



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

**STAFF**

Aaron Aknin, AICP, *Community Development Director*  
Mark Sullivan, AICP, *Housing and Redevelopment Manager*  
Lisa Costa Sanders, *Acting Planning Manager*  
Laura Russell, AICP, *Associate Planner*  
Matt Neuebaumer, *Assistant Planner*  
Pamela Thompson, *City Attorney*

**PLANNING COMMISSION**

Mary Lou Johnson, *Chair*  
Kevin Chase, *Vice-Chair*  
Rick Biasotti  
Bob Marshall Jr.  
Perry Petersen  
Joe Sammut  
Sujendra Mishra

**PLANNING COMMISSION  
STAFF REPORT  
AGENDA ITEM NO. 5.B  
December 15, 2009**

**PROJECT LOCATION**

1. Address: 2081 Whitman Way
2. Assessor's Parcel No: 019-253-160
3. Zoning District: R-4, High Density Residential
4. General Plan Classification: High Density Residential

**EXHIBITS**

- A:** Site Location
  - B:** Site, Floor, and Elevation Plans
  - C:** Photographs
  - D:** Project Support Statement and Green Building Measures
  - E:** Tenant Survey and Results
- Conditions, Covenants and Restrictions (CC&R's) available at Community Development Department  
Property Condition Report available at Community Development Department  
Tenant Demographic information available at Community Development Department  
Housing and Rental Data available at Community Development Department

**REQUEST**

Request for an Architectural Review Permit for façade improvements, a Use Permit for condominium conversion, and a Variance for a substandard side setback per Chapters 12.108.010, 12.88.020, and 12.124.010 of the San Bruno Municipal Code. Marymount Place, LLC (Applicant and Owner). **AR-09-001, UP09-006, and V09-002.**

**RECOMMENDATION**

Staff recommends that the Planning Commission approve **AR-09-001, UP09-006, and V09-002** based on Findings of Fact (1-11) and Conditions of Approval (1-36).

**REVIEWING AGENCIES**

Community Development Department  
Public Works Department  
Fire Department  
City Attorney  
Police Department

### **LEGAL NOTICE**

1. Notices of public hearing mailed to owners of property within 300 feet on December 4, 2009.
2. Notices of public hearing mailed to residents of complex on December 4, 2009.
3. Notices of public hearing posted on utility poles in the vicinity on December 4, 2009.
4. Advertisement published in the *San Mateo Daily Journal*, Saturday, December 5, 2009.

### **ENVIRONMENTAL ASSESSMENT**

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

### **SURROUNDING LAND USES**

North: Shelter Creek Lane – PD, Planned Development  
South: Courtland Drive – R-1, Single Family Residential  
East: Whitman Way – R-4 High Density Residential and Interstate 280  
West: Whitman Way - R-4 High Density Residential

### **EXISTING CONDITIONS**

The subject property is approximately 1.2 acres in size and is located at the corner of Whitman Way and Courtland Drive. The site is irregularly shaped, with a curve at the corner and triangular point to the south. The site slopes down to the street, with an elevation change of approximately 65 feet from the highest to the lowest points. The property has a number of mature trees. Located directly behind the site are single-family homes and an apartment complex is located directly next to the site.

The 48-unit apartment complex was built in 1964. There are four buildings, three of which are three stories and the remaining building is one story. The units consist of one and two bedrooms with areas ranging from 791 s.f. to 1,219 s.f. The residences on the east side of the upper floors have significant views of the airport and bay. There are 72 parking spaces located under the living units. Of the total, 52 spaces are single spaces and 20 are arranged in a tandem configuration.

Sometime in the past, the previous owner converted a storage room into a studio unit without permits. The existing condition therefore includes 48 permitted units and one unpermitted unit. The current owner will rectify this situation with the project by converting it to a small meeting room.

Over the life of the property, very few improvements have been made. The appearance of the buildings and landscaping is therefore somewhat dated. However, the current owner replaced the windows and the roof in late 2007.

### **BACKGROUND**

In 1981 an application was received to convert the apartments to condominiums. At that time, the application included a tentative tract map, variance, and use permit. On July 6, 1981, the Planning Commission approved all three aspects of the application and the City Council subsequently approved the final tract map on September 27, 1982. Due to economic conditions at the time, the applicant withdrew the application for a use permit to avoid paying the condominium tax of \$1,000 per unit. The tentative tract map and variance are still in effect.

In September 2006, a subsequent owner applied for a use permit to complete the condominium conversion process. The application was deemed incomplete and eventually withdrawn. The property

was sold to the current owner(s) in September 2007.

### **PROJECT DESCRIPTION AND ANALYSIS**

The project requires an Architectural Review Permit for changes to the exterior of the buildings, a Use Permit to complete the condominium conversion process, and a Variance for a new exterior staircase with a substandard side setback. This proposed condominium conversion is unique in that the Final Subdivision Map, which is the larger land use entitlement and comes from State law, was approved in 1982. The current request is for the local approval, which would complete the conversion process and allow the owners to sell units. The building footprints and size of units will not change with the project.

### **Exterior Improvements**

Proposed changes to the exterior of the buildings include the following:

- **New stucco** will be added to the existing exterior finish. A series of vertical stucco reveals will add depth and interest to the stucco areas.
- The **Paint** colors are proposed to be sandlewood beige and bright white. The white would be used in combination with the white frame windows to create horizontal bands across the elevations. The effect is to create a strong horizontal orientation to the building, a common feature of modern designs.
- **New stone veneer** would be installed at the entry to replace the existing stone, which is dated in appearance. This will add a more contemporary appearance to the entry.
- A **new metal canopy** would replace the existing canvas awning located at the main building entry. The color is proposed to be green to match other building trim.
- The main entry will also be made **ADA accessible** by removing the steps and reconfiguring the walkway.
- The **balconies will be re-faced** with PVC decking board that has the appearance of wood. This will add warmth to the appearance and balance against the other more modern elements. This material is designed to be durable and resistant to the local weather.
- At the corners of Building A, **small metal awnings** will be installed above the windows to provide an accent and additional visual interest.
- **Metal louvers** above the parking areas would match a new **metal flashing cap** at the top of the buildings.
- A **vertical metal trim element**, painted in the green trim color, would be installed to obscure the fire escape.
- **New light fixtures** with simple, modern lines would be installed on the building elevations.
- **New doors** to the individual units.
- **New exterior stairs** on the east side of the complex to provide access from the sidewalk to the upper buildings. (Requires a variance for a substandard side setback of 1' when the Municipal Code requirement is 3'.)

### **Landscaping Improvements**

The site has existing landscaping that is mature but significantly dated in appearance. For example, the primary groundcover is broad-leaf ivy, with no variation in color. More contemporary landscaping plans typically include a variety of colors and/or leaf patterns to add visual interest. The applicant is proposing to retain approximately half of the existing trees, including the larger trees located at the rear of the site. These trees help to stabilize the slope and provide a buffer between the site and houses behind it.

The overall landscaping plan utilizes soft curves and groupings of plants that should balance against the rectangular, modern appearance of the buildings. One of the most visible areas of the site is in front of Building A on Whitman Way. In this area, the smaller Olive and Myoporum trees and existing rocks would be removed. This area would be replanted with evergreen trees along the sidewalk, new shrubs, and groundcover. The proposed plant list includes a range of trees, shrubs, grasses, and groundcovers. The different shades of green plants and colored flowers will compliment the neutral tones of the building. The proposed landscaped areas total approximately 16,600 s.f., which is more than double the required landscaping of 8,154 s.f.

### Condominium Conversion

The Municipal Code includes very specific requirements for condominium conversion projects with the expressed intent of protecting the existing tenants, the greater community and purchasers of condominium units. Most notably, these Code requirements include (1) tenant relocation benefits; (2) a thorough assessment of the condition of the property, and what improvements will be made; and (3) an analysis of the effect of the proposed conversion on broad community planning. Each of these topics is described and analyzed below.

#### **(1) Tenant Relocation Benefits**

The Municipal Code requires that certain benefits be offered to tenants in good standing during a conversion process. The applicant has agreed to meet or exceed all Code requirements and has submitted detailed information to allow staff to verify compliance. To receive benefits, tenants must continue to live in their units and pay rent until the owner asks them to vacate for the renovations. Benefits would also be extended to residents of the small studio unit that was created without City approval. Extra benefits are required for senior citizens age 62 or older (at the time of submittal of the application) and for people who are permanently disabled. Nine units are occupied by tenants that meet these criteria.

All tenants would receive the following benefits:

- First right of refusal to purchase their unit, or another unit in the complex (if that tenant does not purchase).
- Seminars provided by the applicant with topics such as first time homebuyer programs, home mortgages, financing, and housing availability.

Tenants that choose to purchase units would receive:

- 5% discount on the purchase price.
- During renovation, relocation to another unit within the complex and payment of moving expenses.
- If a unit in the complex is not available, assistance finding housing and payment of moving expenses up to \$2,000.

Tenants that do not purchase units would receive:

- Minimum four months notice to vacate their unit.
- Cash payment of four months rent (\$5,000 to \$6,600) for moving expenses and relocation.
- Refund of security and/or cleaning deposit.
- Assistance finding a new residence.

Senior Citizens (62 years or older) or permanently disabled tenants would *also* receive:

- Five year guaranteed occupancy with limited rental increases.
- At the end of the five year rental period, they would still be entitled to the cash payment of four months rent (\$5,000 to \$6,600) for moving expenses and relocation.
- Assistance finding a new residence at the end of the five year period.
- If relocating at the initial request of the owner, additional cash payment of \$5,000 (for a total of \$10,000 to \$11,600).

## **(2) Property Condition and Improvements**

The project includes significant renovations to the complex and individual units. The exterior changes are discussed above. The interior changes would include paint, floor coverings, electrical fixtures and outlets, doors and hardware, bathroom fixtures, kitchen appliances, and countertops.

The Municipal Code requires an inspection by a licensed engineer and a detailed report with a description of the condition of the building components. This report includes a list of items that warrant immediate repairs, such as the exterior façade, drainage, balconies, and unit appliances (Property Condition Report Table 1). All of these items would be repaired or replaced with the proposed project. The report also identifies items that will need to be maintained or replaced in the next 12 years, such as the paving, paint, roof, and wall heaters (Property Condition Report Table 2). The total estimated expense of these items is \$100,235 with an adjustment for inflation and the applicant would contribute the funding to fully address them.

The Property Condition Report also considers structural elements of the complex. The Report concludes that the useful life of the site should be at least an additional 30 years, assuming the immediate repairs are made, a preventive maintenance program is implemented, and all site systems and building components are replaced as necessary.

## **(3) Effect on Community Planning**

The Municipal Code requires that the Planning Commission consider the effects of the project on a number of factors involved with long-term community planning. The topics from the Municipal Code are in italics below, followed by staff's analysis.

- *Sound community planning:*  
Staff finds that the proposed project is consistent with sound community planning. The project is consistent with the General Plan, which is the guiding document for planning in the community.
- *The economic, ecological, social, and aesthetic qualities of the community:*  
The effects of the project are expected to be positive overall. There is an anticipated economic benefit in offering homeownership opportunities at a more affordable level. The existing residents would be required to move, but the proposed relocation benefits exceed the requirements of the Municipal Code. The complex will undergo significant updates that will improve energy efficiency. The exterior and landscaping improvements would improve aesthetics.
- *The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking, housing, and other community facilities and resources.*  
The demand of community resources is not expected to increase since the number of units would stay the same.

### **ARCHITECTURAL REVIEW COMMITTEE**

The Architectural Review Committee reviewed the project at its May 14, 2009 meeting. There was some discussion about the proposed trees on Whitman Way and how they would soften the appearance of the building. The Committee forwarded the project with a favorable recommendation to the Planning Commission with the following design recommendations:

- Submit a description of green building measures for review by the Planning Commission.
- Provide a rendering of the Whitman Way elevation that incorporates the proposed landscaping. Specify the type of trees to be planted along the street.

Since the ARC meeting, the applicant has supplied the requested materials.

*Commissioners Chase and Biasotti were present for this item.*

### **PUBLIC COMMENT**

A courtesy notice was sent to adjacent neighbors on May 13, 2009. Legal notice of the public hearing was sent to property owners within 300' on Friday, December 4, 2009. In lieu of mailing notices to all owners of Shelter Creek, staff posted legal notice according to Municipal Code requirements. No comments from neighbors have been received as of the writing of this report.

The Municipal Code also requires that Park Plaza tenants receive notice. Staff sent notice of the public hearing to tenants on Friday, December 4, 2009. A copy of this staff report will also be distributed to all tenants. Comments from residents of Park Plaza Apartments are addressed separately below.

### **TENANT OUTREACH AND COMMENTS**

#### **Outreach by Applicant**

The applicant has held two meetings for tenants of the complex to discuss their benefits and the proposed project. Staff was present at both meetings. The first meeting was held on May 19, 2009 and approximately 35 residents attended. The applicant introduced the project and tenant benefits. There was discussion about the phasing of the construction, and that tenants electing to stay would have to move within the complex during construction.

The second tenant meeting was held on November 19, 2009. Staff estimates that 25-30 tenants were present. The applicant provided additional details about relocation benefits. In particular, it was made clear that tenants must remain in their units and pay their rent until the owners ask them to vacate in order to receive their benefits. When tenants asked about the timing of the project, the applicant replied that they intend to start the exterior construction in early to mid 2010. The interior remodel and sales of units would depend on the economic conditions, but is estimated to occur in 12-18 months. The applicant assured the tenants that they would receive at least four months notice before they have to move.

#### **Outreach by Staff**

On May 8, 2009, staff mailed a notice to tenants to inform them that an application had been received, provide a summary of their benefits, and describe the application process. Staff received a phone call from Kenneth Ray, a long-term tenant and senior citizen. His primary concerns were about the physical constraints of the site and that it is not friendly for people with limited mobility. At his request, staff sent him a copy of the Architectural Review Committee staff report.

For condominium conversions, the Municipal Code includes the unique requirement of surveying the tenants to see if they support or oppose the project. Staff also asked why they support or oppose the proposal, and whether they understand their benefits. Staff mailed this survey with a cover letter on October 16, 2009 and received 13 surveys, two phone calls, and one email. A summary of the results is included below and more detailed results are included as Exhibit E.

Support the Conversion	4 Tenants
No Opinion	4 Tenants
Oppose the Conversion	8 Tenants

Tenants that **support** the project reported the following reasons why:

- Anything is better than what is existing. This is not a senior citizen friendly apartment building, nor is it a Fire Department friendly building. It has many problems.
- We support [the project] as we might consider staying in the unit after purchasing it.
- No comment. No objection.

One tenant that stated **no opinion** also reported that his opinion depends on whether he will be able to afford to purchase a unit.

Tenants that **oppose** the project reported the following reasons why:

- People will lose a place to live. Too many condos will ruin the hometown feel of San Bruno.
- I love living here. We could not afford to purchase a unit. There are no rentals like this in San Bruno that are affordable and in a good/safe area.
- There are so few affordable apartments in town with beautiful, convenient locations such as Park Plaza. I would prefer to stay in San Bruno.
- I would like to stay for a while.
- Cannot afford to buy and causing us grief because we have to move.
- Bad idea all together.
- I am concerned about the availability of decent apartments for rent in the San Bruno area. As someone approaching senior years, I am definitely worried about being able to find affordable and safe living without having to rent in an undesirable area. For those of us not in the position to purchase a condo we are left with few options.
- Cannot afford to buy and do not want to move as I really like the complex and its proximity to my work location. The lack of affordable rental properties in this area concerns me as I wish to remain close to my work.

In response to these concerns, staff has included Conditions of Approval to assist with the transition for tenants. Staff has included Condition 20 that requires the applicant to submit a phasing schedule to the Community Development Director when they go forward with the renovations and sale of the units. The applicant would be required to hold a tenant meeting to review the construction and sales schedule. Additionally, a pre-construction meeting would be required that the tenants would be invited to so that they will have a contact person during construction (Condition 17). Staff has also added Condition 21, which requires the applicant to include a seminar speaker on affordable housing programs in the area.

## **FINDINGS FOR APPROVAL**

*Pursuant to the City's Municipal Code, the Commission shall grant the Architectural Review Permit, Use Permit, and Variance 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 required findings can be made):*

### **Architectural Review Permit 09-001**

- 1. That the location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.**

The vehicular and pedestrian traffic patterns are not expected to change with the project. The number of residential units, parking spaces, and driveways will remain unchanged. The site is similar in intensity to the surrounding apartment buildings and condominium complex.

- 2. That the accessibility of the off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.**

The applicant is not proposing any changes to the parking areas or their relationship to adjacent streets. There should not be any new impacts on traffic. The development was originally built in 1964 and no hazardous vehicular conditions are associated with the site.

- 3. That sufficient landscape areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking areas from the street and adjoining building areas from paved areas to provide access from buildings to open areas. In addition, that adequate guarantees are made, such as the filing of a performance bond, to insure maintenance of landscaped areas.**

There are significant landscaped areas located throughout the site. The proposed landscaping totals approximately 16,600 s.f, which far exceeds the Municipal Code requirement of 8,154 s.f. The proposed project includes re-planting most of the landscaped areas with a variety of trees, shrubs, grasses, and groundcovers. A condition of approval is included to require maintenance of the landscaping.

- 4. 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.**

The proposed project would not include any change to the building dimensions; therefore, there will not be any change to the light and air on adjacent properties. The surrounding neighborhood includes apartments, condominiums, and single family homes. The exterior and landscaping improvements should have a positive impact on the values of these surrounding properties through an overall improvement in the site.

- 5. That the proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks and rocks, scenic corridors, and the natural grade of the site.**

The applicant has taken the natural features of the site into consideration in development of the project. The site is sloped down towards the street with the highest point being approximately 65 feet above the sidewalk. The project would preserve many mature trees that reduce erosion and add aesthetic value.

- 6. 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.**

The proposed improvements will add architectural interest to the building and improve the overall appearance. Specifically, the new stucco finish, color banding, balcony material, and metal trim will enhance the positive aspects of the buildings. The landscaping improvements will soften the appearance of the site through the use of groupings of plantings and new trees. Staff finds that the project should be an overall improvement and would encourage investment in the neighborhood.

#### **Use Permit 09-006 for Condominium Conversion**

- 7. The project 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;**

The project includes a change in the ownership structure of the subject site and improvements to the existing buildings. The construction would require a building permit and is subject to the California Building Code. The project includes a significant upgrade to the appearance and improvements to drainage and fire suppression systems. Therefore, staff finds that the project will not be detrimental to the neighborhood.

- 8. The project will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city; and**

This project would be the first major improvement to the site since its construction in 1964. As identified in the application materials, there are a number of maintenance and repair items that would be addressed with this project. The proposal includes significant investment in the property but would not increase the number of units or intensity of the site. Additionally, the Conditions of Approval require upgrades to the site drainage and fire suppression systems. Both of these items would benefit the neighborhood and City as a whole.

According to Census 2000 data, there are 3,373 units in San Bruno that are in multi-family structures and are renter-occupied. The conversion of 48 units at Park Plaza would result in a 1.4% reduction in multi-family rental units. From a Citywide perspective, staff finds that this small reduction would not be detrimental to the general welfare. Furthermore, the majority of housing provided in San Bruno since 2000 has been rental housing.

The CC&R's and Conditions of Approval address long term issues such as future additions and landscape maintenance. Given these requirements, the approval of the use permit should not have

any detrimental impacts on the neighborhood or city.

**9. The project is consistent with the general plan.**

The complex is consistent with the General Plan designation of high density residential. Housing Element Goal 4 encourages a community-wide balance of various residential uses by type, tenure, value and location. Program 4-B requires that each condominium project be evaluated on its own merits. There is no specific number or proportion of rental units that must be provided or maintained in the City.

The project is consistent with LUD-E, which calls for high quality design; LUD-7, which requires pedestrian connections within multi-family developments; and LUD-9, which calls for comfortable pedestrian routes with street trees and on-street parking.

**Variance 09-002**

**10. That because of special circumstance applicable to the subject property, including size, shape, topography, location, or surrounding, the strict application of this article will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.**

The applicant has applied for a variance to construct a new staircase that would be located 1' from the side property line when the requirement is 3'. The exterior staircase would go from the sidewalk along the east side of the complex to the upper buildings. The proposed staircase would provide a direct route to the buildings that are located up the hill in the interior of the complex. Currently, residents and visitors have to take an indirect route through the complex to reach Buildings C and D. Due to the slope, building locations, and unusual parcel shape, there is no other location for an additional staircase.

It is common for multi-family housing buildings to have multiple points of access for the residents. Therefore, the strict application of this article would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

**11. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.**

Staff finds that in this particular case, the variance would not grant a special privilege. The other multi-family developments in the area benefit from multiple points of access for the residents. If the Municipal Code were strictly applied, the property owner would not be able to provide additional access without rebuilding the complex. The variance for the substandard side setback would allow an additional exterior staircase and easier access for residents, similar to other complexes in the neighborhood.

**RECOMMENDATION**

Based on the above analysis and Findings of Fact 1-11, staff recommends approval of AR09-003, UP09-006 and V09-002 subject to Conditions of Approval 1-36 below.

## **FINDINGS OF FACT**

1. That the location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.
2. That the accessibility of the off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.
3. That sufficient landscape areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking areas from the street and adjoining building areas from paved areas to provide access from buildings to open areas. In addition, that adequate guarantees are made, such as the filing of a performance bond, to insure maintenance of landscaped areas.
4. 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.
5. That the proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks and rocks, scenic corridors, and the natural grade of the site.
6. 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.
7. The project 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;
8. The project will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city.
9. The project is consistent with the general plan.
10. That because of special circumstance applicable to the subject property, including size, shape, topography, location, or surrounding, the strict application of this article will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
11. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.

## **CONDITIONS OF APPROVAL**

### **Community Development Department – (650) 616-7074**

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, UP09-006, AR09-003, and V09-002 shall not be valid for any purpose. UP09-006, AR09-003, and V09-002 shall expire two (2) years from the date of Planning Commission approval unless a building permit has been secured prior to the two (2) year date.
2. The request for a condominium conversion shall be carried out according to plans and Conditions, Covenants and Restrictions (CC&R's) approved by the Planning Commission on December 15, 2009, 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.
3. A Home Owner's Association (HOA) shall be formed and a set of Conditions, Covenants and Restrictions (CC&R's) shall be recorded. The final CC&R's shall be consistent with the draft approved by the Planning Commission on December 15, 2009 and shall be approved by the Community Development Director prior to recordation. The final CC&R's shall supersede any previously recorded CC&R's. The CC&Rs shall clearly address, amongst other things, the parking rules within the development, landscaping maintenance, and contact information for the HOA for any correspondence from the Community Development Department regarding code enforcement violations for any common areas of the parcel.
4. Any demolition or addition to the floor area shall require an amendment to the Condominium Plan. Any such amendment application will be processed and reviewed in the same manner as a Residential Use Permit, as outlined in Chapter 12.112 of the San Bruno Municipal Code. At the discretion of the Community Development Director, renovation or change in floor plan will also require review.
5. Any change to the exterior of the buildings shall require an Architectural Review Permit, as outlined in Chapter 12.108 of the San Bruno Municipal Code.
6. The HOA shall be responsible for maintenance of the landscaping for the life of the project, including the planting areas located in the public right of way between the sidewalk and property line. Professional level landscape maintenance shall be required, including trimming, weeding, and plant replacement. Failure to maintain landscaping will result in Code Enforcement action by the City.
7. The HOA or residents shall not be permitted to reduce the amount of landscaping on site or create any additional impervious surfaces without the approval of the Community Development Director. Any reduction in landscaped area will result in Code Enforcement action by the City.
8. The development shall comply with Section 1207 of the 2007 California Building Code related to sound transmission.

9. The applicant shall obtain a condominium license and pay the required license tax as described in Municipal Code section 3.16.160 prior to the issuance of a building permit.
10. The applicant shall implement tenant relocation assistance and benefits as described in the staff report and as required by Municipal Code chapter 12.88.
11. The applicant shall make the repairs identified in Table 1 of the Property Conditions Report.
12. The applicant shall make the necessary financial contribution to the HOA reserves to fully address the items identified in Table 2 of the Property Conditions Report.
13. The applicant shall repair all deficiencies listed in the pest control report.
14. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
15. The signed copy of the Summary of Hearing shall be photocopied and included as a full size page in the Building Division set of drawings.
16. Prior to issuance of a building permit, the applicant shall hold a pre-construction meeting with the contractor and City staff.
17. Prior to issuance of a building permit, the applicant shall hold a pre-construction meeting with the contractor, Community Development staff, and residents of Park Plaza to review the final construction schedule and to provide the residents with the contact information for a responsible person during construction.
18. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any construction related to this project shall be limited to 7:30 a.m. to 6:00 p.m. Monday through Saturday.
19. The carports and surface parking areas shall be used for parking of motor vehicles and shall not be enclosed or used as general storage.
20. Before a building permit can be issued for any interior remodel of housing units, the applicant shall submit a construction, seminar, and sales schedule to the Community Development Director for review. This schedule shall be in sufficient detail that staff can verify when tenants will be required to move, what seminars will be available to them, and when relocation benefits will be available to them. Upon Community Development Director approval of the schedule, the applicant shall hold a tenant meeting to review the schedule.
21. At a tenant seminar, the applicant shall provide an expert to speak on the Affordable Housing programs available in the area and how to qualify for those programs. (This shall be in addition to information provided on market rate housing.)
22. The applicant shall include a bicycle rack on the Building Division plan submittal.

23. Prior to any rental increase, the applicant shall submit a statement to the Community Development Director to ensure consistency with Municipal Code 12.88.120.
24. Prior to the sale of any units, the exterior improvements and landscaping shall be completed and the units shall be remodeled as described in the staff report.

**Public Services Department (650) 616-7065**

25. Storm water shall be contained onsite and directed into a closed system then into the City stormdrain system to the satisfaction of the City Engineer. Storm water shall not drain onto adjacent properties or the City sidewalk.
26. Encroachment Permit from Public Works Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010.
27. 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.
28. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.

**San Bruno Cable (650) 616-3100**

29. The applicant shall provide wiring within the residences that will consist of RG6 (77% braid) cable and routed in homerun design for each outlet. Additional outlets shall be wired homerun to the main gang box. Outlets are usually in each bedroom and the living room. All cables shall conform to San Bruno Cable department's requirements.

**Fire Department (650) 616-7096**

30. Due to the limited access for fire apparatus, in accordance with Section 901.4.3 of the 2007 California Fire Code, additional safeguards shall be required such as fire sprinklers coverage throughout, a fire alarm system to evacuate residents and 2 1/2" standpipes shall be located throughout so that a 150' length of fire hose shall access all parts of the complex.
31. The unit numbering system will be a 3-digit numbering system using the first digit to identify the building, the second digit to identify the floor and the last digit to identify the unit number.

**Police Department (650) 616-7100**

32. Adequate lighting of driveways, circulation areas, and grounds contiguous to buildings shall be provided with enough lighting of sufficient wattage to provide adequate illumination to make

clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons, property, and vehicles on site.

33. Landscaping shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics.
34. New exterior lighting shall be installed in the area between Building B and Whitman Way. Lighting shall be included on the Building Division plan submittal and approved by Planning staff.
35. New exterior lighting shall be installed on the east side of the complex to illuminate the new staircase and a portion of the open next to the site.

**Parks Division (650) 616-7195**

36. Permit from Parks required for all tree removal, pruning, or planting. S.B.M.C. 8.24.050/070/110

Prepared by:

Laura Russell, Associate Planner  
Dated: December 7, 2009



**2081 Whitman Way**  
**019-253-160**  
**AR 09-003, UP 09-006, & V 09-002**

**Exhibit A – Site Location**























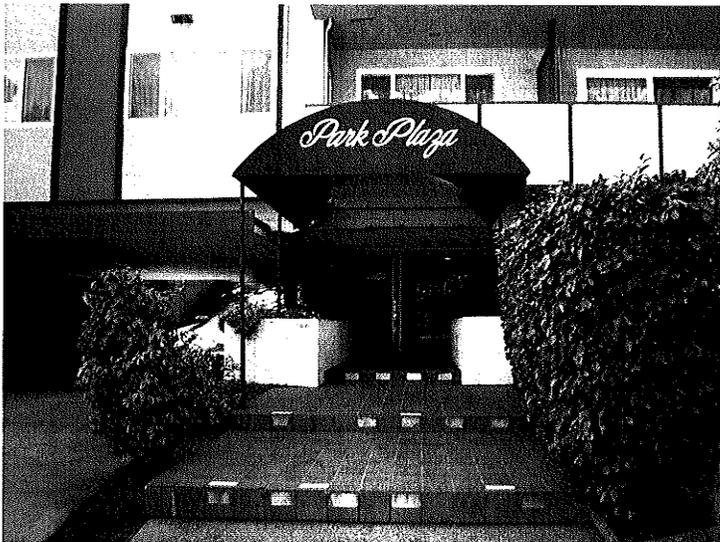








Whitman Way Elevation- Building A



Building A- Main Entry

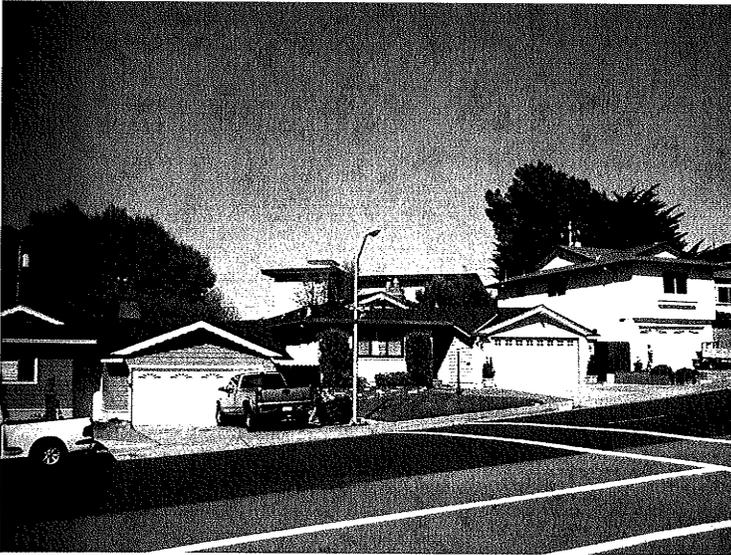


View of Building B from Whitman Way.  
Landscaping reflects the time period of  
original construction.

**Exhibit C: Photographs**



East Elevation- Visible from Interstate 280



Single Family homes on Courtland Drive-  
subject site visible behind the residences.



Apartment complex at corner of Whitman  
Way and Courtland Drive.

## EXHIBIT 1

### SUPPORT STATEMENT

**1. Project Description:** The applicants/owners propose to convert an existing 48 unit rental apartment complex (Park Plaza Apartments, located at 2081 Whitman Way, San Bruno – the “Property”), into 48 for-sale condominium units. The Property consists of 1.28 acres. The complex itself consists of four one and three story multi-family residential buildings (A, B, C, D), constructed circa 1964, with a total of 48 rental units. There are currently 72 parking stalls (52 single, 10 tandem) tucked under the four buildings. Buildings A, C, and D are three stories each with tuck-under spaces; Building B is one story with tuck-under spaces. One additional parking stall will be constructed for access to the front entrance, bringing the total parking space count to 73.

The Property is zoned R-4 (high density residential).

There will be no change in zoning or use or intensity of use, no additional buildings, no additional square footage, no change in size or dimensions of floor plans, and no change in building footprints.

**2. Description of Improvements:** New construction will consist of (1) interior renovation (e.g., new appliances, new fixtures, new doors, and new carpets); (2) exterior renovation (siding, balconies, main building entrance, railings, and light fixtures); (3) storm drainage improvements; (4) accessible (ADA) parking and pedestrian improvements, and (5) landscaping improvements. (For details, see Exhibits 2, 3, 4, 5, 6, 8, and 10 hereto).

**3. Purpose and Public Benefits of Conversion:** The owner’s purpose in seeking City approval for the proposed conversion and construction of the above-described improvements is to provide quality, affordable ownership housing in an area (i.e. City of San Bruno, Peninsula, and the San Francisco Bay Area) sorely lacking in this particular housing category. All of the recognized benefits of ownership housing – e.g. pride of ownership, neighborhood enhancement and increased public safety, higher tax base, increased community involvement – will accrue here. Exterior improvements (building maintenance, architectural updates and landscaping improvements) will enhance adjacent neighborhood aesthetics and values. The owners shall provide purchase preferences and incentives to existing tenants (with special preference for seniors and the disabled) and local public employees (e.g. teachers, police, fire).

**4. Current Ownership:** The owner of the Park Plaza Apartments, and the applicant for this conversion, is Marymount Place, LLC, a California limited liability company. .

**PARK PLAZA APARTMENTS IMPROVEMENTS  
AND CONVERSION TO CONDOMINIUMS**

**SUSTAINABLE MEASURES**

**Exterior:**

- Very little demolition – so very little waste generated (most enhancements are added onto what is already there.)
- Drought resistant planting
- Use of recycled material for deck railings
- Increased area for recycling
- Low energy compact fluorescent lighting on exterior

**Interior:**

- New Energy Star appliances
- Old functional appliances will be provided to low income families in need, not placed in landfill
- New energy efficient windows (already completed.)
- Energy efficient fiberglass entry doors
- Replace toilets with low flow toilets
- Low flow showerheads
- New carpeting will be more sustainable

## Survey of Park Plaza Residents

Please complete the following survey and return it in the enclosed stamped envelope by Wednesday, October 28, 2009. If you would prefer, you can contact the project planner, Laura Russell, directly at (650) 616-7038 or [lrussell@sanbruno.ca.gov](mailto:lrussell@sanbruno.ca.gov).

---

Name \_\_\_\_\_ Phone Number \_\_\_\_\_  
Email \_\_\_\_\_ Unit Number \_\_\_\_\_  
Date \_\_\_\_\_

The property owners are proposing to change from apartments to for-sale condominiums.

1. Do you support or oppose this proposal? (Please circle) Support No Opinion Oppose

2. Why do you support or oppose this proposal?

---

---

---

---

---

3. Do you have any questions about the proposal?

---

---

---

---

4. Do you understand the benefits you will receive, or would you like additional information?

---

Thank you for completing this survey

## Results of Survey of Park Plaza Residents

Support the Conversion	4 Tenants
No Opinion	4 Tenants
Oppose the Conversion	8 Tenants

Tenants that **support** the project reported the following reasons why:

- Anything is better than what is existing. This is not a senior citizen friendly apartment building, nor is it a Fire Department friendly building. It is almost as old as I am and has many problems.
- I see no problem.
- We support [the project] as we might consider staying in the unit after purchasing it.
- No comment. No objection.

One tenant that stated **no opinion** also reported that his opinion depends on whether he will be able to afford to purchase a unit.

Tenants that **oppose** the project reported the following reasons why:

- People will lose a place to live. Too many condos will ruin the hometown feel of San Bruno. Why throw people out for condos that won't sell easily. I have a nice, large apartment now with a nice view. I don't want to leave. There are not other nice apartments in San Bruno. This feels like a home.
- I love living here. We could not afford to purchase a unit. The economy is a big part, plus the building is too old and would need way more done than proposed. There are no rentals like this in San Bruno that are affordable and in a good/safe area. Will not move to east San Bruno. Other places are too big and parking is far away. Also very expensive for a family. I have lived in San Bruno my whole life and might be forced to leave if units turn into condos. Very upset about it.
- There are so few affordable apartments in town with beautiful, convenient locations such as Park Plaza. Why take that away for condos tenants such as us most likely can't afford? As a single mom raising two kids, I can't afford to purchase a home or condo unless I move north and I would prefer to stay in San Bruno. I've been in my apartment for over 11 years and the neighborhood was the perfect location to raise my kids. In today's economy, people are struggling to make ends meet and are having a hard enough time paying affordable rent. When is someone (owners) going to think of the people vs. making the money? Make the necessary improvements to the apartments and appreciate good tenants. Don't turn the apartments into condos that will sit vacant due to the way the housing market is and no one can afford them. Not to mention, I certainly would not purchase a condo when I could purchase a house instead. I'm sure the price of these condos – luxury condos- will be very high. It's very sad.
- I just moved in here and I don't like it, I love it! I would like to stay for a while.
- Cannot afford to buy and causing us grief because we have to move.
- Bad idea all together. No way in hell I would buy anything with the times. Poor judgment on your part.
- 1) I am concerned about the availability of decent apartments for rent in the San Bruno area in the future as there are very few acceptable units at this time. You read in the local paper of all the condos being constructed in S.B. and I can only think we

are becoming another South San Francisco with homes literally climbing up San Bruno Mountain.

2) Apartments in the S.B. area provide for those individuals not wanting to live in the City, yet can have access to public transportation, stores, etc.

3) As someone approaching senior years, I am definitely worried about being able to find **affordable** and **safe** living without having to rent in an undesirable area. For those of us not in the position to purchase a condo we are left with few options.

4) A minor point for the developers I am certain; however, very important to us who live in the back at Park Plaza...the peacefulness and the trees. I can only imagine the trees in the back will be gone with this conversion and that is a shame.

For those of us who have lived there for some time, it is distressing and sad to think our homes might be gone. It is not the most beautiful of apartment units; however, it has provided an affordable and safe place to call "home".

- Cannot afford to buy and do not want to move as I really like the complex and its proximity to my work location in SSF. The lack of affordable rental properties in this area concerns me as I wish to remain close to my work.

When asked if they had any questions about the proposal, the tenants reported the following:

- No. If the City of San Bruno is going to allow this conversion, I would like to see if started right away.
- At conversion, will the units' 40 year old furnace be replaced with a new high efficiency furnace and a programmable thermostat? Will the heating ducts be moved to floor level to heat the floor and not the ceiling? Will the 40-year-old water pipes be re-soldered to prevent leaks? Will high R-Value insulation be installed to keep heating/cooling costs low? Will individual garages be created? If so, will they have electrical outlets for plug in hybrid vehicles? Will fire suppression features be installed at conversion?
- No questions really. If enough tenants don't want to change units to condos will city stop permit?
- Would like updated schedule as to when conversion will commence and what phases are being considered/proposed.

When asked if they understood their benefits, ten people reported that they did, and three people reported that they did not understand them. They also had the following comments:

- No, I do not understand fully the benefits I am entitled to. When can I move from here and receive benefits?
- Yes, I have all details about the proposal.
- I think more information will be appreciated.
- I just moved into the unit at the beginning of Oct. 09 and don't fully know all the pluses and minuses of the proposed plan.