

**CITY OF SAN MATEO
RESOLUTION NO. ____ (2024)**

**APPROVING A SITE PLAN AND ARCHITECTURAL REVIEW FOR NEW GAS STATION SIGNS INCLUDING A
FREESTANDING SIGN OVER EIGHT FEET AT 1471 E. 3RD AVE, APN 033-233-370.
(PA-2023-001, 1471 E. 3RD AVE., SPAR)**

WHEREAS, Tom Gallagher (herein referred to as the “Applicant”) submitted a planning application PA-2023-001 with the Planning Division for a Site Plan and Architectural Review (SPAR) for new gas station signs at 1471 E. 3rd Ave., APN 033-233-370, (collectively referred to as “Project”) in the City of San Mateo (“City”); and,

WHEREAS, the San Mateo City Charter and Municipal Code Section 27.06.040 authorizes the Planning Commission to take final action on applications for freestanding signs over eight (8) feet in height; and,

WHEREAS, approval of the applicant’s proposal is considered a “Project” for purposes of the California Environmental Quality Act, Pub. Resources Code §21000, et seq. (“CEQA”); and

WHEREAS, the City finds that the Project is categorically exempt from CEQA under Section 15311(a) On-premise signs; and,

WHEREAS, the City finds the Project consistent with the applicable policies of the General Plan and other applicable policies; and,

WHEREAS, on January 23, 2024, the Planning Commission held a duly noticed public hearing for the Project, at which all public comments were considered.

NOW, THEREFORE BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, CALIFORNIA AS FOLLOWS:

1. The Planning Commission finds on the basis of the whole record before it that the Project will not have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA under CEQA Section 15311(a).

BE IT FURTHER RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, CALIFORNIA AS FOLLOWS:

1. The project conforms to applicable policies of the Land Use and Urban Design Elements of the City’s General Plan.
 - a. The Project conforms to Policy LU 1.19 of the Land Use Element concerning legal non-conforming developments. This allows for legally established non-conforming uses and buildings to be maintained and encourages reconstruction and/or minor expansion to improve visual compatibility with the surrounding development. The project meets all applicable requirements in that the project does not involve a physical expansion or change in the existing gas station use. The proposal includes replacement of an existing freestanding

gas prices sign, new canopy signage, and a new face sign on the existing building and branding updates to the canopy, gas pumps, and building. No changes to the number of gas pumps or overall dimensions of the building or canopy are proposed.

- b. The Project conforms to Policy LU 2.9 of the Land Use Element regarding Support Service Uses by maintaining an existing support service use in a location appropriate to provide services to residential neighborhoods and commercial uses.
- c. The Project conforms to Policy UD 1.4 of the Urban Design Element concerning Signage. The project conforms with all requirements of the sign ordinance regulating the design, size, type, illumination, and quantity of signs.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, DOES HEREBY APPROVE 1471 E. 3RD AVE., SPAR PA-2023-001 AT 1471 E. 3RD AVE., APN 033-233-370, BASED UPON THE FOLLOWING FINDINGS FOR APPROVAL AND THE CONDITIONS OF APPROVAL INCLUDED IN EXHIBIT A TO THIS RESOLUTION:

1. The Site Plan and Architectural Review (Municipal Code Section 27.08.030) application and associated Conditions of Approval are approved based on the following findings:
 - a. The structures, site plan, and landscaping are in scale and harmonious with the character of the neighborhood in that:
 - i. The project preserves the existing on-site structures and proposes minor exterior modifications and signage updates that would otherwise be approvable ministerially. The project involves one new freestanding gas price sign to replace an existing freestanding sign, which is subject to discretionary review.
 - ii. The proposed improvements, including new signage, comply with the requirements of Municipal Code Chapter 25 regulating the design, size, type, illumination, and quantity of signs and Chapter 27 regulating review procedures for signs.
 - iii. The proposed signage would be placed in a manner that does not impede pedestrian or vehicular safety. While the freestanding sign is within the visibility triangle for the intersection, the sign cabinet is placed at a height greater than seven feet to meet the requirements preventing site obstruction per Municipal Code 27.84.050. The signs are also designed within the maximum sign area limits which reduce visual clutter.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City in that:
 - i. The project continues an existing legal non-conforming use of a gas station with new exterior signs.
 - ii. The project does not propose physical alterations that expand or change the existing use and the existing use has not been discontinued at any point for a period greater than six months.
 - c. 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 in that:

- i. The Project does not propose any further changes to the property beyond the replacement of existing signage, addition of new signage in conformance with Municipal Code Chapter 25, and minor interior and exterior improvements to existing structures.
- d. 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.
- e. The development will not adversely affect matters regarding police protection, crime prevention, and security in that the buildings, paths of travel, and parking facilities will be required to conform to the City's current Security Ordinance through Conditions of Approval.

EXHIBIT A
CONDITIONS OF APPROVAL
PA-2023-001, 1471 E. 3RD AVE., SPAR

1471 E 3RD AVE, SAN MATEO, CA 94401-2109
PARCEL # 033233370
AS APPROVED BY THE PLANNING COMMISSION ON __/__/____

The following conditions of approval apply to the project referenced above. The conditions of approval are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Types of Building permits include Demolition, Shoring/Excavation, Foundation, and Superstructure.

The following conditions shall be satisfied prior to issuance of a DEMOLITION PERMIT, BUILDING PERMIT FOR SHORING OR FOUNDATION, or SITE DEVELOPMENT PERMIT, whichever is issued first, or prior to the deadline specified in that condition.

Planning Division (PA)

- 1 APPROVED PLANNING APPLICATION CONFORMANCE – All building permit plans, details, and subsequent construction shall substantially conform with the approved planning application. This includes but is not limited to plans, materials, project description, and other items submitted as part of the approved planning application. Any proposed modifications to the approved planning application shall be reviewed and approved by the Community Development Director, or his/her designee, prior to construction of the proposed modifications. The Community Development Director, or his/her designee, shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a planning application modification is required to be submitted to permit the proposed modifications, as required by Municipal Code Section 27.08.080 Modifications. (PLANNING)
- 2 CONDITIONS OF APPROVAL – This complete list of Conditions of Approval shall be reproduced onto the second sheet of all building permit plan sets. (PLANNING)
- 3 PAYMENT OF OUTSTANDING PLANNING APPLICATION FEES – The applicant shall pay all outstanding planning application fees. (PLANNING)

Building Division (PA)

- 4 APPLICABLE BUILDING STANDARDS AND LOCAL CODES – All building permit plans shall demonstrate compliance with the applicable California Building Standards Codes and local amendments as adopted by the Building Division at the time of filing the building permit application. (BUILDING)

Public Works Department (PA)

5 ENCROACHMENT PERMITS, BONDS, AND INSURANCE –The applicant shall obtain an encroachment permit, posting the required bonds and insurance, and provide a one (1) year warranty for all work to be done in the City's right of way or easements prior to any work being done. (PUBLIC WORKS)

6 TRAFFIC CONTROL & SITE LOGISTICS PLANS – The applicant shall submit traffic control plans for any impact to the right-of-way for each phase of operation, including pedestrian and bicycle detour plans as applicable. The traffic control plan shall comply with the most recent version of the California Manual of Uniform Traffic Control Devices (CA MUTCD) and the City's Traffic Control Plan Requirements.

The applicant shall also submit a site logistics plan for each phase of operation. The plan, at a minimum, shall include estimated timeframes for implementation, duration, construction operations. (PUBLIC WORKS)

The following conditions shall be satisfied prior to issuance of a BUILDING PERMIT FOR THE SIGNAGE AND TENANT IMPROVEMENTS.

Building Division (PA)

7 CALGREEN – The building permit plans shall incorporate the applicable CALGreen Checklist noting the green building measures the project will incorporate in accordance with the California Green Building Standards Code and City of San Mateo Reach Codes subject to the review and approval by the Building Official, or his/her designee. Current City of San Mateo CALGreen checklists are located on Building Division webpage or will be provided by Community Development Department staff, if requested. (BUILDING)

Public Works Department (PA)

8 BOUNDARY SURVEY - Confirm and accurately display the property line dimensions on all applicable sheets of the building plan set per Parcel Map No. 168 in Vol 41 Pg 27 (PUBLIC WORKS)

9 FENCES AND OTHER PERMANENT STRUCTURES – The applicant shall locate all project fencing and foundations of a permanent nature within the project's property and out of the City right-of-way. Existing green poles to remain as is, near the proposed work location for the sign change. (PUBLIC WORKS)

10 INTERIOR FLOOR DRAINS – The building permit plans for the structures shall show all interior floor drains and shall be plumbed to connect to the sanitary sewer system and shall not be connected to stormwater collection system per the San Mateo Countywide Water Pollution Prevention Program's C.3 requirements. (PUBLIC WORKS)

11 PUBLIC IMPROVEMENTS – An Encroachment Permit shall be required for all public improvements in the public right-of-way or easements. All public improvements shall be

completed prior to the Certificate of Occupancy.

The developer shall repair or replace all existing improvements not designated for removal and all new improvements that are damaged or removed because of developer's operations. Developer shall request a walk-through with the Public Works Construction Inspector before the start of construction to verify existing conditions.

The applicant shall have improvement plans prepared for all work in the public right of way or easements by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. The improvement plans shall be included in the superstructure building permit submittal and substantially conform to the approved planning application. Any changes to the improvements shall be approved by the Director of Public Works or designee at their sole discretion. All design assumptions and criteria shall be submitted. Project specifications shall be included for review.

All work shown on the improvement plans shall be inspected and approved by Public Works. (PUBLIC WORKS)

- 12 UTILITIES – Utility plans shall be submitted as part of the building permit plans for the superstructure and shall show appropriate line types and labels to identify different type of utilities and pipe sizes. Clearly identify both public and private utilities.

The Developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television, and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures.

Sanitary sewer laterals and/or water meters located in driveways shall have traffic rated boxes and lids.

Developer is required to confirm the location of existing utility lines along the project frontage by potholing. Prior to any potholing, developer shall obtain an encroachment permit and submit a pothole plan for City review and approval. Developer shall provide the pothole results to the Director of Public Works or designee or designee prior to final design. Any utility conflicts shall be the responsibility of the developer to rectify. (PUBLIC WORKS)

The following conditions shall be met prior to RELEASE OF UTILITIES, FINAL INSPECTION, ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY, or ISSUANCE OF A CERTIFICATE OF OCCUPANCY, whichever occurs first.

Planning Division (PA)

- 13 PLANNING FINAL INSPECTION – Upon completion of all construction and landscaping, the applicant shall request the Project Planner conduct a Planning Final inspection for verification of compliance with all outstanding conditions of approval. The applicant shall

contact the Project Planner to schedule each inspection a minimum of 72 hours in advance of the requested inspection. (PLANNING)

The following conditions shall be complied with AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.

Building Division (PA)

- 14 CONSTRUCTION WORK HOURS – Construction shall occur only between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, between 9:00 a.m. and 5:00 p.m. on Saturday, and between 12:00 noon and 4:00 p.m. on Sundays and holidays. These hours do not apply to construction that takes place inside a completely enclosed building and does not exceed the exterior ambient noise level as measured 10 feet from the exterior property lines. The applicant shall conform to the construction work hours to control traffic congestion, noise, and dust unless an exemption is granted in accordance with Municipal Code Section 23.06.061. (BUILDING)

Public Works Department (PA)

- 15 ARCHITECTURAL COPPER – Per the San Mateo Countywide Water Pollution Prevention Program’s requirements, the applicant shall follow the specific best management practices for the installation of the Architectural Copper. For detailed information please distribute the flyer to all construction personnel involved in the fabrication and installation of the Architectural Copper that is located at:
<https://www.flowstobay.org/preventing-stormwater-pollution/with-new-redevelopment/construction-best-practices/> (PUBLIC WORKS/BUILDING)

- 16 BEST MANAGEMENT PRACTICES (BMP) – The applicant shall perform all construction activities in accordance with the City’s Storm Water Management and Discharge Control Rules and Regulations (SMMC 7.39), and the San Mateo Countywide Water Pollution Prevention Plan (SMCWPPP) by reference. Detailed information can be located at:
<https://www.flowstobay.org/preventing-stormwater-pollution/with-new-redevelopment/construction-best-practices/>
(PUBLIC WORKS)

- 17 PUBLIC WORKS CONSTRUCTION ACTIVITIES – The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading and construction:

(A) Construction activities related to the issuance of any Public Works permit shall be restricted to the weekday between 7:00 a.m. and 7:00 p.m. Please note, however, that no work shall be allowed to take place within the City right-of-way after 5:00 p.m. In addition, no work being done under the issuance of a Public Works encroachment permit may be performed on the weekend unless prior approvals have been granted by Public Works. Earth haul and materials delivery to and from the site, including truck arrivals and departures to and from the site, will be prohibited between the weekday hours of 4:00

p.m. 5:30 p.m. Signs outlining these restrictions shall be posted at conspicuous locations on site. The signs shall be per the City Standard Drawing for posting construction hours. The sign shall be kept free of graffiti at all times. Contact the Public Works Department to obtain sample City Standard sign outlining hours of operation.

The allowed hours of Public Works construction activities may be waived or modified through an exemption, for limited periods, if the Director of Public Works or designee finds that:

(i) The following criteria are met:

(a) Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or

(b) Permitting extended hours of construction are required to accommodate design or engineering requirements, such as a large concrete pour. Such a need would be determined by the project's design engineer and require approval of the Director of Public Works or designee.

(c) An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.

(ii) The exemption will not conflict with any other condition of approval required by the City to mitigate significant impacts.

(iii) The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification shall be provided three days prior to the start of the extended construction activity.

(iv) The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.

The Director of Public Works or designee may revoke the exemption at any time if the contractor or owner of the property fails to abide by the conditions of exemption or if it is determined that the peace, comfort and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction. The waiver application shall be submitted to the Public Works Construction Inspector ten (10) working days prior to the requested date of waiver.

(B) All construction vehicles shall be properly maintained and equipped with exhaust mufflers that meet State standards.

(C) Newly disturbed soil surfaces shall be watered down regularly by a water trucks or by other approved method maintained on site during all grading operations. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems will not be allowed.

(D) Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.

(E) All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.

(F) Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans, to the satisfaction of the Director of Public Works or designee, for any lane or sidewalk closures. The detour plan shall comply with Part 6, Temporary Traffic Control, of the State of California Manual of Uniform Traffic Control Devices (MUTCD), 2012, and standard construction practices. (PUBLIC WORKS)

The following conditions shall be complied with AT ALL TIMES that the project permitted by this planning application occupies the premises.

Planning Division (PA)

18 APPROVED PLANNING APPLICATION CONFORMANCE AT ALL TIMES – All physical improvements, uses, and operational requirements authorized by the approved planning application shall, at all times that the use permitted by this planning application occupies the premises, substantially conform with the approved planning application. This includes but is not limited to plans, materials, project description, and other items submitted as part of the approved planning application. Any proposed modifications to the approved planning application shall be reviewed and approved by the Community Development Director, or his/her designee, prior to construction of the proposed modifications. The Community Development Director, or his/her designee shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a planning application modification is required to be submitted to permit the proposed modifications, as required by Municipal Code Section 27.08.080 Modifications. (PLANNING)

City Attorney (PA)

19 INDEMNIFICATION – The applicant will defend, indemnify, and hold harmless the City of San Mateo, its elected and appointed officials, employees, and agents from and against any costs, claims, or liabilities arising out of the approval of this planning application, including, without limitation, any award of attorney fees that might result from third party challenge. If applicant is required to defend the City, the City shall retain the right to select the counsel who shall defend the City. (CITY ATTORNEY)

20 PENALTY – In accordance with San Mateo Municipal Code section 27.02.210-Violations of Planning Application Conditions, any violation of any of the conditions of approval is unlawful and will subject the applicant to the penalties set forth in Chapter 1.04-General Penalty of the San Mateo Municipal Code as well as any other available legal remedies.
(CITY ATTORNEY)