

**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

LAA:jlh – LAAY0820_WJU.DOCX

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.

LAA:jlh – LAAY0820_WJU.DOCX

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.

LAA:jlh – LAAY0820_WJU.DOCX



County of San Mateo - Planning and Building Department

ATTACHMENT C