



CITY OF SAN MATEO

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

Agenda Report

Agenda Number: 3

Section Name: PUBLIC HEARING

File ID: 19-1747

TO: Planning Commission
FROM: Ronald Munekawa
PREPARED BY: Community Development Department
MEETING DATE: September 24, 2019

SUBJECT:

Underground Flow Equalization System (UFES), 2495 S. Delaware St. Special Use Permit and Site Plan and Architectural Review (PA-2018-010)

RECOMMENDATION:

That the Planning Commission recommend City Council approval of the project by making the following motions:

- A. Recommend certification of the Final Environmental Impact Report and Adoption of the Statement of Overriding Considerations regarding the significant and unavoidable noise impact, based on the Findings and Statements attached as Attachment 1; and
- B. Recommend approval of the Site Plan and Architectural Review (SPAR) application for the construction to allow for construction of a new electrical building, eight-foot perimeter walls along Saratoga Drive and Bay Meadows Park, and a ten-foot air exhaust; the Special Use Permit (SUP) to allow the use of the site for a public facility in the "A" Agricultural District, based on the Findings for Approval attached as Attachment 2 and subject to the Conditions of Approval in Attachment 3.

BACKGROUND:

PROJECT DESCRIPTION

The City of San Mateo is implementing a series of capital projects, referred to collectively as the Clean Water Program (CWP), to replace aging wastewater infrastructure, build wet weather capacity, comply with regulatory requirements, and align with the City's sustainability goals. In adopting the 2016 Final Program EIR for the CWP, the City Council selected the "In-System Storage Program" (now known as the Underground Flow Equalization System) alternative. On July 17, 2017, the City Council selected the San Mateo County Event Center parking lot as the preferred location for the project.

The Project consists of a concrete holding structure, pump station, diversion sewers and force main, and an odor control equipment room (see Attachment 4 showing the layout of proposed facilities). These facilities would be located underground. Access hatches, an emergency backup generator, and an electrical building and vents for treated air would be located at ground level.

SITE DESCRIPTION

The project would be in the southeast corner of the San Mateo County Event Center (Event Center) parking lot along Saratoga Drive, approximately 800 feet southeast from the Event Center buildings (see Attachment 5). Single- and multifamily residences are situated east and south of the Project site across Saratoga Drive and 28th Avenue, and the Bay Meadows Community Park is adjacent to the south side of the Project site. The closest homes in Fiesta Gardens are approximately 150 feet from the site, across Saratoga Drive. The closest residential buildings to the south are over 350 feet from the site, with Bay Meadows Park separating them. The Nueva School Bay Meadows Campus is located approximately 1,000 feet southwest of the Project site. The location of the holding structure was situated in an area that would optimize reduction of sanitary sewer overflows in a portion of the collection system where hydraulic bottlenecking frequently occurs.

ENVIRONMENTAL DETERMINATION:

A Draft Environmental Impact Report (Draft EIR) was prepared to specifically identify and analyze the anticipated environmental impacts of the Underground Flow Equalization System (UFES or Project) at the San Mateo County Event Center site. A Planning Commission meeting, for the purpose of receiving public comment on the Draft EIR, was held on April 9, 2019. Because of the extent of community interest, the comment period was extended from May 7 to May 31, 2019. In addition, a Community Meeting was held on May 21, 2019, to discuss refinements to the project, and a Planning Commission Study Session was held on August 27, 2019, to confirm these refinements and discuss construction monitoring.

At the August 27, 2019 Planning Commission study session, the public expressed concerns regarding the following:

- Dust (especially with the occurrence of regular winds)
- Noise
- Construction traffic
- Property settlement and vibration related to construction, and means of monitoring
- Timing of the perimeter wall (a recommendation was made to install it early for service as a sound barrier)
- Pedestrian safety
- Recommendation made to extend timeframe for use of the easement through the Event Center site as there is overlap with Caltrain Station or other construction projects

The Commission requested additional information regarding the following:

- monitoring system for vibration and dust
- perimeter wall options
- ground water movement/dewatering impacts
- impacts of Caltrain closure
- shoring options
- easement through the Event Center site
- storage tank and storm water capacity questions.

The Commission recommended that a project team be available for the public during the construction period and suggested a point person to handle questions and concerns for the Bay Meadows and Fiesta Gardens residents. They expressed appreciation for the ongoing dialog between the staff and the community.

Following these events, the City published its Final EIR on September 6, 2019, including responses to comments. An Errata document was posted on September 9, 2019, to respond to an additional 40 comments that were not included in the Final EIR. The Final EIR is presented in the same format as the Draft EIR, with text changes in strikethrough and underline text summarizing the refinements made in response to comments, including the following:

- Updates to the description of construction methods (Section 2.6.1), based on the phased construction implementation information presented at the May 21, 2019, Community Meeting and August 27, 2019, Planning Commission Study Session. These changes correspond to Final EIR Master Response 1, which is included in both the Final EIR Executive Summary and Appendix F. The Master Response describes the commitment the City has made in response to comments: no pile driving will be used for construction of the underground storage facility.
- Updates to the description of construction traffic (Section 2.6.3), primarily the commitment to access the site primarily from S. Delaware Street using a new easement through the Event Center. This change corresponds to Final EIR Master Response 3, Construction Traffic. Conditions of Approval #35 and #36 identify this as the primary haul route, with Saratoga Drive as the secondary route; it is expected that the secondary route would only be used when a significant event, such as the County fair, requires it.

- A new section describing the City’s commitments regarding construction monitoring (Section 2.6.7) for noise, vibration, groundwater drawdown, settlement, construction traffic, and dust control. The basic requirements are consistent with the Final EIR mitigation measures. The City has committed to going beyond the items required by the mitigation measures – those will be adopted as Conditions of Approval (COAs):
 - COA #3 requires soil site observations with periodic and final reports to the City
 - COA #27 requires an acoustical analysis to verify that the completed project complies with the City’s noise requirements.
 - COA #31 identifies the permitted work hours and the criteria that must be met to allow any exemptions.
 - COA #34 provides requirements for equipment operation and maintenance, site watering, grading cessation during windy periods, covering of haul vehicles, and pedestrian/traffic detour plans.
 - COA #37(A) requires ground monitoring wells with monitoring by the construction inspectors to ensure that fluctuations stay within the seasonal variability.
 - COA #37(B) requires ground settlement monitoring including baseline inspections prior to construction and follow-up checks every six months.
 - COA #37(C) requires visual and measured dust monitoring, which could result in increased site watering and the installation of tire wash facilities.
- Updates to the impact analysis in Chapter 7, Geology and Soils, based on the discussion in Master Response 4, Property Damage.
- Updates to the impact analysis in Chapter 12, Noise, based on the discussion in Master Response 2, Noise and Vibration.
- Updates to the impact analysis in Chapter 16, Transportation and Traffic, based on the discussion in Master Response 3, Construction Traffic.
- Updates to Chapter 19, Alternatives, to clarify the alternatives screening process including a new table summarizing the comparative effects of the various project alternatives. These changes correspond to Final EIR Master Response 6, Site Location.
- A Mitigation Monitoring and Reporting Program (MMRP) has been prepared (see [Attachment 6](#)) and is referenced in the conditions of approval. This document helps to ensure compliance with the mitigation measures by indicating those responsible for implementing mitigation measures and reporting on that implementation.

Except for noise, all impacts would be less than significant or could be reduced to less than significant by implementing the mitigation measures listed in the Final EIR. Noise impacts would remain significant and unavoidable. As described in Master Response 2, noise levels at the property line cannot be guaranteed to always be less than the City standard of 90 dBA. For example, a concrete saw or jackhammer operated at the back of the existing sidewalk could exceed 90 dBA for a receptor at the property line. Although scenarios where equipment is operated so close to the property line are expected to be infrequent, the Municipal Code standard is not flexible. In addition, the City may allow some construction activities to begin prior to 7 a.m., which is the weekday start of work allowed by the Municipal Code. Again, these early starts are expected to be infrequent but could be very important for project construction (e.g., to allow large concrete pours to cure before afternoon heat). For these reasons, noise impacts would remain significant and unavoidable. Note also that this determination is consistent with the Clean Water Program Final Programmatic EIR, adopted in 2016.

Statement of Overriding Considerations

When there are unmitigated significant and unavoidable environmental impacts associated with a project, the California Environmental Quality Act requires the decision-making agency to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable. When the agency approves a project which will result in the occurrence of significant effects which are identified in the final environmental impact report, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final environmental impact report or other information in the record. (CEQA Guidelines Section 15093.) This document is called a “Statement of Overriding Considerations” and a draft Statement is attached as [Attachment 1](#)).

The City finds that the mitigation measures proposed to reduce significant impacts related to construction noise cannot guarantee reduction of the impact to a less-than-significant level due to the equipment, technology and construction methods necessary to construct the project. However, the following economic, legal, social, technological, and other benefits and considerations outweigh the significant and unavoidable adverse environmental impact due to construction noise:

- the project will provide storage for wastewater flow, thus supporting the City's need to meet current regulatory requirements regarding blending and sanitary sewer overflows;
- the project will provide adequate system capacity to efficiently convey and treat the peak wet weather flow, including wet weather flow equalization and optimization of the existing collection system performance;
- the project would improve safety and reliability of the wastewater collection system and Wastewater Treatment Plant;
- the project will reduce discharge of raw sewage within San Mateo and into San Francisco Bay;
- the project will aid the City in complying with the Cease and Desist Order related to overflows; and
- construction of the project will provide temporary jobs for San Mateo residents.

These considerations identify why the City believes the project and its benefits outweigh its unavoidable significant environmental impact.

APPLICABLE CODE REVIEW

Special Use Permit

A Special Use Permit (SUP) is required to allow the use of the site for a public facility in the "A" Agricultural District. The Underground Flow Equalization System (UFES) is considered a public facility, and as noted in the Final Environmental Impact Report, and the Environmental Determination section above, impacts have been reduced to a less than significant impact other than short term construction noise impacts. Additionally, construction noise reduction measures and monitoring are outlined in the Final EIR as noted above.

Site Plan and Architectural Review

A Site Plan and Architectural Review is required to allow for construction of a new electrical building (14 feet-8 inches in height), eight-foot perimeter walls along Saratoga Drive and Bay Meadows Park, and a ten-foot air exhaust. The project is consistent with City codes as reviewed by all affected City departments/divisions, and impacts of the project design are limited by the low height of improvements; additionally, the proposed perimeter walls and landscaping will provide a consistent treatment along the project site perimeter, compatible with both the Bay Meadows Park and Saratoga Drive.

Findings for Approval for the Special Use Permit and Site Plan and Architectural Review are attached as Attachment 2.

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 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.
- Publication of notice in the San Mateo Daily Journal

ATTACHMENTS

Att 1 – Findings and Statements Required Under CEQA

Att 2 – Findings for Approval for Site Plan and Architectural Review and Special Use Permit

Att 3 – Conditions of Approval

Att 4 – Project Plans

Att 5 – Location Map

Att 6 – Mitigation Monitoring and Reporting Program (MMRP)

Att 7 – Additional Public Comments

Att 8 – Final Environmental Impact Report

(previously forwarded to the Planning Commission, also available at the Clean Water Web Page here:)

<http://cleanwaterprogramsanmateo.org/enviropemitting/>

STAFF CONTACT

Ronald Munekawa, Chief Planner

munekawa@cityofsanmateo.org

(650) 522-7203

Richard Patenaude, Contract Planner

rpatenaude@cityofsanmateo.org

(650) 522-7158 ext. 6

Deryk Daquigan, Senior Engineer

ddaquigan@cityofsanmateo.org

(650) 522-7287