



CITY OF SAN MATEO

City Hall
330 W. 20th Avenue
San Mateo CA 94403
www.cityofsanmateo.org

Agenda Report

Agenda Number: 1

Section Name: {{section.name}}

Account Number:

File ID: {{item.tracking_number}}

TO: Planning Commission
FROM: Christina Horrisberger
PREPARED BY: Community Development Department
MEETING DATE: July 26, 2022

SUBJECT:

S. Fremont Street Vacant Lot - Special Use Permit for Off-Site Construction Staging (PA-2021-073)

RECOMMENDATION:

Adopt a Resolution approving a Special Use Permit for the use of a vacant lot for construction material storage and worker parking associated with the active construction project 200 S. Fremont Street, and determine the project qualifies for a Categorical Exemption under Class 4, Section 15304 from further environmental review under the California Environmental Quality Act (CEQA) based on the Findings for Approval and as conditioned in the Conditions of Approval.

BACKGROUND:

The applicant and property owner, Fremont Terrace Associates, submitted a formal Planning Application on February 14, 2022 for use of a vacant lot located at the northwest corner of S. Fremont Street and E. 3rd Avenue for construction materials storage and worker parking associated with the active construction project of 200 S. Fremont Street (PA-2015-048). The application is for a Special Use Permit (SUP) to allow off-site construction staging on the adjacent property, based on the Findings for Approval and subject to the Conditions of Approval in Attachment 1.

The construction staging is associated with 200 S. Fremont Street, a proposed 15-unit residential condominium building that was approved on November 21, 2016. When construction initiated in July 2021, staff received numerous public comments regarding disruptive construction activities occurring on the project site. At that time, staff observed large dirt piles, lack of tree protection measures and a construction trailer located on the vacant lot that were not reviewed nor approved by the previous planning application. On January 18, 2022, the original project contractor withdrew from the project and all building permits associated with 200 S. Fremont Street were placed on hold until a replacement contractor was identified. The applicant was then advised to resolve all site maintenance violations and apply for the Special Use Permit, as required by Municipal Code Section 27.74.020, to ensure proper site management protocols were in place prior to further use of the vacant lot for construction staging.

Site Description

The project site consists of a 0.46-acre (20,134 square-foot) corner parcel that is bounded by E. 3rd Avenue on the south and S. Fremont Street on the west. In addition to the adjacent active construction project on the north, surrounding uses include three to four-story tall multi-family residential buildings located east, north and south of the project site. There are one and two-story tall single-family residences immediately west of the project site. The San Mateo Caltrain station is located 0.4-miles to the west of the project site. A location map showing the project site's vicinity is included as Attachment 2.

The site was previously used as a Chevron gasoline station. The State Water Resources Control Board GeoTracker

Database¹ notes the site as a former Leaking Underground Storage Tank (LUST) Cleanup case site that was completed and closed on June 28, 1999. The site has remained vacant since and is enclosed by a chain-link fence. In 2014, the site also served as temporary off-site construction staging for the Metropolitan Apartment renovation project after receiving approval of a Special Use Permit.

DISCUSSION:

Project Description

The applicant proposes construction staging off-site at the adjacent vacant lot for the duration of the 200 S. Fremont Street project's construction, which includes a temporary office trailer, materials storage, and construction worker parking. All construction activities will be managed by the project replacement contractor, ESA Construction. The project schedule estimates off-site construction staging through May 31, 2023, when construction of 200 S. Fremont Street project is expected to be complete. A Construction Management Plan detailing all proposed staging, worker parking, pedestrian safety measures, and traffic control, is included as Attachment 3.

Site Logistics

The site is enclosed by a six-foot tall chain-link fence and contains large mounds of soil that were excavated from the adjacent 200 S. Fremont Street site in July 2021. The applicant has been instructed to properly cover and manage the stockpile soil to comply with the City's Stormwater Management and Discharge rules and regulations. The applicant has stated that the soil will be used for future backfill along the underground garage of 200 S. Fremont Street to provide structural support. The contractor and applicant shall also be responsible for properly disposing of any remaining soil that are not used as backfill in accordance with Best Management Practice (BMP) measures. Staff also confirmed with the San Mateo County Groundwater Protection Program that the soil is not considered contaminated.

After removal of the stockpile soil, the site will be reconfigured to provide 35 parking stalls on-site, including one accessible stall, to ensure adequate construction worker parking throughout the project duration. A 192 square-foot temporary office trailer will also be placed onsite to provide secure storage and meeting room for the contractor. A parking and staging plan is included as Exhibit B in Attachment 3.

The applicant has updated their Construction Management Plan to provide the public with advance notification of any major deliveries, road detours, and lane closures to occur in the project vicinity. This includes email (opt-in) newsletters and distribution of physical notices to all residences that are directly affected by the street closures or delays. During sidewalk closures, the contractor will setup barricade signage and have employees serve as traffic control personnel to redirect pedestrian traffic at three locations: driveway access at S. Fremont Street, intersection of S. Fremont Street and 2nd Avenue and the primary hauling access point at 2nd Avenue. The Pedestrian and Traffic Management Plan are included as Exhibit C in Attachment 3.

Tree Protection Plan

The project requires a Tree Protection Plan for any construction activity that will occur near a Protected Tree, in accordance with Municipal Code Section 13.40.080. The Municipal Code defines "Protected Tree" as any heritage tree or street tree, and includes any oak tree with a trunk diameter of ten (10) inches or greater, and any other tree species with a trunk diameter of fifteen (15) inches or greater, when measured at 54 inches above natural grade. A Tree Protection Plan is also required whenever construction activity occurs within 30 feet or a radius equal to ten times the diameter of the Protected Tree trunk diameter.

The project site contains eight (8) existing trees, of which four (4) are considered Protected and require tree protection measures. Prior to commencing any construction staging activities, the applicant shall provide a letter and photographs to the City Arborist, verifying that all tree protection measures are in place. Recommended measures include protective fencing and staging of all construction materials and activities outside the Tree Protection Zone, as identified in the project Arborist Report and Tree Protection Plan (Attachment 4).

¹ State Water Resources Control Board's GeoTracker Database. Accessed July 1, 2022, from https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608100611.

APPLICABLE CODE AND POLICY REVIEW:General Plan and Zoning Code

The General Plan Land Use Diagram designates the project site as High Density Multi-Family. The project generally conforms to the goals and policies of the General Plan as the proposed construction staging is temporary in nature and supports an active housing construction project. A list of applicable General Plan policies and further discussion of the project's compliance is included in [Attachment 1](#) (Findings for Approval).

The project site is zoned R4-D (Multiple Family Dwellings for Downtown, Medium High Density), consistent with its General Plan Land Use designation. The project is subject to the development standards and list of permitted uses identified in Chapter 27.28 of the Municipal Zoning Code. A project data sheet listing the applicable development standards are included as [Attachment 5](#), many of which remain unchanged because the project does not propose any new building or site improvements to the vacant lot. Therefore, the project is consistent with all City policies and Zoning Code requirements.

Special Use Permit for Construction Staging

The applicant proposes construction staging off-site at the adjacent vacant lot for the duration of the 200 S. Fremont Street project's construction. A Special Use Permit (SUP) is required given that off-site construction staging is not designated as a permitted or a special use in the R4-D zoning district. Municipal Code Chapter 27.74 authorizes the Planning Commission to grant an SUP for non-designated uses that "are so similar to any specifically allowed use in the district that are virtually identical in terms of impact and land use requirements." The R4-D zoning district incorporates other permitted and special uses of the R1, R2 or R3 zoning district uses. A similar use is identified in the R1 zoning district, which permits "temporary buildings for construction purposes for a period not to exceed the duration of such construction" in Municipal Code Section 27.18.020(g). The use of this lot as construction staging to serve an adjacent active construction project would be similar in operation and impact to this permitted use.

Under the Special Use Permit provisions, the Planning Commission shall approve the application if all concerns regarding general health, safety and/or welfare of the community, noise, smoke, odor or noxious gas, dust, fumes, or traffic impacts, are found to be addressed. The project would be subject to conditions of approval related to noise control, dust control, and material hauling. Additionally, the project shall return the site to its original condition as a vacant lot prior to scheduling the final inspection for the 200 S. Fremont Street project. As such, staff's evaluation of the proposal for construction staging off-site at the adjacent vacant lot is that the SUP findings for approval can be made and are discussed further within [Attachment 1](#).

PUBLIC COMMENTS:

The applicant held the required informal neighborhood meeting on October 25, 2021, with six members of the public in attendance. Attendees expressed concerns of construction hours, noise, vibration, and traffic closures associated with the 200 S. Fremont Street project. A summary of the neighborhood informational meeting is included in [Attachment 6](#). In response to these concerns, the applicant has updated their Construction Management Plan to provide a minimum seven-day advance notice to the neighborhood regarding any traffic and noise impacts related to the construction project. The contractor will also provide an on-site complaint manager to promptly address and track public complaints and questions associated with the project.

Public comments submitted to staff prior to and during the formal planning application review are included in [Attachment 7](#). Public comments on the project generally pertain to site maintenance concerns, construction activities and timeline. Public comments received after publication of this report will be forwarded to the Planning Commission for review and consideration at the public hearing and posted to this item on the [City's Agendas & Minutes Public Meeting Portal](#) as "Post Packet Public Comments."

ENVIRONMENTAL DETERMINATION:

A Categorical Exemption, Class 4, Section 15304 (Minor Temporary Use of Land), is recommended for the project pursuant to the California Environmental Quality Act (CEQA) Guidelines. Qualification for the exemption includes temporary buildings and activities during construction that have negligible or no permanent effects on the environment. Since the

proposed use consists of construction materials storage and worker parking on a temporary basis, the project meets the qualifications for this categorical exemption. The project will also be subject to conditions of approval that pertain to noise, dust control and construction work hours at all times.

NOTICE PROVIDED

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

- Property owners, residential tenants and business tenants 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;
- 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 – Draft Resolution with Findings and Conditions of Approval

Att 2 – Location Map

Att 3 – Construction Management Plan

Att 4 – Arborist Report

Att 5 – Project Data Sheet

Att 6 – Neighborhood Meeting Summary

Att 7 – Public Comments

STAFF CONTACT

Linda Ly, Associate Planner

lly@cityofsanmateo.org

(650) 522-7217