



## North Fair Oaks Community Council



**Date:** July 31, 2014  
**NFOCC Meeting Date:** August 7, 2014  
**Special Notice / Hearing:** 300 ft. Notice  
**Vote Required:** Majority

**To:** Members, North Fair Oaks Community Council

**From:** Planning Staff

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

### **RECOMMENDATION:**

Recommend to the Planning Commission whether or not the Council concludes that the required finding for the Off-Street Parking Exception can be made (as stated below):

*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 the County Zoning Regulations (Parking), Section 6119, as are reasonably possible.*

### **PROPOSAL AND BACKGROUND:**

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, in conjunction with a proposal to relocate their commercial catering business to occupy an existing commercial building at 3250 Middlefield Road (Attachment A), whose owner is willing to lease to BACE. The exception includes a provision to provide off-site parking for 15 vehicles for employees, at a site located at 2949 Edison Way, between 1st and 2nd Avenues (Attachment B). The catering business would utilize the first floor (Attachment F) for all cooking food preparation and catering production, with the second floor (Attachment G) being restricted for use as a single office with the remaining 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 the purpose of loading and storing BACE's delivery vans. All employees would be required to park at the designated off-site location, about 1/2-mile from the project site (Attachment C). They would then be carpooled over to the Middlefield Road location.

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.

### Relocation of Catering Operation from Their Present Location

The purpose of the applicant's proposed relocation to the Middlefield Road location is to remedy and eliminate a host of performance problems and zoning issues that have arisen at their present location at 3821 Fair Oaks Avenue, since they 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) changed the General Plan Land Use Designation of the subject parcel from "Neighborhood Mixed Use" to "Single-Family Residential," as well as changing the parcel's zoning 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 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 (to be considered by the PC on August 27) because the PC lacked important information regarding BACE's financial obligations (including lease terms, site investments and other financial circumstances). As a result of these efforts, BACE is proposing to relocate their business to the subject Middlefield Road location. The subject site at 3250 Middlefield Road is zoned C-1/NFO, in which such food establishments are considered permitted uses. In addition, the building has operated as a restaurant since it was built in 1984, with on-site parking in the rear. The proposed off-site parking area (for employees) on Edison Way is zoned M-1/NFO, where parking is a permitted use.

### **DISCUSSION:**

The applicant's proposal would require 12 on-site parking spaces, based on the usable floor area of the building. Their submitted site plan (Attachment E) shows only 6 available parking spaces, which is enough 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, 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 B), about 1/2-mile away from the project site. The M-1/NFO zoning of that parcel allows parking as a permitted use. The applicant has submitted confirmation from that property owner that they would be granted a lease for the use of 15 spaces on the site, which would be exclusively reserved for BACE employees only. A condition of approval would 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 final inspection and approval of the required building permit.

Additional conditions of approval would be added to ensure that the C-1/NFO District's development and performance standards regarding new signage, noise, odor, exterior lighting, trash and debris management, and loitering are adhered to at the Middlefield Road location. If the Parking Exception is approved, the applicant would have to apply for and be issued a building permit for the change of use of the building. Planning would add a "Final Inspection Approval" to that permit to ensure that any remaining conditions to the Parking Exception approval are met. Specifically, regarding odor control, the applicant has indicated that they would be removing the exhaust filters they have installed at their current Fair Oaks Avenue location and relocating them as part of the exhaust systems at the Middlefield Road site. Staff concludes that the subject parcel's C-1/NFO zoning is more conducive to such commercial uses and the subject site, with its rear parking area for the delivery vans – together with the off-site location to be reserved for employee parking – should provide a business operation that avoids the issues created at the Fair Oaks Avenue site.

**FISCAL IMPACT:**

A business generates business and sales taxes whenever they are able to operate at an approved location, with the required permits and approvals.

**ATTACHMENTS**

- A. Vicinity and Zoning Map Showing Project Site
- B. Vicinity and Zoning Map Showing Off-Site Parking
- C. Project Area Map Showing Project Site and Off-Site Parking
- D. General Plan Land Use Map Showing Project Site and Off-Site Parking
- E. Project Site Plan
- F. Project First Floor Plan
- G. Project Second Floor Plan



**PROJECT AREA**  
060091260

Vicinity Map

**San Mateo County Planning Commission Meeting**

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

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


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

L:\\_PlanningLayer\GIS\Vicinity Map\PLN2014-00261.mxd

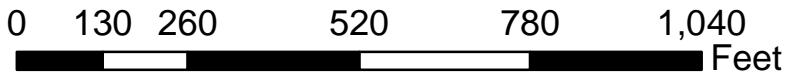


**PROJECT AREA**

**APN**

 060041110

**BACE OFF SITE  
PARKING (0.4 mi)  
2949 EDISON WAY**



Vicinity Map

**San Mateo County Planning Commission Meeting**

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

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

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



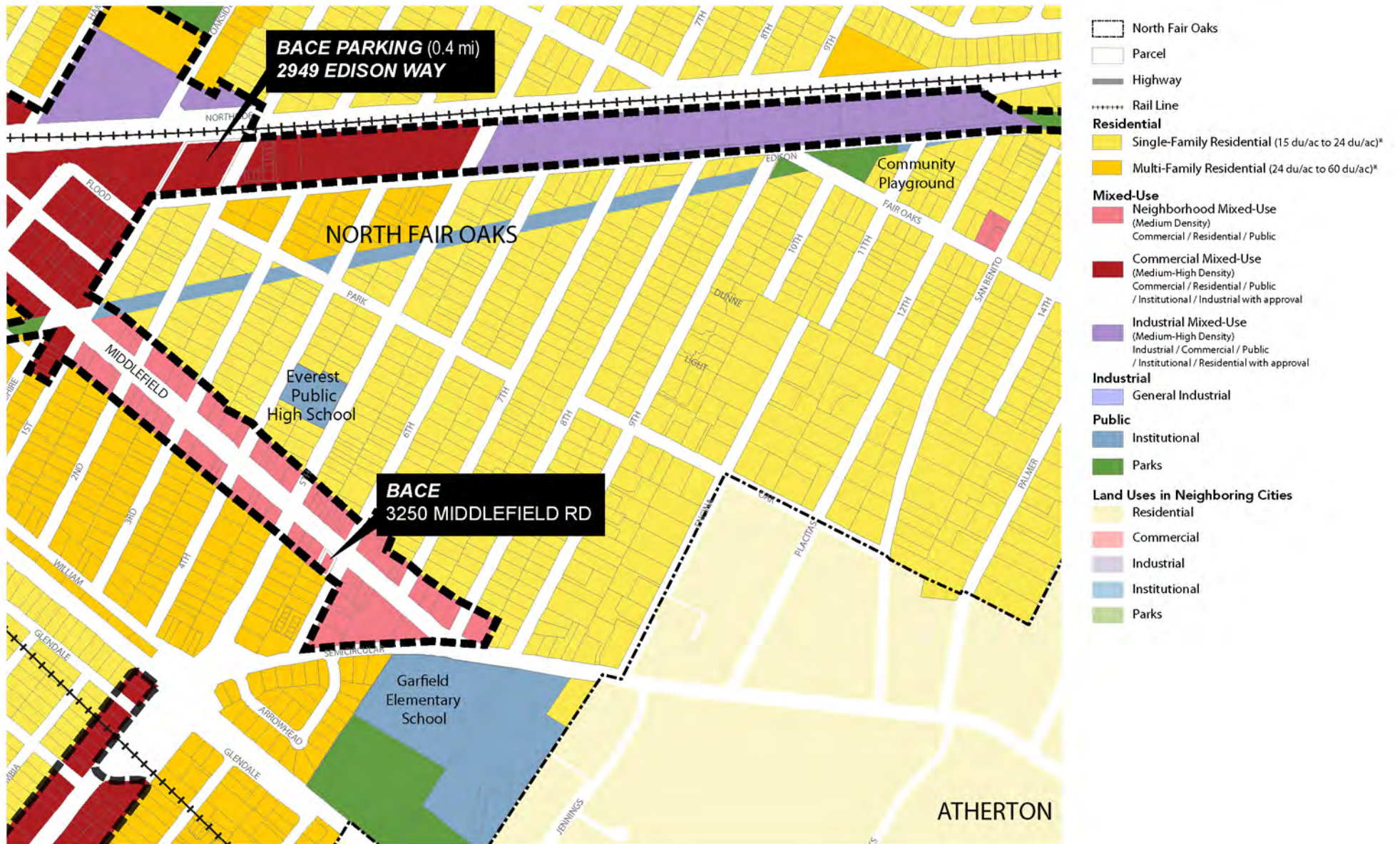
### San Mateo County Planning Commission Meeting

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

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

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

# North Fair Oaks Land Use Designations

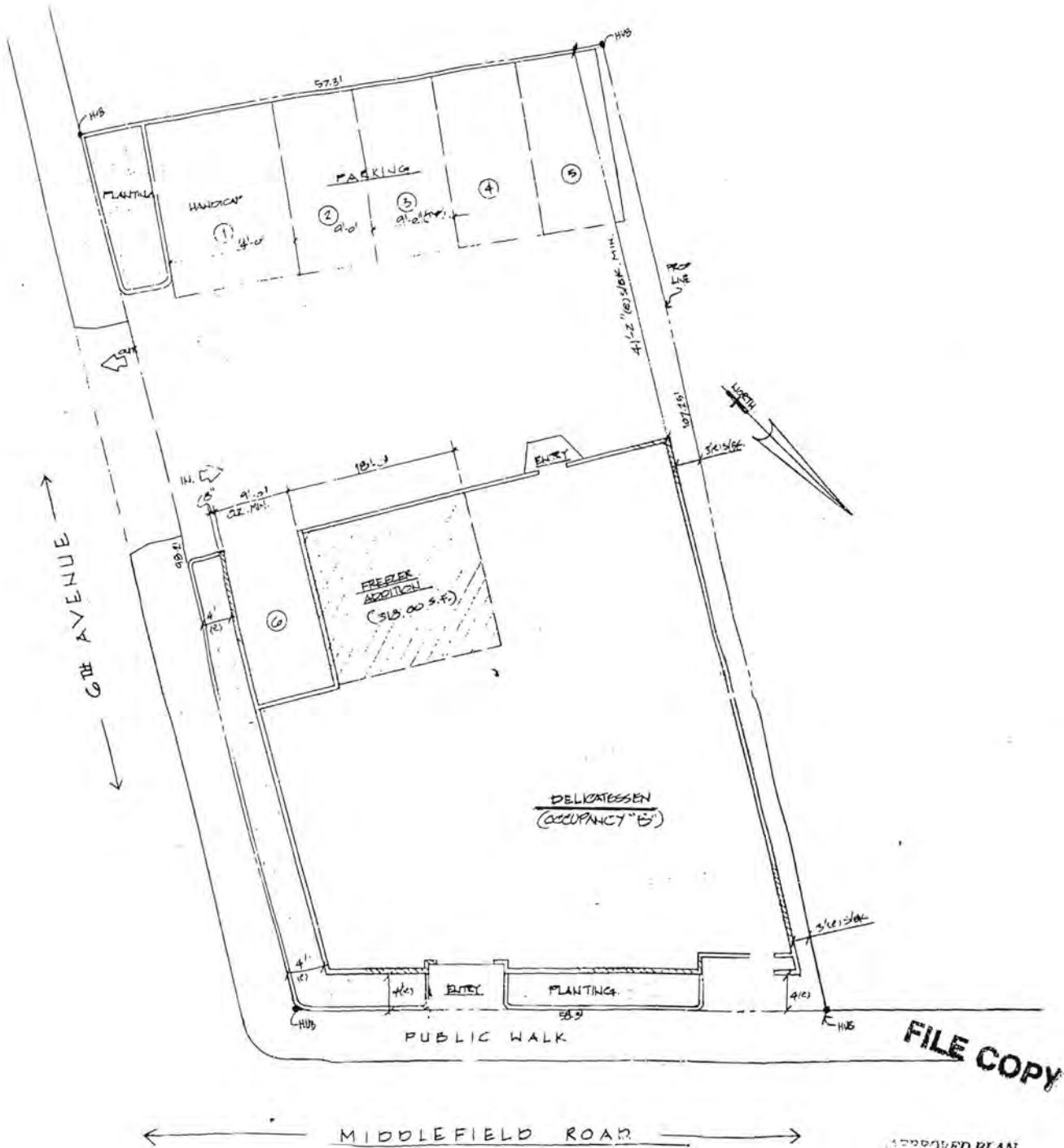


## San Mateo County Planning Commission Meeting

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

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

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



**FILE COPY**

SITE PLAN  
182.11'

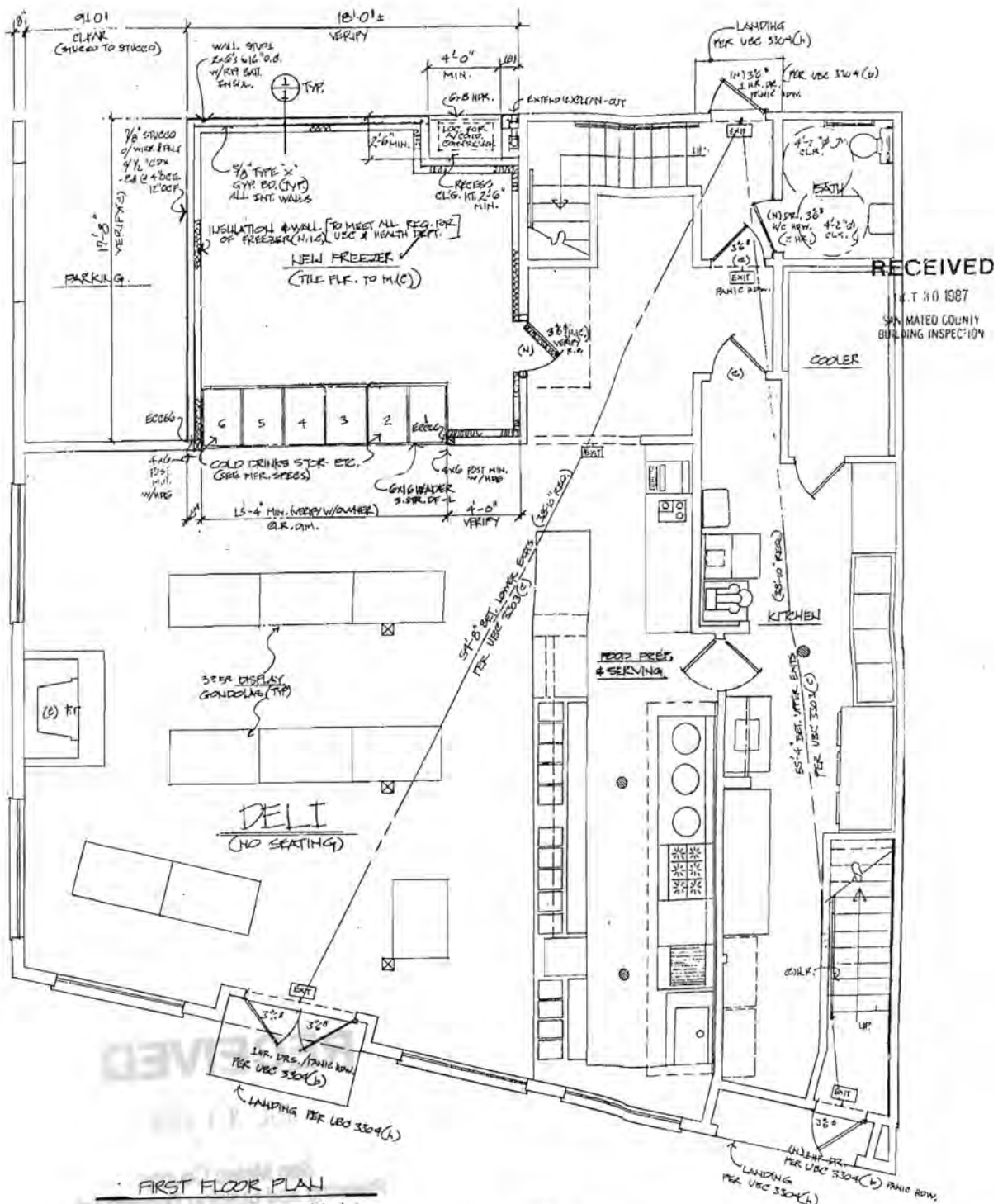
APPROVED PLAN  
MAR 25 1988  
BY W.K.  
SAN MATEO COUNTY BUILDING  
INSPECTION DIVISION

*Revised  
3/25/88*

**San Mateo County Planning Commission Meeting**

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





FIRST FLOOR PLAN  
 1/11/01

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

ALL DIMENSIONS IN FEET AND INCHES  
 1/11/01  
 [Signature]

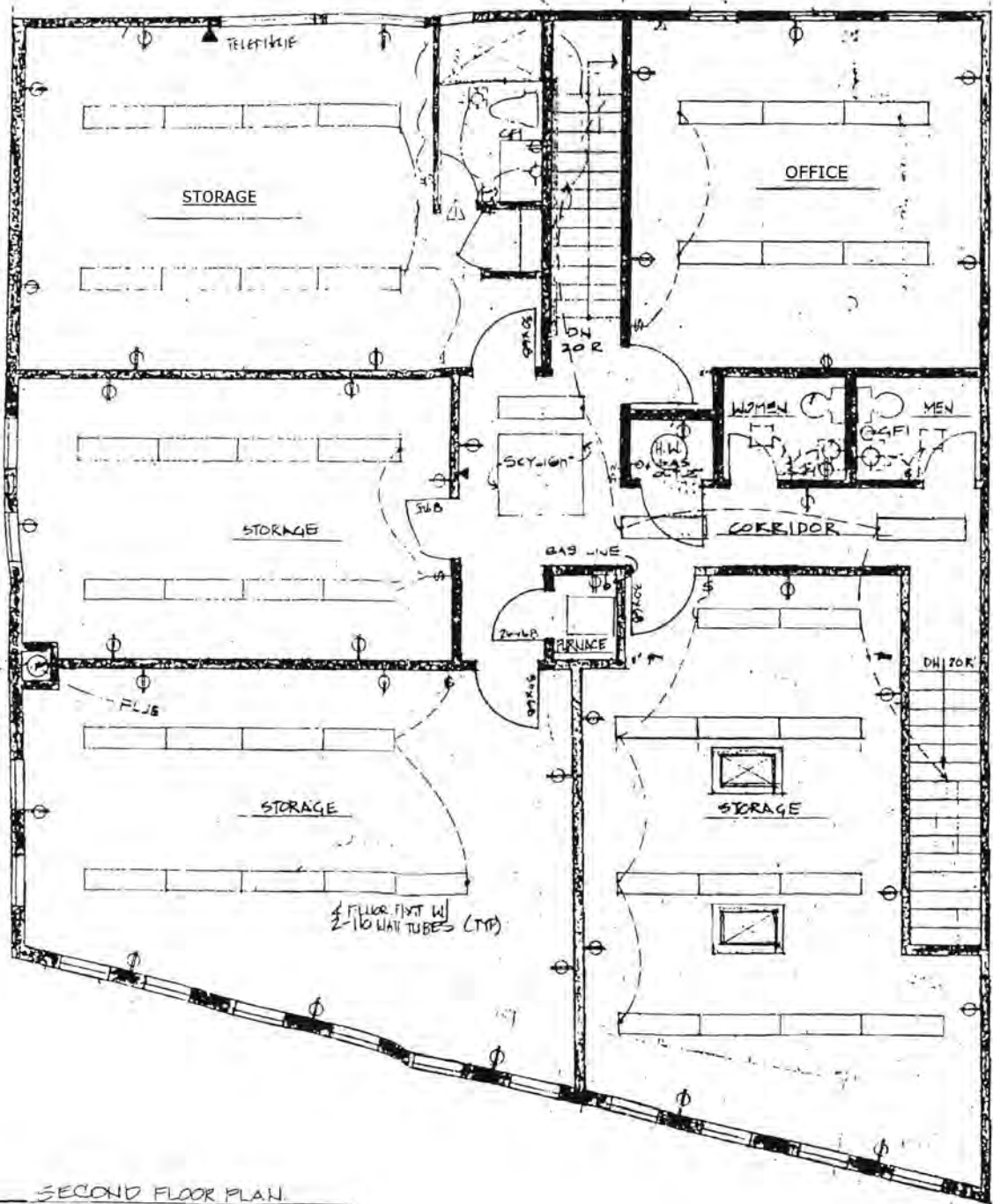
c. Use 602(h) TABLE 5-D.

## 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: \_\_\_\_\_