



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: October 20, 2015
Board Meeting Date: November 3, 2015
Special Notice / Hearing: Newspaper – 10 Days
Notice
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: Public hearing to consider (1) adoption of a zoning text and map amendment replacing the existing C-1/NFO Zoning District along Middlefield Road in North Fair Oaks from First Avenue to Eighth Avenue with a new Neighborhood Mixed-Use Zoning District, (2) adoption of minor changes to the existing Design Review regulations for this section of Middlefield Road, and (3) certification of a related Negative Declaration.

RECOMMENDATION:

1. Adopt, by ordinance, a new NMU (Neighborhood-Mixed Use, North Fair Oaks) Zoning District, applicable in North Fair Oaks along Middlefield Road from First Avenue to Eight Avenue, and waive the reading of the ordinance in its entirety.
2. Amend, by ordinance, the County Zoning Maps to re-designate the area currently designated as C-1/NFO/S-1/DR zoning on Middlefield Road between First Avenue and Eighth Avenue with the NMU/DR zoning designation, and waive the reading of the ordinance in its entirety.
3. Adopt, by ordinance, the amended Design Review regulations for this area, and waive the reading of the ordinance in its entirety.
4. Certify the related Negative Declaration for the project as complete and correct.

BACKGROUND:

Proposal: The proposed zoning amendment replaces the existing C-1/NFO/S-1/DR zoning along Middlefield Road between First Avenue and Eighth Avenue with a new Neighborhood Mixed-Use (NMU) zoning district, which implements and is consistent with the land use categories incorporated in the North Fair Oaks Community Plan, which was adopted by the Board of Supervisors in 2011. The proposed changes also include minor amendments to the existing Design Review regulations applicable to this

section of Middlefield Road, in order to make the design standards consistent with the Community Plan.

Planning Commission Action: The Planning Commission, on September 23, 2015, recommended by unanimous vote that the Board of Supervisors adopt the proposed zoning amendment, adopt the proposed design review amendments, and certify the associated Negative Declaration.

Report Prepared By: William Gibson, Project Planner, Telephone 650/363-1816

Applicant: San Mateo County Planning and Building Department

Location: Unincorporated North Fair Oaks

APNs: Various

Existing Zoning: C-1/NFO/S-1/DR

General Plan Designation: Neighborhood Mixed-Use

Sphere-of-Influence: Redwood City

Existing Land Use: Moderate density mixed commercial development with some low-density residential uses

Flood Zone: Zone X, minimal flood hazard

Environmental Evaluation: An Initial Study and Negative Declaration have been prepared for this project.

Setting: Middlefield Road from First Avenue to Eighth Avenue is a primarily built-out, moderately scaled mix of mainly commercial uses, with a small number of residential uses, mostly one to two stories in height.

DISCUSSION:

A. KEY ISSUES

1. Neighborhood Mixed-Use Zoning

The area proposed for rezoning is shown on the map included as Attachment B, and extends primarily one parcel deep along both sides of Middlefield Road from First Avenue to Eighth Avenue, with a somewhat larger portion extending to the southwest of Middlefield Road at Sixth Avenue and Semicircular. The portion of Middlefield Road from First Avenue to Eighth Avenue is currently zoned Neighborhood Business/North Fair Oaks (C-1/NFO), a zoning designation that allows a moderate-intensity

mix of commercial and residential uses, with some industrial and institutional uses also allowed, and with development standards established by the S-1 zoning overlay, and design review required for most new development, in accordance with the DR overlay. The proposed Neighborhood Mixed-Use zoning will replace the base C-1/NFO zoning and the S-1 zoning overlay, and will implement the modified land use categories included in the North Fair Oaks Community Plan. The relevant land use designations, incorporated as Table 2.1 in the North Fair Oaks Community Plan, are included as Attachment E to this report. A table comparing the existing C-1/NFO zoning and the new NMU zoning is also included as Attachment D. Design review will continue to be required for most new commercial development, but the existing Design Review regulations applicable to this portion of Middlefield Road will be modified slightly to ensure consistency with Chapter 7 of the Community Plan (“Design Standards and Guidelines”).

The North Fair Oaks Community Plan (Community Plan) was adopted by the Board of Supervisors in 2011, the culmination of a multi-year process involving extensive community input, including multiple public workshops, stakeholder interviews, community forums, and hearings at the County Planning Commission and the Board of Supervisors. The creation and adoption of the Community Plan was also guided by a Steering Committee made up of local residents and stakeholders, and the Community Plan was reviewed and approved by the North Fair Oaks Council.

The Community Plan established goals and objectives for future development in the community, and specific recommendations for the adoption of zoning, development, and design standards to implement the land use changes formally incorporated in the Community Plan. These changes include both an overall vision for Middlefield Road, and a set of land use and development standards that must be included in any zoning regulations that implement the Community Plan. These land uses and development standards are included in Chapter 2 of the Community Plan. The standards relevant to the NMU zoning regulations are in Table 2.1 of Chapter 2. The NMU zoning is the first phase of multiple phases of rezoning planned for North Fair Oaks; each phase is intended to implement the land use changes included in the Community Plan. The anticipated schedule and location of the various phases of rezoning are included as Attachment C.

The Community Plan’s vision for the stretch of Middlefield Road from First Avenue to Eighth Avenue is of a “medium-density mix of locally-oriented uses including commercial, residential and public uses to serve the daily needs of both residents and visitors to the area.” For the most part, this accurately describes the uses already established on this section of Middlefield Road, as well as accurately describing most of the uses allowed by the current zoning. The Community Plan does not call for a dramatic

change in the character of the area, but seeks to enhance the area's appeal as a pedestrian-friendly shopping area featuring small to medium scale shops and services, restaurants, and offices that cater to the local neighborhood. To increase housing opportunities in the community, the Community Plan also aims to facilitate the development of additional residential uses as part of mixed-use developments. The standards included in the new NMU zoning are consistent with the standards incorporated in the Community Plan, consistent with the community's expressed preferences for Middlefield Road, and are intended to help maintain and enhance Middlefield Road's character as a mixed-use destination while increasing the safety and aesthetics of the street for all users, including pedestrians and bicyclists. Because the vision for this portion of Middlefield Road is not dramatically different from the existing use pattern or the existing zoning, the new zoning regulations also incorporate the majority of the prior zoning regulations, with only relatively minor changes.

The NMU zoning regulations are divided into the following components:

- a. Purposes – This section states the primary purposes of the zoning regulations, which are to provide an area for the location of neighborhood-serving commercial uses, provide higher-density residential options, restrict incompatible land uses, ensure that new development meets design standards, and implement the Community Plan.
- b. Definitions and Permitted/Conditional Land Uses – These sections provide definitions for the land uses allowed in the district and a list of which land uses are permitted “by right” with no planning permit required, and which land uses are “conditionally permitted” with a use permit. Conditionally permitted uses are those uses that require a higher level of review and more specific regulations or operating conditions imposed to ensure that they are compatible with other uses in this district and adjacent residential districts. Any uses not listed in this section are prohibited.
- c. Development and Performance Standards – These sections provide development standards governing the location and size of future buildings including maximum height, setbacks, and maximum floor area. Standards are also included for signs and screening of mechanical equipment and refuse areas. In addition to the development standards, performance standards regulate how all future land uses must be conducted, including limitations on noise, lighting and hazardous materials.
- d. Farmers Markets Standards – This section provides specific performance standards for authorized farmers markets.

- e. Parking – This section provides the minimum number of parking spaces required for future development according to the type of land use proposed. Criteria for the use of alternative parking approaches, such as shared parking and off-site parking, are also provided.
- f. Alternative Parking Approaches – This section establishes procedures for off-site and shared parking alternatives.

Key Changes from Existing Zoning

Key changes in the new NMU zoning regulations include:

- a. New Land Uses. The new zoning allows a number of new land uses, primarily with use permits, as listed in Attachment D. These uses include farmers markets and small exercise facilities, among others.
- b. Mixed-Use Development. Residential mixed-use development with commercial ground floor uses, currently allowed only with a use permit, will be allowed without any special permit.
- c. Height. The maximum allowed building height is increased by 4 feet, from 36 to 40 feet.
- d. New Uses/Permit Requirements. The new zoning more closely regulates uses with the potential to adversely impact adjacent development, by requiring use permits for a variety of uses including bars and liquor stores, as shown in Attachment D.
- e. Parking. The new zoning modifies parking requirements for some uses, and adds provisions for shared and off-site parking.
- f. Uses Disallowed. A number of uses currently allowed by zoning will no longer be allowed, including industrial cleaning establishments and motor vehicle fueling and services stations, as discussed in more detail in the following section.

Non-Conforming Uses

As noted above, the primary purpose of the existing C-1/NFO zoning district is similar to the purpose of the proposed NMU zoning regulations: to provide a commercial area intended primarily for the location of trades and services to serve the needs of surrounding residential areas. Because of the similarities in the intent and content of the respective zoning regulations, replacing the C-1/NFO regulations with the NMU zoning regulations will not result in a substantial change in the types of land uses allowed. However,

there are a number of land uses currently allowed by the C-1/NFO regulations that, based on community input, were determined to be incompatible with a pedestrian-oriented neighborhood/commercial/residential area, particularly one comprised of relatively small parcels that abut residentially zoned properties. The land uses currently permitted under the C-1/NFO regulations that will no longer be permitted under the proposed NMU zoning regulations are shown in Attachment D. The most significant of these uses are industrial cleaning establishments, such as chemical dry cleaning facilities, and motor vehicle service, washing, and repair facilities.

These disallowed land uses, if they currently exist as legally permitted uses in this section of Middlefield Road, will become legal non-conforming uses, and will be allowed to continue operation. However, their status as legal non-conforming uses means that, consistent with Chapter 4 of the County Zoning Regulations, they may not be expanded, and if they are voluntarily abandoned for at least 18 months, they may not reopen unless converted to a permitted use.

2. Changes to Design Review Regulations

Section 6565.18 of the County Zoning Regulations establishes the design review standards for Middlefield Road. These standards apply only to commercial structures. The most significant change is the removal of two pages of graphic examples of design standards, which are somewhat obsolete. Apart from this change, the modifications consist primarily of minor edits to wording to ensure consistency with the Community Plan. The substance of the design standards has not been modified significantly, as the existing standards are already consistent with the Community Plan.

3. Zoning Work Group

At the culmination of the Community Plan process, after Community Plan adoption, a number of community and stakeholder work groups were established to advise and assist with implementation of various aspects of the Community Plan. The Zoning Work Group was formed to provide input to Planning staff in drafting of the NMU zoning regulations, to provide a forum for community input in the development of the regulations, and to ensure that the drafted zoning regulations remained consistent with the community's expressed preferences, as described in the adopted Community Plan. This group has remained the primary ongoing forum for guiding the draft zoning regulations. The work group was involved in every stage of drafting the NMU zoning regulations, and has reviewed and approved the final draft of the regulations.

4. Public Outreach and Input

The Neighborhood Mixed-Use zoning regulations were presented to the public for comment and input at a number of community forums, including briefings before the North Fair Oaks Council, various community meetings on North Fair Oaks issues, and multiple public workshops specifically addressing the NMU zoning. Comment received at these forums has been considered and integrated into the zoning regulations.

5. Review by North Fair Oaks Council

The North Fair Oaks Council, the designated body representing the North Fair Oaks Community, reviewed the proposed zoning amendment on August 27, 2015. The Council unanimously recommended that the Planning Commission recommend that the Board of Supervisors adopt the Neighborhood Mixed-Use zoning.

6. Review and Approval by the County Planning Commission

The County Planning Commission reviewed the proposed amendments on September 23, 2015. The Planning Commission voted unanimously to recommend that the Board of Supervisors adopt the proposed NMU zoning regulations, adopt the proposed Design Review amendments, and certify the related Negative Declaration. However, the Planning Commission also directed staff to modify the proposed zoning regulations slightly, to include a stronger set of standards governing the circumstances under which horizontal mixed-use (side-by-side mixed-use in the same structure) would be allowed. The proposed zoning amendments allow horizontal mixed-use only with a use permit, with the intent of allowing such uses only when consistent with the Community Plan. The Planning Commission's direction was intended to ensure that the standards for concluding that such development is consistent with the Community Plan be as clear as possible. These standards have been added to the proposed NMU zoning regulations.

7. Summary

The Neighborhood Mixed-Use zoning regulations, covering the portion of Middlefield Road from First Avenue to Eighth Avenue, have been drafted through a multi-year process following the culmination of the North Fair Oaks Community Plan, guided by a working group made up of residents and other stakeholders. They are consistent with the formal land use regulations adopted as part of the North Fair Oaks Community Plan, and as such, consistent with the preferences of the community expressed through the creation of the Community Plan, and through the guidance of the Zoning Work Group. While the new zoning does not represent dramatic changes to

the existing allowed land uses on this stretch of Middlefield Road, it is an important component in the overall implementation of the Community Plan and the goals and vision for future development in North Fair Oaks.

B. ALTERNATIVES

The alternative to adoption of the Neighborhood Mixed-Use zoning regulations is (1) maintaining the current zoning regulations or (2) drafting an alternative set of amended zoning regulations.

C. ENVIRONMENTAL REVIEW

An Initial Study and Negative Declaration have been prepared for this zoning amendment. The environmental review determined that there are no potentially significant impacts from adoption of this zoning amendment. The Initial Study and Negative Declaration were posted on September 25, 2015. No comments have been received to date.

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

The adoption of the proposed zoning and design review amendments contributes to the 2025 Shared Vision outcome of a Livable Community by directly implementing the adopted North Fair Oaks Community Plan, which is the subsection of the County General Plan that establishes the goals for development in North Fair Oaks, including the goals of creating and enhancing a safe, accessible, walkable, neighborhood-serving mix of locally-oriented residential and commercial uses on Middlefield Road.

FISCAL IMPACT:

There is no direct fiscal impact to the County from approval of this project.

ATTACHMENTS:

- A. Recommended Findings and Actions
- B. Map of Rezoning Area
- C. Phases of Rezoning
- D. Comparison Table of Existing C-1/NFO Zoning vs. New NMU Zoning
- E. Table 2.1, NFO Community Plan: Neighborhood Mixed-Use Land Use Category
- F. Initial Study and Negative Declaration