

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** September 24, 2014

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** STAFF REPORT ADDENDUM: Consideration of an Off-Street Parking Exception to allow 6 on-site parking spaces (with a designated off-site location to accommodate additional parking for employees and vehicles used in the business) where 12 spaces are required, in conjunction with a proposal for a commercial catering business to occupy an existing commercial building, located at 3250 Middlefield Road in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2014-00261

**PROPOSAL**

The applicant, Bay Area Catering and Events (BACE), is requesting an Off-Street Parking Exception to allow a minimum of 6 on-site parking spaces where 12 on-site spaces are required, with a designated off-site location more than 1,000 feet away to provide 15 employee parking spaces, in conjunction with a proposal to relocate its commercial catering business to an existing commercial building. The catering business would utilize the first floor of the building for all cooking, food preparation and catering production, with the second floor being used only as a single office, with the remaining space as a storage area. The parking area to the rear of the building would be used primarily for loading and storing BACE's delivery trucks. Employees would be required to park at the designated off-site location, at 2949 Edison Way, about 1/2 mile from the project site where 15 parking spaces would be provided. The project neither includes nor anticipates expansion of the existing building, except for interior modifications on the first floor necessary to accommodate the catering business.

**RECOMMENDATION**

That the Planning Commission either: (1) deny the Off-Street Parking Exception by adopting the finding for denial per Attachment A; OR (2) approve the proposed Off-Street Parking Exception, by adopting the findings and conditions of approval per Attachment B.

## **BACKGROUND**

This item was considered at the August 27, 2014 Planning Commission meeting. The Planning Commission continued the item, with instructions to staff to return with a formal finding for denial based on the concerns expressed by the Commissioners at the meeting on the 27th. The Commission also directed staff to present enhanced conditions of approval for the project that would strengthen enforcement, in case the Commission wished to reconsider approval of the project.

## **DISCUSSION**

As directed by the Planning Commission, staff has prepared a finding for denial of the off-street parking exception (Attachment A) and one for approval with enhanced enforcement conditions (Attachment B). With regard to the enhanced enforcement conditions included on Attachment B, while it has not been the Planning and Building Department's practice in the past to recommend detailed monitoring/enforcement/revocation conditions for off-street parking exceptions, such conditions are authorized per Zoning Regulations Sections 6120, 6533 and 6537. Given the nature of this particular case, the Planning Commission may want to consider applying such enhanced conditions, if it reconsiders approval of the off-street parking exception.

Although not a required finding for the off-street parking exception per se, there was much discussion and concern among the Planning Commissioners, the North Fair Oaks Community Council, and the public regarding the catering business' proposal to locate at 3250 Middlefield Road vis-a-vis consistency with the policies of the North Fair Oaks Community Plan. This plan was adopted by the Board in 2011 and work is underway on rezoning to implement the plan policies for specific areas, including this segment of Middlefield Road. Whether or not catering will be allowed in this area when the rezoning goes forward is undetermined at this point. In the meantime, the current C-1/NFO Zoning District allows catering services as a permitted use that falls under the land use "Food Establishments Specializing in Carry-Out or Delivery Service." The Land Use Designation established by the Community Plan for this section of Middlefield Road is Neighborhood-Mixed Use.

Given the broad objectives of the Community Plan, it is possible to point to individual policies and find compliance or non-compliance relative to BACE locating at 3250 Middlefield Road, depending on your perspective. A key consideration is whether or not catering is classified as a commercial or industrial endeavor. On the one hand, there are many commercial restaurants, bakeries or delicatessens that both serve local customers and provide catering services to a more regional client base. However, it has been argued that catering services by themselves are more industrial in nature, offering little to no direct service to the public. The scale of the business is also a factor, with small-scale businesses a better fit with other commercial uses, while large-scale catering services may seem to be more industrial in nature. As a point of information, staff researched catering services in the North Fair Oaks/Redwood City area and found

them to be located in Neighborhood Commercial, General Commercial and Industrial areas.

From staff's perspective, BACE's proposed operation at 3250 Middlefield Road is a commercial use that is consistent with the Community Plan's land use designation. It caters events for local clients, employees and local people, and is relatively small-scale. The enhanced conditions of approval included as Attachment B would monitor and control growth of the business to ensure that it remains compatible with other small-scale commercial businesses and residential uses nearby. In addition, the applicant has offered to include a "walk-up window," which would give the business a more neighborhood-serving aspect, while not increasing the parking required, since restaurant parking is calculated based on the number of seats provided. Staff agrees that this feature would make BACE more of a neighborhood-serving business that would improve its fit with the North Fair Oaks Community Plan, and as such has included the provision of a "walk-up window" as part of the enhanced conditions of approval listed on Attachment B. Given the consistency of the proposed use with the General Plan/Community Plan and existing zoning, the decision before the Planning Commission is limited to a determination of whether the specific findings for an Off-Street Parking Exception, with or without conditions, can be made.

#### **ATTACHMENTS**

- A. Recommended Finding for Denial
- B. Recommended Findings and Conditions of Approval
- C. August 27, 2014 Planning Commission Report with Attachments

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDING FOR DENIAL**

Permit or Project File Number: PLN 2014-00261      Hearing Date: September 24, 2014

Prepared By: Lisa Aozasa  
Project Planner

For Adoption By: Planning Commission

**RECOMMENDED FINDING**

Regarding the Off-Street Parking Exception, Find:

1. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed is NOT as nearly in compliance with the requirements set forth in Section 6119 as are reasonably possible, as described further below:
  - a. The proposed off-site parking accommodations are impractical and unworkable. Specifically, the site at 2949 Edison Way is 1/2 mile from the proposed business location at 3250 Middlefield Road, which is farther than employees will be willing to walk, and the shuttle system proposed will be inconvenient, particularly when employees are late to work. As a result, employees will be more likely to park in spaces available to the public on Middlefield Road and in the adjacent residential area, eliminating public parking for nearby businesses, which is already in short supply.
  - b. Use of the proposed on-site parking for delivery vehicles and off-site parking accommodations for employees as planned is unlikely to be adequately enforced, given the difficulty of enforcing these measures.
  - c. There are no appropriate/enforceable conditions of approval that could be placed on the project to ensure that, as the business grows, the parking situation in the area does not further deteriorate.
  - d. The North Fair Oaks Community Council recommended denial of the off-street parking exception, citing concerns about the shortage of parking in the area and the adverse impacts this business will have on parking, particularly in the future when the planned redesign of Middlefield Road is implemented, further reducing on-street parking.

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2014-00261      Hearing Date: September 24, 2014

Prepared By: Lisa Aozasa  
Project Planner

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That this project is categorically exempt from the California Environmental Quality Act, pursuant to Section 15301 (Class 1), related to minor alteration to existing private facilities with negligible or no expansion.

Regarding the Off-Street Parking Exception, Find:

2. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in Section 6119 as are reasonably possible, as described further below:
  - a. There is no opportunity to reconfigure the site to provide additional on-site parking spaces short of demolishing the trash enclosure or a portion of the building, neither of which would be desirable or practical;
  - b. The proposal to provide 15 parking spaces off-site at 2949 Edison Way (APN 060-041-110) and a shuttle service for the business' 15 employees, despite the fact that it is 1/2 mile away, presents a reasonable and workable plan to provide employee parking for the business that does not involve travel on residential streets, and leaves on-site spaces available for delivery vehicles and on-street parking available for the public;
  - c. Conditions of Approval 2 through 6 will ensure that the proposed parking facilities are used and maintained as planned, and that if the business grows and hires additional employees or acquires additional vehicles, provisions are made for additional parking, and if not, the exception may be revoked;

- d. The off-street parking facilities proposed (including the off-site parking for employees) are similar to or more extensive than those provided for some other commercial businesses in the vicinity.

## **RECOMMENDED CONDITIONS OF APPROVAL**

### Current Planning Section

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on September 24, 2014. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. Prior to the commencement of the catering business at the subject site, the applicant shall submit a building permit application to the County Building Inspection Section for a change of use at 3250 Middlefield Road. Such application shall include a scaled site plan and floor plans (both first and second floors), with adequate details showing all existing or proposed structural, electrical, plumbing, mechanical details as may be required for review by the building inspector to ensure compliance with current code requirements. The site plan shall clearly locate and identify all on-site parking spaces, including their use for both regular and delivery vehicles, as well as an ADA-compliant parking space. The floor plans shall be scaled and shall identify all areas of work associated with the catering operation, including accurate floor areas (sq. ft.) of each floor. Such plans shall be subject to review by the San Mateo County's Planning and Building Department, the Environmental Health Division, the Department of Public Works, and the Menlo Park Fire Protection District.
3. Prior to the Planning Department's approval of the required building permit (see Condition No. 2), the applicant shall submit: (a) a site plan clearly showing the location of all leased parking spaces on the property addressed as 2949 Edison Way, and (b) a signed lease from the owner of 2949 Edison Way, both for review and approval by the Community Development Director. The lease shall identify the lease parties involved, with appropriate declarations and terms as to the number of parking spaces that will be made exclusively available at all times to BACE employees. Any other available or additional parking spaces on this site not designated for BACE employees shall be identified as such. Any changes to this lease that would affect the ability or need of BACE employees to use the parking exclusively shall first be reviewed and approved by the Community Development Director.
4. The parking spaces at both the 3250 Middlefield Road and 2949 Edison Way sites shall be maintained exclusively for use by all BACE-associated employees and BACE-associated delivery vehicles. Enforcement of this condition will be ensured via the following:

- a. The applicant shall ensure that all parking spaces at both sites are clearly marked for BACE use only.
  - b. The applicant shall require all employees, as a mandatory condition of employment, to provide the license plate numbers of vehicles they intend to drive to work and park in designated spaces. A list of the employee vehicles identified and all vehicles owned by the company must be provided to the Planning and Building Department prior to final of the change of occupancy building permit. Any changes or updates to the list shall be provided to the Department regularly, at least every six months.
  - c. The Code Compliance Section will do periodic checks, at least every six months, to make sure that BACE business and employee vehicles are parking in designated spaces, and not in public parking spaces on Middlefield Road or Sixth Avenue, or otherwise within the vicinity of 3250 Middlefield Road.
  - d. If BACE business or employee vehicles are observed by Planning and Building Department staff to be parking outside of designated spaces, BACE will be cited in accordance with the County's Administrative Remedies. In the event that three citations are issued, proceedings to revoke the Off-Street Parking Exception shall be initiated pursuant to Zoning Regulations Sections 6537 and 6505.
5. Prior to the hiring of additional employees or the purchase of additional business vehicles, the applicant must apply for an amendment to this Off-Street Parking Exception. Approval of an amendment will only be considered if additional off-site parking spaces are secured to accommodate the additional vehicle(s).
  6. The term of this approval is for five years. The Planning and Building Department will do an investigation and prepare an annual report to the Planning Commission on any complaints received and on compliance with these terms and conditions.
    - a. If the Planning Commission determines that there has been substantial non-compliance with the terms and conditions of this permit, revocation proceedings may be initiated pursuant to Zoning Regulations Sections 6537 and 6505.
    - b. If the Planning Commission is satisfied that the business is being conducted in accordance with these terms and conditions, the applicant may apply for renewal of the Off-Street Parking Exception.
  7. The plans required per Condition No. 2 shall also include provisions for a retail "walk-up service window" where the public may purchase prepared food and beverages during normal business hours; no on-site seating shall be provided.

8. It is the applicant's responsibility to ensure compliance with C-1/NFO Zoning Regulations Section 6253.5 (*Performance Standards*) with regard to limitations on noise, odor, and vibration. Consistent with the noise standards, the normal hours of operation for the business shall be restricted to 7:00 a.m. to 10:00 p.m. daily.
9. To ensure that both landscaping elements are planted and maintained, the applicant shall show and identify on their building site plan (submitted to the Building Inspection Section, per Condition No. 2) what type of plantings will be planted, to the satisfaction of the Community Development Director. Compliance with this requirement shall be confirmed by the Planning Department prior to its final inspection/approval of the required building permit. The applicant shall be responsible for the long-term maintenance of all such landscaping on the site.
10. It is the applicant's responsibility to ensure that all exterior and interior (be it existing or new) lighting will be designed and located so that direct rays and glare are contained to the premises. Any new exterior lighting fixtures must be shown on the building plans (per Condition No. 2), for review by the Community Development Director prior to issuance of the building permit.
11. It is the applicant's responsibility to ensure that trash containers placed outside are screened from public view. The site plan required as part of the building permit submittal (per Condition No. 2) shall show where their refuse containers are to be stored, and that they are screened (how and by what type of material) as required. Compliance with this requirement (identified location and its screening) shall be confirmed by the Planning Department prior to its final inspection/approval of the building permit. All trash, boxes or similar debris shall be picked up daily and stored in refuse containers that are screened from public view.
12. It is the applicant's responsibility to ensure that all loitering during business hours is controlled, to the extent possible.
13. It is the applicant's responsibility to ensure and oversee that all uses, activities or operations are conducted entirely on the property (with the exception being that the catering operation would have delivery vehicles coming to and leaving from the subject site, as well as employees and customers arriving and leaving the site).
14. It shall be the applicant's responsibility to ensure that all noise levels associated with the catering operation at the project site do not exceed the decibel levels stipulated in Zoning Regulations Section 6253.5.1 (*Performance Standards - Noise*). The definitions of noise and noise sources, and various methods and distance points for measuring such levels are defined in the San Mateo County Code of Ordinances, Title 4 (*Sanitation and Health*), Chapter 4.88 (*Noise*).



15. The applicant shall comply with all codes and regulations as required and administered by the County Environmental Health Division, whose initial review shall be of the required building plans as cited in Condition No. 2.
16. The applicant shall comply with all codes and regulations as required and administered by the Menlo Park Fire Protection District, whose initial review shall be of the required building plans as cited in Condition No. 2.
17. The applicant shall comply with all codes and regulations as required and administered by the County Department of Public Works.

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**County of San Mateo - Planning and Building Department**

# **ATTACHMENT C**

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** August 27, 2014

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of an Off-Street Parking Exception to allow 6 on-site parking spaces (with a designated off-site location to accommodate additional parking, for employees and vehicles used in the business) where 12 spaces are required, in conjunction with a proposal for a commercial catering business to occupy an existing commercial building, located at 3250 Middlefield Road in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2014-00261

**PROPOSAL**

The applicant, Bay Area Catering and Events (BACE), is requesting an Off-Street Parking Exception to allow a minimum of 6 on-site parking spaces (with a designated off-site location to accommodate additional parking, for employees) and where 12 on-site spaces are required, in conjunction with a proposal to relocate its commercial catering business to an existing commercial building. The catering business would utilize the first floor of the building to which it proposes to relocate for all cooking, food preparation and catering production, with the second floor being used only as a single office, with the remaining space as storage area. There would be no retail sales of food on the premises. The parking area to the rear of the building would be used primarily for loading and storing BACE's delivery trucks. Most, if not all, employees would be required to park at the designated off-site location, at 2949 Edison Way, about 1/2-mile from the project site where 15 parking spaces would be provided. The project neither includes nor anticipates expansion of the existing building, except for interior modifications on the first floor necessary to accommodate the catering business.

**RECOMMENDATION**

That the Planning Commission approve the proposed Off-Street Parking Exception, County File Number PLN 2014-00261, by adopting the required findings and conditions of approval as contained in Attachment A.

## SUMMARY

Relocation of Catering Operation from its Present Location. The applicant proposes to relocate to the Middlefield Road location, which will better suit the applicant's business needs and will eliminate impacts that the business has caused the community at its present location at 3821 Fair Oaks Avenue, since it located there in 2010. Originally zoned C-1 (commercial) at the time and surrounded by R-1 (residential) zoning, concerns arose over the type of commercial use allowed, hours of operation, noise (from delivery vehicles), odor, general parking, truck parking and loading, and waste bin maintenance, among other issues. In December 2013, the Board of Supervisors (BOS) changed the General Plan Land Use Designation of the subject parcel from "Neighborhood Mixed-Use" to "Single-Family Residential", and rezoned the parcel from C-1 to R-1. Upon rezoning, the current commercial (catering) use became non-conforming under the County's Zoning Regulations. Immediately thereafter, the Planning Commission (PC) recommended that the BOS require that the non-conforming use be converted to a permitted use by May 10, 2015, finding that the commercial use at this location is detrimental to the health, safety and welfare of the surrounding area. As a result of these events, BACE has investigated other locations for its business, leading to identification of the subject site at 3250 Middlefield Road, which appears to be a location that better accommodates its business operation than the Fair Oaks Avenue site.

Rationale for Off-Street Parking Exception. While the Middlefield Road site would provide a site that can better accommodate BACE's needs while decreasing the adverse impacts of the applicant's catering operation, the site is still short of the number of parking spaces that the County Parking Regulations require. As such, the proposal is to restrict the parking lot to the rear of the building at 3250 Middlefield Road for the egress, ingress and storage of BACE's delivery vehicles, while providing 15 spaces at an off-site parking location at 2949 Edison Way for the express use of BACE employees. This site would be secured by a formal lease between that property owner and BACE, to be submitted for review by the Community Development Director. In addition, there is no opportunity to provide additional on-site parking spaces, nor is it practical to enter into shared parking agreement(s) with nearby properties, which are all fully developed. For these reasons, staff finds that the proposal is as nearly in compliance with the County's parking regulations as is reasonably possible.

North Fair Oaks Community Council (NFOCC) Review. The NFOCC reviewed this proposal at a special meeting on August 7, 2014. The NFOCC recommended denial of the off-street parking exception. The rationale for their recommendation is described further in the staff report.

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**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** August 27, 2014

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of an Off-Street Parking Exception, pursuant to the County Zoning Regulations (*Parking*), Section 6120 (*Exceptions*), to allow 6 on-site parking spaces (with a designated off site location to accommodate additional parking, for employees and vehicles used in the business) where 12 spaces are required, in conjunction with a proposal for a commercial catering business to occupy an existing commercial building, located at 3250 Middlefield Road in the unincorporated North Fair Oaks area of San Mateo County

County File Number: PLN 2014-00261

**PROPOSAL**

The applicant, Bay Area Catering and Events (BACE), is requesting an Off-Street Parking Exception to allow 6 on-site parking spaces where 12 spaces are required, in conjunction with a proposal to relocate its commercial catering business to an existing commercial building (see Attachment B). The proposal also includes a designated off-site location at 2949 Edison Way to accommodate 15 parking spaces for BACE employees (see Attachments C and D). The catering business (see Attachment I for BACE's operations description) would utilize the first floor (Attachment G) of the building to which it proposes to relocate for all cooking, food preparation and catering production, with the second floor (Attachment H) being used only as a single office, with the remaining space as storage area. There would be no retail sales of food on the premises. The parking area to the rear of the building would be used primarily for loading and storing BACE's delivery vans. All employees would be required to park at the designated off-site location, at 2949 Edison Way, about 1/2-mile from the project site. The project neither includes nor anticipates expansion of the existing building, except for interior modifications on the first floor necessary to accommodate the catering business.

**RECOMMENDATION**

That the Planning Commission approve the proposed Off-Street Parking Exception, County File Number PLN 2014-00261, by adopting the required findings and conditions of approval as contained in Attachment A.

## **BACKGROUND**

Report Prepared By: David Holbrook, Senior Planner

Applicant: Sandra Pereznegron, Bay Area Catering & Events (BACE)

Owners: Laurel Enterprises, LLC

Location: 3250 Middlefield Road (at corner of 6th Avenue), North Fair Oaks

APN: 060-091-260

Size: 5,678 sq. ft.

Existing Zoning: C-1/NFO/DR (Neighborhood Commercial/North Fair Oaks/Design Review)

General Plan Designation: Neighborhood Mixed-Use (Commercial/Residential/Public)

Sphere-of-Influence: Redwood City

Existing Land Use: Commercial building (previously a restaurant with office/storage on second floor)

Water Supply: California Water Service Company

Sewage Disposal: Fair Oaks Sewer District

Flood Zone: Zone X (areas of minimal flooding), based on the FEMA Flood Zone Map, Community Panel No. 06081C 0302 E, effective October 16, 2012.

Environmental Evaluation: CEQA Categorical Exemption, Section 15301; Operation, leasing or minor alteration of existing private structures, involving negligible or no expansion of use.

Setting: The site is developed with a two-story commercial building constructed in 1984. At the time, it was built for a restaurant use on the first floor, with the second floor being reserved for a single office, with the remainder of the area restricted to storage space. Upon the legal construction of a freezer/storage room to the rear of the building, the site plan showed 6 on-site parking spaces, with sole access from 6th Avenue. While 1 of the 6 spaces, located adjacent to the back of the building, is gated off from the greater parking area, all 6 spaces exist and are usable.

The project site is one block east of Middlefield Road's intersection with 5th Avenue, which the recently adopted North Fair Oaks (NFO) Community Plan designated as a "Proposed Neighborhood Activity Node." The length of Middlefield Road is designated as one of two "Commercial Corridors" running through the NFO area. Abutting and to

the south of the subject site is an area zoned R-3, developed with multiple-residential development.

### Relocation of Catering Operation from its Present Location

The purpose of the applicant's proposed relocation to the Middlefield Road location is to address the applicant's evolving business needs and to eliminate impacts that have resulted from the business operations at its present location at 3821 Fair Oaks Avenue, since it located there in 2010. That location was unique given the parcel's isolated C-1 zoning, surrounded by R-1 zoning. Concerns arose over the type of commercial use allowed, hours of operation, noise (from delivery vehicles), odor, general parking, truck parking and loading, and waste bin maintenance, among other issues. As a result, on December 10, 2013, the Board of Supervisors (BOS) adopted a Resolution changing the General Plan Land Use Designation of the subject parcel from "Neighborhood Mixed-Use" to "Single-Family Residential," and an Ordinance changing the parcel's Zoning Map from "Neighborhood Commercial" (C-1) to "Single-Family Residential" (R-1). Upon rezoning, the current commercial (catering) use became non-conforming under the County's Zoning Non-Conformities Regulations. However, the rezoning did not, by itself, require immediate cessation of the use nor abate the impacts from the catering operation because, absent further action by the BOS, Section 6134 of the County's Non-conformities Regulations generally allows a use that has become non-conforming owing to a rezoning to continue until the use is voluntarily abandoned.

On December 11, 2013, the Planning Commission (PC) adopted a Resolution recommending that the BOS require that the non-conforming use be converted to a permitted use by May 10, 2015, finding that the commercial use at this address is detrimental to the health, safety and welfare of the surrounding area and that it degrades the neighborhood character. Since that time, staff has engaged the applicant (BACE) in discussions regarding amortization of the commercial use on the parcel. BACE's counsel has also requested that the PC reconsider its December amortization recommendation because the PC lacked important information regarding BACE's financial obligations (including lease terms, site investments and other financial circumstances). In conjunction with these events, BACE has investigated other locations for the relocation of their business. The subject site at 3250 Middlefield Road represents a location whose zoning and amenities appear to better accommodate BACE's business operation than the Fair Oaks Avenue site.

## **DISCUSSION**

### A. KEY ISSUES

#### 1. Compliance with the General Plan

##### Urban Land Use Policies

The recently adopted NFO Community Plan redesignated the Middlefield Road corridor (including the subject site) from "Neighborhood Commercial" to "Neighborhood Mixed-Use (Commercial/Residential/Public)"

(Attachment E). The proposed catering business would be considered a commercial use.

2. Compliance with Zoning Regulations

Permitted Uses. Under the current C-1/NFO/DR Zoning District Regulations (Section 6253.3; *Uses Permitted*), the permitted commercial uses include “Food Establishments Specializing in Carry-Out or Delivery Service.” The proposed catering business, is – by its nature – a food business whose product is delivered (typical “carry-out” food, by customers walking in the door, would not be an element of this catering operation). The proposed catering operation is considered a permitted use in this district.

Development Standards. When the building was built in 1984, it complied with all development standards of the previous C-1 Zoning District. The development on the parcel generally complies with all current C-1/NFO/DR standards, with the exception of the building’s floor area, as shown in the table below:

Zoning Standards	C-1/NFO/DR	Subject Development	Complies?
Minimum Parcel Size	5,000 sq. ft.	5,678 sq. ft.	Yes
Front Setback (Minimum)	0 ft.	0 ft.	Yes
Rear Setback (Minimum)	6 ft.	43 ft. (approx.)	Yes
Side Setback (Minimum) Right Side Left Side	0 ft.	3 ft. 4 ft.	Yes
Maximum Building Height	30 ft.	27 ft. (approx.)	Yes
Maximum Lot Coverage	80%	46%	Yes
Maximum Floor Area	80%	83.5%*	No**
<p>* Countable floor area excludes non-working areas; all areas of the second floor that are designated as storage, except for the office and bathroom are considered non-working areas.</p> <p>** The building’s floor area is considered a legal non-conforming structure, pursuant to the County Zoning Regulations (Zoning Non-Conformities), Section 6135 (Non-Conforming Structures); floor area limits were not an applicable standard in 1984 under the previous C-1 Zoning Regulations. As such, a non-conforming structure may continue to exist providing all other provisions of this Chapter are met. As previously stated, the project includes no expansion, nor would any interior improvements (as may be necessary to retrofit the first floor for the catering operation) constitute a “Major Repair, Remodel or Upgrade” as defined in Section 6132.9 of these regulations.</p>			

Signage. While no signage identifying the catering business has yet been proposed, a condition of approval is attached (Attachment A) to ensure that such signage comply with all cited standards of the C-1/NFO Zoning District Standards, Section 6253.4.(Subsections a. through f.). As such, the catering business would be limited to one (1) sign only, not to exceed 43.8 sq. ft. in size. Sign design shall reflect the architectural design of the building with which the sign is associated. Compliance with all applicable sign standards



shall be confirmed by the Planning Department prior to its final inspection/ approval of the required building permit.

Performance Standards. Pursuant to Section 6253.5 (*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 below.

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

Time of Day	Level (in dBA) not 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

It is understood that noise emitted from arrival and departure of delivery vans and trucks at the applicant's present location on Fair Oaks Avenue has become critical. It is expected that these issues will be far less intrusive, since the subject site has an adequate area to accommodate the coming, going and parking of the operation's delivery vehicles. That said, a condition of approval is added to prohibit any such delivery vehicles from parking on the street; they shall be parked on-site in the designated area as shown on the Site Plan. The condition also tasks the applicant with the responsibility of maintaining this area for said parking and for ensuring compliance with the noise standards cited in the above table.

Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the C-1/NFO District. This will be most critical at the rear boundary of the project site, since beyond that line the area is zoned R-3. It is understood that odors emitting from the operation at the applicant's present location on Fair Oaks Avenue has become critical. While such issues can tend to be less critical when such uses operate within a more appropriate zoning district (as the subject parcel is within), a condition of approval is added to ensure that the venting system presently located in the subject building is in working order and meets all minimum air quality standards as enforceable by the County Building Inspection Section and Environmental Health Division. The condition shall also task the applicant with the responsibility of keeping said system in working order at all times in order to comply with this standard.

Lighting. All exterior and interior lighting shall be designed and located so that direct rays and glare are contained to the premises. While the project does not propose any new exterior lighting, a condition of approval is added to inform the applicant of their responsibility to comply with this standard.

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. While the applicant's submitted Site Plan does not show where their refuse containers are to be stored, or that they are screened as required, a condition of approval is added to require that the applicant show this area and its screening on the Site Plan as part of their building permit submittal. Compliance with this requirement shall be confirmed by the Planning Department prior to its final inspection/approval of the required building permit, and it shall be the applicant's responsibility to maintain the screening and to perform the daily pick-up of refuse.

Loitering. All loitering during business hours shall be controlled, to the extent possible. Upon departure or arrival of BACE's delivery vans, employees shall not loiter in the parking area any longer than necessary to load or unload and park the vehicles. A condition of approval is added to inform the applicant of their responsibility to comply with this standard.

On-Site Activities. All uses, activities or operations shall be conducted entirely on the property. Obviously, a caveat to this standard is the fact that by its nature, the catering operation would have delivery trucks coming to and leaving from the subject site. However, a condition of approval is added to inform the applicant of their responsibility to comply with this standard.

### Design Review

The subject Middlefield Road location is within a Design Review overlay district. However, the project of operating the catering business within the existing building neither includes nor requires any exterior modifications to or expansion of the structure. While a building permit would be required, the project qualifies for a Design Review exemption.

### Parking Requirements

Section 6119 (*Parking*) of the Zoning Regulations designates the number or parking spaces required pursuant to the proposed use, i.e., all uses otherwise not described which are permitted in a "C" District (as the catering operation is considered) require 1 space per 160 sq. ft., while offices (since one is located on the second floor) require 1 space per 200 square feet. In the case of the proposed catering business at the subject site, the breakdown of all areas, existing and proposed (as calculated from the applicant's submitted floor plans), are shown in the table below:

	All Other "C" Uses @ 1:160 sq. ft.	Office Use @ 1:200 sq. ft.	Parking Spaces Required
Total First Floor	1,796 sq. ft.	--	11
Total Second Floor	--	289 sq. ft.	1
Total Spaces Required	--	--	12
* When calculating the floor area that's attributed to countable area, restrooms, storage, utility/ mechanical areas, and stairwells are not counted.			

As seen from the table above, the applicant's proposal would require 12 on-site parking spaces (which does not account for their need of delivery trucks, which easily take up standard sized (9' x 19') parking spaces. BACE's submitted Site Plan (Attachment F) shows only 6 parking spaces, which has been drawn to accommodate their delivery vans as well as mandated accessible parking. While the subject Parking Exception requests relief from the number of on-site parking spaces required based on the table above, the exception includes a proposal to lease an off-site parking area, located on a 1.32-acre, vacant parcel at 2949 Edison Way (APN 060-041-110; see Attachment C), about one-half mile away from the project site. This type of accommodation to comply with parking requirements is cited in Section 6118(c) of the Parking Chapter, stating that: *"parking spaces required in connection with uses permitted in... 'C' Zones shall be provided in off-street parking areas located within 1,000 feet of the building such spaces are to serve."* Since the off-site parking parcel is located farther away than a 1,000 feet, the request to provide such an off-site parking site at that distance is an element of the applicant's Off-Street Parking Exception. This off-site parking location is currently used for general parking. It is zoned M-1/NFO, where parking is a permissible use. The applicant has submitted confirmation from that property owner that they would be willing to grant a lease for the use of 15 spaces on the site. These spaces would be reserved exclusively for BACE employees. They would then be carpooled to and from the Middlefield Road site as necessary. A condition of approval will require that the applicant submit a copy of the signed lease, along with the parking plan of that site, to the Community Development Director for review, prior to our final inspection/approval of the required building permit.

Pursuant to Section 6120, the Planning Commission may grant exceptions to County parking standards in cases of practical difficulties and unusual hardships, when the following finding can be made:

*That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in Section 6119 as are reasonably possible.*

Upon review of the applicant's operation relative to the site they propose to occupy and the totality of the circumstances presented, staff concludes that their 6 on-site parking spaces together with their off-site parking location for

another 15 spaces establishes the necessary off-street parking facilities in compliance with the cited requirements as much as is reasonable possible.

Specifically, leasing additional parking for its employees together with the carpool/shuttle from the off-site parking location will result in more spaces than required for BACE's operation and will bring the parcel as nearly in compliance with the parking regulations as possible.

In addition, short of demolishing a portion of the building, there is no feasible opportunity to provide additional on-site parking spaces, and given that surrounding parcels are all fully developed, no opportunity to enter into shared parking agreements with properties in closer proximity, where parking spaces are more appropriately reserved for tenants and customers of nearby retail businesses. On that point, it could be argued that a land use such as BACE, which does not involve retail customer traffic and will provide parking spaces for deliveries and employees (albeit off-site), will be less impactful with regard to parking in the immediate vicinity than a more retail-oriented business would be.

Screening and Landscaping. Pursuant to Section 6121 of the Parking Regulations, a planter or landscaped area shall be provided adjacent to all street rights-of-way. When the subject building was built and finalized in 1984, its rear parking area showed a 4-foot wide landscaping strip along the 6th Avenue side of the building, landscaping along the front of the building, and a landscape strip located just beyond the driveway between the sidewalk and the property's southeasterly back corner. While there does appear to be some landscaping within these areas, any such areas where landscaping does not appear to have been maintained shall be replaced accordingly. To ensure that both landscaping elements are planted and maintained, the applicant shall show and identify on their building site plan (submitted to the Building Inspection Section, per Condition No. 2) what type of plantings will be planted, to the satisfaction of the Community Development Director. Compliance with this requirement shall be confirmed by the Planning Department prior to its final inspection/approval of the required building permit. The applicant shall be responsible for the long-term maintenance of all such landscaping.

### C. ENVIRONMENTAL REVIEW

This project is categorically exempt, pursuant to the California Environmental Quality Act, Section 15301 (Class 1), related to the operation, leasing or minor alteration of existing private structures, involving negligible or no expansion of use. In this case, no expansion of the building is proposed. Additionally, the catering operation does not represent a substantial change of use at this site from what was a restaurant to a food catering operation (with the second floor use remaining unchanged). Taken together, it can be asserted that the project represents nearly no expansion of use at the site.

**D. NORTH FAIR OAKS COMMUNITY COUNCIL (NFOCC) REVIEW**

The NFOCC reviewed this proposal at a special meeting on August 7, 2014. With 5 members in attendance, the NFOCC had a quorum for the meeting, and voted 5 to 0 to recommend denial of the requested Off-street Parking Exception. Concerns expressed by the Council included the following:

1. A catering business at this location would not be neighborhood-serving in keeping with the NFO Community Plan which calls for locally-oriented uses in areas designated "Neighborhood Mixed-Use."
2. The proposed location is not a good fit for a catering business which, in light of BACE's performance issues at its current location, will likely out-grow the site; an industrial space would be a better fit for the business.
3. After-hours activity and deliveries would impact adjacent residential uses.
4. This area of Middlefield Road already has issues related to parking; this business will need more parking than what is proposed and will exacerbate the parking problems.
5. Lack of enforcement of conditions/restrictions will cause impacts to surrounding uses.

**ATTACHMENTS**

- A. Recommended Findings to the Board of Supervisors
- B. Vicinity and Zoning Map Showing Project Site
- C. Vicinity and Zoning Map Showing Off-Site Parking
- D. Project Area Map Showing Project Site and Off-Site Parking
- E. General Plan Land Use Map Showing Project Site and Off-Site Parking
- F. Project Site Plan
- G. First Floor Plan
- H. Second Floor Plan
- I. BACE Operations Description

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2014-00261

Hearing Date: August 27, 2014

Prepared By: Dave Holbrook  
Senior Planner

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Off-Street Parking Exception, Find:

1. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in Section 6119 as are reasonably possible, as described in the staff report dated August 27, 2014.

Regarding the Environmental Review, Find:

2. That this project is categorically exempt from the California Environmental Quality Act, pursuant to Section 15301 (Class 1), related to minor alteration to existing private facilities with negligible or no expansion.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on August 27, 2014. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. Prior to the commencement of the catering business at the subject site, the applicant shall submit a building permit application to the County Building Section for a change of use at 3250 Middlefield Road. Such application shall include a scaled site plan and floor plans (both first and second floors), with adequate details showing all existing or proposed structural, electrical, plumbing, mechanical details as may be required for review by the building inspector to ensure compliance with current code requirements. The site plan shall clearly locate and identify all on-site parking spaces, including their use for both regular and delivery vehicles, as well as an ADA-compliant parking space. The floor

plans shall be scaled and shall identify all areas of work associated with the catering operation, including accurate floor areas (sq. ft.) of each floor. Such plans shall be subject to review by San Mateo County's Planning and Building Department, Environmental Health, the Department of Public Works, and the Menlo Park Fire Protection District.

3. The parking spaces at both the 3250 Middlefield Road and 2949 Edison Way sites shall be maintained exclusively for use by all BACE-associated employees and BACE-associated delivery vehicles.
4. Prior to the Planning Department's approval of the required building permit (see Condition No. 2), the applicant shall submit: (a) a site plan clearly showing the location of all leased parking spaces on the property addressed as 2949 Edison Way, and (b) a signed lease from the owner of 2949 Edison Way, both for review and approval by the Community Development Director. The lease shall identify the lease parties involved, with appropriate declarations and terms as to the number of parking spaces that will be made exclusively available at all times to BACE employees. Any other available or additional parking spaces on this site not designated for BACE employees shall be identified as such. Any changes to this lease that would affect the ability or need of BACE employees to use the parking exclusively shall first be reviewed and approved by the Community Development Director.
5. To ensure that both landscaping elements are planted and maintained, the applicant shall show and identify on their building site plan (submitted to the Building Inspection Section, per Condition No. 2) what type of plantings will be planted, to the satisfaction of the Community Development Director. Compliance with this requirement shall be confirmed by the Planning Department prior to its final inspection/approval of the required building permit. The applicant shall be responsible for the long-term maintenance of all such landscaping on the site.
6. It is the applicant's responsibility to ensure that all exterior and interior (be it existing or new) lighting will be designed and located so that direct rays and glare are contained to the premises. Any new exterior lighting fixtures must be shown on the building plans (per Condition No. 2), for review by the Community Development Director prior to issuance of the building permit.
7. It is the applicant's responsibility to ensure that trash containers placed outside are screened from public view. The site plan required as part of the building permit submittal (per Condition No. 2) shall show where their refuse containers are to be stored, and that they are screened (how and by what type of material) as required. Compliance with this requirement (identified location and its screening) shall be confirmed by the Planning Department prior to its final inspection/approval of the building permit. All trash, boxes or similar debris shall be picked up daily and stored in refuse containers that are screened from public view.
8. It is the applicant's responsibility to ensure that all loitering during business hours is controlled, to the extent possible.

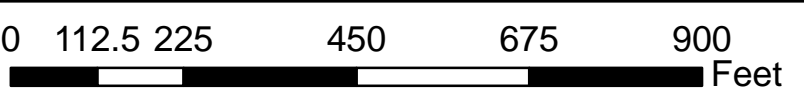
9. It is the applicant's responsibility to ensure and oversee that all uses, activities or operations are conducted entirely on the property (with the exception being that the catering operation would have delivery vehicles coming to and leaving from the subject site, as well as employees and customers arriving and leaving the site).
10. It shall be the applicant's responsibility to ensure that all noise levels associated with the catering operation at the project site do not exceed the decibel levels stipulated in Section A.2. of this report. The definitions of noise and noise sources, and various methods and distance points for measuring such levels are defined in the San Mateo County Code of Ordinances, Title 4 (*Sanitation & Health*), Chapter 4.88 (*Noise*).
11. The applicant shall comply with all codes and regulations as required and administered by the County Environmental Health Division, whose initial review shall be that of the required building plans as cited in Condition No. 2.
12. The applicant shall comply with all codes and regulations as required and administered by the Menlo Park Fire Prevention District, whose initial review shall be that of the required building plans as cited in Condition No. 2.
13. The applicant shall comply with all codes and regulations as required and administered by the County Department of Public Works
14. The applicant shall comply with all codes and regulations as required and administered by the Menlo Park Fire Prevention District, whose initial review shall be that of the required building plans as cited in Condition No. 2, whose initial review shall be that of the required building plans as cited in Condition No. 2.

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**PROJECT AREA**  
 060091260



Vicinity Map

**San Mateo County Planning Commission Meeting**

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

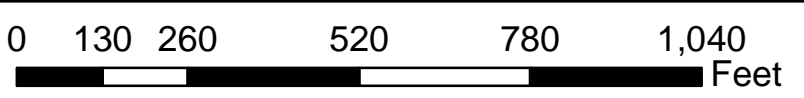
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**PROJECT AREA**  
**APN**  
 060041110



Vicinity Map

**San Mateo County Planning Commission Meeting**

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

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**San Mateo County Planning Commission Meeting**

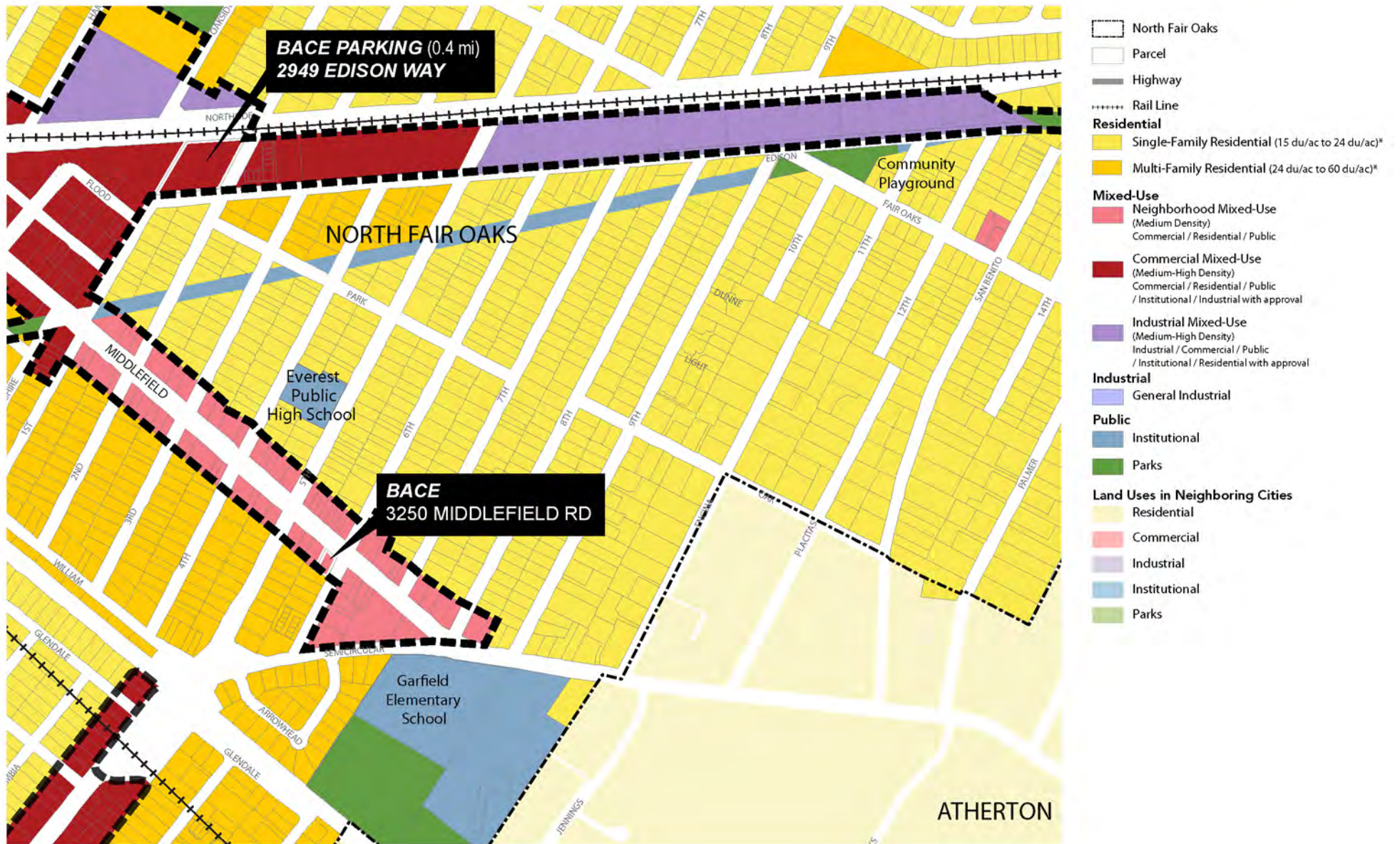
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# North Fair Oaks Land Use Designations

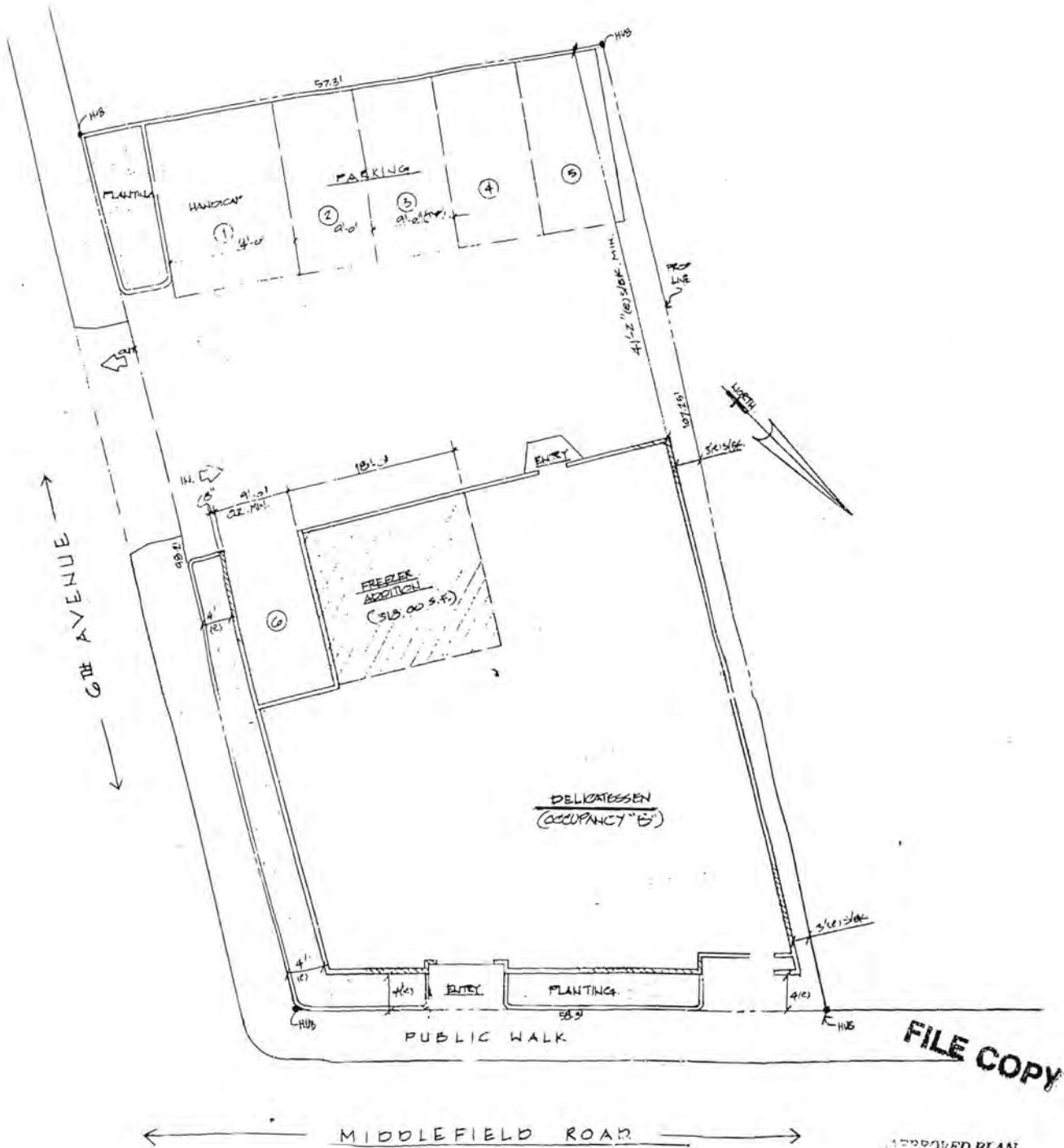


## San Mateo County Planning Commission Meeting

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**FILE COPY**

SITE PLAN  
18' x 116'

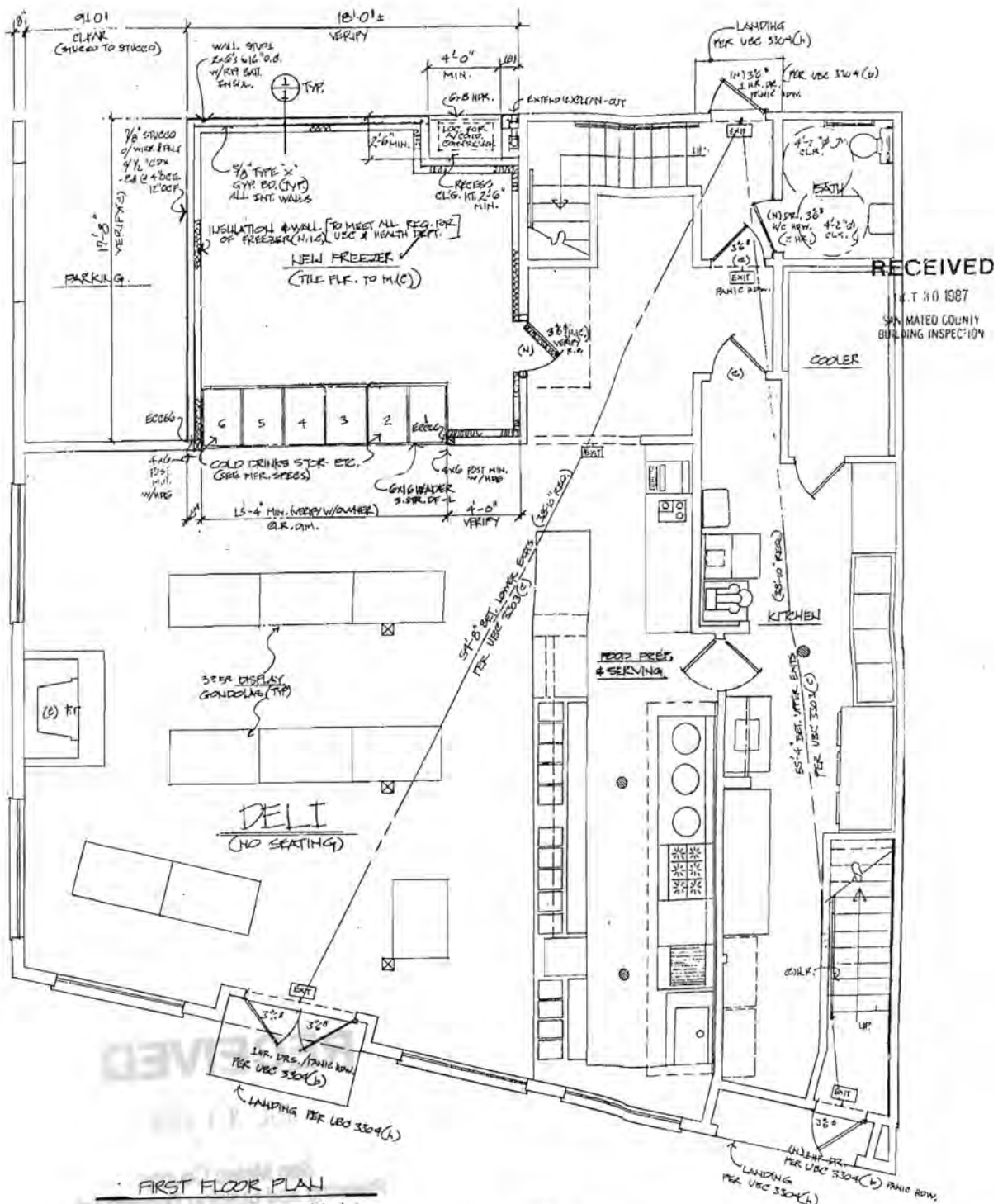
APPROVED PLAN  
MAR 25 1988  
BY W.K.  
SAN MATEO COUNTY BUILDING  
INSPECTION DIVISION

*Revised  
3/25/88*

**San Mateo County Planning Commission Meeting**

Owner/Applicant: \_\_\_\_\_ Attachment: \_\_\_\_\_  
 File Numbers: \_\_\_\_\_





FIRST FLOOR PLAN  
 8/11/01

- LEGEND**
- ▬ NEW WALL
  - ▬ EXISTING WALL
  - ▬ REMOVED WALL
  - (C) EXISTING
  - (N) NEW

c. Use 602(h) TABLE 5-D.

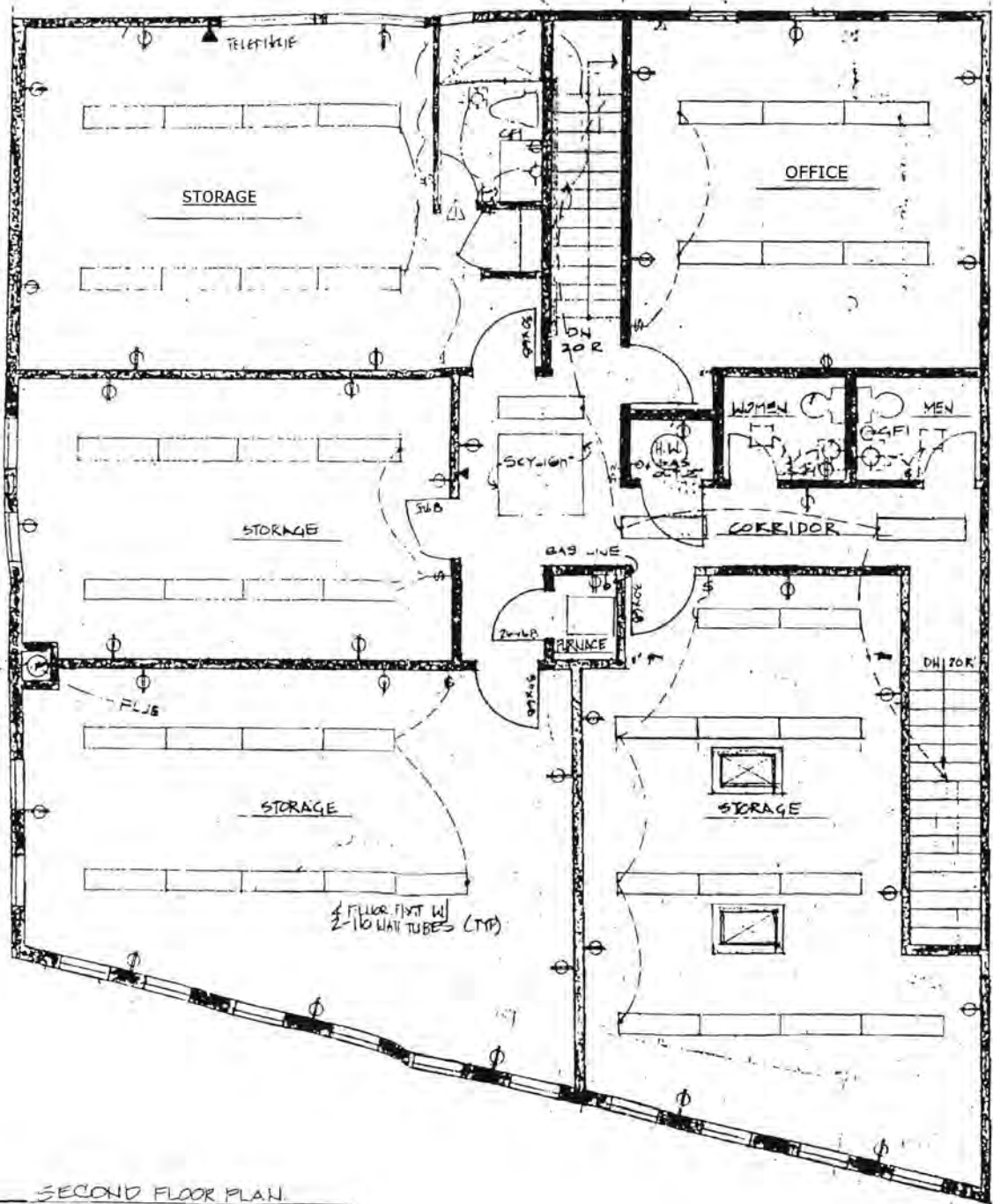
ALL DIMENSIONS IN FEET AND INCHES  
 1/8" = 1'-0"  
 DATE: 8/11/01  
 BY: [Signature]

## San Mateo County Planning Commission Meeting

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_



SECOND FLOOR PLAN  
 (TO REMAIN AS IS) 4/11/01

NOTES: (U.M.A)  
 1) 1 HOUR CONSTRUCTION THRU

**San Mateo County Planning Commission Meeting**

Owner/Applicant:

Attachment:

File Numbers:

## Attachment I

Bay area catering and events operations:

As a catering company, we have different delivery times each day depending on the route.

We cover from San Francisco to San Jose. The earliest that we depart from the kitchen is at 6:30 AM, and the latest that we do a delivery is at 5:00 PM.

We usually have more lunch's delivery than breakfast or afternoon events. The drivers that depart for breakfast delivery get back to the kitchen around 9:30 am. The Lunch deliveries depart from the kitchen from 10:00 AM - 11:00 AM. They get back to the kitchen around 1:00 pm. They got lunch, and they leave for pickups or afternoon snacks around 2:00 pm. The latest that they get back to the kitchen is at 7:00pm. Any van getting back to the kitchen around 6:00 pm – 7:00pm; does not get unload until the following day any delivery after 4:00pm; we do not pick up until the following day.

We do not over book, one day before we know what events we can be able to cater. If we have enough events; we communicate to our customers that we can't handle it.

