



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



**Date:** March 5, 2014  
**Board Meeting Date:** March 11, 2014  
**Special Notice / Hearing:** 300 Feet  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

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

**Subject:** Consideration of a non-conforming commercial use at 3821 Fair Oaks Avenue, in the unincorporated North Fair Oaks area of San Mateo County, be converted to a permitted use within a prescribed period of time pursuant to Section 6134 of the San Mateo County Zoning Regulations.

**RECOMMENDATION:**

Remand this item to the Planning Commission for further review and recommendation to your Board.

**BACKGROUND:**

On December 10, 2013, after consideration of the Planning Commission's recommendations, the Board of Supervisors (BOS) adopted a Resolution changing the General Plan Land Use designation of the subject parcel from "Neighborhood Mixed Use" to "Single-Family Residential," as well as an Ordinance changing the parcel's Zoning Map designation from Neighborhood Commercial to Single-Family Residential.

Upon rezoning, the current commercial use became non-conforming under the County's Zoning Regulations. However, the rezoning did not, by itself, require immediate cessation of the commercial use nor abate the impacts from such commercial use because, absent further action by the BOS, Section 6134 of the County's Zoning Regulations generally allows a use that has become non-conforming owing to a rezoning to continue until the non-conforming use is voluntarily abandoned.

On December 11, 2013, the Planning Commission adopted a Resolution recommending that the BOS require that the non-conforming use on the subject parcel be converted to a permitted use by May 10, 2015. In making this recommendation, the Planning Commission found that the non-conforming commercial use at 3821 Fair Oaks Avenue is detrimental to the health, safety and welfare of the surrounding area and that it degrades the neighborhood character.

**DISCUSSION:**

Since the Planning Commission's adoption of the Resolution, staff has engaged the owner of the business on the subject parcel, Bay Area Catering and Events (BACE), in a series of lengthy discussions regarding amortization of the commercial use of the parcel. In addition, BACE's counsel has provided a written statement setting forth BACE's position with respect to amortization and has provided information to County staff including lease terms, site investments, and specific financial circumstances. BACE's counsel has also requested that the Planning Commission reconsider its December 11, 2013 amortization recommendation because, at the time that it made its recommendation, the Commission lacked important information regarding BACE's financial obligations. Staff is also aware that BACE's counsel was prepared to provide additional information and have their consultants provide testimony at your Board's hearing. Staff believes it would be best for the Planning Commission to conduct another public hearing to receive and deliberate all the available information on this matter.

**STAFF RECOMMENDATION:**

Staff is recommending that the Board remand this item to the Planning Commission for further consideration. This will allow the Commission to consider all the available information and to make a recommendation that incorporates this information prior to the Board's consideration of this matter.