



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
Planning and Building



**Date:** November 26, 2012  
**Board Meeting Date:** December 11, 2012  
**Special Notice / Hearing:** Newspaper/10-Day  
Notice/Property Owners  
**Vote Required:** Four-Fifths

**To:** Honorable Board of Supervisors

**From:** Jim Eggemeyer, Community Development Director

**Subject:** EXECUTIVE SUMMARY: Public hearing to consider extension 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 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.

**RECOMMENDATION:**

Adopt and extend, for ten months and fifteen days, the Urgency Ordinance that was adopted by the Board of Supervisors on November 20, 2012 and that amends, 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:**

On November 20, 2012, your Board adopted an Urgency Ordinance that rezoned the property located at 3821 Fair Oaks Avenue from "C-1" to "C-1/NFO/Fair Oaks." The Board found that there was a threat to the public welfare by the continued operation of allowed uses at that location at an intensity that is inconsistent with the intent of the General Plan and the existing character of the neighborhood.

The C-1 zoning district regulations do not set forth explicit limits on the level of noise, odor, external lighting, etc. (performance standards) that can be generated by otherwise permissible commercial uses. At the November 20, 2012 hearing, your Board determined that some allowed commercial activities, at 3821 Fair Oaks Avenue, have generated levels of noise and odor that are negatively impacting adjacent residential uses. Your Board also determined that the lack of performance standards within the

existing C-1 zoning regulations allows negative externalities that 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. In response to these findings, your Board adopted the Urgency Ordinance and also directed staff to consider interim regulations modifying the C-1 Zoning District at this location and report back within 45 days.

**DISCUSSION:**

The proposed C-1/NFO/Fair Oaks regulations will enact performance standards for all allowed commercial uses at this location. These regulations will utilize existing performance standards required for other commercial parcels in North Fair Oaks.

County staff met with the North Fair Oaks Community Council on November 15, 2012 to inform them of the proposed Urgency Ordinance and to receive initial input from them with regard to the adoption of subsequent regulations for this location.

During the ten and one-half month period that the interim regulations would be in effect, Planning staff intends to follow a fast-track process to adopt permanent regulations for the project parcel, based on the proposed interim regulations, with modifications if necessary. These regulations will be reviewed by the community and the Planning Commission, and then forwarded to your Board for adoption.

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

This action 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.