

ORDINANCE NO. 1865

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO AMENDING SECTION 12.96.110 OF TITLE 12 (LAND USE) OF THE SAN BRUNO MUNICIPAL CODE TO CHANGE THE ZONING MAP FROM C (GENERAL COMMERCIAL) DISTRICT TO P-D (PLANNED DEVELOPMENT) DISTRICT; FOR PROPERTIES IDENTIFIED AS 111 SAN BRUNO AVENUE AND 761 – 767 HUNTINGTON AVENUE (APNS: 020-121-360, 020-121-350)

WHEREAS, on March 1, 2017, representatives on behalf of San Bruno Development, LLC. And Welch Family Partnership ("Applicants"), submitted an application to construct a five-story mixed-use building at 111 San Bruno Avenue and 761-767 Huntington Avenue ("Project"), on two parcels totaling 28,180 square feet in area (Assessor's Parcel Nos. 020-121-350); and

WHEREAS, the applicants have requested the following approvals to allow development of the proposed project: a Specific Plan Amendment (SPA-18-001); an amendment to the San Bruno Zoning Code to change the zoning for the Property from General Commercial (C) to Planned Development District (P-D) (PD-17-001); a Planned Development Permit (PDP-18-002); an Architectural Review Permit (AR-18-003), and a Vesting Tentative Map (TM-18-001); and

WHEREAS, to achieve consistency between the proposed project and the Zoning Code, the Municipal Code must be amended to change the zoning of the subject properties from (C) Commercial to (P-D) Planned Development District, to allow for mixed-use development that includes residential use on the 28,180 square foot project site; and

WHEREAS, the P-D Development Plan standards for the project are summarized in Attachment B; and

WHEREAS, the proposed Zoning Code Amendment is consistent with the General Plan which indicates Central Business District land-use designation for the project site, a designation that permits ground floor retail uses with residential uses on the upper floors; and

WHEREAS, on August 21, 2018, the Planning Commission held a public hearing to consider the above-described amendment to the Municipal Code and adopted Resolution 2018-04 recommending that the City Council approve the P-D District and associated development plan; and

WHEREAS, on October 23, 2018, the City Council held a duly noticed Public Hearing to consider amending the Municipal Code related to the proposed project, and on said date, the Public Hearing was opened, held and closed; and

WHEREAS, the request to amend the San Bruno Municipal Code has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq., hereafter the "CEQA Guidelines"). The amendments do not require any further CEQA review because an Initial Study/Environmental Checklist was prepared to confirm that the proposed Project would not result in any new or substantially more significant environmental effects than those analyzed in the San Bruno Transit Corridors Plan (TCP) Certified Environmental Impact Report (EIR) that was adopted by the City Council on February 12, 2013, pursuant to CEQA Guidelines Sections 15162 (Subsequent EIRs and Negative Declarations) and 15168 (Program EIR). All applicable mitigations in the TCP EIR will be required as conditions of approval for the proposed Project.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of San Bruno, based on facts in the staff report, written and oral testimony, and exhibits presented:

1. The City Council hereby finds that the Municipal Code amendment is in general conformance with the San Bruno General Plan and that the public necessity, convenience and general welfare require adoption of the proposed amendment, in accordance with San Bruno Municipal Code Section 12.136.030.

2. With respect to the Development Plan, the City Council hereby finds, in accordance with San Bruno Municipal Code Section 12.96.190:

- a. The proposed P-D district can substantially be completed within the time schedule submitted by the Community College District.
- b. Each unit of development, as well as the total development, can exist as an independent development capable of creating an environment of sustained desirability and stability.
- c. The land uses proposed will not be detrimental to the present or potential surrounding uses but will have a beneficial effect which would not be achieved through other districts.
- d. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P-D district.
- e. Any exceptions from the standard district requirements are warranted by the design of the Project and amenities incorporated in the Development Plan.
- f. The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development and the P-D district uses proposed are in conformance with the general plan, if amended as recommended in this resolution.

3. The San Bruno City Council hereby amends the Zoning Map, as described in San Bruno Municipal Code Section 12.96.020, to change the zoning district of Assessor's Parcel Nos. 020-121-360, 020-121-350 from Commercial (C) to Planned Development (P-D), as shown in Exhibit A.

4. The San Bruno City Council hereby approves the Development Plan subject to the development standards in Exhibit B.

5. Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

6. Effective Date. This Ordinance shall be in full force and effective 30 days after its adoption, and shall be posted as required by law.

Rico E. Medina

Rico E. Medina, Mayor

ATTEST:

Melissa Thurman

Melissa Thurman, CMC
City Clerk

APPROVED AS TO FORM:

Marc Zafferano

Marc Zafferano, City Attorney

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I hereby certify that foregoing **Ordinance No. 1865**
was introduced at a regular meeting of the San Bruno City Council on
October 23, 2018, and adopted by the San Bruno City Council at a regular meeting on
November 13, 2018, by the following vote:

AYES: Councilmembers: Davis, M. Medina, O'Connell, Salazar, Mayor R. Medina

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Melissa Thurman

Melissa Thurman, CMC
City Clerk

Exhibit A

Proposed Zoning Code Map Amendment (PD17-001)

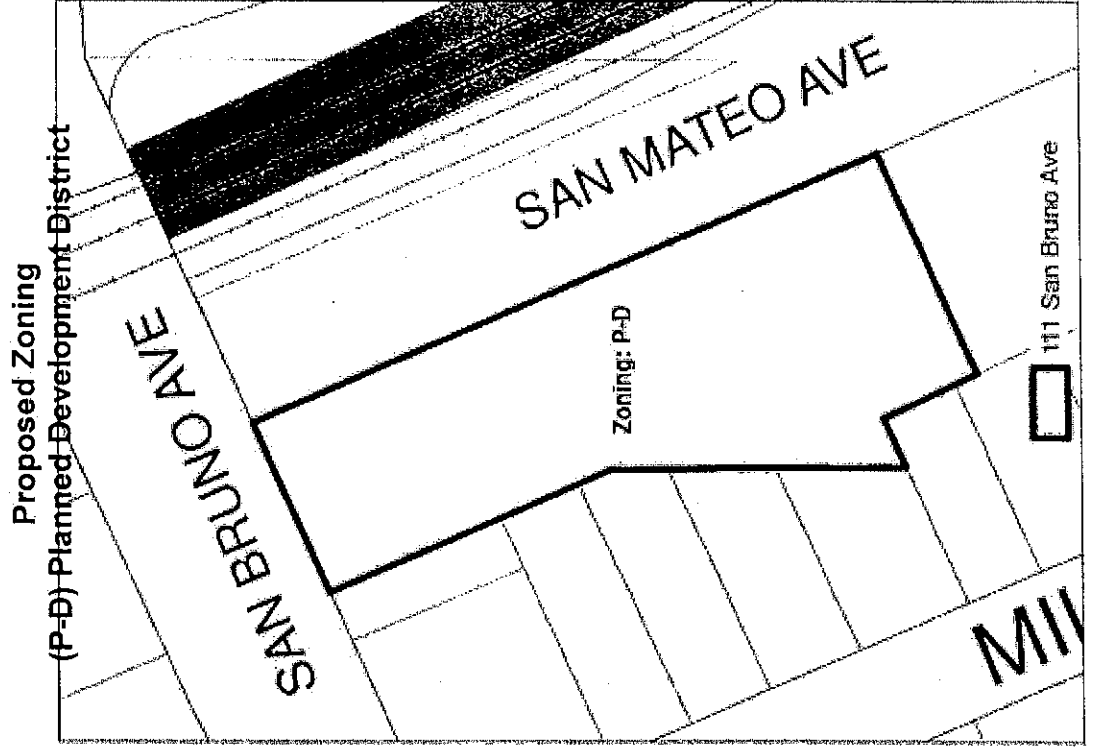
Current Zoning: (C) Commercial

Proposed New Zoning: (P-D) Planned Development District

111 San Bruno Avenue and 761 - 767 Huntington Avenue, San Bruno, CA

APN: 020-121-350 and 020-121-360

**Current Zoning
(C) Commercial**



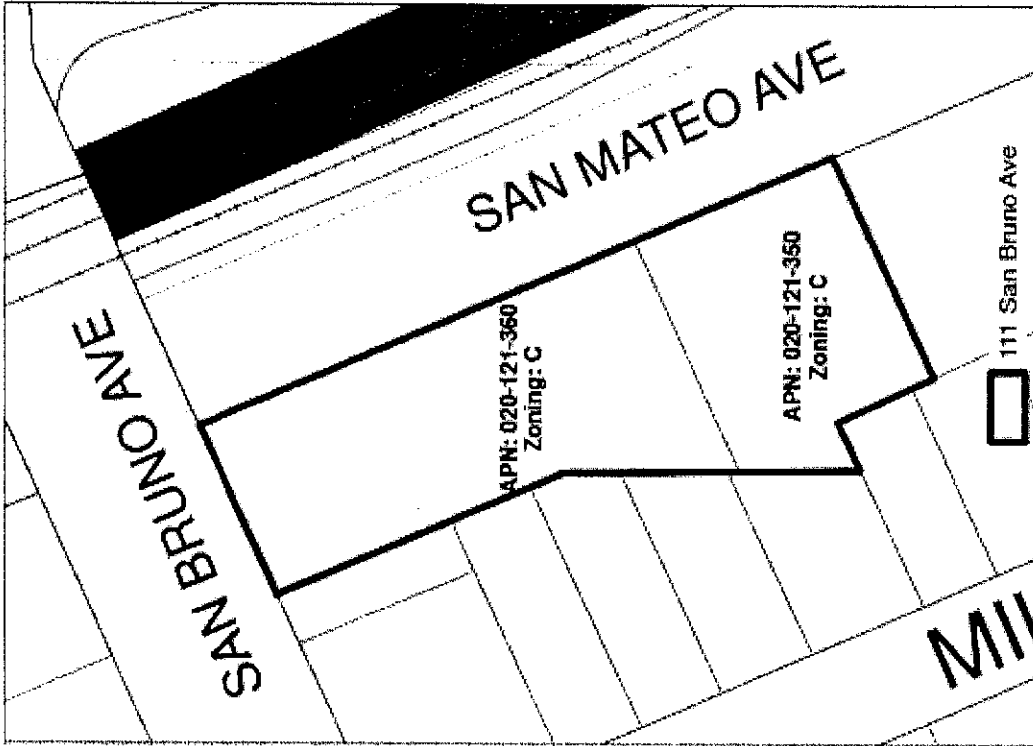


Exhibit B
Planned Development District Development Plan
111 San Bruno Avenue and 761 – 767 Huntington Avenue

Summary of Development Standards (PD17-001)

Proposed Land Use/Zoning:

Planned Development District (P-D)

Permitted Uses on the Ground Floor:

Retail Sales and Services, Eating Establishments, Eating Establishments w/ Alcohol, Personal Services

Conditionally Permitted Uses on the Ground Floor:

Drinking Establishments, Hospital/ Health Clinic, Live Work

Permitted Uses on the Upper Floors:

Residential, Uses that are Accessory to Residential

Development Standards:

Maximum Height

- Sixty five (65) feet and maximum of five (5) floors.
- Certain encroachments (e.g. architectural features such as corner tower elements) that extend beyond height limits may be permitted through the Planning Commission design review process.

Building Stepbacks

- Buildings over three stories shall step back the fourth floor and above a minimum of 15 feet.

Building Setbacks

- Front: average 10-foot from the back of sidewalk to provide space for pedestrian movement, landscaping, street furniture, and outdoor dining opportunities. Larger setbacks are encouraged specifically in areas where the sidewalk is less than eight feet deep.
- Side: zero.
- Rear: zero, except 10 feet adjacent to single family homes.

FAR Requirements

- No maximum.

Parking Requirements

- Refer to Table 7.8 in the Transit Corridors Plan for Parking Requirements.

Exhibit C
Conditions of Approval
111 San Bruno Avenue and 761 – 767 Huntington Avenue

General Conditions

1. Applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within thirty (30) days of City Council approval. Until such time as the Summary is filed, these permits shall not be valid for any purpose. These permits shall expire one (1) year from the date of City Council approval unless a building permit is issued.
2. All conditions of approval herein shall apply to the project in its entirety, regardless of the individual department under which the condition is listed. These conditions of approval and any other conditions associated with any further approvals of The Plaza project shall run with the land, and any and all successors in interest of the property shall comply with all conditions of said approval.
3. The developer shall indemnify, defend, and hold harmless the city, its officers, employees and agents, from any and all claims and lawsuits from third party(s) involving or related to the city's consideration and/or approval of the developer's application for development.

Community Development Department

4. The project shall be built according to plans reviewed by the Planning Commission on June 19, 2018 and approved by the City Council on _____ labeled "111 San Bruno Avenue", except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require review and approval by the Community Development Director.
5. Applicant shall obtain a City of San Bruno building permit before construction can proceed.
6. The project shall comply with all aspects of the 2016 California Building Code.
7. A detailed recycling and garbage plan shall be approved by the Community Development Director, the Building Department, the Fire Marshal, and San Bruno Garbage prior to issuance of a building permit. Prior to the issuance of the first certificate of occupancy, Applicant shall submit documentation to the Building Department that the materials have been recycled in accordance with the approved plan.
8. Prior to Final Inspection, all pertinent Conditions of Approval and all improvements shall be completed to the satisfaction of the City of San Bruno
9. The signed copy of the Conditions of Approval shall be photocopied and included as a full size page in the Building Division set of drawings.
10. A Master Sign Program shall be created for the entire development and for each use within the development. All proposed business identification signs shall require prior city approval in accordance with Chapter 12.104 of the Municipal Code.

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11. The applicant shall meet with staff and Recology regarding regularly schedule trash, recycling, and compost collection. All trash, recycling, and composting bins shall remain inside of the trash room located within the building until the time of collection. At no time shall trash, recycling, or composting bins be stored within the public right-of-way, or be visible from the public right-of-way.
12. Applicant shall provide regular cleaning of debris and litter on the property.
13. Applicant shall comply with all requirements of San Bruno Municipal Code Chapter 5.16 regarding procedures for regulating and abating graffiti. Applicant shall install measures reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti, including, without limitation, the following:
 - Applicant or owner shall immediately remove any graffiti at the property;
 - Right of access by City forces to remove graffiti;
 - Application, installation and/or use of anti-graffiti materials to the surface or structure such as anti-etching films or anti-graffiti paints;
 - Installation and use of landscaping so as to screen or to provide a barrier to the surface or structure;
 - Installation and use of additional lighting;
 - Building design modifications or changes to surface or structure; and
 - Applicant or permittee shall supply the City with sufficient matching paint and/or anti-graffiti material on demand for use in the abatement of graffiti by City forces.
14. A plan showing the location of any temporary contractor's storage yard or construction trailer on the property, including security fencing and lighting, shall be submitted to the Community Development Director for approval prior to installation and prior to building permit issuance.. Applicant shall provide interim landscaping as required by the Community Development Director.
15. All tenants shall be prohibited from using balconies as storage.
16. Applicant shall implement the Transportation Demand Management (TDM) Plan dated May 22, 2017 that was prepared for the project by Hexagon Transportation Consultants, Inc. To ensure compliance and to evaluate the effectiveness of the proposed TDM measures, the tenant shall provide annual reports to the Community Development Department for the first five years, and every other year thereafter, describing the on-going implementation of the TDM measures selected for the project.
17. The applicant shall obtain a tree removal permit for the removal of the trees along the southern border of the 111 San Bruno Avenue property.

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Building

18. **Accessible Means of Egress** – CBC 1009.2.1 requires elevators to be part of the accessible means of egress in buildings where a required accessible floor is four or more stories above the level of exit discharge. Further, CBC 1009.4 requires standby power for the elevators. Design shall show compliance with these code sections or the exceptions to these code sections.
19. **Means of Egress** - Operable windows with openings less than 36" above the finished floor are provided with fall protection per CBC 1015.8. Coordinate this with requirement for emergency escape and rescue openings (CBC 1030) and natural light and ventilation requirements (1203.5 and 1205.2).
20. **Balcony & Decks** - Balconies and decks floor framing shall be provided with ventilation with equipped with fire sprinklers on the underside per CBC 1406.3 Exception 3.
21. **Accessible Route** - At the garage level, an accessible route from the retail accessible parking spaces to the retail spaces. CBC 11B-206.2.
22. **Accessible Parking**
 - a. The number of accessible parking spaces shall be provided for each type of parking (assigned, unassigned and visitor, and commercial parking per CBC 1109A.3, 1109A.4, 1109A.5, and 11B-208).
 - b. Accessible parking configuration shall be such that persons with disabilities are not compelled to wheel or walk behind parked cars other than their own. CBC 1109A.6 and 11B-502.7.1.
 - c. Advisory: First floor plan shows column located at the access aisle which is not permitted. Coordinate with the engineer of record to ensure columns are not located in the accessible parking space or access aisles. CBC 11B-502.
23. **Accessible Electric Vehicle Parking** – Accessible electric vehicle charging stations in accordance with CBC 11B-228.3.
24. **Handrail Extensions** - Handrail extensions turned due to hazards are an exception for alterations and does not apply to new construction per CBC 11B-505.10 and 1123A.6.2.3. Please review handrail configurations at stairs and ramps as it has significant impact to the overall building design.
25. **Gurney Sized Elevators** - Elevator car shall be able to accommodate an ambulance stretcher, 24" x 84", per CBC 3002.4 and 3002.4a.
26. **Parking Garage Exhaust** – Garage exhaust design shall comply with CMC 401.
27. **Grease Ducts** – Food establishments shall include provisions for grease duct shafts in accordance with CBC 707.

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28. **Electrical Service** – Electrical equipment located on the ground floor shall be elevated, 12" minimum, due to proximity to surge flood events.
29. **Sand Oil Separate** - Sand oil separator shall be provided in the parking garage in accordance with CPC 1016.0.
30. **Grease Interceptor** – Grease interceptor shall be provided for commercial kitchen as required by CPC 1014.0.
31. **Green Building**
 - a. Building shall comply with the current California Green Building Standards Code Mandatory Measures.
 - b. EV parking spaces shall be provided for the multifamily dwelling units per CGBSC 4.106.4.2 and for the retail space per CGBSC 5.106.5.3.
32. **Solar Ready Buildings** - The building shall be solar ready per CEnergyC 110.10
33. **Story Drift** – Building shall account for story drift in accordance with ASCE 7-10 Section 12.12.

Cable

34. The labor and materials in laying the conduits as well as the installation of the pull rope. The conduits shall be two SCH40 2-inch conduits connecting the main MPOE to the outside underground B36 utility box intercepting the existing San Bruno Cable TV infrastructure. All conduit sweeps shall be no less than 36 inches and horizontal entry points into the underground utility box. San Bruno Cable TV will provide the distribution fiber optic cable from the outside into the MPOE.
35. Install conduit risers in the building's demarcation point (MPOE).
36. Developer/Contractor will provide an area of 4 feet by 4 feet by ¾ inch plywood mounted on a wall inside the MPOE along with a 115 VAC duplex electrical outlet.
37. Developer/Contractor will provide an area of 4 feet by 4 feet by ¾ inch plywood mounted on a wall inside all IDF rooms where all distribution fiber drops for the individual units terminate and a 115 VAC duplex electrical outlet.
38. Developer/Contractor will provide a grounded wire for attachment to the cable system at the demarcation point in the MPOE and IDF rooms with a minimum gauge of 14.
39. Developer/Contractor shall provide connectivity between the MPOE and additional IDF rooms with distribution optical fiber and a conduit system with pull ropes inside

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40. Developer/Contractor shall provide connectivity between the IDF rooms and to all Wireless Access points throughout the building using Ethernet Cat6 communication wires or better.
41. The Developer/Contractor would be responsible for individual fiber service drops of each unit to the IDF utility closets using singlemode distribution drop fiber.
42. Contractor will provide internal wiring within the newly constructed building that will consist of three transport mediums including singlemode optical fiber, RG6 (77% braid Trishield) and Cat6 Ethernet cable (not to exceed 100m lengths) and routed in homerun design for each outlet. Additional outlets shall be wired homerun from the double gang box and double wall plate to the main unit's internal panel along with a 115 VAC duplex electrical outlet. Each residential unit shall have a main outlet in the living room and additional outlets in each bedroom. No straight through splicing of cables within the units. All cables shall conform to cable department's requirements and terminated with a single optical fiber connector, RG6 F-connector, Cat6 RJ45 plugin jacks at each double wall plate outlet.
43. Developer/Contractor shall install an internal main gang box or unit's internal panel located inside each individual unit with a minimum internal size of 12"x16"x3-1/2". An electrical 115 AC duplex receptacle will be needed in the panel for San Bruno Cable TV's GPON ONT and/or RFOG micro node.
44. The applicant shall be responsible for individual service drops, the internal wiring (singlemode optical fiber, RG6 Coax and Cat6 Ethernet cables), additional outlets and all termination connectors/plugin modules along with double wall plates to each unit and shall conform to the type and installation practice recommended by San Bruno Cable. The developer/contractor shall proof and test all conduits, optical fibers, Ethernet wires and coax cables after completion.

Fire

45. Need more information on fire sprinkler system protection design for garage/car stacker proposal. Ordinary Hazard Group 1 will not be considered sufficient for protection for automobile parking stacking system. If current water system is not capable of supplying demand, a fire pump may be required.
46. Proposal does not indicate means of compliance for roof access design to comply with either 2013 CFC 1009.16 or 2016 CFC 1011.12.

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47. Provide proposed location on plans for FDC manifold for combination standpipe/fire sprinkler system for purposes of evaluating access.
48. Parking garage gates and building entrance lobbies will require Knox Box key access.

Police

49. The address number for the business needs to be displayed on the front of the business and should be at least 6" high on a contrasting background, easily visible when approaching the business.
50. It is recommended that the applicant consider installing a robbery/burglary alarm system that is monitored by an offsite alarm company.
51. It is highly recommended that the applicant consider installing a video surveillance system capable of recording and saving any crimes that are committed on the premises.
52. The applicant is responsible to submit emergency contact information to the Police Department for after hour's emergency contact.
53. I recommend that the interior/exterior/parking garage stairways be constructed in an open air manner or of glass to allow natural surveillance. If necessary to have the stairway enclosed I recommend that cameras be included with in the stairway to help prevent any criminal activity.
54. Stairwell landings should allow for a sixty-inch turning radius for use by the police and fire departments.
55. I recommend that bushes/shrubbery be no taller than two feet tall and that the lowest branch of any tree be no shorter than six feet tall. This is to allow natural surveillance around the exterior of the building, and to deter criminal activity and loitering. I recommend that all landscaping be continuously maintained to meet this standard.
56. Security planting materials are encouraged along fences and property lines and under vulnerable windows. Landscaping shall not conceal doors or windows from view, obstruct visibility, or provide access to the roof.
57. Parking garage, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to building shall be provided with lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness.
58. All exterior doors shall have their own light source which will adequately illuminate entry/exit areas at all hours in order to: Make any person on the premises

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clearly visible and provide adequate illumination for persons entering and exiting the building.

59. The interior of the structure should be painted a light, highly reflective color.
60. Metal halide, or other bright white light source, should be utilized. No dark areas should exist inside the structure.
61. Alcoves and other visual obstructions that might constitute a hiding place should be eliminated whenever structurally possible. Pillars, columns and other open construction should be utilized over a solid wall design.
62. When, by necessity, a stairwell is enclosed, convex mirrors should be placed at each stairwell landing, and the stairwell doors should employ as much transparent material as fire code allows. Convex mirrors should be placed inside elevator cabs.
63. Bars or grating should be utilized to impede pedestrian access to the structure from ground-level openings. Landscaping contiguous to this grating should be the type that does not block natural light fenestration into the garage.
64. Access control should be utilized for vehicular and pedestrian traffic.
65. Clearly marked, hands-free emergency phones/panic alarms should be placed throughout the structure, if possible.
66. CCTV surveillance should be utilized throughout the structure.
67. Panic alarms should be utilized throughout the parking structure and be connected with an off-site security monitoring company.
68. All entrances to the parking garage shall be posted with appropriate signs per 22658(a) CVC, to assist in removal of vehicles at the property owners/managers request.
69. All handicap parking stalls shall be appropriately painted and marked as per the California Vehicle Code.
70. Compact-parking spaces shall be clearly marked on the pavement.
71. Designated fire lanes shall be properly painted and signage that reflects the red zone is a fire lane, for proper enforcement purposes.

Recology

72. The trash room enclosure will need to allow for the following bins:

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- a) 2 x 4 yard bins (1 for garbage and 1 for recycling) Each 4 yd bin measures 55" deep x 81" wide x 66" height
- b) 2 x 2 yard bins for organics. Each 2 yard measures 39" deep x 81" wide x 52" height.

73. We also require that each commercial tenant will have their own carts for service and they would be placed curbside on their service day.

End Conditions