

DRAFT FINDINGS OF APPROVAL

P18-0073: MUP18-0010

151 MITCHELL AVENUE

(As recommended by City Staff on June 20, 2019)

I. Minor Use Permit: Food Truck Facility/Food Market

As required by the Use Permit Procedures (SSFMC Section 20.490), the following findings are made in support of a Minor Use Permit application to allow a Food Truck Facility and Food Market in accordance with Title 20 of the SSFMC, based on public testimony and materials submitted to the South San Francisco Zoning Administrator which include, but are not limited to: Application materials submitted October 18, 2018; plans prepared by Mena Architects dated and received March 5, 2019; Zoning Administrator staff report dated June 5, 2019; and Zoning Administrator hearing of June 20, 2019.

- A. The proposed use is allowed within the Business Commercial zoning district, which permits a Food Truck Facility and Food Market with the approval of a Minor Use Permit as a substitution of a non-conforming use, and complies with applicable standards and requirements of South San Francisco Municipal Code Title 20 Zoning;
- B. The proposed uses are consistent with the General Plan in that the project site is designated Business Commercial, and the Food Truck Facility and Food Market uses are a commercial use compatible with intended uses in the area;
- C. The proposed use will not be adverse to the public health, safety or general welfare of the community, or detrimental to surrounding properties or improvements because the site is surrounded by a mix of office, industrial, and commercial uses, and the conditions of approval will ensure that the facility complies with the approved plans and the regulations set forth in the South San Francisco Municipal Code to avoid adverse impacts on the surrounding area;
- D. The proposed use complies with design or development standards applicable to the Business Commercial Zoning District. The proposed exterior modifications, site improvements, and interior tenant improvements comply with design and development standards for the Business Commercial Zoning District;
- E. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and reasonably foreseeable future land uses in the vicinity because the proposed project including exterior, interior, and site improvements, will enhance the appearance of the existing site. The proposed uses would not be out of place among the surrounding mix of commercial/industrial uses that include warehousing, storage, vehicle-repair, printing, and commercial and construction supply;
- F. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the site is already

developed and the proposed use will be utilizing the existing building which is already connected to all utilities; and

- G. In accordance with the California Environmental Quality Act, staff has determined that the proposed project is Categorically Exempt pursuant to the provisions of Section 15301 – Class 1: Minor alterations to existing facilities (CEQA Guidelines).

II. Substitution of a Nonconforming Use with another Nonconforming Use: Food Truck Facility/Food Market

As required by the Nonconforming section of the ordinance (SSFMC Section 20.320.005), the following findings are made in support of a substitution of a nonconforming use with another nonconforming use to allow a Food Truck Facility and Food Market in accordance with Title 20 of the SSFMC, based on public testimony and materials submitted to the South San Francisco Zoning Administrator which include, but are not limited to: Application materials submitted October 18, 2018; plans prepared by Mena Architects dated and received March 5, 2019; Zoning Administrator staff report dated June 5, 2019; and Zoning Administrator hearing of June 20, 2019.

1. The existing nonconforming use was legally established; because a business license for the existing non-conforming use (Warehousing) was issued in 2006. The issuance of this business license confirms the existing nonconforming Warehouse use was legally established. Warehousing is a nonconforming use because it is not a permitted use in the Business Commercial zoning district;
2. The proposed new use(s) would not be detrimental to public health, safety, or welfare because the site is surrounded by a mix of office, industrial, and commercial uses, and the conditions of approval will ensure that the facility complies with the approved plans and the regulations set forth in the South San Francisco Municipal Code to avoid adverse impacts on the surrounding area;
3. The proposed new use(s) would not preclude or interfere with implementation of the General Plan or any applicable adopted specific, area, or community plan; in that the project site is designated Business Commercial in the City's General Plan and the proposed Food Truck Facility and Food Market uses are commercial uses that are compatible with intended uses in the area. The Business Commercial land use designation is intended for business and professional offices, and visitor service establishments, and retail. Permitted uses provide for administrative, financial, business, professional, medical and public offices, research and development facilities, and visitor-oriented and regional commercial activities;
4. The proposed new use(s) will not depress the value of nearby properties or create conditions that would impede their redevelopment or use in compliance with the General Plan because the proposed project includes building and site improvements that will improve the overall look of the property and nearby properties. Substituting the existing nonconforming use with the proposed nonconforming use will enhance the appearance of

the building, project site, and streetscape. It will not depress the value of nearby properties because it enhance the streetscape and visual impacts without increasing density, floor area, or height of the existing commercial building;

5. The proposed new use(s) will be no less compatible with the purposes of the district and surrounding uses that comply with the requirements of this Ordinance than the nonconforming use it replaces because the proposed project will enhance the existing building site and streetscape, the proposed food trucks and food market will provide commercial serving uses, amenities, and goods to businesses and employees in the project vicinity that the nonconforming warehouse use it replaces does not currently provide;
6. The proposed new use will not result in an average daily trip increase of more than five percent of the current use based on the Institute of Traffic Engineers (ITE) trip generation rates, or the unique operational characteristics since the new use will result in a decrease in trip generation. The average rate of trip generation per employee for the existing legally established non-conforming Warehousing use is 3.89. According to the ITE manual, the proposed non-conforming use (Food Truck Facility/Food Market) is categorized as General Light industrial with an average trip generation rate of 3.02 per employee. Therefore there is an overall decrease of trips generated by the proposed Food Truck Facility/Food Market and the substitution of the existing legal non-conforming use (Warehousing) with the proposed non-conforming (Food Truck Facility/Food Market) use will not result in an average daily trip increase of more than five percent (5%);
7. The proposed new use will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent properties, the surrounding area, or the neighborhood because of noise, odors, dust, glare, vibrations, or other effects. A "Statement of Operations" was submitted by the applicant which outlines and defines the parameters within which the proposed Food Truck Facility/Food Market uses will operate including, but not limited to, the proposed hours of operation, number of employees, and truck activity anticipated on site. Nothing contained in this document is inconsistent with operations anticipated in a business commercial zone district which includes similar types of commercial uses and operations. None of the operations outlined in the applicant's statement indicate the proposed non-conforming uses will be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent properties, the surrounding area, or the neighborhood because of noise, odors, dust, glare, vibrations, or other effects. The applicant's "Statement of Operations" has been incorporated in the project conditions of approval in which case a deviation from these outlined operations may require review by the Zoning Administrator;
8. The proposed new use will comply with all applicable standards of the district and Citywide standards, there are special circumstances peculiar to the property and its relation to surrounding uses or to the district itself that would justify modification to applicable standards, or the impacts of the new use will be mitigated. The proposed

exterior modifications, site improvements, and interior tenant improvements related to the proposed uses (Food Truck Facility/Food Market) comply with design and development standards for the Business Commercial Zoning District including but not limited to the City's parking standards and regulations.

DRAFT CONDITIONS OF APPROVAL

P18-0073: MUP18-0010

151 MITCHELL AVENUE

(As recommended by City Staff on June 20, 2019)

Planning Division requirements shall be as follows:

1. The applicant shall comply with the City's Standard Conditions of Approval for Commercial, Industrial, Mixed-Use and Multi-Family Residential Projects and with all the requirements of all affected City Divisions and Departments as contained in the attached conditions, except as otherwise amended by the following conditions of approval.
2. The construction drawings shall substantially comply with the approved plans prepared by Mena Architects, dated March 5, 2019, as approved by the Zoning Administrator in association with MUP18-0010, as amended by the Conditions of Approval. The final plans shall be subject to the review and approval of the Chief Planner.
3. The business shall be operated substantially as outlined in the submitted plans, as part of the Planning Application dated October 18, 2018. A failure to operate as an Food Truck Facility/Food Market use will be grounds for revocation of the Minor Use Permit.
4. The business owner / operator shall be responsible for ensuring compliance with all conditions of approval.
5. Any modification to the approved use, plans or conditions of approval shall be subject to SSFMC Section 20.450.012 ("Modification"), whereby the Chief Planner may approve minor changes.
6. Hours of Operation:
 - i. Food Market – Open to the general public from 7:00am to 9:00pm
 - ii. Food Truck Facility – Open to truck operators from 4:00am to 10:00pm
7. Number of Employees:
 - i. Food Market – 2 Employees
 - ii. Food Truck Facility – 8 Employees

Planning Division Contact: Christy Usher at (650) 877-8535

Fire Department requirements shall be as follows:

1. Any modifications to the fire sprinkler system shall be performed per NFPA 13 and SSFFD requirements under separate fire plan check and permit for overhead.
2. Any modifications to the fire alarm system shall be performed per NFPA 72 and SSFFD requirements under a separate fire plan check and permit.

3. Provide fire extinguishers throughout the building in accordance with CFC section 906.
4. All buildings shall provide premise identification in accordance with SSF municipal code section 15.24.100.
5. All Non parking space curbs to be painted red to local Fire Code Specifications
6. Provide Knox key box for each building with access keys to entry doors, electrical/mechanical rooms, elevators, and others to be determined. Provide Knox Key Switch for any electronic gates.
7. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible.
8. Each required commercial kitchen exhaust hood and duct system required by CFC Section 609 to have a Type I hood shall be protected with an approved automatic fire-extinguishing system installed in accordance with NFPA 17A and CFC 904. System shall be installed under separate permit and plans.

Fire Department Contact: Craig Lustenberger at (650) 877-6645

Police Department requirements shall be as follows:

1. All construction must conform to South San Francisco Municipal Code Chapter 15.48.070 Minimum-security standards for nonresidential buildings, (Ord. 1477 § 1C, 2013; Ord. 1166 § 1, 1995)
2. The applicant shall install and maintain a central station silent intrusion alarm (burglary alarm) per South San Francisco Municipal Code Chapter 15.48.070(i)(2)(Q), (Ord. 1477 § 1C, 2013; Ord. 1166 § 1, 1995)
3. The applicant shall install and maintain a six-foot tall perimeter fence and six foot tall gate to secure lot if food trucks will be parked outside overnight.
4. The Police Department reserves the right to review and comment upon the submission of revised and updated plans.

Police Department Contact: Sgt. Michael Rudis, (650) 877-8927

Water Quality Control Plant requirements shall be as follows:

APPROVED WITH CONDITIONS - the following items must be included in the plans or are requirements of the Water Quality Control Stormwater and/or Pretreatment Programs and must be completed prior to the issuance of a building permit:

1. Storm drains must be protected during construction. Discharge of any demolition/construction debris or water to the storm drain system is prohibited.
2. Do not use gravel bags for erosion control in the street or drive aisles. Drains in street must have inlet and throat protection of a material that is not susceptible to breakage from vehicular traffic.
3. If fire sprinklers are added/modified, fire sprinkler test drainage must be plumbed to sanitary sewer and be clearly shown on plans.
4. Trash enclosure shall be covered, contained/bermed and the floor shall slope to a central drain that is connected to the sanitary sewer. Details of trash enclosure shall be clearly provided on plans.
5. Install a condensate drain line connected to the sanitary sewer for any new rooftop equipment and clearly show on plans.
6. All non-domestic wastewater sources in kitchens and prep areas (wash sinks, prep sinks, mop sinks, floor drains) shall be connected to a grease interceptor and clearly shown on plans. Sizing of the grease removal device must be in accordance with the uniform plumbing code (minimum liquid capacity 1500 gallons).
7. A cut sheet of the Grease Interceptor/Trap must be shown on plans.
8. All outdoor hose stations/wash pads, truck dump areas and mat wash areas must be covered and bermed to prevent stormwater runoff into these drains. Drains in these areas must be connected to a grease interceptor (minimum 750 gallon liquid capacity) and then to the sanitary sewer.
9. Applicant shall provide a letter stating no washing of vehicles or equipment shall be conducted outside of the designated covered wash pad(s) as well as no discharging of holding tanks from food service vehicles outside of specific areas shall be conducted. Include in letter how this will be addressed to renters.
10. The onsite catch basins are to be stenciled with the approved San Mateo Countywide Stormwater Logo (No Dumping! Flows to Bay).
11. Garbage Disposals in Industrial/Commercial facilities are prohibited by City of South San Francisco Municipal Code and shall not be included with any sinks/plumbing fixtures.

12. Due to change of use, applicant will be required to pay a sewer capacity fee (connection fee) based on anticipated flow, BOD and TSS calculations after credit for previous site use. Estimated fee at this time is \$45,766.18.
13. Complete attached Stormwater Operation and Maintenance (O&M) agreements for any stormwater treatment devices/permeable pavers.
Use attached forms for completing documents, as old forms are no longer sufficient
A finished copy must also be emailed to andrew.wemmer@ssf.net
Do not sign agreement, as the city will need to review prior to signature, prepare packet and submit with an address to send for signature.
Exhibit Templates can also be found within Chapter 6 the C.3 Technical Guidance at <http://www.flowstobay.org/newdevelopment>.
14. No floatable bark shall be used in landscaping. Only fibrous mulch or pea gravel is allowed.

Water Quality Control Contact: Andrew Wemmer, (650) 829-3840

Engineering Department requirements shall be as follows:

APPROVED WITH CONDITIONS - The following items must be included in the plans or are requirements of the Engineering Division and must be completed prior to the issuance of a permit:

I. STANDARD CONDITIONS

1. The Owner shall coordinate with the Public Works Department to ensure any proposed repair to the sewer lateral, sidewalks, curb and/or gutter will be satisfactory to the City. In addition, the Owner shall obtain an encroachment permit for any proposed work in the public right of way. The owner shall be responsible for all applicable fees, deposits, and costs related to the proposed work.
2. As this proposed project results in a remodeling, alteration, or enlargement of greater than 25% of the building area (square footage), the Owner shall meet all associated City Municipal Code requirements related to the sewer lateral including, though not necessarily limited to, the following:
 - a. The Owner shall call the Public Works Inspector at 650-829-6656 for instructions on performing CCTV and locating of the sewer lateral from the building foundation to the public sewer main. Video from this inspection shall be provided to the City for review as instructed.
 - b. If a City-approved sewer cleanout is present in the sidewalk, the Owner shall repair or replace damaged portions of the sewer lateral between the building

foundation and the upstream end of the cleanout wye, as well the cleanout frame and cover, as directed by the Inspector. The Owner is informed that in many cases, if pipe that connects to the upstream side of the wye is disturbed, the wye and cleanout assembly must also be replaced. This requirement also applies if there is no sidewalk, and the cleanout is no more than 3 feet behind the back of the curb line (if a curb is present), or no more than 3 feet behind the property line if there is no sidewalk, curb, or gutter.

- c. If no City-approved cleanout exists in the locations described above, the Owner shall repair or replace damaged portions of the lateral between the building foundation and the sewer main, including the wye or break-in connection at the sewer main, as directed by the Inspector. Depending on the nature of the repairs, a second, post-repair video inspection of the lateral may be required, as determined by the inspector. The Owner shall additionally install a new cleanout per City standards in the applicable location described above, and no closer than 5 feet away from the nearest driveway. Installation of a new sewer cleanout at the proper location will in most cases require installation of a new sewer lateral.
 - d. The Owner shall coordinate with the Inspector to ensure that any necessary sewer lateral repair or replacement work will be satisfactory to the City, shall obtain an encroachment permit for any work in the public right of way, backyard utility easement, or alley. All work related to these requirements shall be accomplished at the Owner's expense.
 - e. Regardless of whether any sewer lateral work is required, the Owner shall obtain a certificate of sewer lateral compliance from the City before the City will provide the first inspection of the new plumbing work, if plumbing work is included in the project. If no plumbing work is included in the project, the Owner shall obtain the certificate of compliance before the first inspection of any work in the building.
3. Contractors must have a Class A license for any work in the street (beyond the face of curb). Contractors with a Class A license may perform any and all work associated with building permit requirements. For concrete work between the curb and the building, a Class C-8 license is sufficient. For plumbing work between the curb and the building, a Class C-36 license is sufficient. An exemption may be granted by the City if a relatively minor portion of the work is not covered by the Contractor's license. For example, if a new sewer cleanout is being installed in the sidewalk by a Contractor with a C-36 (plumbing) license, the same Contractor may remove and reform no more than one (1) panel of the sidewalk without the need for a Class C-8 (concrete) license.

II. SPECIAL CONDITIONS

4. The Developer shall submit a grading plan that clearly states the amount of cut and fill required to grade the project. The grading plan shall clearly indicate existing and proposed elevations of all catch basins in the vicinity of the proposed project and all existing and proposed easements. If excavation and grading work involves movement of

more than 50 cubic yards of soil, a grading permit is required. Owner is responsible for all associated fees and deposits.

5. Prior to the issuance of a grading permit, a geotechnical report shall be submitted, reviewed and approved by the Engineering Division. The developer shall place a \$5,000 cash deposit with the City for the peer review of the Geotechnical Report.
6. The Developer shall submit a copy of their General Construction Activity Storm Water Permit Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP), where required by State or Federal regulations, to the Engineering Division for our information. These documents shall be submitted prior to receiving a grading or building permit for the subject project.
7. All improvements shall be designed by a registered civil engineer and approved by the Engineering Division.
8. The Developer shall provide all existing and proposed elevations of the connection between the frontage road and the proposed driveway. These elevations include the pavement connection point, the proposed driveway centerline, top of curb, and bottom of curb.
9. The Developer shall replace all existing sidewalk, curbs, and gutters to current City Standards and to the satisfaction of the City Engineer at no cost to the City.
10. The Developer shall provide tree protection to ensure existing trees are protected during the proposed development.
11. All new public improvements required to be constructed to accommodate the development shall be installed at no cost to the City and shall be approved by the City Engineer and constructed to City standards. The work shall be performed in accordance with an encroachment permit obtained by the developer from the Engineering Division, prior to the approval of the final map, or a subdivision improvement agreement approved by the City Council and shall be accomplished at no cost to the City. All new public improvements shall be completed within one year of obtaining a Building Permit for the proposed development, or prior to occupying structures at the site, whichever comes first.
12. The developer shall remove and replace all sidewalk fronting the project. The new sidewalk shall comply with the City standard detail and shall provide the minimum ADA width around the existing power poles. All work shall be done at no cost to the City.
13. The Developer shall clean, repair or reconstruct, at his expense, as required to conform to City Standards, the existing public improvements including driveways, curbs, gutters, sidewalks and street pavements along the street frontages of the subdivision to the satisfaction of the City Engineer, upon completion of the heavy construction and landscape work at the site. Damage to adjacent property caused by the developer, or his

contractors or subcontractors, shall be repaired to the satisfaction of the affected property owner and the City Engineer, at no cost to the City or to the property owner.

14. The Developer shall submit a sewer capacity study to determine how the project impacts the system and determine if there is adequate capacity of the sewer lines. The study shall include an analysis of all impacted sewer systems. Please be sure to include all supporting calculations.
15. The developer shall coordinate work with California Water Service for all water utility work.
16. All utility crossings shall be potholed, verified and shown on the plans prior to the building permit submittal. In addition, the Developer shall submit profiles of all proposed utilities
17. The Engineering Division reserves the right to include additional conditions during review of the building permit application.
18. Prior to the issuance of a Building Permit for the project, the applicant shall pay the various fees as detailed below.

III. ENGINEERING IMPACT FEES

Oyster Point Overpass Contribution Fee

Prior to receiving a Building Permit for the proposed tenant improvement, the applicant shall pay the Oyster Point Overpass fee, as determined by the City Engineer, in accordance with City Council Resolutions 102-96 and 152-96. The fee will be calculated upon reviewing the information shown on the applicant's construction plans and the latest Engineering News Record San Francisco Construction Cost Index at the time of payment. The estimated fee for the subject 13,019 square foot tenant improvement is calculated below. (The number in the calculation, "12,344", is the April 2019 Engineering News Record San Francisco construction cost index, which is revised each month to reflect local inflation changes in the construction industry.) The Oyster Point Overpass Contribution Fee does not account for existing uses and is only applied to the portions of the building within the scope of the tenant improvement.

Trip Calculation

General Industrial

6,519 gsf * 5.46 trips/1000 gsf = 35.59 trips

Warehouse

4,664 gsf * 4.50 trips/1000 gsf = 20.99 trips

General Office

176 gsf * 12.30 trips/1000 gsf = 2.16 trips

General Commercial

1,660 gsf * 48.00 trips/1000 gsf = 79.68 trips

Contribution Fee Calculation

$$138.42 \text{ trips} \times \$154 \text{ per trip} \times (12,322.23 / 6552.16) = \$ 40,088.92$$

East of 101 Sewer and Traffic Impact Fees

As the project does not propose a net increase of the building area, the East of 101 Sewer Impact Fee is not required.

Engineering Contact: Jason Hallare, (650) 829-6652

Building Department requirements shall be as follows:

1. Verify accessible parking configuration/dimensions (offload location)
2. Verify occupant load to number of restrooms (currently single use unisex restroom for patrons).
3. Provide water drinking facilities for patrons.
4. Provide grease interceptor for washout areas
5. Provide floor drain for trash enclosure area
6. Restroom must not be open to kitchen
7. Provide means of egress from kitchen
8. Verify adjacent tenant to determine rating for demising wall.
9. Identify use for mezzanine and provide 2 means of egress.
10. Egress cannot be through rollup door...must be dedicated man door (see rear retail/warehouse)

Building Division Contact: Erik Rietdorf, (650) 829-6670