



**North Fair Oaks Community Council**  
San Mateo County Coordinated  
Departmental Response



**Date:** June 22, 2015  
**NFOCC Meeting Date:** June 25, 2015  
**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Members, North Fair Oaks Community Council  
**From:** Will Gibson, Lisa Aozasa, Bryan Albin, County Planning & Building Dept.  
**Subject:** Consideration of proposed Neighborhood Mixed Use (NMU) Zoning Regulations that would apply to properties along Middlefield Rd., from 1<sup>st</sup> Ave. to 8<sup>th</sup> Ave., consistent with the North Fair Oaks Community Plan

**RECOMMENDATION:**

That the North Fair Oaks Community Council (NFOCC):

1. Review the NMU Zoning Regulations at the June 25<sup>th</sup> NFOCC meeting;
2. Consider authorizing a community meeting in July to take additional public comment on the NMU Regulations;
3. At the NFOCC July 23<sup>rd</sup> meeting, recommend that the Planning Commission recommend adoption of the NMU Regulations to the Board of Supervisors.

**BACKGROUND:**

North Fair Oaks Community Plan

The North Fair Oaks Community Plan (NFO 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 Board of Supervisors. A number of current and former members of the North Fair Oaks Community Council were key participants in the creation of the Plan, through participation in the Steering Committee that guided drafting and adoption of the Plan, through participation in various other outreach and input opportunities in the community, and through membership on the Council, which reviewed the Plan and recommended Board of Supervisors' adoption.

The NFO Plan established goals and objectives for future development in the community, and very specific recommendations for the adoption of zoning/development/design standards to implement the land use changes formally incorporated in the Plan. These changes include both an overall vision for Middlefield Road, and a set of specific land use and development standards that must be included in any zoning regulations that implement the Plan.

The NFO Plan's "vision" for the stretch of Middlefield Rd. from 1<sup>st</sup> Ave. to 8<sup>th</sup> Ave. is for 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." (See NFO Zoning Phases Map, Attachment A.) For the most part, this accurately describes the uses that are already established on this section of Middlefield Rd., so the Plan does not call for a dramatic change in the character of this area, but instead 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 NFO Plan also aims to facilitate the development of higher density residential uses as part of mixed use developments. The standards included in the NMU zoning, included as Attachment A, are consistent with the standards incorporated in the Plan, and 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 enhancing the safety and aesthetics of the street for all users, including pedestrians and bicyclists. As noted, because the vision for this portion of Middlefield Road is not dramatically different from either the existing uses or the existing zoning, the new zoning regulations also incorporate the majority of the prior zoning regulations, with only relatively minor changes.

### Zoning/Parking Work Group

At the culmination of the Community Plan process, after Plan adoption, a number of community and stakeholder workgroups were established, to advise and assist with implementation of various aspects of Plan. The Zoning/Parking Workgroup 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.

The Workgroup was initially composed of a number of former members of the NFO Plan Steering Committee, augmented by community members and other stakeholders suggested by existing Committee members, by Council members, by the District 4 Supervisor, and by other involved parties. Group membership has fluctuated over time, with a core of members remaining largely the same, and with other members participating as time and interest allows, with roughly 10 to 12 members involved at any given time. This group has remained the primary ongoing forum for guiding the draft zoning regulations.

## **PROPOSAL:**

The proposed NMU Zoning Regulations are included with this report as Attachment B. The regulations contain the following components which are summarized below:

1. 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 new development meets design standards, and implement the NFO Plan.
2. 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 regulation 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.
3. 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, include limitations on noise, lighting and hazardous materials.
4. 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.
5. Design Standards – this section provides standards and guidelines governing the external appearance and character of future buildings.

## **DISCUSSION:**

### Zoning Regulations Guide Future Development by Private Property Owners

The adopted zoning regulations will guide permitted future development on all property in the affected area of Middlefield Road in North Fair Oaks. The new zoning does not force existing property owners to modify their buildings; nor does the zoning, in and of itself, create any new development. Rather, as development interest occurs, and new buildings are constructed or existing structures renovated, the zoning will guide how and where those changes may take place. The zoning changes are entirely prospective, and impact only new development in North Fair Oaks.

## Key Changes from Existing Zoning

Overall, changes to allowed development along the section of Middlefield Road from 1<sup>st</sup> to 8<sup>th</sup> are minor, and primarily consistent with existing zoning and existing uses. Key changes include:

1. **New Land Uses.** A number of new land uses are permitted, primarily with use permits, as listed in Attachment C.
2. **Mixed Use Development.** Residential mixed-use development, currently allowed only with a use permit, will be allowed without any special permit.
3. **Height.** The maximum allowed building height is increased by 4 feet, from 36 to 40 feet.
4. **New Uses/Permit Requirements.** The new zoning more closely regulates a variety of uses with the potential to adversely affect adjacent development by requiring use permits for bars, liquor stores, and other uses, as shown in Attachment C.
5. **Parking.** The new zoning modifies parking requirements for some uses, and adds provisions for shared and offsite parking. These requirements apply to future uses on Middlefield Road only, and are not intended to solve North Fair Oaks' overall parking issues, which will be addressed through other forums.
6. **Uses Disallowed.** A number of uses currently allowed by zoning will no longer be allowed, as addressed in the following section.

## Non-conforming Uses/Implications

At present, Middlefield Rd. from 1<sup>st</sup> Ave. to 8<sup>th</sup> Ave. is zoned Neighborhood Business/North Fair Oaks (C-1/NFO). The primary purpose of this zoning district is similar to the purpose of the proposed NMU zoning regulations: to provide a commercial area intended primarily for the location of a trades and services to serve the needs of surrounding residential areas. As such, replacing the C-1/NFO regulations with the NMU zoning regulations will not result in a substantial change in the types of land uses of allowed. However, there are a number of land uses currently allowed by the C-1/NFO regulations that the Zoning Workgroup, based on community input, determined to be incompatible with a pedestrian-oriented neighborhood commercial/residential area, particularly one that is comprised of relatively small parcels that abut residentially zoned properties. The land uses that are currently permitted under the C-1/NFO regulations that will no longer be permitted under the proposed NMU zoning regulations are shown on Attachment C.

These land uses, if they currently exist as legally permitted uses in this section of Middlefield Rd., will become "legal non-conforming uses." Such uses are regulated by Zoning Regulations, Chapter 4. It is important to note that their status as legal non-conforming uses does not mean that they must cease operations. However, they may not be expanded, and if they are voluntarily abandoned for at least 18 months, they must be converted to a permitted use. In addition, the Board of Supervisors can require that any non-conforming use be removed or converted to a permitted use within a

prescribed period of time, upon finding that (1) the non-conforming use is detrimental to the health, safety or public welfare of the surrounding area, and (2) degrades the neighborhood character.

### Billboards

After the Zoning/Parking Workgroup's last meeting, some concerns were raised about how billboards are addressed in the context of the NMU zoning regulations. Staff's position is that the NMU regulations are not the best vehicle for addressing the negative visual impact on the community caused by existing billboards primarily located along Middlefield Rd. and El Camino Real. The NMU regulations are intended to guide future development along one segment of Middlefield Rd. where additional billboards will be prohibited, however, these regulations are not an effective tool to use to fix an existing community-wide problem, such as billboards. In addition, staff believes that it is important to continue to move forward toward adoption of the NMU regulations, and then on to the development of new regulations for El Camino Real, so that when new development is proposed for these areas, regulations consistent with the NFO Plan are in place to guide it, so that the Plan's vision is implemented.

Consequently, staff proposes that, the NFOCC recommend a separate effort to address the issues raised by existing billboards. This could take the form of a new Workgroup, or new tasks assigned to an existing Workgroup. If the NFOCC would like the Zoning/Parking Workgroup to take on this task, with assistance from Planning and County Counsel, staff will amend the Workgroup's Tentative Timeline for future tasks to add some additional sessions on billboards in the Fall, as shown on Attachment D.

### Summary

The Neighborhood Mixed Use Zoning Regulations, covering the portion of Middlefield Road from 1<sup>st</sup> Avenue to 8<sup>th</sup> 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 Plan, and through the guidance of the Zoning/Parking Workgroup. While they do not represent dramatic changes to the existing allowed land uses on this stretch of Middlefield, they are an important component in the overall implementation of the NFO Plan, and the goals and vision for future development in North Fair Oaks.

### **FISCAL IMPACT:**

No direct fiscal impact.

### **ATTACHMENTS:**

- A. NFO Zoning Phases Map
- B. Proposed NMU Zoning Regulations

- C. Summary Proposed NMU Land Use/Permit Changes
- D. Tentative Timeline for Zoning/Parking Workgroup Future Tasks