



CITY OF SAN MATEO

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Agenda Report

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TO: Planning Commission
FROM: Sailesh Mehra, Planning Manager
PREPARED BY: Community Development Department
MEETING DATE: December 8, 2020
SUBJECT:
44 E. 3rd Ave. Draper University Pre-Application (PA-2018-054)

RECOMMENDATION:

Preliminary review for proposed building and site design elements and project change of use for 44 E. 3rd Avenue; direction is sought and no formal action will be taken.

BACKGROUND:

Project Description

This pre-application submittal includes the addition of an elevator and staircase enclosure and a change of use in a historic building. The existing building consists of eight floors, a penthouse level, and a basement. The addition would be located towards the rear of the building and would total 429 square feet. The proposed elevator would span from the basement and reach up to the penthouse floor, and the proposed staircase would span from the ground floor and reach the penthouse floor. The proposed project also includes a 730 square foot roof deck at the penthouse level.

The building is currently occupied by Draper University. Currently, the building consists primarily of retail on the ground floor, and dormitory residences on the second through the penthouse floors. The project seeks to convert the seventh, eighth, and penthouse floor from dormitories to office. The remaining floors would maintain the same uses.

The project plans are included in [Attachment 1](#).

Historical Background

The building was constructed in 1926 by a renowned architect William Henry Weeks and originally owned by A.C. Franklin and Benjamin Getz. The site operated as the Benjamin Franklin Hotel for 77 years from 1926 to 2003. The building then became vacant from 2003 to 2011, and has since been occupied by Draper University. The Benjamin Franklin building was surveyed as part of the City's Historic Resources Survey in 1989, and has been identified as a contributor to the locally designated San Mateo Downtown Historic District. The building is also eligible for listing in the California Register of Historical Resources as well as the National Register of Historic Places. The building also appears to qualify as a historical resource for purposes of the California Environmental Quality Act (CEQA). A historian conducted an evaluation of the existing building in February 2018 to assess the historic integrity and significance of the property. The report can be found as [Attachment 2](#). According to the report, the building played a central role in the early-twentieth-century development of downtown San Mateo, which was a key reason for its historical significance. The building also serves as a distinct and intact example of Spanish Colonial Revival architecture.

Site Description

The project site is located in downtown in a block bounded by E. 3rd Avenue to the north, E. 4th Avenue to the south, S. El

Camino Real to the west, and San Mateo Drive to the east. The site is comprised of two parcels totaling 28,283 square feet (0.65 acre). The site fronts E. 3rd Avenue, and is adjacent to a restaurant to the west, a privately owned, publicly accessible alleyway known as Benjamin Franklin Court to the east, and additional buildings occupied by Draper University to the south and across the street to the north.

The project site is zoned CBD (Central Business District). Various building heights and uses surround the project site. The Benjamin Franklin building is the tallest building in the immediate vicinity and is legal non-conforming. Most of the buildings immediately adjacent appear to be stores, restaurants, banks and offices which are one- or two-stories tall. However, the adjacent retail building to the east appears to be approximately four stories tall, and there are several legal non-conforming buildings in downtown that are taller than the Benjamin Franklin building. A location map is included in [Attachment 3](#).

APPLICABLE CODE AND POLICY REVIEW

General Plan

The General Plan's Land Use Plan designates the project site as Downtown Retail Core. A preliminary list of applicable General Plan policies is included in [Attachment 4](#). These include policies pertaining to historic preservation. The project substantially conforms to the goals and policies of the General Plan. The project complies with the General Plan's Conservation, Open Space, Parks & Recreation Element Policy 8.1, which states, "Preserve, where feasible, historic buildings as follows: ... (c) Require that all exterior renovations of historic buildings conform to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures." The formal planning application submittal will be required to provide clarification and/or documentation to ensure conformance with all applicable policies and guidelines.

Zoning Code Amendments

The project site is zoned CBD (Central Business District), which includes development standards such as building height, maximum floor area ratio (FAR), and setback requirements. The building is legal non-conforming in multiple aspects. For instance, the existing historic building has a permitted height of 103 feet and 4 inches, which exceeds the current height limit of 55 feet and is therefore legal non-conforming. The proposed height of the elevator and staircase enclosure of 103 feet and 4 inches would match the existing building height. While the municipal code allows certain structures such as "elevator bulkheads" to exceed the height limit per SMMC 27.02.060, it does not speak to structures required for accessibility purposes, such as those related to the Americans with Disability Act (ADA). City staff is currently working to modify the municipal code to allow limited necessary structures such as those related to accessibility to exceed the bulk requirements in San Mateo. The proposed code amendment will come to the Planning Commission and City Council for review at a future date. If approved, the code amendment would allow buildings, including those which are legal non-conforming, to make such accessibility and life safety improvements.

The building is also legal non-conforming in respect to floor area. The existing building has a permitted floor area ratio (FAR) of 3.64, which exceeds the current FAR maximum of 3.0. The proposed FAR would be 3.92. The building, including the rooftop penthouse, would not be enlarged outside of required structures for the proposed elevator and staircase enclosure. Similar to above, while the municipal code allows certain structures to exceed the bulk requirements, it does not speak to structures for life safety improvements, which city staff is currently working to modify. The code amendment would serve multiple projects in the city and is expected to be completed prior to this project's formal planning application submittal.

The proposed addition at the rear of the building would have an interior side yard setback of 5 feet on the ground floor, adjacent to the alleyway. This is in conformance with the municipal code requirements for the CBD (Central Business District) zoning district, where there are no interior side yard requirements.

The applicant is expected to provide more details upon filing of the formal planning application, which subsequently will be reviewed for conformance with applicable Zoning Code requirements. A list of proposed and required Zoning Code standards are detailed in the Data Sheet included in [Attachment 5](#).

Design Review

The proposed design will be reviewed by a City design review consultant for consistency with the Downtown Retail Core & Downtown Historic District Design Guidelines, General Plan Urban Design Element, and to address concerns expressed by the Planning Commission.

Historical Review

In June 2020, the historian conducted an evaluation of the proposed project to determine whether the proposed design is in conformance with the Secretary of Interior's Standards for Rehabilitation (Standards). The Standards promote historic preservation best practices by national principles, which are used by Federal, state, and local agencies. The report determined that currently, the proposed design is not consistent with the Secretary of Interior Standards, and identified areas to be improved as well as design recommendations in order for the project to be considered in conformance to the Standards. The report can be found as [Attachment 6](#). The architect has since made several modifications to the building to better conform with the Standards as recommended by the historian. A final evaluation is expected to be completed again later in the formal application stage to ensure that the final project would conform to the Standards.

ITEMS FOR DISCUSSION

Proposed Change of Use

The applicant seeks to convert the seventh, eighth, and penthouse floors from residential dormitories for students to offices for employees. In 2013, the City approved a Site Plan and Architectural Review (SPAR), Site Development Permit (SDP), and Downtown Economic Development Permit (DEDP) Planning Application PA-2012-040 to allow Draper University to occupy the building. The Planning Application included several other downtown sites as part of the Draper University campus, including the building at 37 E. 4th Avenue, as well as the building and adjacent parking lot at 51 E. 3rd Avenue. A condition of approval stated that should the use ever change, additional approvals shall be required. Because the applicant is proposing to convert three floors from dormitories to office, this constitutes a change of use and triggers the Planning Commission's review of this application.

Building and Site Design

- **Site Design and Beautification** – The addition of the elevator and staircase enclosure would be accessible from Benjamin Franklin Court, a publicly accessible alleyway between E. 3rd and E. 4th Avenue. This may be informally used as a second main entrance to the building, particularly for employees who would use the elevator to reach the office on the upper floors. The entrance would be visible from the pedestrian walkways. There have been community concerns regarding the required beautification of this walkway. For example, the storage of the trash bins outside has frequently been visible to pedestrians, appearing as unsightly clutter. In addition, there have been concerns regarding the quality of the live plants on the living plant wall. (See [Attachment 9](#).) These items were important aspects to the approval of PA-2012-040 and were included as conditions of approval. The proposed project requires evaluation if the new design would raise issue with these beautification requirements.
- **Building Material** - The project currently proposes glazing for the elevator addition on the southern elevation and at the penthouse level, and stucco cladding with punched windows for the staircase addition. The historian expressed concern that the nine-story glazing of the proposed elevator enclosure does not appear to be well-suited for the building's Spanish Colonial Revival style. Instead, the historian recommended to continue the stucco cladding and windows from the proposed staircase to the elevator enclosure and penthouse lobby. This modification would lessen the contemporary feel while still distinguishing the addition from the original building. The modification would also bring the project into better conformance with Standard #9, which states, "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." More information can be found in [Attachment 6](#). Staff recommends following the historian's suggestion so that the project would appear more complementary to the historic building, and to help bring the project into conformance to the Secretary of Interior Standards.

- String Course Decorative Element – The addition currently consists of stucco cladding with windows for the stairwell, and glazing for the elevator enclosure on the south elevation. The historian recommended that in addition to using stucco cladding with windows for the elevator enclosure, to add a string course as a decorative element between the seventh and eighth stories. The historian advised the string course to be “similar to but simpler than that on the existing building” to make the project more compatible with the existing building. More information can be found in [Attachment 6](#), Standard #9. While it does not appear that this change would be critical to bringing the project into conformance with the Standards if the other recommendation regarding building material is met, it appears it would be an aesthetically-pleasing alteration.
- Window Style - The existing building primarily consists of rectangular windows, with arched windows only on the seventh floor. The project indicates rectangular windows all throughout the entire staircase enclosure. The historian recommended providing arched window openings to the south wall of the seventh floor that match the existing window openings. More information can be found in [Attachment 6](#), Standard #9. This would continue the existing row of arched windows which spans across all four sides of the building. While it does not appear that this change would be critical to bringing the project into conformance with the Standards if the other recommendations are met, it appears it would make the addition more compatible with the historic building.

ENTITLEMENTS

As proposed, the project is anticipated to require the following approvals:

- Site Plan and Architectural Review (SPAR) for the proposed addition
- Special Use Permit or Downtown Economic Development Permit for the proposed change of use from dormitory residences to office on the seventh, eighth, and penthouse floors.

Sample Findings of Approval for the above planning application types are included in [Attachment 7](#).

PUBLIC COMMENTS

The applicant held a formal pre-application neighborhood meeting on November 12, 2020 in which approximately 27 members of the public attended. Of the 27 members of the public, most were affiliated with Draper University. Questions and comments including the following were expressed:

- Concerns of preserving the building’s historic features
- Concerns of trash bin locations being visible from the pedestrian walkway
- Support in change of use from residential dormitories to office, and adding an elevator enclosure to increase accessibility

A summary of the neighborhood meeting is included in [Attachment 8](#).

Public comments submitted to City Staff is included in [Attachment 9](#).

ENVIRONMENTAL DETERMINATION

In accordance with Public Resources Code Section 21065, the review of a pre-application is not a project under the California Environmental Quality Act (CEQA) because the Planning Commission is not taking action at this time. An environmental review will be conducted as part of the formal planning application in conformance with CEQA.

SUMMARY AND NEXT STEPS

At this time, staff is seeking Planning Commission comments and input on the following issues:

1. Proposed Change of Use – Evaluation of the proposed change in use from residential dormitories to offices on the seventh, eighth, and penthouse floors
2. Building and Site Design – The overall architectural style and design approach, including:
 - Site Design and Beautification – The location of the elevator enclosure, trash bins, and quality of living wall.
 - Building Material - The change in elevator exterior materials from glazing to stucco cladding with punched

windows

- String Course Decorative Element - Continuing the string course above the seventh floor
- Window Style - Replacing the rectangular windows with arched windows on the seventh floor

Following this Study Session, the applicant will revise the plans as necessary to respond to comments from staff and the Planning Commission and submit a formal planning application.

NOTICE PROVIDED

In accordance with the Government Code Section 65091 and the City's Municipal Code noticing requirements, this study session was noticed to the following parties more than ten days in advance of the neighborhood and Planning Commission meetings:

- Property owners, residential tenants and business tenants within 1,000 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;
- The City's Planning "Notify Me" email list; and,
- The interested parties list, which includes interested individuals who contacted the City and requested to be added to the project notification list.

ATTACHMENTS

Att 1 – Project Plans
Att 2 – Historic Resources Evaluation – Appendix C Removed
Att 3 - Location Map
Att 4 – Applicable General Plan Elements and Policies
Att 5 – Project Data Sheet
Att 6 – Secretary of Interior Standards Historic Evaluation
Att 7 – Sample Findings for Project Approvals and Denials
Att 8 – Neighborhood Meeting Minutes
Att 9 – Public Comments
Att 10 – Public Comments after AR published_redacted

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