

# "The City With a Heart"



Perry Petersen, Chair  
Mary Lou Johnson, Vice Chair  
Kevin Chase  
Joe Sammut  
Sujendra Mishra  
Rick Biasotti

## AGENDA PLANNING COMMISSION MEETING

January 20, 2015

7:00 p.m.

**Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno**

Planning Commission meetings are conducted in accordance with Roberts Rules of Order Newly Revised. You may address any agenda item by approaching the microphone until recognized by the Planning Commission Chair. All regular Planning Commission meetings are recorded and televised on CATV Channel 1 and replayed the following Thursday, at 2:00 pm. You may listen to recordings in the Community Development Department. Complete packets are available online at [www.sanbruno.ca.gov](http://www.sanbruno.ca.gov) and at the library. In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodation for this meeting should notify us 48 hours prior to meeting. Notices, agendas, and records for or otherwise distributed to the public at a meeting of the Planning Commission will be made available in appropriate alternative formats upon request by any person with a disability. Please make all requests to accommodate your disability to the Community Development Department 650-616-7074.

### ROLL CALL

### PLEDGE OF ALLEGIANCE

#### 1. APPROVAL OF MINUTES: December 16, 2014

#### 2. COMMUNICATIONS

**3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA** Individuals allowed three minutes, groups in attendance, five minutes. If you are unable to remain at the meeting, ask the Recording Secretary to request that the Planning Commission consider your comments earlier. It is the Planning Commission's policy to refer matters raised in the forum to staff for investigation and/or action where appropriate. The Brown Act prohibit the Planning Commission from discussing or acting upon any matter not agendized pursuant to State Law.

#### 4. ANNOUNCEMENT OF CONFLICT OF INTEREST

**5. PUBLIC HEARINGS** Note: If you challenge the below actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

##### A. 290 Elm Avenue (APN: 020-404-420)

Zoning: R-1: Single-Family Residential

Recommended Environmental Determination: Categorical Exemption

Request for a Use Permit to allow the construction of an addition which increases the gross floor area of the existing home by greater than 50% (66%) per Section 12.200.030.B.1 of the San Bruno Municipal Code. Palvos Lazos (Applicant & Owner) UP-14-018.

**B. 260 El Camino Real (APN: 020-381-490)**

Zoning: C: General Commercial

Recommended Environmental Determination: Categorical Exemption

Request for a Use Permit to allow alcohol beverage sales in conjunction with a restaurant per Chapters 12.84.210 and 12.96.110(C.16.) of the San Bruno Municipal Code. Minyu Kim (Applicant and Owner) UP-14-017.

**C. 446 San Mateo Avenue (APN: 020-364-270)**

Zoning: C-B-D: Central Business District

Recommended Environmental Determination: Categorical Exemption

Request for a Use Permit to allow an expansion from beer and wine sales to include distilled spirits in conjunction with a restaurant per Chapters 12.84.210 and 12.96.120(C.12.) of the San Bruno Municipal Code. Cleonir Lemes (Applicant), Jin Hee Yoon Trust (Owner) UP-14-021.

**6. DISCUSSION**

**A. CITY STAFF DISCUSSION**

- Select the February 12, 2015 Architectural Review Committee members

**B. PLANNING COMMISSION DISCUSSION**

- Appoint New Planning Commission Chair and Vice-Chair

**7. ADJOURNMENT**

The next regular Planning Commission Meeting will be held on February 3, 2015 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



Perry Petersen, *Chair*  
Mary Lou Johnson,  
*Vice Chair*  
Sujendra Mishra  
Kevin Chase  
Joe Sammut  
Rick Biasotti

**MINUTES  
PLANNING COMMISSION MEETING**

**December 16, 2014**

**7:00 p.m.**

**Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno**

**CALL TO ORDER at 7:02 pm.**

**ROLL CALL**

	<u>Present</u>	<u>Absent</u>
Chair Petersen	X	
Commissioner Sammut		X
Commissioner Biasotti	X	
Commissioner Mishra	X	
Commissioner Chase	X	
Commissioner Johnson	X	

**STAFF PRESENT:**

Planning Division:

Community Development Director: David Woltering  
Associate Planner: Matt Neuebaumer  
Community Development Technician: Brian Paland

Pledge of Allegiance: Commissioner Biasotti

**1. Approval of Minutes (Oct. 21 and Nov. 18) – Chase/Mishra**

VOTE: 4-0  
AYES: Commissioners Chase, Sammut, Biasotti, Mishra  
NOES: None  
ABSTAIN: Chair Petersen, absent October 21

VOTE: 4-0  
AYES: Commissioners Chase, Sammut, Biasotti, Mishra  
NOES: None  
ABSTAIN: Chair Petersen, absent November 18

2. **Communication** – None
3. **Public Comment** – None
4. **Announcement of Conflict of Interest** – None.
5. **Public Hearings**

**A. 622 Walnut Street (020-157-140)**

**Request for a Use Permit to allow the construction of an addition which increases the gross floor area of the existing home by greater than 50% (127%), and to exceed 1,825 square feet of living area with a one car garage per Sections 12.200.030.B.1, and 12.200.080.A.2, respectively, of the San Bruno Municipal Code. Wilson Ng (Applicant) & Vincent Mah (Owner) UP-13-004.**

*Associate Planner Neuebaumer:* Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 13-004 based on Findings of Fact 1-6 and Conditions of approval 1-28.

Questions for Staff -- None

Public Comment opened.

*Wilson Ng (Applicant/Designer):* Proposing ground floor addition at rear and second story addition. The addition is to meet the needs of the owner's new family.

*Commissioner Mishra:* Asked what measure will be taken to mitigate airplane noise. Commented that Title 24 requirements for window insulation are not sufficient for sound insulation against airplane noise.

*Wilson Ng (Applicant/Designer):* The roof gables and attic will be insulated to meet Title 24 requirements.

*Commissioner Biasotti:* Asked for clarification that the garage space will be maintained to accommodate parking.

*Wilson Ng (Applicant/Designer):* The water heater is a tankless unit located in the attic. The washer/dryer will be located in the garage, as in the existing condition. The furnace will be located in the living space.

*Commissioner Petersen:* Asked if the slab-on-grade foundation is an existing condition. Noted that sheet 8 in the plan set does not indicate the thickness of the slab.

*Wilson Ng (Applicant/Designer):* The addition will maintain the existing finished floor level. An engineer will prepare plans for reinforcing the slab. The slab will have a minimum thickness of 4-5 inches.

Speakers – None.

Public Comment closed.

*Commissioner Petersen:* Asked staff about a condition for drainage around the house.

*CDD Director Woltering:* The drainage will be reviewed at building plan check for compliance with the California Building Code.

**Motion to approve Use Permit 13-004 based on Findings of Fact 1-6 and Conditions of approval 1-28.**

**Commissioner Chase/Mishra**

VOTE: 5-0  
AYES: All Commissioners present  
NOES: None  
ABSTAIN: None

Chair Petersen advised of a 10-day appeal period.

**Findings of Fact**

1. Will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. (SBMC 12.112.050.B.1)
2. Will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city. (SBMC 12.112.050.B.2)
3. That the proposed development is consistent with the general plan. (SBMC 12.108.040.H)
4. That the proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood. (SBMC 12.108.040.D)
5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood. (SBMC 12.108.040.G)

6. That any proposed single-family or two-family dwelling conforms to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time. (SBMC 12.108.040.I)

## **CONDITIONS OF APPROVAL**

### **Community Development**

1. The 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 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 13-004 shall not be valid for any purpose. Use Permit 13-004 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the Summary of Hearing shall be photocopied and included on a full size page in the Building Division set of drawings.
3. The request for a Use Permit shall be built according to plans approved by the Planning Commission on December 16, 2014 labeled Exhibit C, except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the California Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
9. Prior to Final Inspection, the site shall be landscaping according to the plans approved by the Planning Commission on December 16, 2014 and any site landscaping damaged during construction shall be replanted to the satisfaction of the Community Development Director.

10. FAA notification and approval is required prior to building permit issuance.
11. 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.
12. The windows and the security gate shall be removed from the existing front porch.

**Public Services Department**

13. If the project results in more than 2,500 square feet of new or replaced impervious surfaces, the applicant shall incorporate one of the required C.3.i site design measures as required by the Municipal Regional Permit at the time of building permit submittal.
14. Please note that the front property line is located 2.0 feet behind the sidewalk along Walnut Street. No fences, retaining walls, or other permanent structure shall be placed or constructed within 2.0 feet from back of sidewalk along Walnut Street. S.B.M.C. 8.08.010.
15. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and-proposed systems in accordance with the applicable California Building Code 2013.
16. An Encroachment Permit from Public Services Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010. The Encroachment Permit shall be issued prior to issuance of a building permit.
17. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 -inch. S.B.M.C. 8.12.010.
18. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule is required. Tree shall be located on Walnut Street per S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.
19. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-02 dated August 2011. Older clean outs not meeting current city standards shall be replaced.
20. Paint address number on face of curb near driveway approach. Lettering shall be black, 4 inches or larger, and painted on a white background. Indicate the location of the address numbers on the site plan.
21. Remove un-approved red curbs on both sides of the driveway apron.
22. An Erosion control plan and storm water pollution prevention plan is required. The plan must show existing storm drain inlets and other storm water collection locations protected by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B.

Municipal Code 12.16.020.

23. Storm water from new roof down spouts and other on-site drainage, shall be drained into landscaping. Alternatively, stormwater shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail ST-03.
24. The building permit plans shall include a site plan that shows all property lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.MC. 12.16.020
25. Perform water demand calculation based on the requirements in Chapter 6 of the California Plumbing Code to confirm that the existing water meter is sufficient to serve proposed water demand. If existing meter is undersized, a larger meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of an upgraded water meter and lateral. S.B.M.C. 10.14.020/110. Indicate on the plans the location of the existing water meter and the available water pressure at the property.

#### **Fire Department**

26. Address numbers to be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
27. Provide hard-wired smoke detectors with battery backup as required by building code.
28. Provide spark arrester for chimney if not currently in place.

#### **6. Discussion**

- A. City Staff Discussion:** Staff asked for three volunteers for the next ARC meeting in January. Commissioners Johnson, Chase, and Biasotti identified.

#### **7. Adjournment**

Meeting was adjourned at 7:24 pm

---

**David Woltering**  
Secretary to the Planning Commission  
City of San Bruno

---

**Perry Petersen**, Chair  
Planning Commission  
City of San Bruno

**NEXT MEETING: January 6, 2015**



567 El Camino Real  
 San Bruno, CA 94066  
 Voice: (650) 616-7074  
 Fax: (650) 873-6749  
 www.sanbruno.ca.gov

**STAFF**

David Woltering, AICP, *Community Development Director*  
 Mark Sullivan, AICP, *Long Range Planning Manager*  
 Matt Neubaumer, *Associate Planner*  
 Brian Millar, AICP, *Contract Senior Planner*  
 Paula Bradley, AICP, *Contract Associate Planner*  
 William Chui, *Contract Assistant Planner*  
 Marc Zafferano, *City Attorney*

**PLANNING COMMISSION**

Perry Petersen, *Chair*  
 Mary Lou Johnson, *Vice Chair*  
 Kevin Chase  
 Joe Sammut  
 Sujendra Mishra  
 Rick Biasotti

**PLANNING COMMISSION  
 STAFF REPORT  
 AGENDA ITEM NO. 5.A.  
 January 20, 2015**

**PROJECT LOCATION**

1. Address: 290 Elm Avenue
2. Assessor's Parcel No: 020-404-420
3. Zoning District: R-1 (Single-Family Residential)
4. General Plan Classification: Low Density Residential

**EXHIBITS**

- A:** Site Location  
**B:** Photographs  
**C:** Site Plan, Floor Plans, and Elevations  
**D:** Green Building Statement

**REQUEST**

Request for a Use Permit to allow the construction of an addition which increases the gross floor area of the existing home by greater than 50% (66%) per Section 12.200.030.B.1 of the San Bruno Municipal Code. Palvos Lazos (Applicant & Owner) **UP-14-018**.

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Use Permit 14-018 based on Findings of Fact 1-6 and Conditions of Approval 1-26.

**REVIEWING AGENCIES**

Community Development Department  
 Public Services Department  
 Fire Department

**LEGAL NOTICE**

1. Notices of public hearing mailed to owners of property within 300 feet on January 9, 2015.
2. Advertisement published in the San Mateo Daily Journal, Saturday, January 10, 2015.

**ENVIRONMENTAL ASSESSMENT**

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301.e: Existing Facilities

**EXISTING CONDITIONS**

The subject property is located on the east side of Elm Avenue between Crystal Springs Avenue and San Felipe Avenue. This is a rectangular shaped lot with a total size of 5,000 square feet. The

property is currently developed with a one-story single-family dwelling with 900 square feet of living area. The existing dwelling consists of two bedrooms, one bathroom, a living, dining room, kitchen, and a one car garage. The home was constructed in 1941 and is located in the San Bruno Park 4<sup>th</sup> Addition subdivision.

**ADDITIONAL INFORMATION**

- **Accessory Structures:** There is one accessory structure in the rear yard.
- **Code Enforcement:** There are no active code enforcement cases.
- **Easements:** There are no Public Utility Easements located on the subject property.
- **Heritage Trees:** There is one heritage tree located in the rear yard.
- **Previous additions or alterations:** There have been no previous additions or alterations to the subject property.

**SURROUNDING LAND USES**

North: Crystal Springs Avenue – R-1 (Single-Family Residential)  
South: San Felipe Avenue – R-1 (Single-Family Residential)  
East: Poplar Avenue – R-1 (Single-Family Residential)  
West: Acacia Avenue – R-1 (Single-Family Residential)

**PROJECT DESCRIPTION**

The applicant is proposing to construct a one-story addition to an existing one-story home. The proposed addition would include 715 square feet of living space and would be located to the rear of the existing home. The proposed addition would include a new master bedroom and a family room. The proposed addition includes exterior materials that match the existing residence, including a stucco finish and composition shingle roofing. If approved and constructed, this would be a three-bedroom, two-bathroom home.

Project details are shown in the following table:

SITE CONDITIONS		ZONING REQUIREMENTS	EXISTING CONDITIONS	PROPOSED CONDITIONS
Land Use		R-1	R-1	Same
Lot Area		5,000 s.f.	5,000 s.f.	Same
Lot Coverage		2,200 (11%)	1,268 (25%)	1,983 s.f. (40%)
Gross Floor Area		2,750 s.f.	1,084 s.f.	1,799 s.f.
Floor Area Ratio		.55	.22	.36
Building Setbacks	Front	15'-0"	14'-0"	Same
	Rear	10'-0"	58'-0"	19'-6"
	R Side	5'-0"	3'-0"	5'-0"
	L Side	5'-0"	5'-3"	Same
Building Height		28'-0"	15'-0"	Same
Covered Parking		2 spaces	1 Space	1 Space

Notes:

- Use Permit required for greater than 50% expansion.

**Square Footage Breakdown:**

	Ground floor	Second Floor	Garage	Total
Existing	900	-	184	1,084
Proposed	715	-	-	715
Total	1,615	-	184	1,799

Notes:

- 1,615 s.f. of living area proposed with a 184 s.f. one-car garage.

**ARCHITECTURAL REVIEW COMMITTEE**

The Architectural Review Committee reviewed this project at its December 11, 2014 meeting. The Architectural Review Committee forwarded the project to the Planning Commission with the following recommendations:

- Update the project data chart to accurately reflect existing and proposed conditions.
- Incorporate roof eaves along the left and right side of the proposed addition.
- Indicate the existing and proposed window type and trim. Incorporate wood window trim for all proposed windows, thereby matching the existing residence.
- Clearly label the existing exterior finish of the home.

The applicant submitted revised plans addressing the comments referenced above; these plans are attached to this staff report as Exhibit C.

**PUBLIC COMMENT**

Staff sent the required legal notice on January 9, 2015. Staff has not received any comments as of the writing of this report.

## **ANALYSIS AND RECOMMENDATION**

### **Analysis:**

The applicant is proposing to construct a 715 square foot addition, which would increase the gross floor area of the existing home by greater than 50%, which requires a use permit. The proposed expansion meets the floor area, lot coverage, setbacks, parking, and height requirements of the zoning district.

Staff finds that the proposed addition is well integrated with the existing single-family dwelling, is compatible with the immediate neighborhood, and consistent with the Residential Design Guidelines. The addition would be located at the rear of the existing home, maintaining the simple building form, which is common throughout the neighborhood. The neighborhood consists of exterior materials ranging from horizontal siding to stucco. The proposed addition would match the existing stucco finish. Furthermore, the addition would incorporate a shingle roof, which matches the existing roof material. The proposed windows would incorporate wood window trim, thereby matching the existing residence.

The project is in compliance with all development standards and only requires a use permit for exceeding the 50% threshold for additional square footage. Specifically, the proposed floor area is 1,799 square feet, which corresponds to a .36 FAR, well below the .55 FAR maximum permitted under code. The height would remain the same, at 15'-0", where 28'-0" is allowed. The proposed expansion also meets all setback requirements of the Municipal Code. The current landscaping exceeds the Municipal Code requirements, and the applicant has indicated that it is proposed to remain, including the heritage tree in the rear yard. Regarding parking, the applicant is proposing to maintain the existing one-car garage, which is allowed with a use permit when the living area is under 1,825 square feet.

### **Findings:**

*Pursuant to the City's Municipal Code, the Commission shall grant the Use Permit if it makes the following findings. Required findings are in **bold** followed by staff's analysis of the merits of the project and how the findings can be made.*

- 1. Will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. (SBMC 12.112.050.B.1)**

With the condition that the applicant obtain a building permit prior to construction, the home would be constructed according to the California Building Code (CBC) and, therefore, would not be detrimental to the health, safety and general welfare of the persons residing in the neighborhood.

- 2. Will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city. (SBMC 12.112.050.B.2)**

The architectural features of the project are compatible with the surrounding neighborhood. The project includes an addition to the rear of the home and would include the same basic building form and roofline as the existing home. The home's overall height would remain the same, at 15'-0", which is below the height limit of 28'-0". The setback of the addition meets the Municipal Code standards. The proposal would benefit the City and the surrounding neighborhood by improving the property in a well-designed manner and by its conformance to all of the development regulations as set forth in the Municipal Code.

Therefore, staff determines that the project would not be detrimental to improvement in the neighborhood or to the general welfare of the City.

Regarding parking, the applicant is proposing to maintain the existing one car garage. The living area of the residence is proposed at 1,615 square feet, which is below the threshold of 1,825 square feet requiring a two-car garage.

**3. That the proposed development is consistent with the general plan. (SBMC 12.108.040.H)**

The San Bruno General Plan designates the property as a Low-Density Residential district. The existing single-family dwelling is consistent with the General Plan designation.

General Plan Policy LUD-3 states, “protect the residential character of established neighborhoods by ensuring that new development conforms to surrounding design and scale.” The proposal would be complementary to other single-family homes in the area. The design of the project reinforces the residential character of the neighborhood.

**4. That the proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood. (SBMC 12.108.040.D)**

The proposal includes a one-story addition to an existing single-story home. The overall height of the home would remain the same at 15'-0", which is below the limit of 28'-0". The left side setback would continue the existing 5'-3" setback and the right side setback to the addition would measure 5'-0". Therefore, the structure should not unreasonably restrict or interfere with light and air on the adjacent properties.

The overall design and scale of the home is consistent with the neighborhood, which consists primarily of single-story homes, with some two-story homes.

**5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood. (SBMC 12.108.040.G)**

The applicant proposes to construct a one-story addition to the rear of the existing single-story home. The addition maintains the basic building form and rooflines of the existing house. The exterior materials would be consistent throughout the house. Specifically, the addition would incorporate a stucco finish and a composition shingle roof, which would match the existing home. Staff finds that the general appearance of the residence would be in keeping with the neighborhood and would not be detrimental to the City.

**6. That any proposed single-family or two-family dwelling conforms to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time. (SBMC 12.108.040.1)**

Staff finds that the new home conforms to the basic design principles of the Residential Design Guidelines. The proposed addition would respect the scale, bulk, and character of the immediate neighbors and adjacent homes, and has consistent construction materials throughout. The project maintains the simple building form, which is common throughout the neighborhood. The landscaping area currently exceeds the Municipal Code requirement and the applicant has stated the existing landscaping would remain, including the heritage tree located in the rear yard.

**RECOMMENDATION**

Staff recommends that the Planning Commission approved Use Permit 14-018 based on Findings of Fact 1-6 and Conditions of Approval 1-26.

**Findings of Fact**

1. Will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. (SBMC 12.112.050.B.1)
2. Will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city. (SBMC 12.112.050.B.2)
3. That the proposed development is consistent with the general plan. (SBMC 12.108.040.H)
4. That the proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood. (SBMC 12.108.040.D)
5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood. (SBMC 12.108.040.G)
6. That any proposed single-family or two-family dwelling conforms to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time. (SBMC 12.108.040.I)

**CONDITIONS OF APPROVAL**

**Community Development**

1. The 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 30

days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 14-018 shall not be valid for any purpose. Use Permit 14-018 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the Summary of Hearing shall be photocopied and included on a full size page in the Building Division set of drawings.
3. The request for a Use Permit shall be built according to plans approved by the Planning Commission on January 20, 2015 labeled Exhibit C, except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the California Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
9. Prior to Final Inspection, the site shall be landscaping according to the plans approved by the Planning Commission on January 20, 2015 and any site landscaping damaged during construction shall be replanted to the satisfaction of the Community Development Director.
10. FAA notification and approval is required prior to building permit issuance. Alternatively, the City has established an exemption form, which may be submitted to the City in-lieu of FAA notification.
11. 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.

## **Public Services Department**

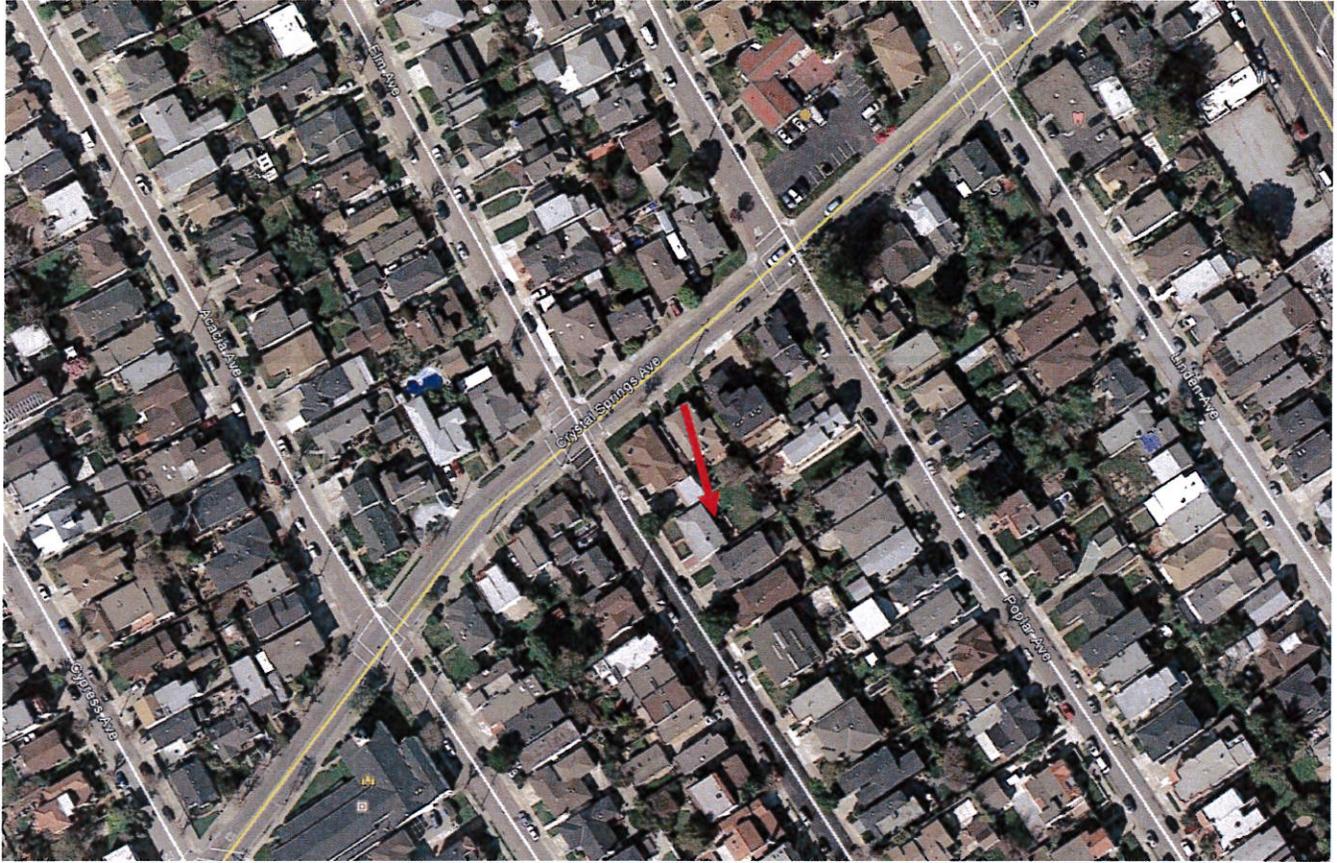
12. If the project results in more than 2,500 square feet of new or replaced impervious surfaces, the applicant shall incorporate one of the required C.3.i site design measures as required by the Municipal Regional Permit at the time of building permit submittal.
13. Please note that the front property line is located 2.0 feet behind the sidewalk along Elm Avenue. No fences, retaining walls, or other permanent structure shall be placed or constructed within 2.0 feet from back of sidewalk along Elm Avenue. S.B.M.C. 8.08.010.
14. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2013.
15. An Encroachment Permit from Public Services Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010. The Encroachment Permit shall be issued prior to issuance of a building permit.
16. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 -inch. S.B.M.C. 8.12.010.
17. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule is required. Tree shall be located on Elm Avenue per S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.
18. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-02 dated August 2011. Older clean outs not meeting current city standards shall be replaced.
19. Paint address number on face of curb near driveway approach. Lettering shall be black, 4 inches or larger, and painted on a white background. Indicate the location of the address numbers on the site plan.
20. An Erosion control plan and storm water pollution prevention plan is required. The plan must show existing storm drain inlets and other storm water collection locations protected by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
21. Storm water from new roof down spouts and other on-site drainage, shall be drained into landscaping. Alternatively, stormwater shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail ST-03.

- 22. The building permit plans shall include a site plan that shows all properly lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.MC. 12.16.020
  
- 23. Perform water demand calculation based on the requirements in Chapter 6 of the California Plumbing Code to confirm that the existing water meter is sufficient to serve proposed water demand. If existing meter is undersized, a larger meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of an upgraded water meter and lateral. S.B.M.C. 10.14.020/110. Indicate on the plans the location of the existing water meter and the available water pressure at the property.

**Fire Department**

- 24. Address numbers to be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
  
- 25. Provide hard-wired smoke detectors with battery backup as required by building code.
  
- 26. Provide spark arrester for chimney if not currently in place.

Date of Preparation: January 16, 2015  
Prepared by: Matt Neuebaumer, Associate Planner



**290 Elm Avenue  
020-404-420  
UP-14-018**

**Exhibit A: Site Location**



Subject Site



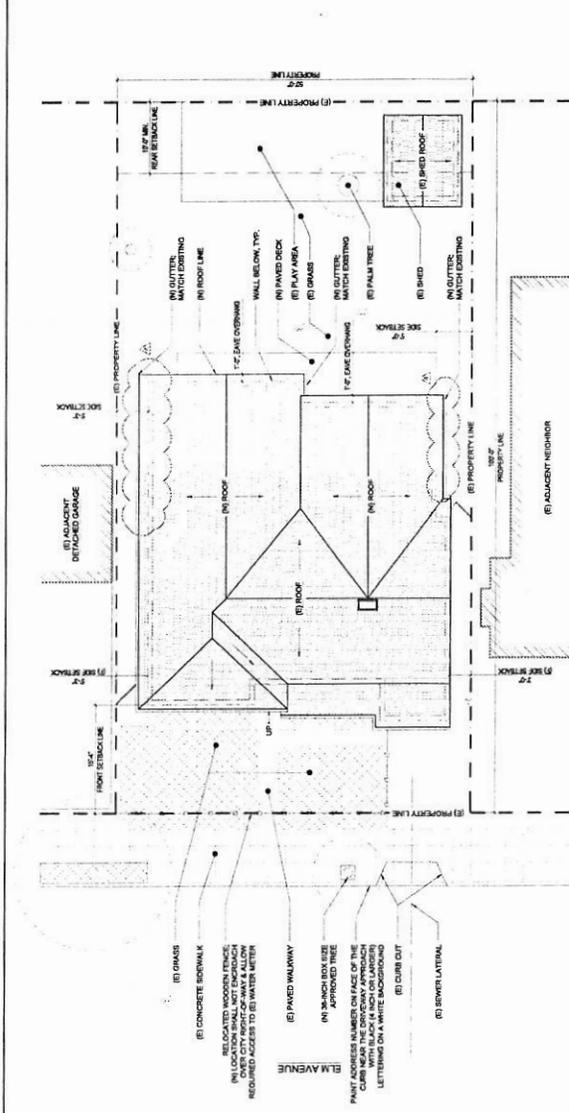
Neighboring Properties

**Exhibit B: Photographs**

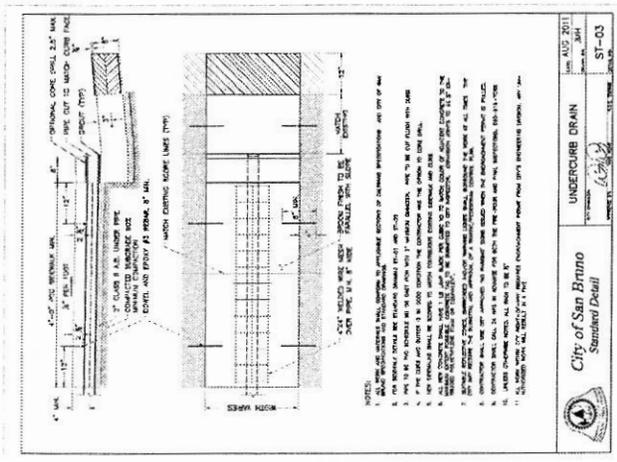


**NEW SITE PLAN NOTES**

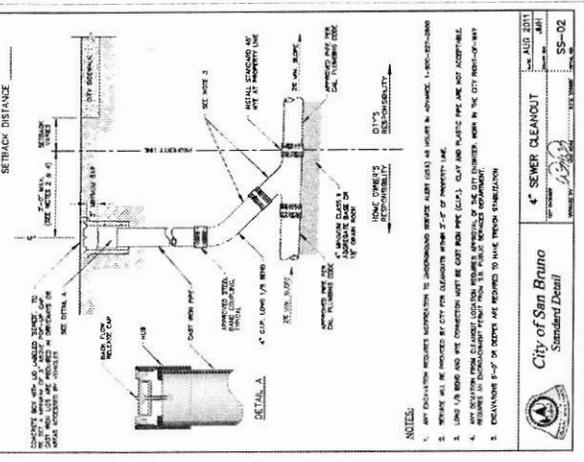
- OWNER SHALL OBTAIN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING ANY WORK WITH THE CITY'S PUBLIC RIGHT OF WAY. SEE C.A. 18683. THE ENCROACHMENT PERMIT SHALL BE SUBMITTED TO THE OFFICE OF A PUBLIC WORKS ENGINEER.
- OWNER SHALL OBTAIN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING ANY WORK WITH THE CITY'S PUBLIC RIGHT OF WAY. SEE C.A. 18683. THE ENCROACHMENT PERMIT SHALL BE SUBMITTED TO THE OFFICE OF A PUBLIC WORKS ENGINEER.
- OWNER SHALL OBTAIN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING ANY WORK WITH THE CITY'S PUBLIC RIGHT OF WAY. SEE C.A. 18683. THE ENCROACHMENT PERMIT SHALL BE SUBMITTED TO THE OFFICE OF A PUBLIC WORKS ENGINEER.
- OWNER SHALL OBTAIN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING ANY WORK WITH THE CITY'S PUBLIC RIGHT OF WAY. SEE C.A. 18683. THE ENCROACHMENT PERMIT SHALL BE SUBMITTED TO THE OFFICE OF A PUBLIC WORKS ENGINEER.
- OWNER SHALL OBTAIN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING ANY WORK WITH THE CITY'S PUBLIC RIGHT OF WAY. SEE C.A. 18683. THE ENCROACHMENT PERMIT SHALL BE SUBMITTED TO THE OFFICE OF A PUBLIC WORKS ENGINEER.
- OWNER SHALL OBTAIN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING ANY WORK WITH THE CITY'S PUBLIC RIGHT OF WAY. SEE C.A. 18683. THE ENCROACHMENT PERMIT SHALL BE SUBMITTED TO THE OFFICE OF A PUBLIC WORKS ENGINEER.
- OWNER SHALL OBTAIN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING ANY WORK WITH THE CITY'S PUBLIC RIGHT OF WAY. SEE C.A. 18683. THE ENCROACHMENT PERMIT SHALL BE SUBMITTED TO THE OFFICE OF A PUBLIC WORKS ENGINEER.
- OWNER SHALL OBTAIN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING ANY WORK WITH THE CITY'S PUBLIC RIGHT OF WAY. SEE C.A. 18683. THE ENCROACHMENT PERMIT SHALL BE SUBMITTED TO THE OFFICE OF A PUBLIC WORKS ENGINEER.
- OWNER SHALL OBTAIN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING ANY WORK WITH THE CITY'S PUBLIC RIGHT OF WAY. SEE C.A. 18683. THE ENCROACHMENT PERMIT SHALL BE SUBMITTED TO THE OFFICE OF A PUBLIC WORKS ENGINEER.
- OWNER SHALL OBTAIN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT PRIOR TO COMMENCING ANY WORK WITH THE CITY'S PUBLIC RIGHT OF WAY. SEE C.A. 18683. THE ENCROACHMENT PERMIT SHALL BE SUBMITTED TO THE OFFICE OF A PUBLIC WORKS ENGINEER.



**2 | NEW SITE PLAN**  
 SCALE: 1/8" = 1'-0"



**3 | CITY OF SAN BRUNO STANDARD DETAILS**  
 SCALE: N.T.S.



**3 | CITY OF SAN BRUNO STANDARD DETAILS**  
 SCALE: N.T.S.

**1 | EXISTING SITE PLAN**  
 SCALE: 1/8" = 1'-0"





PROJECT NAME  
**Lazos Residence**  
 290 Elm Avenue  
 San Bruno, CA 94134

94064

PROJECT NO. 2014.04.30  
 PERMIT PLAN CHECK RESPONSE 1 2014.07.28  
 PERMIT PLAN CHECK RESPONSE 2 2014.04.23  
 PERMIT PLAN CHECK RESPONSE 3 2014.07.27  
 PLANNING RESPONSE 2014.12.31

**ELEVATION NOTES**

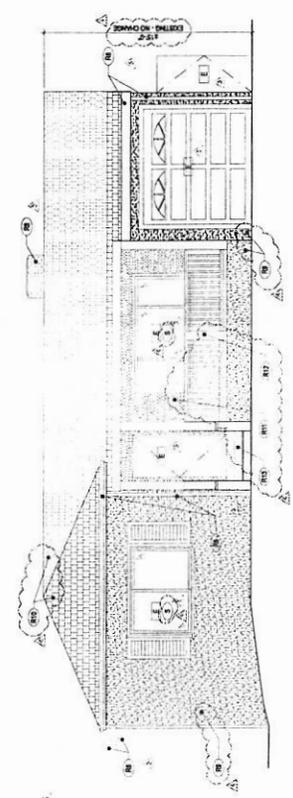
- PROJECT SHALL BE SUBJECT TO RESIDENTIAL DESIGN GUIDELINES
- ALL NEW EXTERIOR MATERIALS SHALL MATCH EXISTING EXTERIOR MATERIALS
- ALL NEW WORK SHALL BE FULLY DETAILLED

**KEYNOTES**

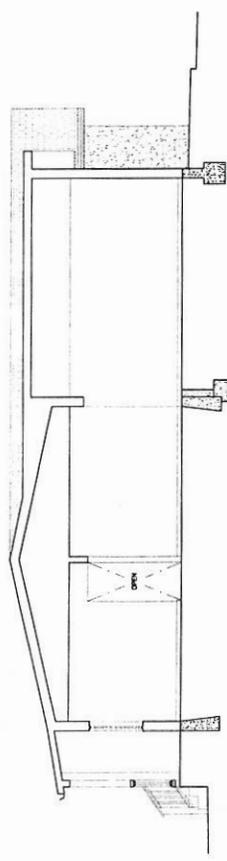
- (R1) EX DOOR & WINDOWS TO BE REMOVED
- (R2) REPAIR OR REPLACE ALL SIDING
- (R3) REPAIR OR REPLACE ALL WINDOWS
- (R4) REPAIR OR REPLACE ALL ROOFING
- (R5) REPAIR OR REPLACE ALL GUTTERS
- (R6) REPAIR OR REPLACE ALL DOWNSPOUTS
- (R7) REPAIR OR REPLACE ALL EXTERIOR LIGHTS
- (R8) REPAIR OR REPLACE ALL EXTERIOR PAINT TO MATCH EXISTING
- (R9) REPAIR OR REPLACE ALL EXTERIOR STAIRS TO MATCH EXISTING
- (R10) REPAIR OR REPLACE ALL EXTERIOR FLOORING TO MATCH EXISTING
- (R11) REPAIR OR REPLACE ALL EXTERIOR ROOFING TO MATCH EXISTING
- (R12) REPAIR OR REPLACE ALL EXTERIOR ROOFING TO MATCH EXISTING
- (R13) REPAIR OR REPLACE ALL EXTERIOR ROOFING TO MATCH EXISTING
- (R14) REPAIR OR REPLACE ALL EXTERIOR ROOFING TO MATCH EXISTING
- (R15) REPAIR OR REPLACE ALL EXTERIOR ROOFING TO MATCH EXISTING
- (R16) REPAIR OR REPLACE ALL EXTERIOR ROOFING TO MATCH EXISTING
- (R17) REPAIR OR REPLACE ALL EXTERIOR ROOFING TO MATCH EXISTING
- (R18) REPAIR OR REPLACE ALL EXTERIOR ROOFING TO MATCH EXISTING
- (R19) REPAIR OR REPLACE ALL EXTERIOR ROOFING TO MATCH EXISTING
- (R20) REPAIR OR REPLACE ALL EXTERIOR ROOFING TO MATCH EXISTING

**WINDOW LEGEND**

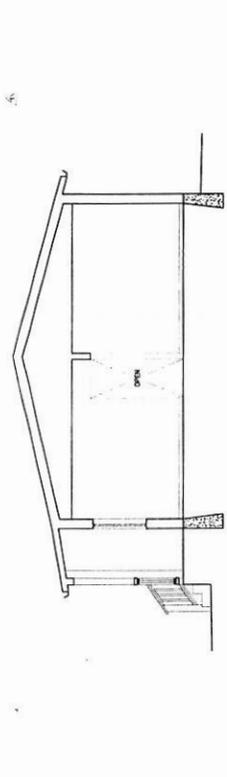
- (S) SLIDER
- (DH) DOUBLE HUNG
- (AW) AWNING
- (CS) CASSETT



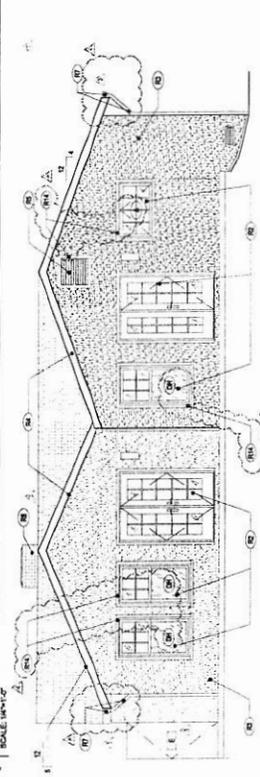
**5 | EXISTING FRONT ELEVATION - NO CHANGE**  
 SCALE: 1/4"=1'-0"



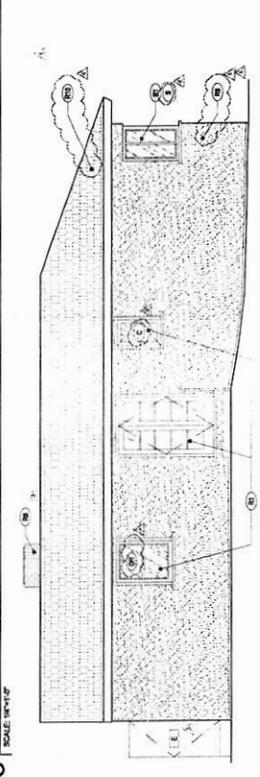
**2 | PROPOSED REAR ELEVATION**  
 SCALE: 1/4"=1'-0"



**3 | EXISTING SECTION**  
 SCALE: 1/4"=1'-0"



**4 | PROPOSED SECTION**  
 SCALE: 1/4"=1'-0"



**1 | EXISTING REAR ELEVATION**  
 SCALE: 1/4"=1'-0"

Existing & Proposed  
 Exterior Elevations  
 & Sections

DATE: 2014.04.30  
 SCALE: 1/4"=1'-0"  
 SHEET: A201



Lazos Residence  
290 Elm Avenue  
San Bruno CA 94114

July 28, 2014

City of San Bruno  
567 El Camino Real  
San Bruno CA 94066

**Re: 290 Elm Avenue Addition - Green Building Techniques**

At the subject property the proposed addition is modest in scope to provide for the needs of a growing family. Even with the new addition, the new floor area will be below the maximum allowable. In doing so, we are making the eco-friendly gesture of avoiding excessive use and covering up less of the land. This will result in avoiding extra air-conditioning, electricity, and furnishings to service the habitable spaces. The proposed east facing windows will ensure that artificial lighting use is minimized during the day. In addition, we plan is to use high efficacy lighting to yield further energy savings.

Meanwhile during construction, we intend to recycle and haul debris in accordance with local jurisdiction. Where possible, we will re-use materials. During finish work, we will use low V.O.C. paints.

CITY OF SAN BRUNO  
COMMUNITY DEVELOPMENT DEPARTMENT

OCT 16 2014

RECEIVED



567 El Camino Real  
San Bruno, CA 94066  
Voice: (650) 616-7074  
Fax: (650) 873-6749  
www.sanbruno.ca.gov

**STAFF**

David Woltering, AICP, *Community Development Director*  
Mark Sullivan, AICP, *Long Range Planning Manager*  
Brian Millar, AICP, *Contract Senior Planner*  
Matt Neuebaumer, *Associate Planner*  
Paula Bradley, MCP, AICP, *Contract Associate Planner*  
William Chui, *Contract Assistant Planner*  
Marc Zafferano, *City Attorney*

**PLANNING COMMISSION**

Perry Petersen, *Chair*  
Mary Lou Johnson,  
*Vice Chair*  
Kevin Chase  
Joe Sammut  
Sujendra Mishra  
Rick Biasotti

**PLANNING COMMISSION  
STAFF REPORT  
AGENDA ITEM NO. 5.B.  
January 20, 2015**

**PROJECT LOCATION**

1. Address: 260 El Camino Real
2. Assessor's Parcel No: 020-381-490
3. Zoning District: C-B-D (Central Business District)
4. General Plan Classification: Multi Use

**EXHIBITS**

- A: Site Location
- B: Photographs
- C: Site Plan & Floor Plan
- D: Applicant's Support Statement

**REQUEST**

Request for a Use Permit to allow alcohol beverage sales in conjunction with a restaurant per Chapters 12.84.210 and 12.96.110.C.16 of the San Bruno Municipal Code. Minyu Kim -Tofu House (Applicant and Owner) UP-14-017.

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Use Permit 14-017 based on Findings of Fact 1-5 and Conditions of Approval 1-13.

**REVIEWING AGENCIES**

Community Development Department  
Fire Department  
Police Department

**LEGAL NOTICE**

1. Notices of public hearing mailed to owners of property within 300 feet on January 9, 2015.
2. Advertisement published in the San Mateo Daily Journal, Saturday, January 10, 2015.

**ENVIRONMENTAL ASSESSMENT**

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301.e: Existing Facilities.

### **EXISTING CONDITIONS**

The subject site is located on the east side of El Camino Real between San Felipe and Chapman Avenues. The 11,150 square foot lot is developed with a 5,000 square foot retail center, including a 2,480 square foot restaurant. The shopping center includes other retail uses such as: hearing aid center, nail salon, and medical businesses. The area near the project site includes similar businesses including restaurants, locksmith, dry cleaners, and automobile repair. There are 16 shared parking spaces on-site.

### **SURROUNDING LAND USES**

North: Chapman Avenue –C (General Commercial)  
South: San Felipe Avenue – C (General Commercial)  
East: Mastick Avenue – R-2 (Low-Density Residential)  
West: El Camino Real – C-N (Neighborhood Commercial)

### **PROJECT DESCRIPTION**

The applicant is proposing to re-establish a Type 41, beer and wine license which expired in 2012 for the existing restaurant. There are no interior or exterior changes or improvements proposed as part of the project, nor is any expansion of the restaurant proposed. The existing restaurant area is approximately 2,480 square feet with 70 seats. The restaurant will not include a separate bar area, with alcohol sales only being available to diners at the restaurant. The hours of operation will continue to be 11:30 a.m. to 2:30 p.m. and 5:30 p.m. to 9:30 p.m., Monday through Saturday, and 5:30 p.m. to 9:30 p.m., Sundays. As the existing restaurant is a permitted use within the Central-Business-Commercial zoning district, Planning Commission approval is only required for the sale of beer and wine. If the Planning Commission approves this application, the applicant will also be required to obtain a liquor license from the California Department of Alcohol and Beverage Control. Conditions of Approval (Conditions 1-35) for UP-04-21 and PE-04-02, approved on June 15, 2004, concerning trash, parking, address numbers, lighting, and similar operational criteria, shall continue to apply to this permit.

### **PUBLIC COMMENT**

Staff sent a legal notice to all property owners within 300' of the subject site on January 9, 2015. No comments have been received as of the writing of this report.

### **ANALYSIS AND RECOMMENDATION**

#### **Analysis:**

Since the restaurant is existing and is consistent with the Zoning Code designations: C-B-D (Central Business District), only the sale of alcohol requires Planning Commission approval. The applicant is proposing to re-establish their beer and wine license, which expired in 2012. Staff does not anticipate any negative effects from alcohol sales in conjunction with the change in license. No expansion of the building will occur, no changes are proposed to the interior or exterior of the building, and there will be no separate bar area in the restaurant. The Police Department has also reviewed the application and has recommended conditions of approval on the project. If any operational issues arise in the future related to the use permit, the Community Development Director has the authority to call the item back to the Planning Commission.

Staff finds that the proposed restaurant with alcohol sales will comply with all the required performance standards of the Municipal Code. The required performance standards come from Section 12.84.210 of

the San Bruno Municipal Code. The performance standards are listed in bold followed by staff's analysis:

- 1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area. (SBMC 12.84.210.B.1)**

The use of the property as a restaurant with beer, wine sales is compatible with surrounding uses, which include other restaurants, retail stores, and other similar uses.

- 2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests. (SBMC 12.84.210.B.2)**

The sale of beer, wine will be conducted in conjunction with the existing restaurant. The hours of operation will remain the same of 11:30 a.m. to 2:30 p.m. and 5:30 p.m. to 9:30 p.m. Monday through Saturday, and 5:30 p.m. to 9:30 p.m. Sundays. These hours are not associated with excessive police interventions. The Community Development Director has the ability to call this use permit back to the Planning Commission for review, if he/she finds that the use is negatively impacting the surrounding neighborhood or creating other concerns. Therefore, if any unforeseen impacts occur, the use can be further reviewed.

- 3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute. (SBMC 12.84.210.B.3)**

By obtaining this Use Permit, and subsequently obtaining approval from the State Department of Alcohol and Beverage Control, the applicant will be in compliance with local and state regulations. As required by the local and state law, the City will issue a "need and necessity" letter to the Department of Alcohol and Beverage Control upon approval of this Use Permit.

- 4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. (SBMC 12.84.210.B.4)**

As stated above, the use of the property as a restaurant with beer, wine sales is compatible with surrounding uses, which include other restaurants, retail stores, and other similar uses. The closest residential neighborhood is across Mastick Avenue, to the east of the existing restaurant.

- 5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of**

**licenses, required due to either of the following conditions:**

- a. **The applicant premises are located in a crime reporting district that has a twenty percent greater number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests. (SBMC 12.84.210.5.a)**
- b. **The applicant premises are located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County. (SBMC 12.84.210.5.b)**

The project site is not located in a crime-reporting district that has a 20% greater number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes in the City, nor is it located in an area of Undue Concentration. Therefore this finding is not applicable.

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Use Permit 14-017 based on Findings of Fact 1-5 and Conditions of Approval 1-13.

**Findings of Fact**

1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute.
4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of licenses, required due to either of the following conditions:
  - a. The applicant premises are not located in a crime reporting district that has a twenty percent greater number of reported crimes in a geographical area within the boundaries of

the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests.

- b. The applicant premises are not located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County.

## **CONDITIONS OF APPROVAL**

### **Community Development**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary Hearing to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 14-017 shall not be valid for any purpose. Use Permit 14-017 shall expire one (1) year from the date of approval unless the plan is executed.
2. Use Permit 14-017 shall be operated by the owner and any successor in interest, according to plans approved by the Planning Commission on January 20, 2015, labeled Exhibits C and D, except as required to be modified by these Conditions of Approval. Any modification to the approved plans or any deviation or change in the business activities shall require prior approval by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
3. The applicant shall continue to conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front, and rear of the building.
4. The hours of operation shall be limited to 11:30 a.m. to 2:30 p.m. and 5:30 p.m. to 9:30 p.m. Monday through Saturday, and 5:30 p.m. to 9:30 p.m. Sundays. Any changes from the hours of operation shall require prior authorization of the Community Development Director. Any change that results in a later closing time shall also require review by the Police Department.
5. The applicant or property owner will clean graffiti on the property and/or paint over it within 24 hours of its appearance. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.
6. The Community Development Director may call this use permit project back to the Planning Commission if he/she Finds that the business is not complying with the required performance standards or conditions of approval.
7. The restaurant operator shall ensure that garbage and recyclables are properly stored inside the appropriate garbage enclosure.

8. All signs shall be approved by the Planning Division under a separate application and must comply with Fire Department Conditions of Approval. Signs shall be installed prior to any Final Inspection.
9. The applicant shall provide the signed copy of the Summary of Hearing to the Alcohol, Beverage and Control Board (ABC). The signed summary of hearing will serve as the Letter of Public Convenience of Necessity as required by the ABC.
10. Conditions of Approval (Conditions 1-35) for UP-04-21 and PE-04-02, approved on June 15, 2004, concerning trash, parking, address numbers, lighting, and similar operational criteria, shall continue to apply to this permit.

### **Police Department**

11. The applicant shall comply with all State Alcohol and Beverage Control (ABC) requirements. The applicant shall provide a copy of the approved ABC License Planning Commission to the City.
12. The applicant is responsible for providing emergency contact information to the Police Department for after hour's emergencies.
13. Alcohol consumption shall be limited to the interior of the restaurant area. At no time shall alcohol be consumed outside of the restaurant.

Date of Preparation: January 12, 2015  
Prepared by: Paula Bradley, Associate Planner

**Exhibit A: Site Location**



**260 El Camino Real  
020-381- 490  
UP-14-017**

**Exhibit B: Photographs**



**Subject Site  
View from El Camino Real to northeast**

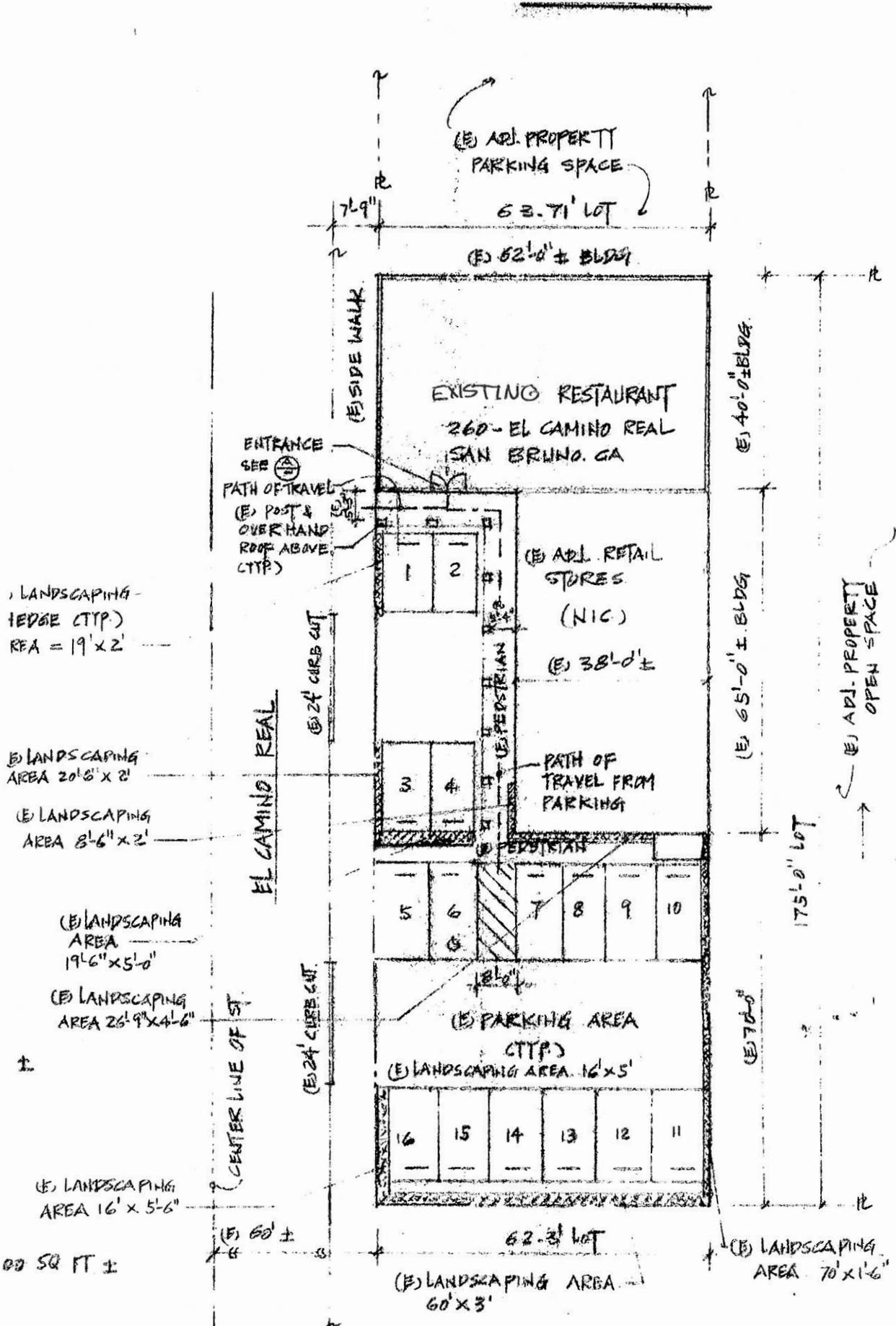


EXHIBIT C1

PLOT PLAN  
 1/16" = 1'-0"



## Applicant' s Support Statement

Premises: 260 El Camino Real, San Bruno, CA 94066  
(Approx 2,000 sqft, 70 seats)

Business Line: Tofu House (Korean Cuisine)

Purpose: Applying for conditional Use Permit to establish a restaurant with alcohol sales because previous type 41 Alcohol Beverage License expired in 2012 and need to re-establish the ABC license.

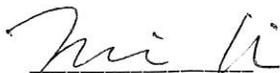
ABC License: Type 41 wine and beer license for full service dine-in restaurant.  
type

Plan : All interior and exterior remain same.

Staff : Operated by owner. One kitchen helper and one server.

Business hour: Monday thru Saturday  
11:30am - 2:30pm 5:30pm - 9:30pm  
Sunday  
5:30pm - 9:30pm

Applicant



Minyu Kim

Date: 12/17/14

EXHIBIT D



567 El Camino Real  
San Bruno, CA 94066  
Voice: (650) 616-7074  
Fax: (650) 873-6749  
www.sanbruno.ca.gov

**STAFF**

David Woltering, AICP, *Community Development Director*  
Mark Sullivan, AICP, *Long Range Planning Manager*  
Matt Neubaumer, *Associate Planner*  
Brian Millar, AICP *Contract Senior Planner*  
Paula Bradley, MCP, AICP, *Contract Associate Planner*  
William Chui, *Contract Assistant Planner*  
Marc Zafferano, *City Attorney*

**PLANNING COMMISSION**

Perry Petersen, *Chair*  
Mary Lou Johnson,  
*Vice Chair*  
Kevin Chase  
Joe Sammut  
Sujendra Mishra  
Rick Biasotti

**PLANNING COMMISSION  
STAFF REPORT  
AGENDA ITEM NO. 5.C.  
January 20, 2015**

**PROJECT LOCATION**

1. Address: 446 San Mateo Avenue
2. Assessor's Parcel No: 020-364-270
3. Zoning District: C-B-D (Central Business District)
4. General Plan Classification: Transit Corridors Plan - Central Business District Character Area

**EXHIBITS**

- A: Site Location
- B: Photographs
- C: Site Plan & Floor Plan
- D: Applicant's Support Statement

**REQUEST**

Request for a Use Permit to allow an expansion from beer and wine sales to include distilled spirits in conjunction with a restaurant per Chapters 12.84.210 and 12.96.120.C.12 of the San Bruno Municipal Code. Cleonir Lemes, Cleo's Brazilian Steakhouse (Applicant), Jin Hee Yoon Trust (Owner) **UP-14-021**.

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Use Permit 14-021 based on Findings of Fact 1-5 and Conditions of Approval 1-13.

**REVIEWING AGENCIES**

Community Development Department  
Fire Department  
Police Department

**LEGAL NOTICE**

1. Notices of public hearing mailed to owners of property within 300 feet on January 9, 2015.
2. Advertisement published in the San Mateo Daily Journal, Saturday, January 10, 2015.

**ENVIRONMENTAL ASSESSMENT**

This project is Categorical Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301.e: Existing Facilities.

### **EXISTING CONDITIONS**

The subject site is located on the northeast side of San Mateo Avenue between Taylor Avenue and Cypress Court. The area near the project site includes other retail uses such as restaurants, salons, dry cleaners, offices, and banks. There is on-site parking to the side and the rear of the building, off Cypress Court and Mastick Avenue.

### **SURROUNDING LAND USES**

North: Cypress Court – C-B-D (Central Business District) and R-2 (Low-Density Residential)  
South: Taylor Avenue – C (General Commercial) and R-2 (Low-Density Residential)  
East: Mastick Avenue – R-2 (Low-Density Residential)  
West: San Mateo Avenue – C-B-D (Central Business District)

### **PROJECT DESCRIPTION**

The applicant is proposing to expand their on-site sale of beer and wine license, approved under UP-09-022 in 2009, to a full service license to sell distilled spirits in an existing restaurant. There are no interior or exterior changes or improvements proposed as part of the project, nor is any expansion of the restaurant proposed. The 4,090 square foot restaurant will not include a separate bar area, with alcohol sales only being available to diners at the restaurant. There is seating for approximately 114 people. There are 32 on-site parking spaces shared with an adjacent 6,500 square foot use to the north (formerly the Paper Moon) on the same parcel. The restaurant would continue to serve lunch and dinner, with hours of operation from 11:00 a.m. to 11:00 p.m., seven days per week. Conditions of Approval (Conditions 1-24) for UP-09-022 and PE-09-004, approved on October 20, 2009, concerning trash, parking, address numbers, lighting, and similar operational criteria, shall continue to apply to this permit.

If the Planning Commission approves this application, the applicant will also be required to obtain a liquor license from the California Department of Alcohol and Beverage Control.

### **PUBLIC COMMENT**

Staff sent a legal notice to all property owners within 300' of the subject site on January 9, 2015. No comments have been received as of the writing of this report.

### **ANALYSIS AND RECOMMENDATION**

#### **Analysis:**

Since the restaurant is existing and is consistent with the Transit Corridors Plan and the Zoning Code designations: C-B-D (Central Business District), only the sale of alcohol requires Planning Commission approval. The applicant is proposing to expand their beer and wine licenses previously approved under UP-09-022, to sell distilled spirits. Staff does not anticipate any negative effects from alcohol sales in conjunction with the change in license. No expansion of the building will occur, no changes are proposed to the interior or exterior of the building, and there will be no separate bar area in the restaurant. seven days per week. The Police Department has also reviewed the application and has recommended conditions of approval on the project. If any operational issues arise in the future related to the use permit, the Community Development Director has the authority to call the item back to the Planning Commission.

Staff finds that the proposed restaurant with alcohol sales will comply with all the required performance

standards of the Municipal Code. The required performance standards come from Section 12.84.210 of the San Bruno Municipal Code. The performance standards are listed in bold followed by staff's analysis:

- 1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area. (SBMC 12.84.210.B.1)**

The use of the property as a restaurant with beer, wine, and distilled spirit sales is compatible with surrounding uses, which include other restaurants, retail stores, and other similar uses.

- 2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests. (SBMC 12.84.210.B.2)**

The sale of beer, wine, and distilled spirits will be conducted in conjunction with the existing restaurant. The hours of operation will continue to be 11:00 a.m. until 11:00 p.m., seven days a week. These hours are not anticipated to pose any operational concerns. The Community Development Director has the ability to call this use permit back to the Planning Commission for review, if he/she finds that the use is negatively impacting the surrounding neighborhood. Therefore, if any unforeseen impacts occur, the use can be further reviewed.

- 3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute. (SBMC 12.84.210.B.3)**

By obtaining this Use Permit, and subsequently obtaining approval from the State Department of Alcohol and Beverage Control, the applicant will be in compliance with local and state regulations. As required by the local and state law, the City will issue a "need and necessity" letter to the Department of Alcohol and Beverage Control upon approval of this Use Permit.

- 4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. (SBMC 12.84.210.B.4)**

As stated above, the use of the property as a restaurant with beer, wine, and distilled spirits sales is compatible with surrounding uses, which include other restaurants, retail stores, and other similar uses. The closest residential neighborhood is on Mastick Avenue, adjacent to the east of the existing restaurant.

- 5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would tend to create a law**

**enforcement problem, or if issuance would result in or add to an “Undue Concentration” of licenses, required due to either of the following conditions:**

- a. The applicant premises are located in a crime reporting district that has a twenty percent greater number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests. (SBMC 12.84.210.5.a)**
- b. The applicant premises are located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County. (SBMC 12.84.210.5.b)**

The application project site is not located in a crime-reporting district that has a 20% greater number of reported crimes in a geographical area within the boundaries of the city, nor is it located in an area of Undue Concentration. Therefore this finding is not applicable.

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve Use Permit 14-021 based on Findings of Fact 1-5 and Conditions of Approval 1-13.

### **Findings of Fact**

1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute.
4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an “Undue Concentration” of licenses, required due to either of the following conditions:
  - a. The applicant premises are not located in a crime reporting district that has a twenty percent greater number of reported crimes in a geographical area within the boundaries of

the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests.

- b. The applicant premises are not located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County.

## **CONDITIONS OF APPROVAL**

### **Community Development**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary Hearing to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 14-021 shall not be valid for any purpose. Use Permit 14-021 shall expire one (1) year from the date of approval unless the plan is executed.
2. Use Permit 14-021 shall be operated by the owner and any successor in interest, according to plans approved by the Planning Commission on January 20, 2015, labeled Exhibits C and D, except as required to be modified by these Conditions of Approval. Any modification to the approved plans or any deviation or change in the business activities shall require prior approval by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
3. The applicant shall continue to conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front, and rear of the building.
4. The hours of operation shall be limited to 11:00 a.m. until 11:00 p.m., seven days per week. Any changes from the hours of operation shall require prior authorization of the Community Development Director. Any change that results in a later closing time shall also require review by the Police Department.
5. The applicant or property owner will clean graffiti on the property and/or paint over it within 24 hours of its appearance. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.
6. The Community Development Director may call this use permit project back to the Planning Commission if he/she finds that the business is not complying with the required performance standards or conditions of approval.
7. The restaurant operator shall ensure that garbage and recyclables are properly stored inside the appropriate garbage enclosure.

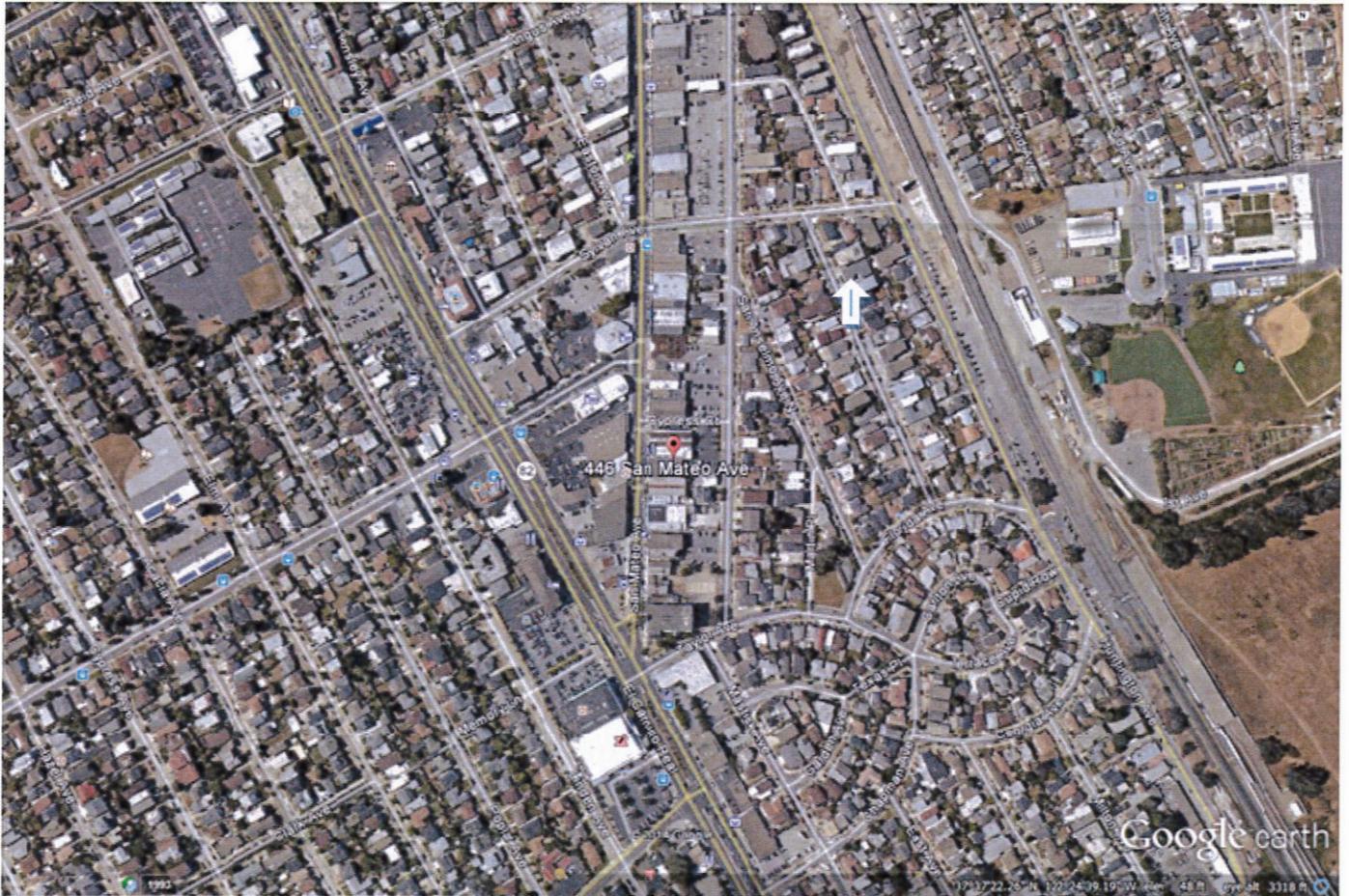
8. All signs must be approved by the Planning Division under a separate application and must comply with Fire Department Conditions of Approval. Signs shall be installed prior to any Final Inspection.
9. The applicant shall provide the signed copy of the Summary of Hearing to the Alcohol, Beverage and Control Board (ABC). The signed summary of hearing will serve as the Letter of Public Convenience of Necessity as required by ABC.
10. Ongoing Conditions of Approval (Conditions 1-24), for UP-09-022 and PE-09-004, continue to apply to this permit.

**Police Department**

11. The applicant shall comply with all State Alcohol and Beverage Control (ABC) requirements. The applicant shall provide a copy of the approved ABC license to the City prior to commencing the expanded alcohol sales operation.
12. The applicant is responsible for providing emergency contact information to the Police Department for after hour's emergencies.
13. Alcohol consumption shall be limited to the interior of the restaurant area. At no time shall alcohol be consumed outside of the restaurant.

Date of Preparation: January 12, 2015  
Prepared by: Paula Bradley, Associate Planner

### Exhibit A: Site Location



**446 San Mateo Avenue**  
020-364-270

**Exhibit B: Photographs**



**Subject Site - 446 San Mateo Avenue**



**View of rear parking lot towards Mastick Avenue**



November 17, 2014

CITY OF SAN BRUNO

567 El Camino Real

San Bruno, CA 94066

Attn: Community Development Department

Application for Planning Review

Re: CLEOS BRAZILIAN STEAKHOUSE INC.

446 San Mateo Ave.,

San Bruno, CA 94066

We have been in operation since December 2010, as a restaurant, serving Brazilian food with an On-Sale Beer and Wine license from the Department of Alcoholic Beverage Control. We will like to request an opportunity to upgrade our alcohol license to an On-Sale General Liquor license, to be able to serve Brazilian distilled spirits, and to enhance the flavors of our cuisine.

The restaurant will not go under any structural changes inside or outside the premises. The restaurant will not be remodeled. A bar counter was build originally in December 2010, and will not go under any changes as well. The sales and consumption for lunch and dinner will remain the same as the original issuance hours of operation, to open from 11:00 a.m. to 11:00 p.m.

The operation of the restaurant is mainly focus on the sale of food the alcohol beverage will serve as a complement to the meals. There will not be noise beyond our premises, or to-go sales. The outside of the premises will be free of loitering, or graffiti. All of these conditions as stated on our current alcohol license, which followed currently and in the future in our daily operation.

Sincerely,

Cleonir Carvalho Lemes

President/Owner

EXHIBIT D