

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

*** * * * ***

RESOLUTION TO REQUIRE THAT THE NON-CONFORMING COMMERCIAL USE AT 3821 FAIR OAKS AVENUE BE CONVERTED TO A PERMITTED USE BY MAY 10, 2015

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, on November 20, 2013, the San Mateo County Planning Commission recommended the adoption of a resolution changing the General Plan Land Use designation for the parcel located at 3821 Fair Oaks Avenue from “Neighborhood Mixed Use (Medium Density) Commercial/Residential/Public” to “Single-Family Residential” and recommended the adoption of an ordinance changing the Zoning designation for the same parcel from “C-1/NFO/Fair Oaks” to “R-1/S-73”; and

WHEREAS, on December 10, 2013, the San Mateo County Board of Supervisors adopted said resolution and ordinance and rezoned the subject parcel, making the existing commercial use at this location non-conforming; and

WHEREAS, on August 27, 2014, the Planning Commission recommended the adoption of a resolution finding that the non-conforming commercial use at 3821 Fair Oaks Avenue is detrimental to the health, safety and welfare and degrades the neighborhood character, providing the following reasons for its recommendation:

1. That, for the following reasons, the continuation of the existing commercial use of the site and any potential future commercial use of the site is detrimental to the health, safety and public welfare:
 - a. The significant volume of commercial vehicle loading and unloading occurring in this residential neighborhood, where there is inadequate infrastructure to allow the unloading of supply trucks and the loading of delivery trucks without unduly obstructing traffic on Fair Oaks Avenue and San Benito Avenue, impedes the safe flow of traffic and can potentially block the access of emergency vehicles and is therefore detrimental to the public safety;
 - b. Occasional noise and odors emitted from a commercial operation are detrimental to the public welfare;
 - c. The continuous occupation of the structure during business hours by the number of employees necessary to sustain a commercial operation puts an undue strain on the capacity of the neighborhood infrastructure (including, for example, parking) and is detrimental to the public welfare;
 - d. The volume of refuse and waste from a commercial operation in a residential neighborhood is detrimental to public health; and

- e. The amount of parking on-site is insufficient to accommodate the number of employees of the business. The lack of parking has resulted in the spillover of employee parking into the surrounding neighborhood.
- 2. That continuation of the existing commercial use of the site degrades the neighborhood character. Among the reasons for such a finding are that the only commercially sustainable business that has occupied the site in recent history is highly intensive and not a neighborhood-serving establishment that is consistent with the current neighborhood character, and that the existence of a commercial establishment on one corner of a residential neighborhood without significant on-site commercial amenities has resulted in the neighborhood impacts outlined above.

WHEREAS, on November 18, 2014, the Board considered the recommendation of the Planning Commission and information from staff and found that continuation of non-conforming commercial uses at 3821 Fair Oaks Avenue is detrimental to the health, safety and welfare and degrades the neighborhood character for the reasons set forth above.

NOW, THEREFORE, IT IS RESOLVED that the non-conforming commercial use at 3821 Fair Oaks Avenue shall be converted to a permitted use by May 10, 2015.

* * * * *