



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: September 20, 2013
Board Meeting Date: October 8, 2013
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 (1) an Urgency Ordinance extending the Interim Ordinance amending, on an interim basis, the San Mateo County Ordinance Code, Zoning Annex Division VI, Part One, Chapter 15, Neighborhood Business District, 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, for a period of one year or until such time that non-interim zoning regulations are adopted for the subject parcel, whichever comes first, and (2) issuance of a written report as required by California Government Code Section 65858(d) describing the measures taken to alleviate the condition which led to the adoption of said Urgency Ordinance.

RECOMMENDATION:

Adopt and extend, for one year, the Urgency Ordinance that was initially adopted by the Board of Supervisors on November 20, 2012, and that was then extended by the Board of Supervisors on December 11, 2012 and that amends, on an interim basis, the San Mateo County Ordinance Code, Zoning Annex, Division VI, Part One, Chapter 15, Neighborhood Business District, 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, for a period of one year or until such time that non-interim zoning regulations are adopted for the subject parcel, whichever comes first, and waive the reading of the Ordinance in its entirety.

BACKGROUND:

On November 20, 2012, your Board adopted 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 a result, the subject parcel now carries the (interim) zoning designation C-1/NFO/Fair Oaks (Neighborhood Commercial/North Fair Oaks/Fair Oaks). The prior zoning was C-1, Neighborhood Commercial. In adopting the Urgency Ordinance, your Board found that the lack of clarity in the existing C-1 (Neighborhood Commercial) Zoning District Regulations has given rise to commercial uses in the North Fair Oaks area that are at an intensity that presents a current and immediate threat to the welfare and safety of residents in the area and that are inconsistent with the intent of the General Plan and the existing character of the neighborhood surrounding 3821 Fair Oaks Avenue. The initial Ordinance was in effect for 45 days. Your Board also directed staff to analyze how the existing use (the catering business) provides, or can be made to provide, a neighborhood benefit. On December 11, 2012, your Board extended the initial Urgency Ordinance for 10 months and 15 days, that is, until October 26, 2013.

DISCUSSION:

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

The Planning Commission held two public hearings on this item, on March 13, 2013, and on September 11, 2013. On September 11, 2013, the Commission directed staff to prepare for review by the Planning Commission a rezoning of the subject parcel to R-1/S-73 (Single-Family Residential). However, as of today's hearing date, new zoning regulations that would resolve the situation have not been adopted, thus requiring an extension of the Urgency Ordinance for an additional year, or until such time as non-interim zoning regulations are adopted for the subject parcel.

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

The extension of this Urgency Ordinance contributes to the 2025 Shared Vision outcome of a Livable Community by reinforcing Policy 8.15 of the General Plan, which calls for ensuring that commercial development is compatible with adjacent land uses, and 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.