



## **Community Update on the Mills Park Center Development**

September 6, 2019

Below is an update on the proposed Mills Park Center Development. Also included is information on a recent opinion from the California Fair Political Practices Commission confirming that Vice Mayor Irene O'Connell properly recused herself from participating in official decisions on the project.

### **Brief Background on the Project**

The proposed project would remove existing commercial buildings and surface parking lots on a 5.38 acre site at the south-west corner of San Bruno Avenue and El Camino Real (bordered by Linden Avenue and White Way to the west, and Angus Avenue to the south). The project was proposed to include 425 residential units (including 64 affordable units), a high-end grocery store, ground floor commercial rental space as well as 879 on-site parking stalls for residents, grocery customers, employees and commercial tenants.

On July 9, 2019, the project went before the City Council for action, with a recommendation for approval from City staff and the Planning Commission. Due to the unique circumstances of the recusal of two Councilmembers, only three Councilmembers were eligible to vote on the project. State law (Government Code §36936) requires that a minimum of three Councilmembers approve all City resolutions and ordinances. As such, approval of the project requires support from each of the three Councilmembers who are eligible to vote on the project. After a lengthy public hearing, Mayor Rico E. Medina and Councilmember Laura Davis voted in favor of the project, and Councilmember Marty Medina voted against the project. Thus, the project has not proceeded forward.

More information on the project, the community benefits that would have been generated, and the July 9 City Council meeting can be found in the City Manager's Statement on the project, which was issued on July 26. [Click here](#) to access the statement.

### **Update on Discussions with the Developer**

Following the July 9 meeting, City staff and representatives from the Developer have discussed various strategies to mitigate concerns expressed at the meeting.

The Developer has committed to continue to examine alternatives and modifications to the proposal, and has also informed the City that they will consider all legal and legislative options available to them to redevelop the site. The Developer also reiterated the proposed mitigations for parking concerns and traffic that were presented and discussed at the July 9 meeting. These include:

- Public plazas to incentivize pedestrian and bicycle usage (located at the corners of San Bruno Avenue West, Kains Avenue and El Camino Real, and Angus Avenue and El Camino Real)
- Pedestrian improvements and widening of Linden Avenue
- Realignment, reconstruction and improvements to Kains Avenue
- Installation of a new traffic signal at Kains Avenue and El Camino Real
- A three-story underground parking structure for the grocery store
- A total of 879 on-site parking stalls (72 more stalls than required)
- Nine new public parking spaces on Linden Avenue behind the project
- \$100,000 to the City of San Bruno to support implementation and enforcement of a Residential Permit Parking Program
- A prohibition of tenants/residents of the development from participating in a Residential Permit Parking Program (this would allow the City to deny on-street parking permits, if the surrounding neighborhood adopts a Residential Permit Parking Program)

With respect to the height and scale of the project, the Developer reiterated their desire to build a project that is consistent with the City's adopted Transit Corridors Plan (TCP) and Measure N that received nearly 70% approval from San Bruno voters in 2014. In addition, the proposed plan already included locating the tallest portions of the buildings along the major corridor streets of El Camino Real and San Bruno Avenue, and a transition to 1-3 story buildings along both White Way and Linden Avenue to minimize the impact to the abutting low-density residential neighborhood to the west. This design is recommended and consistent with the TCP.

#### **Fair Political Practices Commission Opinion**

Following the July 9 meeting, Vice Mayor Irene O'Connell asked the City to request a formal opinion from the state ethics body, the Fair Political Practices Commission (FPPC), regarding whether her original decision to recuse herself was correct, and to clarify whether she would be eligible to participate in official decisions regarding the project, given the proximity of real property she owns to the project. The Vice Mayor was concerned that regulations recently adopted by the FPPC, which expands the long-standing 500 feet conflict of interest standard to 1,000 feet –creating the circumstance where several Councilmembers have to recuse themselves from legislative decisions in small cities, like San Bruno.

The FPPC replied this week, providing its advice that Vice Mayor O'Connell's recusal from the initial vote was proper, given the location of real estate she owns and the fact that the project could have a "reasonably foreseeable" impact on its market value. [Click here](#) for a copy of the FPPC opinion.

## **Next Steps**

At present, there appears to be no clear path for the proposed project to move forward. As stated above, the Developer has informed the City that they will consider all legal, legislative and project modification options available to them to redevelop the site.

City staff will continue working to protect the interests of the City and taxpayer dollars, as we continue to implement the policies and directives of the City Council.

*More information on the proposed Mills Park Center Development can be found at [www.sanbruno.ca.gov/MillsParkCenterDevelopment](http://www.sanbruno.ca.gov/MillsParkCenterDevelopment)*