

**CITY OF SAN MATEO  
RESOLUTION NO. \_\_\_\_ (2023)**

**RESOLUTION APPROVING A MODIFICATION TO A PREVIOUSLY APPROVED SITE PLAN AND ARCHITECTURAL REVIEW PLANNING APPLICATION TO ENABLE 37,611 SQUARE FEET OF RETAIL SPACE TO BE USED FOR EITHER RETAIL OR OFFICE USES AT AN EXISTING COMMERCIAL BUILDING AT 60 31<sup>ST</sup> AVENUE, APN 039-490-170 (PA-2022-022 HILLSDALE SHOPPING CENTER SITE PLAN AND ARCHITECTURAL REVIEW MODIFICATION)**

WHEREAS, on March 7, 2016, the City Council approved a Site Plan and Architectural Review, Special Use Permit, and Site Development Planning Application for 60 31<sup>st</sup> Avenue, APN 039-490-170 for the redevelopment of the Hillside Shopping Center's North Block (collectively referred to as "Approved Project") (PA-2015-024);

WHEREAS, on March 7, 2016, the City Council adopted Mitigated Negative Declaration ("adopted IS/MND") to assess environmental impacts of the Approved Project in accordance with the California Environmental Quality Act ("CEQA") Guidelines 15070; and

WHEREAS, David Bohannon of Bohannon Development Company (herein referred to as the "Applicant") submitted a planning application (PA-2022-022) with the Planning Division for a Site Plan and Architectural Review Modification to enable 37,611 square-feet of retail space to be used for either retail or office uses at an existing commercial building previously approved for retail uses at 60 31<sup>st</sup> Avenue, APN 039-490-170 (collectively referred to as "Project") in the City of San Mateo ("City"); and

WHEREAS, the proposed Project is located within the El Camino Real Master Plan, San Mateo Rail Corridor Transit-Oriented Development Plan, and Hillside Station Area Plan study areas; and

WHEREAS, the San Mateo City Charter and Municipal Code Section 27.08.080(b)(2) authorizes the Planning Commission to take final action on Modifications involving changes to conditions expressly imposed by the Planning Commission or City Council; 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 prepared an Addendum finding that the Project would not result in new significant environmental impacts or a substantial increase in the severity of environmental impacts disclosed in the adopted IS/MND in accordance with CEQA Guidelines 15164; and

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

WHEREAS, the Planning Commission held a public hearing for the Project on May 23, 2023 duly noticed, 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 there is no substantial evidence that the project will have a significant effect on the environment and the Addendum to the adopted IS/MND reflects the lead agency's independent judgment and analysis.
2. The custodian of the documents or other material which constitute the record of the proceeding upon which this decision is based is the Community Development Department, located at City Hall, 330 West 20th Avenue, San Mateo, California.
3. The Addendum to the adopted IS/MND for this Project is adopted.

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, Circulation, Urban Design, and Noise Elements of the City's General Plan.
  - a. The Project conforms to Policy LU1.10 of the Land Use Element in that the Project consists of the allowance of new office uses at an existing building previously approved for retail uses, which is a compatible and desirable use for this area. In addition, the Project conforms to Planning Area Policy PA7.4, which allows expansion of the Hillsdale Shopping Center for uses including office. The Project does not propose any physical expansion.
  - b. In conformance with Policies C2.5 and C2.11 of the Circulation Element, the Applicant has prepared a Trip Generation Memo and Transportation Demand Management Plan to reduce vehicular trips created by the Project. The Transportation Demand Management Plan estimates a 15 percent trip reduction as a result of measures including an on-site coordinator and bicycle repair facilities.
  - c. The Project conforms to Policies UD1.5, UD1.6, and UD2.6 which respectively encourage visual improvements along El Camino Real, conformance to guidelines in the El Camino Real Master Plan, and locating commercial development at the street to encourage pedestrian activity. The Project is within an existing development and a prominent two-story commercial building along S. El Camino Real designed in accordance with the guidance of the El Camino Real Master Plan, which would be unaffected by the Project. In addition, the Project would maintain existing storefronts that are oriented toward its frontage based on Conditions of Approval.
  - d. The Project conforms to Policy N2.2 of the Noise Element in that an acoustical analysis was completed as part of the adopted IS/MND, and construction of the development has been completed. The Project would entail interior construction that is expected to cause minimal construction noise.
2. The Project conforms to applicable policy and goal of the El Camino Real Master Plan.
  - a. Policy ECR4-2 places limits on the location on surface parking lots and parking structures along El Camino Real. The Project is within an existing two-story commercial building along S. El Camino Real and does not propose parking facilities along this frontage. In addition, the El Camino Real Master Plan establishes a goal of encouraging mixed-use development with

special design review considerations. The Project allows another land use in the subject building, which furthers this goal of mixed use development.

3. The Project conforms to applicable policies of the San Mateo Rail Corridor Transit-Oriented Development Plan.
  - a. The Project conforms to Policy 7.19 of the San Mateo Rail Corridor Transit-Oriented Development Plan, which encourages all development projects outside the Transit Oriented Development zone but within the plan area to have trip reduction measures as part of the development application. The Applicant has prepared a Transportation Demand Management Plan that results in a 15 percent reduction in vehicular trips generated by the proposed office use. This is achieved through programmatic measures such as an on-site coordinator and bicycle repair facilities.
  
4. The Project conforms to applicable policies of the Hillsdale Station Area Plan.
  - a. In conformance with Policy LU-1.1, the Project includes office uses along S. El Camino Real. This Policy requires non-residential ground floor uses for portions of parcels that face El Camino Real from 25<sup>th</sup> to 31<sup>st</sup> Avenues. The Project also conforms to Policy LU-3.1, which encourages intensification of land uses around the Hillsdale Caltrain Station. While the Project does not increase the overall floor area, the Project does expand the allowable use of the project site for additional office uses, thereby expanding the leasing opportunities in a site that is within one-half mile of the Hillsdale Caltrain Station.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, DOES HEREBY APPROVE THE HILLSDALE SHOPPING CENTER SITE PLAN AND ARCHITECTURAL MODIFICATION AT 60 31ST AVENUE, APN 039-490-170 BASED UPON THE FOLLOWING FINDINGS FOR APPROVAL AND THE CONDITIONS OF APPROVAL INCLUDED IN EXHIBIT A TO THIS RESOLUTION:

1. The Modification to 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 is within an existing two-story commercial building that underwent independent design review to verify consistency with the Urban Design Element of the General Plan and guidelines in the El Camino Real Master Plan. The Project maintains the exterior design of the building and would include interior construction to accommodate a future office use.
    - ii. The Project is within the North Block of the Hillsdale Shopping Center, which includes existing open space and public gathering areas adjacent to the Project entrances. The Project does not propose exterior changes or alterations to the existing open space or landscaping.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City in that:

- i. The Project is consistent with the General Plan, El Camino Real Master Plan, San Mateo Rail Corridor-Transit Oriented Development Plan, and the Hillsdale Station Area Plan.
  - ii. The Project has a General Plan Land Use designation of Regional Community Commercial and is zoned C2-2/Q5 (Regional Community Commercial/Sub-Area A of the Qualified Overlay District 5). The Project would enable the use of an existing building for office uses, which is a permitted use in this zone.
- 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 allows the project site allowance for increased office uses, which result in expanded leasing opportunities which represent an improvement to the property and would not result in significant impacts regarding public health, safety, or welfare as conditioned.
  - ii. The Project is in compliance with all building codes, fire codes, and the City's Building Security Code.
- 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 B

### CONDITIONS OF APPROVAL

PA-2022-022, 60 31ST AVE., HILLSDALE SHOPPING CENTER SPAR MODIFICATION

60 31ST AVE, SAN MATEO, CA 94403-3404

PARCEL # 039490170

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 and the approved planning application number PA-2015-024. 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 APPROVED PLANNING APPLICATION CONFORMANCE TO PA-2015-024 – All Conditions of Approval in Exhibit B to Resolution 33 (2016) for Planning Application PA-2015-024 shall still apply. The following Conditions of Approval supplement those adopted in Exhibit B to Resolution 33 (2016). (PLANNING)
- 3 CONDITIONS OF APPROVAL – This complete list of Conditions of Approval shall be reproduced onto the second sheet of all building permit plan sets. (PLANNING)
- 4 PAYMENT OF OUTSTANDING PLANNING APPLICATION FEES – The applicant shall pay all outstanding planning application fees. (PLANNING)

**The following conditions shall be satisfied prior to issuance of a BUILDING PERMIT FOR THE SUPERSTRUCTURE or IMPROVEMENTS FOR OFFICE USES.**

### **Planning Division (PA)**

- 5 CHILD CARE DEVELOPMENT FEE – The applicant shall pay a Child Care Development Fee subject to the rate established in the annual Comprehensive Fee Schedule in effect at the time of building permit issuance and subject to the net difference caused by the change in use to office uses. (PLANNING)
  
- 6 COMMERCIAL LINKAGE FEE – The applicant shall pay the Affordable Commercial Housing Linkage Fee in accordance with Municipal Code Section 23.61 and Resolution 111 (2021) subject to the rate established in the annual Comprehensive Fee Schedule in effect at the time payment is made and subject to the net difference caused by the change in use to office uses. (PLANNING)
  
- 7 SIGNAGE – Preliminary signage shown in the approved planning application plans are for information only. Final signage shall be reviewed and approved in accordance with Title 25 of the Municipal Code. (PLANNING)

**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.**

### **Public Works Department (PA)**

- 8 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM – A Transportation Demand Management (TDM) Program has been prepared for this project (refer to the Hillsdale Shopping Center North Block - Building L Professional Office Transportation Demand Management Plan, dated March 31, 2023). The property owner or designee shall submit a written letter to the Public Works Director on an annual basis with an assessment of compliance with the Transportation Demand Management Plan, including mode split survey results, by the end of every calendar year (December 31st). (PUBLIC WORKS)
  
- 9 TRANSPORTATION MANAGEMENT ASSOCIATION (TMA) – A TMA has been established for projects in the Corridor Plan area. All development within the Specific Plan Amendment area shall participate in the TMA and fund their fair share of the cost of the TMA. The TMA will develop TDM measures and make them available to both existing and future development within the Corridor Plan area. The property owner or designee shall provide proof of general membership to the Director of Public Works or designee prior to first occupancy of the building. (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)**

- 10 APPROVED PLANNING APPLICATION CONFORMANCE AT ALL TIMES – All physical improvements, uses, and operational requirements authorized by the approved planning application and the approved planning application number PA-2015-024 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)

- 11 GROUND FLOOR INTERIOR VISIBILITY – Visibility into the ground floor of Building L shall be maintained in accordance with the El Camino Real Master Plan. Building occupants shall not cause obstructed interior views of activity through reflective or dark tinted glass. (PLANNING)

#### **City Attorney (PA)**

- 12 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)
- 13 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)

#### **Public Works Department (PA)**

- 14 TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN – Once implemented, the Transportation Demand Management Plan shall be monitored and assessed annually for the occupied life of the development. The program shall be recorded with the County. The assessment of compliance with the Transportation Demand Management Plan, including mode split survey results, shall be submitted to Public Works by the end of every calendar year (December 31st).