

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

**DATE:** February 3, 2022

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Use Permit, pursuant to Section 6500 of the County Zoning Regulations, to permit a 20-seat restaurant in association with an existing wholesale food products supplier (The Empanadas King) in the M-1/NFO Zoning District located at 2992 Spring Street, Unit D in the unincorporated North Fair Oaks area of San Mateo County.

County File Number: PLN 2021-00268 (The Empanadas King)

**PROPOSAL**

The applicant is requesting a Use Permit to permit a restaurant use in association with an existing wholesale food products supplier. Restaurants are not a principally permitted use in the M-1/NFO (Light Industrial/North Fair Oaks) zoning district. In 2011, the County approved a building permit which permitted the applicant to construct a commercial kitchen at the subject address. At that time, wholesale food product suppliers were a permitted use in the M-1 zoning district. However, restaurants were not, and required a Use Permit to operate as they do today.

If approved, the applicant will convert an existing 450 square foot storage area into a 20 seat sit down restaurant/café. The existing roll up doors that access this space will be replaced by double swinging aluminum doors, a coffee counter, and a hand/washing sink. Under the current lease agreement between the Empanadas King Owner and the Property Manager, the business is allotted a maximum of three (3) parking spaces.

**RECOMMENDATION**

Approve the Use Permit, County File Number PLN 2021-00268 by adopting the required findings and conditions of approval in Attachment A.

**BACKGROUND**

Report Prepared By: Syed Waqar Shah, Project Planner, [C\\_WSHAH@smcgov.org](mailto:C_WSHAH@smcgov.org)

Owner: 2992 Spring Partners

Applicant: Julio Kluss (The Empanadas King)

Location: 2992 Spring Street Unit D, Redwood City, CA 94063

APN: 054-193-120

Size: Unit D (The Empanadas King) is approximately 1,558 square feet. Currently there are two buildings on the parcel with 13 units.

Existing Zoning: M-1/NFO (Light Industrial /North Fair Oaks District)

General Plan Designation: Medium High Density, Industrial Mixed Use

Existing Land Use: Wholesale Food Products Supplier

Water Supply: California Water Service - Bear Gulch

Sewage Disposal: Fair Oaks Sewer Maintenance District

Flood Zone: FEMA Flood Zone X (Area of Minimal Flood); Community Panel Number 06081C0302F, effective on April 05, 2019.

Environmental Evaluation: The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, related to minor alterations of existing buildings and structures, and the project is not located in an environmentally sensitive area.

Setting: The project site is located within an existing industrial building in a light industrial area of North Fair Oaks. The project site is surrounded by existing industrial/commercial uses. The adjacent uses to Empanadas King are Blue Planet-Green Power and Water Inc. (unit A), a water delivery service; Whisk Catering (unit B), a wholesale food products supplier; and Encore Performance/Fete Fraiche (unit B), another wholesale food products supplier.

Chronology:

<u>Date</u>	<u>Action</u>
November 23, 2021-	North Fair Oaks Community Council Public Hearing.
November 23, 2021-	North Fair Oaks Community Council approved applicant's recommendation to the Zoning Hearing Officer on the proposed Use Permit, PLN 2021-00268
February 3, 2022	- Zoning Hearing Officer public hearing.

## DISCUSSION

### A. KEY ISSUES

#### 1. Conformance with the General Plan/North Fair Oaks Community Plan

The County General Plan and the North Fair Oaks Community Plan designate the parcel as Industrial Mixed Use (Medium High Density). Current use of the industrial unit as a wholesale food product supplier is consistent with these designations and the proposed land use will be a dine-in and carry-out restaurant. The North Fair Oaks Community Plan permits Commercial uses only with a County discretionary approval in the Spring Street Industrial Mixed-Use area. The Community Plan contains development standards for new buildings within the Plan area. The proposed changes to the space that Empanadas King currently occupies will not expand the footprint or height of the existing building. These standards are not applicable in this instance. Parking requirements will be discussed below. All public services and infrastructure are currently available to serve the proposed project and its needs.

#### 2. Conformance with the Zoning Regulations

##### a. Development Standards

The project parcel is zoned M-1/NFO (Light Industrial/North Fair Oaks). The project's proposed use complies with the permitted uses as allowed in the M-1/NFO Zoning Regulations subject to a Use Permit, which the applicant is seeking in the subject application.

##### b. Parking Requirements

The project site is located within an existing building which houses a number of various uses, all of which share the parking within the existing parking lot. Section 6276.7. (*Parking Regulations*) of the zoning regulations, requires 1 space per 750 square feet. Two (2) parking spaces are specifically required for patron use, as the total square footage of the business occupies approximately 1,558 square feet. Under the current lease agreement between the applicant (Empanadas King) and the Property Owner, the applicant is allotted a maximum of three (3) parking spaces, which complies with the zoning district's parking requirements.

##### c. Sign Regulations

The project includes a proposal to install one (1) sign above the front entrance to the business, displaying the name of the restaurant,

“Empanadas King”. The proposed sign complies with the requirements of Section 6276.4.7 (*Signs in M-1/NFO*). In the M-1/NFO zoning district, the maximum number of signs allowed on a parcel is (1) sign per business. As the street frontage of Empanadas King is roughly 31.5 feet, the maximum allowed total sign display area would be 23.6 square feet. The applicant’s proposed sign measures 4.38 feet wide by 4 feet long (17.25 sq. ft.), below the maximum total sign display area allowed. According to the maximum sign height requirements, “attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.” As the proposed sign will be installed 3.5 feet below the roofline, the proposed sign height complies with Section 6276.4.7.

3. Conformance with Use Permit Findings

In order to grant the Use Permit for the Empanadas King, the Zoning Hearing Officer must 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 to adjacent neighbors in the said neighborhood. The existing Empanadas King is proposing to alter the current layout of the facility, in order to host 20 seats that will be accessed from the frontside garage entrance. There is no evidence to suggest that the proposed restaurant will conflict with other existing industrial uses on the project site. There will be no expansion of the building’s footprint and the applicant has sufficient parking to meet the relevant standards of the M-1/NFO zoning district.

B. ENVIRONMENTAL REVIEW

Categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, related to minor alterations of existing buildings and structures, and the project is not located in an environmentally sensitive area.

C. REVIEWING AGENCIES

San Mateo County Health Department  
San Mateo County Building Inspection Section  
Redwood City Fire Department  
California Water Service - Bear Gulch Division  
Fair Oaks Sewer Maintenance District (SMCDPW)  
North Fair Oaks Community Council

At the November 18, 2021 NFOCC public meeting, the council provided a recommendation to the Zoning Hearing Officer on the proposed Use Permit, PLN 2021-00268 through a nine (9) to one (1) vote. Further, they commended the owner and applicant for providing a culturally diverse restaurant option for the neighborhood.

### **ATTACHMENTS**

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

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2021-00268      Hearing Date: February 3, 2022

Prepared By: Syed Waqar Shah,      For Adoption By: Zoning Hearing Officer  
Project Planner

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That the project is categorically exempt pursuant to Section 15301, Class 1, of the CEQA Guidelines, related to minor alterations of existing buildings and structures, and the project is not located in an environmentally sensitive area.

Regarding the Use Permit, Find:

2. 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 the said neighborhood. There is no evidence to suggest that the proposed restaurant will conflict with other existing industrial uses on the project site. There will be no expansion of the building's footprint and the applicant has sufficient parking to meet the relevant standards of the M-1/NFO zoning district.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Zoning Hearing Officer on January 20, 2022. The Community Development Director may approve minor revisions or modifications to the project if they are consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid until January 20, 2032, ten (10) years from the date of approval. Renewal of this permit shall be applied for six (6) months prior to

expiration to the Planning and Building Department and shall be accompanied by the renewal application and fees applicable at that time.

3. This use permit shall be for the proposed project only. Any change or change in intensity of use shall require an amendment to the applicable use permit. Amendments to the use permit require an application for amendment, payment of applicable fees, and consideration at a public hearing.
4. The use permit for the Empanadas King restaurant will allow for an occupancy of 20 seats and five tables, to allow for flexibility for efficient operation of the carry out and sit-down aspects of the restaurant. Any change above this occupancy level shall require an amendment to the use permit. Did you confirm whether they are going to continue to do carry out?

#### San Mateo County Environmental Health Services

5. Provide documentation from landlord that approves having a commissary and restaurant combined.
6. Ensure the missing ceiling panels are provided once the installation of oven is complete.
7. Remove all sink clutter and unnecessary equipment in the kitchen as it is hard to get access to the handwashing sink.

#### Redwood City Fire Department

8. **Occupancy classification** – The site plan sheet indicates the square footage of the proposed restaurant space is approximately 1,558 square feet. If the proposed restaurant conversion exceeds 750 sq. ft. the occupancy classification will change from a B to an A and will require all of the fire and life safety features of an assembly occupancy including but not limited to an adequate number of exits, emergency lighting, illuminated exit signs, and panic hardware. The planning application lists the square footage of the restaurant as 450 sq. ft., which will only require one exit and will remain a B occupancy.
9. **Commercial Kitchen** – If the commercial kitchen proposed for this project includes the production of grease laden vapors in the cooking processes, a Type 1 hood and duct exhaust evacuation system and a UL-300 compliant engineered suppression system are required. In addition, a model K fire extinguisher is also required. If all the above requirements are existing, current semi-annual certification of the suppression system and annual certification of the fire extinguisher are required.
10. **Automatic Fire Alarm System** – If the building has an existing fire alarm system, provide UL listing for central station monitoring company.

11. **Premises Identification (Address Numbers)** - Indicate on the plans where the illuminated premises identification (address) will be located and the size in a contrasting background facing the street from which the building takes the address CFC 505.
12. **Fire Extinguishers** – Minimum of one 2A10BC rated fire extinguisher is required every 75 feet of travel distance.

Fair Oaks Sewer Maintenance District (Sewer District)

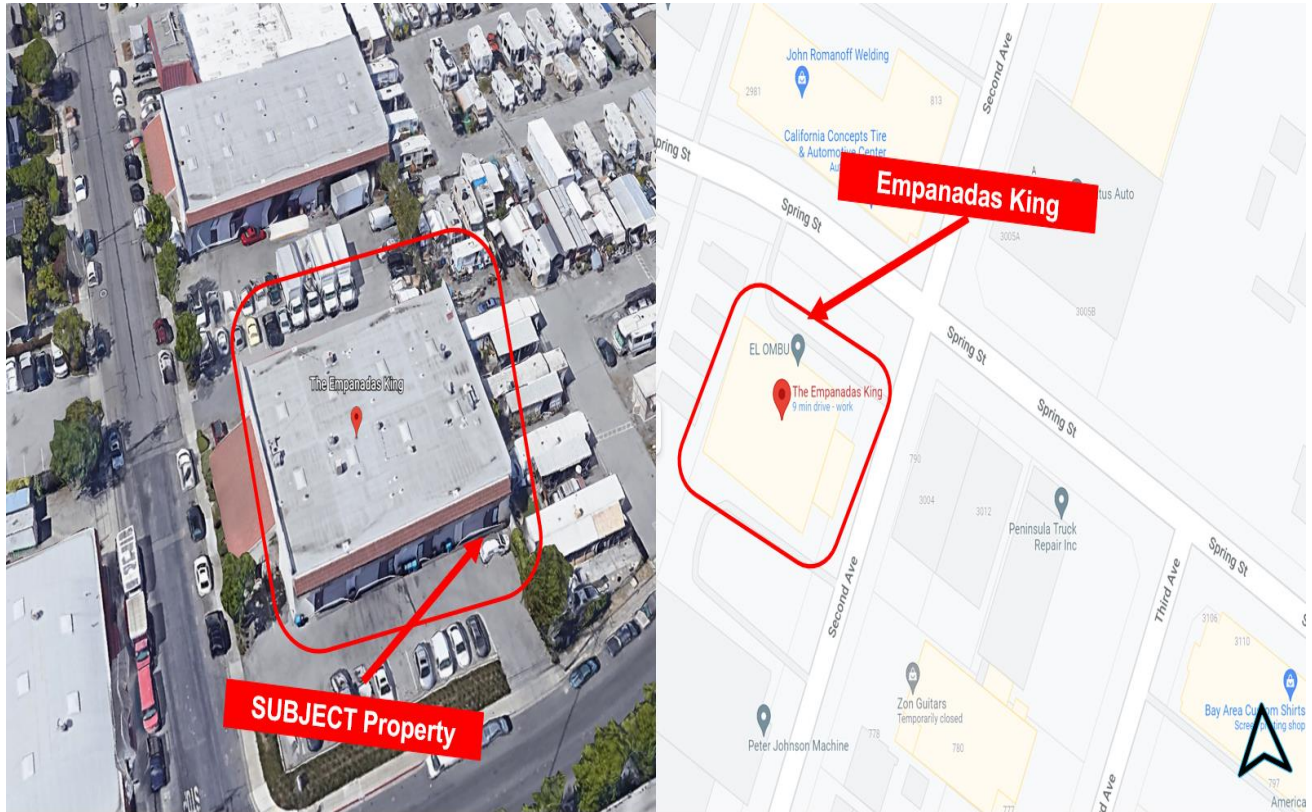
13. The applicant shall submit building plans to the Sewer District for review when the building permit application is submitted to the County of San Mateo Building Inspection Section. The plans shall indicate the location of the existing and proposed sewer laterals to the Sewer District main. The County Sanitary Sewer and Streetlight Requirements Checklist can be found on our website at <http://publicworks.smcgov.org/sewer-services> . All appropriate information and notes shall be included on the plans.
14. The applicant shall pay a plan review fee in the amount of \$500. Payment shall be made to the County of San Mateo.
15. Other miscellaneous comments are shown on the plans.

San Mateo County Building Inspection Section

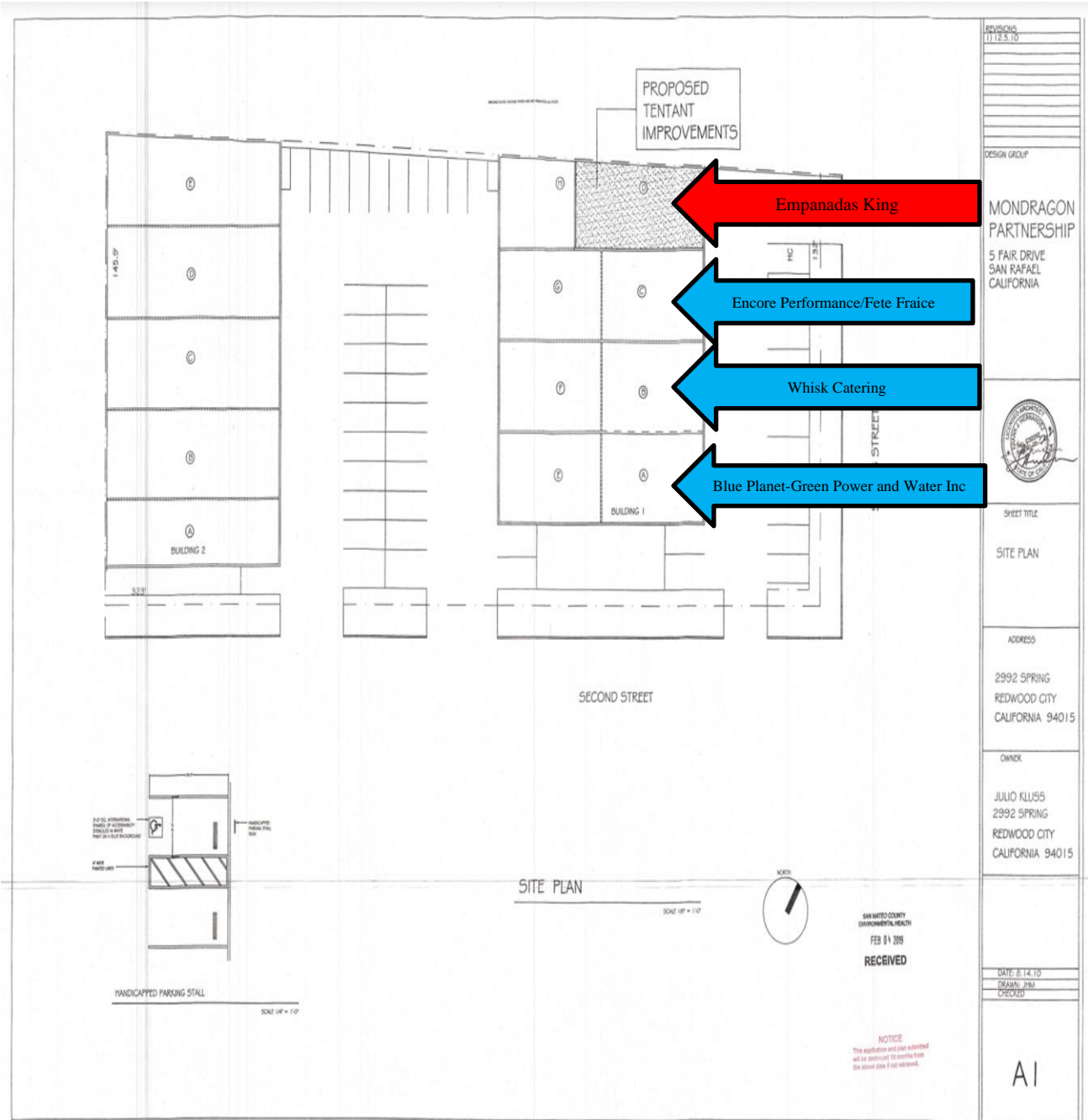
16. San Mateo County Building Inspection Section has reviewed the subject use permit and plans and has determined that the applicant (The Empanadas King) is to apply for a building permit, as this tenant improvement will alter the occupancy of 2992 Spring Street Unit D.

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COUNTY OF  
SAN MATEO



REVISIONS 1/12/5/10
DESIGN GROUP MONDRAGON PARTNERSHIP 5 FAIR DRIVE SAN RAFAEL CALIFORNIA
SHEET TITLE SITE PLAN
ADDRESS 2992 SPRING REDWOOD CITY CALIFORNIA 94015
OWNER JULIO KLUS5 2992 SPRING REDWOOD CITY CALIFORNIA 94015
DATE: 6.14.10 DRAWN: JPM CHECKED:
AI

Attachment D

