

**CITY OF SAN MATEO  
PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
DECEMBER 16, 2010**

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The meeting convened at 7:30 p.m. in the City of San Mateo Council Chambers and was called to order by Chair Moran, who led the Pledge of Allegiance.

Those present were Chair Moran, Vice-Chair Freschet, Commissioners Feinman, Massey and Whitaker.

A motion was made by Commissioner Massey, seconded by Commissioner Feinman to approve the minutes of the Regular meeting of November 23, 2010 were approved as revised.

Vote – Passed 5 - 0

A motion was made by Commissioner Massey, seconded by Commissioner Whitaker to continue the approval of the December 7 minutes to the next Planning Commission Meeting.

Vote – Passed 5 - 0

**\*\*\* PUBLIC COMMENT**

Chair Moran opened the public comment period for other items not on tonight's agenda. The following people spoke:

- Bertha Sanchez, San Mateo

Their comments included:

- I thought that I had heard in the past and I wanted clarification that the meetings of importance not be scheduled near or around major holidays. Staff: There is no such policy. The City Council adopts the meeting days for the year and the Planning Commission meeting schedule follows the same pattern. This Planning Commission meeting was originally scheduled on December 14 and is part of the approved City Council Meeting schedule. However, in order to have a full commission it was delayed until December 16.

(No other persons wishing to speak, the Chair closed the public comment period.)

**ITEM 1**

**\*\* PUBLIC HEARING**

**PA 07-030 STATION PARK GREEN**, Review of a Specific Plan, Design Guidelines and Development Agreement for a project that includes mixed-use, transit-oriented development,

with office, retail, residential and public use facilities, including parks. 1700 and 1790 South Delaware Street (APN 035-200-180, -060)

**Required Approvals:**

- A. Mitigated Negative Declaration
- B. Specific Plan
- C. Design Guidelines
- D. Development Agreement

The property is an approximately 12 acre site and is located at the northwest corner of Concar and South Delaware Street. The property is designated Transit Oriented Development (TOD) in the City's General Plan and is zoned Transit Oriented Development.

PROJECT PLANNER: Lisa Ring, Senior Planner  
330 W 20<sup>th</sup> Avenue  
San Mateo, CA 94403  
(650) 522-7213  
[lring@cityofsanmateo.org](mailto:lring@cityofsanmateo.org)

APPLICANT: EBL&S Development LLC  
30 W. Poplar Ave.  
San Mateo, CA 94402

PROPERTY OWNER: ARJAX Railroad Associates II, LLC  
230 South Broad Street, Mezzanine  
Philadelphia, PA 19102

Lisa Ring gave the staff presentation which included a power point presentation.

Alan Talansky and Karen Alschuler (Perkins and Will) gave the applicant presentation.

Chair Moran disclosed that she had several conversations and met with Stacy Weiss, Tom Elliott, Mark Eliot, Cheryl & Jeff Hylton, Pamela Mallett, Michele King, John Lyons, Steve Dukas, Holly Dietz, Rod & Nancy Morimoto, Michael Geller, Robert Gooyer, Caryl Gay, Didrik Hoag, Bob Nice, Marshall Loring, Megan Fluke, Rafael Reyes and had multiple meetings with Alan Talansky & his Team. Chair Moran also wanted to thank Mayor Jack Matthews for his support.

Chair Moran then opened the public comment period for this item.

The following people spoke:

- William Nack, Chess Drive, Foster City (San Mateo County Building Trades Council)
- Linda Kilby, Alameda de las Pulgas, Redwood City (PIA) Peninsula Interfaith Action

- Chris Eckert, Hayward Avenue, San Mateo
- Bertha Sanchez, N. El Dorado, San Mateo
- Nevada Merriman, Vintage Park Drive, Foster City (Housing Leadership Council of San Mateo County)
- Laura Peterhans, (PIA) Peninsula Interfaith Action
- Chris Mohr, Mitchell Avenue, South San Francisco
- Russ Horvath, Celeste, San Mateo

Their comments included the following:

- Strongly support the project. The Development Agreement provides funds to the city.
- The developer is committed to having 15% of the units Below Market Rate. The project could help property transfer tax and increase city revenue. I'm concerned about the future financing and the viability of the project. Now is the time to move this project onto the City Council.
- I'm concerned about affordable housing. There is tremendous need for this. We would like to see this development go forward.
- Project would generate a lot of property transfer tax. The project should move forward. It is consistent with the General Plan. I think this project will do a lot for our community.
- I have followed the project since the beginning. Neighbors are not opposed to the project. I'm concerned about density and the number of units. The developer did not cut back on the number of units. Development Agreements are not necessarily a good thing. Look at Bay Meadows, they promised jobs. Now 5 years later still no jobs. There is no money. When are these jobs going to be created? It may be 1 year or 5 years from now. If there are any major problems in the future can the Development Agreement be addressed? Is there any way the city can review future problems? Development Agreements are not good. We should stick to City's BMR requirements. Can provisions be put in the Development Agreement that addresses all potential future problems and re-review them?
- How will the future residents be protected by noise with the High Speed Rail?
- There is no flexibility on the provision of BMR units.
- The city will be stuck with the Development Agreement.
- The neighborhood residents are not at this meeting because they feel it is a done deal.
- I endorse this project. It will create high quality housing. I also support any projects that support on-site affordable housing.
- I am a member of (PIA) Peninsula Interfaith Action and lived in San Mateo for many years. I feel that there should be no flexibility in the provision of BMR and we would be setting a bad precedent for future projects in the city. I also feel that people who are low income would benefit and ask that the commission not bend on the BMR policy.
- This project is a very progressive plan and a very complete community and encourage your support of the plan and ask you to move this forward to the City Council.

- I am a resident of 19<sup>th</sup> Avenue Park for about 6 years and a resident in San Mateo for about 20 years. There are many aspects of the plan that I disagree with mainly that there is not enough focus on parking. I'm very concerned about the number of parking spaces provided on-site. There are less than 2 spaces per unit.

(No other persons wishing to speak, the Chair closed the public comment period.)

The Planning Commission requested clarification on the following issues:

- One of the questions from the public regarding any future issues with the Development Agreement will be answered by the attorney. Attorney: The Development Agreement would not allow for future modifications of its terms. The Development Agreement provides for termination of Development Agreement if an Act of God occurs. High Speed Rail or Cal Trans work would require subsequent analysis and environmental review of the projects.

The Planning Commission made the following comments/questions:

- Page 107 add wording secure to Bicycle Facilities.
- What exactly is the crossing situation at the Hayward Park Station now? Staff: There is an elevated grade separation and number two there is crossing at grade-graded crossings. Implementation of the High Speed Rail would require separation at the grade crossing. There would need to be access from both sides of the tracks.
- Does the city have any problems with the language of the conditions of approval we are putting in bearing in mind that the project may not happen for another 5 years? Staff: A lot of the proposed conditions say it is the preferred alternative so the city would not be locked in that particular configuration.
- I see this as an opportunity for the Joint Powers Board to use this as a guide; a vision for the Rail Corridor Plan.
- The only railroad crossings are at 9<sup>th</sup> and 25<sup>th</sup> Avenue and that is a really long distance. That's why Hayward Park Station is so important for pedestrians and bicyclists. It is really important that we create a neighborhood that is connected by people rather than cars.
- Page 70: The last paragraph that talks about the lighting. The previous version had prohibited all up-lighting. Staff: Applicant may ask for low level directional lighting. Applicant: The issue is one of using some low level lighting in the access places. Staff: Perhaps it could be addressed using low level access in open spaces. Applicant: I think we could add the word accent and directional.
- Page 107. The Design Guidelines had secure bicycle parking did that get left out? Would that word be acceptable to add the word secure? Applicant: Yes. Staff: The city would not recognize bicycle parking if it were not secure.
- One suggestion – page 121 change the order of figures. Staff: The applicant and staff support that change.

- Need to change condition #10 to match language and reconcile with Development Agreement.
- The developer's position is they would like to choose and the city's position is they want 15% BMR? Staff: Yes, that is correct.
- However, staff is proposing that the applicant comply with the City's existing 15% BMR program? Staff: correct.
- I understand the applicant's concern about competitive equity. However, I don't think we should go with anything except the staff's recommended language.
- Suggest language change to Condition #87.
- Why does the 15% BMR have to be included in the Development Agreement if it is a city-wide ordinance that all projects over a certain size must comply with. Staff: Since the Palmer court case this may eliminate the ability to require 15% BMR for rental units. This is the city's opportunity to insure 15% BMR units.
- We need the option for affordable housing. The project helps to meet affordable housing. I think it's really important that we stick with the BMR as it is today in our policies.
- Don't see that the applicant's proposal to choose between 15% or whatever rules may be in effect in the future is in the best interests of the city.
- Once the Development Agreement has been signed can the City Council go back and revisit it? Staff: Yes, it is just like any other contract and it can be amended.
- On page 6 one of the commissioner has asked that the Community Room be available free of charge. Staff: The edit has been made. Also, the change has been made to Hayward Park Station to add Area to it (Hayward Park Station Area).
- Attorney reviewed other revisions to Development Agreement. The City is proposing that the applicant waive their right to request a density bonus.
- Does the applicant agree with this waiver of a right to request a density bonus? Applicant: It depends on what the City Council votes on regarding the BMR.
- We would support the city's language on the Waiver of the Density Bonus.
- #10 Reconciled with the Development Agreement regarding the language. Development Agreement Article 6 Indemnification: Modify Conditions of Approval to include agents.
- Could you explain what the Unified Construction Management means? Staff: It is intended to specify a specific contact if there are questions during the development or the construction process.
- Could someone explain question #32 why there was a change to the 2<sup>nd</sup> bullet? It has to do with an active vapor barrier in a garage. Staff: Delete last sentence in Conditions of Approval (passive, rather than active vapor barriers). It is only appropriate for commercial not for residential.
- What is an active vapor barrier? Staff: It is a fan that helps eliminate any hazardous vapors from any contamination that could occur below grade.
- Where is mention of the shuttle? Staff: It is not in the Development Agreement because it is not a public benefit; it is in the Conditions of Approval.

- We received an e-mail from Alta and we would like to hear from Public Works on that. Staff: Alta reviewed pedestrian/bicycle path along Concar for usability and level of service. The review came back as adequate.
- There are two sets of recommendations that are discussed on #90. Are public works and planning staff comfortable doing all of these recommendations. Staff: Yes, we are and we have discussed with the applicant and they are comfortable that it is feasible within their plan also.
- A big part of the pedestrian experience is window shopping and strolling down the sidewalks on Concar and entering the stores through the entryways that are going to be there. I know that we are not at SPAR but we are committing to something here.
- I'm confused about the buildings adjacent to the intersection of MU-1 means. Staff: That's the intersection of Delaware and Concar. Changed the wording of MU-1 and put Delaware and Concar. During the SPAR review of MU-1 Buildings adjacent to the northwest quadrant of the intersection of Concar and Delaware the design shall consider appropriate pathway visibility, ramping and signage as necessary to the approval of the Planning Commission and City Engineer. The ADA permissible tree grates shall be permitted within the Concar bike path shoulder area.

The Planning Commission then made summary comments:

- It's a big change for the neighborhood but a positive change. It's a win-win situation. It meets the vision of the Rail Corridor Plan. Housing is in short supply, especially affordable housing. It meets the needs of our business community and keeps it sustainable. People are concerned about the traffic. They want to live close to where they work. This plan puts safety first. We have to trust the traffic studies. I think it is going to be a great vibrant project. I commend Mr. Talansky and his team and the staff also.
- I asked myself who is going to benefit from the Station Park Green project. This Commission has heard and read from a number of surrounding residents. By and large they have expressed opposition to this project citing traffic congestion and parking issues as their primary concerns. The City of San Mateo will benefit from increased tax revenues. Transit Oriented District is a city goal. New residents will get affordable housing. This project will create the opportunity for new businesses. Commuters will benefit along with bicyclists, pedestrians and labor unions. The most important beneficiary is the environment. I fully support the Station Park Green project.
- I became involved in the mid process. I'm concerned about a number of items which will be decided at SPAR which may take place over the period of ten years. I know the discussion about the BMR units was very important.
- I have been with this project since the filing of the application in 2007. I've seen the project evolve over a period of three years. The process we went through has been a fine example of getting a large project done. I support the project. I think it is going to be a wonderful addition to San Mateo.

- I appreciate that the applicant's team have been so flexible during the study sessions. I appreciate that emphasis on sustainability. Our city made a commitment to Transit Oriented Development and this project supports our plan and therefore I am going to support it.

## **RECOMMENDATION:**

That the Planning Commission recommends approval of the project to the City Council by making the following motions:

- A. Recommend that the City Council adopt the Mitigated Negative Declaration as adequate to assess the environmental impacts of the project, based on the findings attached as Exhibit A; and
- B. Recommend that the City Council approve the Specific Plan, Design Guidelines and Development Agreement to allow the development of 599 residential units, 10,000 to 45,000 square feet of office uses, and 25,000 to 60,000 square feet of retail uses on the project site based upon the Findings for Approval in Exhibit A and Conditions of Approval in Exhibit B including the changes and recommendations reflected in the record of this hearing.

Motion made by Commissioner Massey and seconded by Commissioner Freschet to approve the project by making the following motions:

Vote: Passed 5 - 0

## **COMMUNICATIONS/ANNOUNCEMENTS**

1. Communications from Staff
  - a. I will confirm next week but there will likely not be a Planning Commission Meeting on January 11 (note: subsequent to the meeting the Commissioners were informed that in fact the January 11 meeting will take place).
  - b. January 18 will be the joint City Council and Planning Commission Meeting on the Hillside Station Area Plan.
  - c. Tonight is the last meeting of 2010 of the Planning Commission so on behalf of the city and the staff we would like to thank you for work – your volunteer work.
  - d. Bill Wanner, Principal Planner will be retiring after many years of service.
2. Communications from the Commissioners
  - a. Would like to thank staff and Ron's annual wrap-up.
  - b. We would like to thank Mr. Wanner for his service. He has had many years of dedicated service to our city and is greatly appreciated by the community.

**ADJOURNMENT**

There being no further items before the Planning Commission, Chair Moran adjourned at 11:25 p.m. on Tuesday, December 16, 2010