

PA 19-019
Bay Meadows Phase II Development Agreement Annual Review (Year 13)
(to Planning Commission Meeting of May 28, 2019)

PLANNING COMMISSION
RESOLUTION NO. 2019-1

FINDING THAT BAY MEADOWS MAIN TRACK INVESTORS LLC HAS COMPLIED IN GOOD FAITH WITH THE TERMS OF THE BAY MEADOWS PHASE II DEVELOPMENT AGREEMENT FOR THE 13th REVIEW PERIOD OF DECEMBER 21, 2017 TO DECEMBER 20, 2018.

RESOLVED, By the Planning Commission of the City of San Mateo, California, that;

RECITALS

WHEREAS, the Bay Meadows Phase II Development Agreement was adopted by the City Council on November 7, 2005 and became effective on December 21, 2005; and

WHEREAS, the Development Agreement and City Council Resolution No. 120 (1990) - Establishing Procedures and Requirements for the Consideration of Development Agreements requires the annual review of the Agreement and all actions taken pursuant to the Development Agreement, and the Planning Commission is required to undertake this annual review and determine the good faith compliance by the Owner with the terms of the Agreement; and,

WHEREAS, the Owner timely submitted documentation setting forth the Owner's good faith compliance with the terms and conditions of the Development Agreement for the thirteenth review period of December 21, 2017 to December 20, 2018; and

WHEREAS, there was no specific items required to be completed in the thirteenth year of the Development Agreement; and

WHEREAS, the City of San Mateo, in accordance with California Government Code Section 65865.1 through this Planning Commission has held a public hearing pursuant to the notice required by law for the finding of Owner's compliance in good faith with the terms of the Development Agreement, at which hearing the Commission received and considered written and oral evidence; and

WHEREAS, the City considered all aspects of the Bay Meadows Phase II development project including the Development Agreement and its provisions for this annual review in the San Mateo Rail Corridor Plan and Bay Meadows Specific Plan Amendment Environmental Impact Report that was prepared and circulated for public review pursuant to CEQA, and the City Council certified the EIR on April 18, 2005 and re-certified it on June 6, 2006 and November 7, 2006. In accordance with CEQA Guidelines section 15378(b)(5), this development agreement review is not a project subject to CEQA because it is an administrative action that will not impact the physical environment. The environmental impacts of the Bay Meadows project were previously analyzed in an environmental impact report.

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED, THAT:

1. The Planning Commission has determined in accordance with CEQA Guidelines section 15378(b)(5), this development agreement review is not a project subject to CEQA because it is an administrative action that will not impact the physical

- environment. The environmental impacts of the Bay Meadows project were previously analyzed in an environmental impact report.
2. Both parties to the Development Agreement have complied with the requirements of Articles 6.2 and 6.3 of the Development Agreement.
 3. The Recitals set forth at the beginning of this Resolution are hereby incorporated as findings based on substantial evidence in the record and on that basis are hereby adopted and approved.
 4. The Planning Commission, by at least a majority of its members, hereby finds that based on substantial evidence Bay Meadows Main Track Investors LLC has complied in good faith with the terms of the Bay Meadows Phase II Development Agreement for the thirteenth review period of December 21, 2017 to December 20, 2018 within the meaning of Article 6.3 of the Development Agreement, Section 8(a) of Resolution 120 (1990) adopted by the City Council on October 15, 1990, and Cal. Government Code Section 65865.1.
 5. A certified copy of this resolution shall be filed with the City Clerk.

Resolution adopted by the San Mateo City Planning Commission at its meeting of May 28, 2019.

AYES:
NOES:
ABSENT:

Dianne Whitaker, Chair
City of San Mateo Planning Commission

Exhibits on File at the Planning Division Office:

A: Bay Meadows Phase II Development Agreement Annual Review Matrix