

**2081 Whitman Way**

**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.**

*Associate Planner Russell:* Entered staff report.

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).

*Chair Johnson* asked Commission if there were any questions for staff.

*Commissioner Mishra:* I am concerned about the requirement for Condition #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. I feel it would be in the City's best interest to provide the details they are looking for.

*CD Director Aknin:* We can provide a list of what we are looking for as well as a template they can follow.

Public Comment opened.

*Mike McCracken; Applicant:* The staff report was perfect and we are in agreement with everything. I am concerned with the cost effectiveness with Condition #8. I see some flexibility within the Ordinance, and I will like to work with staff on finding an appropriate solutions.

*Steve Mincey; DES Architects & Engineers:* The building is currently in need of some repairs. We are upgrading the exterior of the building with matching colors and materials to lighten it up. The fire escape, entryway, and landscaping will all be new. We have also added one handicap parking space. Some green upgrades to the units will include; low flow toilets, new windows, energy efficient appliances, and new lighting.

*Steve Mincey gave presentation on exterior changes.*

*Commissioner Marshall:* Do you have any pictures of the east side rear elevation? Are you going to build one building at a time? Will there be any exterior lighting?

*Steve Mincey:* Yes, there will be exterior lighting. In your packet I believe there is an image of the rear elevation, it shows the replacement of the railings to match the pattern material of the decks and entry-way. We will be phasing in one building at a time.

*Commissioner Marshall:* On the corner of Whitman and Courtland, there is currently a bus stop. Would you consider putting up a bench in front of the grass area?

*Steve Mincey:* I believe we can incorporate a bench there.

*Commissioner Mishra:* I am concerned with the sound insulation you have proposed. How do you plan to transfer that information to the new owners [when the units are sold]?

*Mike McCracken:* We have to comply with all the building code requirements, so I would like to defer that question to your staff. I will be researching what the requirements are for the 2007 Building Code. Of course we will disclose this information to all perspective buyers.

*Commissioner Mishra:* Once you open up the wall, hopefully you will have a better determination of what is needed. It seems like a lot of the upgrades you are doing on this property are part of the LEED requirements, have you considered going for the minimum LEED requirements?

*Steve Mincey:* I don't feel we are proposing enough to meet LEED requirements.

*Commissioner Mishra:* I feel that you would meet the minimum, and I encourage you to apply.

*Steve Mincey:* The LEED process entails a lot of paperwork and certifications.

*Commissioner Mishra:* I am LEED certified, and I am suggesting that you met the LEED benchmark even if you are not certified.

*Mike McCracken:* We are doing our best with sustainability, but we cannot commit to applying for LEED.

*Commissioner Mishra:* How many units are ADA or is it just a stall?

*Steve Mincey:* It is just the handicap stall, none of the units are set up for ADA.

*Commissioner Biasotti:* Aaron, how much latitude do you see as far as the sound insulation?

*CD Director Akin:* I would recommend adding to condition #8: "to the satisfaction of the building official." This will give the building official opportunity to use alternative means to meet the code requirements, which we often do for existing buildings attempting to meet the current code. I would recommend that we add that line. I would also recommend that whatever means we choose, it should be disclosed to the potential home buyers within the CCR's

*Joe Klarich; On-site Manager:* I feel this condo conversion is a great opportunity for people looking for affordable housing.

*Nick Dimario; Neighbor:* I am concerned with the privacy issue on the units facing the rear of my property on Courtland. I would like to know if the developer will provide any privacy screening on the upper floor units? Will there be any additional parking provided for the new tenants and more units?

*CD Director Akin:* They are adding a lot of new landscaping, however, I do not believe the landscaping will help with privacy screening. There are a number of trees existing and new trees will be added as well. There will be the same number of parking spaces and one less unit. There is an unpermitted unit there now that will be removed.

*Nick Dimario; Neighbor:* What is the occupancy number per unit?

*CD Director Akin:* The number of bedrooms in each unit will remain the same, therefore, the occupancy level should remain the same.

*Nick Dimario; Neighbor:* I would like to request a good neighbor policy that the closest neighbors be involved in the pre-construction meeting.

*Chair Johnson:* It is common that the neighbors are involved in the process of large projects. We will note your address for reference.

*Matt Tucker; Current Tenant:* I agree with Joe that this is a great opportunity for people looking for affordable housing.

Public Comment closed.

*Chair Johnson:* I would like the applicant to answer the question regarding privacy.

*Gary Meyer; Applicant:* There are some trees on the Courtland side of this property. We will be planting more trees, hopefully, they will be as mature as possible to assist with this concern.

*Commissioner Marshall:* Can we add a condition that the developers set up a neighborhood meeting, prior to construction? Will there be a hotline number provided to the residents and neighbors during the construction phase?

*CD Director Aknin:* The condition is currently worded that they have a pre-construction meeting on site and the residents are able to meet the contractor and get a contact phone number.

*Commissioner Marshall:* That invitation will go out to the tenants and neighbors?

*CD Director Aknin:* It is originally for the tenants, however, we can add the neighbors upon request and address provided.

*Commissioner Mishra:* I would like to suggest that a sign with the contact number be posted on the property.

*Commissioner Biasotti:* What are the ADA requirements for the development on this site? How about affordable housing?

*Associate Planner Russell:* I did speak with the Building Official about ADA requirements for the units and parking spaces. The ADA parking space being added is not required, the developer is adding this space as a courtesy. In regards to affordable housing, I feel they way most people have been referring to it here tonight is with a lower case "a." It does not meet the local government standards of affordable housing, just affordable compared to the market at large. The condition of approval that staff has included about having a seminar about Affordable Housing, is Affordable Housing in a formal sense of income restricted housing that is available through government and non-profit agencies. There is not a technical Affordable Housing requirement on this project.

*Vice Chair Chase:* None of the proposed units are going to be ADA accessible?

*Mike McCracken:* No, it is not required and it also does not work into the cost effectiveness of the project.

*Commissioner Mishra:* Is it a possibility to install vacuum plates in the shower to make the unit ADA ready for the new homeowner to easily convert?

*Rose Urbach; Resident:* What is affordable housing? Is it affordable housing for the rich or for the poor? If someone buys an affordable house can they turn around and sell it for full value or are you going to put a condition on it?

*Mike McCracken:* The units are not going to be affordable in the sense that they are price restricted. The units will be affordable how Laura explained and they will be ownership housing. It is not price restricted.

*Steve Mincey:* As far as making the unit ADA ready, that was not our intention. Are asking for all of the units to be ADA ready?

*Commissioner Mishra:* Since you have an ADA parking space, I feel that you should have a unit that should be ADA ready as well. It should be convenient for someone who is physically challenged to convert the unit to meet ADA.

*Steve Mincey:* Ok, I believe we can make one or two units retrofit-able. The purpose of the ADA parking space is so that you can get in to the lobby and the elevators, however, once you enter the units the hallways will not be ADA compliant. That would require moving walls and altering the structure, which is also not cost effective.

*Commissioner Mishra:* I am more concerned with the bathroom being ADA ready.

*Jasbier Walia; Applicant:* I am willing to have 1-2 units ADA ready upon request of the buyer.

*Commissioner Mishra:* Is there a way we are going to memorialize the sustainability measures?

*CD Director Aknin:* Not at this time, however, we do have a condition of approval that states they must follow the plan as submitted and approved by the Planning Commission. We do have on record that they will move ahead with some sustainable measures.

*Commissioner Biasotti:* In regards to the sustainability measures, can we come up with some sort of checklist that the inspectors can follow on their inspections for this project?

*CD Director Aknin:* Yes, and one of our inspectors, John Murphy, is now Green Certified so he will know what to look for.

*Commissioner Biasotti:* I think we should provide the inspectors a checklist on the specifics of what was discussed here tonight.

*Commissioner Mishra:* To add to that requirement, I feel that checklist should be made before construction starts.

*CD Director Aknin:* Ok, we will also review the requirements with the owner/applicant during the pre-construction meeting.

CD Director Aknin reviewed the amended and additional conditions;

- Condition #8 shall say that the condition shall be to the satisfaction of the Building Official and that the sound requirements shall be noted with in the CC&R's.
- Added condition that the contractor's phone number be posted and available to the public.
- Added condition that a checklist be provided to the applicant prior to construction so that all green requirements can be met.
- Condition #20 shall include that staff shall invite all interested neighbors to the pre-construction meeting held at the subject site.

**Motion to approve Architectural Review Permit 09-001, Use Permit 09-006, and Variance 09-002 based on Findings of Fact (1-11) and Conditions of Approval (1-36) with the changes and two new conditions summarized by the Community Development Director.**

**Commissioner Chase/ Petersen**

VOTE: 6-0  
AYES: All Commissioners Present  
NOES: None  
ABSTAIN: None

**Chair Johnson advised of a 10-day appeal period.**

**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 to the satisfaction of the Building Official. The sound transmission and sound insulation improvements shall be disclosed to future buyers and noted within the CC&Rs.

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. Interested neighbors shall also be invited to the pre-construction meeting.
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

**Additional Conditions**

37. The contractor's phone number shall be posted at the site and available to the public.
38. The applicant shall implement the green building measures as included in the staff report and as presented to the Planning Commission. Planning staff will provide a checklist to the applicant that will be required to be completed prior to building permit final.

  
Owner Signature \_\_\_\_\_ Date 5/24/10