

**CITY OF SAN MATEO
PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
JANUARY 23, 2013**

APPROVED

The meeting convened at 7:30 p.m. in the City of San Mateo Council Chambers and was called to order by Chair Whitaker, who led the Pledge of Allegiance.

Those present were Chair Whitaker, Vice Chair Massey, Commissioner Bonilla and Commissioner Hugg. Commissioner Moran was absent and excused.

A motion was made by Commissioner Bonilla, seconded by Commissioner Hugg to approve the minutes of the Regular meeting of January 8, 2013 with additional minor corrections.

Vote: Motion passes 4-0.

***** PUBLIC COMMENT**

Chair Whitaker opened the public comment period.

No one wishing to speak, Chair Whitaker closed the public comment period.

Commissioner Hugg recused himself from this item. Assistant City Attorney advised that since Commissioner Hugg is on the Housing Council, it is best that he recuse himself from items related to housing issues.

ITEM 1

*** PUBLIC HEARING**

PA 12-038 Kent Parcel Map, lot split of an existing parcel to create one 26,350 sq. ft. parcel and one 10,940 sq. ft. parcel, 50 Clark Drive (APN 032-063-230).

The project site is approximately 37,290 square feet (0.856 acres) and located on the north side of Clark Drive between El Camino Real and Hurlingham Avenue. The site is zoned R1-A.

PROJECT PLANNER: Stephen Scott, Principal Planner

APPLICANT/ PROPERTY OWNER: Robert Kent
50 Clark Drive
San Mateo, CA 94401

Stephen Scott, Principal Planner, gave the staff presentation.

The Planning Commission had the following questions for staff.

- Will the new lot that is being proposed eventually be a new residence? *Yes, although nothing has come forward, at this time, regarding a new structure. The new structure would need to meet the city's current parking codes. In addition, a 1-story structure would require - a building permit from the Building Division, while a 2-story structure would require discretionary review through a Zoning Administrator process for approval of a Single Family Dwelling Design Review (SFDDR) permit and then a building permit.*
- Did the existing pool house go through the building process? *Yes, it was built in 1972.*
- Would the pool house be legal non-conforming? *Yes, currently the pool house would be considered legal non-conforming based on the height of the structure. It is considered an accessory structure and not a dwelling unit.*

Robert Kent, property owner, gave his presentation.

The Planning Commission had the following questions for the applicant:

- Who resides on the property? *Applicant: my family and I.*
- Please explain the use of the pool house. *Applicant: my family and I use the pool house for family activities or when friends come over. Pool houses are not unusual in San Mateo. Several neighbors have constructed accessory structures.*
- As I understand it, to rent or lease the pool house would be a violation? *Applicant: It may have been done by a prior owner.*

The Chair opened the public comment period. The following people spoke: Albert Frazier, San Mateo; Tamara Frazier, San Mateo.

- I am opposed to this lot split. I share a lot line with the property.
- The pool house is 1,850 square feet and is being lived in by the owner's son.
- There is a pattern of lights coming on in the evenings and mornings.
- There were 19 submissions to the Planning Commission & Stephen Scott regarding opposition to this lot split because of parking. There is currently no place to park on Clark Drive and this would create additional problems.
- A number of heritage trees are on the property and will be removed if the lot is split and a structure is proposed.
- I believe that the way the property is proposed to be split will ruin the way the neighborhood looks.
- The lot should be split the way Mr. McLaren originally designed the lot when San Mateo Park was established.
- Neighbors have sent in statements regarding the fact that the pool house is being lived in.
- I attended the neighborhood meeting regarding this project and was told something completely different than what is being proposed.
- Parking is a major problem. A single lost parking space is significant.

- The curve of Clark Drive from the El Camino produces a range of problems in the way people drive.
- Please to not approve this lot split as we do not want to see a 3rd dwelling unit on this property.
- The pool house also has a 'wet' entrance. The bathrooms have skylights. It is being used as a residential dwelling.

No one else wishing to speak, the Chair closed the public comment period.

The Planning Commission had the following questions for staff:

- Would staff like to comment on the questions raised by the public speakers? *Staff: Yes. We did receive comments regarding potential use of the pool house as a living unit and had Code Enforcement go out and review the situation. The Code Enforcement Officer took the plans out to the property and reviewed them at the site. Drawings indicate a pool pavilion, accessory structure. At the time, the Code Enforcement Officer noted that there was no-one living in the structure. Following the approval of the Zoning Administrator decision, the appellant again told us that there is currently someone living in the pool house. A 2nd visit by Code Enforcement still indicated that there was no-one living in the pool house. A condition has been prepared that specifically prohibits anyone from living in the pool house.*
- Are there any restrictions on hours of use? *Staff: there are none.*
- What is the minimum size for a heritage tree? *Staff: that depends on the species of the tree. It varies from 12" – 16" in diameter 4' above grade. Should development of the property come forward, a more detailed examination of the trees will take place.*
- There was some discussion between the Planning Commission and staff regarding the original McLaren Subdivision and how the lots have changed in size over the years: some lots were split while others were merged with neighboring lots.
- Condition of Approval C1.0 POOL HOUSE. The building permit from 1972 indicates that the pool house cannot be used as a dwelling unit. Findings for Approval also indicate that the pool house may not be used as a dwelling unit. All planning applications have a condition of approval requiring a deed restriction called a "Notice of Project Restrictions", which references the planning application approval and the fact there are associated conditions of approval.

The Planning Commission had the following general comments:

- I understand the concerns of the neighbor over the use of the pool house as a dwelling unit. There are 2 issues here: 1) the use of the pool house; and 2) the basic lot split.
- Code Enforcement can work on the issue of the pool house being used as a residential dwelling unit.

Motion by Commission Massey; 2nd by Commissioner Bonilla:

- To uphold the decision of the Zoning Administrator and approve lot split of an existing parcel to create one 26,350 sq. ft. parcel and one 10,940 sq. ft. parcel, 50 Clark Drive (APN 032-063-230).
- To modify the Conditions of Approval to indicate that the language of Condition of Approval C1.0 regarding the prohibition of the use of the pool house as dwelling unit shall be specifically incorporated into the Notice of Project Restrictions.

Vote: 3-0, motion passes. Commissioner Hugg recused and Commissioner Moran absent.

ITEM 2

+ STUDY SESSION

PA 12-024 Espresso Lane Drive-Through Coffee Kiosk, Demolition of an existing gas station building, canopy and fuel pumps. Construction of a 492 square foot drive-through coffee kiosk, parking and landscaping improvements. (APN 039-030-260)

The property is an approximately 13,810 square foot site and is located at the northwest corner of South El Camino Real and West 20th Avenue. The property is designated Regional Community Commercial/High Density Multi-Family in the City's General Plan and is zoned C2-2/R4 (Regional Community Commercial/High Density Multi-Family with a Floor Area Ratio of 2.0)

PROJECT PLANNER: Lisa Ring, Senior Planner

**APPLICANT and
PROPERTY OWNER:** Catherine Oyster and Carlos Lopez
2000 Broadway Street
Redwood City, CA 94063

Lisa Ring, Senior Planner, gave the staff presentation.

Discussion Topics:

1. Building corner feature – conformance with the El Camino Real Master Plan guidelines for corner properties.
2. Site Layout – location and layout of the kiosk, queuing lanes, parking spaces and loading area, in relation to site configuration and driveway.
3. Design and Materials: style of the kiosk and the wall/trellis feature (and materials incorporated in the design).

Planning Commission questions of staff.

- What is staff's view on whether this project conforms to the El Camino Real Master Plan? This is the first but not the last one where we're going to have the conflict between the ideals set forth in the plan and the realities of some of these parcels. Eventually if this goes forward we will have to make a finding. I'm interested in knowing staff's preliminary

view of whether this proposal as it is, can we find it in conformity with the plan? *Staff: we are looking at this preliminarily as well. The premise of the El Camino Real Master Plan is that you take lots of a certain size where you can build a larger, mixed-use projects that can support a variety of uses and also provide parking. However, the plan also provides the area between SR92 and 20th where there are some lots smaller in size and have narrower frontages and depths and states that these may not be developable in the same way as some of the larger parcels on the El Camino. This is an interesting study as this lot is adjacent to a shopping center built not long ago. This lot may never be able to be joined with the adjacent lot for a larger project.*

- Does staff know how long the gas station was on the corner? *Applicant: approximately 40 years. There may be some elements that you can find to be consistent with the El Camino Real Master Plan. Given this site plan, you won't see some of the elements of the El Camino Real Master Plan. Some elements will comply, some will not. We are grappling with the fact that it is the back of the Men's Warehouse building, which was built in the 1980's.*
- By creating the El Camino Real Master Plan we are saying to El Camino Real property owners that something of greater value can be built on the property. When I look at this property, is this one of those properties that are locked in by a long-term lease, such as the 7-11? *Staff: the property owners are the applicants. Applicant: my husband and I own the property. I could see a bigger project. To jump into a bigger project would not be a stretch of the imagination. Commission: if someone came along later on and wanted to build something bigger, would you be open to that? Applicant: yes.*
- Question of the Commission to Gary Black, Hexagon Transportation, regarding the trellis configuration on the corner. There is a sharp turn from El Camino Real onto 20th Avenue. Do we have to provide for visibility? Can we consider something more solid than what is being proposed? *There is a traffic signal controlling the movement of traffic. I would be leery of something solid and tall up against the sidewalk. We are satisfied with the design as is but would have to look at it again should you want to increase the trellis.*
- How is the traffic impact fee determined? *Ken Pacini, Public Works: the traffic impact fee is generally based on square footage and type of retail usage. There is a formula for it. The fee calculated for this project will most likely be offset by the dedication of the pedestrian access easements that will be required for the El Camino Real. There will be a dedicated right-turn on southbound El Camino. To get that right turn, there is property that will be required. In this case it is not a straight-forward calculation.*
- There was a letter from someone regarding circulation, traffic going east on 20th Avenue turning into the site. There is also an area along east-bound 20th Avenue that is marked 'keep clear'. *Gary Black, Hexagon Transportation: we did look at that and we feel there are adequate gaps that would prevent traffic from back up. Traffic may have to wait a little while but that should not be a problem. Traffic won't back up forever. This proposal would generate less traffic than the gas station that was there before.*

- Is it legal to make left turn from east-bound 20th Avenue into the site? *Ken Pacini, Public Works: yes, it is legal.*
- It looks like there is a bypass lane around the kiosk. What is the reasoning of that? If you're coming in from 20th Avenue and exiting onto El Camino, it's a rather sharp right-turn. *Gary Black: I envision that if you come in from 20th Avenue, you go to the window for your product, then the bypass lane is because a car cannot make the extremely sharp U-turn.* Commission: if you were to pull in from 20th, you would be able to turn around and approach the kiosk from the opposite side where there might not be any traffic. *Gary Black: the bypass lane does provide more flexibility from El Camino and also 20th Avenue.*
- Did the former gas station have or require a special use permit? *Staff: I don't know but I would anticipate that they would have. Automobiles and service stations would require a use permit.*
- In the Hexagon Report there are 3 recommendations. We discussed the narrowing of the El Camino driveway. What about the stop sign that is going to be removed? *Gary Black: our report was done on an earlier version of this plan. There was a stop sign that was originally on the site. We found the earlier version had a confusing circulation pattern.*
- Where is the bicycle parking? *Staff: that is going to be determined. There have been discussions but no decision has been made yet.*

The applicant's architect was invited to the podium to address the bicycle parking question.

- We were here in January 2011 and realize this is a constrained site. We also realize that the drive through restaurant is addressed in the zoning code, but not a drive-through kiosk. A special use permit would be required. This site is also bound by the El Camino Real Master Plan and we want to adhere to that and understand the constraints. The biggest piece is the requirement that 10' of the land would be given up to improve bus service. This is also a theme intersection of the El Camino Real Master Plan and want to make sure we conform to that.

The architect proceeded to provide a presentation on the project.

- The design has been to minimize the circulation impacts on this site.
- A big project would not fit on this site.
- We are concerned with pedestrian circulation.

The Planning Commission had the following questions of the architect:

- Will the public enter the kiosk or only the employees? *Architect: only employees will be allowed in the kiosk.*

The applicant asked to approach the podium and was given the okay by the Commission Chair.

- One comment that was brought up was vehicles cutting through the property. We are providing a turn-lane to alleviate the cut-through of traffic. We hope this will happen at

the same time or before we build on this property.

The Planning Commission had the following questions of the applicant:

- You will have 3 employees per shift and I'd like to know where they would park. *Staff: Typically there are 3 in the morning but fewer during the day. The applicant then proceeded to explain the location of where employees would park. Architect: we have provided the parking as required by the city.*
- On one of the maps there were some monitoring wells. *Staff: there has been a case closure letter issued on the site but there is on-going monitoring to ensure that remediation is complete. There isn't anything to prevent development on this site. If the monitoring company feels that additional monitoring is required, it will be done.*
- Is the added lane to be a right-turn only lane? *Staff: yes, it is.*

The Chair opened the public comment period. No one wishing to speak, the Chair closed the public comment period.

The Planning Commission had the following additional questions:

- Is there any lighting for the area after the business closes at night? *Applicant: yes, there will be areas that are lit during the night. Applicant further described how the lighting is designed. The architect described how the current canopies will be lit during the day and night. The police department wanted to make sure there was adequate lighting. Pedestrians walking through will feel safe.*
- What will happen with the signal controller box and the other items near it? *Ken Pacini, Public Works, explained that the signal controller box and other items on the corner will be relocated with the elimination of the 10' on El Camino Real to accommodate the right-turn lane. There is no design plan yet for where these items will go. Controller boxes need to be in a location so that the individual working on the controller box can see the intersection. The Architect indicated that it might be possible to incorporate the location of the controller box on the site.*
- What is the existing width of the sidewalk on El Camino? *Staff: approximately 7'.*
- After hours, do you block the entrances? *Applicant: we can. Our other site in Redwood City has chains.*
- I am concerned about pedestrian safety getting to the walk-up window. Are there any raised curbs on the site? *Architect showed the Commission where the raised curbs are located and where the handicap access is located. The concrete pad that the kiosk sits on is a raised curb. The architect indicated that the bus stop sidewalk is 9' 4" but not at the project site.*
- Question for staff: in reviewing the Hillsdale Station Area Plan, there was a comment that the property owner that did the first improvement on a corner set the theme for the remaining 3 property owners. Is it an expectation that the other 3 corners will pick up on this for this intersection? *Staff: I believe the other 3 property owners would be expected*

to pick up on this theme perhaps in the sidewalk width, lighting, streetscape, but not in the on-site improvements as proposed here. Theme intersection deals with the pedestrian realm.

- I noticed that in the Hexagon Report there was talk about shortening the driveway along El Camino from 18' to 14'. Has that been incorporated into this drawing? *Architect: the comment was made that the report had suggested narrowing the entrance 2' – 4' as long as we don't reduce below the legal limit. Gary Black: this is a detail that still needs to be worked out.*
- There is a 6"-7" raised curb around the landscape; there is a sharp corner on the curb around the kiosk. Can a 12" radius be put in since newer tires cannot handle such a sharp turn?
- A sign visible on El Camino but I don't see any sign along 20th Avenue. As people are driving down 20th Avenue eastbound, it would be good to have a sign identifying the business. *Staff: once we proceed further into the project application, the decision of signs will be addressed.*
- There are cars circulating around the kiosk and there is the area of where the pedestrians walk up. It is not unusual to have some type of bollards. *Applicant: would a heavy pot/plant work? Commission: it would look nice but would not have much affect on stopping a car. Applicant: I was hoping to have some plant material; perhaps start with the bollards and then put something around them.*
- How about something to slow down traffic as they approach a pedestrian walkway? *Applicant: I don't believe we can enforce what people should be doing through design.*

The Planning Commission had the following comments to staff. Staff requested the Commission to provide comments based upon the 3 discussion topics.

Building corner feature:

- We need to know more about the El Camino Real Master Plan. I am generally supportive of the project at this point. The wall/trellis feature is attractive but could use more review at the staff level. More input from staff on the review of the El Camino Real Master Plan and how this fits in. I'm cognizant of the size of this parcel and I believe that it is unrealistic to think this parcel will be developed with a larger parcel.
- We should give serious consideration to this proposal, while it may not fit the grand concept.
- I do think something needs to be on this corner. I don't think the trellis and planters are enough, perhaps something more substantial. The El Camino Real Master Plan has wisely incorporated dealing with more difficult parcels such as this. We need something there but there are constraints with this parcel.
- This is an attractive proposal but I'm not sure it is adequate in its relation to the intersection and to city hall. This is a gateway to city hall. I think there should be something more significant.

- We need to have something on this corner. I recognize what the El Camino Real Master Plan is looking for in the long-run, a mix of uses, etc., however, right now, this lot has been sitting empty for a long time. The configuration of the intersection and the site calls for some flexibility. Does it do what we want to see in the grand scheme of the El Camino Real Master Plan? No, but neither do most lots.
- We agree that this is a difficult site and that you've come up with a good design for the corner. I still have concerns with visibility and have talked with staff. This project will be a vast improvement on this corner. Does it reinforce the importance of the corner and the theme intersection? One corner doesn't make an intersection so until the 2nd, 3rd, 4th corners put forth improvements it won't read as an intersection. What you are proposing for this intersection is the right one for this corner.
- This corner is meant for something bigger, but given what it is, this does have good aesthetics. I'm concerned about how the corner is being presented. I would like to see something more substantial, more prominent that relates to the use.

Site layout:

- What is planned looks quite good.
- It might be good to provide seating inside the trellised area for patrons to consume their beverage.
- The layout as developed appears to be the best solution for the site.
- What species are the trees on El Camino? *Applicant: Fruitless Pears.*

Design and Materials:

- The colors and the materials, paving materials are adequate. As mentioned, perhaps there could be something more substantial with the trellis area.
- While the design doesn't mirror the canopy, it has incorporated it well.

COMMUNICATIONS/ANNOUNCEMENTS

1. Communications from Staff.
 - a. Comments from Chief of Planning on the memo regarding environmental documents.
 - b. Last night, Tuesday, January 22, 2013, the City Council approved the St. Matthew's Catholic Parish and School Master Plan. It was approved by the City Council 4-0. Council limited the hours of the gym and dedicated monitoring of traffic on Aragon, also indicated the gym would be limited only to school use.
 - c. St. Matthew's Episcopal coming at the end of February and you were given a binder and plans tonight for that.
2. Communications from the Commissioners.

ADJOURNMENT

There being no further items before the Planning Commission, Chair Whitaker adjourned at 10:30p on Wednesday evening, January 23, 2013.