



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

**MINUTES
PLANNING COMMISSION MEETING**

January 20, 2015

7:00 p.m.

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

CALL TO ORDER at 7:02 pm.

ROLL CALL

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

STAFF PRESENT:

Planning Division:

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

Pledge of Allegiance: Commissioner Biasotti

1. Approval of Minutes (December 16, 2014) – Biasotti/Chase

VOTE: 5-0
AYES: Commissioners Chase, Peterson, Johnson, Biasotti, Mishra
NOES: None
ABSTAIN: None

2. Communication – Community Development Director Woltering introduced Contract Associate Planner Paula Bradley

3. Public Comment – None

4. Announcement of Conflict of Interest – None.

5. Public Hearings

A. 290 Elm Ave (020-404-420)

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

Associate Planner Neuebaumer: Entered staff report.

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

Questions for Staff

Chair Petersen: Asked for clarification on page 3, the table of site conditions.

Associate Planner Neuebaumer: There is an error in the table. The lot coverage is accurate at 2,200 square feet, but the table should read 44%, not 11%, to reflect that coverage.

Public Comment opened.

Pavlos Lazos (Owner): The proposed addition is to accommodate the needs of his growing family.

Chair Petersen: Asked who is the designer.

Pavlos Lazos: Grant Lee, a friend of the owner.

Speakers – None.

Public Comment closed.

Motion to approve Use Permit 14-018 based on Findings of Fact 1-6 and Conditions of approval 1-26.

Commissioner Chase/Mishra

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

Chair Petersen advised of a 10-day appeal period.

Findings of Fact

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

CONDITIONS OF APPROVAL

Community Development

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 14-018 shall not be valid for any purpose. Use Permit 14-018 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the Summary of Hearing shall be photocopied and included on a full size page in the Building Division set of drawings.
3. The request for a Use Permit shall be built according to plans approved by the Planning Commission on January 20, 2015 labeled Exhibit C, except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be

completed to the satisfaction of the City of San Bruno.

6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the California Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
9. Prior to Final Inspection, the site shall be landscaping according to the plans approved by the Planning Commission on January 20, 2015 and any site landscaping damaged during construction shall be replanted to the satisfaction of the Community Development Director.
10. FAA notification and approval is required prior to building permit issuance. Alternatively, the City has established an exemption form, which may be submitted to the City in-lieu of FAA notification.
11. The developer shall indemnify, defend, and hold harmless the city, its officers, employees and agents, from any and all claims and lawsuits from third party(s) involving or related to the city's consideration and/or approval of the developer's application for development.

Public Services Department

12. If the project results in more than 2,500 square feet of new or replaced impervious surfaces, the applicant shall incorporate one of the required C.3.i site design measures as required by the Municipal Regional Permit at the time of building permit submittal.
13. Please note that the front property line is located 2.0 feet behind the sidewalk along Elm Avenue. No fences, retaining walls, or other permanent structure shall be placed or constructed within 2.0 feet from back of sidewalk along Elm Avenue. S.B.M.C. 8.08.010.
14. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2013.
15. An Encroachment Permit from Public Services Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010. The Encroachment Permit shall be issued prior to issuance of a building permit.
16. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 -inch. S.B.M.C. 8.12.010.

17. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule is required. Tree shall be located on Elm Avenue per S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.
18. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-02 dated August 2011. Older clean outs not meeting current city standards shall be replaced.
19. Paint address number on face of curb near driveway approach. Lettering shall be black, 4 inches or larger, and painted on a white background. Indicate the location of the address numbers on the site plan.
20. An Erosion control plan and storm water pollution prevention plan is required. The plan must show existing storm drain inlets and other storm water collection locations protected by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
21. Storm water from new roof down spouts and other on-site drainage, shall be drained into landscaping. Alternatively, stormwater shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail ST-03.
22. The building permit plans shall include a site plan that shows all property lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.MC. 12.16.020
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.

(Note Item 5b and 5c have been reversed from the printed agenda)

B. 446 San Mateo Avenue (020-364-270)

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

Contract Associate Planner Bradley: Entered staff report.

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

Questions for Staff – None

Public Comment Opened

Cleonir Lemes (Owner/applicant): They asking for an upgrade to their liquor license in order to offer customers a traditional Brazilian experience, which includes a cocktail that requires distilled spirits that their current license doesn't permit.

Commissioner Biasotti: Asked how many years they have been in business in San Bruno.

Cleonir Lemes (Owner/applicant): They opened in 2005; first on El Camino, then on San Mateo Avenue.

Public Comment Closed.

Motion to approve Use Permit 14-021 based on Findings of Fact 1-5 and Conditions of approval 1-13.

Commissioner Chase/Mishra

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

Findings of Fact

1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking,

excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute.
4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would (not) tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of licenses, required due to either of the following conditions:
 - a. The applicant premises are not located in a crime reporting district that has a twenty percent greater number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests.
 - b. The applicant premises are not located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County.

CONDITIONS OF APPROVAL

Community Development

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary Hearing to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 14-021 shall not be valid for any purpose. Use Permit 14-021 shall expire one (1) year from the date of approval unless the plan is executed.
2. Use Permit 14-021 shall be operated by the owner and any successor in interest, according to plans approved by the Planning Commission on January 20, 2015, labeled Exhibits C and D, except as required to be modified by these Conditions of Approval. Any modification to the approved plans or any deviation or change in the business activities shall require prior approval by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
3. The applicant shall continue to conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front, and rear of the building.
4. The hours of operation shall be limited to 11:00 a.m. until 11:00 p.m., seven days per week. Any changes from the hours of operation shall require prior authorization of the Community Development Director. Any change that results in a later closing time shall also require review

by the Police Department.

5. The applicant or property owner will clean graffiti on the property and/or paint over it within 24 hours of its appearance. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.
6. The Community Development Director may call this use permit project back to the Planning Commission if he/she finds that the business is not complying with the required performance standards or conditions of approval.
7. The restaurant operator shall ensure that garbage and recyclables are properly stored inside the appropriate garbage enclosure.
8. All signs must be approved by the Planning Division under a separate application and must comply with Fire Department Conditions of Approval. Signs shall be installed prior to any Final Inspection.
9. The applicant shall provide the signed copy of the Summary of Hearing to the Alcohol, Beverage and Control Board (ABC). The signed summary of hearing will serve as the Letter of Public Convenience of Necessity as required by ABC.
10. Ongoing Conditions of Approval (Conditions 1-24), for UP-09-022 and PE-09- 004, continue to apply to this permit.

Police Department

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

C. 260 El Camino Real (020-381-490)

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

Contract Associate Planner Bradley: Entered staff report.

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

Questions for Staff – None

Public Comment Opened.

Monica Kim and David Chuong(Owner’s daughter and fiance): The alcohol license expired while her mother was out of the country and she was managing the restaurant.

Public Comment Closed.

Motion to approve Use Permit 14-017 based on Findings of Fact 1-5 and Conditions of approval 1-13.

Commissioner Chase/Johnson

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

Findings of Fact

1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute.
4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would (not) 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:
 - c. The applicant premises are not located in a crime reporting district that has a twenty percent greater number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests.

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

CONDITIONS OF APPROVAL

Community Development

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

Beverage and Control Board (ABC). The signed summary of hearing will serve as the Letter of Public Convenience of Necessity as required by the ABC.

- 10. Conditions of Approval (Conditions 1-35) for UP-04-21 and PE-04-02, approved on June 15, 2004, concerning trash, parking, address numbers, lighting, and similar operational criteria, shall continue to apply to this permit.

Police Department

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

6. Discussion

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

B. Appointment of Chair and Vice Chair

Chair: Commissioner Johnson

Nomination Peterson/Chase

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

Vice Chair: Commissioner Chase

Nomination Peterson/Mishra

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

Commissioner Petersen: Asked about the status of a new Planning Commissioner

Director Woltering: Recently, staff has put together and forwarded to the City Manager the materials requested for the recruitment process to proceed.

Commissioner Chase: Asked how long the Commission can continue with six members.

Director Woltering: While the by-laws suggest the Planning Commission composition to be seven member, it is allowable to have six members.

Commissioner Chase: Asked if there is a required timeline.

Director Woltering: There is no specified timeframe for the replacement to occur. However, staff anticipates the process to proceed shortly, given that the recruitment assessment materials have been prepared.

7. Adjournment

Meeting was adjourned at 7:35 pm

David Woltering
Secretary to the Planning Commission
City of San Bruno

Perry Petersen, Chair
Planning Commission
City of San Bruno

NEXT MEETING: February 17, 2015