

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** June 7, 2023

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: A zoning map and text amendment and general plan map and text amendment to streamline, clarify, and make consistent with State law the existing NMU, NMU-ECR, CMU-1, -2, and -3 mixed use zoning regulations in North Fair Oaks, to rezone multiple R-1 and R-3 -zoned parcels along El Camino Real and Middlefield Road to the adjacent NMU, CMU-1 and CMU-3 zoning designations, and to amend the North Fair Oaks Community Plan for clarity and consistency.

**PROPOSAL**

Planning Commission review and recommendation to the Board of Supervisors of a zoning map and text amendment and general plan map and text amendment to streamline, clarify, and make consistent with various state laws including State Density Bonus Law, the Housing Accountability Act, and others, the existing NMU, NMU-ECR, CMU-1, -2, and -3 mixed use zoning regulations in North Fair Oaks, to rezone multiple R-1 and R-3 -zoned parcels along El Camino Real and Middlefield Road to the adjacent NMU, CMU-1 and CMU-3 zoning designations, and to amend the North Fair Oaks Community Plan (Plan, Community Plan) for clarity and consistency.

**RECOMMENDATION**

That the Planning Commission recommend that the Board of Supervisors adopt the proposed zoning map and text amendment and general plan map and text amendment to streamline, clarify, and make consistent with State law the existing NMU, NMU-ECR, CMU-1, -2, and -3 mixed use zoning regulations in North Fair Oaks, to rezone multiple R-1 and R-3 -zoned parcels along El Camino Real and Middlefield Road to the adjacent NMU, CMU-1 and CMU-3 zoning designations, and to amend the North Fair Oaks Community Plan for clarity and consistency.

## **SUMMARY**

In 2011, San Mateo County adopted an updated North Fair Oaks Community Plan, establishing goals and policies for development of North Fair Oaks. Subsequently, the County adopted new zoning regulations for various areas of North Fair Oaks, implementing the land use and development goals and policies in the Plan, including higher density commercial-residential mixed-use districts along El Camino Real, 5th Avenue Middlefield Road, and the areas around the crossing of Middlefield Road and the Dumbarton Rail line.

Since adoption, implementation of the regulations has revealed areas that could be improved for clarity and ease of implementation, and to address inconsistencies and errors. In addition, new state laws regarding housing production have made some provisions of the zoning regulations inapplicable. The County is also experiencing housing shortages and foresees the eventual inability to provide sufficient housing without identifying additional areas for higher density housing production.

To address these issues, the North Fair Oaks Rezoning and General Plan Amendment Project was initiated in January 2022, with the following components:

1. Amendments to existing commercial mixed-use and neighborhood mixed-use zoning districts (NMU, NMU-ECR, CMU-1, CMU-2 and CMU-3), the Design Review and Site Development zoning regulations, and Middlefield Road Design Review regulations to ensure the regulations are consistent with changes to State law, improve clarity and usability, and ensure the regulations are implementing the Plan.
2. Amendments to the Community Plan for clarity, elimination of redundancy, consistency with the amended zoning regulations, and compliance with state law.
3. Rezoning and related amendments to General Plan land use designations of several residentially-zoned areas adjacent to El Camino Real and Middlefield Road from existing R-1 and R-3 zoning designations to either CMU-1, CMU-3, or NMU, to allow multifamily and commercial-residential mixed-use development. The rezoning portion of the project would result in increased heights and densities in these areas. No changes to the allowed heights, densities, or intensities of development are proposed for the existing zoning districts.

## **PROJECT TEAM AND PUBLIC OUTREACH**

To undertake the project, the County obtained the services of a consultant team, led by Wilson, Roberts and Todd, LLC, with assistance from environmental and transportation subconsultants and local community organizations. A Technical Advisory Committee comprised of members of the North Fair Oaks Community Council, various County

Departments, Caltrans, and the District 4 Supervisors office provided input, guidance, and technical expertise throughout the project.

The project included extensive outreach to inform the community and solicit community input. Outreach included stakeholder focus groups, pop-ups, engagement at the North Fair Oaks Festival, door-to-door outreach, a project website, community surveys, and various other efforts. The North Fair Oaks Community Council reviewed the project and offered input at five hearings over the course of 2022 and 2023.

## PROPOSED AMENDMENTS

The project includes a zoning text and map amendment, and a General Plan text and map amendment. The primary proposed amendments are summarized below.

### 1. ZONING AMENDMENTS

Residential Uses Allowed by Right. Entirely residential uses would be allowed by right in the CMU-3 areas along southern Middlefield Road and the CMU-1 areas along El Camino Real. Ground floor commercial uses would still be required in NMU areas on southern Middlefield Road, the NMU-ECR district, and the CMU-1 and CMU-2 areas on 5th Avenue.

Rezoning to Higher Densities. Multiple parcels along El Camino Real, adjacent to Blenheim Avenue, would be rezoned from R-3 to CMU-1. Multiple parcels along Middlefield Road adjacent to Huntington Avenue would be rezoned from R-3 to CMU-3. Several parcels currently designated R-1, northeast of Middlefield Road and adjacent to the NMU zoning district, would also be rezoned to NMU, and the General Plan land use designations for these areas would also be amended for consistency.

Parking Requirements. The amendments would standardize parking requirements across project types and zoning districts and amend standards for consistency with State law. Electric vehicle charging station requirements would be removed, as these requirements have been superseded by similar requirements in State law.

Design Regulations. The proposed amendments would:

1. Eliminate Section 6565.18 of the Zoning Regulations, which consists of design regulations previously in effect for commercial structures on Middlefield Road. These regulations were superseded by the later-adopted Chapter 29 of the Zoning Regulations.
2. For consistency with State law, replace all subjective design standards with objectively applicable standards, applied at the staff level,

intended to as nearly as possible achieve the same outcome as the existing standards.

3. Eliminate the need for public hearings for minor permits for projects that otherwise require no hearings. Per State law, these approvals are largely required to be applied in an objective, precluding discretion associated with hearing-level approvals.
4. Eliminate various energy efficiency, green building, water efficiency, stormwater treatment, and similar standards that have been superseded by State law and/or are addressed by other County regulations.

Setbacks and Stepbacks. The proposed amendments standardize rear setbacks and stepbacks across areas and development types in the various zoning districts.

## 2. COMMUNITY PLAN AMENDMENTS

Land Use Standards. The land use standards in the Plan would be amended to clarify that floor area ratio (FAR) limits apply only to non-residential portions of development projects. Residential intensity would continue to be limited by maximum density.

Elimination of Community Benefits Section. The Community Plan contains a policy goal of creating a community benefits program, which would offer projects additional density or lessened development standards in exchange for community benefits. State Density Bonus Law has superseded this program, and it can no longer be implemented.

Elimination of Duplicative Standards. The Community Plan and the zoning regulations contain various identical standards. Typically, Community Plan standards include base density, uses, and other general goals and policies, while more precise standards are incorporated in zoning regulations. The proposed amendments would retain density, FAR, and height in the Community Plan, but incorporate other standards in the zoning regulations.

## ENVIRONMENTAL IMPACT REPORT

A Draft Environmental Impact Report (DEIR) has been prepared for the project, identifying potential environmental impacts and available mitigations to lessen or eliminate these impacts. The DEIR comment period is April 28 to June 13, 2023.

## NEXT STEPS

The zoning changes must be adopted by the Board by ordinance, and the General Plan amendments by resolution.

After close of the review and comment period for the DEIR on June 13, 2023, all comments will be considered, and any necessary changes to the DEIR will be incorporated into a Final EIR for presentation to the Board, which must certify the EIR prior to adoption of the project. Board of Supervisors hearings are not yet scheduled.

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