

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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AN ORDINANCE AMENDING THE COUNTY ORDINANCE CODE, DIVISION VI, PART ONE (ZONING REGULATIONS) TO ADD CHAPTERS 29 (DESIGN REVIEW AND SITE DEVELOPMENT PERMIT) 29.1 (CMU-1 ZONING DISTRICT), 29.2 (CMU-2 ZONING DISTRICT), 29.3 (NMU-ECR ZONING DISTRICT); AND AMEND DIVISION VI, PART ONE, CHAPTER 2, SECTION 6115 (ZONING MAPS).

WHEREAS, in 2011, the San Mateo County Board of Supervisors adopted the North Fair Oaks Community Plan (Community Plan), establishing the goals and vision for the development of North Fair Oaks; and

WHEREAS, the Community Plan supports the community’s vision of North Fair Oaks as a complete, vital community with an appropriate mix of housing, employment, and services to meet the needs of North Fair Oaks; and

WHEREAS, the Community Plan incorporates new land use categories for specified areas of the North Fair Oaks community, and establishes new development and design standards for those areas; and

WHEREAS, in order to fully implement the land use categories adopted in the Community Plan, the zoning for these areas must be amended; and

WHEREAS, in order for the zoning and underlying land use categories to be consistent, as required by law, the zoning for these areas must be amended; and

WHEREAS, on adoption of the Community Plan, the Board of Supervisors directed the San Mateo County Planning and Building Department to prepare amended zoning designations to implement the land use categories in the Community Plan; and

WHEREAS, working closely with a group of local residents and stakeholders, and the North Fair Oaks Community Council, and with significant input from the community at large, the Planning and Building Department has prepared the second phase of these zoning amendments, the Commercial Mixed Use-1 (CMU-1), Commercial Mixed Use-2 (CMU-2), and Neighborhood Mixed Use-El Camino Real (NMU-ECR) zoning districts (the proposed zoning), to implement the underlying Commercial Mixed Use land use category of the Community Plan.

WHEREAS the proposed zoning is applicable to the commercially- and parking-zoned parcels along El Camino Real and 5th Avenue in unincorporated North Fair Oaks, San Mateo County, located between the City of Redwood City border and Town of Atherton border along the north side of El Camino Real, and between El Camino Real and the Caltrain Rail corridor along both sides of 5th Avenue; and

WHEREAS, the Planning and Building Department has also drafted a new Design Review and Site Development Permit regulations applicable to the same area, to ensure consistency between the zoning, the community plan, and the relevant design standards; and

WHEREAS, on July 31, 2017, the North Fair Oaks Community Council unanimously recommended adoption of said amendments to the Zoning Regulations, including the new Design Review and Site Development Permit regulations; and

WHEREAS, on October 25, 2017, the Planning Commission recommended that the Board of Supervisors adopt said amendments to the Zoning regulations, including the new Design Review and Site Development Permit Regulations; and

WHEREAS, the amendments to the Zoning Regulations will ensure that the goals and vision of the North Fair Oaks Community Plan, as reviewed and approved by the North Fair Oaks Community Council, the Planning Commission, and the Board of Supervisors, will be implemented; and

WHEREAS, the proposed amendments to the Zoning Regulations and associated zoning map amendments are within the scope of the North Fair Oaks Community Plan Program Environmental Impact Report (EIR), and will result in no new impacts and will require no new mitigation measures, and thus pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, no additional environmental review is required; and

NOW THEREFORE, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

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The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. The San Mateo County Ordinance Code, Division VI, Part One (Zoning Regulations), is hereby amended to add Chapter 29 Design Review and Site Development Permit as follows:

CHAPTER 29. DESIGN REVIEW AND SITE DEVELOPMENT PERMIT

SECTION 6566. SITE DEVELOPMENT PLAN REVIEW, APPROVAL. The following regulations shall apply within those areas in North Fair Oaks which are zoned Commercial Mixed Use-1 (CMU-1), Commercial Mixed Use-2 (CMU-2), and Neighborhood Mixed Use-EI Camino Real (NMU-ECR).

SECTION 6566.A PURPOSES.

1. Provide commercial areas intended primarily for the location of locally and regionally-oriented trades and services to meet the needs of both surrounding residential areas and the broader region, as well as higher-density living options for residents.
2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses which may otherwise have negative external impacts, and by requiring that commercial development meets minimum design standards.
3. Promote and enhance the creation of an attractive commercial mixed use district accessible by a variety of transportation modes, including private vehicles, transit, bicycling, and walking.
4. Protect the functional and economic viability of commercial mixed use areas by restricting incompatible land uses.
5. Support and strengthen the local economy by providing trade and employment opportunities.
6. Implement the policies of the North Fair Oaks Community Plan and the San Mateo County General Plan.

SECTION 6566.1. DESIGN AND ZONING REVIEW. When staff determines a project in the CMU-1, CMU-2 or NMU-ECR zones is in full compliance with zoning and design standards in this chapter, 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.

- A. 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. 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.
 3. Plans showing street trees and bicycle parking or other necessary public realm improvements in the public right-of-way, and necessary encroachment permits.
 4. Easement dedicating any required front setback to be used as a sidewalk by the public.
 5. A traffic and transit impact analysis.
 6. A permit application fee set by resolution of the Board of Supervisors.

SECTION 6566.3. REVIEW AND APPROVAL PROCEDURES.

- A. Within 30 days of receipt of a 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 the applicable zoning and the design guidelines in this Chapter 29. 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 29; and
 3. The environmental impacts of the project were evaluated in the environmental impact report for the North Fair Oaks Community Plan, and will be addressed by the mitigation measures incorporated therein.
- 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 have not been obtained and has not initiated construction.
- B. Upon written request of the applicant, and for good cause, the Director may extend the expiration period for design approvals 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 are granted an exception. Applications

for exception shall be filed in the manner prescribed by the Director and shall be accompanied by a fee set by resolution of the Board of Supervisors. Exceptions shall be documented by the Director, whose decision of exceptions shall be final.

SECTION 6566.8. PRE-DESIGN CONFERENCE. Prior to beginning design of a project and submitting an application for Design Review and 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 Director shall provide the designer and applicant 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 6566.14 and Section 6566.15 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 completed applications 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 to the Planning Commission 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. Applications for appeal shall conform to standard appeal procedures of the Planning and Building Department.

SECTION 6566.14. DESIGN STANDARDS. These design standards shall be apply to all building aspects. 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. 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 (e.g., at driveways crossing the sidewalk)

All projects shall:

1. Provide traffic calming elements, such as changes in surface texture, audible, but not excessively loud alarms or 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 as needed 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. 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 contiguous ADA accessible path is maintained at all times. Provide at least 8-foot-wide sidewalks on side streets and 5-foot-wide sidewalks on alleys. Sidewalk widths shall be measured from existing back of curb, or from the edge of the alley right of way where no curb exists.
3. Minimize alley and service access driveway curb cuts along key pedestrian routes. Consolidate parking entries/exits to minimize impacts on pedestrian safety, especially on mid-block buildings or lots.
4. Provide street trees on all projects, approximately 36 inches in from face of curb, 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 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.

5. Provide bicycle racks in the public right-of way that do not impede pedestrian movement. Locate racks within two (2) feet of back of curb. Each rack shall accommodate two bicycles and should generally be fifty (50) feet on center along El Camino Real.
6. 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. Artwork should relate to the history and culture of North Fair Oaks, and celebrate the local community.
7. Install stormwater planters and bioswales either on site, or within the planting strip area of streets, if minimum paved sidewalk requirements are met.
8. Provide bulb-outs at intersections with cross walks or at mid-block crossings to minimize crossing distance and increase pedestrian visibility.
9. Coordinate with SamTrans to determine whether transit improvements, such as bus shelters or benches are appropriate, and whether existing transit stops are optimally located.
10. 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 6566.16 PRIVATE PROPERTY DESIGN 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 to face El Camino Real or 5th Avenue to create a strong building edge. For projects that extend from El Camino Real to Blenheim Avenue the primary facade and entrance shall be on El Camino Real. The Blenheim façade shall include 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.
 - a. Provide stoops, or other types of individual unit entries on side streets or at the rear of buildings, such as on alleys where feasible.
 - b. Along block faces, vary facade articulation, roof heights, stepbacks, landscaping treatments, and other elements to provide a richer urban fabric. Vary fenestration, color, architectural elements, and other elements between multiple adjoining structures or units.
 - c. Corner buildings shall actively address both streets with pedestrian friendly entries. Corner parcels on El Camino Real must have an El Camino Real frontage and an El Camino Real entrance, but may also have a corner entry, or an additional entry on the side street.
 - d. Provide privacy for ground floor residential uses where feasible by elevating the first floor of such uses 3 feet above grade, using recessed entries with translucent glazing, allowing windowsills to be 2 to 3 feet above floor level or other devices that provide privacy.
 - e. Locate parking and parking access in the side and rear of the project where feasible. If front parking access is necessary to a project, provide pedestrian-friendly design treatments, and amenities such as paths or other improvements to mitigate impacts on the pedestrian environment and overall streetscape. Create continuous ADA accessible paths in all projects.
 - f. Provide adequate space for deliveries and service vehicles, if the project will be serviced by large trucks that cannot be accommodated by commercial parking along El Camino Real or 5th Avenue.
 - g. Locate recyclables and trash enclosures away from building fronts and major entries, or adequately screen such receptacles from view in an enclosure. Ensure that recyclables and trash management does not detract from the overall project appearance or create unpleasant odors, and does not negatively impact pedestrian movement or public spaces.
 - h. Encourage any courtyard or other open spaces to provide common, public space, and if courtyards or other spaces are raised, require an

accessible connection between courtyards or open spaces to the street. Encourage ground-level open space wherever possible.

- i. Commercial uses shall be at least 20 feet deep as measured from the front, ground-floor building facade.

B. Massing and Scale

All projects shall:

1. Along El Camino Real and 5th Avenue, 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 horizontal elements to break up the massing of buildings.
2. Encourage floor-to-floor heights of 15 to 20 feet for commercial uses.

C. Building Character, Facade Articulation and Fenestration

All projects shall:

1. The building base (lowest floor) shall be visibly articulated to aesthetically anchor the building to the ground, using a plinth beneath glass openings at least eighteen (18) inches in height and pilasters, and differentiated from upper floors using material change, color change, and a horizontal mechanism, such as a cornice or overhang.
2. Articulate front façades through massing, fenestration and other design elements. Prohibit blank walls along street-fronting façades on all streets. Use varied building elements, such as cornices, lintels, sills, balconies, awnings, porches, and stoops to enhance building façades. Use vertical and horizontal architectural elements to articulate building façades. Use building materials, forms and colors to add variety and visual interest.
3. Street-facing facades shall not be dominated by garage doors, parking vents or long opaque walls, or off-street uncovered parking spaces.
4. All four sides of buildings should be articulated using a hierarchy emphasizing the front façade. For buildings with two street fronts and corner buildings, treat both street edge facades similarly.
5. Maximize visibility of commercial uses by orienting commercial uses to El Camino Real. All ground floor commercial uses shall have non-reflective glass windows fronting onto sidewalks. When windows face southwest and

west, frame them with protruding vertical and horizontal shading elements, such as lintels, sills, and awnings to provide adequate protection from glare.

6. Articulate and accentuate roofs on buildings located at street corners and at gateway entries into neighborhood streets and 5th Avenue. Roofs should be integral to the structure of the building and the design of the facade, rather than ornamental.
7. 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.
8. Mechanical equipment (e.g., air conditioning, heating, compressor, generator, venting units) or other utility hardware on roof, ground, or buildings shall be screened 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. Screening shall be integrated with the building design, compatible with the architectural character, colors, materials and elements from the roof and façade composition. Screening shall be set back from the building edge to avoid the appearance of an extra floor.
9. Prohibit exterior stairs to upper floors on street facing facades and the front half of side facades. Prohibit continuous exterior balconies/galleries for circulation that are visible from streets.
10. Allow awnings to project from building facades with a minimum vertical clearance of 9 feet and a maximum projection of 3 feet. Semicircular awnings are prohibited.
11. Exterior window bars, roll-over doors or accordion gates over windows and entries are prohibited. Multi-pane windows shall be true “divided-light windows.
12. Windows should be inset at least three inches, or trimmed so as to create a shadow line, including a sill, or flush with the surface but framed with substantial trim and divided with mullions or muntins that are of sufficient size to create visual interest. No snap-in muntins or mullions are allowed.
13. Individual-unit dish antennae shall not be permitted on balconies or facades, but may be located on the roof, affixed to authorized equipment screening. Locate antennae to minimize visibility of from the street.

D. Building Materials

All projects shall:

1. Use high-quality, durable roofing materials, such as tile, slate, sheet metal shingles, standing seam metal roof (except corrugated sheet metal), 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. Authentic high-quality wall materials should be used to the extent possible. Where simulated materials are used, they should be durable, and should closely match the surface, color and proportions of the material being copied. Permissible materials include:
 - a. Brick (brick veneer must be detailed to look authentic, including careful detailing of corners and seams).
 - b. Wood (horizontal wood and cementitious composite siding should include vertical trim boards at corners or material changes); however, plywood siding, and lower quality hardboard composite sidings may not be used.
 - c. Stucco (installed in sufficient thickness and material quality to effectively resist cracking; joints should be coordinated with the overall facade composition and sealant colors coordinated with other facade material colors). Only properly-drained, durable exterior insulation and finish system (EIFS) may be substituted for stucco. Stucco may not be used exclusively at the ground floor and may not be used for plinths.
 - d. Stone, stone veneers and terra cotta tile;
 - e. Metal siding (used sparingly, of sufficient thickness to prevent dents from impacts, and be properly coated).
 - f. 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).
 - g. An anti-graffiti coating shall be applied to the ground floor.

E. Parking

All projects shall:

1. Use space-efficient parking strategies, such as lift parking and tandem parking, to reduce building costs and maximize efficiency of development.

2. Encourage parking located at least ½-story below grade, whenever feasible based on groundwater level.

F. Alleys/Service Access

All projects shall:

1. Provide small canopy trees along alleys.
2. Encourage the provision of distinctive paving along alleys, such as wide brick gutters to distinguish alleys from roadways and to signal vehicles to proceed slowly.

G. Stormwater Management and Landscaping

All projects shall:

1. Manage site stormwater run-off from impervious surfaces onsite, including roofs by using best management practices (BMPs) 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.
2. Ensure adequate space and design for water to drain, to reduce the chance of ponding, and utilize splash pads to minimize erosion under drain spouts.
3. Plant medium to large canopy trees in rear and side yards of private development where feasible.
4. 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.
5. In landscaped infiltration features, use plants that can withstand pollutants and are effective in pollutant removal.
6. Landscape all open areas not committed to stormwater management with water efficient landscaping, consistent with the Water Efficient Landscape Ordinance.

H. Utilities

All projects shall:

Install new distribution lines, including connections between buildings and utilities or modifications to existing utilities underground. Utility trenches should be located in a manner that avoids or minimizes harm to trees being preserved.

I. 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.
2. Use architectural landscaping (green walls, vegetated arbors, planters), as described in Chapter 7 of North Fair Oaks Community Plan, on constrained sites to provide the benefits of planting areas (evapotranspiration, shading, noise buffering, aesthetics).
3. Residential units in multi-family buildings should have access to sun and air through operable windows and building openings on at least two sides, provided that air quality standards can be met.

SECTION 2. The San Mateo County Ordinance Code, Division VI, Part One (Zoning Regulations), is hereby amended to add Chapter 29.1 Commercial Mixed Use-1 (CMU-1) as follows:

CHAPTER 29.1. CMU-1 DISTRICT **(COMMERCIAL MIXED USE-1 DISTRICT, NORTH FAIR OAKS)**

SECTION 6567. REGULATIONS FOR "COMMERCIAL MIXED USE-1" DISTRICT.

The following regulations shall apply within those areas in North Fair Oaks which are zoned Commercial Mixed Use-1 (CMU-1).

SECTION 6567.1 PURPOSES.

1. Provide commercial areas intended primarily for the location of locally and regionally-oriented trades and services to meet the needs of both surrounding

residential areas and the broader region, as well as higher-density living options for residents.

2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses which may otherwise have negative external impacts, and by requiring that commercial development meets minimum design standards.
3. Promote and enhance the creation of an attractive commercial mixed use district accessible by a variety of transportation modes, including private vehicles, transit, bicycling, and walking.
4. Protect the functional and economic viability of commercial mixed use areas by restricting incompatible land uses.
5. Support and strengthen the local economy by providing trade and employment opportunities.
6. Implement the policies of the North Fair Oaks Community Plan and the San Mateo County General Plan.

SECTION 6567.2 DEFINITIONS.

1. Administrative, Professional and Business Offices

Establishments where management, administrative, professional, or consulting services are conducted including, but not limited to, government, law, real estate, research and development, accounting, and other business offices.

2. Automobile Parts Stores

Commercial establishments specializing in the sale of automobile parts and accessories, with no automobile repair work done on site.

3. Bars

Commercial establishments engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises as a primary use, which may also offer food and entertainment on a limited basis, but not adult entertainment as defined in Section 6102.1.5.

4. Community Centers

Facilities used by local residents for civic activities, classes, meetings, performances, presentations, or other purposes. Includes "clubs" (Section 6102.25) and "meeting halls" (Section 6102.62.5).

5. Community Gardens

An area of land used to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal use, consumption, donation, or occasional sale, by individuals or collectively by members of a group.

6. Child Care Centers (Institutional Day Care Facilities for Children)

Licensed facilities including infant centers, pre-schools, and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children in a non-residential setting.

7. Dwelling, Multiple

A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.

8. Educational Facilities

Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students, including conservatories for the instruction of music and the arts.

9. Farmers Markets

An outdoor market at a fixed location, open to the public, operated by a government agency, a nonprofit corporation, or one or more Producers, in accordance with the San Mateo County Farmer's Market Guidelines, at which (a) at least 75 percent of the vendors sell Farm Products or Value-added Farm Products and (b) at least 75 percent of the vendors who regularly participate during the market's hours of operation are Producers, or family members or employees of Producers.

Farm Products - Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

Producer - A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.

Value-added Farm Product - Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.

10. Financial Institutions

Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.

11. Food and Beverage Stores

Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens, not including drive-through restaurants, wholesale bakeries or other large-scale food production or processing establishments.

12. Food Establishments Specializing in Take-Out Service

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or take-out service, but not including drive-through restaurants or businesses engaged exclusively in catering.

13. Home Occupations

Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County's Home Occupation Regulations (Section 6102.46).

14. Hotels

Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied.

15. Indoor Retail Sales, Rental or Repair Establishments

Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.

16. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock, and poultry, subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include "pet sitting" or "doggie day care" establishments where care and supervision is provided to pets that do not belong to the occupants of the dwelling unit or business establishment.

17. Liquor Stores

A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.

18. Massage Businesses

Massage or massage therapy, means and refers to any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath. "Massage business" means any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities - including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs - shall be deemed a massage business under this chapter. The term "massage business" includes a certified massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship.

19. Medical and Dental Offices

Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories, acupuncturists, chiropractors, and associated prescription pharmacies.

20. Mixed-Use Development

A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.

21. Mobile Vending/Food Carts

Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk that is regularly located on site, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer, as defined in San Mateo County Ordinance Code, Chapter 5.52.

22. Non-Chartered Financial Institution

A use, other than a State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term “non-chartered financial institution” shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term “non-chartered financial institution”.

23. Other Compatible Uses

Additional land uses that may be allowed if the Community Development Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

24. Parking Lots and Parking Garages

Public and private facilities which provide designated spaces for parking of operable and currently registered motor vehicles either in an open area or within a structure.

25. Personal Convenience Service Establishments

Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, and barber shops.

26. Pet Sales and/or Grooming Establishments

Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fully enclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.

27. Religious Facilities

Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques, and temples.

28. Restaurants

Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on the premises during the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.

29. Retail Cleaning Establishments

Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry cleaning pick up stores with limited equipment, except dry cleaners using hazardous materials, such as perchloroethylene or other hazardous materials, and laundromats where coin-operated washers and dryers are provided for self-service to the public.

30. Small Collection Facilities for Recyclable Materials

A small collection facility occupies an area of not more than 500 square feet, is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers, or bulk reverse vending machines. These facilities are generally temporary, and must be accessory to a primary use on the same parcel.

31. Indoor Exercise and Leisure Facilities: Small

Facilities of 2,000 square feet or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to exercise facilities, dance academies and martial arts studios.

32. Indoor Exercise and Leisure Facilities: Large

Facilities greater than 2,000 square located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to gyms, swimming pools, martial arts studios, and other exercise and recreational facilities.

33. Theaters

Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.

34. Veterinary Hospitals for Small Animals

Establishments where cats, dogs and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

35. Walking Distance

For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking and the primary use. For the purposes of this Section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements.

SECTION 6567.3 PERMITTED USES

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT¹
1. <u>RESIDENTIAL USE CLASSIFICATION</u>	
A. <u>DWELLINGS</u>	
1. Dwelling, Multiple	
a. Above the ground floor	None
b. Ground floor	Use Permit
2. <u>MIXED USE CLASSIFICATION</u>	
1. Mixed-use development with ground floor commercial and residential above the ground floor	None
2. All other mixed-use development, including all types of horizontal mixed use development ²	Use Permit

¹ All projects must obtain a site development permit pursuant to Section 6566 *et seq.* for compliance with design review requirements, in addition to any other required planning permit. Other permits may be required by a combining district.

² Horizontal mixed use development is subject to additional standards, as described in Section 6394.9

3. <u>COMMERCIAL AND OFFICE USE CLASSIFICATION</u>	
A. <u>SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES</u> <ol style="list-style-type: none"> 1. Personal Convenience Service Establishments 2. Retail Cleaning Establishments 3. Pet Sales and/or Grooming Establishments Veterinary Hospitals for Small Animals 4. Hotels 5. Massage Businesses 	None None Use Permit Use Permit Use Permit Use Permit
B. <u>REGIONAL AND VISITOR SERVING TRADES AND SERVICES</u> <ol style="list-style-type: none"> 1. Hotels 2. Theaters 	Use Permit Use Permit
C. <u>RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS</u> <ol style="list-style-type: none"> 1. Food and Beverage Stores 2. Liquor Stores 3. Indoor Retail Sales, Rental or Repair Establishments 4. Mobile Vending and Food Trucks 	None Use Permit None Use Permit
D. <u>FOOD SERVICES</u> <ol style="list-style-type: none"> 1. Bars 2. Restaurants 3. Food Establishments Specializing in Take-Out Service 4. Farmers Markets 	Use Permit None None Farmers Market Permit ³
E. <u>OFFICES, PROFESSIONAL SERVICES</u>	

³ Must comply with standards in Section 6396

1. Administrative, Professional and Business Offices	None
2. Medical and Dental Offices	None
3. Financial Institutions	None
4. Non-Chartered Financial Institutions	Use Permit
F. <u>INDOOR RECREATION FACILITIES</u>	
1. Indoor Exercise and Leisure Facilities: Small	None
2. Indoor Exercise and Leisure Facilities: Large	Use Permit
4. <u>INSTITUTIONAL USE CLASSIFICATION</u>	
A. <u>NEIGHBORHOOD INSTITUTIONAL FACILITIES</u>	
1. Community Centers	Use Permit
2. Child Care Centers	Use Permit
3. Religious Facilities	Use Permit
4. Educational Facilities	Use Permit
5. <u>ACCESSORY USE CLASSIFICATION</u>	
A. <u>RESIDENTIAL ACCESSORY USES</u>	
Home Occupations	Home Occupation Certificate
B. <u>LIMITED KEEPING OF PETS</u>	
Limited Keeping of Pets	None
6. <u>SMALL COLLECTION FACILITIES FOR RECYCLABLE MATERIALS</u>	None
1. <u>OTHER USE CLASSIFICATION</u>	
A. Community Gardens	Use Permit
B. <u>PARKING</u>	
Parking Lots and Parking Garages	Use Permit
C. <u>OTHER COMPATIBLE USES</u>	

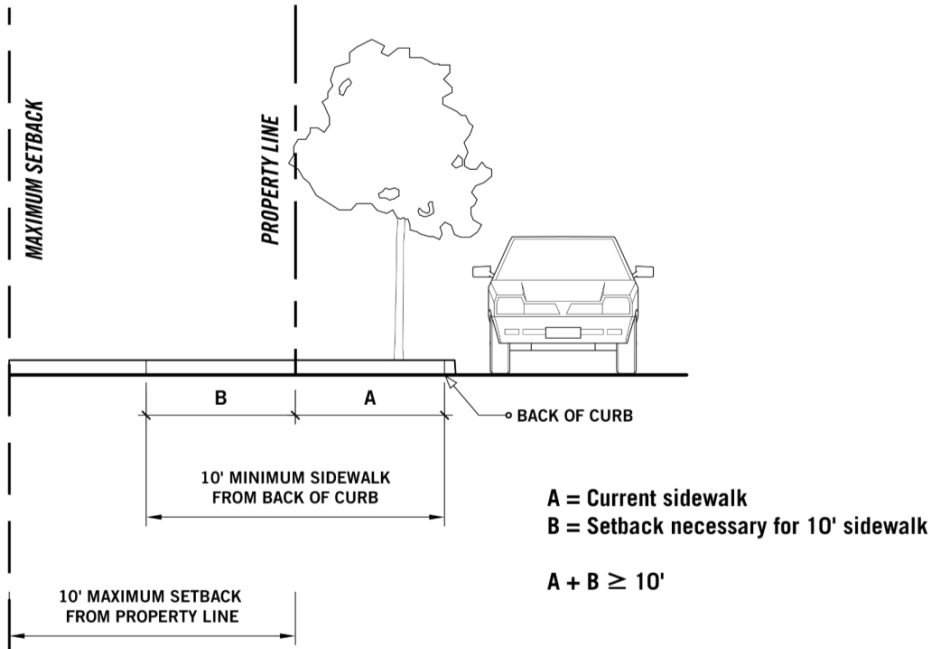
Other Compatible Uses	To Be Determined by Community Development Director
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SECTION 6567.4 DEVELOPMENT STANDARDS. All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft. and the minimum parcel width shall be 50 feet, except in the case of multi-family attached residential ownership development.
2. Building Setbacks.
 - a. The minimum and maximum building setbacks shall be determined by the parcel's location, as shown below.

Parcel Location	Front Setback ⁴	Rear Setback
Adjoining R-2 or extending between El Camino Real and Blenheim Avenue	0 feet up to 10 feet max	15 feet up to 40 feet of building height and 27 feet above 40 feet of building height
All other cases	0 feet up to 10 feet max	15 feet up to 40 feet of building height and

⁴ Front setback may be less than five feet provided a minimum 10-foot-wide sidewalk is provided as measured from back of curb.



		22 feet above 40 feet of building height
	Side Setback	0 ft.

b. **Building Frontage:** Building frontage is the front façade of the building facing the street.

- (1) Parcels facing El Camino Real must be developed with an El Camino Real frontage, with front and rear required setback determined by this orientation.
- (2) Parcels facing 5th Avenue must be developed with a 5th Avenue frontage, with front and rear required setback determined by this orientation.
- (3) Signage and awnings may extend up to 5 feet into setbacks, consistent with the design standards in Sections 6566.15 and 6566.16.
- (4) Balconies, building bays, and bay windows may project up to 3 feet into the required front setback of residential and mixed-use buildings fronting on El Camino Real and 5th Avenue above 15 feet in building height, but may not project into the public right-of-way, consistent with the design standards in Sections 6566.15 and 6566.16.
- (5) Corner parcels on El Camino Real must have an El Camino Real frontage and an El Camino Real entrance, but may also have a corner entry, or an additional entry on the side street.
- (6) Corner parcels fronting on El Camino Real and 5th Avenue shall not have a rear or side yard exceeding 5 feet.

3. Maximum Building Floor Area

- a. Maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel. Maximum building floor area specifically includes: (1) the floor area of all stories, excluding non-habitable space, as measured from the outside face of all exterior walls, and (2) the

area of all decks, porches, and balconies or other areas covered by a waterproof roof which extends four or more feet from exterior walls.

- b. The maximum floor area for institutional uses shall be 100 percent of the total parcel area, for commercial uses shall be 150 percent of the total parcel area, and for mixed-use development shall be 200 percent of the total parcel area.
 - c. Fully or partially enclosed areas dedicated to parking shall be excluded from maximum building floor area.
4. Building Height. The maximum building height shall be 50 feet for residential development, 60 feet for commercial development, 60 feet for institutional development, and 60 feet for mixed use development.

The minimum building height is three stories, except in the case that a Use Permit is secured.

Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above.

The Community Development Director may approve the following exceptions to height limits, if the exception is found to be consistent with the Design Guidelines in Section 6566:

- a. Chimneys, pipes, elevator shafts, mechanical equipment and screening, antennae, and other similar structures may extend beyond the normal maximum height by up to 10 feet as required for safety or efficient operation.
 - b. Architectural features on buildings located on corner parcels, such as cupolas and turrets, and rooftop gardens on any parcel may extend beyond the normal maximum height.
5. Signs.
- a. Prohibited Signs. The following signs shall be prohibited:
 - (1) Any sign that, because of its location, construction, colors, or operating characteristics, can be confused with or obscure a traffic control device or emergency vehicle.
 - (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
 - (3) Signs emitting intense and focused beams of light, including beacons.
 - (4) Off-premises signs.

- (5) Abandoned signs.
 - (6) Billboards.
 - (7) Any sign that because of its location, construction or other characteristics will impede pedestrian movement or safety or will limit transparency of ground floor non-residential use.
- b. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one sign per parcel, or one sign per each 200 feet of parcel street frontage, or one sign per use, whichever is greatest.
 - c. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters square foot per foot of parcel street frontage.
 - d. Maximum Window Sign Area. Signs located within windows and visible to the public shall not exceed 25% of the area of the window within which the sign is located. Window sign area does not count towards Maximum Total Sign Display Area.
 - e. Maximum Sign Height. The maximum height of signs on a parcel is as follows:
 - (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
 - (2) Freestanding signs shall not exceed fifteen (15) feet.
 - f. Sign Projection. Attached signs shall not project more than five feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works, and on El Camino Real, subject to the approval of Caltrans.
 - g. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.
6. Screening.
- a. Refuse, waste removal, and outdoor service/storage areas, where allowed, shall be screened with a six (6) foot solid wall or opaque fence/gate when the area is visible from a public right-of-way or residentially-zoned parcel.

- b. A minimum six (6), not to exceed eight (8), foot masonry wall shall be erected along the entire common property line where a commercial or mixed use abuts a residentially zoned parcel. Other fencing along property lines shall be of opaque materials when visible from a public way or residentially zoned parcel. The Community Development Director may approve modifications to this standard.
- c. Mechanical equipment (e.g., air conditioning, heating, compressor, generator, venting units) or other utility hardware on the roof, ground, or buildings shall be screened 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.
- d. Fences, walls or screens shall not include barbed or concertina wire, or chain-link fence with or without slats.

7. Horizontal Mixed Use Development - Additional Standards.

Use Permits for horizontal mixed-use development may only be granted when the deciding body issuing the relevant use permit makes all of the following findings:

- a. The horizontal mixed use development is compatible with the surrounding uses, and will not detract from the commercial, pedestrian-oriented character of the street
- b. The horizontal mixed use development has been designed so as to most closely match the intent of mixed use development in this district, as described in Chapter 2 of the North Fair Oaks Community Plan;
- c. The horizontal alignment of the uses is demonstrably necessary due to specific characteristics of the type or mix of uses in the proposed development, or due to the specific character of the parcel or location of the development; and
- d. Provision of the same uses in a vertical mixed-use design would be unduly costly, burdensome, or would not meet the intent of mixed-use development in this district, as described in Chapter 2 of the North Fair Oaks Community Plan.

SECTION 6567.5 DESIGN STANDARDS. All development in the CMU-1 District must comply with the design standards described in Sections 6566.15 and 6566.16, and must obtain a site development permit according to the procedures and requirements described therein.

SECTION 6567.6 PERFORMANCE STANDARDS. No use may be conducted in a manner which, in the determination of the Community Development Director, does not meet the performance standards below. Measurement, observation, or other means of evaluation shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which generates noise levels that exceed San Mateo County Ordinance Code Noise Control standards (see Ordinance Code Chapter 4.88).
2. Lighting. All exterior and interior lighting shall be dark-sky compliant and designed and located so that direct rays and glare are confined to the premises, with the exception of lighting on the front building façade which may light the public sidewalk. Flood lights shall be prohibited, unless an applicant demonstrates to the satisfaction of the Community Development Director that such additional lighting is necessary for public health and safety.
3. Trash and Debris. All trash, boxes, or similar debris shall be picked up on a regular basis and stored in refuse containers that are screened from public view.
4. Non-Chartered Financial Institutions:
 - a. No Non-Chartered Financial Institution may be located within a radius of one thousand (1,000) feet from the nearest existing Non-Chartered Financial Institution.
 - b. No Non-Chartered Financial Institution may be located within a radius of five hundred (500) feet from the following land uses:
 - (1) Residentially zoned parcels.
 - (2) Any State or Federally chartered bank, savings association, credit union, or industrial loan company.
 - (3) Religious institution.
 - (4) School or Day Care Facility.
 - (5) Bar or Liquor Store, excluding full service restaurants and alcoholic beverage sales establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more.
 - (6) Pawn Shops.
 - c. Each new Non-Chartered Financial Institution shall meet the following minimum standards of performance, which shall be included as conditions of

approval for such uses, provided that nothing in this Section shall limit the discretion of the decision making body to impose additional performance standards as may be warranted in any given case. These standards are obligations of the owner(s) of the Non-Chartered Financial Institution and are intended to ensure that the Non-Chartered Financial Institution does not negatively impact the public health and safety:

- (1) A lighting plan shall be reviewed and approved by the Community Development Director prior to the issuance of building permits, and all lighting required by the approved plan shall be installed prior to final approval of the building permit. Exterior lighting shall be provided on all frontages. Exterior lighting shall be designed so as not to cast glare off-site.
- (2) Storefronts shall have glass or transparent glazing in the windows and doors. No more than ten (10) percent of any window or door area shall be covered by signs, banners, or opaque coverings of any kind.
- (3) Days and hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week. The operator shall discourage patrons from loitering prior to, during, and/or after hours of operation. At least one “no loitering” sign with a typeface at least two (2) inches tall shall be installed and maintained where it will be visible to pedestrians on each side of the building in which the activity is located including, but not limited to, street frontages and parking lots.
- (4) The operator shall remove graffiti from the building that houses the Non-Chartered Financial Institution within seventy-two (72) hours of application.
- (5) The operator shall remove litter at least two (2) times daily or as needed from in front of the building that houses the Non-Chartered Financial Institution, and for twenty (20) feet beyond the building along adjacent street(s). The operator shall remove, or cause to be removed, all crates, mattresses, and other materials placed within this area immediately.
- (6) The owner or operator shall post at least one (1) uniformed security guard on duty at all times the business is open. The security guard shall patrol the interior and all exterior portions of the property under control of the owner or operator of the Non-Chartered Financial Institution including, but not limited to, parking lots and any open public spaces such as lobbies.

SECTION 6567.7 FARMERS MARKET STANDARDS.

Farmers Markets are allowed in the CMU-1 Zoning District subject to a Farmers Market Permit and must meet the following standards:

1. All markets must be California Certified Farmers Markets. All markets must comply with the definitions and standards included in this Chapter.
2. No market may operate continuously for more than 6 hours.
3. Markets may locate on side streets, public spaces, plazas, or private open spaces such as parking lots or similar areas.
4. Markets must be open to the general public during all hours of operation
5. All Farmers Markets and their vendors must obtain all required operating and health permits, licenses, and certificates of insurance, and these documents (or copies) shall be in the possession of the Farmers Market manager or the vendor, as applicable, on the site of the Farmers Market during all hours of operation.
6. All Farmers Markets must provide for composting, recycling, and waste removal in accordance with all applicable federal, state and local laws, including but not limited to the San Mateo County Ordinance Code. The Farmers Market management is responsible for ensuring that the site is restored to a neat condition by no later than the end of the Farmers Market day.

SECTION 6567.8 PARKING. Parking shall comply with all of the provisions of Chapter 3 of the Zoning Regulations, except as provided below:

1. Section 6119, Parking Spaces Required. Section 6119 shall be replaced by Table 1 in this Section 6567.8, which sets forth the minimum number of off-street parking spaces required. Parking spaces required by Table 1 may also be modified by the amounts set forth in the Shared Parking and Off-Site Parking regulations in this Chapter. For uses not listed in Table 1, the provisions of Section 6119 shall apply.
2. Section 6118(a), Size and Access. Notwithstanding Section 6118(a), in the CMU-1 District, a maximum of 25% of the parking spaces required by Table 1 may be compact parking spaces with an area of 128 sq. ft. and minimum dimensions of 8 ft. in width by 16 ft. in length. Parking stall height shall be no less than 7 ft. and 2 in. from the parking surface to ceiling fixtures, pipes, or structural elements. Accessible parking stalls shall have a height of no less than 8 feet and 4 inches to ceiling fixtures, pipes, or structural elements. The Community Development Director shall approve the heights for all parking stalls with mechanical lifts.

3. The stacking of two or more automobiles via a mechanical car lift or computerized parking structure is permitted within enclosed parking areas. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and drive aisles ensures adequate provision for ingress and egress to all parking spaces in the platform system. The lift equipment or computerized parking structure shall meet all applicable building, mechanical, and electrical code requirements as approved by the Building Official.

**TABLE 1
REQUIRED PARKING**

USE	PARKING GENERATING FACTOR	PARKING SPACES REQUIRED
1. Residential		
Townhouses Dwellings, Multiple	Dwelling Unit Parking: 0-1 bedrooms	1 covered
	2 bedrooms	1.5 covered
	3+ bedrooms	2 covered
	Dwelling Unit Parking in a Mixed-Use Development:	
	0-2 bedrooms	1 covered
	3+ bedrooms	2 covered
	Affordable Housing Parking: (Developments eligible for density bonus) Each affordable dwelling unit of less than 3 bedrooms	1 covered or uncovered
	Each affordable dwelling unit of 3 bedrooms or more	1.5 covered or uncovered
	Visitor Parking: Each Dwelling Unit	0.25
	Bicycle Parking:	0.25

	Each Dwelling Unit Public Bike Parking: Each 35 feet of street frontage Electric Vehicle Charging Stations: Each project	2 (consistent with Design Guidelines) 1 minimum and 10 percent of required parking over 10 spaces
2. Commercial/Office		
All uses listed under the “Office and Professional Services” in Section 6567.3, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Specialized Neighborhood Trades and Services” in Section 6567.3, Uses Permitted	Up to 250 sq. ft. and each 250 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Retail Sales, Rental or Repair Establishments,” in Section 6567.3, Uses Permitted	Up to 250 sq. ft. and each 250 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Indoor Recreation Facilities” in Section 6567.3, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Food Services” in Section 6567.3, Uses Permitted (Restaurants, Bars, Food Establishments Specializing in Take-out Service)	Up to 200 sq. ft. and each 200 sq. ft. thereafter	1 covered or uncovered
Any Commercial, Office and/or Food Service Use in this subsection in a Mixed-Use Development	Up to 850 sq. ft. and each 850 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,000 sq. ft.	1 (consistent with Design Guidelines)
	Public Bike Parking: Each 35 feet of street frontage	2 (consistent with Design Guidelines)
	Electric Vehicle Charging Station: Each project	1 minimum and 10 percent of required parking over 10 spaces
3. Institutional and Other		

All uses listed under the “Institutional Use Classification” in Section 6567.3, Uses	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
Any Institutional or Other Use in this subsection in a Mixed-Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,500 sq. ft.	1
	Public Bike Parking: Each 35 feet of street frontage	2 (consistent with Design Guidelines)
	Electric Vehicle Charging Stations: Each project	1 minimum and 10 percent of required parking over 10 spaces

SECTION 6567.9 ALTERNATIVE PARKING APPROACHES. The total number of parking spaces required per Section 6567.8 may be reduced in accordance with the following provisions.

1. Shared Parking

a. Applicability

Subject to the requirements of this Section 6567.9 and the securing of a Use Permit in accordance with the provisions of Section 6503, an applicant may apply for authorization for shared parking to meet the minimum parking requirements for shared parking facilities serving more than one use on a site, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.

b. Analysis Required

In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for shared parking shall comply with this Section’s standards and criteria. A parking analysis shall be submitted as part of the application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a Qualified Professional. A shared parking study shall, at a minimum address:

1. The intensity and type of activities and the composition of uses;
2. Hours of operation of each separate use;

3. The rate of turnover for proposed shared spaces;
4. Distances of shared parking spaces from the uses they serve; and
5. The anticipated peak parking and traffic loads for the site.
6. Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation.
7. If the shared parking spaces are located on a different parcel than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.

c. Findings Required

Issuance of a Use Permit authorizing shared parking may reduce the total number of spaces required by Section 6567.8, if the deciding body issuing the relevant use permit makes all of the following findings, in addition to the findings required in Section 6503 of the Zoning Regulations:

1. The spaces to be provided will be available as long as the uses requiring the spaces are in operation;
2. The peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided;
3. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if shared parking is not provided; and
4. A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, is submitted, and that the agreement includes:
 - (a) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, and a guarantee that any change of use or property ownership of shared parking will require immediate written notification to the County Planning and Building Department;
 - (b) A guarantee among the property owner(s) for access to and use of the shared parking facilities, including provisions for transfer

of shared parking rights to new property owners if property on which shared parking is located changes ownership;

- (c) A provision that the County may require parking facilities in addition to those originally approved, upon finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
- (d) A provision stating that the County, acting through the Planning Commission, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the Use Permit and and/or agreement at any time.

2. Off-Site Parking

a. Applicability

Subject to the requirements of this Section 6567.9 and the securing of a Use Permit in accordance with the provisions of Section 6503, required parking may be located on a parcel different than the primary use for which the parking is provided (“off-site parking”).

b. Standards Required

In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for off-site parking shall comply with this Section’s standards and criteria.

1. Parking requirements may be satisfied by the provision of parking on another parcel, if dedicated access to the off-site spaces is demonstrated by ownership or a current lease. Changes in ownership, termination of leases that infringe dedicated access to any of the required parking spaces, shall result in revocation of the Use Permit until the parking deficiency is remedied.
2. Off-site parking shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.
3. In the event that a shared parking entity has been formed and is fully operational, the documented parking spaces allocated to the parcel will count toward the vehicle parking requirement. Although allocated to a specified parcel, said spaces need not be specifically reserved for said specified parcel.

c. Findings Required

Issuance of a Use Permit authorizing off-site parking may be approved if the deciding body issuing the relevant use permit makes all of the following findings, in addition to the findings required in Section 6503:

1. The off-site spaces to be used to satisfy the project's parking obligation will be available as long as the uses requiring the spaces are in operation;
 2. The peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided;
 3. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if off-site parking is not provided; and
 4. A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, is submitted, and that the agreement includes:
 - (a) A guarantee that there will be no alteration in the uses that will create a greater demand for parking, and a guarantee that any change of use will require immediate written notification to the County Planning and Building Department and an reassessment of the parking demand of the revised project and any necessary updates to the written agreement;
 - (b) A guarantee among the property owner(s) for access to and use of the off-site parking facilities;
 - (c) A provision that the County may require parking facilities in addition to those originally approved, upon finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
 - (d) A provision stating that the County, acting through the Planning Commission, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the Use Permit and/or agreement at any time.
- d. Exceptions.

In addition to the ability to obtain a use permit for shared parking or off-site parking, the Community Development Director may grant an exception to modify the number of spaces, size, location, or design of required parking

areas upon finding that extenuating and/or unusual circumstances exist that impair compliance with Section 6567.8.

The Community Development Director may grant an exception to modify the number of bicycle parking spaces required, the location of bicycle parking requirements, and/or the design of bicycle parking, if the applicant demonstrates that at least one of the following conditions exist:

1. The number of spaces, location, and design of existing bicycle parking would adequately serve the new building occupants.
2. Extenuating and/or unusual circumstances exist relating to property shape or location of development that impair compliance with Section 6567.8.

SECTION 3. The San Mateo County Ordinance Code, Division VI, Part One (Zoning Regulations), is hereby amended to add Chapter 29.2 Commercial Mixed Use-2 (CMU-1) as follows:

CHAPTER 29.2. CMU-2 DISTRICT (COMMERCIAL MIXED USE-2 DISTRICT, EL CAMINO REAL- 5TH AVENUE, NORTH FAIR OAKS)

SECTION 6568. REGULATIONS FOR COMMERCIAL MIXED USE-2 DISTRICT. The following regulations shall apply within those areas in North Fair Oaks which are zoned Commercial Mixed Use-2 (CMU-2).

SECTION 6568.1 PURPOSES.

1. Provide commercial areas intended primarily for the location of locally and regionally-oriented trades and services to meet the needs of both surrounding residential areas and the broader region, as well as higher-density living options for residents.
2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses which may otherwise have negative external impacts, and by requiring that commercial development meets minimum design standards.
3. Promote and enhance the creation of an attractive commercial mixed use district accessible by a variety of transportation modes, including private vehicles, transit, bicycling, and walking.

4. Protect the functional and economic viability of commercial mixed use areas by restricting incompatible land uses.
5. Support and strengthen the local economy by providing trade and employment opportunities.
6. Implement the policies of the North Fair Oaks Community Plan and the San Mateo County General Plan.

SECTION 6568.2. DEFINITIONS.

Terms used in this Chapter 29.2 shall be defined as set forth in Section 6567.2.

SECTION 6568.3. PERMITTED USES.

The uses permitted in the CMU-2 District are set forth in Section 6567.3. All permit requirements, qualifications, and constraints specified in Section 6567.3 shall apply to uses in the CMU-2 District.

SECTION 6568.4. DEVELOPMENT STANDARDS. All new development must meet the following minimum standards:

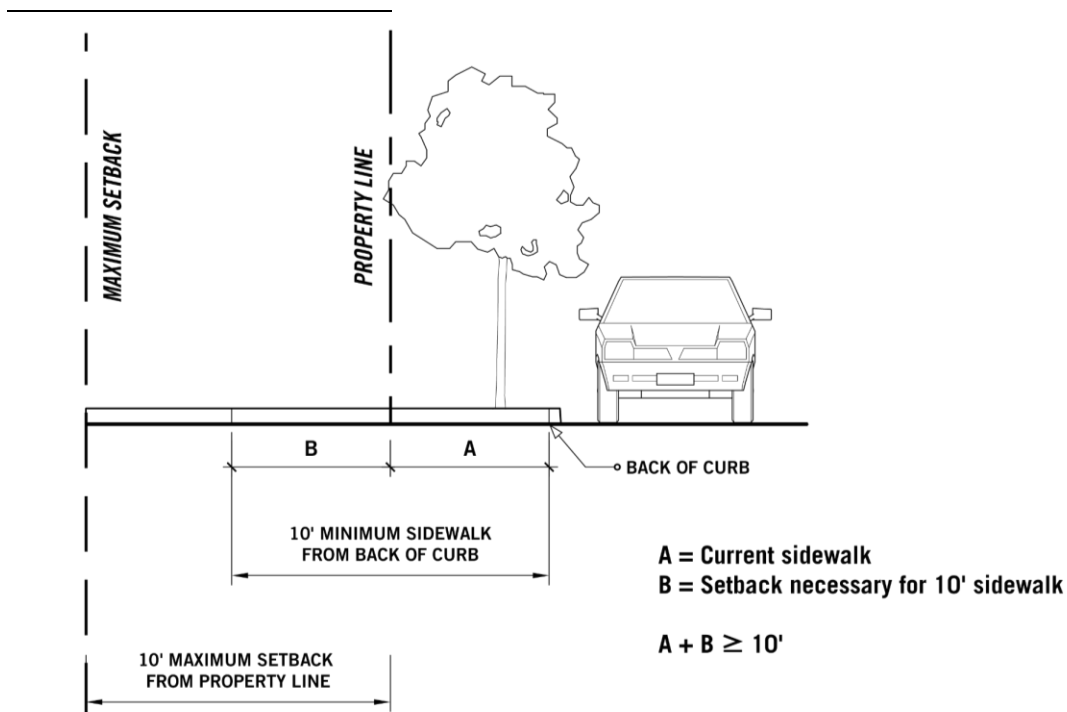
1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft. and the minimum parcel width shall be 50 feet, except in the case of multi-family attached residential ownership development.
2. Building Setbacks.
 - a. The minimum and maximum building setbacks shall be determined by the parcel location, as shown below and measured from the property line.

Parcel Location	Front Setback⁵	Rear Setback
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⁵ Front setback may be reduced below five feet, provided a minimum 10-foot-wide sidewalk is provided, measured from back of curb.

Fronting on 5th Avenue and adjoining R-1	0 feet up to 10 feet max	20 feet up to 30 feet of building height and 32 feet above 30 feet of building height
Adjoining R-2 or R-3	0 feet up to 10 feet max	15 feet up to 30 feet of building height and 27 feet above 30 feet of building height
All other cases	0 feet up to 10 feet max	5 feet up to 30 feet of building height and 17 feet above 30 feet of building height
	Side Setback	0 feet

(1) Parcels facing El Camino Real must be developed with an El Camino Real frontage, with front and rear required setbacks determined by this orientation.



- (2) Parcels facing 5th Avenue must be developed with a 5th Avenue frontage, with front and rear required setbacks determined by this orientation.
- (3) Corner parcels on El Camino Real must have an El Camino Real frontage and an El Camino entrance, but may also have a corner entry, or an additional entry on the side street.
- (4) Parcels with yards adjoining alley rights-of-way must have minimum five-foot setback on alley-facing yards.
- (5) Signage and awnings may extend up to five feet into setbacks, consistent with the design standards in Section 6566.16.
- (6) Balconies, building bays and bay windows, may project up to three feet into the required front setback of residential and mixed-use buildings fronting on El Camino Real and 5th Avenue by above fifteen feet in building height, but may not project into the public right of way, consistent with the design standards in Section 6566.16.

3. Maximum Building Floor Area.

Maximum Building Floor Area shall be as specified in Section 6567.4.

4. Building Height. The maximum building height shall be 50 feet for all types of development.

The minimum building height of new development shall be three stories, except in the case that a Use Permit is secured.

Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above.

The Community Development Director may approve the following exceptions to height limits, if they are found to be consistent with the Design Guidelines in Section 6566.16:

- a. Chimneys, pipes, elevator shafts, mechanical equipment and screening, antennae, and other similar structures may extend beyond the normal maximum height by up to 10 feet as required for safety or efficient operation.
- b. Architectural features on buildings located on corner parcels, such as cupolas and turrets, and rooftop gardens on any parcel may extend beyond the normal maximum height.

5. Signs.

Permitted signs shall be as specified in Section 6567.4.5.

6. Screening.

Screening shall be as specified in Section 6567.4.6.

7. Horizontal Mixed Use Development - Additional Standards.

Horizontal Mixed Use Development - Additional Standards shall be as specified in Section 6567.4.7.

SECTION 6568.5. DESIGN STANDARDS. All development in the CMU-2 District must comply with the design standards described in Section 6566.15 and 6566.16, and must obtain a site development permit according to the procedures and requirements described herein.

SECTION 6568.6. PERFORMANCE STANDARDS. Performance Standards shall be as specified in Section 6567.6.

SECTION 6568.7. FARMERS MARKET STANDARDS.

Farmers Markets Standards shall be as specified in Section 6567.7.

SECTION 6568.8. PARKING. Parking shall comply with all of the provisions of Chapter 3 of the Zoning Regulations, and Section 6567.8.

SECTION 4. The San Mateo County Ordinance Code, Division VI, Part One (Zoning Regulations), is hereby amended to add Chapter 29.3 Neighborhood Mixed Use-El Camino Real as follows:

**CHAPTER 29.3. NMU-ECR DISTRICT
(NEIGHBORHOOD MIXED USE DISTRICT, EL CAMINO REAL-
5TH AVENUE, NORTH FAIR OAKS)**

SECTION 6569. REGULATIONS FOR NMU-ECR DISTRICT. The following regulations shall apply within those areas in North Fair Oaks which are zoned Neighborhood Mixed Use-El Camino Real (NMU-ECR).

SECTION 6569.1. PURPOSES.

1. Provide commercial areas intended primarily for the location of locally and regionally-oriented trades and services to meet the needs of both surrounding residential areas and the broader region, as well as higher-density living options for residents.
2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses which may otherwise have negative external impacts, and by requiring that commercial development meets minimum design standards.
3. Promote and enhance the creation of an attractive commercial mixed use district accessible by a variety of transportation modes, including private vehicles, transit, bicycling, and walking.
4. Protect the functional and economic viability of commercial mixed use areas by restricting incompatible land uses.
5. Support and strengthen the local economy by providing trade and employment opportunities.
6. Implement the policies of the North Fair Oaks Community Plan and the San Mateo County General Plan.

SECTION 6569.2. DEFINITIONS.

Terms used in this Chapter 29.3 shall be defined as set forth in Section 6567.2.

SECTION 6569.3. PERMITTED USES.

The uses permitted in the NMU-ECR District are set forth in Section 6567.3. All permit requirements, qualifications, and constraints specified in Section 6567.3 shall apply to uses in the NMU-ECR District.

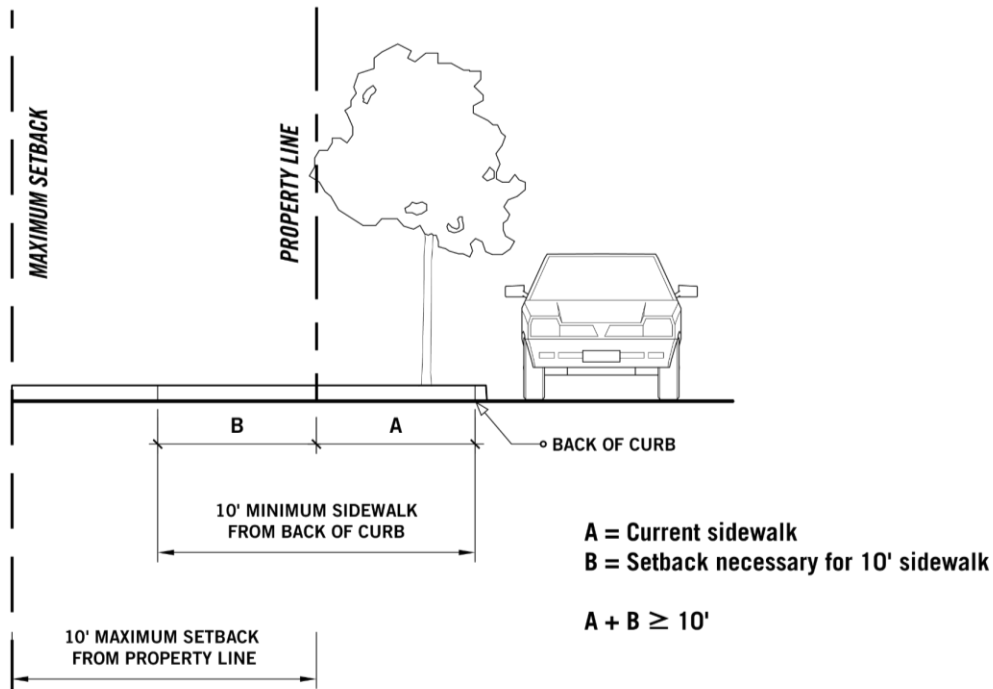
SECTION 6569.4. DEVELOPMENT STANDARDS. All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft. and the minimum parcel width shall be 50 feet, except in the case of multi-family attached residential ownership development.
2. Building Setbacks.
 - a. The minimum and maximum building setbacks shall be determined by the parcel location, as shown below.

Parcel Location	Front Setback ⁶	Rear Setback
Directly adjoining R-1 zoned parcels	0 feet up to 10 feet max ⁷	20 feet
Adjoining R-2 or R-3 zoned parcels	10 feet	15 feet
All other cases	0 feet up to 10 feet max	5 feet

- (1) Parcels facing El Camino Real must be developed with an El Camino Real frontage, with front and rear required setbacks determined by this orientation.
- (2) Corner parcels on El Camino Real must have an El Camino frontage and an El Camino Real entrance, but may also have a corner entry, or an additional entry on the side street.
- (3) Parcels with yards adjoining alley rights-of-way must have minimum five-foot setback on alley-facing yards.
- (4) Balconies, building bays and bay windows, may project up to 3 feet into the required front setback of residential and mixed-use buildings fronting on El Camino Real and 5th Avenue above fifteen feet in building height, but may not project into the public right of way, consistent with the design standards in

⁶ Front setback may be reduced below five feet, provided a minimum 10-foot-wide sidewalk is provided, measured from back of curb.



Section 6566.16.

(5) Parcels adjoining alley rights-of-way must have a minimum five-foot setback from the alley.

- Signage, shade structures and awnings may extend up to five feet into setbacks.
- Equipment and screening, antennae, pipes and other similar structures shall be setback from the building edge consistent with requirements in the design guidelines in Section 6566.16.

3. Maximum Building Floor Area.

Maximum Building Floor Area shall be as specified in Section 6567.4.

4. Building Height. The maximum building height shall be 40 feet for all types of development.

The minimum building height shall be three stories, except in the case that a Use Permit is secured.

Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above.

The Community Development Director may approve the following exceptions to height limits, if they are found to be consistent with the Design Guidelines in Section 6566.16:

- a. Chimneys, pipes, elevator shafts, mechanical equipment and screening, antennae, and other similar structures may extend beyond the normal maximum height by up to 10 feet as required for safety or efficient operation.
- b. Architectural features on buildings located on corner parcels, such as cupolas and turrets, and rooftop gardens on any parcel may extend beyond the normal maximum height.

5. Signs.

Permitted signs shall be as specified in Section 6567.4.5.

6. Screening.

Screening shall be as specified in Section 6567.4.6.

7. Horizontal Mixed Use Development - Additional Standards.

Horizontal Mixed Use Development - Additional Standards shall be as specified in Section 6567.4.7.

SECTION 6569.5. DESIGN STANDARDS. All development in the NMU-ECR district must comply with the design standards described in Section 6566.15 and 6566.16., and must obtain a site development permit according to the procedures and requirements described herein.

SECTION 6569.6. PERFORMANCE STANDARDS. Performance Standards shall be as specified in Section 6567.6.

SECTION 6569.7. FARMERS MARKET STANDARDS. Farmers Markets Standards shall be as specified in Section 6567.7.

SECTION 6569.8. PARKING. Parking shall comply with all of the provisions of Chapter 3 of the Zoning Regulations, and with Section 6567.8.

SECTION 5. The San Mateo County Ordinance Code, Division VI, Part One, Chapter 2, Section 6115 (Zoning Maps), is hereby amended to change the zoning from General Commercial/S-1 Overlay (C-2/S/1), Neighborhood Business District/S-1 Overlay (C-1/S-1), and Parking (P) to Commercial Mixed Use-1 (CMU-1), Commercial Mixed Use-2 (CMU-2), and Neighborhood Mixed Use-EI Camino Real (NMU-ECR) as shown on the attached map:

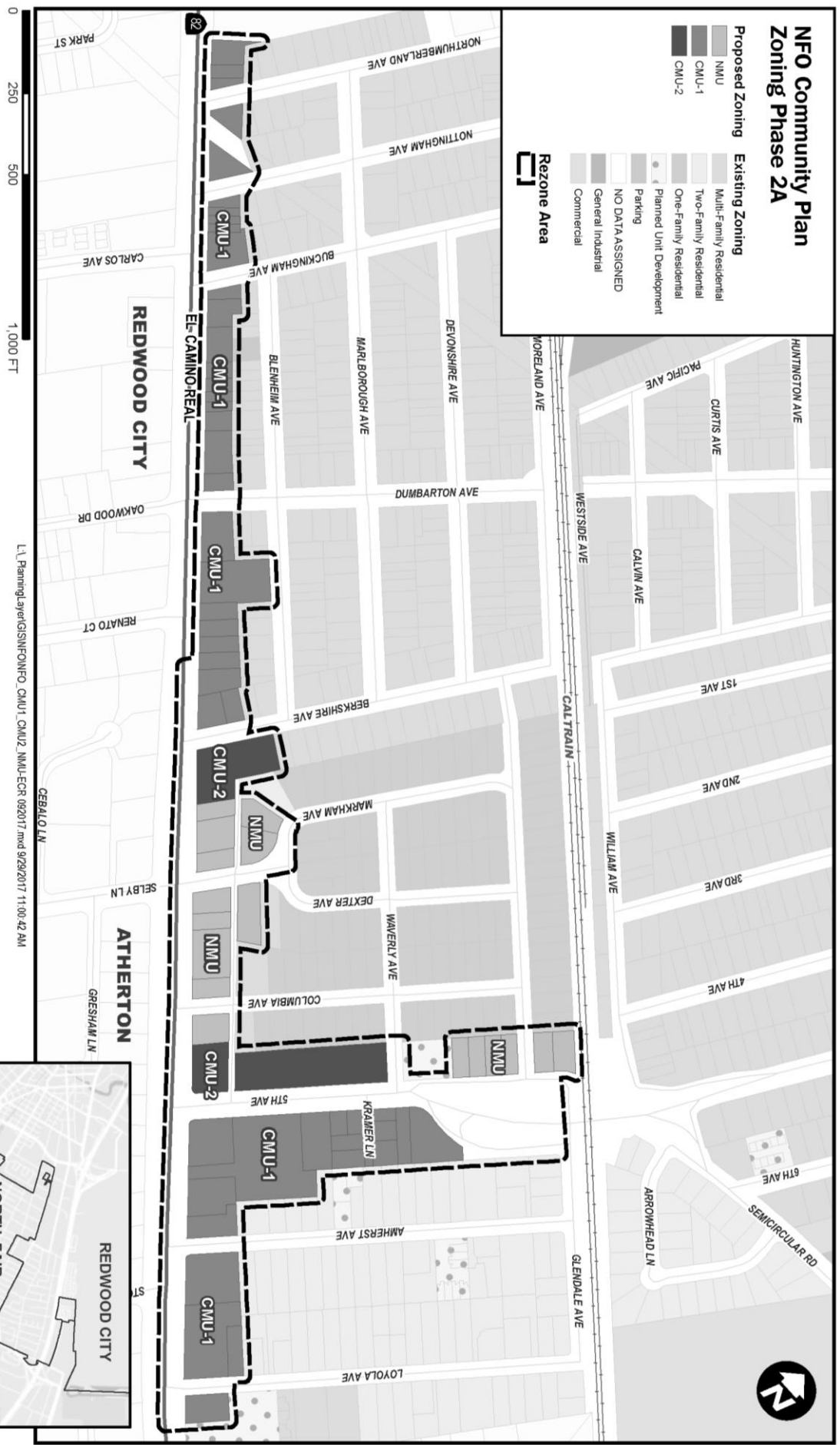
SECTION 6. This Ordinance shall be effective thirty (30) days from the passage date thereof.

* * * * *

NFO Community Plan Zoning Phase 2A

Proposed Zoning	Existing Zoning
CMU-2	Multi-Family Residential
CMU-1	Two-Family Residential
NMMU	One-Family Residential
	Planned Unit Development
	Parking
	NO DATA ASSIGNED
	General Industrial
	Commercial

Rezoned Area



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