



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: November 9, 2012
Board Meeting Date: November 20, 2012
Special Notice / Hearing: None
Vote Required: Four-Fifths

To: Honorable Board of Supervisors

From: Jim Eggemeyer, Community Development Director

Subject: Adoption of an Urgency Ordinance amending, on an interim basis, Chapter 15 (Neighborhood Business District) of the San Mateo County Zoning Regulations to add Sections 6252.5 thru 6252.8 to the "C-1" Zoning District to create the "C-1/NFO/Fair Oaks" District, for the parcel located at 3821 Fair Oaks Avenue, in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2012-00315 (San Mateo County)

RECOMMENDATION:

Adopt an Urgency Ordinance amending, on an interim basis, Chapter 15 (Neighborhood Business District) of the San Mateo County Zoning Regulations, to add Sections 6252.5 through 6252.8 to the "C-1" Zoning District to create the "C-1/NFO/Fair Oaks" District, for the parcel located at 3821 Fair Oaks Avenue, in the unincorporated North Fair Oaks area of San Mateo County and waiver of reading the Ordinance in its entirety.

BACKGROUND:

County staff has determined that clarifications to the C-1 (Neighborhood Commercial) Zoning District Regulations are necessary to ensure that uses that would otherwise be allowed in that district are not operated in a manner that conflicts with the General Plan and the existing character of the neighborhood surrounding 3821 Fair Oaks Avenue in the North Fair Oaks area of the County. The lack of clarity in the existing C-1 zoning regulations has given rise to commercial uses in the North Fair Oaks area that are operated at an intensity that presents a current and immediate threat to the welfare and safety of residents living in this area and that are incompatible with the character and public service capacities of this neighborhood.

Specifically, the C-1 Zoning District Regulations do not set forth explicit limits on the level of noise, odor, vibration, external lighting, trash and debris, loitering, etc. (performance standards), generated by otherwise permissible commercial use. The

County is now aware that the intensity of commercial activity at 3821 Fair Oaks Avenue has created serious impacts that have negatively impacted the residents of the adjacent residential zoning district that completely surrounds the commercial activity.

The County has received numerous complaints regarding the hours of operation of commercial activity at this site, as well as regarding levels of noise, odor, delivery trucks blocking traffic, on-site parking, trash/recycle bin maintenance, liquid waste leaking from trash/recycle bin(s), and employee parking off-site in the neighborhood, related to these activities.

Planning staff and the County Manager's Office have also engaged in various meetings with the community and with the business owners operating at 3821 Fair Oaks Avenue. We have also met with the North Fair Oaks Community Council and attempted to address the business' and the community's concerns through the Peninsula Conflict Resolution Center.

The absence of performance standards within the existing C-1 Zoning Regulations gives rise to a lack of clarity regarding the permissible intensity of commercial activities, which, in turn, fosters a significant risk of conflict with Policy 8.18 of the General Plan, which calls for the regulation of commercial land uses by enforcing development and performance standards to ensure high quality commercial development and compatibility with adjacent land uses.

DISCUSSION:

Staff is proposing the adoption of a zoning text amendment to include performance standards, specifically for the parcel located at 3821 Fair Oaks Avenue. The proposal would include utilizing existing performance standards required for other commercial parcels in North Fair Oaks, mainly along Middlefield Road in the C-1/NFO Zoning District, for the parcel located at 3821 Fair Oaks Avenue. The full language of the proposed text amendment is included in the ordinance.

These zoning revisions would minimize impacts generated by commercial uses at 3821 Fair Oaks Avenue, upon surrounding residential uses, consistent with the General Plan.

This ordinance is being proposed as an urgency interim ordinance under the provisions of Section 65858 of the California Government Code, which authorizes the County to adopt as an urgency measure an interim ordinance prohibiting uses that may be in conflict with a contemplated zoning proposal that the County is considering or studying or intends to study within a reasonable period of time. As discussed in the proposed findings and declarations included within the ordinance, there is a current and immediate threat to the public health, safety, and welfare that would result from not implementing the above listed performance standards.

The ordinance as presented requires a four-fifths vote and would be effective for forty-five days. After notice pursuant to Section 65090 of the Government Code, and public

hearing, the Board may extend the interim ordinance for a period of ten months and fifteen days, and subsequently for one additional year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

Adoption of these regulations is exempt from review under the California Environmental Quality Act (CEQA) under Section 15061 (b)(3) of Title 14 of the California Code of Regulations because there is no possibility that these regulations, which impose further restrictions on development, will have the potential to cause a significant effect on the environment.

County Counsel has reviewed and approved the ordinance as to form.

The approval of this Urgency Ordinance contributes to the 2025 Shared Vision outcome of a Livable Community by reinforcing Policy 8.18 of the General Plan which regulates commercial land uses by enforcing development and performance standards to ensure high quality commercial development and compatibility with adjacent land uses.

FISCAL IMPACT:

There is no anticipated fiscal impact to the County as a result of this amendment.