

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

DATE: February 16th, 2023

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit and an Off-Street Parking Exception, pursuant to Sections 6271.b, 6500, and 6120 respectively of the County Zoning Regulations, to re-establish a previously approved deli/sandwich shop within an existing industrial building located at 1331 Old County Road, in the unincorporated Belmont area of San Mateo County.

County File Number: PLN 2022-00180 (Two Cousins Deli)

PROPOSAL

The applicant is proposing to re-establish a previously approved deli/sandwich shop within 930 sq. ft. of an existing industrial building. The deli will have operating hours of Monday through Friday, 8 a.m. to 4 p.m. Four of the five required parking spaces for this use will be located in the adjacent alleyway.

The original Use Permit Application for this project (PLN 2002-00215) expired in 2016. The applicant is submitting a new Use Permit application to continue the use of this space as a deli.

RECOMMENDATION

Approve the Use Permit and Off-Street Parking Exception, County File Number PLN 2022 00180, by adopting the required findings and conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Diana Perez-Domencich, Project Planner, Telephone 628/258-3279;
dperez-domencich@smcgov.org

Applicant: Shukry Azar/Two Cousins Deli

Owner: Nathan Kohler

Public Notification: Ten (10) day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing was posted in a newspaper (San Mateo Times) of general public circulation

Location: 1331 Old County Road, Belmont

APN(s): 046-032-050

Existing Zoning: M-1 (Light Industrial)

General Plan Designation: General Industrial

Local Coastal Plan Designation: N/A

Sphere-of-Influence: Belmont

Williamson Act: N/A

Existing Land Use: Warehouse

Water Supply: Midpeninsula Water District

Sewage Disposal: Harbor Industrial Sewer Maintenance District

Flood Zone: Zone X (0.2% Annual Chance Flood Hazard). Panel: 06081C0169F. Date: July 16, 2015.

Environmental Evaluation: Categorically exempt under Class 1, Section 15301 (Minor alteration of existing structures) of the California Environmental Quality Act Guidelines (CEQA).

Setting: The project site is located near the intersection of Harbor Avenue and Old County Road in the Harbor Industrial area. The proposed deli area will occupy the front portion of an approximately 5,000 sq. ft. warehouse. This space is separated from the rest of the warehouse by an internal wall. There are 10 parking spaces immediately adjacent to the warehouse, both on Old County Road and along the unnamed alley way which is adjacent to the building.

DISCUSSION

A. KEY ISSUES

1. Conformance with General Plan

Policy 8.1 (*Urban Land Use Planning*). This policy calls for a compatible and harmonious arrangement of land uses in urban areas by providing a type and mix of functionally well-integrated land uses which meets general social and economic needs. The continued use of this proposed space as a deli would preserve the only nearby source of food and beverages for industrial employees in the area.

2. Compliance with Zoning Regulations

The project site is zoned M-1 (Light Industrial). Food serving establishments are not allowed in this district by right. However, in accordance with Section 6271.b.3 of the Zoning Regulations, restaurants are allowed upon the securing of a Use Permit, when it is determined that such a use is accessory to and needed by established industries in the area and that there are no lands suitably zoned for the

use nearby. The nearest food establishments serving a quick lunch are located on El Camino Real, over 400 yards away and on the other side of the CalTrain commuter train tracks. The proposed location provides easy access for surrounding workers. With regards to the second requirement of this zoning section, there is no commercially zoned land in the surrounding area currently available.

3. Compliance with Parking Regulations

The parking standards as noted in Section 6119 of the Zoning Regulations require one parking space for each 160 sq. ft. of floor area exclusive of basements and storerooms. The applicant is proposing a 930 sq. ft. deli with 104 sq. ft. of storeroom. This results in a requirement for 5.16 parking spaces. There are four parking spaces in the adjacent alleyway which the applicant has access to, per their lease agreement. Additionally, there are six on-street parking spaces immediately in front of the proposed deli (see Attachment C).

Parking exceptions may be granted when the required parking is as nearly in compliance as is reasonably possible. The building in which the deli is proposed consumes the entire area of the parcel on which it sits. Thus, there is no opportunity to provide the required parking on the parcel. However, as stated previously, the applicant's lease does allow them to use the four spaces within the common access easement which serves the surrounding industrial properties. Staff believes that the use of these four spaces and the on-street parking nearby brings the project into compliance as much as reasonably possible and that the off-street parking exception finding can be made.

4. Compliance with Use Permit Findings

Under provisions of Sections 6271.b.3 and 6500 of the Zoning Regulations, a food serving establishment is allowed within a Light Industrial zone, subject to the issuance of a use permit. The following finding must be made to allow this use permit:

- a. **Find that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.**

Staff believes that the impacts from this project will be non-existent. There is sufficient on- and off-street parking in the immediate project area to accommodate the proposed deli. As stated previously, this use will provide a valuable service to the workers in the general project area. In addition, the County did not receive any complaints about the deli when it was operating previously. This indicates the deli did not negatively impact the neighborhood.

B. ENVIRONMENTAL REVIEW

This project is exempt under Guidelines Section 15301 (Class 1: Minor alterations to existing structures) of the California Environmental Quality Act.

C. REVIEWING AGENCIES

1. Building Inspection Section
2. Belmont Fire (Fire Protection Division)
3. Environmental Health Services

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Floor plan

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2022-00180

Hearing Date: February 16, 2023

Prepared By: Diana Perez-Domencich
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding Environmental Review, Find:

1. That this project is exempt from environmental review pursuant to CEQA, Guidelines Section 15301, Class 1, relating to the minor alteration of existing small structures.

Regarding the Use Permit, Find:

2. That the establishment, maintenance and/or conducting of the proposed use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood, as discussed in the Staff Report dated February 16, 2023.

Regarding the Off-Street Parking Exception, Find:

3. That the establishment, maintenance and/or conducting of the off-street parking facility as proposed is as nearly in compliance with the requirements set forth in Section 6119 of the San Mateo County Zoning Regulations as is reasonably possible, as discussed in the Staff Report dated February 26, 2023.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Zoning Hearing Officer. Minor revisions or modifications to the project may be made subject to the review and approval of the Planning Director.
2. This use permit shall be valid for five years following the date of approval. The applicant shall file for a renewal of this permit six months prior to expiration with the County Planning and Building Department, if continuation of this use is desired.
3. The applicant shall maintain four off-street parking spaces for this use, throughout the life of this use permit.

4. All trash, boxes, or similar debris shall be picked up daily and stored in refuse containers that are screened from public view.
5. Hours of operation shall be limited to 8 a.m. to 4 p.m.
6. Exterior signage for this commercial use is subject to the following limitations:
 - a. Signs shall not exceed 200 sq. ft. in area on one face and not more than 500 sq. ft. in total area on the premises. Larger areas may be authorized by the use permit in exceptional cases.
 - b. Signs shall not project more than 1-foot beyond the street property line, but if a building is set back from a street property line, then such sign shall not project more than 8 feet from the face of the building.
 - c. Attached signs shall not project above the roof line or cornice except when in the opinion of the Zoning Hearing Officer the sign is an architectural part or feature of the building.
 - d. Free standing signs shall not extend to a height more than 20 feet above the sidewalk or paved area except when in the opinion of the Zoning Hearing Officer the sign is an architectural feature of the site.
 - e. No off-site signage is permitted.

Building Inspection Section

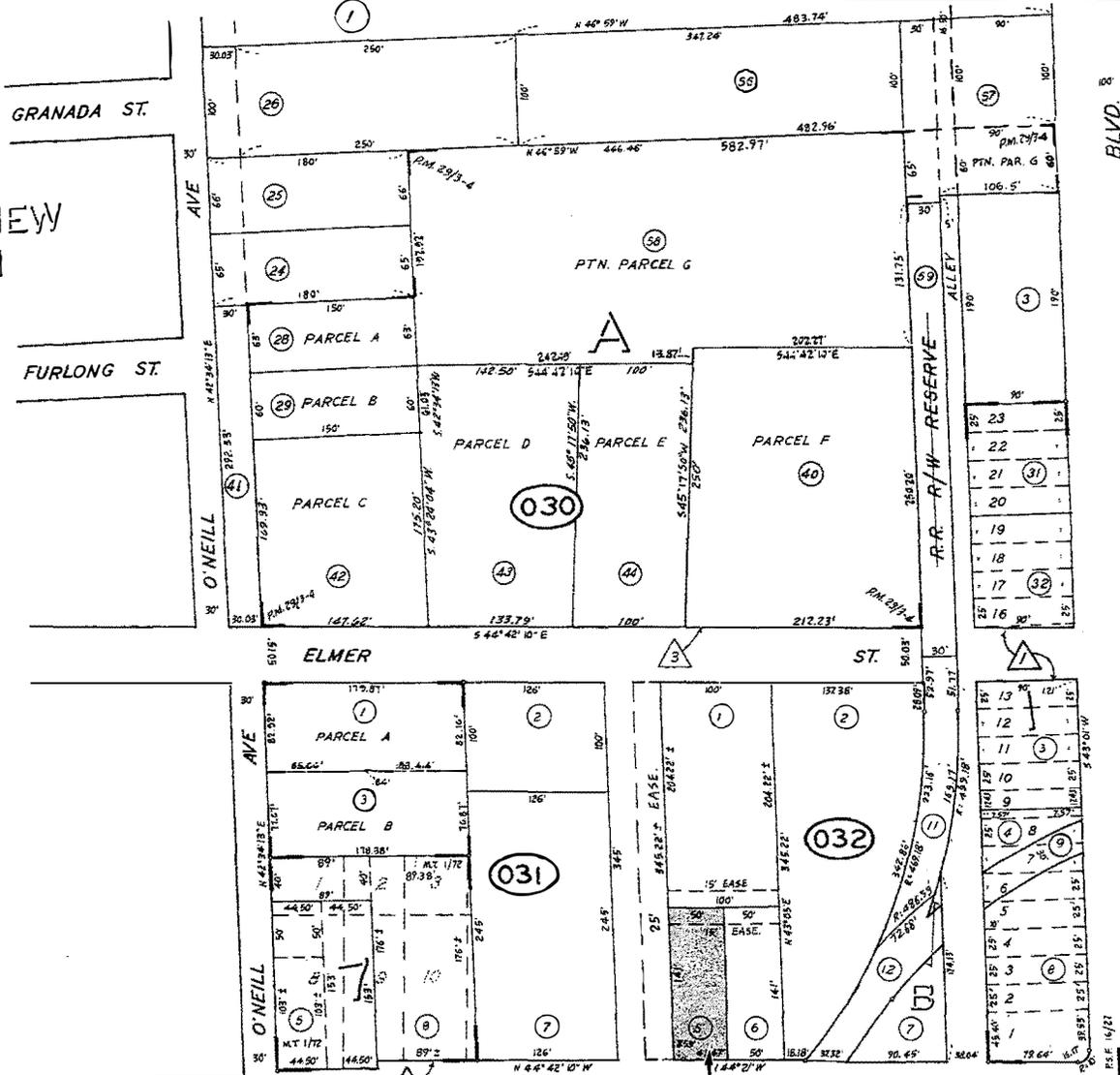
1. The applicant shall obtain a building permit for any tenant improvements not previously permitted.

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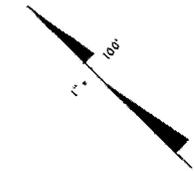


HOMEVIEW NO. 1

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BLVD.



HARBOR

BAY VIEW HEIGHTS NO.3

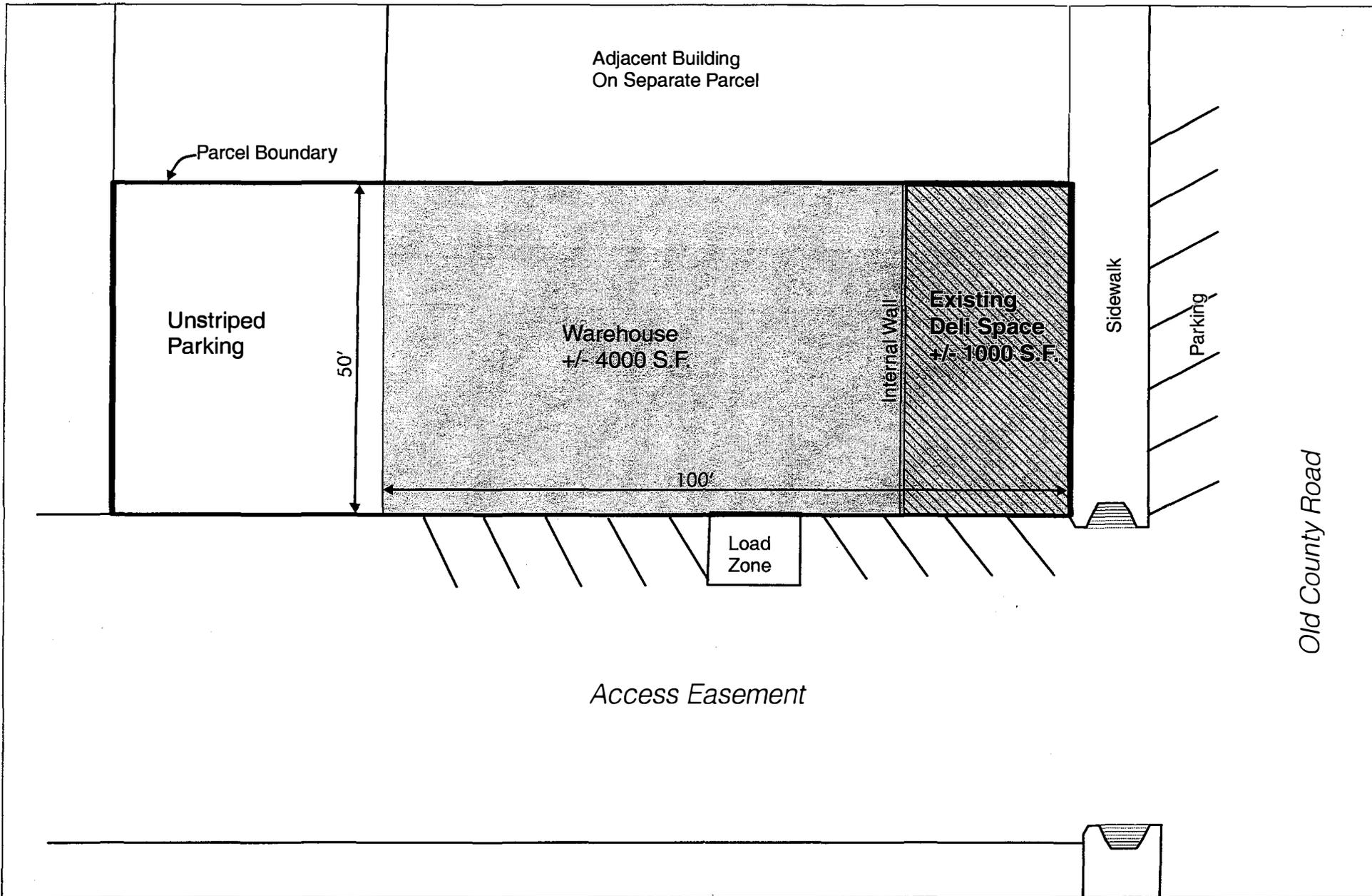
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PROJECT PARCEL

San Mateo County Zoning Hearing Officer's Meeting

Owner/Applicant: NATHAN KOHLER/TWO COUSINS DELI

Attachment: B

File Numbers: PLN 2022-00180

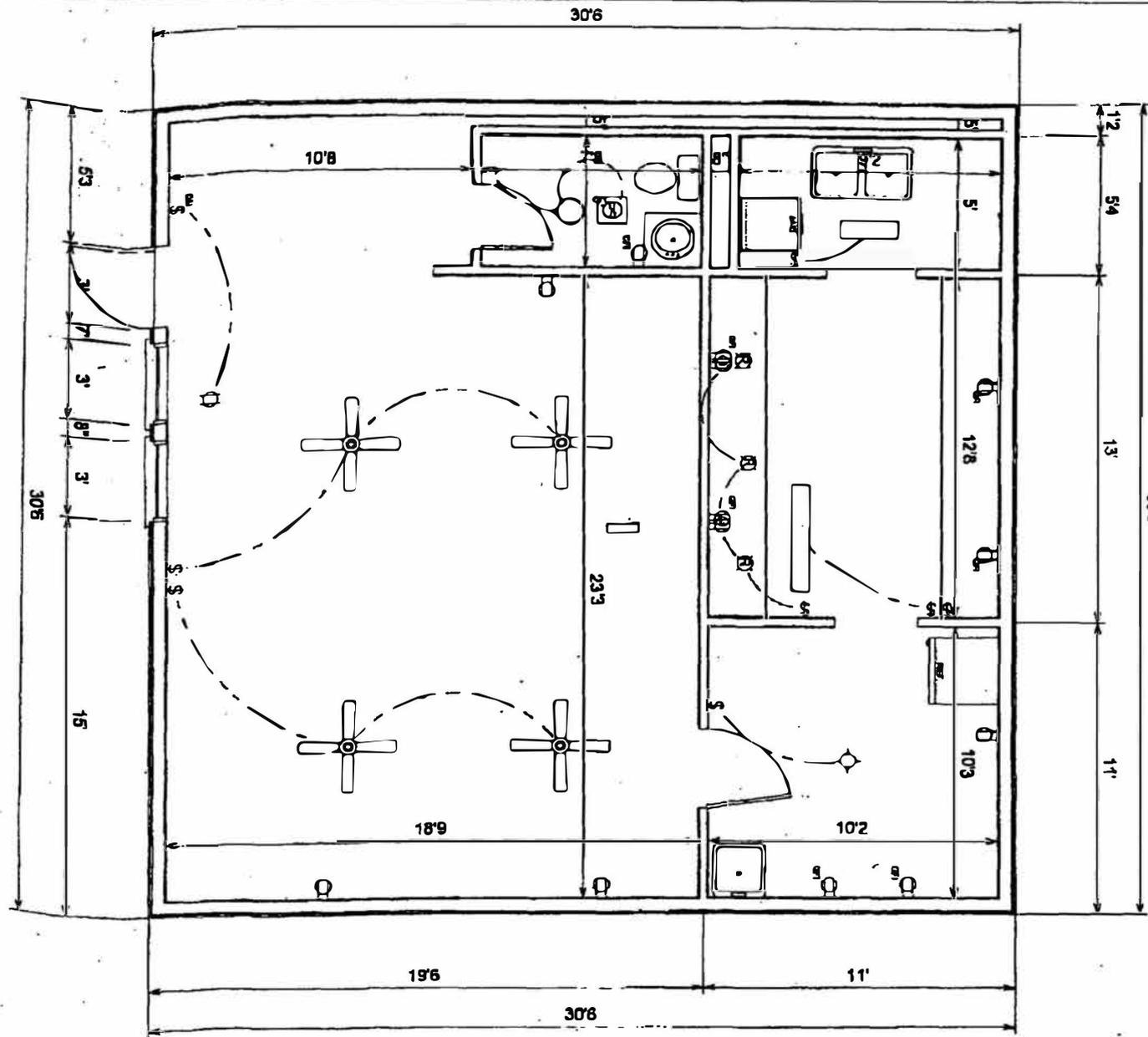


San Mateo County Zoning Hearing Officer's Meeting

Owner/Applicant: **NATHAN KOHLER/TWO COUSINS DELI**

Attachment: **C**

File Numbers: **PLN 2022-00180**



San Mateo County Zoning Hearing Officer's Meeting

Owner/Applicant: **NATHAN KOHLER/TWO COUSINS DELI**

Attachment: **D**

File Numbers: **PLN 2022-00180**