



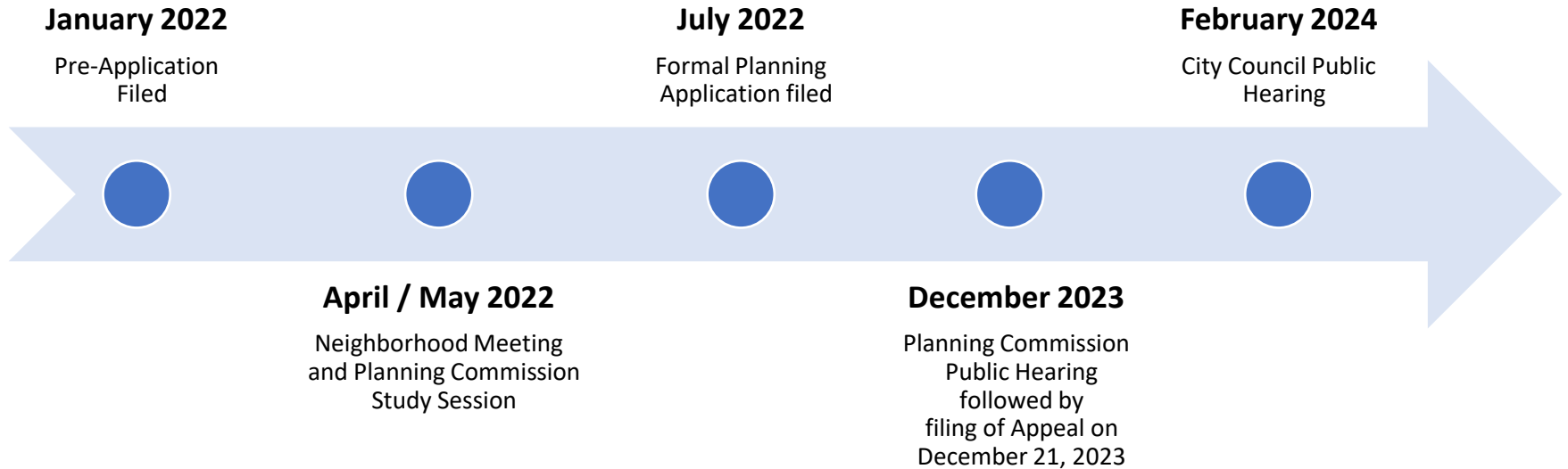
477 9th Avenue

Appeal of Planning Commission Approval of a
Five Story Office/Residential Mixed-Use Building
(PA-2022-047)

City Council Public Hearing
February 20, 2024

Linda Ly, Associate Planner
Community Development Department

PROJECT HISTORY



PROJECT BACKGROUND

Location

Project Description



- **Site Address: 477 9th Avenue**
 - One Parcel
 - 69,976 sq. ft. (1.6 Acre)
- General Plan: Executive Office
- E2-2 (Executive Office, 2.0 Floor Area Ratio)

PROJECT BACKGROUND

Location

Project Description




- 29,207 sq. ft. of Office Uses
- 120 Residential Units – 15% of base density or 12 Very Low-Income units
 - (24 studios, 64 one-bedroom, and 32 two-bedrooms)
- Five Stories, 53'-6" plate line height
- Total Floor Area: 209,204 sq. ft.

REASONS FOR APPEAL

1. Removal of Heritage Trees
2. Consistency with General Plan Policy
3. Environmental Review

Oak (Tree #11)



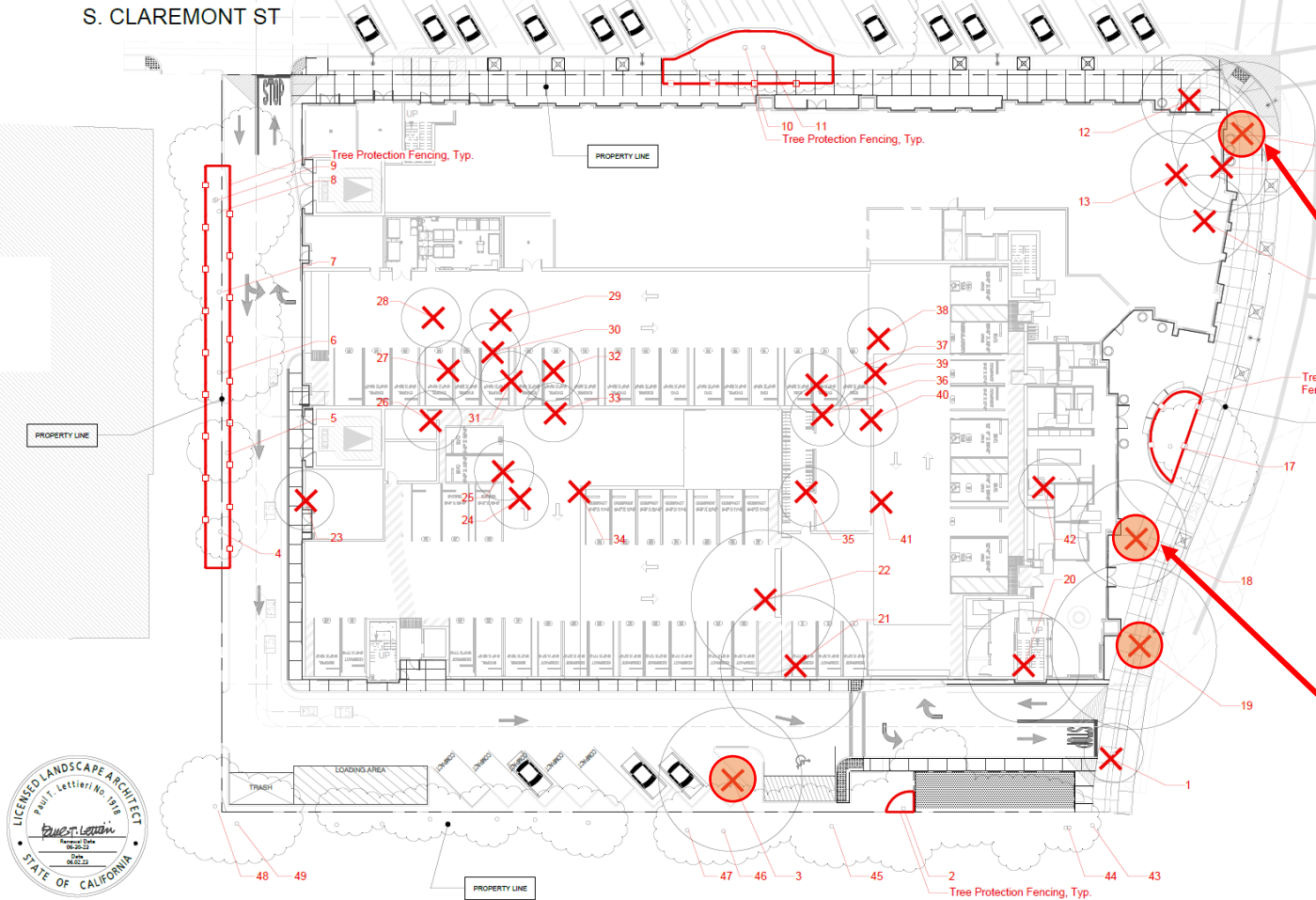
Oak (Tree #17)

- 19 existing heritage trees:
 - 8 trees on adjacent properties
 - 4 trees on-site to be preserved
 - 7 trees on-site to be removed

REASONS FOR APPEAL

1. **Removal of Heritage Trees**
2. Consistency with General Plan Policies
3. Environmental Review

- The Appellant:
 - *The proposed tree removal “is in direct conflict to the laws San Mateo has in place around tree preservation” under SMMC 27.71.150(e) and “the site design should make accommodations to preserve these [heritage] trees and all of the additional trees should be transplanted in Central Park by the builder.”*
- Staff Response:
 - SMMC 27.71.150(e) grants tree removal if the tree’s health and stability is threatened
 - All trees proposed for removal are in direct conflict with the proposed building or other site improvement
 - The City does not have a program to receive transplanted trees

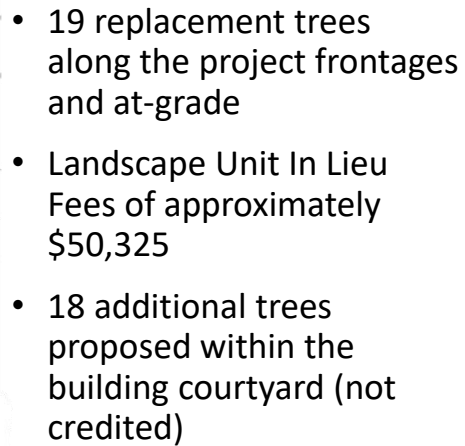




REASONS FOR APPEAL

1. Removal of Heritage Trees
2. **Consistency with General Plan Policies**
3. Environmental Review

- The Appellant:
 - *“The removal of these trees also goes against the 2030 General Plan”*
(General Plan Policy C/OS 6.1: Tree Preservation)
- Staff Response:
 - Policy C/OS 6.1 for Tree Preservation: “Tree Preservation. Preserve heritage trees in accordance with the City’s Heritage Tree Ordinance.”
 - This policy focuses on implementation of the City’s Protected Tree Ordinance.
 - Policy C/OS 6.2 for Replacement Planting, which requires significant replacement planting for trees removed.



REASONS FOR APPEAL

1. Removal of Heritage Trees
2. Consistency with General Plan Policies
- 3. Environmental Review**

- Appellant:
 - *Concerns for the project's "mitigation measures" and "many heritage and protected trees have been removed in the last few years and this project could represent a significant cumulative effect but the analysis needs to be completed."*
- Staff response:
 - Project is conditioned to conduct tree removal outside of the nesting bird period
 - Site Development Planning Application requires significant replacement plantings and in-lieu fee payments
 - General Plan 2030 Environmental Impact Review (EIR) determined the above measures would reduce impact to a less than significant level.

Housing Accountability Act (HAA)

- Applies to housing development projects where two-thirds of the proposed square footage is designated for residential uses
- Local agencies may not deny or reduce the density of a project when it complies with all applicable objective standards and requirements, unless the agency makes the following written findings:
 - That the project would have a “specific adverse impact” on public health or safety; and,
 - There is no feasible method to satisfactorily mitigate or avoid the adverse impact.

STAFF RECOMMENDATION

Adopt a Resolution to deny the appeal and uphold the Planning Commission's decision to approve the Special Use Permit (SUP), Site Plan and Architectural Review (SPAR) and Site Development Planning Application (SDPA) for a new five-story mixed-use building with office uses and 120 residential units at 477 9th Avenue, based on the Findings and subject to the Conditions of Approval, and find that the project is Categorically Exempt from the California Environmental Quality Act pursuant to Section 15332 (In-Fill Development Projects).