



August 29, 2012

2121 El Camino Investors, LLC
2121 S. El Camino Real, Suite B101
San Mateo, CA 94403
Attn: Trish Kincheloe, Property Manager
c/o Matthew Love at Rossi Group

Email: mlove@rossigrp.com

Dear Ms. Kincheloe:

RE: TOWER PLAZA
2121 South El Camino Real, San Mateo, California
ZONING CODE REVIEW R3
Marx|Okubo Job No. 12-9030

Marx|Okubo Associates, Inc. (Marx|Okubo) has been engaged by the applicant to review the City of San Mateo's Zoning Code and visited the city's Department of Community Development Planning Division for the purpose of documenting the items that the subject property is not consistent with the city's existing zoning codes.

The property consists of a 12-story high-rise office building (The Tower), a single-story office building (Building A), three two-story office buildings (Buildings B, C, and D) and a five-story parking garage. The entire site is substantially covered by the first level of a five-story parking garage. Above this level is a concrete podium level open courtyard that is accessed from El Camino Real public sidewalk via entry stairs and from the second level of the garage. There is one surface parking lot at El Camino Real. The ownership has discontinued the use of the Palm Avenue surface parking lot. The Tower and Buildings A, B, and C were reportedly constructed in 1972, and Building D and the parking garage were constructed in 1974.

The property lies in two different zoning districts: C 3-1/R4 (Regional/Community Commercial with Multiple Family Dwellings Overlay) and C 4-1 (Service Commercial), see Exhibit A. The dividing line of the two districts lies approximately 100 feet from El Camino Real and runs parallel along El Camino Real, see Exhibit B. The City of San Mateo Building Height Plan Figure LU-4 was used for the building height analysis which is attached as an exhibit.

It should be noted that the project was lawfully established (permitted and occupied) based upon the zoning ordinances in effect at the time of the original construction. The property has largely remained unchanged since, and no changes in use, physical or structural alterations are being proposed under this application.

Therefore, the inconsistent items are considered legally nonconforming as stipulated in section **27.72 Nonconforming Buildings and Uses** in the city's zoning code.

The city has acknowledged that this project does not need to be brought up to conformity with the current General Plan and Zoning Code. This report has been prepared "to document the inconsistencies for the record" as requested by the city.

Following is a summary of the zoning requirements per building, the existing condition, and a notation of whether or not the building is in compliance with said requirement. Some of the existing condition information, i.e. building heights and setbacks, has been taken from the ALTA Survey. No physical measurements were taken.

BUILDING A; ZONING DISTRICT C 3-1			
Category	Requirements	Existing Condition	Compliance
Zoning District	C 3-1 / R4	C 3-1 ¹	Yes
Permitted Uses	Office	Office	Yes
Off-street Parking & Loading: See table below.			
Maximum Floor Area Ratio: See table below.			
Building height	40' - 55'	±23'	Yes
Buffers	NA: Property does not adjoin residential districts.		
Setbacks			
El Camino Real Frontage	10' from back of curb	Approximately 82% of property frontage is setback greater or equal to 10'. About 24' have less than 10' setback.	No
Side - Corner Property	10' from back of curb for minimum of 50% of the property frontage along Palm Avenue	Approximately 68% of property frontage has greater than 10' setback.	Yes
Built-to-line requirements			
El Camino Real Frontage	Building shall be built to the setback line for a minimum 50% of the frontage. The building shall be contiguous along the built-to-line, although the building facades may be articulated.	The building is contiguous along El Camino Real except at the corner of 21st Avenue. Approximately 82% of the building is not built to the setback line. About 24' of the building is built within the required setback.	No
Side - Corner Property	Building shall be built to the setback line for a minimum 50% of the frontage.	Approximately 32% of the building is built within the required setback. The rest of the building is not built to the setback line.	No
Notes: ¹ While the zoning district has a residential overlay, there is no building area for residential use. For the purposes of this analysis, only the requirements under zoning district C 3-1 are considered.			

TOWER; ZONING DISTRICT C 3-1¹			
Category	Requirements	Existing Condition	Compliance
Zoning District	C 3-1 / R4	C 3-1 ²	Yes
Permitted Uses	Office	Office	Yes
Off-street Parking & Loading Requirements: See table below.			
Maximum Floor Area Ratio: See table below.			
Building height	40' - 55'	±158'	No
Buffers	NA: Property does not adjoin residential districts.		
Setbacks			
El Camino Real Frontage	10' from the property line	No portion of the building is within the required setback.	Yes
Built-to-line requirements			
El Camino Real Frontage	Building shall be built to the setback line for a minimum 50% of the frontage.	No portion of the building is built to the setback line.	No
Notes: ¹ The line dividing two zoning districts runs through the building. This table is for the zoning district C 3-1. Refer to the following table for the analysis for zoning district C 4-1. ² While the zoning district has a residential overlay, there is no building area for residential use. For the purposes of this analysis, only the requirements under C 3-1 are considered.			

TOWER; ZONING DISTRICT C 4-1¹			
Category	Requirements	Existing Condition	Compliance
Zoning District	C 4-1	C 4-1	Yes
Permitted Uses	Commercial and service commercial uses including office	Office	Yes
Off-street Parking & Loading Requirements: See table below.			
Maximum Floor Area Ratio: See table below.			
Building height	30'	±158'	No
Buffers	NA: Property does not adjoin residential districts.		
Setbacks			
El Camino Real Frontage	10' from the property line	No portion of the building is within the required setback.	Yes
Built-to-line requirements			
El Camino Real Frontage	Building shall be built to the setback line for a minimum 50% of the frontage.	No portion of the building is built to the setback line.	No
Notes: ¹ The line dividing two zoning districts run through the building. This table is for the zoning district C 4-1. Refer to a separate table for the analysis for zoning district C 3-1.			

BUILDING B; ZONING DISTRICT C 4-1			
Category	Requirements	Existing Condition	Compliance
Zoning District	C 4-1	C 4-1	Yes
Permitted Uses	Commercial and service commercial uses including office	Office	Yes
Off-street Parking & Loading Requirements: See table below.			
Maximum Floor Area Ratio: See table below.			
Building height	30'	±28'	Yes
Buffers	NA: Property does not adjoin residential districts.		
Setbacks			
El Camino Real Frontage	10' from the property line	No portion of the building is within the required setback.	Yes
Built-to-line requirements			
El Camino Real Frontage	Building shall be built to the setback line for a minimum 50% of the frontage.	No portion of the building is built to the setback line.	No

BUILDING C; ZONING DISTRICT C 4-1			
Category	Requirements	Existing Condition	Compliance
Zoning District	C 4-1	C 4-1	Yes
Permitted Uses	Commercial and service commercial uses including office	Office	Yes
Off-street Parking & Loading Requirements: See table below.			
Maximum Floor Area Ratio: See table below.			
Building height	30'	±30'	Yes
Buffers	NA: Property does not adjoin residential districts.		
Setbacks			
El Camino Real Frontage	10' from the property line	No portion of the building is within the required setback.	Yes
Built-to-line requirements			
El Camino Real Frontage	Building shall be built to the setback line for a minimum 50% of the frontage.	No portion of the building is built to the setback line.	No

BUILDING D; ZONING DISTRICT C 4-1			
Category	Requirements	Existing Condition	Compliance
Zoning District	C 4-1	C 4-1	Yes
Permitted Uses	Commercial and service commercial uses including office (Office use not permitted along Palm Avenue between 20th and 25th Avenues) ¹	Office ¹	No ¹
Off-street Parking & Loading Requirements: See table below.			
Maximum Floor Area Ratio: See table below.			
Building height	30'	±27.3'	Yes
Buffers	NA: Property does not adjoin residential districts.		
Setbacks			
El Camino Real Frontage	NA: The building does not have El Camino Real Frontage.		
Built-to-line requirements			
El Camino Real Frontage	Building shall be built to the setback line for a minimum 50% of the frontage.	No portion of the building is built to the setback line.	No
Notes: ¹ According to the zoning ordinance, office use is not permitted along Palm Avenue between 20th and 25th Avenues. Office is the existing use for this building and applicant does not intend to make any changes to this use. The office use is therefore considered legally nonconforming.			

PARKING GARAGE; ZONING DISTRICT C 4-1			
Category	Requirements	Existing Condition	Compliance
Zoning District	C 4-1	C 4-1	Yes
Permitted Uses	Accessory use to principle use ¹	Accessory use ¹	Yes ¹
Off-street Parking & Loading Requirements: See table below.			
Maximum Floor Area Ratio: See table below.			
Building height	30'	±34.9'	No
Buffers	NA: Property does not adjoin residential districts.		
Setbacks			
El Camino Real Frontage	10' from the property line	No portion of the building is within the required setback.	Yes
Built-to-line requirements			
El Camino Real Frontage	Building shall be built to the setback line for a minimum 50% of the frontage.	No portion of the building is built to the setback line.	No
Notes: ¹ According to the zoning ordinance, an accessory use to principles uses of C1, C2 and C3 districts are permitted. Given that this is a parking garage accessory to the rest of the buildings on the lot and that it is not an office building along Palm Avenue, this is considered conforming.			

OFFSTREET PARKING & LOADING REQUIREMENTS				
Category	Requirements		Existing Condition	Compliance
Parking Count	See Required Parking Count table below		See Existing Parking Count table below	Yes
Loading Requirements	(2) 10' x 25' loading berths required		Exterior loading area with sufficient space for (2) 10' x 25' loading berths is provided on site via a ±16' wide curb cut off of Palm Avenue with a driveway that is ±14' wide at the narrowest point.	Yes
REQUIRED PARKING COUNT				
Building / Area	Type of Use	Area (sq.ft.)	Requirement	Total Required
Tower	Office	106,226	1 per 315 sq.ft.	338
Building A				
Suite A100	Office	11,100	1 per 335 sq.ft.	34
Gym	Accessory	652	Not Required	0
Café/Deli	Accessory	699	Not Required	0
Building B				
Suite B102	Dental Office	2,692	1 per 200 sq.ft.	14
All other	Office	18,146	1 per 335 sq.ft.	55
Building C				
Suite C200	Trade School	8,200	1 per Employee & 1 per every 3 Students ¹	55
All other	Office	13,262	1 per 335 sq.ft.	40
Building D				
Maint. Rm / Storage	Accessory	1,730	Not Required	0
All other	Office	17,117	1 per 335 sq.ft.	52
Total				588
Notes: ¹ According to information provided by the tenant as of May 2012, maximum capacity on site at any one time per day is 20 employees and 104 students.				

EXISTING PARKING COUNT ³							
	Covered			Uncovered			
Parking Garage	Standard	Compact ¹	D.A. ²	Standard	Compact ¹	D.A. ²	Total
1st Floor	193	0	2	0	0	0	195
2nd Floor	65	12	6	0	0	0	83
3rd Floor	68	9	6	0	0	0	83
4th Floor	74	11	0	28	0	0	113
5th Floor	0	0	0	0	99	0	99
El Camino Real Surface	0	0	0	26	0	2	28
Total	400	32	14	54	99	2	601
PROPOSED PARKING COUNT							
	Covered			Uncovered			
Parking Garage	Standard	Compact ¹	D.A. ²	Standard	Compact ¹	D.A. ²	Total
1st Floor	193	0	2	0	0	0	195
2nd Floor	65	12	6	0	0	0	83
3rd Floor	68	9	6	0	0	0	83
4th Floor	74	11	0	28	0	0	113
5th Floor	0	0	0	0	99	0	99
El Camino Real Surface	0	0	0	22	0	2	24
Total	400	32	14	50	99	2	597
Notes:							
¹ As the number of required spaces is more than 100; forty percent (40%) of the spaces can be compact. Currently, approximately 22% of the spaces are compact.							
² D.A.: Disabled Accessible.							
³ Based on Marx Okubo's field count.							

FLOOR AREA RATIO (FAR): ZONING DISTRICTS C 3-1 AND C 4-1			
Category	Requirements	Existing Condition	Compliance
Maximum FAR	1.0	2.5 ¹	No
Net Lot Area	±146,690 square feet		
Floor Area ²	±369,278 square feet		
Notes:			
¹ A variance was reportedly granted at the time of original construction to exceed the floor area ratio (Variance 144-2/72).			
² Floor area means the sum of the gross horizontal areas of all principal and accessory buildings and above grade covered parking area. The podium level courtyard is not included in the floor area for this purpose. Breakdown of the floor area per building is provided below.			
Break down of Floor Area			
	Building A	28,390 square feet	
	Tower	146,146 square feet	
	Building B	22,570 square feet	
	Building C	23,490 square feet	
	Building D	19,846 square feet	
	Parking Garage	128,836 square feet	

Ms. Trish Kincheloe
RE: TOWER PLAZA - ZONING CODE REVIEW R3
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This concludes our zoning code review of the property. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

MARX|OKUBO ASSOCIATES, INC.



Sandy Blair, AIA, CASp
Vice President
sandy_blair@marxokubo.com

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Enc: Exhibit A – City of San Mateo Zoning Map
Exhibit B – ALTA Survey with Zoning District Overlay (For Reference Only)
Exhibit C – City of San Mateo Building Height Plan Figure LU-4