

**PA 13-047**  
**AVALON MOTEL REDEVELOPMENT PRE-APPLICATION**

**SAMPLE FINDINGS FOR APPROVAL**

The Planning Commission makes a recommendation to the City Council regarding the Certification of a final EIR. Below is a sample *Statement of Overriding Considerations* from a project EIR in 2004, which involved demolition of a historic resource also known as the Palm Theater.

**STATEMENT OF OVERRIDING CONSIDERATIONS UNDER CEQA**

- I. Significant, Unavoidable Environmental Impacts - The following significant cultural resources impact is found and cannot be mitigated to a level of insignificance:

The project would result in the demolition of the Palm Theater, which appears to be eligible for the California Register of Historical Resources under Criteria 1 and 3. The loss of this building represents a significant cultural resources impact. Complete Historic American Buildings Survey (HABS) documentation of the theater and salvage of distinctive architectural features would partially reduce the impact to the historic resource, but would not reduce the level of impact to less-than-significant under CEQA. Therefore, this impact is considered a significant, unavoidable impact.

It is found that:

- I. Feasibility of Mitigation Measures (Guidelines Section 15091 (a)(3))

The Planning Commission has considered the Final EIR, the public record of the proceedings on the proposed project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the project, and does hereby determine that the mitigation measures or project alternatives identified in the EIR are infeasible and would result in the following specific economic, legal, social, technological or other considerations:

- The "No Project" alternative, consisting of retaining the existing structure, would fail to implement the City's goals of constructing more housing for all income levels and providing housing in locations convenient to transit as stated in the San Mateo General Plan, Vision 2010, and the San Mateo Rail Corridor Transit-Oriented Development Plan (Land Use

Transportation Corridor Plan), and would preclude the proposed development of 19 units of housing, including 2 Below Market Rate units.

- The “Adaptive Reuse Alternative” would involve conversion of the Palm Theater to another use, such as a bookstore, café or neighborhood community center. These options would require rezoning of the site for the former and a special use permit for the latter. Reuse of the theater as a community center or for multi-family residential would not be feasible as the modifications required to meet project goals and code requirements would damage the historic integrity of the structure. Although the adaptive reuse alternative is viable, conversion of the building into a commercial or civic space does not meet either project or City objectives to develop housing on this site.
- The “Project Relocation Alternative” would move the proposed residential project to an alternative site and retain the existing Palm Theater building, as relocating the theater building itself constitutes technical problems (in that the integrity of the structure would be jeopardized by how the structure would need to be disassembled and transported). Under this alternative, another site listed in Appendix A of the Housing Element in the General Plan could be selected. However, the subject site is specifically identified in Appendix A as an underutilized site; therefore, the project relocation alternative would not meet objectives to develop housing on this site.

## II. Benefits of the Project

The Planning Commission has considered the Final EIR, the public record of the proceedings on the proposed project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the project, and does hereby determine that implementation of the project would result in the following specific economic, legal, social, technological or other benefits that outweigh the significant, unavoidable adverse environmental impacts:

- The proposed project is consistent with the General Plan land use, height and intensity designations.

- The proposed project is consistent with the requirements of the Zoning Code.
- The project would result in additional housing units, including affordable units, consistent with the City's zoning regulations and helping to meet the City's fair share housing allocation as defined by ABAG.
- The project would further the goals and policies of the General Plan and the San Mateo Rail Corridor Transit-Oriented Development Plan (Land Use Transportation Corridor Plan) by providing additional housing units at an infill location close to public transit. The General Plan identifies the need to increase the housing supply to meet the demand caused by job growth. Housing is in short supply in the region; therefore, the provision of additional dwelling units will incrementally meet regional and citywide housing needs.
- The scale and architecture of the proposed residences are compatible with the existing neighborhood.
- Construction of the project will provide temporary (construction) jobs for San Mateo residents.
- The project would further the goals of the General Plan by resulting in remediation of a site contaminated with hazardous waste.
- The project would result in no increase in traffic congestion in the area, will reduce trips in the PM peak-hour when compared with those generated by the existing use on site, and will produce traffic flows opposite the principal direction of traffic flow in the area.
- The project will result in sidewalk improvements along 17th Avenue, Palm Avenue and Gum Street, including planting of street trees, and will install significant amounts of landscaping on-site as no on-site landscaping presently exists.

The above benefits of allowing the construction of nineteen residential units outweigh the impact of the loss of an historic resource.

**SITE PLAN AND ARCHITECTURAL REVIEW (SPAR) FINDINGS (SAN MATEO MUNICIPAL CODE SECTION 27.08.030):**

The application shall be approved if the Commission finds all of the following to exist:

1. The structures, site plan, and landscaping are in scale and harmonious with the character of the neighborhood;
2. The development will not be detrimental to the harmonious and orderly growth of the City;
3. The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interests of the public health, safety, or welfare;
4. The development meets all applicable standards as adopted by the Planning Commission and City Council, conforms with the General Plan, and will correct any violations of the zoning ordinance, building code, or other municipal codes that exist on the site;
5. The development will not adversely affect matters regarding police protection, crime prevention, and security.

**SITE DEVELOPMENT PLANNING APPLICATION FINDINGS FOR TREE REMOVAL (MUNICIPAL CODE SECTION 23.40.040):**

Approve the Site Development Planning Application for removal of major vegetation, finding that:

1. The project will result in the removal of \_\_\_ trees, of which \_\_\_ are considered Heritage Trees. The removal of these trees is necessary to accommodate the development of the proposed project. The project's arborist report states that ...
2. All concerns regarding tree removal and protection of remaining trees on the site have been addressed as conditions of approval requiring conformance to the City's landscape regulations, through the provision of extensive on-site landscaping as shown on the project plans, and/or through the payment of a fee to the City's tree planting fund.

**VESTING TENTATIVE MAP FINDINGS (MUNICIPAL CODE SECTION 26.48.060):**

Approve the Subdivision Application, finding that:

1. The proposed map is consistent with the General Plan...
2. The design and improvement of the proposed subdivision is consistent with the General Plan in that ...
3. The site is physically suitable for the type of development...
4. The site is physically suitable for the proposed density of development...
5. The design of the subdivision will not cause substantial environmental impact nor injure fish or wildlife or their habitat...
6. The design of the subdivision and type of improvements will not cause serious public health problems...
7. The design of the subdivision will not conflict with any public easements granting access through, or use of, the site in that ...