



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: June 11, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Darcy Smith, Community and Economic Development Director

SUBJECT: Waive Second Reading and Adopt an Ordinance Amending Chapter 12.96 of the San Bruno Municipal Code to Establish a Planned Development District, Update the Zoning Map, and Adopt a Development Plan for the Multi-Family Residential Development located at 500 Sylvan Avenue

BACKGROUND:

The City Council held a public hearing, waived the first reading and introduced an ordinance amending Chapter 12.96 of the San Bruno Municipal Code to establish a Planned Development District, update the Zoning Map, and adopt a Development Plan for the multi-family residential development located at 500 Sylvan Avenue on May 28, 2019. The ordinance is presented now for second reading and adoption. Should the Council waive the second reading and adopt the ordinance at this meeting, the ordinance would go into effect 30 days after the second reading on July 11, 2019.

The site is currently zoned R-2 (Low Density Residential) but is also located in the Transit Corridors Plan (TCP) Area. There are five-character areas located throughout the TCP area. The subject site is located in the Central Business District (C-B-D) Character Area. The ordinance would amend the Zoning District to change from the current Low-Density Residential (R-2) zoning classification to a Planned Development District (P-D), and to adopt a related District Development Plan to establish use and development standards. The underlying Low-Density Residential (R-2) zoning classification would not allow for the project as proposed; therefore, there is a need to establish a Planned Development District (P-D), which ultimately would be consistent with the TCP Central Business District (C-B-D) Character Area requirements.

The City Council also granted other approvals on May 28, 2019 to allow for the to allow the construction of a three-story, multi-family residential building containing nine residential units at the subject property, contingent upon the formal adoption of the ordinance being considered for second reading under this agenda item. The other approvals granted by the City Council include resolutions approving/adopting the following:

- A CEQA Conformity Determination.
- A Planned Development Permit, Architectural Review Permit, Conditional Use Permit, and Authorizing the City Manager to Execute a Development Impact Fee Agreement.

The subject property is 7,364 square feet in area and is located on the northwest corner of Sylvan Avenue and Green Avenue. The site is currently developed with a vacant, nonconforming, commercial building that was previously used as a dental office for many years. The existing building was constructed in 1929 and consists of stucco finish with the primary building entrance located off of Sylvan Avenue. Secondary access to the existing building is achieved via the north side elevation. The remainder of the lot consist of asphalt paving, with some landscaping located along a portion of the Sylvan Avenue and Green Avenue frontage. In the past there has been Code Enforcement related activities related to overgrown weeds and trash located on-site.

The Architectural Review Committee reviewed this proposal on October 11, 2018 and the Planning Commission reviewed the proposal on March 16, 2019. The Planning Commission unanimously adopted all resolutions recommending the City Council approve the project.

Environmental Assessment

The 500 Sylvan Avenue project is located within the Transit Corridors Plan (TCP) area. A Program Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program were prepared for the TCP and adopted by the City Council on February 12, 2013. The 500 Sylvan Avenue property was analyzed in the TCP EIR at a programmatic level, with potential impacts identified and mitigations applied in the program EIR to avoid or reduce potentially significant impacts.

Under California Environmental Quality Act (CEQA) Guidelines sections 15168 (Program EIR), 15162 (Subsequent EIRs and Negative Declarations), and 15183 (Projects Consistent With a Community Plan or Zoning), subsequent individual projects can utilize a previously certified program EIR if all potentially significant environmental impacts of the proposed individual project: (1) have been previously identified (i.e., are not new) and are not substantially more severe than those identified in the previous EIR, (2) have been avoided or mitigated to the extent feasible as a result of the previous EIR, and (3) have been examined in sufficient detail in the previous EIR to enable those impacts to be avoided or mitigated by the mitigations in the EIR, site-specific project revisions, or the imposition of uniformly applicable development policies. If these conditions are met, then the City can approve the individual project as within the scope of the previous EIR, and no additional environmental document is required. The certified TCP EIR and the 500 Sylvan Avenue project meet these CEQA conditions.

NEXT STEPS

If the City Council waives the second reading of the attached ordinance, the ordinance would go into effect 30 days after the second reading (July 11, 2019). The effective date of the Planned Development Permit, Architectural Review Permit, and Conditional Use Permit shall be the effective date of the associated Ordinance (July 11, 2019).

FISCAL IMPACT

The applicant submitted a deposit to cover staff and consultant costs in processing this application. The City will also obtain building permit fees and utility connection fees associated

with the building permit, anticipated to be submitted in Fiscal Year 2019-2020. Additionally, the recently adopted Development Impact Fee (DIF) Resolution included a provision for planning applications currently being processed by the City. This provision stipulates that the fees will not apply to a proposed project if the following conditions are met: (i) the development application for the project was deemed complete no later than May 1, 2019, and (ii) on or before August 1, 2019, the City and the developer of the development project have entered into a development agreement or other negotiated contract with the City for the project; provided however if the development project has not commenced construction in compliance with and prior to expiration or termination of the development agreement or other negotiated contract, then the Fees shall apply in full to the project. On May 28, 2019, the City Council approved a Resolution that authorized the City Manager to enter into a contract in accordance with the the DIF Resolution, as this development project was originally submitted for pre-submittal review in January 2017 and the application was deemed complete on August 30, 2018. The Developer has signed the Agreement that states he will make a payment of \$98,271 to the City's unrestricted capital reserve fund. Additionally, the project will be required to pay approximately \$206,000 into the City's affordable housing fund.

ALTERNATIVES

1. Do not approve the proposed ordinance
2. Propose changes to the ordinance.

RECOMMENDATION

Waive Second Reading and Adopt an Ordinance Amending Chapter 12.96 of the San Bruno Municipal Code to Establish a Planned Development District, Update the Zoning Map, and Adopt a Development Plan for the Multi-Family Residential Development located at 500 Sylvan Avenue

DISTRIBUTION:

None

ATTACHMENTS:

1. Ordinance 2019-XX Amending Chapter 12.96 of the San Bruno Municipal Code to Establish a Planned Development District, Update the Zoning Map, and Adopt a Development Plan
2. Location Map and Site Photos

DATE PREPARED:

June 3, 2019

ORDINANCE NO. 2019-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
AMENDING SECTION 12.96.020 OF TITLE 12 (LAND USE) OF THE SAN
BRUNO MUNICIPAL CODE TO CHANGE THE ZONING MAP FROM R-2 (LOW
DENSITY RESIDENTIAL) TO P-D (PLANNED DEVELOPMENT) DISTRICT FOR
THE PROPERTY IDENTIFIED AS 500 SYLVAN AVENUE
(APN 020-145-480)**

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. FINDINGS.

WHEREAS, on February 23, 2018, Alan William Coon ("Applicant") submitted an application for a certain .17 acre site located at 500 Sylvan Avenue in the City of San Bruno, more particularly described as Assessor's Parcel Number 020-145-480 ("Property"); and

WHEREAS, the Applicant desires to develop a three-story multi-family residential building consisting of nine residential units on the Property ("Project"); and

WHEREAS, in order to develop the Project, the Applicant has submitted an application to the City of San Bruno for approval of the following: an amendment to the San Bruno Zoning Code to change to zoning of the Property from Low Density Residential (R-2) to Planned Development (P-D); a Planned Development Permit, an Architectural Review Permit, and a Conditional Use Permit; and

WHEREAS, the Applicant submitted a Development Plan application, dated February 23, 2018 in accordance with the provision of San Bruno Municipal Code Section 12.96.190(F); and

WHEREAS, on March 19, 2019 the Planning Commission conducted a duly notice public hearing and on said date the public hearing was opened, held, and closed and the Planning Commission recommended that the City Council adopt an Ordinance to change the Zoning Map From R-2 (Low Density Residential) to P-D (Planned Development), including the Development Plan by Resolution No. 2019-01; and

WHEREAS, a notice of public hearing was mailed on May 3, 2019 and duly published in the San Mateo Daily Journal on May 4, 2019, and the City Council held a public hearing on May 14, 2019 and on said date the public hearing was opened, held and closed, and the City Council continued the Project to the May 28, 2019 City Council meeting; and

WHEREAS, on May 28, 2019, the City Council held a public hearing and on said date the public hearing was opened, held and closed.

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 all potentially significant 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, the City Council of the City of San Bruno Ordains as follows:

1. The City Council of the City of San Bruno finds as follows:
 - a. That said amendment is in general conformance with the general plan and that the public convenience and general welfare require adoption of the proposed amendment;
 - b. The proposed P-D District Zoning Change can be substantially completed within the time schedule submitted by the applicant;
 - c. 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 or adequate assurance that such objective will be attained;
 - d. 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;
 - e. 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;
 - f. Any proposed commercial development can be justified economically at the location proposed and will provide adequate commercial facilities for the area;
 - g. Any exceptions from the standard district requirements are warranted by the design of the project and amenities incorporated in the development plan;
 - h. 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 of the city.
2. 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 no. 020-145-480 from Low Density Residential (R-2) to Planned Development (P-D), as shown in Exhibit A.
3. The San Bruno City Council hereby approves the Development Plan subject to the development standards in Exhibit B.
4. **Validity.** The City Council of the City 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.
5. **Effective Date.** The Ordinance shall go into effect thirty (30) days after the date of its passage and adoption, and shall be posted as required by law.

Rico E. Medina, Mayor

ATTEST:

Melissa Thurman, City Clerk

APPROVED AS TO FORM:

Marc Zafferano, City Attorney

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I hereby certify that the foregoing Ordinance No. 2019-_____ was introduced on _____,
and adopted at a regular meeting of the San Bruno City Council on _____, by the
following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

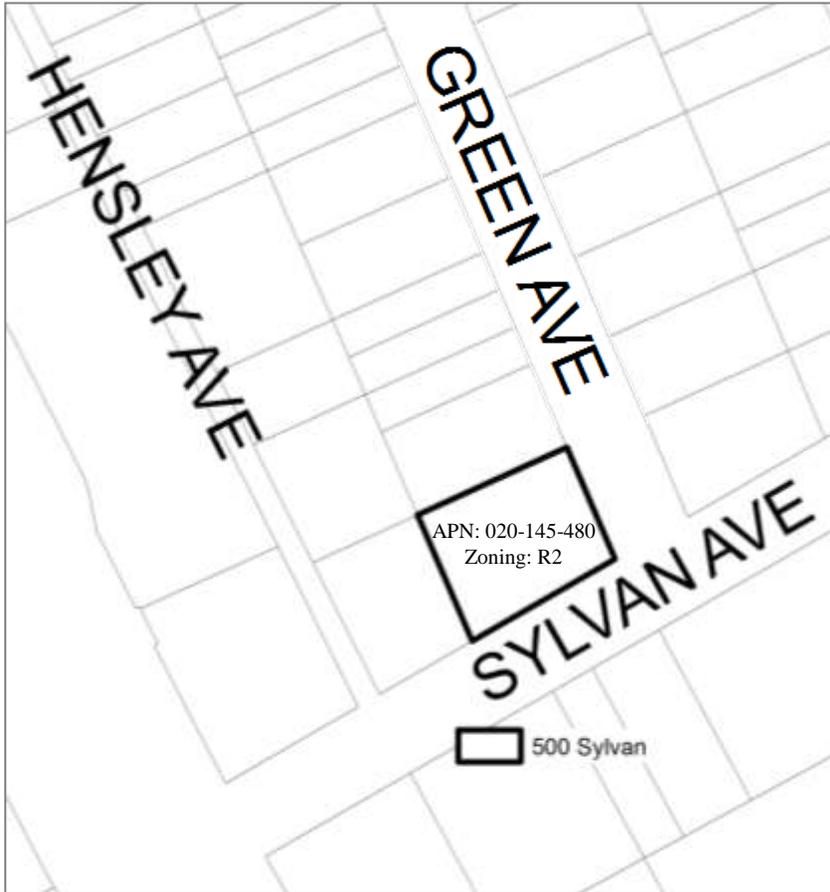
ABSENT: COUNCILMEMBERS: _____

Melissa Thurman, City Clerk

Exhibit A

Proposed Zoning Code Map Amendment (PD18-001)
Current Zoning: (R-2) Low Density Residential
Proposed New Zoning: (P-D) Planned Development District
500 Sylvan Avenue, San Bruno, CA
APN: 020-145-480

**Current Zoning
(R-2) Low Density Residential**



**Proposed Zoning
(P-D) Planned Development District**



Exhibit B
Development Plan
500 Sylvan Avenue

Development Standards:

- Zoning: P-D (Planned Development)
- General Plan: Transit Oriented Development
- Project Area: .17 acres (7,364 square feet)
- Assessor's Parcel Number: 020-145-480
- Max FAR: 2.0
- Number of Stories: 4-stories
- Maximum Height: 55'-0"
- Minimum Setbacks:
 - o Front – Combined width of sidewalk and setback must be a least 10 feet
 - o Rear – 10 feet
 - o Right Side – None
 - o Left Side – None
- Stepback – facing corridor street:
 - o Above 3rd floor stepback 15 feet
- Stepback – adjacent to low density residential:
 - o Above 3rd floor stepback 15 feet

Permitted Uses:

- Residential

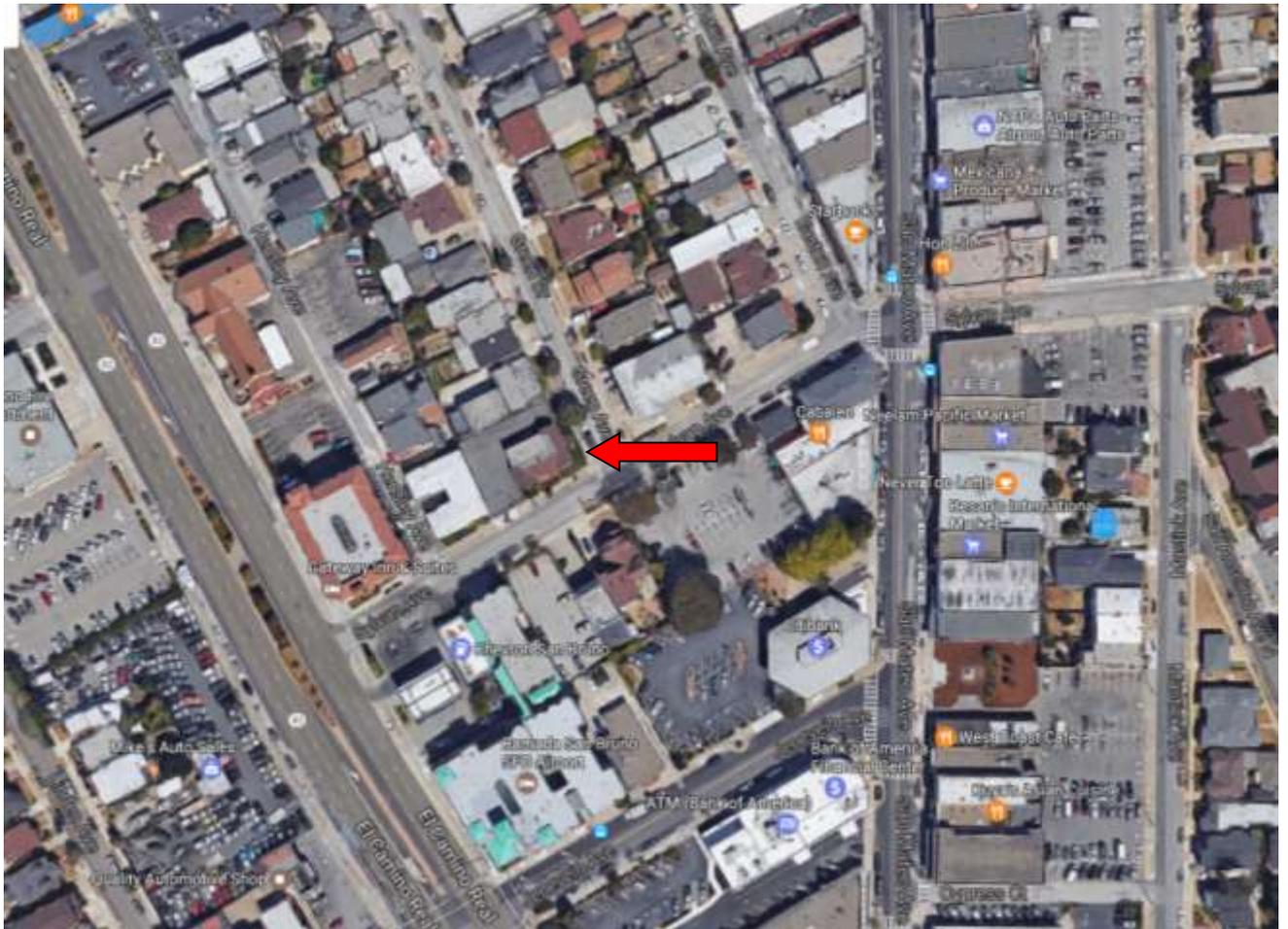
Parking:

- 14 total parking spaces

Minor adjustments from standards stated herein may be approved or conditionally approved by the Community Development Director in accordance with Section 12.96.190 (P-D Planned Development District) of the San Bruno Municipal Code.

Location Map & Site Photos

500 Sylvan Avenue
020-145-480
PD18-001, PDP18-001, AR18-002, UP18-012





Subject Site



Subject Site



Subject Site



Adjacent Property to West



Adjacent Property to the North



Property to the East of the Subject Site



Properties to the South of the Subject Site



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: June 11, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Darcy Smith, Community and Economic Development Director

SUBJECT: Waive First Reading and Introduce an Ordinance Adding Chapter 8.36 (Small Wireless Facilities In the Public Right-of-Way and utility easements in public and Private Properties) to Title 8 (Streets, Sidewalks, and Rights-of-Way) and Adopt a Resolution with Small Wireless Facilities Design and Siting Guidelines, Engineering Design Standards, and Standard Conditions of Approval

BACKGROUND:

To ensure that the City has an adopted Ordinance and Resolution regulating small wireless facilities consistent with recently adopted Federal regulations, this agenda item provides for the introduction of the Small Wireless Facility Ordinance amending Title 8 (Streets, Sidewalks, and Rights-of-Way) of the San Bruno Municipal Code and the adoption of the accompanying Resolution Adopting Design and Siting Guidelines, Engineering Design Standards, and Standard Conditions of Approval for Small Wireless Facilities in the Public Right-of-Way and Within Utility Easements in Public and Private Properties. The Ordinance is provided as Attachment 1 and the Resolution is provided as Attachment 2.

On September 26, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Third Report and Order geared toward speeding up the deployment of small wireless facilities in the public right-of-way and public utility easements (hereafter, the "FCC ruling"). The FCC ruling, which went into effect January 14, 2019, sets forth limitations on state and local government regulation of small wireless facilities that are placed on existing or new utility poles and street light standards located in the public right-of-way and public utility easements. The FCC ruling clarifies and more specifically restricts the authority of state and local governments to regulate small wireless facilities in the public right-of-way and public utility easements. This ruling is significant in that there are several nuances in small "cell" wireless facilities technology and application, which set them apart from other wireless communication facilities. On December 10, 2018, the FCC denied local governments' motion for a stay on the regulations but ruled that to the extent agencies chose to impose aesthetic requirements, they would not go into effect until April 15, 2019, allowing agencies an additional 90 days to establish and publish aesthetic standards. The City published draft Guidelines on its website for use in the interim period before the proposed Resolution is adopted.

A new network of telecommunications infrastructure known as a Small Wireless Facility has emerged as a result of growing capacity demands for wireless data. Small Wireless Facility networks have much smaller coverage areas than typical macro wireless facilities, with an antenna range of approximately 150 to 500 feet. These small wireless facilities help to

complement or stretch macro cellular facility coverage and add capacity in high demand areas. Small Wireless Facility networks provide increased capacity and data transfer rates to existing coverage areas as well as improved service to areas with weak or limited coverage.

Small wireless facilities are installed on poles within the public right-of-way and utility easements in public and private properties. They differ from the types of wireless facilities the City has previously encountered in the number of antennas and the power supplied to the antennas. The small wireless facilities are typically located on existing poles such as utility poles, streetlights or traffic signals that are 25- to 50-feet in height. Small wireless facility equipment will usually consist of a 2 to 4-foot tall antenna at the top of the pole, an electric meter, compact transmitters, receivers and other components that are also attached to the pole. Some facilities also include a ground mounted battery back-up cabinet.

In accordance with state Public Utilities Code section 7901, telephone companies, which include wireless telecommunications service providers, have a statutory right to place equipment (i.e. small wireless facility) in the public right-of-way and utility easements. However, in accordance with Public Utilities Code section 7901.1, cities have the statutory right to regulate the design, location, and placement of the equipment. This authority is limited in that local regulations cannot: 1) effectively prohibit the provision of wireless telecommunications service or 2) unreasonably discriminate among providers of wireless telecommunications service.

The FCC, at the urging of the cellular network industry, passed a declaratory ruling (FCC-CIRC1809-02) known as the "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment" on September 24, 2018. The FCC Order defines small wireless facility, provides for the expedited processing ("shot clock") of small wireless facility applications, limits the fees that can be assessed by municipalities on the review of these applications, and places limitations on discretionary aesthetic considerations. The new application review "shot clock" for small wireless facilities is 60 days for placement on an existing structure and 90 days for installation of a new structure.

In response, a coalition of municipalities requested a stay of the FCC order which was denied. This means municipalities must respond to applications that are submitted after January 15, 2019 pursuant to the new "shot clocks". The aesthetic guidelines for small wireless facilities must be established and published by April 15, 2019. However, the coalition is continuing to litigate the case on behalf of the member cities, including San Bruno.

Current City Wireless Facility Regulations and Applications

Currently, San Bruno regulates wireless facilities pursuant to Section 12.220 of the municipal code, which requires a Conditional Use Permit to establish a new wireless facility within a residential district among other requirements. These regulations were originally developed to regulate the placement of large macro wireless facilities on private and public properties, which are not subject to the FCC-CIRC1809-02. This approval process historically takes a minimum of 90 days to process from application submittal to final action by the Planning Commission. Included within this review period is a detailed peer review of the radio frequency emissions compliance report by an outside consultant on behalf of the City.

In mid-2018, the Planning Commission approved a small wireless facility Use Permit in front of the property at 123 Elm Avenue; a neighbor then appealed the decision to the City Council. The City Council upheld the appeal, finding that the facility was inconsistent with the height of other