



North Fair Oaks Community Council
San Mateo County Coordinated
Departmental Response



Date: June 21, 2013
NFOCC Meeting Date: June 27, 2013
Special Notice / Hearing: 10 days; within 300 feet
Vote Required: None

To: Members, North Fair Oaks Community Council

From: Summer Burlison, Project Planner

Subject: Status Report for SportsHouse (Indoor Sports and Cafe)
3151 Edison Way, North Fair Oaks
APN: 060-041-100; PLN 2011-00070

RECOMMENDATION:

Accept the status report and Attachment A confirming SportsHouse (Indoor Sports and Cafe) compliance with its Use Permit Conditions of Approval.

BACKGROUND:

On December 13, 2011, the San Mateo County Board of Supervisors approved a Zoning Text Amendment and Use Permit to amend County Zoning Regulations of the Light Industrial/Edison/North Fair Oaks (M-1/Edison/NFO) Zoning District to allow indoor exercise and leisure facilities subject to a Use Permit, and to allow conversion of a former beer distribution facility into an indoor multi-sports and recreational facility located at 3151 Edison Way, in the unincorporated North Fair Oaks area of San Mateo County. Since approval by the Board of Supervisors, the applicant has obtained the necessary building permits to convert/construct the approved project and has been in operation for approximately eight (8) months. The subject status report is in response to the project's Use Permit Condition of Approval No. 3, which requires an administrative review six (6) months after final building permit inspection to verify compliance with the conditions of Use Permit approval, including a referral to the North Fair Oaks Community Council for comments.

Chronology

December 13, 2011 - Zoning Text Amendment and Use Permit PLN 2011-00070 approved by the Board of Supervisors to allow indoor exercise and leisure facilities in the M-1/Edison/NFO Zoning District subject to a Use Permit, and to allow conversion of a former beer distribution facility into an indoor multi-sports

and recreational facility located at 3151 Edison Way (SportsHouse).

- November 1, 2012 - Building Final Approval, BLD 2012-00160, to convert existing warehouse into an indoor sports facility.
- February 14, 2013 - Building Permit, BLD 2012-01842, issued to construct restaurant/cafe and party rooms.
- May 1, 2013 - Administrative Review of PLN 2011-00070 (Use Permit approval) submitted.
- May 24, 2013 - Administrative review inspection completed by staff.
- June 17, 2013 - Public notices for North Fair Oaks Community Council (NFOCC) meeting on June 27, 2013 mailed out to property owners within a 300-foot radius of project site for subject status update to the NFOCC.
- June 27, 2013 - Project status update to the North Fair Oaks Community Council.

DISCUSSION:

Staff has reviewed and found the SportsHouse, located at 3151 Edison Way, to be in substantial compliance with its applicable conditions of approval. Several conditions related to the on-site sale of beer and wine associated with the sports cafe are pending compliance as the cafe is still under construction (as of the date of this report). However, prior to final building inspection of the sports cafe, BLD 2012-01842, planning staff will verify that any applicable pending conditions are met. Furthermore, staff has not received any complaints from the public or any other public agencies.

ATTACHMENTS:

- A. Compliance Status Table with 2011 Use Permit Conditions of Approval

SB:pac/jlh - SSBX0422_WPU.DOCX

COUNTY OF SAN MATEO
 PLANNING AND BUILDING DEPARTMENT

SportsHouse (Indoor Sports and Café) Project
COMPLIANCE STATUS WITH 2011 CONDITIONS OF APPROVAL

County File Number: PLN 2011-00070

| CONDITIONS | | COMPLIANCE | | | COMMENTS |
|---------------------------------|--|------------|----|---------|---|
| | | Yes | No | Pending | |
| <u>Current Planning Section</u> | | | | | |
| 1. | This approval applies only to the proposal, documents and plans described in the staff report and submitted for review and approval by the Planning Commission on November 6, 2011, and subsequently by the Board of Supervisors on December 13, 2011. Any changes or revisions to the project may be approved by the Community Development Director if they are consistent with the intent of, and in substantial conformance with this approval. | X | | | |
| 2. | The Use Permit shall be valid for five (5) years from the date of final approval, and shall expire on January 15, 2017. The applicant shall apply for renewal of the Use Permit, and pay applicable renewal fees six (6) months prior to expiration, if continuation of the use is desired. Any change in use shall be required to comply with applicable zoning regulations for this district. | X | | | |
| 3. | There shall be three administrative reviews, six (6) months after final building permit inspection, in January 2013, and in January 2015, to verify compliance with the conditions of this Use Permit | | | X | Building Permit, BLD 2012-00160, final inspection occurred on November 1, 2012. The first (subject) administrative review became due in May 2013, for |

ATTACHMENT A

| CONDITIONS | | COMPLIANCE | | | COMMENTS |
|------------|--|------------|----|---------|--|
| | | Yes | No | Pending | |
| | approval and to review the performance of the operation to determine whether any modifications to the conditions, or any new conditions, are necessary to minimize any new or unforeseen adverse impacts. The applicant shall be responsible for paying the applicable administrative review fee for each required administrative review, and each administrative review shall include a referral to the North Fair Oaks Community Council for comments, particularly regarding traffic, security and noise. If the County finds that the use is not in compliance with the conditions of approval, the applicant shall have thirty (30) days to comply with the terms of the approved Use Permit or apply for a use permit amendment, including payment of all applicable fees. Failure to do either action will result in the initiation of use permit revocation proceedings. | | | | which the applicant initiated on April 30, 2013 by payment of the applicable administrative review fee. Subsequently, staff conducted an administrative review inspection on May 24, 2013 and has prepared this status report for referral to the North Fair Oaks Community Council for review at the Council's June 27, 2013 meeting. |
| 4. | The hours of operation for visitors to the sports facility shall be no earlier than 6:00 a.m. and all visitors shall be vacated from the premises by 12:00 a.m. during weekdays (Monday through Friday) and shall open no earlier than 8:00 a.m. with all visitors vacated from the premises by 12:00 a.m. on Saturdays and Sundays. Use of the facility after 10:00 p.m. shall be limited to adult league games. San Mateo County Sheriff's staff may be on-site at any time. | X | | | The current hours of operation are 9:00 a.m. to 10:00 p.m. on weekdays and 9:00 a.m. to 10:00 p.m. on weekends with the last games starting at 10:00 p.m. and limited to adult (league) games. |
| 5. | The café shall stop serving alcohol one hour before closing time. Closing time shall be the time when the public is required to vacate the premises. | | | X | As of the date of this report, a Type 41 Liquor License (On-sale beer and wine for public eating place) has not yet been issued by the California Department of Alcoholic Beverage Control. |

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|------------|--|------------|----|---------|---|
| | | Yes | No | Pending | |
| 6. | Gates shall be maintained at the access driveways to the site and shall be kept closed during non-business hours to deter unauthorized people from accessing and loitering on the property site. | X | | | |
| 7. | Landscaping shall be installed and maintained throughout the life of the use along the public right-of-ways (i.e., Edison Way and 5th Avenue) to provide added buffering from surrounding neighbors. Landscaping shall include, but not be limited to, hedges or other appropriate native vegetation that will provide opaque screening a minimum of 3 1/2 feet above grade along the Edison Way public right-of-way to minimize glare from vehicle lights on residences across Edison Way. Field verification of landscaping shall be completed by the Planning Department prior to final Planning approval of the issued building permit. | | | X | Landscaping was installed along the Edison Way and 5th Avenue public right-of-ways consisting of 5-gallon Vine Hill Manzanita (“Howard McMinn”), Dwarf Callistemon (“Little John”), Carolina Jessamine, and Indian Hawthorn (“Pink Lady”). Future administrative reviews will include verification that these plants are being maintained in a manner to achieve full compliance with this condition. |
| 8. | The applicant shall submit a landscape plan at the time of building permit application for review and approval by the Planning Department. The landscape plan shall include the location, size and species of any proposed landscaping, and shall include, but not be limited to, hedges or other appropriate native vegetation that will provide opaque screening a minimum of 3 1/2 feet above grade along the Edison Way public right-of-way. In addition, all proposed landscaping shall be of native, non-invasive species. Prior to final Planning approval of the building permit for the project, a site inspection shall be required by the Planning Department to verify that all approved landscaping has been implemented. All perimeter landscaping shall serve to screen and soften the public’s view of the site. | X | | | |

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|------------|---|------------|----|---------|---|
| | | Yes | No | Pending | |
| 9. | The applicant shall provide a wheel stopping device for any on-site parking spaces abutting a landscaped area to prevent vehicular overhang. | | X | | This requirement was waived during initial construction under the discretion of the Community Development Director; however, can be required if deemed necessary by the Community Development Director at any time in the future. |
| 10. | Loitering in and around the premises shall be prohibited. Facility staff shall regularly monitor all areas of the premises, particularly the outdoor parking lot areas, during hours of operation to ensure that visitors and/or unauthorized persons are not loitering in the parking lot and that no loud noises are generated from the premises at any time. | X | | | To date, staff has no evidence that there is any violation of this condition. |
| 11. | At any time during business operation, there shall be an appointed, identified, responsible staff member designated as the "Community Point of Contact." The Community Point of Contact shall serve as the primary contact person for all public inquiries and/or complaints regarding noise and/or parking lot operations, including loitering, and shall respond immediately to address any concerns and/or complaints. | X | | | |
| 12. | Video surveillance shall be provided for all exterior areas of the premises, 24 hours a day/7 days a week, and shall (at a minimum) include security surveillance camera coverage of all parking lot areas, the perimeters of the premises, and entrance and exit doors to the facility. | X | | | |
| 13. | All weather signs shall be posted around the site notifying the public that the site is under 24-hour surveillance. The signs shall be designed and posted such that they are legible and visible to the general public, and shall be maintained and replaced as necessary. The minimum required posting | X | | | |

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| CONDITIONS | | COMPLIANCE | | | COMMENTS |
|------------|---|------------|----|---------|---|
| | | Yes | No | Pending | |
| | locations should be at the west parking lot area, the west driveway (farthest from 5th Avenue), and the east driveway (closest to 5th Avenue). | | | | |
| 14. | A Site Security Plan shall be submitted to the Planning Department for review and approval prior to issuance of a building permit. At a minimum, the plan shall include details of the signs notifying the public that the site is under 24-hour surveillance, details of the proposed security equipment/cameras to be used for video surveillance of the premises, sign and camera locations, and coverage areas of the cameras. Verification by the Planning Department that the approved plan has been implemented and is in proper functioning order shall be required prior to Building Permit final. | X | | | |
| 15. | Noise levels associated with the approved use shall not exceed the limitations set forth in the County Noise Ordinance and/or Performance Standards of the M-1/Edison/NFO Zoning District. | X | | | To date, staff has no evidence that there is any violation of this condition. |
| 16. | Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Construction activities shall be prohibited on Sundays and any nationally observed holidays. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment. | X | | | |
| 17. | The roll-up doors along the west building elevation shall remain closed during business hours to limit interior noise from escaping the building. | X | | | To date, staff has no evidence that there is any violation of this condition. |
| 18. | The applicant is responsible for ensuring that all contractors are aware of all stormwater quality measures and implement such measures. Failure to comply with construction Best Management | X | | | |

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|------------|--|------------|----|---------|--|
| | | Yes | No | Pending | |
| | <p>Practices (BMPs) will result in the issuance of correction notices, citations or a project stop order. BMPs shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater. b. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses. c. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits. d. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated. e. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods. | | | | |
| 19. | <p>The applicant shall encourage visitors to carpool and/or use alternative modes of transportation to the project site. Information shall be made readily available on any facility website or to persons visiting the facility of options for alternative modes of transportation to the facility, including public transit services.</p> | | | X | <p>The applicant is working on updating the SportsHouse website and making applicable information available to persons visiting the facility. Prior to approval of this administrative review, staff will verify compliance with this condition.</p> |

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| | | Yes | No | Pending | |
| 20. | Planning verification shall be required to ensure that all approved on-site parking, including striping and markings for compact parking spaces, has been completed prior to building permit final. | X | | | |
| 21. | All exterior lighting (including site and building) shall be designed and located so as to confine direct rays to the subject property and prevent glare in the surrounding area. The applicant shall submit a photometric plan and design manufacturer's "cut sheets" for all proposed exterior lighting as part of the building permit submittal for review and approval by the Planning Department. Field verification of exterior lighting shall be conducted by the Planning Department prior to final Planning approval of the issued building permit. | X | | | |
| 22. | All exterior lighting, not necessary for security purposes, shall be turned off during non-business hours. | X | | | To date, staff has no evidence that there is any violation of this condition. |
| 23. | Any licensed alcohol sales and consumption during public business hours shall be limited to the sports café area only. Signs shall be posted in visible locations in the sports café area indicating to patrons that no alcohol shall be removed from the sports café area and this shall be strictly enforced by sports café staff. | | | X | Prior to Planning final of BLD 2012-01842 (café), staff will verify that this condition has been met. |
| 24. | The applicant shall obtain a building permit prior to the start of any tenant improvement work on-site. | X | | | |
| 25. | The applicant shall ensure that all noise, light, dust, odors and other interferences with persons and property off the site will be minimized. | X | | | To date, staff has no evidence that there is any violation of this condition. |
| 26. | The use of brilliant, deep, highly contrasting or reflective exterior building colors shall be prohibited. The applicant shall submit color paint samples to the Planning Department for review and approval prior to any repainting of exterior buildings or structures. | X | | | All exterior paint colors were reviewed and approved by the Community Development Director prior to implementation. |

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| | | Yes | No | Pending | |
| 27. | The applicant shall be responsible for ensuring that all garbage, debris, litter and/or solid waste generated from the proposed use is properly disposed of and picked up on a daily basis. | X | | | |
| 28. | Any outdoor garbage dumpsters shall be screened from view by six (6) foot high fencing and/or landscaping materials to reduce visual impacts. Verification of compliance with this condition shall be completed prior to a building permit final inspection. | X | | | |
| 29. | The applicant shall maintain a valid license from Alcohol Beverage Control (ABC) for alcohol sales/service in the café area, which shall be limited to beer and wine. A copy of the license shall be submitted to the Planning Department for record. If the license is ever revoked or suspended, the applicant shall notify the Planning Department within ten (10) days of any such revocation or suspension. | | | X | As of the date of this report, a Type 41 Liquor License (On-sale beer and wine for public eating place) has not yet been issued by the California Department of Alcoholic Beverage Control. |
| 30. | The Planning and Building Department shall be notified prior to any new tenant occupancy. | X | | | No new/unauthorized tenants occupy the building or site. |
| 31. | The applicant shall maintain all perimeter fencing in good condition. Any damage to perimeter fencing shall be promptly repaired. All repairs shall match the appearance, materials, and workmanship of the fence as originally constructed. | X | | | |
| 32. | Dust, odors, or air pollutants generated from the project shall not be permitted beyond the boundaries of the M-1/Edison/NFO District. | X | | | To date, staff has no evidence that there is any violation of this condition. |
| 33. | All signage proposed for the site shall be indicated on a site plan and shall be submitted to the Planning and Building Department for review and approval prior to installation, including obtaining a building permit if necessary, and shall comply with the sign regulations of the M-1/Edison/NFO Zoning District. | X | | | |
| 34. | Any new distribution lines shall be placed underground. | X | | | |

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| | | Yes | No | Pending | |
| 35. | Vibration perceptible on adjoining property, except for temporary construction operations, shall be prohibited. | X | | | |
| 36. | All uses, activities or operations associated with the proposed indoor sports and recreation facility shall be conducted entirely on the property. | X | | | |
| 37. | The applicant shall submit a check in the amount of \$2,094.00, made payable to San Mateo County, to the project planner to file with the Notice of Determination within four (4) working days of final approval of the project. The fee includes an environmental filing fee of \$2,044.00 (effective January 1, 2011) as required under Fish and Game Code Section 711.4(d), plus a \$50.00 recording fee. The Fish and Game filing fee of \$2,044.00 is subject to change as of January 1, 2012. Please contact the project planner to confirm the current filing fee for payment after January 1, 2012. | X | | | |
| 38. | Parking spaces on the east side of the parcel shall be limited to reserved parking for employees, sheriff staff, and/or assigned members. The spaces shall be visually designated (e.g., signs or pavement markings) to indicate that the spaces are for limited authorized use only. | X | | | |
| Building Inspection Section | | | | | |
| 39. | An automatic fire sprinkler system will be required. In the San Mateo County Building DIVISION VII Regulations, this permit must be issued prior to or in conjunction with the building permit. | X | | | A building permit for automatic fire sprinklers has been issued, BLD 2013-00496, for the building and is in current status. |
| 40. | A site drainage plan will be required. This plan must demonstrate how roof drainage and site runoff will be directed to an approved disposal area. | X | | | |
| 41. | Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. | X | | | |

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| | | Yes | No | Pending | |
| | Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time. | | | | |
| 42. | This project must comply with the Green Building Ordinance. | | X | | N/A – The project scope was determined to be under the threshold for requiring compliance with the Green Building Ordinance, as determined by the Building Inspection Section at building permit submittal. |
| 43. | A complete code summary shall be provided on the cover sheet of the proposed building plans and shall include type of construction, allowable area and calculations, group and/or use, type of automatic fire sprinkler system, current applicable building codes, and occupancy type and loads. | X | | | |
| 44. | All drawings must be drawn to scale and clearly define the whole project and its scope in its entirety. | X | | | |
| <u>Department of Public Works</u> | | | | | |
| 45. | The south driveway, closest to 5th Avenue, shall be designated as an entrance only driveway, and the north driveway, farthest from 5th Avenue, shall be designated as an exit only driveway. Striping and signage at each driveway shall be completed to the satisfaction of the Department of Public Works prior to Building Permit final. | X | | | The Department of Public Works has not received any comments from the public and/or has no concerns. |
| <u>Menlo Park Fire Protection District</u> | | | | | |
| 46. | Any hazardous materials on the site, including empty, full, or partially full compressed gas containers shall be removed and disposed of in accordance with State and San Mateo County Environmental Laws. | X | | | |

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|--------------------------------------|--|------------|----|---------|---|
| | | Yes | No | Pending | |
| 47. | The existing automatic fire sprinkler system will be required to be upgraded to accommodate the new use of the building. | X | | | A building permit for automatic fire sprinklers has been issued, BLD 2013-00496, for the building and is in current status. |
| 48. | The fire department connections to the fire sprinkler system(s) will require adjustment, to allow fire apparatus to supplement the fire sprinkler system from Edison Way. | X | | | |
| 49. | Other life safety systems will also need to be added to the building, including a new fire alarm system in accordance with current Fire Codes for Group A (Assembly) Occupancies. Possible voice evacuation system required. | X | | | |
| 50. | When final plans are drawn, additional exiting from the building may be needed. | X | | | |
| 51. | Prior to building permit final, the applicant shall contact Menlo Park Fire Protection District to schedule a final fire inspection. PLEASE NOTE THAT A 48-HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS. | X | | | |
| <u>Environmental Health Division</u> | | | | | |
| 52. | The applicant shall submit detailed plans for the food service area prior to its operation. An annual Environmental Health permit shall be maintained for its operation. | X | | | The Environmental Health Division has no concerns. |