



Temporary Use Permit

Application #: TUP 24 - 005
Date: March 28, 2024
Issued By: Planning Division
Project Planner: Alvin Jen

I. Property Information:

Project Site:	2555 Pulgas Ave.
Parcel No:	063-121-200, 063-121-530, 063-121-540
Applicant:	JC Poetsch Advisors, Inc.
Property Owner(s):	Sycamore Real Estate Investment, LLC
General Plan	General Industrial
Designation:	
Zoning:	Ravenswood Employment Center (REC)
CEQA Status:	Categorical Exemption, Section 15304(e) - Minor Temporary Uses of Land

II. Project Description:

The applicant is requesting a Temporary Use Permit (TUP) to hold 44 various community events throughout a one-year period at the 6.53 acre site. These events include thirty-three (33) farmers' market and eleven (11) single day events. The applicant proposes majority of the events will include live entertainment and food vendors. All proposed events will be held at 2555 Pulgas Avenue. While this TUP will provide planning entitlements for the 44 events, building, fire and other permits may be required for each event.

The seasonal farmers' market, organized by Fresh Approach, is proposed for every Wednesday from April 10, 2024, and concluding on November 20, 2024 between the hours of 8:30 AM to 12:30 PM. Each farmers' market event will include five (5) farmers selling fresh produce, two (2) vendors selling prepared food, and one (1) plant vendor. The applicant anticipates approximately 100 participants for each event with a peak of 40 participants at a given time. The farmers' market has been approved for a Major TUP in the past for similar operations at this location.

Single day events are proposed for Fridays, Saturdays, or Sundays and will start no earlier than 12:00 PM and conclude no later than 8:00 PM except for

the Earth Day event which will start at 10:00 AM. There will be a total of eleven (11) single day events, some of which are proposed to occur more than once as described further below.

Table 1

Event	Total Number of Events	Date	Proposed Hours	Total number of Participants	Anticipated Participants at Peak Hours	Vehicles	Amenities
Farmers' Market	33	Every Wednesday from 4/10/24 - 11/20/24	8:30 AM - 12:30 PM	100	40	40	Food Vendors, Music, Cooking Booths, Zumba Class
Earth Day	1	4/13/24	10:00 AM - 3:00 PM	+/- 500	150	250	DJ/Live Music, Food Vendors
Night Markets	3	(1) Spring 2024, (1) Summer 2024, (1) Winter 2025	2:00 PM - 8:00 PM	+/- 400	100	200	DJ/Live Music, Food Vendors
Seasonal Festivals	3	(1) June 2024, (1) July 2024, (1) November 2024	12:00 PM - 8:00 PM	+/- 400	100	200	DJ/Live Music, Food Vendors
Bloomhouse Open House	2	(1) August 2024, (1) September 2024	3:00 PM - 6:00 PM	+/- 250	150	125	DJ/Live Music, Food Vendors
Dia de los Muertos	1	November 2024	12:00 PM - 6:00 PM	+/- 250	150	125	DJ/Live Music, Food Vendors
Black History Month	1	February 2025	12:00 AM - 6:00 PM	+/- 400	150	200	DJ/Live Music, Food Vendors

There will be three (3) night market events which are tentatively scheduled for Spring 2024, Summer 2024, and Winter 2025. This event will features live music and various local food vendors with approximately 400 participants anticipated for each event and a peak of 100 participants at a given time. The proposed hours of operations are 2:00 PM to 8:00 PM.

There will be three (3) seasonal festivals, which are tentatively scheduled for June 2024, July 2024, and November 2024. This event will include live music, local businesses, and food vendors. Each event anticipates approximately 400 participants for each event with a peak of 100 participants at a given time. The proposed hours of operations are 12:00 PM to 8:00 PM.

Bloomhouse, proposes to hold two (2) open houses, one (1) in August 2024, and one (1) in September 2024. This event will include live music, local and food vendors. Each event anticipates approximately 250 participants for each event with a peak of 150 participants at a given time. The proposed hours of operations are 3:00 PM to 6:00 PM.

Dia de los Muertos will be a single day event and proposes to be held in November 2024. This event will include carnival-like games, live music, local businesses and food vendors. This event anticipates 250 participants with a peak of 150 participants at a given time. The proposed hours of operations is 12:00 PM to 6:00 PM.

The Black History Month event will be a single day event and proposes to be held in February 2025. This event will include presentations, live music, and food vendors. This event anticipates 400 participants with a peak of 150 participants at a given time. The proposed hours of operations is 12:00 AM to 6:00 PM.

III. Findings and Decisions for Temporary Use:

The City of East Palo Alto (EPA) Development Code Section 18.94.080 requires the following findings to be made for a Temporary Use Permit:

1. The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, safety, or general welfare.

The proposed temporary use permit is to host a total of forty-four (44) events within a one (1) year period at 2555 Pulgas Avenue, East Palo Alto. These events will be held on Fridays, Saturdays, or Sundays; all events will start no earlier than 12:00 PM and conclude no later than 8:00 PM, except for the Earth Day event which will start at 10:00 AM and the farmers market which will start at 8:30 AM. The applicant anticipates each event will draw anywhere from 40 to 500 participants.

The City of East Palo Alto Planning Division, Building Division, Engineering Division, Police Department and Menlo Fire Department have reviewed the proposed temporary use, and conditions have been recommended, where appropriate, to ensure that the proposed events will not have an adverse effect on public health, safety, and general welfare. Building and fire permits may be required for each event. The applicant will be required to contact the other City Divisions before each event to confirm if permits are required, including Building, Engineering, the Police Department and Menlo Fire.

2. The operation of the requested temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics.

The proposed events would be at 2555 Pulgas Avenue and the potential operational noise from them would be in full compliance with the noise ordinances pursuant to Chapter 8.52 – Noise Control of the City of East Palo Alto Municipal Code (EPAMC). The areas where the proposed activities will be held is fully paved, thus avoiding excessive dust impacts on the surrounding sites.

The applicant would work directly with Recology to ensure that adequate solid waste service is provided to accommodate the anticipated solid and/or organic waste, and recycling service needs of vendors and event participants. Waste receptacles would be strategically placed throughout the events to serve the attendees and vendors. No activity involving ground disturbance is being proposed.

The EPA Planning Division has reviewed the proposed temporary events, and conditions have been recommended to ensure and enforce that the temporary use will not be detrimental to the adjoining properties through the potential creation of dust, light, noise, and odor.

3. The proposed parcel is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel.

The proposed events are temporary events, with operational days beginning on April 10th, 2024, through February 2025, for a total of 44 days. These temporary events, intended for the benefit and enjoyment of the community, would not include any permanent structures, or physical change to the property. All materials associated with the event would be removed and the site returned to its original condition after the conclusion of the events. Accordingly, these temporary uses would not be detrimental to the current use of the sites.

The surrounding uses of the subject project site are non-residential and proposed days and hours proposed for the event should not impact them significantly. The parcel is adequate in size and shape to accommodate the temporary activity without detriment to the enjoyment of the other properties in proximity.

4. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate.

The parcel is mostly developed and is adequately served by streets with sufficient width and improvements to accommodate the potential traffic flow that the temporary use may generate.

5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director.

In the past several years, the site has hosted various temporary events and adequate onsite parking has been provided in support of those events. There will be adequate onsite parking spaces to facilitate the proposed events during the proposed operating days and hours. There is an undeveloped area of the proposed site where approximately 500-600 parking spaces will be available for participants. In addition, there will be also approximately eight (8) ADA (American Disability Accessible) spaces. The applicant will have onsite staff to manage parking demand and logistics.

6. The applicant agrees in writing to comply with any and all of the conditions imposed by the Review Authority in the approval of the Temporary Use Permit.

The applicant has been apprised of all the conditions of approval and has pledged to abide by the letter and spirit of those conditions and has communicated that in writing.

IV. Conditions of Approval:

PLANNING DIVISION:

1. The use shall be in substantial compliance with the application materials submitted as part of East Palo Alto planning application for TUP24-005 dated March 5, 2024. Any events not listed shall require a separate Temporary Use Permit.
2. This Temporary Use Permit shall be effective beginning April 12, 2024 and expire on April 11, 2025.
3. Minor modifications to the approved plans or proposed uses which are generally consistent with the Planning Division approval may be approved administratively by the Planning Manager. Any major changes, as determined by the Planning Manager, shall require review and approval from the Planning Commission at a public hearing.

4. The applicant shall contact the Building Division, Engineering Division, Police Department and Menlo Fire at least 45 days prior to each event to confirm if permits or other requirements/coordination are needed. It is recommended that the applicant reach out sooner for more complex events and larger anticipated attendance.
5. The applicant shall defend, indemnify and hold harmless the city, its officers, agents, and employees from any liability or claims for damages due to the injury of any person, loss of life, or damage to property caused by, or arising out of activities authorized by Temporary Use Permit TUP24-005.
6. Temporary structures and uses shall conform to the structural strength, fire safety, means of ingress and egress, light, ventilation, and sanitary requirements to ensure the public health, safety, and general welfare.
7. The applicant shall coordinate with the property owner to ensure that on-site parking demand shall be adequately addressed and have parking attendants on the day of the event to ensure overflow parking does not impact the surrounding neighborhood.
8. All trash and debris from the site shall be removed at the conclusion of each event.
9. The site must have ADA access compliance. The applicant shall provide a pedestrian access point as well as vehicular access.
10. If applicable, all banners shall be removed at the expiration of the temporary use permit operation.
11. If applicable, banners shall not obstruct motorist's line of sight or otherwise constitute a safety hazard for vehicular or pedestrian traffic upon any street, sidewalk, or right of way.
12. The applicant shall ensure that each food vendor maintain an up-to-date permit provided by the County of San Mateo Environmental Health Services throughout the duration of the temporary use.
13. The applicant shall comply with the requirements of the East Palo Alto Planning, Building, Public Works, Engineering, and Environmental Programs Divisions, Menlo Park Fire Protection District, East Palo Alto Police Department, and San Mateo County Health Department.
14. This permit shall be kept onsite and available for inspection upon request by municipal staff and the general public during the entire duration of the event.

15. The applicant shall ensure that all protocols included in the operational letter submitted with the permit application are fully implemented.
16. The City of East Palo Alto has to right to revoke and nullify this Temporary Use Permit at any time if any of the Conditions of Approval are violated, if proper permits are not secured prior to each event, and/or failure to follow procedures set forth by its officers, agents, and employees.
17. Countersign this Temporary Use Permit acknowledging the conditions and that the applicant will comply as stated in the Conditions of Approval.

BUILDING DIVISION:
AT PERMIT SUBMITTAL

18. This project shall be designed to meet the applicable California Building Standards Code that is in effect at the time of building permit application.
CBC 1.1.9.
19. Imprint the Conditions of Approval on the plans submitted for building permits.

PRIOR TO THE ISSUANCE OF THE PERMIT:

20. Approval of this TUP does not relieve the Applicant from the applicable requirements of subsequent permits and approvals, including but not limited to the following as may be applicable:
 - a) Building Permit
 - b) Fire Permit
 - c) Security and/or police coordination
21. The applicant/event sponsor shall submit a waste management plan to the Building and Safety Division.
22. A SITE PLAN will be required for each event requiring a building permit. SITE PLAN shall include the location of any stages, tents, booths, generators, public restrooms, temporary lighting, food trucks, entrances, exits, parking, accessible parking, etc.
23. Site Plans shall be SUBMITTED to the building department a minimum of 15 business days prior to the event. The SUBMITTAL shall include a brief description of the event, days and hours of the event, predicted occupancy throughout the day(s), security measures being provided, etc.
24. INSPECTIONS will be required for each event requiring a building permit. INSPECTIONS are required to be requested PRIOR to the opening of the event. CORRECTION NOTICES generated by the inspection(s) are required to be completed PRIOR to the opening of the event. As some of these events may be on the weekend or after hours, overtime rates may be required. These will be charged per the City of EPA Fee Schedule.

25. The applicant shall contact and secure permits from the City of East Palo Alto Building Division for any structural installation, or electrical and plumbing connections.

ENGINEERING DIVISION

26. No public streets or right of ways shall be blocked prior to or during the proposed events. If an event requires closure of a public street or right of way, an encroachment permit from the Public Works Department shall be secured prior to the event.
27. The site shall have adequate trash and recycling service bins. Trash storage areas (including recycling or similar areas), wash areas, loading docks, repair/maintenance bays, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Litter and waste must be collected on-site daily.

EAST PALO ALTO POLICE DEPARTMENT

28. A minimum of 15 days prior to each event, the applicant shall submit to the East Palo Alto Police Department a brief description of the event, days and hours of the event, predicted occupancy throughout the day(s), security measures being provided, etc.
29. Any events larger than 100 participants shall require parking attendants, staff, or volunteers to ensure the public health, safety, and general welfare.
30. Any third party security company shall comply with the City of East Palo Alto Municipal Code. All patrol security companies need both a business license and police permit to work in East Palo Alto.

MENLO FIRE PROTECTION DISTRICT:

31. The applicant shall contact and secure permits from the City of East Palo Alto Building Division for any structural installation, or electrical and plumbing connections.
32. The applicant shall ensure any food trucks participating in the event maintain the proper San Mateo County Health Department stickers.
33. 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, and an unobstructive vertical clearance of not less than 13 feet 6 inches.
34. 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of

vehicles. The minimum widths and clearances shall be established in Sections 503.2.1 and 503.2.2 and shall be maintained at all times.

35. CFC Section 403 EMERGENCY PREPAREDNESS REQUIREMENTS
403.12.1 Fire watch personnel. When, in the opinion of the fire code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent, or lessee shall provide one or more fire watch personnel, as required and approved. 403.12.1.2 Duties. On-duty fire watch personnel shall have the following responsibilities: 1) Keep diligent watch for fires, obstructions to means of egress, and other hazards. 2) Take prompt measures for remediation of hazards and extinguishment of fires that occur. 3) Take prompt measures to assist in the evacuation of the public from the structures.
36. 403.12.2 Public safety plan for gatherings. Where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of or prescribe a public safety plan that provides an approved level of public safety and addresses the following items: 1) Emergency vehicle ingress and egress. 2) Fire protection. 3) Emergency egress or escape routes. 4) Emergency medical services. 5) Public assembly services. 6) The directing of both attendees and vehicles, including the parking of vehicles. 7) Vendor and food concession distribution. 8) The need for the presence of law enforcement. 9) The need for fire and emergency medical services personnel.
37. Vehicles required for the operation of the event shall not be parked closer than 20 feet from the tent. No other vehicles shall be parked less than 100 feet from the tents. CFC 2403.8.2 / Title 19 Div 1, Section 3122.
38. Exits, if covered by a flame retardant curtain, shall have the curtain a contrasting color to the tent, and all exits shall be labeled as such with illuminated EXIT signs. CFC 2403.12.3 3.
39. Minimum 2A10BC rated fire extinguishers shall be located such that there shall be not less than 75 feet travel distance to a fire extinguisher. Additional fire extinguishers may be required at the time of inspection,

depending on the type of event or activity. Cooking tents are required to have a K rated extinguisher. CFC 2404.12 4.

40. All decorations shall be noncombustible or treated with a fire resistant material. CFC 2404.2 5.
41. There shall be no smoking or open flames allowed in the tent. CFC 2404.6 6.
42. Tents or Membrane structures (including and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the fire code official on request. CFC 3103.9 7.
43. Membrane structures or tents shall have a permanently affixed label bearing the identification of size and fabric or material type. CFC 3104.3 / Title 19 Div. 1, Section 335(a) and (b) 8.
44. Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet (6096 mm) of the tent or membrane structures while open to the public unless approved by the fire code official. CFC 3104.7 9.
45. There shall be a minimum clearance of at least 3 feet (914 mm) between the fabric envelope and all contents located inside membrane structures. CFC 3104.11 10.
46. The storage, handling and use of LP-gas and LP-gas equipment shall be in accordance with CFC 3104.16.1 through 3104.16.3
47. The storage of flammable and combustible liquids and the use of flammable-liquid-fueled equipment shall be in accordance with CFC 3104.17.1 through 3104.17.3
48. Permit must be on site at the time of inspection. No exceptions. Final acceptance is subject to field inspection.
49. Generators and other internal combustion power sources shall be separated from tents or membrane structures by a minimum of 20 feet (6,096 mm) and shall be isolated from contact with the public by fencing, enclosure or other approved means. CFC 3104.19. Provide a fire extinguisher of minimum rating of 2A20BC.

50. Cooking Appliances or devices

Cooking and heating equipment shall not be located within 10 feet (3,048 mm) of exits or combustible materials. CFC 3104.15.

Cooking appliances or devices that produce sparks or grease-laden vapors or flying embers, shall not be used within 20 feet of a tent or temporary structure.

Exception: designated cooking tents not occupied by the public when approved by the fire code official.

Protection

- A noncombustible lid shall be immediately available. The lid shall be of sufficient size to cover the cooking well completely.
- The equipment shall be placed on a noncombustible surface.
- An approved portable fire extinguisher (Class K) for protection from cooking grease fires shall be provided at a location approved by the fire code official.

51. Contact the Menlo Park Fire Protection District at (650) 688-1427 with any questions and to schedule a final inspection. 48 HOURS NOTICE IS REQUIRED FOR ALL INSPECTIONS.

52. Nothing in this review is intended to authorize or approve any aspects of the design or installation which do not strictly comply with all applicable codes and standards. Menlo Park Fire Protection District is not responsible for inadvertent errors or omissions pertaining to this review and/or subsequent field inspection(s) i.e., additional comments may be added during subsequent drawing review or field inspection. Please call if there are any questions.

APPROVED X

DENIED

By:

Alvin Jen
Associate Planner

CC'd: Elena Lee, Planning Manager

ACKNOWLEDGEMENT OF CONDITIONS

I have reviewed the conditions of approval and acknowledge to comply with all of the conditions imposed by the City of East Palo Alto Planning Division in the approval of the Temporary Use Permit.

Sycamore Real Estate Investment, LLC.
Property Owner or Designee

Jeff Poetsch
JC Poetsch Advisors, Inc.