

CHAPTER 29. DESIGN REVIEW AND SITE DEVELOPMENT PERMIT

SECTION 6566. SITE DEVELOPMENT PLAN REVIEW, APPROVAL. The following regulations shall apply to all areas within North Fair Oaks zoned Commercial Mixed Use-1 (CMU-1), Commercial Mixed Use-2 (CMU-2), Neighborhood Mixed Use-EI Camino Real (NMU-ECR), Commercial Mixed Use-3 (CMU-3), and certain projects zoned M-1/NFO, and M-1/NFO/Edison.

SECTION 6566. A PURPOSES.

The purpose of the design review and site development permit (SDP) process is to provide a unified manner in which developments are reviewed, by bringing to bear all of the required criteria and reviews in a single procedure, incorporating to the extent possible, zoning review, review of required environmental mitigation, and design review.

It is not the purpose of this Chapter that regulation of design should be so rigidly interpreted that individual initiative is precluded in the design of any particular building or substantial additional expense is incurred. It is the intent of this Chapter that any regulation exercised shall be that necessary to achieve the overall objectives of the North Fair Oaks Community Plan.

SECTION 6566.1. DESIGN AND ZONING REVIEW. When staff determines a project in the CMU-1, CMU-2, CMU-3, NMU-ECR, M-1/NFO or M-1/Edison zones is in full compliance with zoning and with the design standards and other requirements in this chapter, or in the case of minor exceptions as determined by the Community Development Director, approval may be granted without a public hearing. Approval of site development permits will be noticed to surrounding property owners within 300 feet of the project.

SECTION 6566.2. APPLICATION FOR SITE DEVELOPMENT PERMIT.

- A. For all projects not requiring a conditional use permit, the applicant shall submit a Site Development Plan ("SDP") which shall be sufficiently detailed to completely describe the operation and appearance of the project when fully constructed and shall include the following elements:
1. All required components of an application specified in Section 6565.6.
 2. Plans showing street trees and bicycle parking or other necessary improvements in the public right-of-way.
 3. Easement dedicating any required setback to be used as a sidewalk by the public.
 4. A traffic and transit impact analysis.

5. Transportation demand management measures, consistent with the City/County Association of Governments (“CCAG”) Land Use Component of the Congestion Management Program for San Mateo County, such as transit passes or other programs as needed to address project traffic or public transit impacts, consistent with the County Transportation Plan.
6. A comparative analysis of project environmental impacts with those identified in the North Fair Oaks Community Plan Environmental Impact Report; any additional environmental analysis and related mitigation measures required of the project; and demonstration that all applicable mitigation measures have been addressed.
7. Fees as set by resolution of the Board of Supervisors.
8. For projects located in CMU-1, CMU-2, or NMU-ECR zoning districts only:

An air quality analysis. A site specific health risk assessment (HRA) prepared by a qualified air quality specialist in accordance with California Air Resources Board and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents, occupants and visitors to air pollutants. If the HRA demonstrates that the health risk is at or below safe levels, then health risk reduction measures are not required. If the HRA shows sensitive receptors will be exposed to air pollution, such as particulate matter 2.5Mg and toxic air contaminants at levels above safe levels, best practices, e.g., filtration, fixed windows, etc., must be included in the project application to reduce exposure to safe levels. The HRA shall be prepared in consultation with the Bay Area Air Quality Management District and approved by the County.

- B. For projects requiring a conditional use permit, the project shall not be subject to Site Development Permit requirements, and shall be reviewed and approved according to the requirements in Chapter 24 of these regulations, except that any required design review shall be conducted by staff, as described in this Chapter.

SECTION 6566.3. REVIEW AND APPROVAL PROCEDURES.

- A. Within 30 days of receipt of an SDP application, the Planning and Building Department shall inform the applicant in writing whether the application is complete and accepted for filing. If the application is deemed incomplete, the Planning and Building Department shall specify the deficiency and indicate what additional information is required.
- B. Complete project applications will be reviewed for consistency with applicable zoning, and with the design guidelines in this Chapter. The Community Development Director (Director) may approve a site development permit, subject to the following findings:

1. The project is consistent with all applicable zoning requirements;
 2. The project is consistent with the design standards in this Chapter; and
 3. A comparative analysis of project environmental impacts with those identified in the North Fair Oaks Community Plan Environmental Impact Report required in Section 6566.2 did not identify any additional environmental analysis and/or related mitigation measures required of the project; and that all applicable mitigation measures have been addressed in the project application.
- C. A site development permit must be obtained prior to submitting for any necessary building permit.

SECTION 6566.4. AMENDMENT OF SITE DEVELOPMENT PERMIT.

- A. Subsequent to the granting of a site development permit pursuant to this Chapter, the Director or designee may approve amendments to the approved plans which, in the judgment of the Director or designee, are minor in nature, without the public notice, hearing or appeal otherwise required or authorized by this Chapter. Such approval shall be in writing. Other amendments shall be processed as new applications.
- B. Minor amendments may include, but are not limited to: interior modifications; relocations of doors and windows; adjustments in roof pitch or design; minor relocations of walls, fences or signs; and other adjustments in design, all only to the extent that they will not, in the judgment of the Director, have an adverse effect on compliance with design standards or zoning regulations applicable to the project.

SECTION 6566.5. EXPIRATION OF SITE DEVELOPMENT PERMIT.

- A. Site development permits granted pursuant to this Chapter shall expire five (5) years from the date of approval if the applicant has not obtained all other permits required for the project and has not initiated construction.
- B. Upon written request of the applicant, the Director may extend the expiration period for site development permits for an additional one year.

SECTION 6566.6. INSPECTION AND OCCUPANCY. The completed building and project site, including any public realm improvements must be inspected for compliance with the site development permit by the Building Official, before a certificate of occupancy is issued.

SECTION 6566.7. EXCEPTIONS. The Director or designee may except minor activities which otherwise require a site development permit from the requirements of this Chapter when such activities, in the judgment of the Director, are minor in nature

and will not have an adverse effect on compliance with design standards or guidelines or zoning regulations applicable to the property or structure in question. Minor projects include interior remodels, repair and maintenance, and minor exterior modifications that comply with the design standards, or other minor exceptions determined at the Director's discretion, including exceptions to the otherwise applicable design standards, as described in Section 6566.9. Applications for exception shall be filed in the manner prescribed by the Director and shall be accompanied by fees as set by resolution of the Board of Supervisors. Exceptions shall be documented by the Director, whose decision on exceptions shall be final.

SECTION 6566.8. PRE-DESIGN CONFERENCE. Prior to submitting an application for design review and/or a site development permit, the project designer and applicant shall request and participate in a pre-design conference with the Director or designee. During the pre-design conference, the designer and applicant shall be provided with written copies of the zoning regulations and design review standards and guidelines applicable to the property and project in question, shall review same with the designer and applicant and shall answer any questions concerning appropriate design of the project. The intent of the pre-design conference is to ensure that the designer and applicant are aware of the design standards and expectations of the County prior to commencing design of a project.

SECTION 6566.9. MINOR DESIGN EXCEPTIONS. A minor design exception from the standards in Sections 6566.15, 6566.16, 6566.17, and 6566.18 may be granted by the Director in a site development permit upon a finding that the Director determines that the exception is necessary for compliance with the site planning and design requirements; that approving the exception will not jeopardize public safety; that the proposed exception promotes or enhances good design, site relationships and other aesthetic considerations, in accordance with San Mateo County General Plan Policy 4.14.; and the exception will be compatible with the neighborhood surrounding the parcel where the exception would be placed and will not be detrimental to the public welfare. The Director may require modifications to the proposal, including design, location, materials, colors, and landscaping requirements. The Director's decision on an exception authorized by this section shall not require a public hearing. The Director's decision may be appealed to the Planning Commission.

SECTION 6566.10. MAJOR DESIGN EXCEPTIONS. The Planning Commission, at a public hearing, may grant a use permit to grant an exception from any provision in this Chapter which is not a minor design exception or minor parking exception.

SECTION 6566.11. USE PERMITS. Projects requiring a use permit shall follow the procedures established in Section 6503 of the Zoning Regulations.

SECTION 6566.12. PUBLIC NOTICING. Public notice of approved site development permits shall be provided to all property owners within 300 feet of the exterior limits of the property or properties.

SECTION 6566.13. APPEALS. Approved site development permits may be appealed within ten (10) working days of issuance only by aggrieved persons as defined in Section 6565.11 of the Zoning Regulations. Notice of site development permit issuance shall be made to property owners within 300 feet of the exterior limits of the property or properties. The Planning Commission shall review and consider points of appeal for each site development permit appealed and issue a decision to uphold the Director's decision, remand to the Director with instructions for modifications or to deny the appeal. The decision of the Planning Commission is final and may not be appealed. Applications for appeal shall conform to standard appeal procedures of the Planning and Building Department.

SECTION 6566.14. DESIGN STANDARDS. These design standards shall apply to projects in all areas within North Fair Oaks zoned Commercial Mixed Use-1 (CMU-1), Commercial Mixed Use-2 (CMU-2), Commercial Mixed Use-3 (CMU-3), Neighborhood Mixed Use-El Camino Real (NMU-ECR), and certain areas of the Industrial Mixed Use-North Fair Oaks (M1/NFO) and Industrial Mixed Use Edison (M-1/NFO/Edison). Projects shall also address the Design Standards and Guidelines in Chapter 7 of the *North Fair Oaks Community Plan* to the maximum extent practicable.

SECTION 6566.15 PUBLIC REALM REQUIREMENTS FOR PRIVATE DEVELOPMENT- BASE STANDARDS. Public realm improvements are those improvements required of a project that will be located in the public right of way and are described more specifically below.

A. Traffic Calming Devices at traffic ingress/egress crossing public rights-of-way

All projects shall:

1. Provide traffic calming elements, including at least one of the following: changes in surface texture, audible alarms, and lights to slow cars and alert pedestrians of approaching vehicles at garage and parking lot entry/exits.

B. Sidewalks, Landscaping and Streetscape Amenities

All projects shall:

1. Create continuous accessible paths in all projects to the extent required by the Americans with Disabilities Act (ADA) and California Building Standards Code (Title 24 of the California Code of Regulations).
2. For projects in the CMU-1, CMU-2, and NMU-ECR districts, provide a minimum 10-foot-wide sidewalk on El Camino Real and 5th Avenue. Wider sidewalks shall be provided where feasible. Commercial uses can temporarily occupy that portion of El Camino Real sidewalk held in private ownership, or the public- or privately-owned 5th Avenue sidewalk with moveable furnishings or racks as long as a minimum 4-foot-wide continuous ADA accessible path is maintained at all times. In the CMU-3 district on all

other streets except Middlefield Road, and in the M-1/NFO and M-1/NFO/Edison districts on Bay Road, Fair Oaks Avenue, Second Street, and Edison Way, provide at least 8-foot-wide sidewalks, inclusive of existing public sidewalks. Sidewalk widths shall be measured from existing back of curb, or from the edge of the street or alley right of way where no curb exists. For projects on all other streets in the M-1/NFO and M-1/NFO/Edison districts, provide at least 5-foot-wide sidewalks, measured from existing back of curb, or from the edge of the street right of way where no curb exists.

3. Provide street trees on all projects, approximately 36 inches in from face of curb to the trunk, approximately 35 feet on center on all streets adjoining the project. Trees should be located in tree wells and where feasible, additional trees shall be planted in raised curb planters between the sidewalk and roadway within parking areas to provide shade and comfort for all users of the street. Street trees shall be planted in 4- to 6-foot-wide tree wells with grates to accommodate pedestrian traffic. Adjacent to tree wells, use structural soil 2 to 3 feet deep and 8 feet long and wide under sidewalks; or a cellular sidewalk and soil support system in lieu of a standard aggregate base to allow room for tree roots, to support tree health, and reduce maintenance caused by uprooted sidewalks. Healthy existing street trees as determined by a qualified arborist shall count towards this requirement.
4. Limit alley and service access driveway curb cuts to a maximum of one per project, or one for every 150 linear feet of frontage.
5. Provide required bicycle racks in the public right-of way or publicly accessible open space in a manner that does not impede pedestrian movement, and situated so that bicycles will be parked parallel to the street.
6. For projects on sites 25,000 square feet and larger, provide pedestrian-friendly streetscape amenities or improvements, such as seating, public art planters and trash receptacles or improvements that are consistent with the County's adopted design for the El Camino Real or 5th Avenue streetscapes.
7. Install stormwater planters and bioswales either on site, or within the planting strip area of streets, if minimum paved sidewalk requirements are met.

SECTION 6566.16 PRIVATE PROPERTY DESIGN – BASE STANDARDS.

The private property design standards apply to improvements authorized in a site development permit to be located on private property.

A. Building Design, Layout and Orientation

All projects shall:

1. Orient buildings, entries and primary façades toward the primary adjoining street. Primary streets include Middlefield Road, El Camino Real, 5th Avenue, Edison Way, Bay Road, and Fair Oaks Avenue.

For mixed-use projects that extend through blocks or are located on corner parcels, the non-residential entrance may be located on the primary adjoining street, and the residential entrance on the rear or side.

For projects that extend from El Camino Real to Blenheim Avenue the primary facade and entrance shall be on El Camino Real, except in the case of mixed-use projects, which may have two entrances situated as described above. The Blenheim façade, and the secondary façade on other projects with front and rear street frontages, shall include elements such as stairways, balconies, landscaping, fenestration, façade articulation and roof forms that project life and transparency on the street and are sympathetic in nature to the context of the surrounding neighborhood.

2. Along block faces, vary facade articulation, roof heights, and step-backs. Vary fenestration, color, architectural elements, and other elements between multiple adjoining structures or units.
3. For projects on El Camino Real, 5th Avenue, Bay Road, Fair Oaks Avenue, and Middlefield Road, articulate ground floor facades, using vertical elements, such as pilasters, columns or massing changes, into 25-foot to 50-foot-wide increments within larger buildings that face the street. Use distinctive vertical and/or horizontal elements to break up the massing of buildings.
4. For mixed-use buildings on corner parcels, provide a pedestrian-accessible entry at the corner, or entries on both streets.
5. Locate ground-level parking and parking access in the side or rear of the project, or in cases where front parking access is necessary due to site constraints, include pedestrian-friendly design treatments and amenities such as paths, screening and landscaping to mitigate impacts on the pedestrian environment and overall streetscape.
6. Provide space for deliveries and service vehicles, if the project will be serviced by large trucks that cannot be accommodated by on-street parking.
7. Locate recycling and trash enclosures away from building fronts and major entries, and/or screen such receptacles from view in fixed enclosures.

8. Ground-floor commercial spaces shall be at least 25 feet deep as measured from the front, ground-floor building facade. Ground floor commercial spaces shall be encouraged to be prepared with infrastructure sufficient to house a working restaurant, including necessary venting shafts, plumbing, and other necessary components.

B. Massing and Scale

All projects shall:

1. Articulate ground floor facades, using vertical elements, such as pilasters, columns or massing changes, that divide facades into no more than 25-foot to 50-foot-wide increments.
2. Use multiple varied vertical and/or horizontal elements to break up massing of buildings.
3. Provide minimum floor-to-floor heights of 12 feet for commercial uses, with 15 to 20 heights preferred.

C. Building Character, Facade Articulation and Fenestration

All projects shall:

1. Visibly anchor the building base (lowest floor) to the ground using elements such as: a plinth beneath glass openings at least eighteen (18) inches in height, and columns or pilasters, and differentiate the base from upper floors using material change, color change, and a horizontal mechanism, such as a cornice or overhang. Use durable materials for the base, such as stone, steel, manufactured stone, or cementitious panel, but not stucco. Limit windows extending to the ground to 20 percent of the façade length
2. Have no continuous blank walls along street-fronting façades on any streets.
3. Provide multiple varied building elements, including cornices, lintels, sills, balconies, awnings, porches, and stoops to enhance building façades.
4. Limit garage entrances on street-facing facades to 22 feet in width.
5. Screen street-facing garage entries and parking vents with screening materials that complement the building's overall composition, color palette, and materials.
6. Provide articulation on all four sides of buildings; using a hierarchy where the front façade has the greatest articulation, followed by the next most visible façade, followed by the least visible façade when viewed from the public right of way. For buildings with two street fronts, and for corner

buildings, all street edges shall be treated similarly. Blank walls may be permitted where the side-yard wall encloses ground-floor parking and is within 2 feet of the property line, or for walls with no side-yard setback and the adjoining property can build to the property line. Side yard walls visible from the street shall be surfaced and articulated consistent with the rest of the structure.

7. Fenestrate all ground floor commercial uses with non-reflective glass windows fronting onto sidewalks.
8. For buildings located at street corners and at gateway entries identified in Chapter 2 of the North Fair Oaks Community Plan, provide roofs that accentuate the corner using a tower element, raised massing or other devices that emphasize the corner, and that are integral to the structure of the building and the design of the facade, rather than ornamental.
9. Screen mechanical equipment (e.g., air conditioning, heating, compressor, generator, venting units) or other utility hardware on roof, ground, or buildings with opaque and sound attenuating materials compatible with the building, when visible from or adjacent to a public right-of-way or residentially zoned parcel. Screen rooftop mechanical equipment with parapets or the roof form, or set screening that is not part of the roof or parapet back from the building edge to avoid the appearance of an extra floor. Screening shall be integrated with the building design, compatible with the architectural character, colors, materials and elements from the roof and façade composition. .
10. Have no continuous exterior balconies/galleries for circulation that are visible from streets.
11. Be allowed to have awnings that project from building facades with a minimum vertical clearance of 8 feet above the street. Semicircular canvas awnings parallel to the façade are prohibited.
12. Shall not have exterior or interior window bars, roll-over doors or accordion gates over windows and entries. Multi-pane windows shall be true “divided-light windows.
13. Have windows that are one or more of the following: inset at least two inches; or trimmed so as to create a shadow line, including a sill; or flush with the surface, but framed with substantial trim or trim that contrasts with the building color, and divided with mullions or muntins. No snap-in muntins or mullions shall be allowed.
14. Articulate and accentuate roofs on buildings located at street corners and at gateway entries into neighborhood streets, as defined in Chapter 2 of the

North Fair Oaks Community Plan. Roofs should be integral to the structure of the building and the design of the facade, rather than ornamental.

D. Building Materials

All projects shall:

1. Use durable roofing materials, such as tile, slate, sheet metal shingles, standing seam metal roof, and wood shakes or shingles. Asphalt shingles must be of the highest quality commercial grade; lightweight asphalt shingle shall not be used. Any copper materials must be pre-treated to prevent exfoliation.
2. Use only authentic (non-simulated) high-quality wall materials, or durable simulated materials that closely match the surface, color and proportions of the material being copied. Use materials such as:
 - a. Brick (brick veneer must be detailed, including careful detailing of corners and seams).
 - b. Cementitious panels.
 - c. Wood; however, plywood siding, and lower quality hardboard composite sidings may not be used.
 - d. Stucco (installed in sufficient thickness and material quality to effectively resist cracking; joints shall be coordinated with the overall facade composition and demised in small enough frames by joints to resist cracking and facilitate repairs; and sealant colors coordinated with other facade material colors). Only properly-drained, durable exterior insulation and finish system (EIFS) may be substituted for stucco.
 - e. Stone, stone veneers and terra cotta tile;
 - e. Metal siding (of sufficient thickness to prevent dents from impacts, and properly coated).
 - g. Glass, including opaque spandrel glass (as part of a curtain wall construction or floor-to-ceiling glass for a singular massing element of a façade, provided a ground floor plinth is included).
 - h. An anti-graffiti coating shall be applied to the portions of ground floor walls readily accessible from public spaces.

Stucco may not be used exclusively at the ground floor and may not be used for plinths. Mirrored glass may not be used.

E. Stormwater Management and Landscaping

All projects shall:

1. Minimize on-site impermeable surfaces such as concrete, asphalt and hardscaping. Utilize permeable pavers, porous concrete, porous asphalt, reinforced grass pavement (turf-crete), cobblestone block pavement, infiltration planters, rain gardens and infiltration trenches to absorb stormwater, and other techniques to detain and infiltrate run-off on-site.
2. Manage site stormwater run-off from impervious surfaces onsite, including roofs by using best management practices (BMPs) consistent with the San Mateo County Stormwater Pollution Prevention Program's *C.3 Technical Guidance*, in the design and location of buildings and open spaces and through the provision of site features to capture, hold and treat stormwater, such as rain gardens with engineered, vegetated swales, soils and stormwater planters, green roofs and subterranean water infiltration devices, or water capture devices, such as cisterns and rain barrels. Integrate these features in ways that enhance building character.
3. Plant medium to large canopy trees in rear and side yards of private development where sufficient space for trees to mature is available.
5. In landscaped infiltration features, use plants that can withstand pollutants; are effective in pollutant removal, and comply with the state's model Water-Efficient Landscape Ordinance.
6. Landscape unpaved open areas not committed to stormwater management with water efficient landscaping, consistent with the Water Efficient Landscape Ordinance.

F. Utilities

All projects shall:

Install any required new distribution lines underground, including connections between buildings and utilities or modifications to existing utilities. Utility trenches shall be located in a manner that minimizes harm to any trees being preserved, and allow space for planting trees required by these guidelines.

G. Ecology and Health

Residential units in multi-family buildings should have access to sun and air through operable windows and building openings, except in the case that residential units in the CMU-1, CMU-2, and NMU-ECR zoning districts are not

negatively impacted by such windows and openings, as demonstrated by the required air quality analysis described in Section 6566.2.A.2.

H. Transportation

Provide transportation demand management measures, consistent with the City/County Association of Governments (“CCAG”) Land Use Component of the Congestion Management Program for San Mateo County, such as transit passes or other programs as needed to address project traffic or public transit impacts, consistent with the County Transportation Plan.

SECTION 6566.17 PUBLIC REALM REQUIREMENTS FOR PRIVATE DEVELOPMENT – ADDITIONAL STANDARDS.

Public realm improvements are those improvements required of a project that will be located in the public right of way, or dedicated for public use.

A. Sidewalks, Landscaping and Streetscape Amenities

All projects shall:

1. Provide bulb-outs at intersections with cross walks or at mid-block crossings to minimize crossing distance and increase pedestrian visibility where feasible.
2. For projects located transit routes, coordinate with SamTrans to determine whether transit improvements, such as bus shelters or benches are appropriate, and whether existing transit stops are optimally located.
3. Be allowed to use pavers in place of concrete for sidewalks located in private rights-of-way.

SECTION 6566.18 PRIVATE PROPERTY DESIGN – ADDITIONAL STANDARDS.

The private property design standards apply to improvements authorized in a site development permit to be located on private property.

A. Building Design, Layout and Orientation

All projects shall conform to the following standards and guidelines, as applicable:

1. Encourage use of any private courtyards or other open spaces as common, public space, and if courtyards or other spaces are raised, encourage provision of an accessible connection between courtyards or open spaces and the street. Encourage ground-level open space wherever possible.
2. For residential projects, provide stoops, or other types of individual unit entries streets where feasible.

3. Where feasible, provide privacy for ground floor residential uses by elevating the first floor of such uses above grade, and/or using recessed entries with translucent glazing and/or placing windowsills 2 to 3 feet above floor level.

D. Building Character, Facade Articulation and Fenestration

All projects shall conform to the following, as applicable:

- a. Where feasible, incorporate art (including murals, frescoes, mosaics, and other types, especially on large blank walls) in building facades, particularly art that relates to the history and culture of North Fair Oaks, and celebrates the local community.

C. Parking

All projects shall:

1. Be encouraged to use space-efficient parking strategies, such as lift parking and tandem parking, to reduce building costs and maximize efficiency of development.
2. Be encouraged to provide parking located at least ½-story below grade, whenever feasible based on groundwater level.

D. Alleys/Service Access

All projects shall:

1. Provide small canopy trees along alleys.
2. Provide distinctive paving along the alleys located between 5th Avenue, and East Selby Street, to distinguish the alleys from roadways and to signal vehicles to proceed slowly.

E. Ecology and Health

Where feasible:

1. Use sustainable building practices and materials, and ecologically-sensitive design solutions, including solar panels, light shelves and cool roofs, consistent with the County's Climate Action Plan.