

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**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**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows

SECTION 1. Findings and Declarations.

The Board of Supervisors of the County of San Mateo finds and declares as follows:

1. Pursuant to the California Government Code, this Board has the authority to adopt regulations that control, among other things, the intensity of land use in the unincorporated area of San Mateo County. 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 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 incompatible with the character and public service capacities of this neighborhood.

2. C-1 District Regulations do not limit the hours of operation of commercial activities in the district, nor do they impose limits on a commercial activity's level of noise, odor, external lighting, etc., that can be generated by an allowed commercial use. The County is aware that the intensity of the commercial activity at 3821 Fair Oaks Avenue in the North Fair Oaks area has created serious impacts that have negatively impacted the residents of the adjacent residential zoning district that completely surrounds this commercial activity. Nearby residents have complained about impacts including, but not limited to, odor, smoke, noise, vibration, lighting, hours of operation, loitering, parking, loading, and trash.
3. In light of the foregoing, this Board finds that there is a current and immediate threat to the public health, safety, and welfare, and that performance standards controlling the intensity of land use at 3821 Fair Oaks Avenue in the North Fair Oaks area are required to address this risk. Further, the Board finds that approval of any applicable entitlements for land use which are required would result in such a current and immediate threat to the public health, safety, and welfare, absent imposition of performance standards. The Board further finds and declares that the current and immediate threat to the public welfare will be alleviated if a zoning text amendment is adopted that imposes performance standards on activities taking place at the parcel located at 3821 Fair Oaks Avenue in the North Fair Oaks area, on an interim basis, while the County

studies new zoning proposals for this location.

4. Therefore, this Board hereby extends, on an interim basis, the amendment to Chapter 15 of the San Mateo County Zoning Ordinance, as set forth below, to create the C-1/NFO/Fair Oaks District, which includes the parcel located at 3821 Fair Oaks Avenue in the North Fair Oaks area.
5. This Board further finds and declares that the extension of the interim regulations set forth herein are exempt from environmental review under the California Environmental Quality Act, Section 15061(b)(3) of Title 14 of the California Code of Regulations because there is no possibility that the interim regulations, which impose further restrictions on development, will have the potential for causing a significant effect on the environment.
6. Pursuant to Section 65858(d) of the California Government Code, this Board must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Urgency Ordinance. This Ordinance constitutes this Board's written report. This Board finds that County staff took a number of measures to alleviate the condition leading to the adoption of this Ordinance. Specifically, prior to the adoption of the Urgency Ordinance by the Board, County staff met several times with members of the public and the North Fair Oaks Community Council, as well as the business owners to resolve the conflicts between the parties. Staff employed the services of the Peninsula Conflict Resolution Center to assist in these discussions. Staff issued letters requesting

the business owners modify their operations to alleviate the problems they were generating within the neighborhood. Also, prior to the adoption of the Urgency Ordinance, on November 20, 2012, Planning staff met with the public and the North Fair Oaks Community Council to discuss the proposed Ordinance and explain the Urgency Ordinance process. Staff took comments at that time as well as subsequent to the Ordinance's adoption by the Board. Pursuant to the above-referenced Board action, on March 13, 2013, the Planning Commission held an information-item public hearing and a field trip regarding this item. The Commission directed staff to further explore a number of zoning options for this property, conduct additional research, and report back. On September 11, 2013, the Planning Commission held a second public hearing on this issue and directed staff to prepare for review by the Planning Commission a rezoning of the subject parcel to R-1/S-73 (Single-Family Residential). All of these actions were intended to resolve the condition that led to the adoption of the Urgency Ordinance. However, as of this hearing date, new zoning regulations that would comprehensively resolve the situation have not been formulated, 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.

SECTION 2. For the interim period in which this Ordinance is in effect, Division VI, Part One, Chapter 15 of the San Mateo County Zoning Regulations shall be amended to add Sections 6252.5 through 6252.8 as follows:

**CHAPTER 15. "C-1/NFO/FAIR OAKS" DISTRICT (NEIGHBORHOOD
BUSINESS DISTRICT/NORTH FAIR OAKS/FAIR OAKS)**

SECTION 6252.5. REGULATIONS FOR "C-1/NFO/FAIR OAKS" DISTRICT. The following regulations shall apply within those areas in North Fair Oaks which are zoned C-1/NFO/Fair Oaks.

SECTION 6252.6. USES PERMITTED. Same as specified for "C-1" Districts (Section 6251).

SECTION 6252.7. YARDS REQUIRED. Same as specified for "C-1" Districts (Section 6252).

SECTION 6252.8. PERFORMANCE STANDARDS.

1. Noise. No use will be permitted which exceeds the following sound levels more than thirty (30) minutes in any hour:

Time of Day	Level (in dBA) Not To Be Exceeded		
	More Than 30 Minutes In Any Hour	More Than 5 Minutes In Any Hour	At Any Moment
7:00 a.m. - 10:00 p.m.	60	70	80
10:00 p.m. - 7:00 a.m.	55	65	75

2. Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the C-1/NFO/Fair Oaks District.
3. Vibration. No use will be permitted which causes vibration perceptible without instruments on adjoining property, except for temporary construction operations.

4. Lighting. All exterior and interior lighting shall be designed and located so that direct rays and glare are confined to the premises.
5. Trash and Debris. All trash, boxes, or similar debris shall be picked up daily and stored in refuse containers that are screened from public view.
6. Loitering. All loitering during business hours shall be controlled, to the extent possible.
7. On-Site Activities. All uses, activities or operations shall be conducted entirely on the property, except that retail and food service activities may occur beyond the parcel, subject to use permit approval as described in Chapter 24 of the County Zoning Regulations.
8. Compliance with Applicable Law. All uses shall comply with applicable County, State and Federal laws.
9. Enforcement of Performance Standards. No use may be conducted in a manner which, in the determination of the Community Development Director, does not meet the performance standards noted above. Measurement, observation, or other means of determination of compliance with the standards shall be made at the limits of the property, unless otherwise specified.
10. Hours of Operation. Hours of operation shall be Monday through Friday, 6:00 a.m. to 8:00 p.m. (oven/stove hours). Workers may arrive as early as

5:00 a.m., provided there is no exterior noise (e.g., van loading) and all activity is contained within the building. The business would need to close at 8:00 p.m. No exterior noise would be allowed after 8:00 p.m. All activities after 8:00 p.m. must occur within the building and all employees must be off the property by 9:00 p.m. Saturday and Sunday operating hours would be 9:00 a.m. to 6:00 p.m.

(oven/stove hours) with staff access no earlier than 8:00 a.m. and departure by 7:00 p.m.

SECTION 3. For the interim period in which this Ordinance is in effect, the San Mateo County Ordinance Code, Division VI, Part One, Chapter 2, Section 6111, shall be amended to add the C-1/NFO/Fair Oaks District, for the area referenced on the attached map.

SECTION 4. This Ordinance shall be in full force and effect as of October 25, 2013, and shall be of no further force and effect one year from that date, or until such time that non-interim zoning regulations are adopted for the area referenced on the attached map, whichever comes first.

SECTION 5. As of October 25, 2013, the initial Urgency Interim Ordinance (Ordinance No. 04640), adopted on December 11, 2012, no longer has the force and effect of law.

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