

**ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

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**AN ORDINANCE (1) AMENDING DIVISION VI OF THE COUNTY ORDINANCE CODE (ZONING REGULATIONS), APPENDIX A (PLANNED UNIT DEVELOPMENTS) TO ADD THE ZONING TEXT TO ENACT THE PLANNED UNIT DEVELOPMENT NO. 139 (PUD-139) ZONING DISTRICT REGULATIONS, (2) AMENDING CHAPTER 2 (ZONING DISTRICTS) OF DIVISION VI OF THE COUNTY ORDINANCE CODE (ZONING REGULATIONS) TO REVISE THE ZONING MAPS TO ADD THE PLANNED UNIT DEVELOPMENT NO. 139 (PUD-139) AFFECTING SIX PROPERTIES IN THE UNINCORPORATED NORTH FAIR OAKS AREA, AND (3) AMENDING COUNTY GENERAL PLAN LAND USE MAPS 8.1M AND 8.4M TO REVISE THE LAND USE DESIGNATION OF ONE PROPERTY IN THE UNINCORPORATED NORTH FAIR OAKS AREA**

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

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**WHEREAS**, in 2011, the San Mateo County Board of Supervisors (Board of Supervisors) adopted the North Fair Oaks Community Plan (Community Plan), establishing the goals and vision for the development of North Fair Oaks; and

**WHEREAS**, the Community Plan supports the community’s vision of North Fair Oaks as a complete, vital community with an appropriate mix of housing, employment, and services to meet the needs of North Fair Oaks; and

**WHEREAS**, the Community Plan incorporates new land use categories for specified areas of the North Fair Oaks community; and

**WHEREAS**, in order to fully implement the land use categories adopted in the Community Plan, ensure consistent land use categories throughout merged properties, and achieve the higher density intended for this area of unincorporated North Fair Oaks, the Multi-Family Residential land use designation for one property, Assessor's Parcel Number 060-271-060, must be amended to the Commercial Mixed Use land use designation; and

**WHEREAS**, in order to achieve the desired uses and densities adopted in the Community Plan for the Commercial Mixed Use land use designation, six properties, Assessor's Parcel Numbers 060-271-060, 060-271-070, 060-271-080, 060-271-090, 060-271-100, and 060-271-110, must be rezoned to Planned Unit Development No. (PUD-139); and

**WHEREAS**, the proposed rezoning will not conflict with the County General Plan or with any current land use plan for a sub-area of the County previously adopted by the Board of Supervisors; and

**WHEREAS**, the proposed rezoning will be a desirable guide for the future growth of this area of the County, will not be detrimental to the character, social, and economic stability of this area and its environs, will assure the orderly and beneficial development of this area, and will be in harmony with the zoning in adjoining unincorporated areas; and

**WHEREAS**, the proposed rezoning will obviate the menace to the public safety resulting from land uses proposed adjacent to El Camino Real, the highway in the County adjacent to the proposed development, and will not cause undue interference with existing or prospective traffic movements on said highways; and

**WHEREAS**, the proposed rezoning will provide adequate light, air, privacy, and convenience of access to the subject properties, and said properties will not be made subject to unusual or undue risk from fire, inundation, or other dangers, and will not result in overcrowding of the land or undue congestion of population; and

**WHEREAS**, the proposed merger of six properties, Assessor's Parcel Numbers 060-271-060, 060-271-070, 060-271-080, 060-271-090, 060-271-100, and 060-271-110, will not result in a greater density of development than what is allowed for this area in unincorporated North Fair Oaks; and

**WHEREAS**, the proposed development has been reviewed by local residents and other interested parties at a public workshop on May 4, 2017 to foster early public involvement and input; and

**WHEREAS**, on March 22, 2018, the North Fair Oaks Community Council unanimously recommended that the Planning Commission approve the proposed development subject to certain contingencies, described in the accompanying Board memorandum; and

**WHEREAS**, on July 25, 2018, the Planning Commission recommended that the Board of Supervisors approve the proposed development and adopt said amendments to the Zoning Regulations and General Plan Maps 8.1M and 8.4M; and

**WHEREAS**, the proposed amendment to the County Zoning Regulations, associated zoning map amendment, and County General Plan map amendments are within the scope of the North Fair Oaks Community Plan Program Environmental Impact Report (EIR), and will not result in new impacts and will not require new mitigation measures and, thus, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, no additional environmental review is required; and

**NOW, THEREFORE**, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

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**SECTION 1.** The San Mateo County General Plan Maps 8.1M and 8.4M are hereby amended to change the land use designation of one property, Assessor's Parcel Number 060-271-060, from Multi-Family Residential to Commercial Mixed Use.

**SECTION 2.** The San Mateo County Ordinance Code, Division VI, Part One (Zoning Regulations), Chapter 2 (Districts), Section 6115 (Sectional District Maps) is hereby

amended to establish Planned Unit Development No.139 (PUD-139) Zoning District Regulations applicable to six properties, Assessor's Parcel Numbers 060-271-060, 060-271-070, 060-271-080, 060-271-090, 060-271-100, and 060-271-110.

**SECTION 3.** The San Mateo County Ordinance Code, Division VI, Part One (Zoning Regulations), Appendix A (Special Districts and Planned Unit Developments) is hereby amended to add Planned Unit Development No.139 (PUD-139) as follows:

The following regulations shall govern the use and development of the six properties, Assessor's Parcel Numbers 060-271-060, 060-271-070, 060-271-080, 060-271-090, 060-271-100, and 060-271-110, located at the northern corner of El Camino Real and East Selby Lane in North Fair Oaks:

**PUD-139. SECTIONS.**

- A. PURPOSE
- B. DEVELOPMENT PLAN
- C. RESTRICTION TO PERMITTED USE
- D. DENSITY
- E. HEIGHT
- F. SETBACKS
- G. LOT COVERAGE
- H. FLOOR AREA
- I. DESIGN REVIEW AND AMENDMENTS TO THE PRECISE PLAN

- J. TREES
- K. MAINTENANCE OF LANDSCAPING
- L. RESTRICTION OF OUTDOOR LIGHTING
- M. MAINTENANCE OF MINIMUM PARKING PROVISIONS
- N. SIGNAGE
- O. UTILITIES

**SECTION A. PURPOSE.**

The following regulations shall govern the land use and development of a residential elderly care development (described below) on six properties, Assessor's Parcel Numbers 060-271-060, 060-271-070, 060-271-080, 060-271-090, 060-271-100, and 060-271-110, located at the northern corner of El Camino Real and East Selby Lane in the unincorporated North Fair Oaks area of San Mateo County. The six properties will be merged to create one 61,726 sq. ft. (1.42 acres) property for the residential elderly care development. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning Regulations) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**SECTION B. DEVELOPMENT PLAN.**

All development shall conform to the approved development plans (approved plans) or as modified by conditions of approval (County File Number PLN 2017-00251) for the subject properties as recommended for approval by the Planning Commission on July 25, 2018, approved by the Board of Supervisors on September 4, 2018, and on

filed in the County Planning and Building Department. Those plans include the following specific elements:

1. Demolition of all existing development on the six properties.
2. Construction of a two- and three-story, 90 unit, 78,026 sq. ft. building for a residential elderly care use.
3. Construction of a 63-space, 38,153 sq. ft. underground parking garage within the building.
4. A driveway from East Selby Lane to access a pick up/drop off area and ramp to access the underground parking garage.
5. An access road and delivery area along the western property line accessed from El Camino Real.
6. The removal of fourteen (14) significant-sized trees.
7. The preservation of fourteen (14) significant-sized trees.
8. The planting of fourteen (14) trees of at least 15-gallon size each, and every coast live oak tree removed shall be replaced with a coast live oak tree of at least 48-inch box size each.
9. The provision and maintenance of all new and approved landscaping.
10. The provision and maintenance of all access driveway and road surface materials and drainage elements.

No enlargement to this building shall be allowed and no building or site design modifications shall be allowed unless determined to be minor and approved by the

Community Development Director. The Community Development Director shall make any necessary determination of conformity with the plan.

**SECTION C. RESTRICTION TO PERMITTED USE.**

Only the residential elderly care use shall be allowed.

**SECTION D. DENSITY.**

The total number of dwelling units shall not exceed 90 dwelling units.

**SECTION E. HEIGHT.**

The maximum height of the proposed building shall conform to that shown in the approved plans or as modified by conditions of approval.

**SECTION F. SETBACKS.**

The minimum setbacks of the proposed building shall conform to those shown in the approved plans or as modified by conditions of approval.

**SECTION G. LOT COVERAGE.**

The maximum lot coverage on the project site shall comply with that shown on the approved plans or as modified by conditions of approval.

**SECTION H. FLOOR AREA.**



The maximum floor area for all floors of the proposed building shall comply with that shown on the approved plans or as modified by conditions of approval.

#### **SECTION I. DESIGN REVIEW AND AMENDMENTS TO THE PRECISE PLAN.**

The exterior colors and materials shall be constructed in accordance with the approved plans or as modified by conditions of approval. The Community Development Director may approve reasonable alterations or additions to the approved plans, provided it is determined that they are consistent with the purpose and intent of the approved plans and this PUD district.

#### **SECTION J. TREES.**

Fourteen (14) significant-sized trees as indicated on the approved plans have been approved for removal. Removal of any other tree(s) with a diameter equal to or greater than 12 inches as measured 4.5 ft. above the ground shall require a tree removal permit, pursuant to the processing and requirements of the County Significant and/or Heritage Tree Ordinance. Every significant-sized tree removed shall be replaced with a tree of at least 15-gallon size stock each. Every coast live oak tree removed shall be replaced with a coast live oak tree of at least 48-inch box size each. If Tree #1 (30.4-inch diameter at breast height (dbh) coast live oak tree), as shown in the approved plans, requires removal, this tree shall be replaced with a coast live oak tree of appropriate size. Fourteen (14) significant-sized trees as indicated on the approved plans shall be preserved and maintained in a healthy condition. All tree protection measures from the arborist report and all addendums to the arborist report shall be

followed, unless modification is approved by the project arborist. The project arborist shall observe, document (photo, video, and written, where best prescribed), and report to the County that the procedures and processes outlined in the arborist report and all addendums to the arborist report are conducted properly.

#### **SECTION K. MAINTENANCE OF LANDSCAPING.**

All proposed landscaping shown on the approved plans shall always be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in kind immediately.

#### **SECTION L. RESTRICTION OF OUTDOOR LIGHTING.**

Outdoor lighting (i.e., number, location, and type of fixtures) shall be restricted to that on the approved plans. All light glare shall be contained to the subject properties and shall not be visible from any adjacent residential use.

#### **SECTION M. MAINTENANCE OF MINIMUM PARKING PROVISIONS.**

Parking provisions for a minimum of sixty-three (63) covered parking spaces, twenty-five (25) private bicycle parking spaces, six (6) public bicycle parking spaces, and four (4) electrical vehicle charging stations, or as modified by conditions of approval, shall be provided and maintained as shown on the approved plans. No parking space shall be used in such a manner as to prevent its use for parking (e.g., storage, etc.). The internal backup area, the access driveway from East Selby

Lane and the access road from El Camino Real, shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation and temporary deliveries.

**SECTION N. SIGNAGE.**

Only two (2) business-identifying signs are allowed as shown on the approved plans.

The designs shall be subject to the review and approval of the Community Development Director.

**SECTION O. UTILITIES.**

All new utility lines from the street or nearest existing utility pole to the proposed building shall be placed underground.

**SECTION 4.** This Ordinance shall be effective thirty (30) days after its passage date thereof.

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