**RECOMMENDATION:**

Adopt a resolution authorizing the Community Development Director to execute and accept an easement for the public right-of-way and associated maintenance agreement to create a 10-foot-wide sidewalk located at 2821 El Camino Real.

**BACKGROUND:**

In 2017, California adopted a number of new laws in an attempt to address the statewide housing crisis. One of those laws, Senate Bill (SB) 35 (effective January 1, 2018) requires local jurisdictions in which the number of housing units prescribed by the Regional Housing Needs Allocation (RHNA) have not been constructed to streamline the review process and approve certain housing projects, on a ministerial basis.

Palo Alto Housing, a local non-profit organization, has submitted a building permit application (BLD 2018-01934) to construct a four-story, 67-unit, 100% affordable housing project that is subject to SB 35 permit streamlining. Though this development proposal is not subject to discretionary approval, the project must still adhere to the objective zoning and design standards of the Commercial Mixed Use Zoning District in which it is located. One such objective design standard is the requirement to provide a sidewalk easement dedicating any front setback necessary to create a 10-foot-wide sidewalk on El Camino Real to be used by the public. The existing sidewalk, located within the Caltrans right-of-way, ranges from 5 to 8 feet in width. In order to create the continuous 10-foot-wide sidewalk along El Camino required by the zoning regulations, the applicant has offered a 570 sq. ft. (5-foot to 3-foot-wide) sidewalk easement to the County.

Report Prepared By: Laura Richstone, Project Planner, Telephone 650/363-1829

Applicant: Jennifer Wong, Palo Alto Housing

Owner: 2821 El Camino Real, L.P.

Location: 2821 El Camino Real, North Fair Oaks

APN: 054-284-360

Parcel Size: 25,363 sq. ft.

General Plan Designation: Commercial Mixed Use

Zoning: Commercial Mixed Use (CMU-1)

Existing Land Use: Commercial Car Rental Business (Enterprise)

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, which is an area with minimal potential for flooding.

Environmental Evaluation: The proposed overall development is eligible for a ministerial approval process due to SB 35 permit streamlining. Pursuant to Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, ministerial projects are exempt from the requirements of CEQA.

Setting: The project site is located near the intersection of El Camino Real and Dumbarton Avenue. The parcel is flat and is improved with a single-story car rental business and parking lot. The parcel fronts El Camino Real and is surrounded by commercial retail business while the rear of the parcel extends to Blenheim Avenue and is surrounded by residential development. Several mature trees are located along the rear left and right side property lines.

#### Chronology:

<u>Date</u>	- <u>Action</u>
September 9, 2017	-Pre-Application (PRE2017-00044) submitted.
September 29, 2017	-Senate Bill (SB) 35 approved.
November 9, 2017	-Major Development Pre-Application Workshop held at the Fair Oaks Community Center in North Fair Oaks.
January 1, 2018	-SB 35 becomes effective. No discretionary approvals required.

September 17, 2018	-Building Permit (BLD 2018-01934) submitted.
January 17, 2018	-North Fair Oaks Community Council Informational Presentation on SB 35 and affordable housing project compliance.
February 1, 2019	-Building Permit (BLD 2018-01934) approved/received Planning approval.
April 9, 2019	-Board of Supervisors hearing.

## **DISCUSSION:**

### **A. KEY ISSUES**

#### **1. Senate Bill 35**

Effective January 1, 2018 Senate Bill 35 applies to all cities and counties in which number of new housing units identified in their 2015-2023 Regional Housing Needs Allocation (RHNA) goals as mandated by the State have not been constructed. The California Department of Housing and Community Development (HCD) has determined that 316 local jurisdictions, including the County of San Mateo, have not made sufficient progress toward meeting their housing goals (Attachment C). SB 35 requires these cities and counties to streamline the review and approval of certain eligible affordable housing projects by providing a ministerial approval process in an effort to address the statewide housing crisis. As such, the proposed affordable housing project at 2821 El Camino Real is subject to SB 35 permit streamlining.

#### *SB 35 Objective Zoning and Design Standards Requirement*

Though subject to a ministerial review process, affordable housing projects that are SB 35 eligible must also adhere to a local jurisdiction's objective zoning and design standards. One such Commercial Mixed Use design standard is the requirement to provide a 10-foot wide sidewalk on El Camino Real. With the County's acceptance of the proposed 570 sq. ft. sidewalk easement, the proposed project meets all objective zoning and design standards contained within the Commercial Mixed Use Zoning District.

#### **2. 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 project complies with all GP and NFO Community Plan Policies, specifically:

Goal 3.2 (*Improve Existing Pedestrian Facilities*), and Chapter 7 (*Design Standards and Guidelines*) of the North Fair Oaks Community Plan seek to improve existing pedestrian facilities throughout the North Fair Oaks area by encouraging new development to provide sidewalk easements where necessary to accommodate ADA accessible sidewalks, street trees, landscaping amenities, and all critical modes of travel where possible.

The current sidewalk along El Camino Real in front of the proposed development ranges from 5 to 8 feet in width. The subject sidewalk easement is required by the current CMU-1 zoning regulations and would increase the width of the sidewalk to create a continuous 10-foot-wide sidewalk in front of the proposed building. Acceptance of the proposed sidewalk easement, when combined with the existing public right-of-way will allow the applicant more space to provide street trees and public bicycle parking along the El Camino while also accommodating a continuous ADA-accessible path of travel.

### 3. Compliance with the Zoning Regulations

The Board of Supervisors approved and adopted Ordinance No. 4787 on November 21, 2017 to rezone this area of North Fair Oaks along El Camino Real to CMU -1 to make it consistent with the land use designations adopted in the NFO Community Plan. The new zoning incorporates the design, development, and performance standards outlined in the NFO Community Plan, specifically Chapter 7 (*Design Standards and Guidelines*) and encourage sidewalk improvements for continuous ADA-accessible sidewalks, street trees, landscaping, and other amenities.

#### Design Standards

To be eligible for SB 35 streamlining, the proposed project must meet all objective design standards. These standards include a primary facade and entrance facing El Camino Real, street trees along El Camino Real and Blenheim Avenue, public bike parking, and a 10-foot-wide sidewalk on El Camino Real.

As the current sidewalk located in front of the subject property only ranges from 5 to 8 feet in width, the applicant has offered the County a 570 sq. ft. (3-foot to 5-foot wide) sidewalk easement that runs adjacent and parallel to the existing sidewalk to create a continuous 10-foot-wide sidewalk as required by the CMU-1 design regulations. As part of the proposed sidewalk easement, the applicant will also enter into a maintenance agreement with the County. Per this agreement, the land owner will be solely responsible for all aspects and costs associated with the installation, operation, maintenance, and repair of the sidewalk.

With the offer of this sidewalk easement to the County, the proposed project has met all of the objective zoning and design standards of the CMU-1 Zoning District. The project will improve the appearance, visual character, and site relationships of the project area and its surrounding vicinity aligning with the goals and vision of the NFO Community Plan.

### B. REVIEW BY THE NORTH FAIR OAKS COMMUNITY COUNCIL

Prior to the effective date of SB 35, the discretionary approvals required for the proposed development included a Use Permit, Off-Street Parking Exception, Site Development Permit, and Grading Permit. As this project is subject to SB 35 permit streamlining, discretionary approvals are no longer required and the project is only subject to ministerial building permit review and approval process. As such, the North Fair Oaks Community Council will not have a direct role in reviewing the proposed project. An informational memo outlining the project, SB 35, and the project's compliance with SB 35 was provided to the North Fair Oaks Community

Council at its January 17, 2019 meeting. Members of the Council were supportive of the proposed affordable housing project and were encouraged to see more affordable housing coming to the North Fair Oaks area. In addition, Council Members also expressed a broader desire to increase safety for bicyclists on El Camino by providing bicycle lanes and expressed a desire that housing application priority be given to North Fair Oaks residents.

C. ENVIRONMENTAL REVIEW

The proposed housing development is eligible for a ministerial approval process due to SB 35 permit streamlining. Pursuant to Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, ministerial projects are exempt from the requirements of CEQA. In addition, acceptance of the proposed easement is exempt from CEQA on the basis that there is no reasonable possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)).

D. REVIEWING AGENCIES

Department of Public Works  
County Counsel

The Planning and Building Department has prepared a form of easement and maintenance agreement whereby 2821 El Camino Real, L.P., will grant the subject area to the County of public use and maintain such an area in perpetuity.

County Counsel has reviewed and approved the easement and maintenance agreement as to form.

Acceptance of the subject easement and maintenance agreement (and thus conformance of the proposed affordable housing development to the Commercial Mixed Use Zoning District) contributes to the Shared Vision 2025 of a Livable Community by achieving the desired uses adopted in the North Fair Oaks Community Plan.

**FISCAL IMPACT:**

No fiscal impact.

**ATTACHMENTS**

- A. Vicinity Map
- B. Grant of Easement
- C. SB 35 Statewide Determination Summary, December 2018