

Response to Public Comments

Issues Raised in the Public Comment Letters on the MND/IS:

Comment 1:

1) Lack of adequate assessment of Land Use conflicts:

The Initial Study (IS) states that the “project is consistent with the policies and goals outlined in the San Mateo General Plan, Downtown Plan, Pedestrian Master Plan, and other applicable ordinances.” There is no language in the IS providing evidence that supports this conclusion. In fact, one of the major community concerns regards the key proposal to change the City’s long-standing, required retail frontage policy in the City’s General and Downtown Plans. A recently completed Market Analysis Update of the Downtown concluded that it was important to the City’s tax base to maintain ground floor retail and that San Mateo, including its downtown, is relatively healthy and well positioned for strong economic growth over the next several years.

The Market Analysis study also noted that converting an average retail property of 5000sf (50x100) to office would require 288 office employees to generate an equivalent amount of retail sales tax as a retail store. The conclusion was that it is important to the tax base to maintain ground floor retail. The environmental document needs to do a more thorough and explicit evaluation of the potential impacts of change to this important policy which could have large impacts on the City’s budget, downtown traffic, and parking. This is especially true since the “project” requires an Economic Development Permit to proceed.

Response to Comment 1:

The proposed project consists of a school and office use that will be located in three buildings in downtown San Mateo. As proposed the changes to the all three buildings would not meet the recently adopted 60 feet retail depth and 75% retail width requirement for ground floor uses in the Central Business District (SMMC 27.38). The applicant is seeking a Downtown Economic Development Permit to establish a new school and office use in the three buildings, which would require an exemption from the downtown ground floor retail requirement.

As outlined in SMMC 27.38.140, the Downtown Economic Development Permit is intended to encourage development of large, vacant, and underutilized parcels, and provides exceptions from land use standards upon approval of a Downtown Economic Development Permit by the City Council and is based on the following findings:

- (a) *The project is consistent with the goal statements of the Downtown Plan;*
- (b) *The project is of an excellent design quality and is consistent with the Downtown Retail Core and Downtown Historic District Design Guidelines;*
- (c) *The project is a significant development which presents a substantial economic development opportunity for the City and attempts to maximize use of the site;*
- (d) *The project has a minimum building floor area ratio of 1.0 (not including surface and structured parking) or includes a substantial public improvement such as a public parking garage, open space plaza, public marketplace or other public facility; and*

(e) *Any unmitigated significant impacts are outweighed by the project's economic, social or other benefits.*

In no case, however, shall the project exceed the maximum height and bulk standard and building intensity standard as set forth in Chapter 27.40, Building Height and Bulk Overlay District and the Building Height and Intensity Plan of the General Plan.

As proposed the project addresses the above because of the following reasons:

- The project supports the goal statements of the 2009 Downtown Plan in that it supports Downtown Plan policies in preserving the historic Benjamin Franklin hotel and Collective buildings, and the project consists of the reuse of vacant or underutilized buildings to establish a new school and office use where the objectives of the two businesses (Draper University and the Collective Entrepreneur Club) are integrally connected and support each other. The project also provides pedestrian friendly and visually interesting storefronts by including a display area and a pop-up retail space with large windows that provide clear viewing of activities/displays within the spaces in the Collective building. Additionally, the applicant has agreed to implement all the TDM measures as identified in the Nelson Nygaard report and to provide financial assistance by contributing seed money toward the establishment of a downtown TMA, both of these are consistent with the downtown plan policies in that the project incorporated TDM measures, provides support toward the formation of a downtown TMA, and support sustainable transportation initiatives by encouraging bike accessibility.

The proposed plans for the Fourth Avenue building show an approximately 40 foot depth retail store that does not meet the recently adopted 60 feet retail depth and 75% retail width requirements. However, the Draper University retail store will have sufficient room to display school related merchandise while also providing adequate office area in the rear of the Fourth Avenue building for school administration offices. Separate doors for the administration offices are proposed, accessible from Benjamin Franklin Court, to minimize interruption to any retail store activity. Additionally, both uses are open to the public on an unannounced, drop-in basis during posted business hours.

Additionally, the aforementioned display area and pop-up retail space in the Collective building are each approximately 11 feet in depth and flank the main entrance to the Collective building. The approximately 200 sq ft areas provide the general public with rotating displays/retail sale of new merchandise, student projects/products, and other entrepreneurial themed displays/merchandise. The nature of rotating displays and pop-up retail will provide the general public an incentive to visit the site and this segment of East Third Avenue on a regular basis to see/experience the newest displays and shop for new retail merchandise. The project will not alter the existing large ground floor storefront windows which will provide visual access to the displays and retail merchandise. A separate entrance to the pop-up retail store would ensure accessibility for customers.

- The project includes building and site modifications that are generally consistent with the Downtown Retail Core and Downtown Historic District Design Guidelines in that the project plans has been reviewed by the City's consultant, Architectural Resources Group

(ARG) for consistency with the Secretary of Interior's Standards for historic buildings as well as the City's Downtown Retail Core and Downtown Historic District Design Guidelines, ARG's report found that the proposed changes do not adversely affect the historic nature of the buildings and any potential impacts would be mitigated through conditions of approval and follow-up review during the building permit review stage to ensure the construction details and mitigations are provided, and construction is appropriate. For more information, please refer to Attachment 11 for ARG's analysis.

- The proposed project is a significant development for this area of downtown which currently lacks an anchor business/use and is categorized as a significant economic development opportunity for the City as it proposes to fully utilize the three buildings that comprise the project site. The reuse of a vacant hotel building and the partially vacant Collective and Fourth Avenue buildings for a school and office use, together provide a significant economic opportunity for the City in bringing more people to downtown San Mateo and is expected to activate this portion of downtown, which is a primary gateway into downtown from El Camino. The project could be considered a significant development for the first block of East Third Ave which has suffered due to the 15 plus year vacancy of the Benjamin Franklin hotel as well as the continued underuse of the two vacant former gas station sites at E. Third Ave and S. El Camino Real.

The project is anticipated to provide some economic benefit in that it will bring more residents to downtown and a new customer base for downtown businesses each school term. The City's economic consultant AECOM was hired to evaluate the project's anticipated economic impact on the City from a sales tax perspective. The firm evaluated the pre-project condition (prior to acquisition by Heart of San Mateo), the proposed project, and a hypothetical condition under the new required retail frontage code and without this project. The report found that the pre-project condition generated approximately \$19,000 in sales tax revenue to the City, the project at initial start (with 80 students) is estimated to generate approximately \$14,000 in sales tax revenue, and the hypothetical condition is estimated to generate approximately \$12,000 in sales tax to the City. It is important to note that the \$14,000 in retail sales tax revenue is likely to increase with full enrollment at Draper University, and that the evaluation does not include sales tax from the restaurant use. Finally, there is an intangible factor that the project has the potential of adding value to the area by utilizing a once vacant hotel building and generating activity in this area of downtown.

- The project has a minimum building floor area ratio of 1.0 and includes a substantial public improvement to the publically accessible walkways connecting Fourth Avenue to Third Avenue to the Central Parking Garage in that there the existing floor areas already exceed 1.0 FAR. The project will not increase the building square footages or alter the floor area ratio because the majority of building improvements are interior with the exception of the façade changes to the Benjamin Franklin hotel building. The proposed changes to the walkways including replacing old, damaged drainage and pavement, providing new landscaping and trees that are more appropriate for the small shadowed Benjamin Franklin Court area, and providing visitor bike racks. Other improvements include new lighting, fences, stairs, and signage.

- The project’s impacts are mitigated to a less than significant level in that an initial study and mitigated negative declaration analyzed the proposed project’s impacts and was updated to incorporate the more fully developed use of the Collective building. As discussed in the environmental document, with the incorporation of mitigation measures and conditions of approval, there are no unmitigated significant impacts (see Environmental Review section below for further discussion).
- The project would not exceed the maximum height and bulk standard and building intensity standard as set forth in Chapter [27.40](#), Building Height and Bulk Overlay District and the Building Height and Intensity Plan of the General Plan because the proposed exterior modifications are limited to façade changes on the historic Benjamin Franklin hotel building and do not include altering building height or bulk.

Comment 2:

2) Lack of adequate Project Description:

The Initial Study does not adequately describe the project which prevents the public from determining whether there will be negative impacts to their community. In particular, the Initial Study Description of Project states that the project “...includes physical improvements to the buildings and properties” but does not adequately identify the proposed physical changes. Whether these changes are ‘improvements’ remains to be determined; therefore, the language also appears to be misleading. Furthermore, the project description does not include Tuesday Morning’s existing 18 month lease for large areas of the basement nor discuss the effects of this on the proposed project.

It took a number of phone calls and emails for staff to provide a project description with enough detail to understand what was being proposed. The most complete project description is in the Planning Application, which is not referenced as one of the IS sources, dated November 26th. This Planning Application was not made available for public review on the City’s website until December 10, which significantly reduced the public’s ability to provide meaningful input on the environmental review for this project.

Response to Comment 2:

The following excerpts from the CEQA Statue and Guidelines 2012 (published by AEP), the specific subsections are underlined below, and is the basis for the inclusion of a brief project description

15071. Contents

A Negative Declaration circulated for public review shall include:

- (a) A brief description of the project, including a commonly used name for the project, if any;
- (b) The location of the project, preferably shown on a map, and the name of the project proponent;
- (c) A proposed finding that the project will not have a significant effect on the environment;
- (d) An attached copy of the Initial Study documenting reasons to support the finding; and
- (e) Mitigation measures, if any, included in the project to avoid potentially significant effects.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21080(c), Public Resources Code.

Discussion: The purpose of this section is to prescribe the contents of a Negative Declaration. The statute itself does not say what a Negative Declaration must contain. The contents described in this section appear to be the minimum required to meet the public participation and disclosure policies of CEQA.

15063. Initial Study

(a) Following preliminary review, the Lead Agency shall conduct an Initial Study to determine if the project may have a significant effect on the environment. If the Lead Agency can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable.

(1) All phases of project planning, implementation, and operation must be considered in the Initial Study of the project.

(2) To meet the requirements of this section, the lead agency may use an environmental assessment or a similar analysis prepared pursuant to the National Environmental Policy Act.

(3) An initial study may rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its findings. However, an initial study is neither intended nor required to include the level of detail included in an EIR.

(b) Results.

(1) If the agency determines that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the Lead Agency shall do one of the following:

(A) Prepare an EIR, or

(B) Use a previously prepared EIR which the Lead Agency determines would adequately analyze the project at hand, or

(C) Determine, pursuant to a program EIR, tiering, or another appropriate process, which of a project's effects were adequately examined by an earlier EIR or negative declaration. Another appropriate process may include, for example, a master EIR, a master environmental assessment, approval of housing and neighborhood commercial facilities in urban areas, approval of residential projects pursuant to a specific plans described in section 15182, approval of residential projects consistent with a community plan, general plan or zoning as described in section 15183, or an environmental document prepared under a State certified regulatory program. The lead agency shall then ascertain which effects, if any, should be analyzed in a later EIR or negative declaration.

(2) The Lead Agency shall prepare a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.

(c) Purposes. The purposes of an Initial Study are to:

- (1) Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration.
- (2) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration.
- (3) Assist in the preparation of an EIR, if one is required, by:
 - (A) Focusing the EIR on the effects determined to be significant,
 - (B) Identifying the effects determined not to be significant,
 - (C) Explaining the reasons for determining that potentially significant effects would not be significant, and
 - (D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.
- (4) Facilitate environmental assessment early in the design of a project;
- (5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
- (6) Eliminate unnecessary EIRs;
- (7) Determine whether a previously prepared EIR could be used with the project.

(d) Contents. An Initial Study shall contain in brief form:

- (1) A description of the project including the location of the project;
- (2) An identification of the environmental setting;
- (3) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries. The brief explanation may be either through a narrative or a reference to another information source such as an attached map, photographs, or an earlier EIR or negative declaration. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found.
- (4) A discussion of the ways to mitigate the significant effects identified, if any;
- (5) An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls;
- (6) The name of the person or persons who prepared or participated in the Initial Study.

(e) Submission of Data. If the project is to be carried out by a private person or private organization, the Lead Agency may require such person or organization to submit data and information which will enable the Lead Agency to prepare the Initial Study. Any person may submit any information in any form to assist a Lead Agency in preparing an Initial Study.

(f) Format. Sample forms for an applicant's project description and a review form for use by the lead agency are contained in Appendices G and H. When used together, these forms would meet the requirements for an initial study, provided that the entries on the checklist are briefly explained pursuant to subsection (d)(3). These forms are only suggested, and public agencies are free to devise their own format for an initial study. A previously prepared EIR may also be used as the initial study for a later project.

(g) Consultation. As soon as a Lead Agency has determined that an Initial Study will be required for the project, the Lead Agency shall consult informally with all Responsible Agencies and all Trustee Agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a Negative Declaration should be prepared. During or immediately after preparation of an Initial Study for a private project, the Lead Agency may consult with the applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21080(c), 21080.1, 21080.3, 21082.1, 21100 and 21151, Public Resources Code; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, *Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337.

Discussion: The purpose of this section is to describe the process, contents, and use of the Initial Study. This is a device not mentioned in the statute itself. The Initial Study is necessary in order to provide the factual and analytical basis for a Negative Declaration or to focus an EIR on the significant effects of a project. This section is also necessary to authorize and encourage the use of a number of efficiencies including using a Negative Declaration when the project proponent has changed his proposal in order to mitigate or avoid the significant effects identified in an Initial Study. The section also makes the point that the Initial Study can be used to determine whether a previously prepared EIR would adequately apply to the project at hand, or whether pursuant to a program EIR, tiering, or other appropriate process one or more of the project's effects were adequately examined by an earlier EIR or negative declaration. These two provisions would result, respectively, in the use of an EIR from an earlier project pursuant to section 15153 or in building upon a previous EIR or negative declaration as generally provided in section 15152, Article 11 (commencing with section 15160), or other provisions.

This section also clarifies that the individual conclusions reached by an initial study must be based on some evidence. Entries on a checklist or other form should be briefly explained to indicate the basis for determinations. These explanations are not intended to be as detailed as an EIR (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337).

Since a lead agency must consider all impacts of a project, consultation provides access to the expertise of other agencies in evaluating a project. In *Sundstrom v. Mendocino* (1988) 202 Cal. App. 3d 296, the court held that "some degree of interdisciplinary consultation may be necessary on an initial study as well as in preparation of an EIR." It also stated that an agency must provide the information it used to reach its conclusions and that a checklist unsupported by data and facts is not sufficient for an adequate Initial Study. In *Antioch v. Pittsburg* (1986) 187 Cal. App. 3d 1325, the court cited *City of Carmel-by-the-Sea v. Board of Supervisors of Monterey County* 183 Cal. App. 3d 229, to emphasize the importance of considering in the initial study all the activities and impacts involved in planning, implementation, and operation of a project.

3) Parking and TDM Measures:

There are well-documented parking problems in the surrounding residential neighborhoods attributed to existing office conversions. The city has had to increase the number of homeowner parking permits it grants because of individual and homeowner association complaints. There is nothing in the IS that describes or provides mitigations to address this spill-over parking problem. It is also not clear in the IS whether the applicant has agreed to all of the proposed TDM mitigation measures. The Parking Analysis and TDM Plan are dated November 29, one day before the Neg. Dec. release, raising questions about how much staff evaluation was done before release of the environmental document.

Comment 3:

4) Short Public Review Period during Holiday Season:

It is unfair to the public to have the minimum legally required review period for this major project during the busy holiday season between Thanksgiving and Christmas. Adding insult to injury is that the CEQA review was based on an incomplete, changing and inadequate project description rushed through to meet the applicant's timeline at the expense of losing valuable community input.

The heart of CEQA is to provide full public disclosure that allows a skeptical public to review the decision-making process of its elected officials in order to ensure minimal damage to the environment. There is no way that staff or our elected officials can benefit from full public participation during this time period or get input on a truly important General Plan change that will affect the quality of life throughout the community. It is just wrong and exacerbates public distrust of their elected officials. It also minimizes the time available for staff and the Planning Commission to adequately review this major project since it is likely that many of them will be away or otherwise occupied with friends and family.

Response to Comment 3:

The timeline was developed so that there would be minimal conflict with the holidays and the public's ability to comment on the project. The Mitigated Negative Declaration was issued on November 30, 2012, which was after the Thanksgiving holiday, and the 20-day review period ran through December 19, 2012, prior to the Christmas holiday.

The Planning Commission hearing will be held on January 8th, after the New Year's holiday.

The public comment period was scheduled after Thanksgiving and before Christmas so that the public would not be expected to review documents during the holidays.

In addition, the City Council hearing for Draper University will be held on February 4th, which gives another month for the public to review documents prior to the final decision.

Comment 4:

(1) Project Description. Please provide a more detailed project description that includes specific information about the maximum proposed uses of each building, including but not limited to

number of occupants, square footage dedicated to each type of use, hours for each type of use, and how this is changed from current conditions.

Please specifically describe the anticipated maximum occupancy of the office club at the Collective building and the maximum occupancy of the auditorium in that building. Please provide an estimated maximum annual number of non-Draper events that could be held in the auditorium.

Please note that the proposed use of the auditorium is particularly unclear. The city appears to be treating it as part of the office space. Newspaper reports from a Draper University hosted public meeting indicate that it would be a venue for music and other performances that would be enjoyed by the whole community. This function (which has been requested by community members) is clearly distinct from office space.

Please include in the description, including in the square footage and occupancy estimates, any retail (such as the "pop-up retail" mentioned in the newspaper, assuming this is part of the proposal) and any retail-like use of the office club space (e.g., to provide business support services).

Response to Comment 4:

Please see above response to Comment 2.

Comment 5:

(2) Parking Analysis. Please provide a parking assessment that specifies the parking demand for each use proposed--specifically retail, university, restaurant, auditorium, and the office club, which appears to be attempting to be an office/retail hybrid. Please provide the specific change in parking demand for the maximum level of proposed use as compared to the most recent use of the physical spaces proposed to be occupied by the project.

Please provide a parking assessment that specifically considers the auditorium as a public gathering space rather than office space. (It is clearly not office space).

Please provide a parking assessment that specifically considers the full proposed occupancy of the office club, which from the drawings would have a much greater occupancy than a typical office space--and which appears to be proposed to have more occupancy changes during the day than a typical office space. To the extent that this is an office/retail hybrid, please use parking projections that account for the actual proposal. The use of standard ITE office numbers appears to be inappropriate for the project, assuming that the descriptions in the parking study and newspaper accounts are accurate.

Please ask the parking consultant to examine the potential effectiveness of the TDM measures for the office club proposal, which differs substantially from traditional office. Please clarify which TDM measures would be applicable to the office club and how they would work with the changing occupancy of the building from day to day and during the course of the day.

Please ask the parking consultant and public works staff to examine the adequacy of the proposed TMA contribution in light of the greatly changed proposal for use of the Collective building since the initial assessment.

Please clarify whether parking mitigation fees would be appropriate for this proposal. This project appears to be examined in a means that is wholly different from all other projects that I have reviewed in downtown. It is unclear to me why parking mitigation fees are not proposed in light of the current proposal for use of the Collective building.

Response to Comment 5:

Parking availability in downtown is an important issue for many residents and businesses. This issue is a community concern and therefore should be addressed comprehensively by downtown businesses, customers, property owners and the City. Towards that end, the City's Public Works Department initiated a study of downtown parking issue and the City Council held a study session in September 18, 2012. Public Works staff has issued an RFP and are in the process of reviewing applications and will shortly conduct interviews to select a consultant who will assist the City in this effort. It is anticipated that public outreach/community meetings will be an integral part of the downtown parking study effort and that more information will be provided as they become available.

In reviewing the proposed Draper University and the Collective Entrepreneurs Club, the City contracted with Nelson Nygaard to evaluate the project's parking demand and opportunities for Transportation Demand Management (TDM) measures. Nelson Nygaard evaluated the proposal for Draper University school and office uses in the three buildings and found that with Draper University's enforcement of a no-car policy for all students and implementation of project level Transportation Demand Management (TDM) programs, the overall combined parking demand for all uses in the three buildings is anticipated to be reduced (refer to Attachment 12 for Draper University and the Entrepreneurs Club Parking Analysis and TDM Plan by Nelson Nygaard dated November 29, 2012).

To determine actual parking demand, the consultant analyzed shared parking demand of all proposed uses. The unshared parking demand, which is the base parking demand based on average trips for the proposed uses, is estimated to be 177 parking spaces for all uses in the three buildings.

Mixed-use developments, such as the proposed project, offer the opportunity to share parking spaces between various project uses with different peak parking demand periods. A combination of new and existing uses is expected to operate on the project site: Draper University school use with on-site boarding of student, retail, and administrative office use; the Collective Entrepreneurs Club's office use; Astaria restaurant's use; and general office use (in the second floor of the 37 E. Fourth Avenue building); it is therefore similar to mixed-use developments. Mixed-use development creates opportunities for shared parking because of the staggered peak demands for parking associated with different uses. Shared parking analysis also accounts for how parking demand can be expected to vary by time of day and day of week. Since different uses experience peak parking demand at different times of the day, the shared peak demand is lower than an unshared parking model where no consideration is given to the time of day at

which peak parking demand occurs and where each use is evaluated as a stand-alone development. Nelson Nygaard's analysis shows that the weekday total peak shared parking demand occurs at noon, with a total demand of 161 parking spaces and weekends, the peak shared parking demand of 67 spaces occurs at 7 pm.

Additionally, along with Draper University's no-car policy for all students and implementation of all TDM programs by Draper University and the Collective Entrepreneurs Club, the overall shared parking demand is estimated to be reduced to 120 parking spaces for weekdays and 35 spaces for weekends with the implementation TDM measures are: Student Vehicle Restrictions, Bicycle parking, Bicycle loaner program, Car sharing/Car Loaner Program, Preloaded Clipper Cards and Transit Passes, Welcome Packets and Transportation information, Pre-tax Transit Benefits, and Shuttle Bus Service.

In addition to the TDM plan, Nelson Nygaard's analysis also include a Monitoring and Evaluation Program that specifies required annual self reporting by Draper University and the Collective Entrepreneurs Club on how the TDM programs have been implemented for the previous year and changes for the upcoming year. Additionally, Draper University and the Collective Entrepreneurs Club/property owner are required to provide funds for the City to review the annual reports, evaluate, and enforce TDM programs; which will ensure City staff time (as well as any third party consultant hired by the City) to monitor, evaluate and enforce the Monitoring and Evaluation Program are fully paid for by the project sponsors rather than the City's General Fund.

The Monitoring and Evaluation Program also includes provisions to address the potential that the project site may be used for special events in the evenings or weekends. Special events may be permitted on the project site provided that each event is subject to review and approval by the Zoning Administrator and the applicant has secured adequate off-site parking for each event.

Adherence to the TDM measures, annual Monitoring and Evaluation Program, and requirements for special event parking are all required as conditions of approval.

In addition to actual parking demand, the project's conformance with Zoning Code parking requirements was analyzed. The project site is located in the City's Central Parking Improvement District whereby previous property owners have paid fees into the parking district for uses within the existing buildings. The previous hotel, commercial (general retail & salon), and office use (general office and financial office) generated a total parking requirement of 154 parking spaces. The base (unshared) parking demand for the project is 177 spaces during weekday peak and 91 spaces during weekend peak (see Nelson Nygaard's analysis, page 2-3). As mentioned in Nelson Nygaard's analysis, based on a shared parking concept (a concept which is applied to mixed-use developments), the project's shared parking demand with implementation of the TDM programs is expected to be reduced for both the weekday peak period to 120 spaces as well as weekend peak period to 35 spaces. For employees, the weekday and weekend peak parking demand are estimated to be reduced by 13%, thereby bringing the weekday peak to 8 spaces and 1 space for weekend peak. Therefore, with the implementation of the TDM programs, the project's total weekday peak parking demand is estimated to be 120 spaces and the total weekend peak parking

demand is estimated to be 35 spaces; both of which are below the 154 parking spaces required by the previous uses.

Additionally, the Zoning Code allows change of individual uses, located in the Central Parking Improvement District's (CPID) Primary Benefit Zone (PBZ), which require up to an additional 10 spaces to be established within the CPID without providing extra parking on-site or executing a parking agreement to pay in-lieu fees. As a result, the project conforms with the more specific Zoning Code requirements which apply to properties and uses within the Central Parking and Improvement District. As noted above, the City's Public Works Department is examining downtown parking issues, including the feasibility of pursuing a new parking district to provide additional parking in downtown.

Therefore, with the incorporation of the TDM plan and the Monitoring and Evaluation Program, the project will have a less than significant impact on applicable land use policies, including Zoning Code parking requirements.

Lastly, in recognizing that the downtown parking situation is a community concern and that there are other TDM programs which require a broader participation base than this project can provide (i.e. TDM measures that are based on an economy of scale. These measures are viable based on a larger pool of downtown employees, and would be available to smaller businesses as they would benefit the pooling of resources and users), the City requested and the property owner has agreed to contribute \$15,000 as seed money toward the establishment of a Downtown Transportation Management Association (TMA). The TDM programs established by the TMA would in theory benefit multiple businesses, property owners and downtown customers by facilitating use of alternative transportation and otherwise reduce single-use vehicle trips.

Implementation of the project level TDM programs as well as the measures/programs that would be made available through the Downtown TMA will help to reduce single-occupant vehicle trips and traffic congestions in the downtown area and thereby reduce parking demand.

Comment 6:

Over the past few years, increased operations in the Downtown area have taxed the limited parking availability and have forced commuters to park in the surrounding neighborhoods. Lower Baywood was heavily impacted by this and is struggling with a significant increase in "day parkers". Earlier this year, the City of San Mateo helped provide temporary relief through the deployment of a parking permit program in some of these affected areas. While we appreciate this support from the City, we are very concerned that the Draper University operations will put further pressure on these neighborhoods.

Draper University is not simply another business, it is a University, with a residential component. It has residents who have no place for extended parking other than surrounding neighborhoods. While Draper University officials purportedly prohibit students from having cars, there is no means of enforcing this prohibition. Already Baywood neighbors have observed individuals parking in front of their homes for extended periods and followed them back to the Draper facilities.

BOIA respectfully requests that prior to taking any further supportive action on this project, the City fully evaluates the realistic parking needs of Draper University and requires Draper University to address those needs. BOIA asks that the City compel Draper University to adhere to the same parking requirements applied to other projects within the City of San Mateo.

We understand the University has stated that students are not allowed to have cars, and this will be in the agreements between the University and students. We firmly believe this will be difficult if not impossible for the University and City to enforce and the resulting impact will make our already dire parking situation intolerable. Finally, regardless of how the parking is resolved, given that Draper University will hold 10 week courses, BOIA requests that a quarterly review be implemented with financial penalties for violations of City Codes, including parking.

Response to Comment 6:

Regarding parking, please see above response to Comment 5.

The San Mateo Municipal Code (see code sections below) already provides the City enforcement authority, including application of financial penalties, in cases where violations of project approval and codes have occurred. The property owner is responsible for ensuring compliance with the project approval, including all conditions of approval. The number and duration of course sessions do not absolve the property owner from this responsibility. While related, reporting is generally handled on an annual basis for schools. Given that it is the operators responsibility to ensure its users (in this case, both students and staff) are in compliance with project approval, there is not a direct correlation to require quarterly reporting and review. For this project, the City's consultant recommended annual reporting and review, see Attachment 12 Nelson Nygaard's Parking Analysis and TDM Plan, pages 2-13 to 2-15).

1.10.010 PURPOSE/APPLICABILITY.

- (a) This chapter shall be cited as the "Administrative Citation Ordinance."
- (b) The City Council finds there is a need for an additional method of enforcement for violations of this code. The City Council finds an appropriate method of enforcement is an administrative citation.
- (c) The procedures established in this chapter shall be in addition to criminal, civil or any other legally established procedures that may be pursued to address violations of this code.
- (d) The administrative citation process as set forth in this chapter shall apply to all violations and provisions of this code.
- (e) Use of this chapter shall be at the sole discretion of the City.

1.10.030 ADMINISTRATIVE CITATION.

- (a) Whenever an enforcement officer who has authority to enforce a violation of this code determines that a violation has occurred, the enforcement officer may issue an administrative citation to any person or entity responsible for the violation.
- (b) Each administrative citation shall contain the following information:
 - (1) The date of the violation;
 - (2) The address or a definite description of the location where the violation occurred;

- (3) A citation to the section of this code violated and a description of the violation;
- (4) The amount of the nuisance abatement fee for the code violation;
- (5) A description of the nuisance abatement fee payment process, including a description of the time within which and the place to which the fee shall be paid;
- (6) An order of abatement prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;
- (7) A description of the administrative citation appeal process, including the time within which the administrative citation may be contested; and
- (8) The name and signature of the citing enforcement officer.

(c) Except in the case of a violation creating an immediate danger to health or safety, the enforcement officer shall issue a warning notice of violation to the responsible party for a continuing violation pertaining to building, plumbing, electrical or other similar structural or zoning issues, at least 72 hours prior to issuance of an administrative citation. The notice shall be posted at the property or personally served on the responsible party at the time of issuance. (Ord. 2012-2 § 3; Ord. 1999-3 § 2; Ord. 1998-9 § 2)

27.02.210 VIOLATIONS OF PLANNING APPLICATION CONDITIONS.

It is unlawful for any person, firm, or corporation to violate conditions imposed on any land use permit granted pursuant to this title. (Ord. 1989-18 § 5, 1989).

27.10.010 REVOCATION OF PLANNING APPROVALS.

In addition to any other remedies established by the Code, in the event any person utilizing a planning application approval violates its terms or fails to comply with its conditions, or violates the provisions of this code in effect at the time approval was granted, or directly or indirectly conducts, carries on, or allows to be conducted or carried on such violations, the Planning Commission shall have the power to permanently revoke or suspend the planning application approval as hereinafter provided.