



Item No: 1
Meeting Date: October 28, 2014

To: Planning Commission

Date: October 20, 2014

Authorized By: Ron Munekawa
Chief of Planning

By: Tricia Schimpp, AICP, Senior Planner
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Subject: PA 14-075 727 East 3rd Avenue Staging Area SPAR & SUP
727 East 3rd Avenue / APN: 033-163-150

RECOMMENDATION

That the Planning Commission approve the project by making the following motions:

1. Adopt the Categorical Exemption Class 4 Section 15304(e) Minor temporary use of land having negligible or no permanent effects on the environment based upon the Findings for Approval in Exhibit A.
2. Approve the Site Plan and Architectural Review (SPAR) for site plan and temporary structures for purposes of storage and construction staging and a Special Use Permit (SUP) for an off-site construction staging area based upon the Findings for Approval in Exhibit A, subject to the Conditions of Approval in Exhibit B.

PROJECT SITE DESCRIPTION

The project site is located at the northwest corner of East Third Avenue and South Fremont Street. A location map is provided as Attachment 1. The project site is approximately 9,900 square feet in size and rectangular in shape. The site is currently being used as a temporary storage and staging area for the reconstruction project at the Metropolitan Apartments located across the street. A possible code violation of construction activity at the project site was

reported to the City, and on June 5, 2014 the City's Code Enforcement Officer conducted an inspection and issued a warning letter noting the following code violations:

SMMC 07.16.030(b): Construction without a permit: SMMC: 23.06.150, 23.06.050, 23.06.070, 23.06.180, CRC R105.8, R114.1, R114.4, R105.1, & 1.8.4.1

The inspection revealed the following:

- 1) Unpermitted trailer/accessory structure and large awning from trailer to storage units. Additional awning from one storage unit to another.
- 2) Unpermitted use of property without permits.

A stop work order was posted on June 5, 2014 (Attachment 2). The construction activities at the project site ceased and the site is being used only for purposes of storage and staging as listed below in the Project Description. However, the City has required the applicant to obtain a Special Use Permit for this use of the site and a Building Permit for the construction of the awnings at the site.

The site was previously used as a Chevron gasoline service station and was a leaking underground storage tank (LUST) cleanup site, listed as cleanup completed and case closed as of June 28, 1999. The site has been vacant and enclosed by a chain link fence. The site is flat with no trees and covered by gravel and some left over concrete pads related to the previous use. There are no permanent buildings on the site. The entrance is located on South Fremont Street at an existing curb cut approximately midway on the east side of the site.

The site is now occupied with temporary structures including; five storage containers, one trailer, two debris boxes and four portable toilets. The site is completely enclosed with an existing 6' high chain link fence which has been covered in a faux ivy plastic wrap to screen the temporary structures inside. There is one vehicular gate and driveway entrance on the Fremont Street side.

PROJECT DESCRIPTION

The contractor for Prometheus Real Estate Group, Reconstruction Services, is currently occupying the project site as a temporary storage and staging area for the Metropolitan Apartments reconstruction project across the street at 337 & 338 South Fremont Street. The repairs that are taking place at the Metropolitan are related to the remediation of water intrusion at the private balconies and elevated walkways. The project site is being used for the following activities:

- Parking for construction crew
- Lunch area for construction crew
- Storage of materials in locked storage containers
- Storage of light equipment, in locked storage containers, such as power tools, hand tools, stucco pumps, hoses, generators
- Loading and unloading of materials onto flat-bed trucks and pickup trucks
- Primer application to lumber
- Power saw cut station for occasional cutting and preparing of lumber (most cutting to take place on the Metropolitan site)
- Placement of construction debris boxes
- Weekly safety meetings

Pedestrian Safety Plan

In order to ensure the safety of crewmembers crossing Third Avenue to and from the staging lot, during working hours Reconstruction Services will have an employee in place at the intersection of Third Avenue and South Fremont Street to act as a pedestrian crossing guard. Crewmembers will only cross at the intersection, when the traffic light is green. This rule will be strictly enforced and will be reiterated at our weekly safety meetings. Foot traffic by crewmembers will be less frequent when reconstruction work is taking place on the opposite sides of the Metropolitan Apartments (El Dorado Street, Fourth Avenue, South Grant Street). At that time crewmembers will more often utilize pickup trucks to move equipment and materials. The Pedestrian Safety Plan is included in the Project Plan Description in Attachment 3.

Project Schedule

The reconstruction project began at the end of May 2014 and is scheduled to be completed by February 19, 2016. The project will be cleared of all temporary structures and restored with gravel as regulated by the Conditions of Approval by April 19, 2016.

The project plans are included as Attachment 3, and the project schedule is included as Attachment 4.

Neighborhood Meeting

The applicant held a neighborhood meeting at 6:00 pm on Wednesday, August 6, 2014 at the project site to discuss the use of the site as a staging area for the reconstruction project at the Metropolitan Apartments. Eleven people attended the meeting and expressed concerns about:

- How long the project will last;

- Use of the lot and operating procedures; and,
- If they were constructing a multi-story building on the lot.

The applicant reported that, overall, the feedback was positive and that the main concern was about the possible construction of a multi-story building on the lot. After explaining that the lot is only being used as a staging area, half of the attendees left the meeting, since this had been their primary concern. The Neighborhood Meeting Summary is included as Attachment 5.

CODE AND POLICY COMPLIANCE

Zoning Code (27.74.020)

The off-site use for a temporary storage and staging area for construction purposes requires a Special Use Permit. The power to grant a special use permit shall be limited to those uses designated as “special use” within the districts established the code. Other non-designated uses which the Planning Commission concludes are so similar to any specifically allowed use in the district as to be virtually identical thereto in terms of impact and land use requirements may also be allowed as special uses.

The project site is zoned R4-D, Downtown Residential Multiple Family Dwellings (High Density), which by way of permitted and special uses incorporates all of the previous districts’ uses. The R-1 district permitted uses (27.18.020 (g)) includes a similar use:

“Temporary buildings for construction purposes for a period not to exceed the duration of such construction.”

Under R4-D zoning, temporary buildings for construction purposes for a period not to exceed the duration of such construction is a permitted use, so for temporary buildings on an off-site location for use as a construction staging area that is so similar to the designated use, it is allowed as a special use.

General Plan

The proposed project is generally consistent with the goals and policies in the General Plan as they relate to land use in that no change in land use is proposed. However, the proposed temporary special use of the project site is to support and perform repairs for the existing multi-family land use already approved in the Metropolitan Apartments project (see Exhibit A, Findings for Approval).

ENVIRONMENTAL REVIEW CEQA

The project is categorically exempt from environmental guidelines (Class 4 § 15304(e) Minor temporary use of land have negligible or no permanent effects on the environment).

NOTICING

In accordance with Government Code section 65090, notice of this hearing was published in the Examiner newspaper 10 days before the hearing. In accordance with Government Code section 65091 and the City's Municipal Code noticing requirements, this hearing was noticed to the following parties ten days in advance:

- Property owners, residential tenants and business tenants on and within 500 feet of the project site;
- The City's "900 List" which contains nearly 100 Homeowner Associations, Neighborhood Associations, local utilities, media, and other organizations interested in citywide planning projects; and,
- The City's Notify Me Email list.

No public comments were submitted on the project.

EXHIBITS

- A. Findings for Approval
- B. Conditions of Approval

ATTACHMENTS

1. Vicinity Map
2. Code Enforcement Warning Letter
3. Reduced Project Plans
4. Project Schedule
5. Neighborhood Meeting Summary

CC (AR and attachments (hardcopy) via USPS First Class Mail)

Chief of Planning
Project Planner
Gary Heap, Engineering Manager
Ken Pacini, Associate Engineer
Andrea Lozano, Code Enforcement Officer
David M. Wright, Prometheus, 1900 S. Norfolk Street, Suite 150, San Mateo, CA 94403
Victor Cantanzaro, 922 S. Claremont Street, San Mateo, CA 94402

CC (Website link to AR and attachments via Email)

Interested Parties (if email address was provided)