"The City With a Heart"

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

MINUTES
PLANNING COMMISSION MEETING

February 17, 2015

7:00 p.m.

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

CALL TO ORDER at 7:00 pm.

ROLL CALL

	Present	Absent
Chair Johnson	X	
Vice Chair Chase	X	
Commissioner Biasotti	X	
Commissioner Mishra	X	
Commissioner Sammut	X	
Commissioner Petersen	X	

STAFF PRESENT:

Planning Division:

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

Pledge of Allegiance: Director Woltering

1. **Approval of Minutes (January 6, 2015) –** Sammut/Chase
   VOTE: 6-0
   AYES: Commissioners Chase, Sammut, Biasotti, Mishra, Johnson, Petersen
   NOES: None
   ABSTAIN:

   Approval of Minutes (January 20, 2015) – Biasotti/Mishra
   VOTE: 5-0
   AYES: Commissioners Chase, Petersen, Johnson, Biasotti, Mishra
   NOES: None
   ABSTAIN: Commissioner Sammut, absent January 20

2. **Communication –** None

3. **Public Comment –** None

4. **Announcement of Conflict of Interest –** None.

5. **Public Hearings**

A. **749 Magnolia Ave (020-062-060)**

Request for a Use Permit to exceed the 44% lot coverage requirement (46%) and to exceed 1,825 square feet of living area with a one car garage per Sections 12.200.030.B.3 and 12.200.080.A.2 of the San Bruno Municipal Code. Kunal Patel (Applicant & Owner) UP-14-020.

Associate Planner Neuebaumer: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 14-020, based on Findings of Fact 1-6 and Conditions of Approval 1-26.

Questions for Staff

Commissioner Petersen: Asked for clarification that the expansion is 1,935 square feet.

Associate Planner Neuebaumer: Clarified the net added square footage is 407.

Commissioner Petersen: Noted that the additional square footage is modest.

Associate Planner Neuebaumer: Staff notes that the threshold for keeping a single car garage is being exceeded by 110 square feet.

Public Comment Opened

Kunal Patel (owner/applicant): The addition is proposed to meet the needs of their growing family.

Closed Public Hearing

Commission Discussion

Commission Petersen: Asked if staff could include in the staff report language about the small size of the addition.

Director Woltering: The findings on page 5, item 2, discuss the small size of the addition.

Commissioner Mishra: Noted the long driveway which has the ability to accommodate additional vehicles.

Motion to approve Use Permit 14-020 based on Findings of Fact 1-6 and Conditions of approval 1-26, with modifications to Finding #2:

Commissioner Petersen/Biasotti

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

Chair Johnson advised of a 10-day appeal period.

Modified Finding #2 Language to read as follows:

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'-3", 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 has applied for a Use Permit to exceed 1,825 square feet of living area while only providing a one-car garage. The proposed *407* expansion would amount to a total of 1,935 square feet of living area*, which is 110 square feet over the 1,825 square foot threshold.* The current one-car garage is set back from the front portion of the existing home. As a result, the site contains a long driveway located adjacent to the northern side property line, which allows the applicant to park additional vehicles within the driveway space.

<u>Findings of Fact</u>

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 14-020 shall not be valid for any purpose. Use Permit 14-020 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 February 17, 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 February 17, 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 5.5 feet behind the sidewalk along Elm Avenue. No fences, retaining walls, or other permanent structure shall be placed or constructed within 5.5 feet from back of sidewalk along Magnolia 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 Magnolia 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.

B. **448 San Mateo Avenue (020-364-270)**

Request for an Architectural Review Permit to allow architectural changes to the façade of an existing storefront, and a Use Permit to allow alcohol beverage sales within a restaurant, per Sections 12.84.210, 12.96.120.c.12, and12.108.010 of the San Bruno Municipal Code. Jin Yoon (Owner), Melvin Pare – Isla Restaurant (Applicant) AR-14-003/UP14-015.

Director Woltering: Entered staff report.

Staff recommends that the Planning Commission approve Architectural Review Permit AR14-003 and Use Permit 14-015 with staff recommendations, based on Findings of Fact 1-13 and conditions of approval 1-24.

Questions for Staff

Commissioner Chase: Asked what staff was looking for in regards to parking area improvements.

Director Woltering: It is a private lot. Staff would be looking for repairs to damaged curbs and landscaping and to replace missing or distressed plant material and provide proper irrigation.

Commissioner Mishra: Asked for clarification on City requirements on trash removal.

Director Woltering: Condition of Approval number 3 in the Architectural Review Staff Report speaks to trash/recycling requirements. Staff suggests expanding upon Condition 3 to require the trash enclosure be shown on the building permit plans.

Commissioner Petersen: Notes that having a trash enclosure is vital to the success of the restaurant. Asked for further clarification on ADA accessibility. The plans seem to indicate that the disabled access to the restaurant would be through the rear or side doors. The plans also show these doors to be the emergency exit doors.

Director Woltering: Accessibility will be reviewed at building permit plan check. The accessible parking stalls will be located as close as possible to the primary access point for the restaurant. The primary point of entry will be San Mateo Avenue, so Building staff will look at locating the accessible parking stalls as close as possible to the primary entry.

Commissioner Petersen: The lighting in the parking lot will need to be improved in order for customers to get safely from the parking lot to the primary entry.

Director Woltering: There is new lighting being proposed along the side elevation.

Commissioner Chase: A great deal of the items that Commissioner Petersen is concerned about were discussed at the ARC review of this project. The package that was presented to the ARC clearly indicated the lighting, path of travel, and detail of the proposed murals. Unfortunately, the same level of detail is not being presented to the Planning Commission this evening.

Chair Johnson: Suggested that Commission discussion be continued at this point and that we give the opportunity for the applicant to respond to the questions posed during public comment.

Commissioner Mishra: The requirement of ADA is to provide an accessible path of entry – not necessarily to the primary entrance. Relocating the accessible stalls closer to San Mateo Avenue may create a hardship for disabled employees.

Director Woltering: The intent is to provide an accessible path of entrance without obstruction and a minimal distance for both patrons and employees. This will be looked at during plan check.

Commissioner Petersen: Wanted to know if staff had considered these items up front.

Commissioner Johnson: Safety and lighting were items discussed at the ARC review.

Public Comment Opened

Arnaldo Hernandez (Designer): The plan involves modernizing growing the restaurant.

Commissioner Johnson: Asked the applicant to speak to some of the issues as far as safety that were brought up during Commission discussion.

Arnaldo Hernandez (Designer): Will look at relocating the accessible stalls. The challenge is the limited amount of parking and the fact that the parking lot is shared with another large restaurant. Lighting is proposed along the side elevation. Additionally, lighting is proposed under the awnings at the front and rear. Would consider adding more lighting to the poles.

Commissioner Petersen: Sheet A-0 of the plans is misleading because it shows arrows going from the parking stalls to the rear and side entrances. Would it be possible to make the entrance on the corner of the building?

Wendy Amaroze (Resident): Wants to mirror the concerns of Commissioner Petersen. The plans show aesthetic lighting rather than safety lighting. The murals presented to the Planning Commission are blurry and unattractive. She would like to see an accurate representation of the murals. Additionally, it is disrespectful to the disabled to have their entrance at the rear of the building.

Public Comment Closed.

Commissioner Chase: Commented that the representation of the murals at the ARC was much better than what is presented to the Planning Commission this evening. The idea of the Transit Corridor Plan is to have the primary entrance on San Mateo Avenue.

A member of the applicant's team handed Commissioner Chase the photo representation of the murals that was presented to the ARC which was passed around to the commissioners, staff, and Ms. Amaroze.

Commissioner Biasotti: Mirrored the comments of Commissioner Chase and Ms. Amaroze. Does Cleo's restaurant access their restaurant from the rear?

Director Woltering: Will recommend a modified Condition of Approval that the accessible parking spaces meet both the needs of patrons and employees. At the request of the Commission, we can have the murals go back before the ARC.

Commissioner Mishra: Asked about the quality and longevity of the murals.

Arnaldo Hernandez: The images will be on good quality vinyl, similar to the type on BJ's Restaurant. The rear three windows will be covered with the vinyl murals. The front two will be transparent with a view into the dining area.

Commissioner Petersen: He would like to see a landscape plan, a lighting plan, and a revised access plan. He is willing to vote for approval, but feels that this presentation lacked the level of documentation he would generally expect to back up what is really going to happen. A well-lit area will attract patrons.

Commissioner Chase: How would we address moving forward with the remaining issues?

Director Woltering: Suggested adding conditions of approval and modifying Condition 3 and Condition 8.

Commissioner Petersen: Asked for details on how the murals would be mounted.

Arnaldo Hernandez: The murals will be mounted to translucent glass.

Commissioner Petersen: Asked if the murals could be mounted behind the glass to prevent vandalism.

Commissioner Sammut: Suggested not mounting them behind the glass because the reflections from the sun will take away from the desired effect.

Commissioner Biasotti: In regards to the disabled access, Condition 8 under the ARC review states: clearly show conformance with disability access standards, i.e., path of travel, ramps, doors, restroom facilities, and drinking fountains. He thinks all requirements are already stated on the plans and/or in the conditions.

Commission Mishra: Notes that from the photos, it appears that the minimum clearance of 44" for path of travel is not met.

Commissioner Biasotti: Remarked that the vehicle in the photo to which Commissioner Mishra is referring had driven up on the curb. This had been discussed at ARC.

Director Woltering: Suggested working with the condition that addresses ADA parking and accessibility to ensure that both patrons and employees needs are addressed.

Commissioner Petersen and Mishra: Suggest a condition to look into the possibility of relocating the front entrance to the corner.

Commissioner Johnson, Biasotti, and Chase: Disagreed with that suggestion. This was reviewed in detail at the ARC, and the front entrance gives good architectural balance and keeps in the spirit of the Transit Corridor Plan by encouraging the walkability of the downtown.

Commissioner Petersen: Cautioned the applicant that referring to the alley as "the bad looking alley" is a dangerous proposition to the success of the restaurant. They would be better served resolving to turn it into a "good looking alley."

Motion to approve Architectural Review Permit AR14-003 and Use Permit 14-015 with staff recommendations, based on Findings of Fact 1-13 and conditions of approval 1-24 plus four additional conditions and modification to Conditions 3 and 8 of AR14-003.

Commissioner Mishra/Chase

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

Findings of Fact: Use Permit

Staff finds that the proposed restaurant with alcohol sales will comply with all the required performance standards of the Municipal Code, under Section 12.84.210. 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 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 and 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.

<u>Findings of Fact: Architectural Review Permit</u>:
Pursuant to the City's Municipal Code, the Commission shall grant the Architectural Review Permit if it makes the following findings:

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 applicant is proposing an updated façade that improves the exterior appearance of the building but does not alter the existing configuration of the building or projection towards the public right-of-way. In this respect, staff does not anticipate any negative impact on vehicular or pedestrian traffic. The improvements to the building should benefit the immediate area, since these alterations will promote investment in 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.**

The proposed alterations to the façade will not affect the current uses of the building (a continuation of restaurant uses), except to improve the appearance of the structure. The façade improvement does not cause a hazardous or inconvenient off-street parking condition.

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.

The San Bruno Municipal Code requires that sites located in the C-B-D (Central Business District) have 5% landscaping. The lot does not contain 5% landscaping coverage as the building is set to the property line on the San Mateo Avenue and Cypress Court frontages, and as the majority of the rear portion of the lot, by Mastick Avenue, is developed with parking spaces. There is a small planter, well maintained and planted with shrubs, between Mastick Avenue and the parking lot. The applicant has included use of two free-standing pots along the front elevation.

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 applicant is simply proposing upgrades to the façade of the structure. With this project, no setbacks will change and the height of the building will remain the same. The adjoining building, occupied by Cleo's Restaurant, is developed to the side property line. Neither adjacent property, light or air will be affected by this façade alteration.

This project will maintain and enhance architectural features on the building. Specifically, the applicant is proposing to provide a more modern appearance of the existing restaurant building by installing new and larger windows and glass front door features on the San Mateo Avenue frontage, combined with installation of ledge veneer stone, accent tile, Ipe raw wood veneer, new exterior paint, and extension of a new awning across the front façade. Like several other projects recently approved in the vicinity, this proposal will encourage further development in the area. The Central Business District along San Mateo Avenue has a mixture of commercial type buildings and this project will be consistent with the design and scale of the neighborhood.

5. **That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is not detrimental to the character or value of an adjacent residential district.**

The nearest residential district is east of the subject site along Mastick Avenue. The alteration of this site, with an improved exterior appearance, will not impact the neighborhoods since no expansion or intensification of the site will occur as part of this proposal.

6. **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 extent of this project is a revised façade for the commercial retail business, which will have no significant impact on the natural topography or landscaping of the area.

7. **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 changes are complementary to the greater downtown area. Specifically, the applicant is proposing to provide a more modern appearance of the existing restaurant building by installing new and larger windows and glass front door features on the San Mateo Avenue frontage, combined with installation of ledge veneer stone, accent tile, Ipe raw wood veneer, new exterior paint, and extension of a new awning across the front façade. Staff finds that the alternations will not be detrimental or harmful to the development or nearby properties or the greater City of San Bruno.

8. That the proposed development is consistent with the San Bruno General Plan.

General Plan Guiding Policy ED-I encourages improving San Mateo Avenue as an appealing commercial street to conduct business. In this particular case, the proposed changes will update and provide a more modern appearance to the building, enhance commercial activity in the downtown area, meeting General Plan economic development and design objectives.

<u>CONDITIONS OF APPROVAL – Conditional Use Permit</u>

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, Architectural Review Permit AR14-003 and Use Permit 14-015 shall not be valid for any purpose. The Architectural Review Permit and Use Permit shall expire one (1) year from the date of approval unless the plan is executed.

2. Architectural Review Permit AR14-003 and Use Permit UP14-015 shall be operated by the owner and any successor in interest, according to plans approved by the Planning Commission on February 17, 2015, labeled Exhibit C, 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 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.

4. 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.

5. 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.

Police Department

6. 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 alcohol sales operation.

7. The applicant is responsible for providing emergency contact information to the Police Department for after-hour's emergencies.

8. Alcohol consumption shall be limited to the interior of the restaurant area. At no time shall alcohol be consumed outside of the restaurant.

CONDITIONS OF APPROVAL – Architectural Review Permit

Community Development

1. 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.

2. 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.

3. The restaurant operator shall ensure that garbage and recyclables are stored inside the existing garbage enclosure on-site. The garbage enclosure shall be shown on the construction documents submitted for building permit consideration and issuance.

4. 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.

5. Calculate final occupant load in accordance with Table 1004.1.2 of the 2013 CBC.

6. Additionally, recalculate restroom facilitation fixture count in conformance with occupant load determined using totals established per 2013 CBC, Table 1004.1.2. Coordinate calculations with 2013 CPC, Section 422 and Table 421.1.

7. Required exits shall swing out towards the path of egress and shall swing over the public right of way.

8. Clearly show conformance with disability accessibility standards for both employees and patrons (i.e., path of travel, ramps, doors, restroom facilitation, and drinking fountains).

9. The applicant shall prepare and install a landscape and irrigation plan to address the missing or distressed landscape materials in the existing exterior planting areas within the parking lot

area to the satisfaction of the Community Development Director.

10. The applicant shall repair damaged curbing and parking lot surface areas to the satisfaction of the Public Services Director and Community Development Director.

11. Applicant shall provide an exterior lighting plan to provide for the safety of employees and patrons to the satisfaction of the Community Development Director.

12. Applicant shall submit proposed exterior murals to the Architectural Review Committee for final approval.

Fire Department

13. Fire sprinkler system in building will require modification. Currently, riser and FDC's for this system are located in neighboring building, with improper Fire Department access. Due to proposed modification of occupancy, fire sprinkler system serving the business to be reconfigured to be unique to the address.

14. UL300 modifications shall be under separate permit.

15. Provide a Knox Box for business.

16. Fire alarm modifications under separate permit.

Public Services

17. Submit a water demand calculation to confirm that the existing water meter and water lateral can provide adequate water supply.

18. Any work within the public right-of-way requires an encroachment permit from the Public Services Department.

19. Awnings, canopies, and any proposed encroachments shall comply with Chapter 32 of the 2013 California Building Code.

20. Show on the plans the existing or new sewer cleanout. Commercial cleanouts shall be a minimum of 6 inches in diameter.

C. **406-418 San Mateo Avenue (020-364-320, 020-364-120, 020-364-130, 020-364-140) Request for a Vesting Tentative Tract Map and a Conditional Use Permit to create up to five ground floor airspace commercial condominium units per Chapter 12.38, 12.88, and 12.112 of the San Bruno Municipal Code. Signature Land Advisors, Inc. (Applicant) & San Bruno Plaza Investor, LLC. (Owner). VTM14-001/UP15-001.**

Associate Planner Neuebaumer: Entered staff report.

Staff recommends the Planning Commission approve Vesting Tentative Tract Map Application TM14-001 and Conditional Use Permit Application UP15-003 based on Findings of Fact 1-9 and Conditions of Approval 1-35, with modifications to Conditions of Approval #1 and #4.

Questions for Staff

Commissioner Sammut: Recalls the original review of the project, but does not recall any mention of condominiums at that time.

Associate Planner Neuebaumer: The application for a Vesting Tentative Map was filed initially in July 2014. The project has been brought before the Planning Commission in two phases due to the overall timing of the project.

Jaime Choy for Signature Land Advisors/Applicant: Excited about the opportunity to revitalize the site at the entrance to San Bruno's Downtown. The purpose of the application is to give the option to future commercial tenants to rent or own.

Commissioner Petersen: Confirms that it is possible for the some units to be rental units.

Public Hearing Opened

Wendy Amaroze: Both the restaurant in the previous hearing item and this corner unit are important to her because they are in her immediate neighborhood. There must be ample parking for not only the retail but additionally the retail spaces. One car per unit is not enough.

Public Hearing Closed

Director Woltering: Overall project has been approved by the City Council based on a recommendation by the Planning Commission. A parking management plan was part of the overall approval. The on-site parking is dedicated to the residential component. As part of the Transit Corridors Plan, the intent is to encourage people to use public transit. Additionally, a Comprehensive Parking Management Plan is to be prepared for the Plan area.

Commissioner Petersen: Asked about the possibility of a resident renting out their parking space.

Director Woltering: That would be addressed in the property management plan.

Commissioner Chase: Asked if the possible rental of parking spaces is something that would be address through the CC&Rs.

Director Woltering: The concept of assigning parking spaces will be addressed through the CC&Rs and the project parking management plan.

Public Hearing Closed.

Motion to approve Vesting Tentative Tract Map Application VTM14-001 and Conditional Use Permit Application UP-15-001 based on Findings of Fact 1-9 and Conditions of Approval 1-35, as modified.

Commissioner Chase/Mishra

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

Findings of Fact

1. The proposed tract map, together with the provision for its design and improvement, is consistent with the general plan and any specific plan as specified in Section 65451 of the Government Code. (SBMC 12.36.220.A)

2. The real property to be subdivided, and each lot or parcel to be created is of such character that it can be used safely for building purposed without danger to health or peril from fire, flood, geologic hazard or other menace. (SBMC 12.36.220.B)

3. Each lot or parcel to be created will constitute a buildable site and will be capable of being developed in accordance with the applicable provisions of the zoning ordinance. (SBMC 12.36.220.C)

4. The site is physically suitable for the type of proposed density of development. (SBMC 12.36.220.D)

5. The design of the subdivision and improvements, and the type of improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat or to cause serious public health problems(SBMC 12.36.220.E)

6. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision. (SBMC 12.36.220.F)

7. 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 12.112.050.1)

8. Will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city; and. (SBMC 12.112.050.2)

9. Will not be inconsistent with the general plan. (SBMC 12.112.050.3)

CONDITIONS OF APPROVAL

Community Development Department

1. 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 thirty (30) days of Planning Commission approval. Until such time as the Summary is filed, TM14-001 and UP15-003 shall not be valid for any purpose. TM14-001 and UP15-003 shall expire two (2) years from the date of Planning Commission approval unless the Final Map has been approved and recorded prior to the two (2) year date, or the Tentative Map and Use Permit are duly approved for extension by the Planning Commission. It is acknowledged that the subdivider is requesting the opportunity to record multiple Final Maps. Accordingly, the subdivider shall be allowed to record multiple Final Maps within the initially approved two year period, or within the allowed period for extension.
2. All conditions of approval herein shall apply to the project in its entirety, regardless of the individual department under which the condition is listed. These conditions of approval and any other conditions associated with any further approvals of The Plaza project shall run with the land, and any and all successors in interest of the property shall comply with all conditions of said approval.
3. The subdivider 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 this application.
4. The Vesting Tentative Map (TM14-001) and Conditional Use Permit (UP15-003) application to create up to five ground floor airspace commercial condominium units, also, as applicable, is subject to the Conditions of Approval included as Exhibit A within Resolution No. 2014-114, approved by the City Council on October 28, 2014. Resolution No. 2014-114 is attached for reference.
5. The main point of access to each individual commercial unit shall be achieved from San Mateo Avenue.
6. Each commercial property owner shall implement and abide by the Parking and Transportation Demand Management Plan approved by the City Council (See Attachment A). On an annual basis each commercial property owner shall submit a report to the Community Development Department for the first five years, and every other year thereafter, describing the on-going implementation of the Parking and Transportation Demand Management measures selected for the project. Any changes to the Parking and Transportation Demand Management Plan shall require approval in writing from the Community Development Director. The Parking and Transportation Demand Management Plan shall be included within the Covenants, Conditions, and Restrictions (CC&Rs).
7. A Property Maintenance and Management Plan shall be created for the commercial units. The Property Maintenance and Management Plan for the commercial units shall be prepared in conjunction with the Property Maintenance and Management Plan for the entire site. The Property Maintenance and Management Plan shall clearly identify the responsible party for general maintenance of common commercial areas. A copy of the Property Maintenance and Management Plan shall be included within the Covenants, Conditions, and Restrictions (CC&Rs) and shall be made available to all commercial property owners as the individual units are sold.

Public Services

8. Each individual commercial unit requires a separate water service lateral and wastewater service lateral. Each unit requires an application to be submitted to the City.

9. The Applicant shall provide a water and sewer demand calculation for each proposed commercial unit. The City shall verify if the proposed water and sewer demands can be accommodated by the City's existing infrastructure or if improvements to the City infrastructure is needed.
10. The Applicant shall be responsible for all improvements required to satisfy water and sewer demands. This includes, but is not limited to, City infrastructure upgrades, City staff time, and any fees required to process the application or any required permits.
11. All water tie-ins must be a minimum of 1 inch in diameter and all water meters must be a minimum of 1-inch in size.
12. All sewer tie-ins must be a minimum of 6 inches in diameter and must be accompanied with a property line clean-out.
13. All water connections must satisfy City, Fire Department, and San Mateo County regulations including, but not limited to, the installation of an above-grade back flow device.
14. Private utilities are not allowed within public right-of-way and above ground utilities shall not create tripping hazards and shall be appropriately screened and secured. City staff must be able to access backflow devices at all times.
15. City crews will install all water tie-ins from the main to the water meter at the Applicant's sole cost. This includes, but is not limited to, concrete and asphalt work required to for the installation.
16. Sewer tie-ins require and any work within the public right-of-way require an encroachment permit from the Public Services Department.
17. Water and/or sewer utility installations on private property require a building permit from the Community Development Department.
18. Trenching will not be allowed in newly-resurfaced or newly-reconstructed streets without approval from the City Engineer.
19. Each individual commercial unit shall satisfy all local fire code requirements and the Fire Department shall be notified of any application to install water service.
20. Any phasing of Final Maps shall meet the requirements California Subdivision Map Act and Chapter 12.40 Final Maps of San Bruno Municipal Code, whichever is more restrictive.
21. Prior to recordation of the first final tract map, an improvement plan for public improvements shall be submitted by the Applicant to the city for review and comment.
22. Prior to recordation of the first final tract map, the Applicant shall submit to the City for review and comment a schedule of development plan.
23. Prior to the recordation of the first final tract map, the Applicant shall enter into a master subdivision agreement with the City.
24. Prior to the recordation of the first final tract map a final electrical plan for the installation of street lights shall be submitted by the subdivider for review and comment.
25. Prior to the recordation of the first final tract map, the Applicant shall submit to the city for review and comment a landscaping planting plan.
26. A drainage study prepared by a Civil Engineer registered in California shall be submitted at the time of the filing of the Final Map. (12.36.070)

27. A Property Owner's Association shall be formed and the applicant shall submit proposed Covenants, Conditions, and Restrictions (CC&Rs). The CC&Rs shall incorporate all required language referenced within these conditions of approval. The CC&Rs shall be approved by the City prior to recordation of the Final Map and shall be recorded as deed restrictions with the Final Map.
28. A statement of the improvements proposed to be made or previously installed by the private utility company or public agency and the time within which such improvements are proposed to be made or completed, and statements from such private utilities or public agencies as to the adequacy of the right-of-way or easements proposed.
29. The Applicant shall provide scaled cross-sections throughout the Final Map.
30. The Applicant shall provide dewatering plans as part of the grading permit application.
31. The Applicant shall include a description of the work proposed at the City-owned parking lot, north of the proposed development, and apply for an receive any required permits prior to commencement of any approved work.

Fire Department

32. The CC&Rs shall identify responsible party or parties to ensure that water is maintained to both the residential portion and individual commercial units for the purpose of supplying the NFPA 13 fire protection sprinkler system(s).
33. The CC&Rs shall identify responsible party or parties to ensure that both the residential and individual retail units incorporate one common NFPA fire alarm system and monitoring service for both fire sprinkler and fire alarm systems, to be monitored from a centralized master panel within the complex.
34. Due to multiple potential retailers, at least two series 4400 Knox Boxes will be required for the complex to maintain business and residential keys for Fire Department access purposes.
35. Fire Service to commercial condominium units shall be to the satisfaction of the Fire Marshall.

6. Discussion

A. City Staff Discussion: Staff asked for three volunteers for the March ARC meeting. Commissioners Johnson, Biasotti, Sammut identified.

B. Housing Element/Emergency Shelter Update

Director Woltering: Staff has been working with the State Department of Housing and Community Development (HCD), and they are willing to certify with qualification the City's proposed draft Housing Element Update of the General Plan with minor modifications. A study session is being scheduled for February 26th with the City Council to discuss the matter of which districts in the City would be appropriate for considering emergency shelters. The qualification is that the City will need to adopt the Emergency Shelter Ordinance. In the meantime, staff has conducted further research on the population that would require sheltering. Staff is also looking at other areas, such as the industrial area, where this need could be met.

Planning Commission Discussion

Commissioner Petersen: Would like to know if there are plans for the study session on the 26th to be recorded.

Commissioner Mishra: He is concerned the message that HCD is sending is a mandate that we have the Emergency Shelter ordinance in place before certification of the Housing Element. He would like the community to be part of the solution.

Commissioner Petersen: Would like to know if staff has a date as to when a new Planning Commissioner will begin.

Director Woltering: Staff has conducted the research requested by the City Council, and is now waiting for the process to move forward.

Commissioner Mishra: Is the City looking toward preparing guidelines for the implementation of the Transit Corridors Plan.

Director Woltering: There is a section within the TCP that speaks to implementation. In support of that section, staff will be preparing a development impact fee schedule and a parking/access management plan for decision-maker consideration. Getting Measure N in place was a key initial implementation measure.

Commissioner Petersen: Would like to see the parking lots behind San Mateo Avenue improved.

Director Woltering: Staff is looking at improvements to these areas.

Commissioner Petersen: Would like to request that staff require that plans presented to the Commission include a designers name and contact information.

Commissioner Sammut: There are three dead pine trees that pose a severe hazard at South Huntington Avenue near the corporation yard.

Commissioner Johnson: Would like to set up a study session with staff where the Commissioner could discuss issues that are important to them.

7. Adjournment

Meeting was adjourned at 9:11 pm

David Woltering Secretary to the Planning Commission City of San Bruno	**Mary Lou Johnson**, Chair Planning Commission City of San Bruno

NEXT MEETING*:* March 17, 2015