

**CITY OF SAN MATEO
PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
FEBRUARY 12, 2013**

APPROVED

The meeting convened at 7:30 p.m. in the City of San Mateo Council Chambers and was called to order by Chair Whitaker, who led the Pledge of Allegiance.

Those present were Chair Whitaker, Vice Chair Massey, Commissioner Bonilla and Commissioner Hugg and Commissioner Moran.

A motion was made by Commissioner Massey, seconded by Commissioner Hugg to approve the minutes of the Regular meeting of January 23, 2013 with additional minor corrections.

Vote: Motion passes 4-0; Moran abstained having been absent on January 23rd.

***** PUBLIC COMMENT**

Chair Whitaker opened the public comment period.

No one wishing to speak, Chair Whitaker closed the public comment period.

ITEM 1

*** PUBLIC HEARING**

PA 10-015 Suhl Site Development Permit, legalization of the importation and grading of backfill soil material into the rear yard of a single family dwelling property, 493 Edgewood Road (APN 031-052-250)

- A. Negative Declaration to assess potential environmental impacts of the project.
- B. Site Development Permit for grading.

The project site is approximately 21,737 sq. ft. on the north side of Edgewood Road at the terminus of Hillcrest Road, zoned R1-A One Family Dwellings.

Stephen Scott, Principal Planner, gave the staff presentation.

The Planning Commission had the following questions for staff:

- Did the city enforce action for this work? *Staff: Yes, the applicant conducted the grading work without benefit of permit and the city took the applicant to court to either obtain the Site Development Permit or restore the property to its' original layout.*

- Were penalties enforced for the removal of trees? *Staff: yes, Parks and Recreation imposed fines for the trees.*
- Regarding a letter from Carol Werner: did staff look at the trees? *Staff: we have not been out to the property to look at the Cypress trees in question, that would provide a landscape screen.*
- Can you explain the 'line of sight'? *Staff: explained the trees are on the eastern edge of the property part of the way down the hill.*

Craig Suhl gave the applicant presentation.

The Planning Commission had the following questions for the applicant:

- In looking at the plans, is the topography the way it was originally? *Applicant Engineer, John Berry: no, these are as-built plans, drawn as I saw the property.*
- How many cubic yards of dirt are involved here? *Applicant Engineer, we don't know. At least 50-60 yards were brought in by truck. A lot of dirt was moved from the next door neighbor's yard when he constructed a sports court.*

The Chair opened the Public Comment Period. The following people spoke:

Michael Strambi, San Mateo; Paula Hoffman, Hillsborough.

- A large amount of dirt was moved from my property to the applicant' property.
- Approximately 15 to 25 truckloads of soil was also brought in resulting in an increase in elevation of from 4 to 8 feet above the existing grade.
- The trees along the eastern side of the property line are too big and too close together.
- Fence is built on the property line between us that does not meet the City's fence standards
- Dirt is pushed up along bottom boards of fence, which makes it a retaining wall.
- Mud and silt is coming under the fence in places.
- Fence is not straight due to improper installation and the fact soil is pushing it over.
- Instead of shrubs for privacy, huge trees were planted that block sunlight to my property.
- My property is wet and moist due to the runoff coming under the fence and the blockage of sunlight from the trees.
- Neighbor has redwood trees and doesn't want them harmed with the activity on the applicant's property.

No one else wishing to speak, the Chair closed the Public Comment Period.

The Planning Commission had the following questions for staff:

- Was there a landscaping plan for the Cypress trees? How far down the property line are the trees located? *Staff: They are only about ½ way down; not as far as the landscape drawings indicate.*
- Do the Cypress trees go all the way to the front of the property? Are they going to be maintained at a certain height? *Staff: Yes, the cypress trees are planted along that property line up to the front. This is a unique situation in that the work was conducted without staff review. Cypress trees planted in that location and at that density may not be the best solution. It would be difficult to enforce a height restriction on trees over time.*
- On January 14, we received a letter from Michael Strambi talking about the fence being used as a retaining wall. Are there restrictions on wooden retaining walls? *Staff: It is the intent of Public Works along with Building Inspectors to inspect fences on slopes restraining dirt. If it is a retaining wall, there are two options: 1) remove the dirt; or 2) put in a proper retaining wall with the required permit.*
- Additional discussion between the Planning Commission and staff regarding the city ordinance for landscaping along fences using shrubs.
- Was a site survey submitted at the time the house was built? *Staff: yes.*

The Planning Commission had the following discussion:

- The lot located in Hillsborough across the creek from the applicant's lot will not be affected.
- The proper channels for doing this work were not followed. This makes it difficult for the city to go back and review the situation.
- Once dirt was moved to the applicant's property, it became the applicant's problem/responsibility.
- Dirt by the fence kickboards should not be there. Should not be used to retain soil.
- There is evidence of drainage on the slope. The slope of the applicant's lot is towards the eastern neighbor.
- There should be a plan in place to address the ongoing maintenance of the Cypress trees. I believe there are too many trees.
- A shrub would be more preferable than a Cypress tree(s).
- What are the side yard setbacks? *Staff: 10 feet.*
- No Conditions of Approval have been prepared that address the trees. What evidence do we need to make a finding? *City Attorney: there are some factors to consider outlined in the Site Development Code.*
- Adding a condition to freeze the "status quo" seems in order.

In response to a request from the Commission, staff drafted the following new condition regarding the trees along the easterly property line:

CYPRESS TREES - The existing cypress trees shall be evaluated by an arborist to determine appropriate spacing to maintain light and visibility for 50% of the area above 12 feet in height on the eastern property line. If necessary, existing cypress trees shall be removed to meet this standard. No new cypress trees will be planted.

This will be a one-time review by an arborist before a Site Development Permit is issued.

Motion by Commissioner Hugg that the Planning Commission accept the Negative Declaration to assess potential environmental impacts of the project and approve the Site Development Permit for grading based upon the Findings for Approval subject to the Conditions of Approval, as amended to include the "Cypress Tree" condition.

Commissioner Bonilla 2nd the motion: Vote 5-0, motion carries. This matter is final with the Planning Commission unless appealed in accordance with the San Mateo Municipal Code.

ITEM 2

* PUBLIC HEARING

PA 11-072 San Mateo Executive Office Park, The project includes the demolition of an existing 9,000 s.f. (approx.) vacant building and construction of a 100,000 s.f. (approx.), three-story office building at an existing office park complex located at 3000-3155 Clearview Way. An above-grade five-level parking garage is also proposed. Major vegetation including, but not limited to, 39 Heritage Trees are proposed for removal. Replacement trees are proposed. (APN 041-361-120, APN 041-361-130).

- A. Negative Declaration to assess potential environmental impacts of the project.
- B. Site Plan & Architectural Review for construction of a new office building and parking garage.
- C. Site Development Permit for grading and removal of Heritage Trees and Major Vegetation.
- D. Vesting Tentative Map to create separate parcels for each building on the property.

The project site is approximately 22 acres and is located adjacent to State Route 92 and College of San Mateo. The existing buildings and site improvements are clustered within the existing 12.5 acre developed area. The General Plan land use designation is Executive Office. The zoning district classification for the site is E1-1.0 (Executive Park, 1.0 FAR).

Christy Usher, Associate Planner, gave the staff presentation

Daisy Hatch-Gauck, Lowe Enterprises, introduced the project. Hans Lee, applicant, spoke to the items that were incorporated into the project as requested by the Planning Commission at previous study sessions. Ted Korth, Architect, and Colin Blythe, Landscape Architect provided information regarding the building architecture and the landscape plan and site layout.

The Planning Commission had the following questions for the applicant:

- Clarify the materials on the existing buildings. *The project architect described the materials for the new building and how they relate to the other buildings.*
- Identify the 20' wide clear path around the site for emergency vehicle access. *The landscape architect identified these areas on the site plan.*
- Please show us where the recycling and trash enclosures are. *The landscape architect identified these areas for the existing and proposed buildings.*
- Clarify pedestrian connections between buildings. *The landscape architect illustrated the pedestrian circulation on site from building to building.*

The Chair opened the Public Comment Period for this item. Richard Arnold, San Mateo; Leslie Botu, San Mateo;

- Reducing the height of the building is good.
- People have yet to see responses to the traffic issues that will occur at the intersection on Hillsdale Blvd and Clearview Way. This is impacted with the traffic in and out of the College of San Mateo.
- Building hours were stated as 8:00am – 5:00pm yet we heard from the applicant this evening, that individuals often work late at these buildings. This will add to the night-time traffic at the College.
- Additional traffic is also noted at the Laurelwood Shopping Center which is bound to increase with the addition of this building.
- Many homeowners living on Lyonridge and the other streets in that neighborhood are often unable to make right turns onto Hillsdale Blvd due to the traffic exiting from the office campus.

No other persons wishing to speak, the Chair closed the Public Comment period.

The Planning Commission asked the following question:

- Are there improvements to the intersection of W. Hillsdale and Clearview Way that might address the neighbors concerns about non yielding left turners from the project site when they are making a right turn movement on W. Hillsdale from Clearview Way? *Gary Black: street markings could be added to help direction of traffic.*
- For the record, the rules of road were clarified. Right turns (onto W. Hillsdale from Clearview Way) have the right-of-way at the intersection of W. Hillsdale and Clearview Way over the left hand turning movement leaving the project site.

- Public Works staff further clarified the rules of the road: Straight movements have the right of way over turning movements. Of turning movements right turns have the right of way over those turning left.
- Some intersections that have solid white lines demarking lanes. Could this be done at this intersection? *Ken Pacini: Using "tracking lines" for lanes might be an option at this intersection. This is a method often used where there are multiple left-turn lanes to direct the driver and keep the cars from drifting into other lanes.*
- Please clarify the number of parking spaces. *Applicant: There are approximately 730 existing parking spaces. Some of those existing spaces will be removed for the new parking garage. With the new parking garage 511 surface parking spaces will be provided for a total of approximately 1100 parking spaces onsite. Overall 400 new parking spaces will be provided.*

The Planning Commission had the following comments:

- Concerned with the construction of the parking garage and its proximity to the day care/preschool area with an outdoor playground but reserve judgment until fellow Commissioners provide input on that matter.
- Several Commissioners expressed confidence in the measures required as conditions of approval during construction to reduce impacts related to air quality and noise on the adjacent day care.
- Concerned the City is relying on its climate action plan being implemented. The City needs to reduce CO₂ emissions. We've accomplished some good things to date like the green building requirements and obtaining grant funding for portions of our bicycle master plan. These measures will reduce the growth of emissions from new development, but our emissions continue to grow. The City so far has not been implemented the elements of our Climate Action Plan that reduce emissions.
- This project is different than most we have seen because it is the first project in a very long time to come for approval that is not within convenient walking and biking distance of transit.
- Commissioner will be voting "no" on the Negative Declaration because it relies on implementation of the City's Climate Action Plan for which substantial implementation, i.e. to reduce emissions, is not currently reasonably foreseeable.
- Request the applicant fund a sidewalk feasibility study for pedestrian/bicycle access along W. Hillsdale Blvd going up the hill towards the college.
- The applicant confirmed their willingness to fund the study and dedicate a pedestrian access easement as needed.
- Concerned in the increase of floor area ratio (FAR) over the entire site. It appears that the FAR is doubling although it is below the maximum allowed.
- Noted a 40% increase in the amount of square footage and 92% increase when adding in the size of the garage.

- The number of trees being removed: 39 heritage and 147 other trees = 186 trees. The proposal is to replant 85 new trees, leaving a deficit of 111 trees. I understand that an in-lieu fee will be paid to compensate for the loss of trees.
- Several Commissioners expressed confidence in the findings of the City's Traffic consultant based on their many years of experience evaluating development applications both before and after construction.
- In closing the Planning Commission:
 - Directed Public Works to investigate improvements to the intersection at Clearview and W. Hillsdale to address the concerns raised by the neighbors about non yielding left turning movements from the project site.
 - Requested that the applicant provide rules of the road driver education programs to employees to target the employees making left turns and not yielding to residents across the project site making a right turn on W. Hillsdale. The applicant confirmed their willingness to provide such programs to their employees.
 - Incorporated several new conditions of approval requiring the applicant to: fund a sidewalk feasibility study (A3.11), dedicate a pedestrian access easement (A3.12), and prohibit the use of compression release brakes on W. Hillsdale Blvd during construction (D3.4(h)). The Planning Commission also added standard language to a standard public works condition of approval E1.0(B) to allow an annual fee increase if necessary to recover the City's cost of inspection related to any CPI increase.

A motion was presented by Commissioner Massey that the Planning Commission adopt the Negative Declaration. The motion was seconded by Commissioner Bonilla. The motion passed on a 4-1 vote and the Negative Declaration was adopted.

A motion was presented by Commissioner Massey that the Planning Commission approve the Site Development Permit, Site Plan and Architectural Review, and Vesting Tentative Map, with modifications to the conditions of approval as follows: the applicant shall fund a sidewalk feasibility study for pedestrian/bicycle access along W. Hillsdale Blvd, the applicant shall dedicate an pedestrian access easement (as needed), a provision was added to a standard condition to allow a cost of living increase for inspection fees for storm water drainage, and the use of compression release engine brakes was prohibited for construction trucks traveling on Hillsdale Blvd during construction. The motion passed on a 5-0 vote.

This decision is final with the Planning Commission as outlined in the Municipal Code unless appealed in according with the Code.

COMMUNICATIONS/ANNOUNCEMENTS

1. Communications from Staff.
 - a. Right-of-way issue coming to the Planning Commission on 2/26.

- b. Negative Declaration sent out for St. Matthew's Episcopal Church – Commissioner Massey recusing himself and Commissioner Bonilla will not be here.
 - c. Negative Declaration for Cal-Water has been circulated.
 - d. Negative Declaration for Bosworth to be delivered to you on Friday.
 - e. Mi Rancho market coming to you soon.
 - f. Meeting regarding ethics, Brown Act, etc., being finalized.
 - g. Discussion of items on the City Council goal-setting session.
2. Communications from the Commissioners.
- a. Commissioner Hugg asked about getting on neighborhood meeting lists. Chief of Planning explained how the process works.
 - b. Commissioner Moran brought up the newspaper article in the morning paper regarding a pipe-line break and its affects on San Mateo Creek. She noted that many fish were killed, including endangered steelhead. This shows that steelhead are still living in San Mateo Creek.

ADJOURNMENT

There being no further items before the Planning Commission, Chair Whitaker adjourned at 10:30p on Tuesday evening, February 12, 2013.