



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: February 22, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Pamela Wu, Director

SUBJECT: Hold Public Hearing and Waive First Reading and Introduce Ordinance Amending the San Bruno Municipal Code Title 12 (Land Use) Article III (Zoning), Chapter 12.84.030 (Temporary uses), regarding reference to off-site construction staging area

BACKGROUND: The City Council is to consider amending San Bruno Municipal Code, Title 12 (Land Use) Article III (Zoning), Chapter 12.84.030 to remove the requirement of obtaining approval from Planning Commission for any off-site construction staging area. Currently, off-site construction staging area requirements are applied through several processes depending on the type of project (public or private) and if the staging area is in or out of the right-of-way. To unify requirements and citywide standards to improve construction staging area management and appearance, City Council has directed staff to prepare an ordinance amendment in addition to formal application of consistent minimum standards. One of the processes currently used to approve construction staging areas is the approval of a Temporary Use Permit (TUP) granted by the Planning Commission for a period of three months or less, which can be extended to accommodate the overall construction schedule. The proposed ordinance amendment would eliminate the requirement to obtain a TUP for any off-site construction staging areas. Instead, consistent standards and requirements for fencing, material storage and signage would be applied by staff through conditions of approval or through project specifications to all off-site construction staging and storage sites, for both private and public projects. These standards would only apply to projects which would already require fencing and would not affect single family housing projects that do not choose to use screening or where fencing is not required by the Building Division for safety.

Recently, there have been concerns raised about the unsightly appearance of certain temporary construction staging areas throughout the city. Many of these staging areas are along highly visible major thoroughfares. On September 14, 2021, City Council received a report and provided feedback and direction to staff regarding developing consistent standards for construction staging and storage areas. City Council discussed and further directed staff to explore the possibility of eliminating the current requirement to obtain a Temporary Use Permit for any off-site construction staging and storage areas. City Council also discussed the need for more vigilant enforcement of such construction storage and staging sites. Staff took direction from City Council and explored various ways in which these issues could be rectified.

A review of the City's existing construction fencing, and screening requirements found that existing regulations and requirements are applied in the following ways:

1. Any construction staging and storage areas, onsite and offsite, that are to support a Public Capital Improvement Project (CIP) are regulated through Public Works Department specifications. These specifications include work zone fencing and its timely maintenance, daily cleanliness standards, and demobilization procedures.
2. Any construction staging and storage areas that are within the public Right-of-Way are regulated through the issuance of an Encroachment Permit. These specific requirements include the same requirements as CIP projects, as well as compliance with all necessary city street, Caltrans, and ADA requirements.
3. Any onsite construction staging and storage areas for a private development that is conditioned through the entitlement process is required to adhere to the standards stipulated in conditions of approval. Typical conditions of approval include standard requirements for site maintenance and any requirements deemed necessary by each project's unique situation. However, conditioning regarding construction staging areas has been inconsistent.
4. Any offsite construction staging and storage areas for a private development can be approved through the Temporary Use Permit process, pursuant to SBMC Section 12.84.030.E, for up to three months. For the few TUP's processed, conditions have not always been consistent with respect to fencing and screening.

DISCUSSION: Based on staff research, staff found the city does not currently have consistent and detailed standards for construction site and staging area fencing and screening requirements. In researching neighboring city policies, staff found the following:

1. The city's TUP requirement for off-site construction staging areas is unique and inconsistent with the practices of other nearby municipalities. Most nearby cities which were surveyed did not require a TUP for off-site construction staging areas for private projects and none of them required one for public works projects.
2. Most cities identify potential staging areas for public works projects prior to receiving bids. Some neighboring cities, such as Burlingame and Millbrae, have designated City-owned vacant properties that they offer as off-site staging areas to contractors.
3. Some cities have detailed fencing and screening requirements for construction sites and temporary construction storage related to that site.

Based on this research and as directed by City Council, staff has found the current requirement for a TUP for off-site construction staging and storage to be an inefficient and impractical implementation measure as it also increases the overall processing time and project costs.

Hence, the proposed ordinance amendment would eliminate the requirement of obtaining a TUP as listed in SBMC 12.84.030.D & E (Attachment 1). Instead, more stringent requirements to provide a consistent regulatory framework for addressing concerns for all construction site and staging area safety and aesthetics would be implemented by staff (Attachment 2). A summary of the proposed standards found in Attachment 2 are as follows:

- Impose limits on the total amount of construction material quantity and overall time for construction materials stored in the public right-of-way. Storage of equipment in the right-of-way will be limited to the amount needed for five days and must be moved every five days in accordance with the site's construction progress, as well as removed during

the weekends. Cleanliness standards would also be applied.

- Impose fencing and screening requirements for all construction sites and off-site staging areas, which must be adequately maintained. All sites would require a 72-inch tall, galvanized steel chain link fence with securely fixed screening adjacent to all public rights-of-way. These would need to have a two-foot setback and be consistently maintained with no tears, rips, wire protrusions, defacements, weeds, or litter.
- Impose the requirement to post emergency contact signage for the general contractor. These signs would need to be made of a durable, waterproof materials and be securely attached to a public-facing fence with the name and emergency contact telephone number of the general contractor.
- Exclude smaller multi-family (6 or fewer units and single-family homes from the requirements of these standards, unless they choose to utilize fencing during construction or if fencing is required by the Building Division for safety.

Most smaller-scale projects, such as those relating to single-family homes or small multifamily units (6 or fewer units), do not require fencing of the construction site. Recognizing that this would be cost prohibitive, especially for minor projects such as landscaping and interior remodeling, there will be no fencing requirements imposed. However, in the event that construction fences are voluntarily installed at the site of a smaller project, they would be required to maintain it under the proposed standards. Construction fencing may be required by the Building Division for residential projects for safety, such as with the excavation of a new swimming pool.

The proposed ordinance amendment would remove the TUP requirement for certain types of construction staging areas and allow for staff adoption of uniform standards to significantly reduce the unsightly appearance of construction sites and off-site staging areas for future projects. To ensure full implementation, both Public Works Department and Community and Economic Development Department staff will be trained on the new requirements and the importance of maintaining clean construction sites and staging areas.

November 16, 2021 Planning Commission Meeting Summary

Following City Council's direction, an ordinance amendment was presented to the Planning Commission for recommendation on November 16, 2021. The Planning Commission discussed the proposed ordinance amendments and the proposed construction fencing standards. During the public hearing, there were multiple concerns raised by various Commissioners about the proposed fencing standards and their application. Most of the discussion centered around the possible financial burden that could be imposed on single family homeowners. Commissioners were concerned that single family home projects would be required to erect costly fencing, even for such small projects as new landscaping. Staff clarified that the proposed standards would focus mostly on larger construction sites and that there would be no requirements to fence any projects that did not already require construction fencing. For various types of residential street encroachments for dumpsters or material storage, the Planning Commission expressed a need to offer flexibility on time limits for use of the right of way. The Planning Commission continued the discussion to the January 18, 2022 meeting.

January 18, 2022 Planning Commission Meeting Summary

At the January 18, 2022 Planning Commission meeting, staff provided clarifications to remaining concerns such as potential construction cost that may be imposed to home owners while the Commission asked for further clarifications on which type of projects would be subject to the proposed standards. As stated in Attachment 2, the proposed policy would only be subject to new projects after adoption. The Planning Commission unanimously (6-0, with 1 absent) adopted a Resolution (Attachment 1) recommending the City Council adopt an ordinance amendment to San Bruno Municipal Code Title 12 (Land Use) Article III (Zoning), Chapter 12.84.030 (Temporary uses), regarding reference to off-site construction staging area.

FISCAL IMPACT: There is no fiscal impact.

ENVIRONMENTAL IMPACT: The proposed ordinance qualifies for an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), because the ordinance is not a Project that has the potential for causing a significant effect on the environment.

RECOMMENDATION: Hold Public Hearing and Waive First Reading and Introduce Ordinance Amending the San Bruno Municipal Code Title 12 (Land Use) Article III (Zoning), Chapter 12.84.030 (Temporary uses), regarding reference to off-site construction staging area

ALTERNATIVES: 1. Do not approve an ordinance amending the San Bruno Municipal Code removing the requirement of obtaining approval from Planning Commission for any off-site construction staging area.

ATTACHMENTS:

1. Ordinance Amendment
2. Proposed Construction Site Fencing and Screening Standards and Temporary Construction Storage/Staging Areas Standards
3. Planning Commission Resolution 2022-01