

# "The City With a Heart"



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

## AGENDA PLANNING COMMISSION MEETING

August 16, 2016

7:00 p.m.

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

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

### ROLL CALL

### PLEDGE OF ALLEGIANCE

1. **APPROVAL OF MINUTES:** none
2. **COMMUNICATIONS:** Introduction of San Bruno's new Associate Planner, Megan Wooley-Ousdahl, AICP
3. **PUBLIC COMMENT ON ITEMS NOT ON AGENDA** Individuals allowed three minutes, groups in attendance, five minutes. If you are unable to remain at the meeting, ask the Recording Secretary to request that the Planning Commission consider your comments earlier. It is the Planning Commission's policy to refer matters raised in the forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Planning Commission from discussing or acting upon any matter not agendized pursuant to State Law.
4. **ANNOUNCEMENT OF CONFLICT OF INTEREST**
5. **PUBLIC HEARINGS:**

- A. **73 Scott Street** (APN: 014-276-230)  
R-1 (Single-Family Residential)  
Recommended Environmental Determination: Categorical Exemption

Request for a Use Permit to allow a rear single-story addition and a second-story addition that would add a total of 1,326 square feet of living area to the existing single-family dwelling resulting in a building with 2,382 square feet of living area and 2,781 square feet of gross floor area. The project requires a use permit because it would increase the size of the building by more than 50%, per Section 12.200.030.B.1 of the San Bruno Municipal Code. Architectural Review is also required as the proposed addition is greater than 1,000 square feet, per Section 12.200.070 of the San Bruno Municipal Code. Ken Ibarra (Applicant) and Praveen Charan (Owner). **UP-16-012.**

**B. 1111 Montgomery Avenue (APN: 020-115-060)**

Zoning: M-1 (Industrial)

Recommended Environmental Determination: Categorical Exemption

Request for a Use Permit and an Architectural Review Permit to demolish the detached garage at the rear of the lot and construct a new 1,484 square foot storage building at the rear of the lot that would be used to store contractor materials and include an attached 530 square-foot, two car garage to service the existing single family home that would remain on the site, per Sections 12.96.150.C.d, and 12.108.010.A of the San Bruno Municipal Code. Van Ly (Applicant) and Olivia Wing Lum Luo (Owner) **AR15-006, UP-16-004.**

**C. 123 Poplar Avenue (APN: 020-414-210)**

R-1 (Single-Family Residential)

Recommended Environmental Determination: Categorical Exemption

Request for a Use Permit to add a total of 150 square feet of floor area to the existing single-family dwelling and convert 500 square feet of garage area to living area, increasing the living area to 1,945, above the maximum permitted living area of 1,825 for a one car garage; and increasing the gross floor area from 2,045 square feet to 2,195 square feet, above the maximum of 1,650 square feet permitted, and a floor area ratio (FAR) of 0.73 where an FAR of 0.55 is permitted, per sections 12.200.030.B.2 and 5 of the San Bruno Municipal Code. Sergio Galdamez (Applicant) and Luis Tellez (Owner) **UP16-011.**

**D. Affordable Housing Ordinance and Impact Fees.**

(City-wide)

Recommended Environmental Determination: Not a project pursuant to CEQA.

Receive report, provide feedback to staff and take public testimony on Residential Impact Fee and Commercial Linkage Fee Nexus Studies demonstrating the impact of new housing or jobs on the need for affordable housing in San Bruno and proposing permissible and reasonable fee levels, and make a recommendation to the City Council regarding adoption of an affordable housing ordinance to replace Chapter 12.230 of the San Bruno Municipal Code and impact fees.

**6. DISCUSSION**

**A. CITY STAFF DISCUSSION**

- Select the September 15, 2016 Architectural Review Committee members

**B. PLANNING COMMISSION DISCUSSION**

**7. ADJOURNMENT**

The next regular Planning Commission Meeting will be held on September 20, 2016 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



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**STAFF**

David Woltering, AICP, *Community Development Director*  
 Mark Sullivan, AICP, *Long Range Planning Manager*  
 Michael Smith, *Senior Planner*  
 Matt Neuebaumer, *Associate Planner*  
 Megan Wooley-Ousdahl, AICP, *Associate Planner*  
 Matt Jones, *Contract Assistant Planner*  
 Marc Zafferano, *City Attorney*

**PLANNING COMMISSION**

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

**PLANNING COMMISSION  
 STAFF REPORT  
 AGENDA ITEM NO. 5.A.  
 August 16, 2016**

**Project Address:** 73 Scott Street  
**Assessor's Parcel No:** 014-276-230  
**Application No.:** UP-16-012  
**Zoning District:** R-1 (Single-Family Residential)  
**General Plan Classification:** Low Density Residential  
**Prepared by:** Matt Jones, 650-616-7089

**REQUEST**

Request for a Use Permit to allow a rear single-story addition and a one-story vertical addition that would add a total of 1,326 square feet of living area to the existing single-family dwelling resulting in a building with 2,382 square feet of living area and 2,781 square feet of gross floor area, including the garage. The project requires a use permit because it would increase the size of the building by more than 50%, per Section 12.200.030.B.1 of the San Bruno Municipal Code. Request comes from Ken Ibarra (Applicant) and Praveen Charan (Owner). **UP16-012.**

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Use Permit 16-012 based on Findings 1-6 and subject to Conditions of Approval 1-28.

**PROJECT DESCRIPTION**

The applicant is proposing to add a rear single-story addition that would add 379 square feet of living area at the ground floor of the home and a second story with 947 square feet of living area. There is a detached garage to the rear of the lot where an existing 8' door would be replaced with a 16' door to accommodate two vehicles. The ground floor changes would include a kitchen remodel and the addition of a great room and both a front and rear covered porch. The second story would add three bedrooms, a bathroom and a foyer. The proposed addition would utilize exterior materials that match the existing home's finish materials. If approved and constructed, the residence would expand from two bedrooms and one bathroom to five bedrooms and two bathrooms, with a total floor area of 2,382 square feet of living area, not including the garage.

**ARCHITECTURAL REVIEW COMMITTEE**

The Architectural Review Committee (Commissioners Biasotti, Kayal) reviewed the project at its July 14, 2016 meeting. The Architectural Review Committee forwarded the project to the Planning Commission with the recommendations below. The first recommendation has been incorporated into the plans before

you, and the second recommendation is satisfied through pictures listed in Exhibit B and relevant conditions of approval added.

**Include the following:**

1. Provide a full landscaping plan including both front yard setback and the entire site area. Landscaping plan should include existing and proposed trees, shrubs and ground cover, street trees, landscaping features, and irrigation lines, if applicable.
2. Clearly demonstrate that the edge of the garage building is at least 6'-0" from the back edge of the porch, per SBMC 12.84.140. Confirm the width, parking, and turning potential of vehicles entering the rear garage through the side driveway and gate.

**ENVIRONMENTAL REVIEW**

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

**LEGAL NOTICE**

1. Notices of public hearing mailed to owners of property within 300 feet on August 5, 2016.
2. Advertisement published in the San Mateo Daily Journal, Saturday, August 6, 2016

**PUBLIC COMMENT**

No comments have been received as of the completion of this staff report.

**REVIEWING AGENCIES**

Community Development Department  
Public Services Department  
Fire Department

**EXISTING CONDITIONS**

The subject property is located on Scott Street between Huntington Avenue and Herman Street. The lot is 5,120 s.f. in size and generally rectangular in shape with a slight jog on the east property line. The property is currently developed with a single-story traditional style home built in 1948 and a detached garage located towards the rear of the lot.

The neighborhood that surrounds the subject property contains a range of residential home styles with stucco siding and composite shingle roofing being the most common exterior materials. The immediate area includes single story, single-family dwellings and some two-story, single-family dwellings, as well as small apartment buildings.

**ADDITIONAL INFORMATION**

- **Accessory Structures:** There is one detached two-car garage at the back left corner of the site. It will receive a new garage door to accommodate two vehicles and will have stucco matching the home.
- **Code Enforcement:** There are no active Code Enforcement cases.
- **Easements:** There are no easements.

- **Heritage Trees:** There are no heritage trees located on-site.
- **Previous additions or alterations:** The original garage at the front of the home was converted into a bedroom in 1952.

**SURROUNDING LAND USES**

North: Bayshore Circle South – R-1 (Single Family Residential)  
 South: Buena Vista Avenue – R-1 (Single Family Residential)  
 East: Herman Street – R-1 (Single Family Residential)  
 West: Huntington Avenue East – R-1 (Single Family Residential)

**PROJECT DETAILS SUMMARY**

SITE CONDITIONS		ZONING REQUIREMENTS	EXISTING CONDITIONS	PROPOSED CONDITIONS
Land Use		R-1	R-1	Same
Lot Area		5,120 s.f.	5,120 s.f.	Same
Lot Coverage		2,253 s.f. (44%)	1,476 s.f. (28.8%)	2,191 s.f. (42.8%)
Gross Floor Area		2,816 s.f.*	1,455 s.f.	2,781 s.f.
Floor Area Ratio		.55	.28	.54
Building Setbacks	Front	15'-0"	17'-6" (house)	Same (house) 11'-0" (porch)***
	Rear	10'-0"	53'-6" (house) 2'-0" (garage)	40'-6" (house) 29'-6" (patio) Same (garage)
	R Side	5'-0"	3'-0"	5'-0" (addition only)
	L Side	5'-0"	10'-8" (house) 2'-0" (garage)	8'-8" (house) Same (garage)
Building Height		28'-0"	17'-0" (house)	25'-8"
Covered Parking		2 spaces	1 space	2 spaces

Notes:

\*See Chart 1 in Section 12.96.060 of the SBMC for the floor area ratio adjustment factor for lot size.

\*\*Max. FAR = Lot size X adjustment factor X ratio

\*\*\*Porches may project up to 6 feet into front and rear setbacks, per SBMC 12.84.170(B)

**Square Footage Breakdown:**

	Ground floor	Second Floor	Garage	Total
Existing	1,056	0	399	1,455
Additions	379	947	0	1,326
Total	1,435	947	399	2,781

### **STAFF'S PROJECT ANALYSIS**

A Use Permit is required because the applicant is proposing to expand their gross floor area by 91% (1,326 square feet), which exceeds the 50% (727 square foot) threshold for a permitted expansion, per Section 12.200.030.B.1 of the San Bruno Municipal Code. The proposal would otherwise meet the lot coverage, setback, floor area ratio, and height requirements of the zoning district.

Staff finds that the design of the addition would conform to the Residential Design Guidelines. The applicant is proposing to replace the garage's exterior from wood siding to stucco to better match the home. Utilizing matching stucco and vinyl-framed windows with wood trim and composition shingle roofing, the proposed addition would be well integrated with the existing single-family dwelling. It would be compatible with the immediate neighborhood which is characterized by one and two story single-family homes and apartments, many of which have been constructed with similar materials.

The expansion of the ground floor living area is to the rear of the home, which would not impact the visual character of the neighborhood. The proposed second story is well-integrated into the existing home, utilizing similar materials and a gable roof form.

The garage was originally located in the front of the home but was converted into a bedroom in 1952, and a detached garage was added in the rear of the yard to provide sufficient parking. The curb cut and driveway associated with the former garage will be removed as part of the scope of work, which will improve the quality of the front yard, increase pervious coverage, and improve the curb and landscaping within the public right-of-way.

The applicant will enlarge the garage door to 18' to allow 2 cars to park in the existing detached garage at the rear of the lot. At 18' wide by 22' long, the garage meets the minimum parking standards for a two-car garage, as it is an existing nonconforming building which was originally intended for two cars but was used as a one-car garage. As noted on the plans, the driveway/side yard has 8'-8" of width to allow vehicles to access the detached garage at the rear of the lot. Staff visited the site on 7/22/16 and confirmed that the driveway along the side of the home has sufficient width, the side gate opens to provide garage access, and the parking pad provides sufficient space for one vehicle. Staff noticed that the paved area in front of the garage is sufficient for one vehicle but the area on the right—intended for the second vehicle—is pervious surface. Staff will include a condition of approval asking the architect to revise the plans to reflect additional paved area to accommodate the second vehicle.

### **FINDINGS**

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

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

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

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

The applicant is proposing a vertical addition that is well-designed and will have minimal overall impact on adjacent properties. Therefore, staff finds that the project will not be detrimental to improvement in the neighborhood or to the general welfare of the City.

**3. That the proposed development is consistent with the San Bruno General Plan. (SBMC 12.108.050.B.3)**

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

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

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

The project would not unreasonably restrict light and air to adjacent properties. While a second story is being proposed, the adjacent homes are single story with conforming setbacks so privacy shouldn't be a concern. The addition would also respect the existing building's side setbacks. The proposed expansion also meets the floor area, lot coverage, setback, and height requirements of the zoning district. The side and rear setbacks for the proposed addition are all in compliance with the setback requirements. The neighborhood has a variety of building types, ranging from single-story homes to apartment buildings, all with varied architectural elements—therefore, it is consistent with the design and scale of the neighborhood.

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

The proposed addition would utilize stucco siding and asphalt shingle roofing material, which is consistent with the existing home and the immediate neighborhood. The garage siding will change to stucco to match the dwelling, and the gable roof form matches. The proposed expansion also meets the lot coverage, setback, and height requirements of the zoning district. Therefore, staff finds that the general appearance of the proposed addition will be in keeping with the character of the neighborhood and will not be detrimental to the City.

**6. That any proposed single-family or two-family dwelling conform 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).**

Staff finds that the proposed addition conforms to the basic design principles of the Residential Design Guidelines. The addition is a two-story addition that continues the simple building form of the existing structure and would also incorporate matching exterior materials.

## **CONDITIONS OF APPROVAL**

### **Community Development Department – (650) 616-7089**

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 16-011 shall not be valid for any purpose. Use Permit 16-011 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 as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on August 16, 2016, 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. The rental of a room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City. This condition of approval shall be disclosed at the point of sale to the consumer and shall be recorded against each property.
7. The designated 250 square foot garage area shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform 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 area 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, 20% of the site shall be landscaped to the satisfaction of the Community Development Director. No more than 80% of the lot shall consist of impervious surface.
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 applicant 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 applicant's application for development.
12. Comply with the 2013 California Codes, including the California Residential Code.
13. Indicate on the plans that the area to the right of the driveway in the rear yard is currently pervious surface, but it will be paved to meet the driveway requirement, ensuring access for two vehicles into the garage. Ensure that the clothes drying structure in the yard is moved to accommodate a free-and-clear pathway for the vehicle.
14. Clearly demonstrate that the edge of the garage building is at least 6'-0" from the back edge of the porch, per SBMC 12.84.140.

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

15. The front property line is located 2.0 feet behind the sidewalk at 73 Scott Street. Please also show this 2.0 foot setback on the Plot Plan. No fences, retaining walls, or other permanent structure shall be placed or constructed within 2.0 feet from the back of sidewalk along Scott Street. S.B.M.C. 8.08.010.
16. The building permit plans shall include a site plan that shows all property lines, setbacks and easements, and all existing and any 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.M.C. 12.16.020.
17. Show on the plans existing and any proposed lateral services for domestic water (including meter size), and sanitary sewer in accordance with the applicable California Building Code 2013.
18. If not present, the applicant shall install a sanitary sewer lateral clean out at property line per City Standards Detail SS-02, dated January 2016. Older clean outs not meeting current City standards shall be replaced.
19. 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 Scott Street per SBMC 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks Division for any new street tree.
20. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property not caused by a City street tree shall be removed and replaced. Show or note on the plans the

replacement of any locations where there are any raised or offset concrete sections greater than or equal to ¾-inch. S.B.M.C. 8.12.010.

21. Obtain an Encroachment Permit from Public Works Department 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. Add this requirement on the plans as a note.
22. The work shall conform to the current NPDES requirements. S.B.M.C. 12.16.020. Include the attached County Best Management Practices (BMPs) sheet on the plans.
23. Show on plans how storm water will be collected from downspouts and other on-site drainage and disposed of, either into landscaping or collected through an under sidewalk curb drain to the gutter per City Standard Detail ST-03. Foundations shall be protected from storm water. Drainage into adjacent properties shall not be allowed. Indicate any pipes, swales, or applicable ground percolation treatments as necessary.
24. Should the project create and/or replace 2,500 square feet or more of impervious surface, the project must include one of the required C.3.i site Design Measures as required by the Municipal Regional Permit. A C.3.i. Checklist must also be completed and submitted for review.
25. Perform a 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 new meter will be required including water and sewer capacity charges based on the size of the new water meter installed along with materials and installation charges for an upgraded water meter. Please indicate on the plans the location and size of the existing water meter and the available water pressure at the property. For additional information, attached are Calculation Procedures and the estimated water pressure available near the property is 89 psi static and 86 psi residual.

**Fire Department – 650-616-7096**

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

Date of Preparation: August 12, 2016  
Prepared by: Matt Jones, Contract Assistant Planner

**EXHIBITS**

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

**73 Scott Street**  
**020-025-060**  
**UP-16-012**

**Exhibit A: Site Location**



### Exhibit B: Photographs

Subject Site (from across street and of driveway)



Neighboring property (across street)



Neighboring property (across street)



Neighboring property (to the east)



Neighboring property (to the west)



Existing Garage



Parking pad in front of garage



Gate and Driveway



Driveway





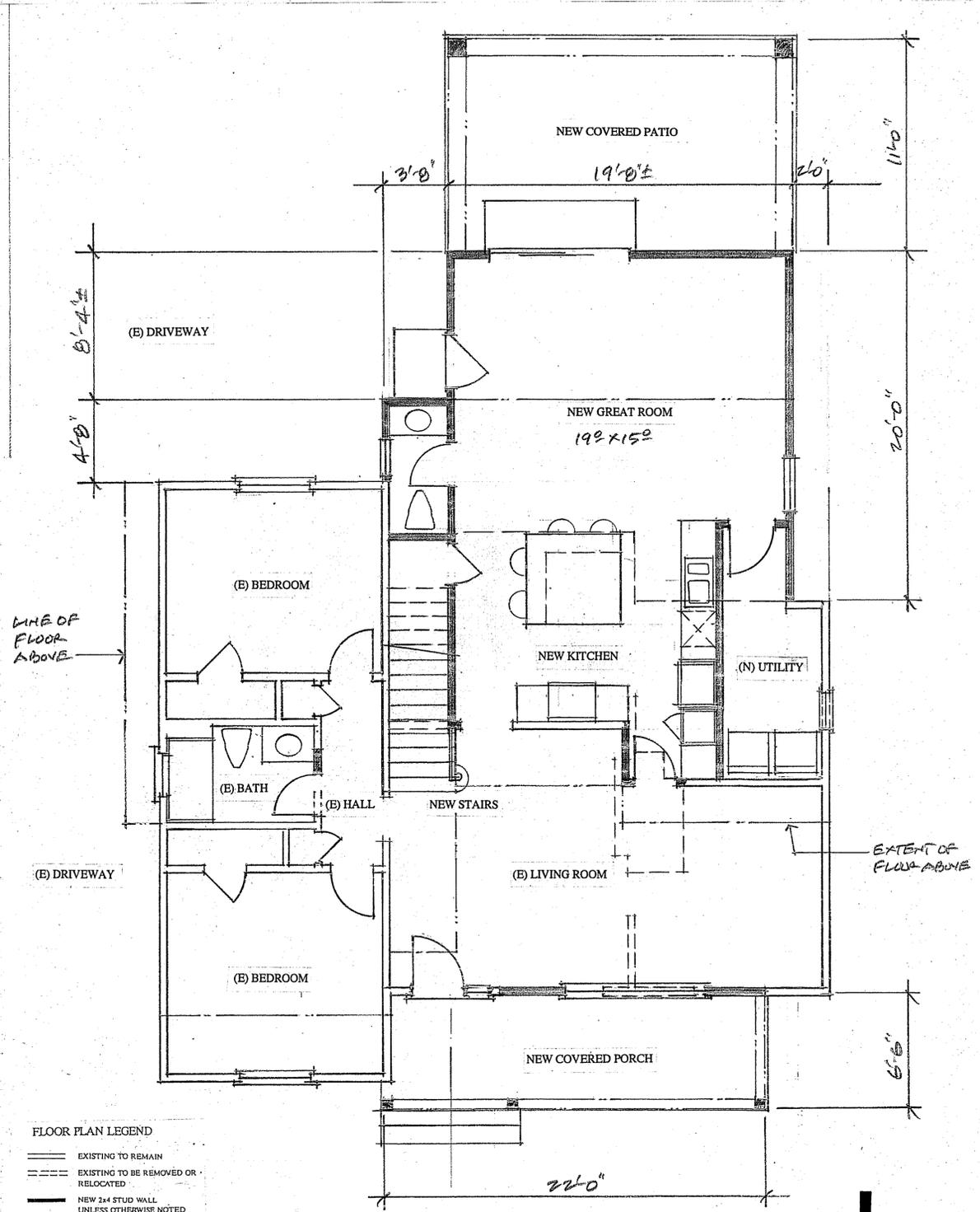
REVISIONS	BY

**Ibarra Associates**  
 ARCHITECTURE & PLANNING  
 100 LUCIA COURT  
 SAN BRUNO, CA 94066  
 650-589-4613

RESIDENTIAL REMODEL & ADDITION  
**73 SCOTT STREET**  
 SAN BRUNO, CA  
 OWNER: P. & A. CHARAN

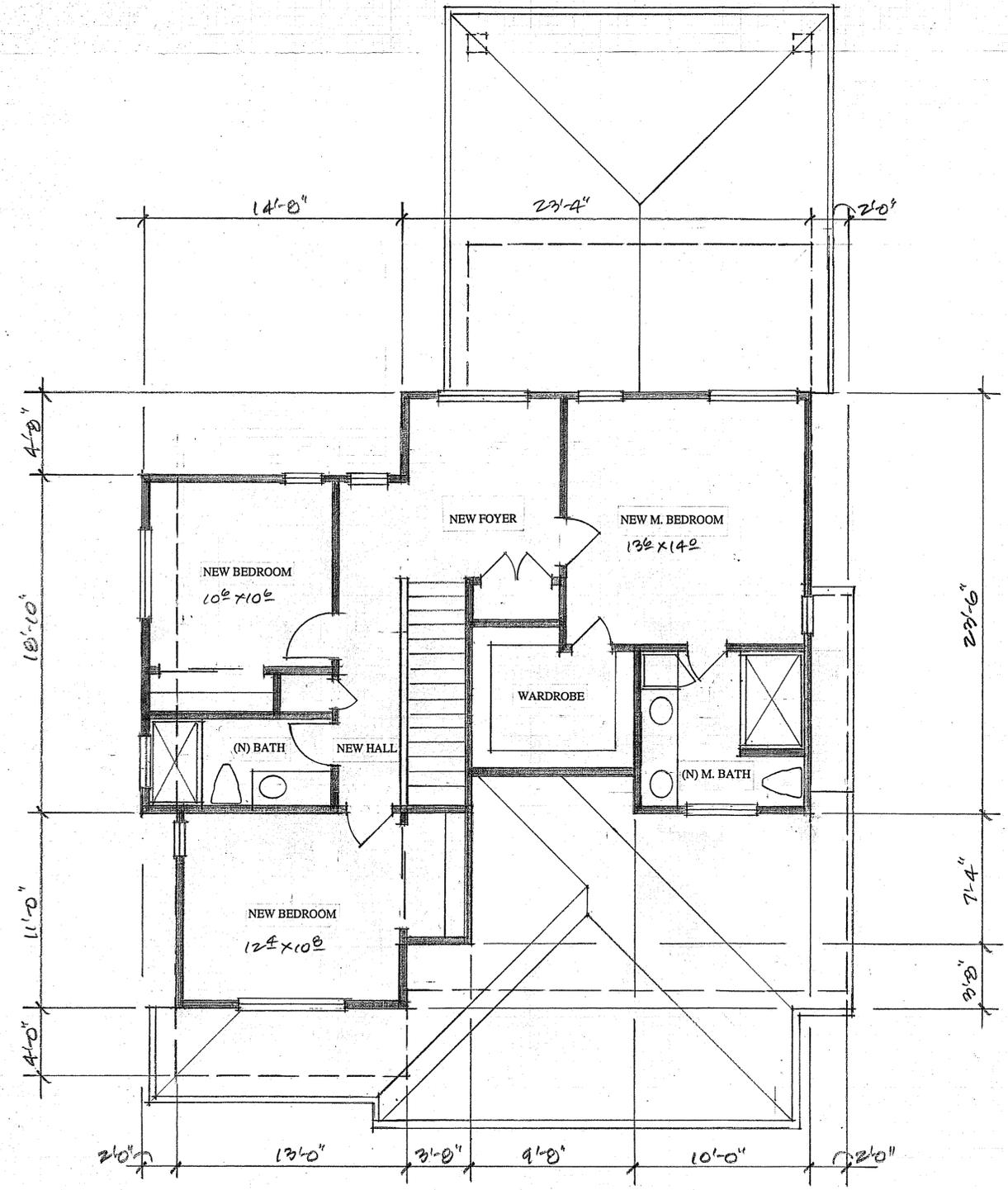
PROPOSED  
 FLOOR  
 PLANS

DATE	3.20.16
SCALE	1/4"
DRAWN	K
JOB	2016.02
SHEET	A.2
OF SHEETS	3/1



**PROPOSED FIRST FLOOR PLAN**

ADDED FLOOR AREA: 379 S.F.

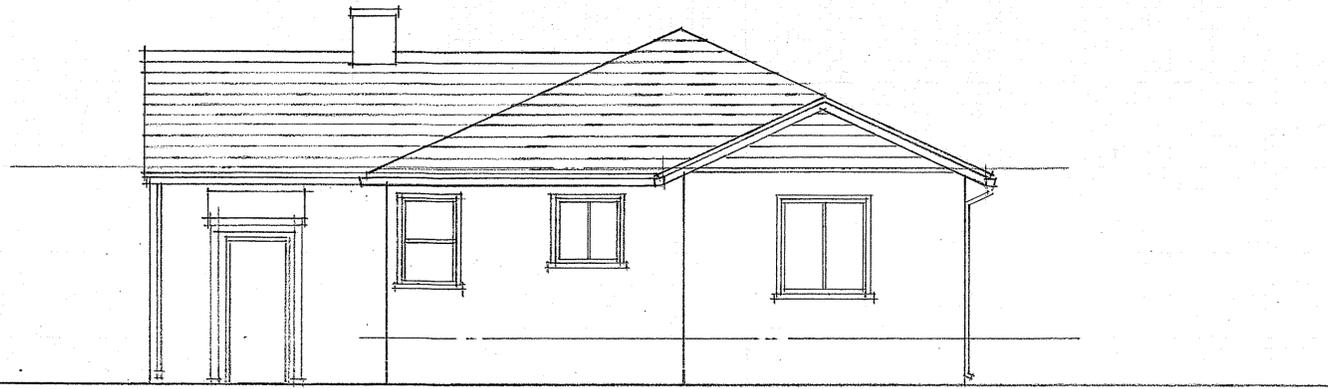


**PROPOSED SECOND FLOOR PLAN**

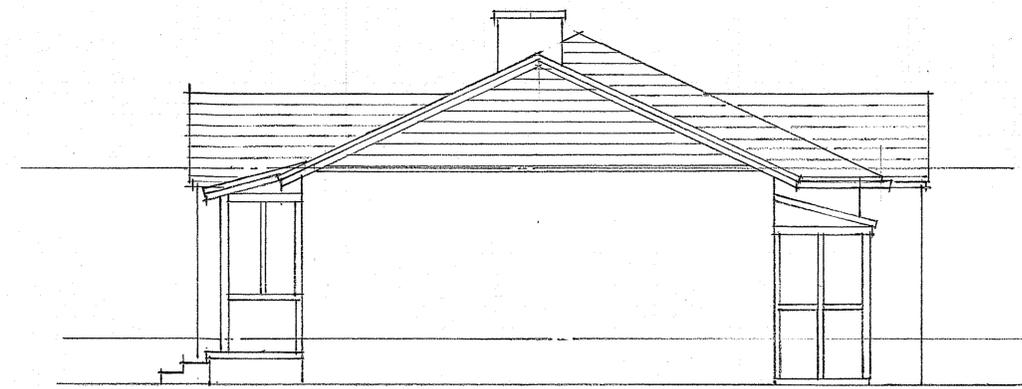
ADDED FLOOR AREA: 947 S.F.

- FLOOR PLAN LEGEND**
- EXISTING TO REMAIN
  - - - EXISTING TO BE REMOVED OR RELOCATED
  - NEW 2x4 STUD WALL UNLESS OTHERWISE NOTED
  - (N) DENOTES NEW
  - (E) DENOTES EXISTING

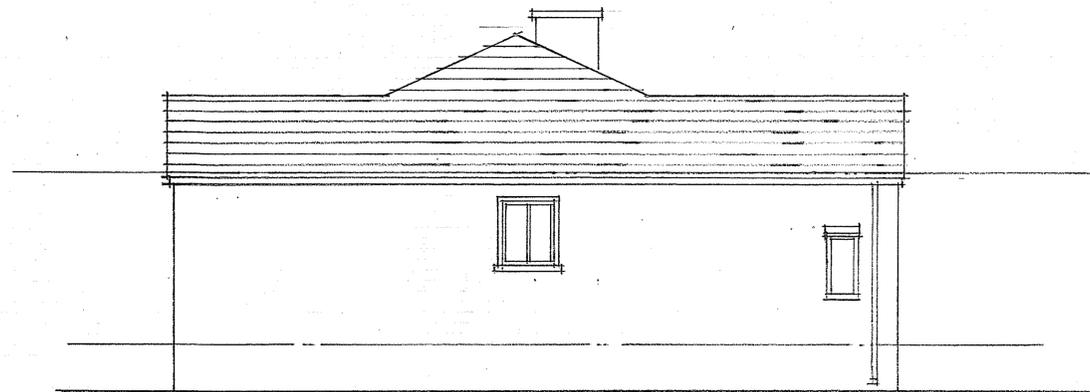




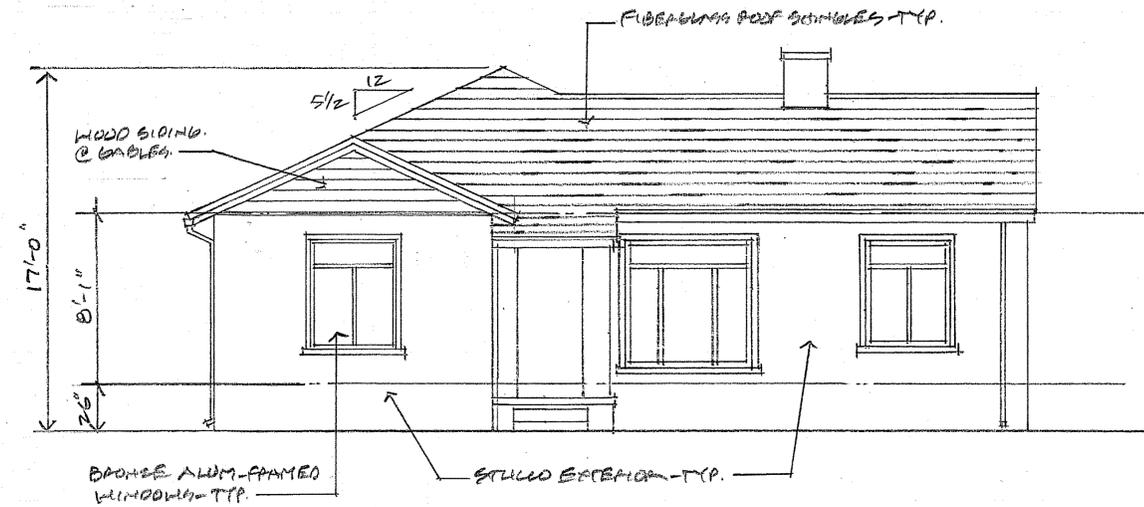
EXISTING REAR ELEVATION - SOUTH



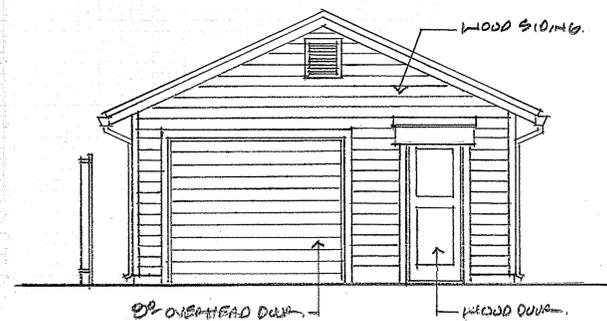
EXISTING RIGHT SIDE ELEVATION - WEST



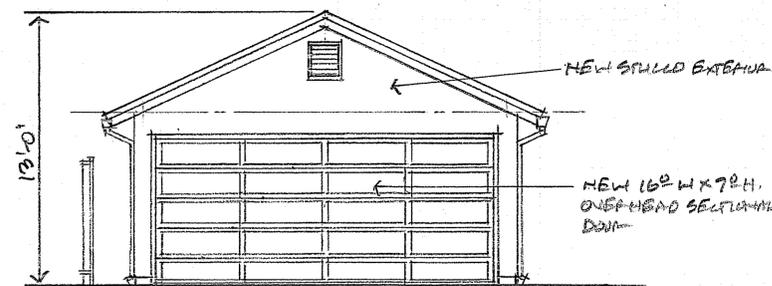
EXISTING LEFT SIDE ELEVATION - EAST



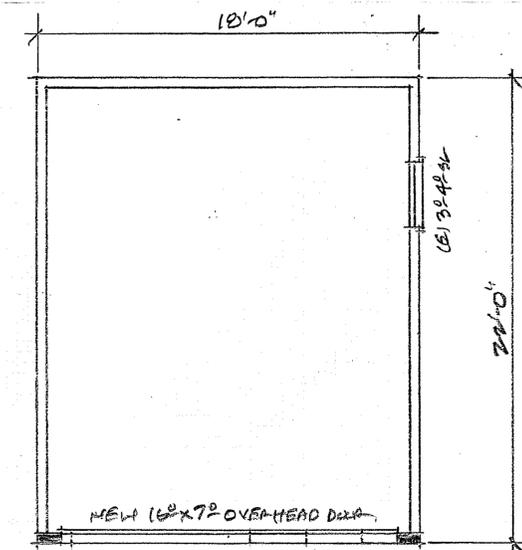
EXISTING FRONT ELEVATION - NORTH



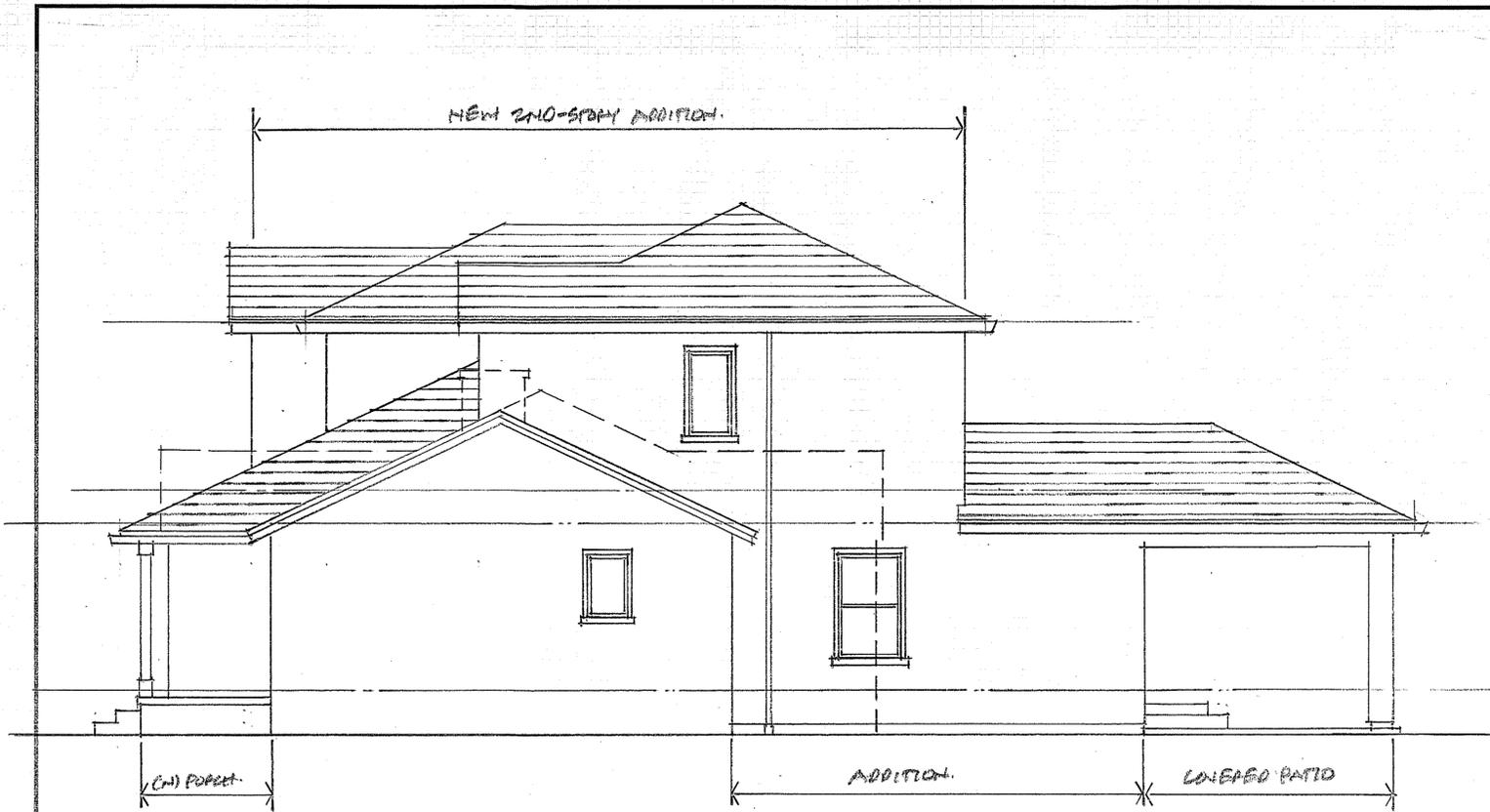
EXISTING FRONT ELEVATION - EXISTING GARAGE



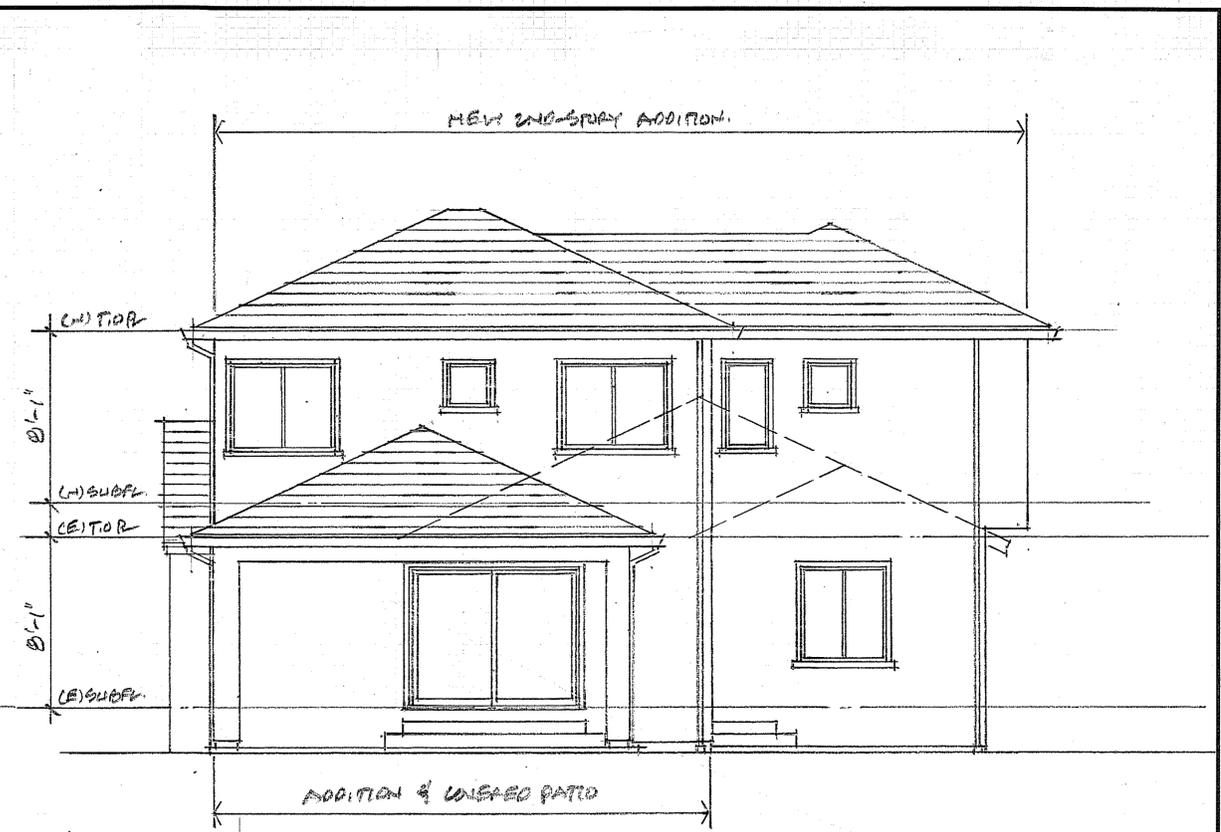
PROPOSED FRONT ELEVATION - EXISTING GARAGE



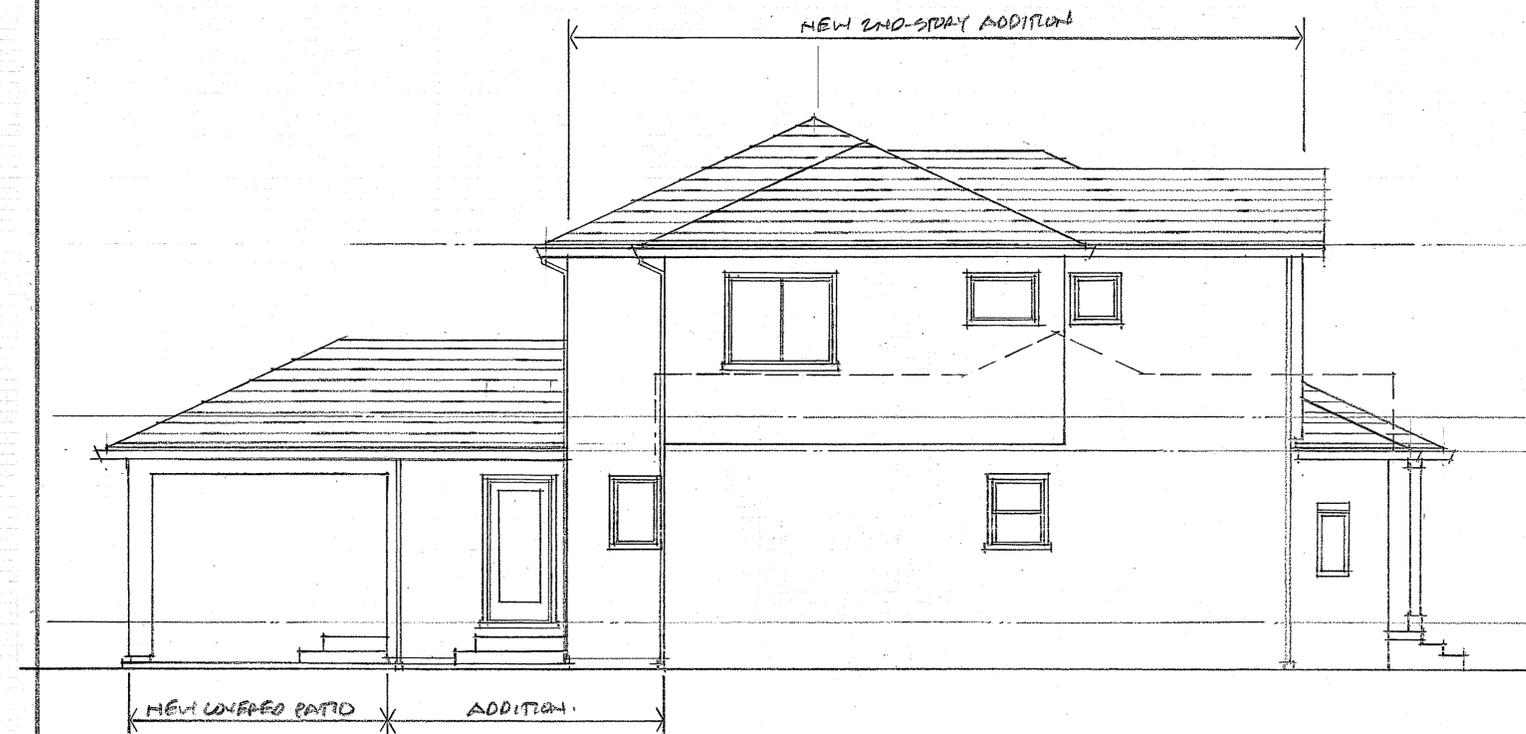
PROPOSED PLAN - EXISTING GARAGE



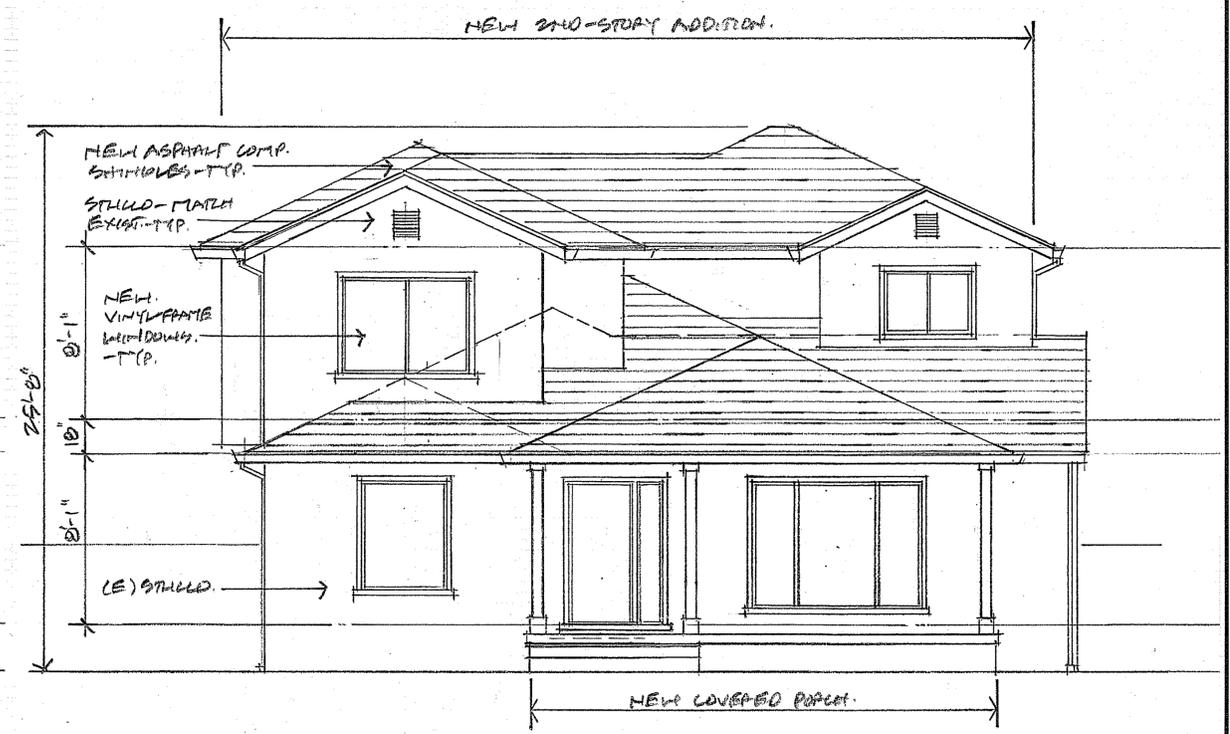
PROPOSED RIGHT SIDE ELEVATION - WEST



PROPOSED REAR ELEVATION - SOUTH



PROPOSED LEFT SIDE ELEVATION - EAST



PROPOSED FRONT ELEVATION - NORTH

REVISIONS	BY

**Ibarra Associates**  
 ARCHITECTURE & PLANNING  
 100 LUCIA COURT  
 SAN BRUNO, CA 94066  
 650-589-4613

RESIDENTIAL REMODEL & ADDITION  
**73 SCOTT STREET**  
 SAN BRUNO, CA  
 OWNER: P. & A. CHARAN

PROPOSED EXTERIOR ELEVATIONS

Date 3/28/16  
 Scale 1/4"  
 Drawn K  
 Job 206-02  
 Sheet **A.4**  
 Of Sheets

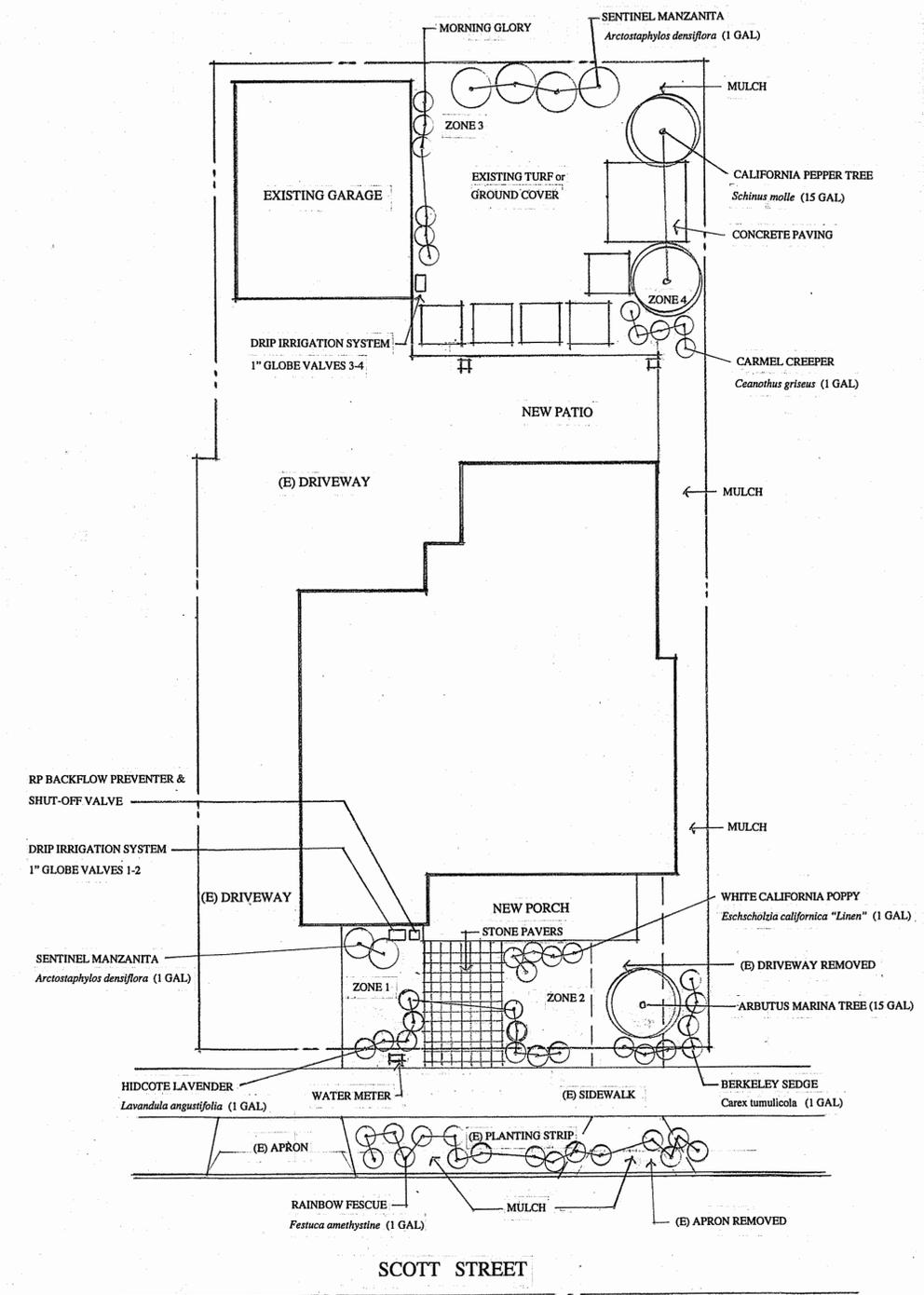
REVISIONS	BY

**Ibarra Associates**  
 ARCHITECTURE & PLANNING  
 100 LUCIA COURT  
 SAN BRUNO, CA 94066  
 650-589-4613

RESIDENTIAL REMODEL & ADDITION  
**73 SCOTT STREET**  
 SAN BRUNO, CA  
 OWNER: P. & A. CHARAN

PRELIMINARY LANDSCAPE PLAN

Date 8.9.16  
 Scale 1/8"  
 Drawn K  
 Job 2016-02  
 Sheet **L.1**  
 Of 5 Sheets



**PRELIMINARY LANDSCAPE PLAN** 1/8" = 1' - 0"

NOTE: THERE ARE NO EXISTING TREES ON THE SITE. ALL LANDSCAPING IS NEW UNLESS OTHERWISE NOTED.

# Exhibit D



City of San Bruno  
 Building Safety Division  
 567 El Camino Real  
 San Bruno, CA 94066

Permit Center: (650) 616-7076  
 Inspection Request: (650) 616-7074  
 Fax: (650) 873-6749

## 2013 CALIFORNIA GREEN BUILDING STANDARD CODE (CGC) RESIDENTIAL CHECKLIST

*New residential buildings shall be designed to include the green building mandatory measures specified in this checklist. This checklist shall also be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to the specific area of the addition or alteration.*

BUILDING PERMIT NO.: \_\_\_\_\_  
 ADDRESS: 73 SCOTT STREET, SAN BRUNO

**MANDATORY  
 MEASURES  
 SPECIFIED**  
 (Please check  
 boxes below)

Feature or Measure	Yes
<b>SITE DEVELOPMENT</b>	
A plan has been developed and will be implemented to manage storm water drainage during construction per CGC 4.106.2 & 4.106.3	<input type="checkbox"/>
<b>WATER EFFICIENCY AND CONSERVATION</b>	
Plumbing fixtures (Water closets and urinals) shall comply with the following:	
The effective flush volume of all water closets shall not exceed 1.28 gal/flush (CGC 403.1.1)	<input checked="" type="checkbox"/>
The effective flush volume of urinals shall not exceed 0.5 gal/flush (CGC 403.1.2)	<input checked="" type="checkbox"/>
Fittings (faucets and showerheads) have all required standards listed on plans and are in accordance to CGC 4.303.1.3 and CGC 403.1.4	<input checked="" type="checkbox"/>
Automatic irrigation system controller for landscaping provided by the builder and installed at the time of final inspection shall comply with CGC 4.304	<input checked="" type="checkbox"/>
<b>ENHANCED DURABILITY AND REDUCED MAINTENANCE</b>	
Annular spaces around pipes, electric cables, conduits or other openings in sole/bottom plates at exterior walls shall be rodent proofed by closing such openings with cement mortar, concrete masonry, or similar method acceptable to the enforcing agency per CGC 4.406.1	<input checked="" type="checkbox"/>
<b>CONSTRUCTION WASTE REDUCTION, DISPOSAL AND RECYCLING</b>	
A minimum of 65% of the non-hazardous construction and demolition waste generated at the site shall be diverted to an offsite recycle, diversion, or salvage facility per CGC 4.408	<input checked="" type="checkbox"/>
<b>BUILDING MAINTENANCE AND OPERATION</b>	
An operation and maintenance manual will be provided to the building occupant or owner per CGC 4.410.1	<input type="checkbox"/>
<b>ENVIRONMENTAL QUALITY</b>	
Any gas fireplaces shall be a direct-vent sealed-combustible type.	<input type="checkbox"/>
Any wood stove or pellet stove shall comply with US EPA Phase II emission limits per CGC 4.503.1	<input type="checkbox"/>
<b>POLLUTANT CONTROL</b>	
At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all duct and other related air distribution components openings shall be covered with tape, plastic, sheet metals, or other methods acceptable to the enforcing agency to reduce the amount of water, dust or debris, which may enter the system per CGC 4.504.1.	<input type="checkbox"/>
Adhesive, sealants and caulks shall meet the VOC or other toxic compound limits per CGC 4.504.2.1.	<input checked="" type="checkbox"/>
Paints and coatings shall comply with VOC limits per CGC 4.504.2.2.	<input checked="" type="checkbox"/>
Aerosol paints and coatings shall meet the Product-weighted MIR limits for ROC and other requirements per CGC 4.504.2.3.	<input checked="" type="checkbox"/>
Documentation will be provided, at the request of the Building Division, to verify compliance with VOC finish materials per CGC 4.504.2.4.	<input type="checkbox"/>
Carpet system installed in the building interior shall meet the testing and product requirement per CGC 4.504.3.	<input checked="" type="checkbox"/>
Where resilient flooring is installed, at least 80% of the floor area receiving resilient flooring will comply with the requirements per CGC 4.504.4.	<input checked="" type="checkbox"/>
Hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior and exterior of the building shall comply with the low formaldehyde emission standards per CGC 4.504.5.	<input checked="" type="checkbox"/>

Feature or Measure	Yes
<b>INTERIOR MOISTURE CONTROL</b>	
A capillary break shall be installed if a slab on grade foundation system is used. The use of a 4" thick base of 1/2" or larger clean aggregate under a 6 mil vapor retarder with joint lapped not less than 6" will be provided per CGC 4.505.2 and CRC R506.2.3.	<input type="checkbox"/>
Building materials with visible signs of water damage shall not be install. Wall and floor framing shall not be enclosed when the framing members exceed 19% moisture content. Moisture content shall be checked prior to finish material being applied per CGC 4.505.3.	<input checked="" type="checkbox"/>
<b>INDOOR AIR QUALITY AND EXHAUST</b>	
Exhaust fans, which are ENERGY STAR compliant and be ducted to terminate outside the building, shall be provided in every bathroom per CGC 4.506.1.	<input checked="" type="checkbox"/>
<b>ENVIRONMENTAL COMFORT</b>	
Heating and air-conditioning system shall be sized, designed and have their equipment selected using the following methods: 1. Heat Loss/Heat Gain values in accordance with ANSI/ACCA 2 Manual J-2004 or equivalent; 2. Duct systems are sized according to ANSI/ACCA 1, Manual D-2009 or equivalent; 3. Select heating and cooling equipment in accordance with ANSI/ACCA 3, Manual S-2004 or equivalent.	<input checked="" type="checkbox"/>
<b>INSTALLER AND SPECIAL INSPECTOR QUALIFICATION</b>	
HVAC system installers shall be trained and certified in the proper installation of HVAC systems and equipment by a recognize training or certification program per CGC 702.1.	<input checked="" type="checkbox"/>
<b>VERIFICATION</b>	
Upon request, verification of compliance with this code may include construction documents, plans, specifications, builder or installer certification, inspection reports, or other methods acceptable to the building department which will show substantial conformance.	<input checked="" type="checkbox"/>

Responsible Designer's Declaration Statement	Contractor Declaration Statement
I hereby certify that this project has been designed to meet the requirements of the 2013 California Green Building Standards Code.	I hereby certify, as the builder or installer under the permit listed herein, that this project will be constructed to meet the requirements of the California Green Building Standards Code.
Name: KEN IBARRA	Name:
Signature: 	Signature:
Date: 5/25/16	Date:
Company: IBARRA ASSOCIATES	License:
Address: 100 LUCIA COURT	Address:
City: SAN BRUNO State: CA Zip: 94066	City: State: Zip:

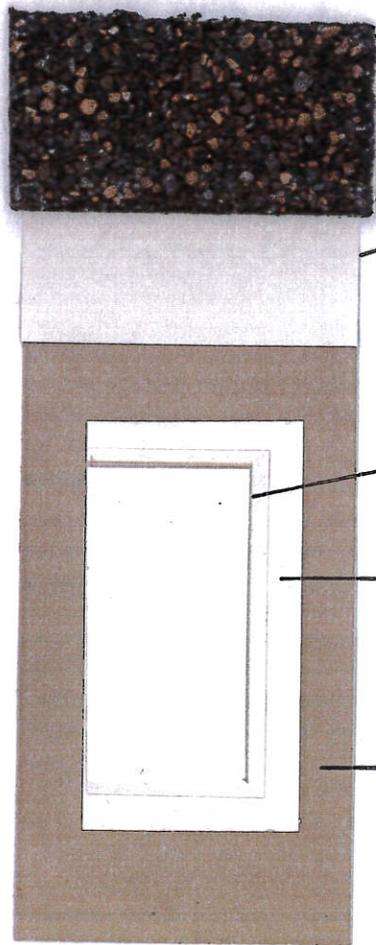
# Exhibit E

RESIDENTIAL REMODEL & ADDITION

## 73 SCOTT STREET

SAN BRUNO, CA.

OWNER: P. & A. CHARAN



Roofing: Asphalt Shingles  
*"Brownwood" (Owens-Corning)*

Gutter & Fascia:  
*"Water Chestnut"*  
*(Olympic OL728.2)*

Windows: White Vinyl  
*Milgard "Style Line Series"*

Window & Door Wood Trim:  
*"Water Chestnut"*  
*(Olympic OL728.2)*

Wood & Hardboard Siding:  
*"Coffee Kiss"*  
*(Olympic OL689.5)*

# Ibarra Associates

ARCHITECTURE & PLANNING  
100 LUCIA COURT  
650-589-4613

SAN BRUNO CA 94066  
650-873-4560 FAX



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

**STAFF**

David Woltering, AICP, *Community Development Director*  
Mark Sullivan, AICP, *Long Range Planning Manager*  
Michael Smith, *Senior Planner*  
Matt Neuebaumer, *Associate Planner*  
Megan Wooley-Ousdahl, AICP, *Associate Planner*  
Matt Jones, *Contract Assistant Planner*  
Marc Zafferano, *City Attorney*

**PLANNING COMMISSION**

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

**PLANNING COMMISSION  
STAFF REPORT  
AGENDA ITEM NO. 5.B.  
August 16, 2016**

**Project Address:** 1111 Montgomery Avenue

**Assessor's Parcel No:** 014-272-070

**Application No.:** AR-15-006, UP-16-004

**Zoning District:** M-1 (Industrial)

**General Plan Classification:** Industrial

**Prepared by:** Michael Smith, Senior Planner, (650) 616-7062

**REQUEST**

Request for a Use Permit and an Architectural Review Permit to demolish the detached garage at the rear of the lot and construct a new 1,484 square foot storage building at the rear of the lot that would be used to store contractor materials and include an attached 530 square-foot, two car garage to service the existing single family home that would remain on the site, per Sections 12.96.150.C.d, and 12.108.010.A of the San Bruno Municipal Code. Van Ly (Applicant) and Olivia Wing Lum Luo (Owner) **AR15-006, UP-16-004.**

**RECOMMENDATION**

Staff recommends that the Planning Commission approve AR15-006 and UP-16-004, based on Findings 1-8 and subject to Conditions of Approval 1-28.

**PROJECT DESCRIPTION**

The applicant is proposing to demolish the existing two car garage located at the rear of the property and construct a new 1,484 square foot storage building with an attached 530 square foot, two car garage on a 5,000 square foot lot. The existing 792 square foot single family home on the lot would remain and have access to the proposed garage. The proposed new total gross floor area would be a total of 2,806 square feet with a lot coverage of 56% where 60% is allowed. The operation would include personal storage for building supplies: including lumber cabinets, plumbing and electrical materials, construction equipment such as an excavator and loader for the owner who is a contractor. The hours would be 7 a.m. to 9 p.m., Monday through Saturday.

**ARCHITECTURAL REVIEW COMMITTEE**

The Architectural Review Committee (Commissioners Biasotti, Kayal, Sammut) reviewed the project at its April 14, 2016 meeting. The Architectural Review Committee forwarded the project to the Planning Commission with the recommendations below.

1. Label on the plans the parking space and the trash and recycling area on the north side of the storage building, delineating the area for trash and for parking. This change has been incorporated into the plans before you.
2. No workers or employees shall be allowed to arrive on the site, only the delivery and pick of materials in the storage building. No materials shall be stored outside of the storage building. This has been added as a condition of approval.
3. Additional details will be required for the final landscape and irrigation plan for water efficient landscaping. The front landscape area will be required to install landscape boulders or another barrier to protect it from vehicles parking in the landscaped area. The landscaping will be required to be maintained in a health growing condition for the life of the project. This has been added as a condition of approval.

### **ENVIRONMENTAL REVIEW**

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15303(c): a commercial building not exceeding 10,000 square feet in floor area on sites zoned for such use and not involving significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

### **LEGAL NOTICE**

1. Notices of public hearing mailed to owners of property within 300 feet on August 5, 2016.
2. Advertisement published in the San Mateo Daily Journal, Saturday, August 6, 2016

### **PUBLIC COMMENT**

During the public notification period staff was contacted by the tenant of 1121 Montgomery Ave., the adjacent property to the north of the subject property. The tenant had many concerns about the project and the property in general, therefore, the email correspondence has been attached to the staff report as Exhibit G.

### **REVIEWING AGENCIES**

Community Development Department  
Public Services Department  
Fire Department

### **EXISTING CONDITIONS**

The subject property is located on Montgomery Avenue south of Atlantic Avenue and east of Herman Street, the railroad tracks and Railroad Place. This is a 5,000 square foot rectangular-shaped, fifty-foot-wide, 100-foot deep lot, which is considered legal nonconforming in terms of size and width because within the industrial zone where the minimum lot size is 8,000 square feet and the minimum lot width is 60-feet. The property is currently developed with a one-story, 792 square foot, single-family dwelling consisting of two bedrooms, one bathroom, living room, dining room/kitchen, and a detached 400 square-foot, two-car garage. The existing residential use is considered a legal nonconforming use because residential uses are not permitted within the industrial zone. The home was constructed in 1956 and the site is located in the San Bruno Park 5<sup>th</sup> Addition. There are other residential uses in the industrial district

co-existing with industrial uses. Immediately adjacent to the north and east of the subject property are industrial uses and a parking lot is adjacent to the south side. The railroad tracks are immediately behind the property adjacent to Railroad Place which is not a public street, nor is it paved or have vehicle access.

**ADDITIONAL INFORMATION**

- **Accessory Structures:** Existing is 400-square foot detached garage
- **Code Enforcement:** There are no active Code Enforcement cases.
- **Easements:** None
- **Heritage Trees:** There are no heritage trees located on site.
- **Previous additions or alterations:** There have been no previous additions or alterations to the subject property.

**SURROUNDING LAND USES**

North: Atlantic Avenue – M-1 (Industrial)  
 South: Scott Avenue – M-1 (Industrial)  
 East: San Mateo Avenue – M-1 (Industrial)  
 West: Herman Avenue/Railroad Place – U (unclassified) and beyond Herman Avenue is R-1 (single family residential)

**PROJECT DETAILS SUMMARY**

SITE CONDITIONS		ZONING REQUIREMENTS	EXISTING CONDITIONS	PROPOSED CONDITIONS
Land Use		Industrial (M-1)	Residential	Industrial and Residential
Lot Area		8,000 s.f	5,000 s.f	Same
Lot Coverage		60%	1,192 s.f. (24%)	2,806 (56%)
Gross Floor Area		N/A	1,192 s.f.	2,806 s.f.
Floor Area Ratio		N/A	N/A	N/A
Building Setbacks	Front	None	7'-6"	Same
	Rear	None	2'-7"	Zero
	R Side	None	1'-18"	10'-0"
	L Side	None	5'-3"	Zero
Building Height		35'-0"	11'-6"	24'-6"

**STAFF'S PROJECT ANALYSIS**

The proposed 1,484 square foot storage building and new 530-square foot, two-car garage, attached to the storage building would replace the existing 400-square foot, two-car detached garage. The existing two-car garage will be removed and the existing 792 square foot single family home will remain. No changes are proposed to the residence. The new garage will include a car lift so that it will accommodate parking three vehicles for the residence. The proposed new total area would be a total 2,806 square feet including the garage and the residence with a gross floor area of 56% where 60% is allowed.

The existing residential use is in conformance with the side and rear setbacks with the exception of the existing front setback is only 7'-6". The new structure will have a zero setback on the rear and south sides and a ten-foot setback on the north side where one uncovered parking space and a trash and recycling enclosure will be located. The parking for the residential garage and storage use parking are sited towards the rear of the lot. The proposed height is 24'-6" for the storage building, 15'-6" for the garage and it is 11'-6" for the exiting residence where the maximum height allowed is 35 feet. The industrial zoning district does not require setbacks.

This 5,000 square foot, fifty foot-wide lot is considered legal nonconforming in size and width. The Industrial zone minimum size lot is 8,000 square feet and 60 feet wide. The existing residential use is considered a legal nonconforming use and no expansion or changes are proposed to the structure. Staff encouraged the applicant to convert the uses to conforming use (no residential use is allowed by the zoning), but the applicant desired to continue the residential use with the existing tenant in residence. Nonconforming uses are not allowed to be expanded or changed to a different nonconforming use according to section 12.92.02.A of the Zoning Code.

Parking for the residence would be provided within the proposed garage. Two parking spaces are provided for the storage building: one space within the storage building and one uncovered space adjacent to the north side of the storage building in the rear of the site. The parking required for a personal storage building or a storage yard is one space per 5,000 square feet (Zoning Code section 12.96.090).

The site will not be permitted to operate as a staging area for a contractor yard business as there is not adequate parking for additional vehicles and the noise and traffic generated would be in conflict with the residential use. No workers or employees would be allowed to arrive on the site, only the delivery and pick up of materials in the storage building. No materials would be allowed to be stored outside of the storage building.

According to the San Bruno Municipal Code Chapter 12.108, an Architectural Review Permit is required for the construction of a new building that is visible from the public right-of-way. Staff worked with the applicant concerning the site layout and the design. Staff was concerned that the parking on the driveway for the storage building would block parking for the residence and required residential parking to be sited so that construction use vehicles do not block the residence's parking. Proposed was a separate second floor office with a full bathroom which staff required to be removed from the storage building and now proposed is only a half bathroom, but an office for the use would be allowed within the storage building floor area.

The proposed design on the front elevation appears integrated with the residential use, by the use of stucco and an asphalt shingle parapet roof on both the garage and the storage building to add visual interest to the building and match the residence. Proposed rectangular windows will match the scale and shape of the residence. More details were requested for the storage building's elevations and proposed are formed stucco arch designs on the rear and south elevations in addition to the parapet roof. Colors proposed are a beige stucco body with off-white doors and gray-blue trim. Staff recommends that the applicant reduce the scale of the designs as they appear over scale. Staff also recommends that the metal roll-up garage doors include lites. Skylights are proposed for the roof to allow natural light, the applicant did not want to add windows except to the north elevation.

New landscaping is proposed for the entire site and will amount to 375 square feet, meeting requirement of 7.5% of gross area of the site for the M district. Landscaping planters will be along the front and north side of the driveway and the side property line. Staff has recommended that the applicant be required to install landscape boulders or another barrier in the front landscape area to protect it from vehicles parking in the front yard. The landscaping will be required to be maintained in a healthy growing condition for the life of the project. Additional details will be required at permit submittal for the final landscape and irrigation plan for water efficient landscaping.

## **FINDINGS**

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

- 1. 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 proposed 1,484 square-foot storage building with a 530 square-foot three-car garage, attached to the storage building would replace the existing 400-square foot, two-car detached garage. The operation will include personal storage for building supplies: including lumber cabinets, plumbing and electrical materials, construction equipment such as an excavator and loader for the owner who is a contractor. The hours would be 7 a.m. to 9 p.m. Monday through Saturday, generally not on consecutive days. The site will not be permitted to operate as a staging area for a contractor yard business as there is not adequate parking for additional vehicles and the noise and traffic generated would be in conflict with the residential use. No workers or employees would be allowed to arrive on the site, only the delivery and pick of materials in the storage building. The new garage will accommodate parking for two vehicles for the residence. The new storage building will have one parking space within the structure and one uncovered parking space on the north side of the building and a trash and recycling enclosure will be located in the rear of the lot. Therefore, staff finds that the approval of the project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern on vehicular or pedestrian patterns.

- 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.**

An existing 14'-0" wide driveway off Montgomery Avenue will provide access to the storage building and residential garage to the rear of the residence. A 24'-0" driveway in front of the three car garage will allow turnaround. The site will not be permitted to be used as a staging area for a contractor yard business as there is not adequate parking for additional vehicles and the noise and traffic generated would be in conflict with the residential use. No workers or employees would be allowed to arrive on the site, only the delivery and pick of materials in the storage building. No materials would be allowed to be stored outside of the storage building. The project is located in an industrial area. Therefore, staff finds that there 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.**

New landscaping is proposed for the entire site and will amount to 375 square feet, meeting the Municipal Code (Zoning Code section 12.84.180B.1) requirement of 7.5% for the M district. Landscaping planters will be in the front setback and along the north side of the driveway and the side property line. Additional details will be required for the final landscape and irrigation plan for water efficient landscaping. The applicant will be required to install landscape boulders or another barrier in the front yard planter to protect it from vehicles parking in the landscaped area. A condition of approval will require that the landscaping will be required to be maintained in a healthy growing condition for the life of the project.

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

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

**5. 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 proposed 1,484 square foot storage building and new 530-square foot, two-car garage, attached to the storage building would replace the existing 400-square foot, two-car detached garage. The existing 792 square foot, single family home will remain. The proposed new total area would be a total 2,806 square feet including the garage and the residence with a gross floor area of 56% where 60% is allowed.

Similar to the adjacent and uses along Montgomery Avenue are both similar scale and intensity industrial and residential uses including storage mechanical and auto body shops. With the staff recommendations incorporated as part of the project plans, the proposal will benefit the City and the surrounding neighborhood by improving the property in a well-designed manner. Therefore, staff finds that the project will not be detrimental to improvement in the neighborhood or to the general welfare of the City.

**6. That the proposed development is consistent with the San Bruno General Plan. (SBMC 12.108.050.B.3)**

The San Bruno General Plan designates the property as an Industrial district. The storage building and contractor yard use are consistent with the General Plan designation. The existing residential use is considered a legal nonconforming use and no expansion or changes are proposed to the structure. Staff encouraged the applicant to convert the nonconforming residential use to a conforming use, but the applicant desired to continue the residential use with the existing tenant in residence. Nonconforming uses are not allowed to be expanded or changed to a different nonconforming use according to section 12.92.02.A of the Zoning Code.

General Plan Policy LUD-55 states, "Support conversion of remnant residential uses south of Atlantic Avenue to industrial or office uses. Allow assembly of small residential lots that will increase the feasibility of attracting light industrial employers, provide a more compatible industrial setting, and accommodate uses appropriate for 70 db noise levels from SFO overflights." Since the proposed storage building use is not an expansion or any change to the nonconforming residential use and the owner desired to continue the existing residential use with the existing tenant in residence, staff determined that the nonconforming use can remain. Therefore, the development is considered consistent the San Bruno General Plan.

General Plan Policy LUD-62 states: "Require the installation of landscaping to screen storage yards and other outdoor areas facing public streets in industrial development."

New landscaping is proposed for the entire site and will amount to 375 square feet, meeting the Municipal Code (Zoning Code section 12.84.180B.1) requirement of 7.5% for the M district. Landscaping will be in the front setback and along the north side of the driveway and the side property line. A trash and recycling enclosure with screening is proposed in the rear of the property so trash will not be visible to the public street and no materials shall be stored outside of the storage building. Therefore, the development is considered consistent the San Bruno General Plan.

- 7. 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. (12.108.040.D).**

The existing residential use is in conformance with the side and rear setbacks, with exception of the existing front setback is only 7'-6". The new structure will have a zero setback on the rear and south sides and a ten-foot setback on the north side where one uncovered parking space and a trash and recycling enclosure will be located. The residential garage and parking is sited towards the rear of the lot. The proposed maximum height for the storage building is 24'-6". The existing residence has a maximum height of 11'-6". The maximum height for the district is 35 feet setbacks are not required. Furthermore, there are no adjacent residential uses, therefore, the structure should not unreasonably restrict or interfere with light and air access on the property and on other property in the neighborhood, or hinder appropriate development and use of land and buildings in the neighborhood.

- 8. 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).**

According to the San Bruno Municipal Code Chapter 12.108, an Architectural Review Permit is required for the construction of a new building that is visible from the public right-of-way. The proposed design of the garage portion of the structure is integrated with the architectural character of the existing dwelling. The storage building would have a warehouse character with design elements that are compatible with the existing dwelling. These design elements include the use of stucco and an asphalt shingle parapet roof. Proposed windows will have an industrial character which is more befitting the use of the building. To add architectural interest, formed stucco details are proposed for the sides and rear of the storage

building. Colors proposed are a beige stucco body with off-white doors and gray-blue trim. Skylights are proposed for the roof to allow natural light.

With staff recommendations incorporated into the project that the applicant add new landscaping for the entire site, meeting the Municipal Code (Zoning Code section 12.84.180B.1) requirement of 7.5% for the M district. Irrigated landscaping will be in the front setback and along the north side of the driveway and the side property line. A trash and recycling enclosure with screening is required in the rear of the property so trash will not be visible to the public street and no materials shall be stored outside of the storage building. Therefore 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.

### **CONDITIONS OF APPROVAL**

#### **Community Development Department – (650) 616-7089**

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 16-004 and Architectural Review Permit 15-006, shall not be valid for any purpose. Use Permit 16-004 and Architectural Review Permit 15-006 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 as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Architectural Review Permit for the construction of a storage building and attached garage shall be built according to plans approved by the Planning Commission on August 16, 2016, 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. No workers or employees shall be allowed to arrive on the site, only the delivery and pick of materials in the storage building. No materials shall be stored outside of the storage building.
7. At permit submittal, additional details will be required for the final landscape and irrigation plan for water efficient landscaping. The front landscape area will be required to install landscape boulders or another barrier to protect it from vehicles parking in the landscaped area. The landscaping will be

required to be maintained in a health growing condition for the life of the project.

8. The proposed storage building shall only be used for contractor storage purposes. No portion of the building shall be rented or converted to habitable living space as defined in the Uniform Building Code. Any attempt to construct habitable living space within the building will result in Code Enforcement action by the City. This condition of approval shall be disclosed at the point of sale to the consumer and shall be recorded against the property.
9. The designated 530 square foot garage area shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code or used for vehicle repair for payment. 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 area back into conformance.
10. 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.
11. 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.
12. The applicant 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 applicant's application for development.

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

13. The front property line is located 2.0 feet behind the sidewalk at 1111 Montgomery Avenue. No fences, retaining walls, or other permanent structure shall be placed or constructed within 2.0 feet from the back of sidewalk along 1111 Montgomery Avenue. S.B.M.C. 8.08.010.
14. 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.M.C. 12.16.020.
15. Show on the plans flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2013.
16. If not present, the applicant shall install a sanitary sewer lateral clean out at property line per City Standards Detail SS-02, dated June 2015. Older clean outs not meeting current City standards shall be replaced.

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 1111 Montgomery Avenue per SBMC 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks Division for any new street tree.
18. 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 locations where there are any raised or offset concrete sections greater than or equal to ¾-inch. S.B.M.C. 8.12.010.
19. Prior to final inspection, paint the address number on face of the curb near the driveway approach with black (4 inch or larger) lettering on a white background. Add a note showing the location where the street address will be painted.
20. Obtain an Encroachment Permit from Public Works Department 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.
21. An erosion control plan and storm water pollution prevention plan is required. The applicant shall show existing storm drain inlets and other storm water collection locations protected by silt screens or silt fence. The work shall conform to the current NPDES requirements. S.B.M.C. 12.16.020.
22. Show on plans how storm water shall be collected from downspouts and other on-site drainage and drained into landscaping or collected through an under sidewalk curb drain to the gutter per City Standard Detail ST-03. Foundations shall be protected from storm water. Drainage into adjacent properties shall not be allowed. Indicate any pipes, swales, or applicable ground percolation treatments as necessary.
23. Should the project create and/or replace 2,500 square feet or more of impervious surface, the project must include one of the required C.3.i site Design Measures as required by the Municipal Regional Permit. A C.3.i. Checklist must also be completed and submitted for review.
24. Perform a water demand calculation based on the requirements in Chapter 6 of the California Plumbing Code to confirm that the existing ¾-inch water meter is sufficient to serve proposed water demand. If existing meter is undersized a new 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. 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 – (650) 616-7096**

25. 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.
26. Provide hard-wired smoke detectors with battery backup as required by building code.

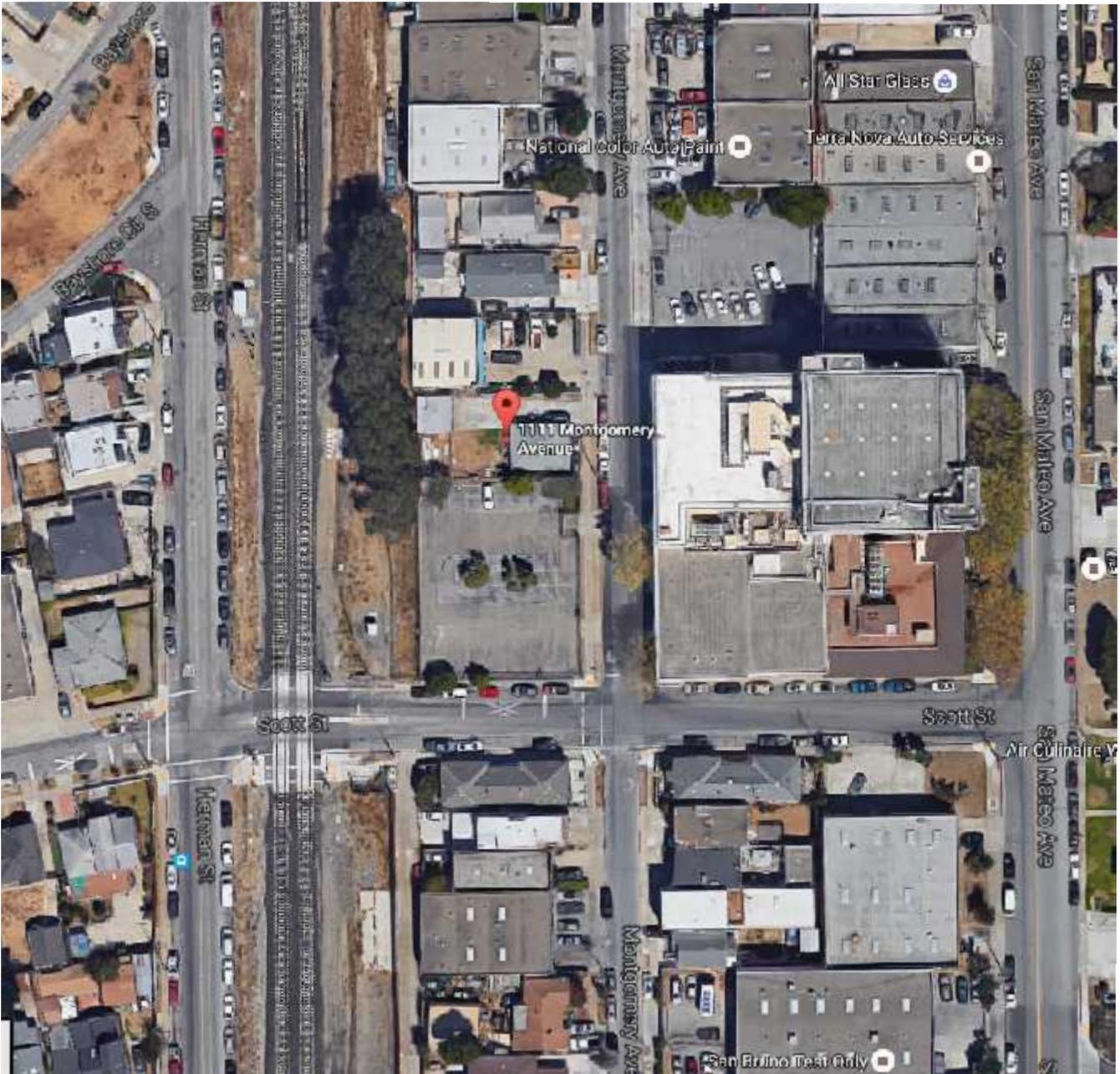
27. Provide spark arrester for chimney if not currently in place.
28. Fire Sprinklers are required for the addition portion of the project and recommended for the existing portion of the building.

Date of Preparation: August 12, 2016  
Prepared by: Michael Smith, Senior Planner

**EXHIBITS**

- A:** Site Location
- B:** Photographs
- C:** Site Plan, Floor Plans, and Elevations
- D:** Operation Statement
- E:** Colors and Materials
- F:** Green Building Statement
- G:** Email from adjacent neighbor

**Exhibit A: Site Location**



**1111 Montgomery Avenue  
014-272-070  
AR15-006, UP-16-004**

**Exhibit B: Photographs**



Subject Site



View to Southwest



View to Southwest from 1111 Montgomery Avenue



Adjacent Uses North of Subject Site



View to north from Herman Avenue view of industrial metal building to the north and the industrial building across Montgomery Avenue viewed across the adjacent parking lot.  
Trees located railroad right of way below



**PROJECT DATA**

APN: 014272070  
 ADDRESS: 1111-1119 MONTGOMERY AVENUE, SAN BRUNO, CA 94066  
 EXISTING USE: SINGLE FAMILY DWELLING (792 SF)  
 PROPOSE PROJECT: NEW DETACHED TWO-STORY STRUCTURE  
 SCOPE OF WORK: CONSTRUCTING A NEW TWO-STORY STRUCTURE, 2,014 SF, INCLUDING A 530 SF TWO-CAR GARAGE AND A 1,484 SF BUILDING MATERIAL STORAGE

**PLANNING CHECK LIST**

ZONING: M-1  
 LOT SIZE: 50'X100'  
 LOT COVERAGE: 2,014 SF(NEW BUILDING)+792 SF(EXISTING DWELLING)=2,806 SF  
 2,806 SF = 56.1% OF 5,000 SF  
 LANDSCAPING: 375 SF=7.5% OF 5,000 SF

**BUILDING CHECK LIST**

TYPE OF CONSTRUCTION: 5B  
 USE OCCUPANCY: R3/S1/U  
 NUMBER OF STORY: TWO

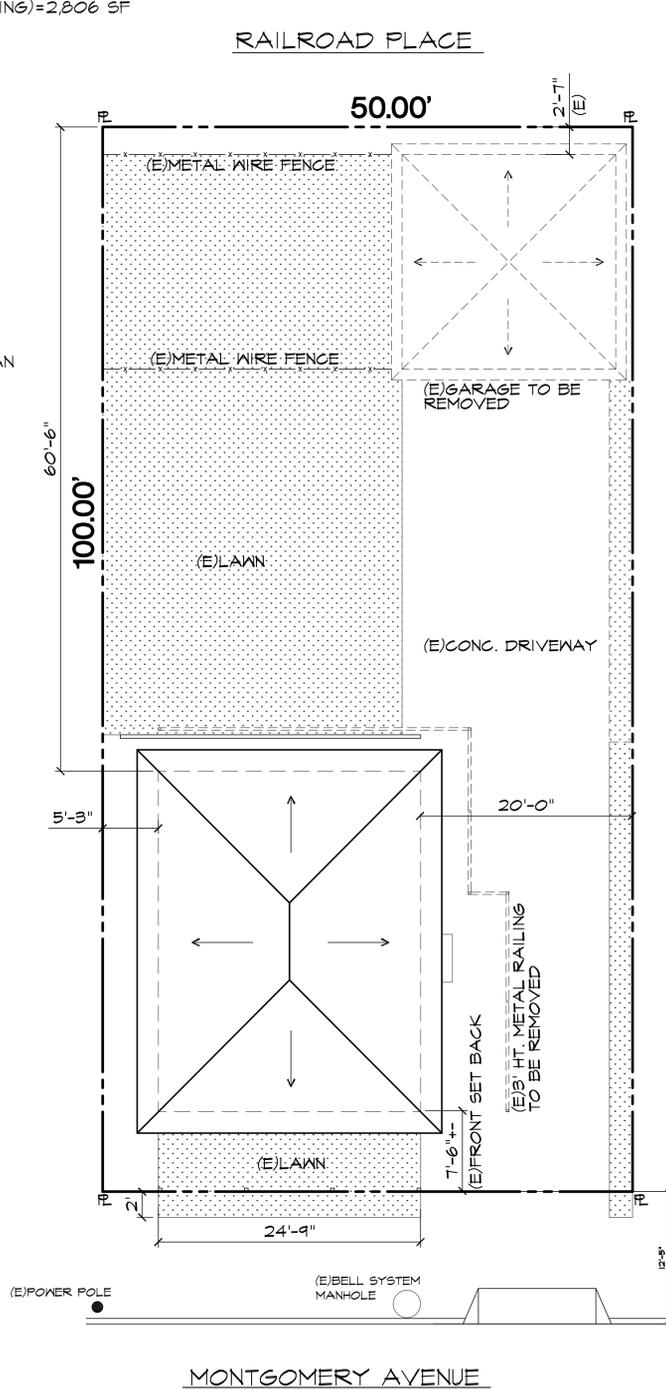
**APPLICABLE CODE:**

2013 CALIF. BLDG. CODE  
 2013 CALIF. MECH. CODE  
 2013 CALIF. PLUMB. CODE  
 2013 CALIF. ELECTR. CODE  
 2013 CALIF. T24 ENERGY COMPLIANCE

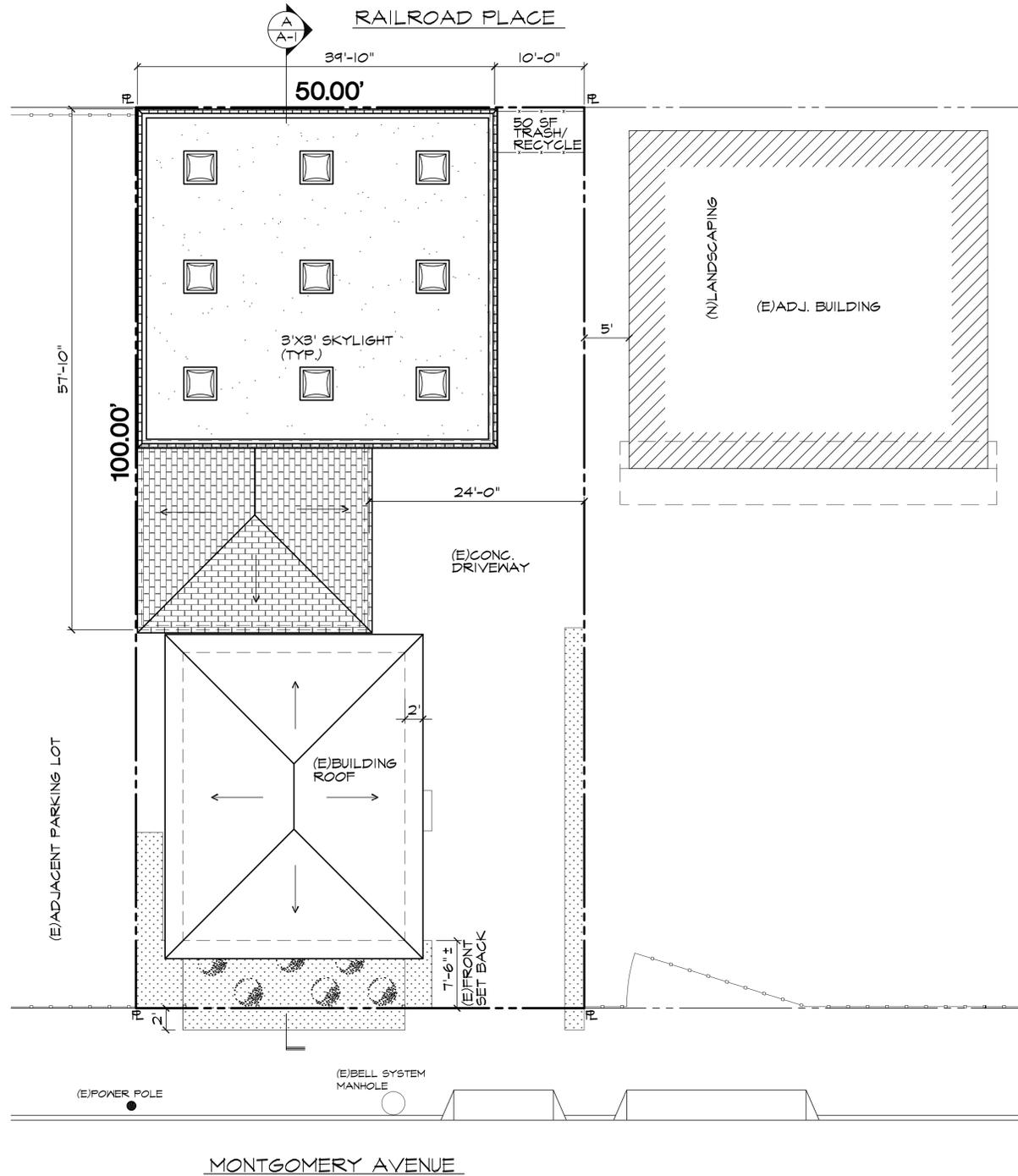
**DRAWING INDEX:**

A-1: PROJECT DATA, (E)&(N)SITE AND ROOF PLAN BUILDING SECTION  
 A-2: (N)FIRST FLOOR PLAN  
 A-3: (N)EXTERIOR ELEVATIONS  
 A-4: (N)EXTERIOR ELEVATIONS  
 A-5: BUILDING SECTION

**EXHIBIT C**



**(E)SITE & ROOF PLAN**  
 SCALE: 1/8"=1'-0"



**(N)SITE & ROOF PLAN**  
 SCALE: 1/8"=1'-0"

**NOTE**  
 - REPAIR DAMAGED SIDEWALK AND PARKSTRIP PER STANDARD DETAIL ST-02 AND CURB DAMAGE AS PER DETAIL STANDARD ST-01  
 - OBTAIN AN ENCROACHMENT PERMIT FROM PUBLIC WORKS DEPARTMENT 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.

REVISIONS	BY
3/28/2016	
8/4/2016	

**VAN T. LY & ASSOCIATES**  
 ARCHITECT, AIA  
 8 BRUSSELS STREET  
 SAN FRANCISCO, CA 94134  
 TEL: (415)466-5222  
 FAX: (415)466-5577  
 EMAIL: van@vantlyarchitect.com

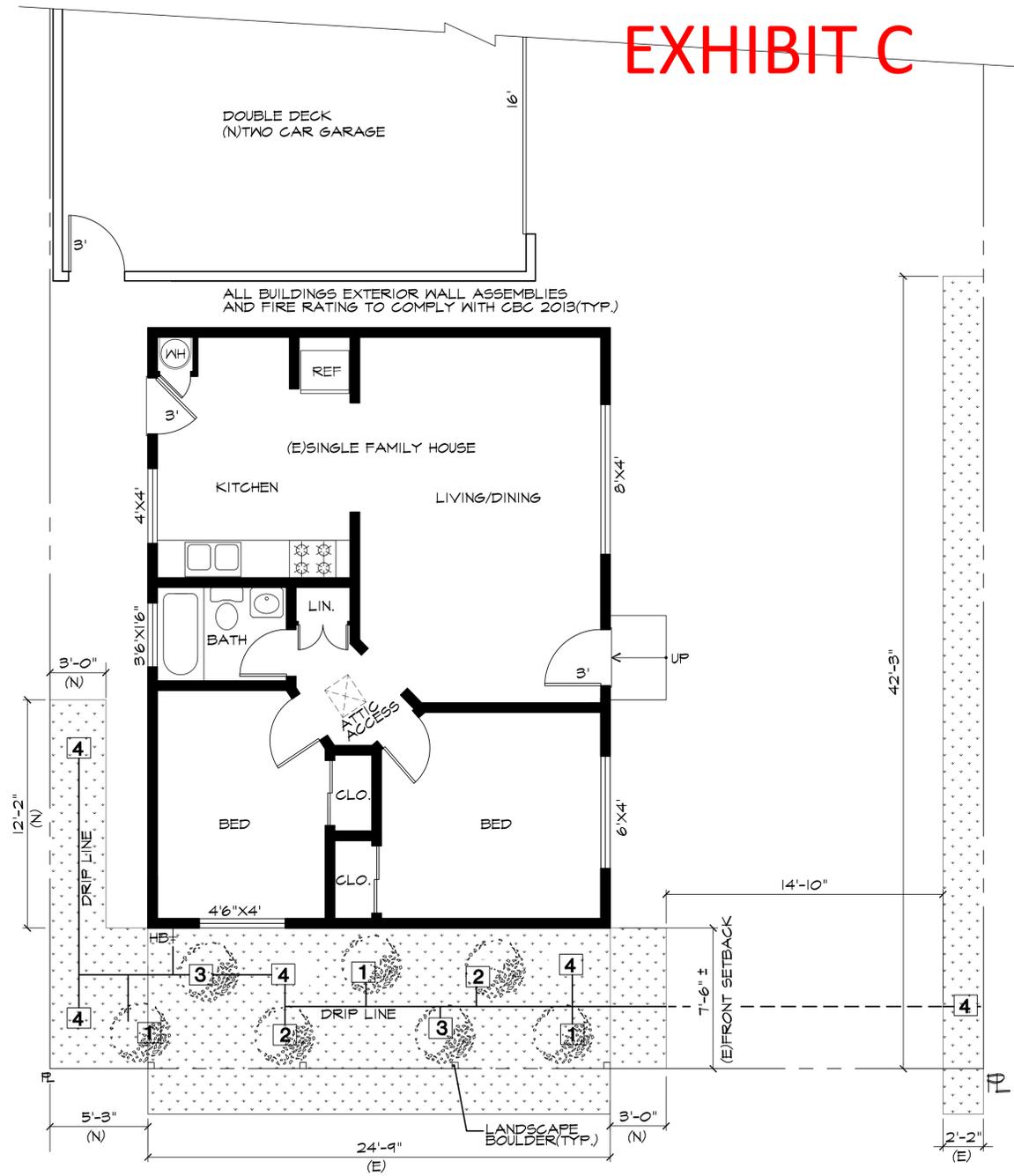


NEW STORAGE WITH PRIVATE OFFICE  
**1111-1119 MONTGOMERY AVE**  
**SAN BRUNO, CA 94066**

**PROJECT DATA**  
**(N)&(E)SITE & ROOF PLAN**  
**BUILDING SECTION**

DRAWN	RH
CHECKED	VTL
DATE	1/21/2016
SCALE	AS NOTED
JOB NO.	
SHEET	

# EXHIBIT C

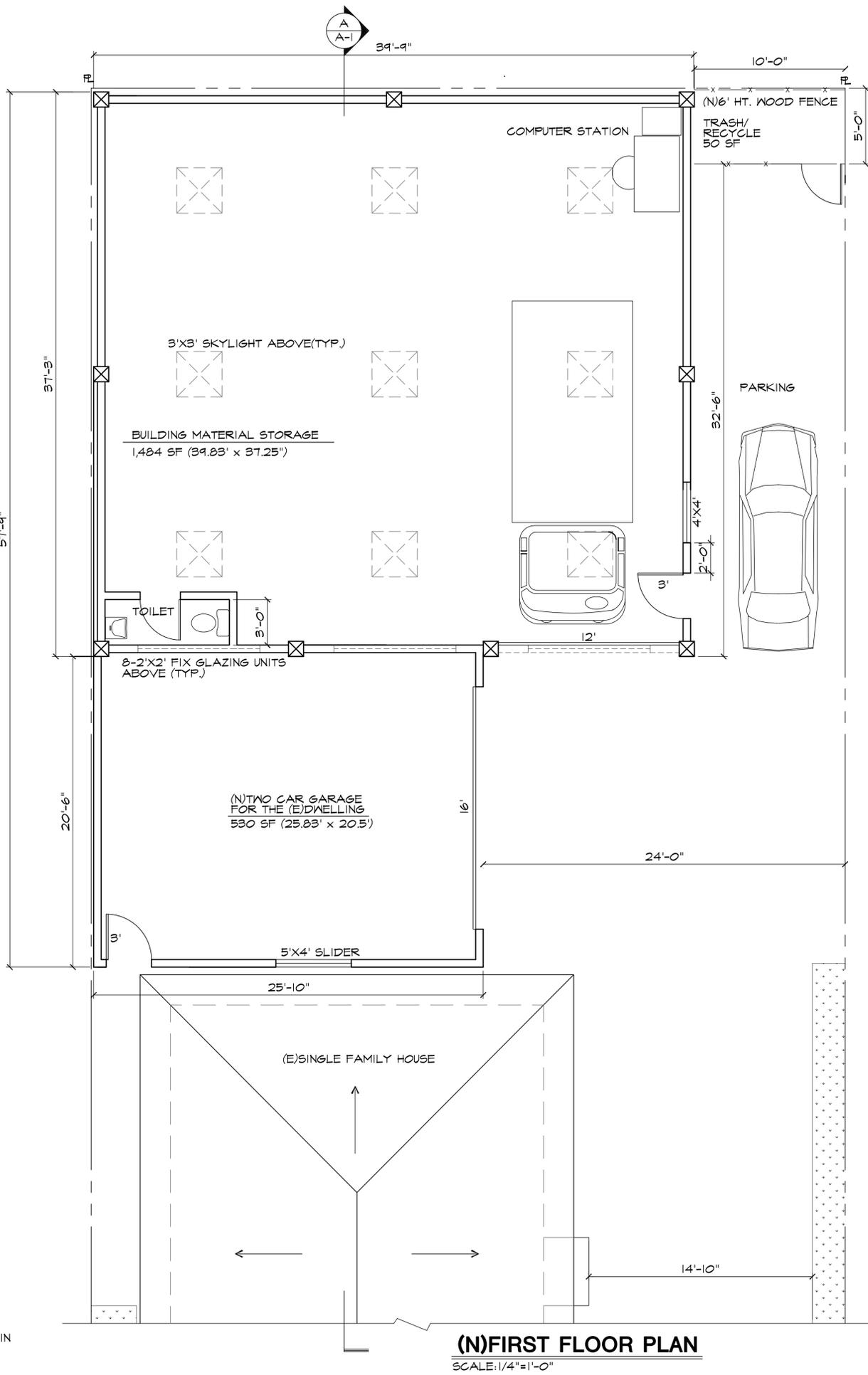


**(E)SINGLE FAMILY FLOOR PLAN & LANDSCAPING PLAN**  
SCALE: 1/4"=1'-0" 792 SF

**LANDSCAPING**  
REQUIRED: 7.5% OF 5,000 LOT = 375 SF  
PROVIDED: 375.10 SF  
(E)FRONT PAD: 24.75' X 7.5' = 186 SF  
(E)NORTH SIDE PAD: 2.16'X42.25' = 91.26 SF  
(N)NORTH SIDE PAD: 7.5'X 3' = 22.50 SF  
(N)SOUTH PAD: 5.25' X 7.5' + 3'X12' = 75.34 SF

**LANDSCAPING LEGEND**  
1. AGAPANTHUS (5 GAL.)  
2. ROSEMARY (5 GAL.)  
3. PHORMIUMS (5 GAL.)  
4. CEANOOTHUS, GROUND COVER AND MULCHING TO COVER THE ENTIRE BED PROVIDE DRIP IRRIGATION SYSTEM

**LEGEND**  
NEW WALL  
EXISTING BUILDING WALL TO REMAIN



**(N)FIRST FLOOR PLAN**  
SCALE: 1/4"=1'-0"

REVISIONS	BY
3/28/2016	
8/4/2016	

**VAN T. LY & ASSOCIATES**  
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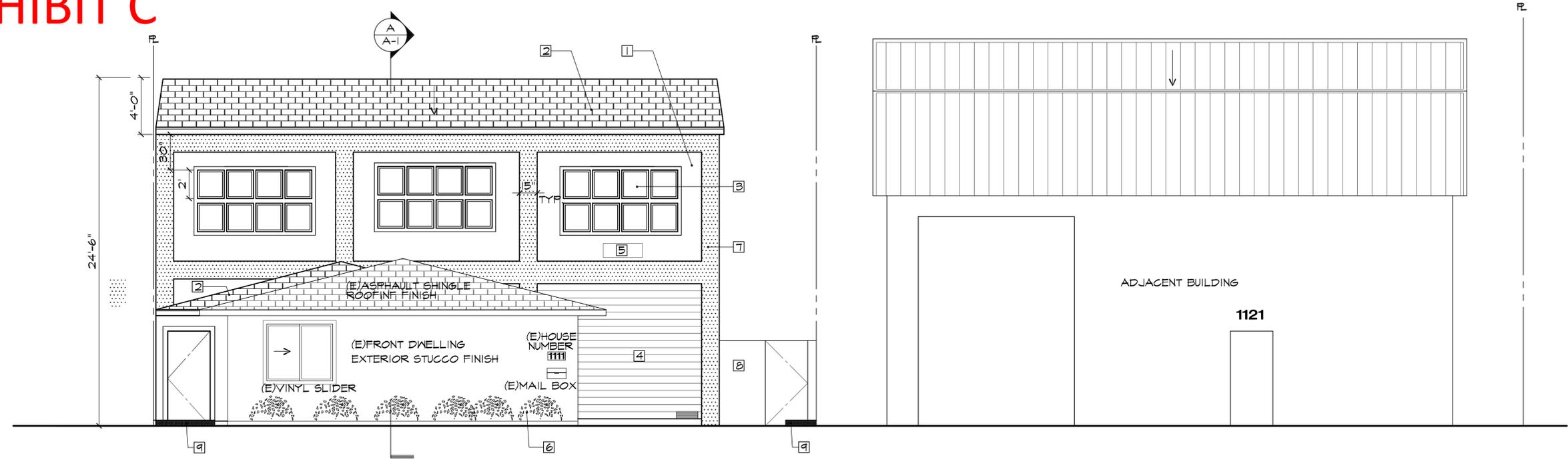
NEW STORAGE WITH PRIVATE OFFICE  
**1111-1119 MONTGOMERY AVE.**  
**SAN BRUNO, CA 94066**

**(N)FIRST FLOOR PLAN**

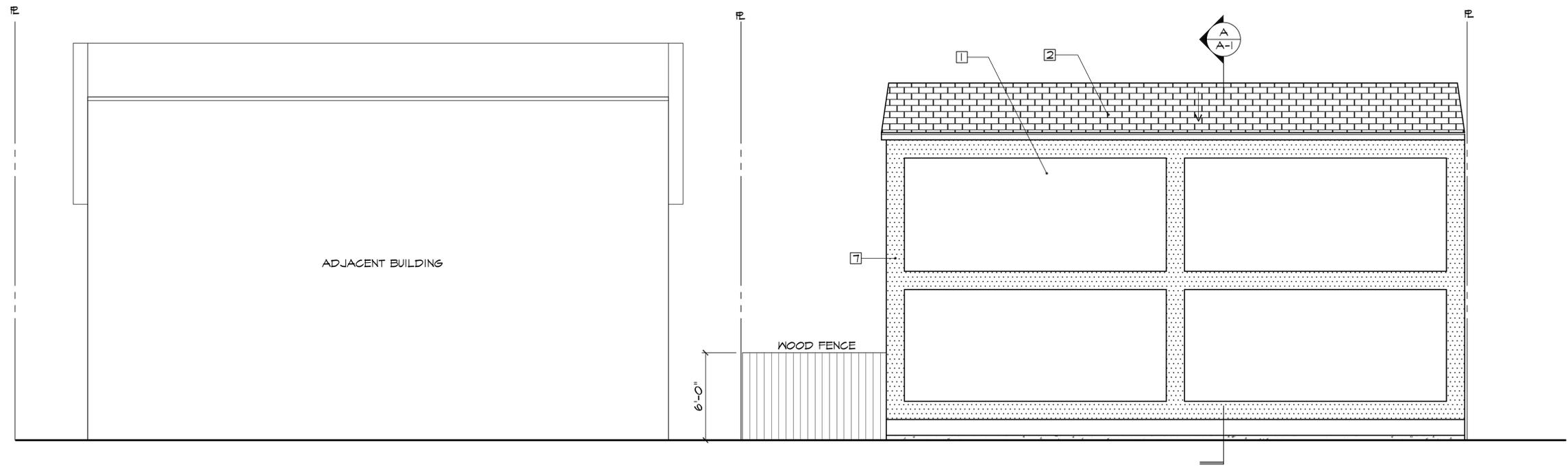
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1/21/2016  
SCALE  
AS NOTED  
JOB NO.

SHEET  
**A-2**  
OF 5 SHEETS

# EXHIBIT C



- NEW BUILDING EXTERIOR FINISH**
- 1 2"± RECESS INFILL WALL PANEL WITH TEXTURE STUCCO FINISH
  - 2 ASPHALT SHINGLE ROOFING TO MATCH EXISTING
  - 3 ALUM. FRAME, DOUBLE GLAZE GLAZING UNIT  
2'X2' FIX GLASS,  
EIGHT UNITS IN ONE OPENING (TYP.)
  - 4 ROLL-UP AUTO GARAGE DOOR, 200 SI LOUVER
  - 5 ILLUMINATED BUILDING NUMBER
  - 6 LANDSCAPING
  - 7 1"X15" POST AND BEAM SMOOTH STUCCO TRIM IN CONTRAST COLOR
  - 8 WOOD FENCE TRASH ENCLOSURE
  - 9 GROUND COVER AND MULCHING BED



**(N)REAR ELEVATION (WEST)**  
SCALE: 1/4"=1'-0"

REVISIONS	BY
3/28/2016	
8/4/2016	

**VAN T. LY & ASSOCIATES**  
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SAN FRANCISCO, CA 94134  
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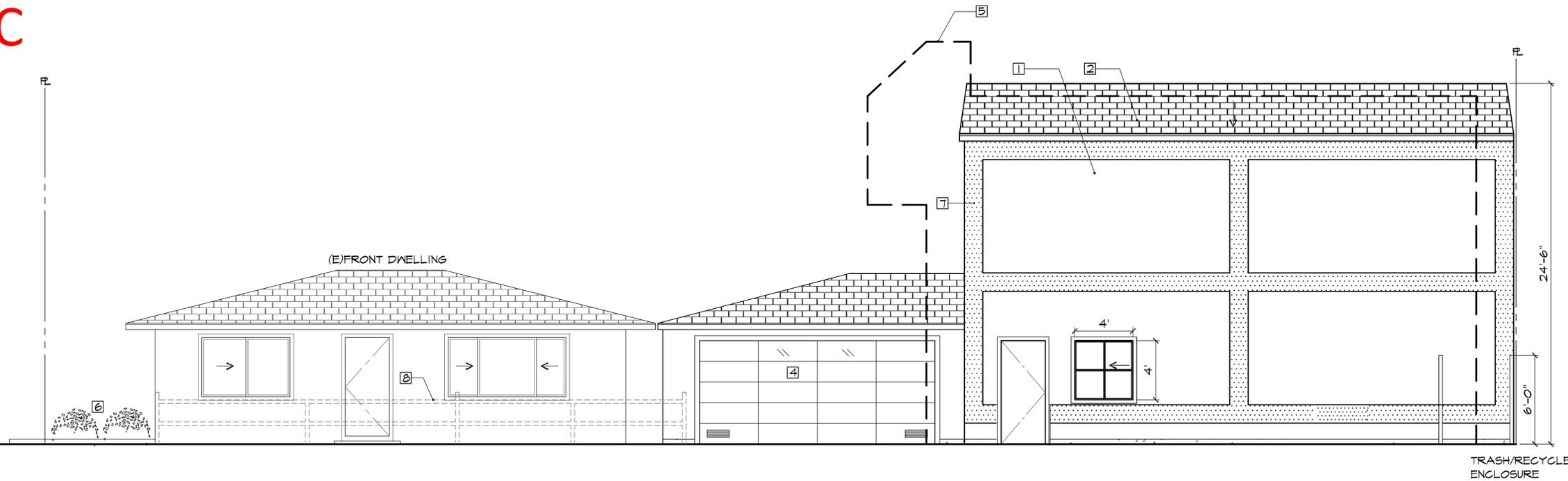


NEW STORAGE WITH PRIVATE OFFICE  
**1111-1119 MONTGOMERY AVE.**  
**SAN BRUNO, CA 94066**

**(N)EXTERIOR ELEVATIONS**

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DATE	1/21/2016
SCALE	AS NOTED
JOB NO.	

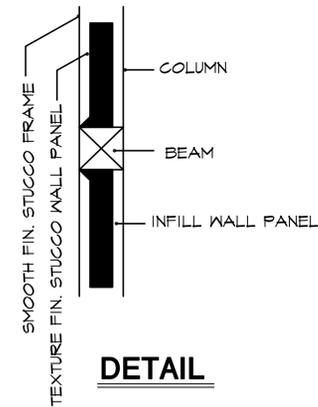
# EXHIBIT C



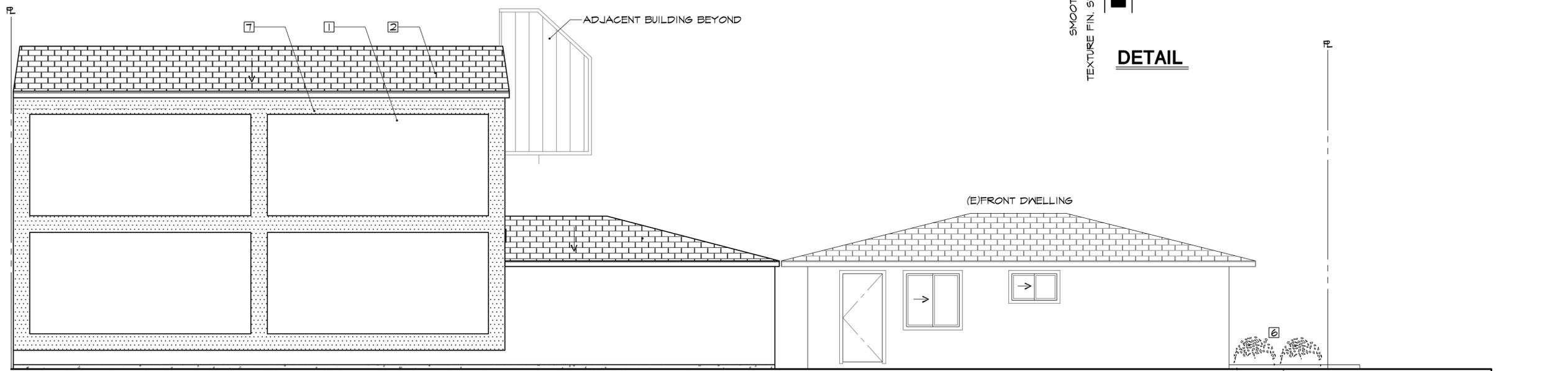
- NEW BUILDING EXTERIOR FINISH
- 1 STUCCO FINISH TO MATCH EXISTING
  - 2 ASPHALT SHINGLE ROOFING TO MATCH EXISTING
  - 3 ALUMINUM FRAME, DOUBLE GLAZE SLIDING WINDOW WITH BUILT-IN BAR
  - 4 SECTIONAL AUTO GARAGE DOOR, 200 SI LOUVER AND TWO LIGHT PANES
  - 5 ADJACENT BUILDING LINE
  - 6 LANDSCAPING
  - 7 1"X15" POST AND BEAM SMOOTH STUCCO TRIM IN CONTRAST COLOR
  - 8 EXISTING METAL RAILING TO BE REMOVED

**(N)RIGHT SIDE ELEVATION (NORTH)**

SCALE: 1/4"=1'-0"



**DETAIL**



**(N)LEFT SIDE ELEVATION (SOUTH)**

SCALE: 1/4"=1'-0"

REVISIONS	BY
3/28/2016	
8/4/2016	

**VAN T. LY & ASSOCIATES**  
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 8 BRUSSELS STREET  
 SAN FRANCISCO, CA 94134  
 TEL. (415)466-5222  
 FAX (415)466-5577  
 EMAIL: van@vantlyarchitect.com



NEW STORAGE WITH PRIVATE OFFICE  
**1111-1119 MONTGOMERY AVE.**  
**SAN BRUNO, CA 94066**

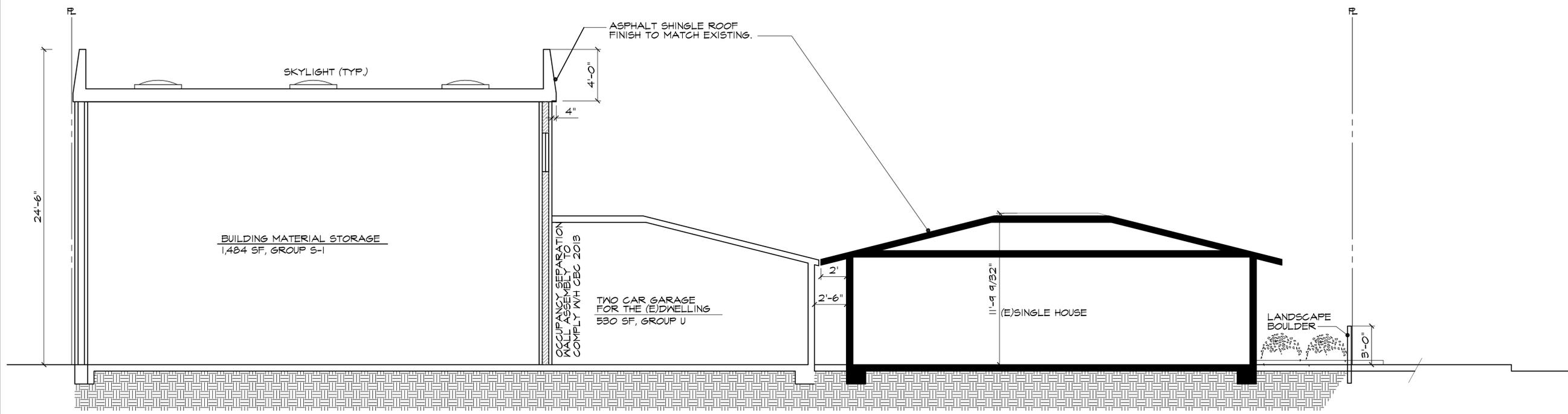
**(N)EXTERIOR ELEVATIONS**

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 VTL  
 DATE  
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 SCALE  
 AS NOTED  
 JOB NO.

SHEET  
**A-4**  
 OF 5 SHEETS

# EXHIBIT C

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3/28/2016	
8/4/2016	



**A BUILDING SECTION**  
SCALE: 1/4" = 1'-0"

ALL BUILDINGS EXTERIOR WALL ASSEMBLIES AND FIRE RATING TO COMPLY WITH CBC 2013 (TYP.)

**VAN T. LY & ASSOCIATES**  
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8 BRUSSELS STREET  
SAN FRANCISCO, CA 94134  
TEL: (415) 468-5222  
FAX: (415) 468-5577  
EMAIL: van@vantlyarchitect.com



NEW STORAGE WITH PRIVATE OFFICE  
**1111-1119 MONTGOMERY AVE.**  
**SAN BRUNO, CA 94066**

**BUILDING SECTION**

DRAWN  
BY  
CHECKED  
VTL  
DATE  
1/21/2016  
SCALE  
AS NOTED  
JOB NO.

SHEET  
**A-5**  
OF 5 SHEETS

# Exhibit D

## Operation Statement

Property address : 1111 Montgomery Ave San Bruno CA 94066

Property Owner: Olivia Luo, Justin Luo

There are two portions on the property.

Single family house: 792 square feet as a residence with 520± square feet two new car garage.

The single family home will continue to be residential use and includes the new 2car parking garage, replace the 2car garage in the rear of the property.

Storage: 1500± square feet as owner use for

The owner/contractor will utilize the storage building for personal storage for building supplies  
Building supplies including lumber, cabinets, plumbing and electrical materials, etc. .  
Construction equipments, such as excavator / loader.

The storage area also include 100 square feet as owner use for office work,

such as construction plan review, and estimate/proposal calculation.

Materials will be delivered and stored in the building, by a roll up garage door for access.

The site will not be used as a staging area.

Hours and days of operation:

Hours: 7am – 9pm,

Days: Monday – Saturday,

EXHIBIT E

ASPHALT  
SHINGLE

- 1 Praline SZ70-4"
- 2 Tuscan White TL-100P
- 3 Pine Fossilized SL150P

1111 MONTGOMERY  
↖

WALL

TRIM

FRAME

ALUMINUM CLEAR  
TEMPER GLASS

MEMBRANE ROOF

1111 MONTGOMERY  
MATERIAL



**City of San Bruno**  
 Building Safety Division  
 567 El Camino Real  
 San Bruno, CA 94066

Permit Center: (650) 616-7076  
 Inspection Request: (650) 616-7074  
 Fax: (650) 873-6749

BLD Permit No.: \_\_\_\_\_

**2013 CALIFORNIA GREEN BUILDING STANDARD CODE (CGC)  
 RESIDENTIAL CHECKLIST**

*New residential buildings shall be designed to include the green building mandatory measures specified in this checklist. This checklist shall also be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to the specific area of the addition or alteration.*

BUILDING PERMIT NO.: \_\_\_\_\_  
 ADDRESS: 1111 MONTGOMERY AVENUE, SAN BRUNO, CA 94066

**MANDATORY MEASURES SPECIFIED**  
 (Please check boxes below)

Feature or Measure	Yes
<b>SITE DEVELOPMENT</b>	
A plan has been developed and will be implemented to manage storm water drainage during construction per CGC 4.106.2 & 4.106.3	<input checked="" type="checkbox"/>
<b>WATER EFFICIENCY AND CONSERVATION</b>	
Plumbing fixtures (Water closets and urinals) shall comply with the following:	
The effective flush volume of all water closets shall not exceed 1.28 gal/flush (CGC 403.1.1)	<input checked="" type="checkbox"/>
The effective flush volume of urinals shall not exceed 0.5 gal/flush (CGC 403.1.2) N/A	<input type="checkbox"/>
Fittings (faucets and showerheads) have all required standards listed on plans and are in accordance to CGC 4.303.1.3 and CGC 403.1.4	<input checked="" type="checkbox"/>
Automatic irrigation system controller for landscaping provided by the builder and installed at the time of final inspection shall comply with CGC 4.304 N/A, MANUEL	<input type="checkbox"/>
<b>ENHANCED DURABILITY AND REDUCED MAINTENANCE</b>	
Annular spaces around pipes, electric cables, conduits or other openings in sole/bottom plates at exterior walls shall be rodent proofed by closing such openings with cement mortar, concrete masonry, or similar method acceptable to the enforcing agency per CGC 4.406.1	<input checked="" type="checkbox"/>
<b>CONSTRUCTION WASTE REDUCTION, DISPOSAL AND RECYCLING</b>	
A minimum of 65% of the non-hazardous construction and demolition waste generated at the site shall be diverted to an offsite recycle, diversion, or salvage facility per CGC 4.408	<input checked="" type="checkbox"/>
<b>BUILDING MAINTENANCE AND OPERATION</b>	
An operation and maintenance manual will be provided to the building occupant or owner per CGC 4.410.1	<input checked="" type="checkbox"/>
<b>ENVIRONMENTAL QUALITY</b>	
Any gas fireplaces shall be a direct-vent sealed-combustible type. N/A	<input type="checkbox"/>
Any wood stove or pellet stove shall comply with US EPA Phase II emission limits per CGC 4.503.1 N/A	<input type="checkbox"/>
<b>POLLUTANT CONTROL</b>	
At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all duct and other related air distribution components openings shall be covered with tape, plastic, sheet metals, or other methods acceptable to the enforcing agency to reduce the amount of water, dust or debris, which may enter the system per CGC 4.504.1.	<input checked="" type="checkbox"/>
Adhesive, sealants and caulks shall meet the VOC or other toxic compound limits per CGC 4.504.2.1.	<input checked="" type="checkbox"/>
Paints and coatings shall comply with VOC limits per CGC 4.504.2.2.	<input checked="" type="checkbox"/>
Aerosol paints and coatings shall meet the Product-weighted MIR limits for ROC and other requirements per CGC 4.504.2.3.	<input checked="" type="checkbox"/>
Documentation will be provided, at the request of the Building Division, to verify compliance with VOC finish materials per CGC 4.504.2.4.	<input checked="" type="checkbox"/>
Carpet system installed in the building interior shall meet the testing and product requirement per CGC 4.504.3.	<input checked="" type="checkbox"/>
Where resilient flooring is installed, at least 80% of the floor area receiving resilient flooring will comply with the requirements per CGC 4.504.4. N/A	<input type="checkbox"/>
Hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior and exterior of the building shall comply with the low formaldehyde emission standards per CGC 4.504.5.	<input checked="" type="checkbox"/>

Feature or Measure	Yes
<b>INTERIOR MOISTURE CONTROL</b>	
A capillary break shall be installed if a slab on grade foundation system is used. The use of a 4" thick base of 1/2" or larger clean aggregate under a 6 mil vapor retarder with joint lapped not less than 6" will be provided per CGC 4.505.2 and CRC R506.2.3.	<input checked="" type="checkbox"/>
Building materials with visible signs of water damage shall not be install. Wall and floor framing shall not be enclosed when the framing members exceed 19% moisture content. Moisture content shall be checked prior to finish material being applied per CGC 4.505.3.	<input checked="" type="checkbox"/>
<b>INDOOR AIR QUALITY AND EXHAUST</b>	
Exhaust fans, which are ENERGY STAR compliant and be ducted to terminate outside the building, shall be provided in every bathroom per CGC 4.506.1.	<input checked="" type="checkbox"/>
<b>ENVIRONMENTAL COMFORT</b>	
Heating and air-conditioning system shall be sized, designed and have their equipment selected using the following methods: 1. Heat Loss/Heat Gain values in accordance with ANSI/ACCA 2 Manual J-2004 or equivalent; 2. Duct systems are sized according to ANSI/ACCA 1, Manual D-2009 or equivalent; 3. Select heating and cooling equipment in accordance with ANSI/ACCA 3, Manual S-2004 or equivalent.	<input checked="" type="checkbox"/>
<b>INSTALLER AND SPECIAL INSPECTOR QUALIFICATION</b>	
HVAC system installers shall be trained and certified in the proper installation of HVAC systems and equipment by a recognize training or certification program per CGC 702.1.	<input checked="" type="checkbox"/>
<b>VERIFICATION</b>	
Upon request, verification of compliance with this code may include construction documents, plans, specifications, builder or installer certification, inspection reports, or other methods acceptable to the building department which will show substantial conformance.	<input checked="" type="checkbox"/>

Responsible Designer's Declaration Statement	Contractor Declaration Statement
I hereby certify that this project has been designed to meet the requirements of the 2013 California Green Building Standards Code.	I hereby certify, as the builder or installer under the permit listed herein, that this project will be constructed to meet the requirements of the California Green Building Standards Code.
Name: VAN LY	Name: JUSTIN LOU
Signature: _____	Signature: _____
Date: 9/23/2015	Date: 9/23/2015
Company: VAN LY & ASSOCIATES	License: _____
Address: 8 BRUSSELS STREET	Address: 725 PERU AVENUE
City: SAN FRANCISCO State: CA Zip: 94134	City: SAN FRANCISCO State: CA Zip: 94112

# EXHIBIT G

**From:** Sam Langi <diduknow007@gmail.com>  
**Sent:** Friday, August 12, 2016 6:09 AM  
**To:** Paula Bradley; Michael Smith  
**Cc:** Sam Langi  
**Subject:** Re: Building proposal @ 1111 Montgomery Ave., San Bruno

08-12-16:

Hello Paula Bradley (Contract Associate Planner/ Ph.#650-616-7038) & Michael Smith (Senior Planner/ Ph.#650-616-7062),

This is Sam Langi of 1121 Montgomery Ave. in San Bruno where my family business is located.

We received the notice dated August 5, 2016 regarding the Planning Commission Meeting next week on Tuesday, August 16, 2016 regarding UP-16-004 and AR-15-006.

A family representative and/or I plan on being there.

However, just in case I'm unable to make it to the meeting, I wanted to clarify a few things in addition to the previous items mentioned in my prior attached email dated 04-18-16:

- 1) Has any follow-up been conducted on the issues that I brought up on my prior email?
- 2) I still haven't seen any clean-up/maintenance action by the City with the City-Owned easement-Railroad Place and the trees thereon (flammable overgrown & fallen Eucalyptus branches/leaves piling up, abandoned vehicle tires, shopping cart, etc.); I still haven't seen any sidewalk repairs (If you Google 1111 Montgomery Ave., you will see an instance where a large contractor truck is completely parked on the sidewalk, while the crew is doing maintenance on the surrounding manhole cover(s), which is a frequent occurrence).
- 3) As per your notice, Olivia Luo is the Owner, and Van T. Ly is the Applicant. Is the proposed storage building for contractor storage actually considered part of a business? If so, is it a verified business owned/operated by either Olivia Luo or Van T. Ly, or by both persons? What is their business name?
- 4) Will the property be considered both residential and commercial, or just residential with a "contractor storage" building? Is there another similar residential/commercial set-up somewhere else on our street and/or district for comparison? If this is a contractor for hire, then wouldn't this contractor storage building be considered an extension of their business?
- 5) What materials are covered under "contractor storage?" Will the Fire Department/Code Enforcement conduct their usual inspections to ensure there are no flammable/hazardous materials/ and/or code violations?

6) Per the architectural plans/drawings, I noticed that the rear of the proposed storage building will be allowed to extend to the end of their property line abutting Railroad Place. However, when our business was built, the City would not allow us to extend our building to the end of our property line. So, why would this new proposal allow them to do so at 1111 Montgomery Ave., but we couldn't with ours?

7) Is it possible to require them to install security motion sensor lights on the north/right side of their building as well as to their west/rear side to deter trespassers? This area is known for intruders trespassing on Railroad Place as well as illegal dumping. This new proposed building, especially with windows visible on the north/right side to Railroad Place, would most likely entice would-be burglars to snoop around.

8) What recourse is there, in case the residents take advantage of the proposed two-car garage with hydraulic lift by converting it into a mechanic shop/ doing more vehicle repairs for hire? The current resident(s) are already doing ongoing/daily automotive repairs on various vehicles in their driveway. Try doing a google search on 1111 Montgomery Ave., and you can already see a couple vehicles parked on the front lawn (7.32.080 municipal code violation), waiting to be repaired.

9) What recourse is there, in case either the garage and/or storage building turn into an inhabited dwelling? How many residents are actually occupying the existing residence (tenants, sub-tenants, etc.)? The current resident(s) is known to associate with the previous tenants who have had numerous contacts on file with San Bruno Police related to drugs, weapons, identity theft, etc.

10) How much off-street parking spaces will they be required to have? How many vehicles do the current residents have? Parking on the street is already limited due to the opposite side of the street being red zoned/curbed, plus the auto body shops on the block are taking up most of the available parking by shuffling their half-way repaired customer vehicles all over the place through out the day and night (National Color Auto Repair at 1136 Montgomery Ave. is the primary violator). Code Enforcement may be able to elaborate.

11) If you do enough research, you'll learn that the residents at 1111 Montgomery Ave. associate with the employees at 1136 Montgomery Ave. who also associate with residents at 1133 Montgomery Ave. The San Bruno Police, San Mateo County Narcotics Task Force, and U.S. Postal Service Inspector may be able to elaborate.

I'm in favor of looking forward to new building development/improvement next door, but I want to make sure everything is on the up and up.

I look forward to your assistance in improving Quality of Life issues on our block.

Thanks,

Sam Langi  
Cell #650-296-3273

On Mon, Apr 18, 2016 at 5:21 PM, Paula Bradley <[PBradley@sanbruno.ca.gov](mailto:PBradley@sanbruno.ca.gov)> wrote:

Thanks for taking the time to put this in writing. I will follow-up and respond to your excellent questions next week. Some questions are for building and some are planning questions. I am glad you came to the meeting and raised the questions about the car lift. I didn't put 2+2 together on the auto repairs and the lift. It didn't make sense that the owner would provide such facilities for a tenant. Like we said there will be a condition of approval restricting the repairs use (not allowed!) but more follow-up is needed on several points.

**From:** Sam Langi [mailto:[diduknow007@gmail.com](mailto:diduknow007@gmail.com)]

**Sent:** Monday, April 18, 2016 5:05 PM

**To:** Paula Bradley

**Cc:** Sam Langi

**Subject:** Re: Building proposal @ 1111 Montgomery Ave., San Bruno

04-18-16:

Hello Paula (Contract Associate Planner/ Ph.#[650-616-7038](tel:650-616-7038)):

This is Sam Langi, from 1121 Montgomery Ave. in San Bruno.

Thanks for allowing me and my brother (Ron) to attend the meeting last Friday, 04-15-16, regarding the 2,014 square foot warehouse/storage building with an integrated two-car garage construction proposal next door at 1111 Montgomery Ave. to store contractor materials (Use Permit #16-004, Architectural Review Permit #15-006.

After the meeting, I came up with some other questions/concerns that I forgot to bring up during the meeting (in addition to the concerns of the street/sidewalk/Railroad Pl. easement/trees).

- 1) Has the City verified the property owner's contracting license with the Contractors State Licensing Board? Is it legitimate?
- 2) Has the City taken a look at the contractor's existing warehouse (wherever that is) to get an idea of what kind of materials will be stored in their new warehouse? Is there a difference between "storage building" and "warehouse" regarding use restrictions?
- 3) Will there be flammable materials stored in the new warehouse (such as paint, wood, fuel cells for equipment, etc.)?
- 4) Will the warehouse be subjected to same EPA (Environmental Protection Agency) regulations for similar warehouses under the same operation?
- 5) Are there conditions in the building permit that allow for the warehouse to be used as a residence? What recourse is there, should there be a use permit violation?

6) Is the resident (of the existing residence) allowed to work on numerous vehicles for compensation? The resident is known to work on numerous vehicles that do not belong to him, and these vehicles are parked all over the place, including their front lawn. Is there a restriction if/when the resident starts using the new two-car garage with hydraulic lift for various vehicle repairs consistent with someone running their own personal mechanic shop?

6) Will the City address the deteriorating sidewalk/street of Montgomery Ave. abutting the properties? There is actually a large dip in the cracked sidewalk area that has been a hazard for pedestrians who have been known to trip and fall over this area. Also, there are at least 8 manholes in the public right-of-way in close proximity in front of both properties which belong/are serviced at various times by various utility companies who park their large trucks in the immediate area during their work.

7) Will the City address the overgrown branches on the Eucalyptus trees behind the properties on Railroad Place? These trees have been an ongoing problem with large falling branches and debris, including being a fire hazard, especially during the hot/dry seasons.

8) Will the City address the debris/garbage that has been dumped/accumulated over the years on Railroad Place? The automotive shop up the street have been known to use this area to dump their used automotive oil and tires.

Please share this with the other City officials that were present at the meeting and the various City Departments who may be able to assist.

Thank you,

--

Sam Langi

Cell #[650-296-3273](tel:650-296-3273)

--

Sam Langi  
Cell #650-296-3273



567 El Camino Real  
San Bruno, CA 94066  
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**STAFF**

David Woltering, AICP, *Community Development Director*  
Mark Sullivan, AICP, *Long Range Planning Manager*  
Michael Smith, *Senior Planner*  
Matt Neuebaumer, *Associate Planner*  
Megan Wooley-Ousdahl, AICP, *Associate Planner*  
Matt Jones, *Contract Assistant Planner*  
Marc Zafferano, *City Attorney*

**PLANNING COMMISSION**

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

**PLANNING COMMISSION  
STAFF REPORT  
AGENDA ITEM NO. 5.C  
AUGUST 16, 2016**

**Project Address:** 123 Poplar Avenue  
**Assessor's Parcel No:** 020-414-210  
**Application No.:** UP-16-011  
**Zoning District:** R-1 (Single-Family Residential)  
**General Plan Classification:** Low Density Residential  
**Prepared by:** Matt Jones, 650-616-7089

**REQUEST**

Request for a Use Permit to add a total of 150 square feet of floor area to the existing single-family dwelling and convert 500 square feet of garage area to living area, increasing the living area to 1,945, above the maximum permitted living area of 1,825 for a one car garage; and increasing the gross floor area from 2,045 square feet to 2,195 square feet, above the maximum of 1,650 square feet permitted, and a floor area ratio (FAR) of 0.73 where an FAR of 0.55 is permitted, per sections 12.200.030.B.2 and 12.200.030.B.5 of the San Bruno Municipal Code. Sergio Galdamez (Applicant) Luis Tellez (Owners)  
**UP16-011.**

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Use Permit 16-011 based on Findings of Fact 1-6 and Conditions of Approval 1-32.

**REVIEWING AGENCIES**

Community Development Department  
Public Works Department  
Fire Department

**LEGAL NOTICE**

1. Notices of public hearing mailed to owners of property within 300 feet on August 5, 2016.
2. Advertisement published in the San Mateo Daily Journal, Saturday, August 6, 2016.

**ENVIRONMENTAL ASSESSMENT**

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

**EXISTING CONDITIONS**

The subject property is located on the west side of Poplar Avenue between San Felipe Avenue and Santa Lucia Avenue. This is a rectangular-shaped lot with a total size of 2,500 square feet. The lot is

25'-0" wide and 100'-0" deep. The property is currently developed with a two-story, single family dwelling that is constructed side property line to side property line with no side setbacks. The first story includes a one-car garage with only 16'-9" free-and-clear space to park a vehicle, storage area, a bathroom, and one bedroom. The second story includes two bedrooms, one bathroom, a living room, dining room, and a kitchen. The home was constructed in 1927 and is located in the San Bruno Park 4 subdivision. Immediately adjacent to the subject property are single-family structures.

### **ADDITIONAL INFORMATION**

- **Accessory Structures:** There are no accessory structures located on the subject site.
- **Code Enforcement:** There are no active Code Enforcement cases.
- **Easements:** There are no easements located on the subject site.
- **Heritage Trees:** There are no heritage trees located on the subject site.
- **Previous additions or alterations:** None.

### **SURROUNDING LAND USES**

North: San Felipe Avenue - R-1 (Single Family Residential)  
South: Santa Lucia Avenue - R-1 & R-3 (Single Family Residential) (Medium Density Residential)  
East: Linden Avenue - R-1 (Single Family Residential)  
West: Elm Avenue - R-1 (Single Family Residential)

### **PROJECT DESCRIPTION**

A similar version of this project was reviewed by the Architectural Review Committee at their August 21, 2009 meeting, and was approved by the Planning Commission at their September 1, 2009 meeting. The applicant was unable to secure a building permit after a two-year period and their application was withdrawn. As such, the project is required to receive another approval from the Planning Commission. The Community Development Director determined that the project could move forward without another approval from the Architectural Review Committee. Upon resubmittal, staff asked the applicant to revise the proposed addition and location of the exterior stairways, as the left rear stairway should have required a variance.

The project includes a two-story expansion to the rear of the home and a remodel of the first floor to increase the usable living area. The renovated home would include 1,945 square feet of living area and a 250 square foot, one car garage. An approximately 12' x 20' section of the garage will be dedicated for the storage of an automobile, with the remaining area used as extra storage space. The renovation will bring the parking area into conformance with the municipal code minimum of 20' in depth.

The first story remodel includes the expansion of the existing bedroom, a new bathroom, a new television room, and a new non-habitable storage space underneath the addition above. The first floor expansion would include the addition of a new bathroom and a closet. The second story addition will be supported by a newly created crawl space to the rear of the existing first story. Additionally, a new spiral staircase is proposed thereby creating internal circulation between the first and second story living area. A new stairwell leading up from the basement to the rear yard, and a stairwell leading down from the first story to the rear yard are also proposed. If approved and constructed, this would be a three bedroom, three bathroom home with a living room, dining room, kitchen, and television room.

Project details are shown in the following table:

SITE CONDITIONS		ZONING REQUIREMENTS	EXISTING CONDITIONS	PROPOSED CONDITIONS
Land Use		R-1	R-1	Same
Lot Area		2,500 s.f. 3,000 s.f. adjusted	2,500 s.f. 3,000 s.f. adjusted	Same
Lot Coverage		1,320 s.f. (44%)	1,045 s.f. (35%)	1,223 s.f. (41%)
Gross Floor Area		1,650 s.f.	2,045 s.f.	<b>2,195 s.f.</b>
Floor Area Ratio		.55	.68	<b>.73</b>
Building Setbacks	Front	15'-0"	8'-6"	Same
	Rear	10'-0"	44'-6"	32'-6"
	R Side	3'-0"	0'-0"	4'-2"
	L Side	3'-0"	0'-0"	4'-0"
Building Height		28'-0"	17'-3"	Same
Covered Parking		2 spaces	1 space	Same

\*See Chart 1 in Section 12.96.060 of the SBMC for the floor area ratio adjustment factor for lot size.

\*\*Max. FAR = Lot size X adjustment factor X ratio

**Square Footage Breakdown:**

	Lower Floor	Upper Floor	Garage	Total
Existing	250	1,045	750	2,045
Proposed	500	150	(500)	150
Total	750	1,195	250	2,195

**PUBLIC COMMENT**

Staff sent a public notice to all property owners within 300' of the subject site on August 5, 2016. Staff has not received any comments as of the writing of this report.

**2009 ARCHITECTURAL REVIEW**

The Architectural Review Committee reviewed a similar version of the project (UP-09-018) at its August 13, 2009 meeting and supported the property owner's proposal and forwarded the project to the Planning Commission with the following recommendations:

- Ensure that the arrow within the stairwell is pointing in the correct direction.
- Include a condition stating that the residence is to only be used as a single-family dwelling.

Since the Architectural Review Committee meeting the applicant has made the minor revision to the plan set, and staff has included the standard condition of approval stating that the residence is to only be used as a single-family dwelling.

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

**2009 PLANNING COMMISSION**

The Planning Commission reviewed a similar version of the project (UP-09-018) at its September 1, 2009 meeting and voted 7-0 to approve the project with findings of fact 1-6 and conditions of approval 1-24.

**STAFF’S PROJECT ANALYSIS**

The applicant is proposing to construct a two-story expansion to the rear of the home and remodel the first floor to increase the usable living area. A Use Permit is required because the proposal is exceeding the .55 floor area ratio guideline. The expansion would result in a 2,195 square foot home resulting in an FAR of .73. The following table includes the floor area ratios for properties within the immediate vicinity of the subject site that are also located on a 2,500 square foot lots.

Address	Floor Area (Including garage)	Lot Area	Adjusted Lot Area	FAR (Floor Area/Lot Area)
Subject Site 123 Poplar Avenue	Existing: 2,045 s.f. Proposed: 2,195 s.f.	2,500 s.f.	3,000 s.f.	Existing: .68 Proposed: .73
127 Poplar Avenue	2,220 s.f.	2,500 s.f.	3,000 s.f.	.74
125 Poplar Avenue	2,520 s.f.	2,500 s.f.	3,000 s.f.	.84
121 Poplar Avenue	2,330 s.f.	2,500 s.f.	3,000 s.f.	.78
119 Poplar Avenue	2,420 s.f.	2,500 s.f.	3,000 s.f.	.81

While the .73 FAR is relatively high, it is important to note that San Francisco style homes located on 2,500 square foot lots tend to have a much higher FAR when compared to other single-family dwellings located on standard (5,000 s.f.) lots. Based upon the information in the table above, staff finds that the overall FAR is consistent with other San Francisco Style homes within the neighborhood and supports the proposal.

Although the addition will not be visible from street view, the applicant is proposing to utilize wood siding that will match the existing residence, and will continue the existing flat roof design, which is consistent with the immediate neighborhood. The proposed windows will also match the existing windows in style and trim.

Regarding parking, the applicant is converting a 500 square foot portion of the existing 750 square foot garage space into living space, resulting in a 250 square foot garage. The applicant is not increasing their bedroom count, and the addition is 150 square feet. Due to its current configuration, the garage space can only accommodate one vehicle. An approximately 12’ x 20’ section of the garage will be dedicated for the storage of one automobile, with the remaining area used as extra storage space. Staff has included a condition of approval requiring the garage depth to be increased to a minimum 20’-0”.

**Findings:**

*Pursuant to the City’s Zoning Code, the Commission shall grant the Use Permit if it makes the following findings (required findings are in **bold** followed by staff’s analysis of the merits of the project and how the findings can be made):*

- 1. The proposed development 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.**

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

**2. The proposed development will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.**

The proposed addition complies with the height limit and setback requirements of the Municipal Code. The addition will continue the same flat roof design and will utilize wood siding, which is consistent with the existing home and the surrounding neighborhood. The proposed addition will be consistent with the size and scale of the adjacent neighbors.

The proposed addition will benefit the City and the surrounding neighborhood by improving the property in a well-designed manner and by its general conformance to a majority of regulations as set forth in the Municipal Code. Therefore, staff determines that the addition will not be detrimental to improvements in the neighborhood or to the general welfare of the city.

**3. The proposed development will be consistent with the general plan.**

The San Bruno General Plan designates the property as a low-density residential district. The existing single-family dwelling is consistent with the general plan designation.

General Plan Policy LUD-3 states, "protect the residential character of established neighborhoods by ensuring that new development conforms to surrounding design and scale". The size and scale of the proposed addition is compatible with the size and scale of homes in the neighborhood.

**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 majority of the homes located within the immediate neighborhood are two-story, and are situated on 25'-0" wide lots. Therefore, many of the adjacent homes are constructed directly to the property line and do not have side yard setbacks. However, the proposed addition will be meeting the side yard setback requirements, and the height of the home will remain unchanged. Therefore, the addition will not unreasonably restrict or interfere with light and air on the property.

There is a wide range of floor area ratios in the immediate vicinity, with some as high as .84. Given the design of the home and character of the neighborhood, staff supports the proposed floor area ratio of .73, and finds that the project is consistent with the neighborhood.

**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.**

The home consists of stucco siding on the front elevation and wood siding on all other elevations, which is consistent with the existing neighborhood. The addition will incorporate wood siding on all elevations, which will be consistent with the existing home's secondary elevations. Additionally, the new windows will match the existing windows. The general appearance of the proposed structure will be in keeping with the character of the adjacent residences and neighborhood and will not be detrimental to the city.

**6. The proposed expansion complies with applicable off-street parking standards of the zoning ordinance.**

On site there is currently a 750 square foot one car garage/storage area. Due to its configuration, only one car can utilize the existing garage. The garage space will be slightly reconfigured due to the expansion of the first floor living area. The newly configured first floor will decrease the amount of garage space by approximately 500 square feet, resulting in a 250 square foot one car garage. Because the combined living area existing single-family home and the proposed addition amounts to greater than 1,825 square feet, the applicant would be required to provide an additional covered parking space. Staff has confirmed that the free-and-clear space to park a vehicle would be approximately 20' deep by 12' wide, which satisfies code requirements. The applicant is not increasing their bedroom count, and the addition is 150 square feet. The driveway is a substandard length and cannot accommodate a vehicle. Staff is including a condition requiring that the designated 250 square feet of garage area not be used for storage, and must be kept free-and-clear for vehicle storage. This condition will mitigate any potential concerns about neighborhood parking.

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Use Permit 16-011 based on Findings of Fact 1-6 and Conditions of Approval 1-32.

**CONDITIONS OF APPROVAL**

**Community Development Department – (650) 616-7089**

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 16-011 shall not be valid for any purpose. Use Permit 16-011 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 as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on August 16, 2016, 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. The rental of a room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City. This condition of approval shall be disclosed at the point of sale to the consumer and shall be recorded against each property.
7. The designated 250 square foot garage area shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform 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 area 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, 20% of the site shall be landscaped to the satisfaction of the Community Development Director. No more than 80% of the lot shall consist of impervious surface.
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 applicant 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 applicant's application for development.
12. Comply with the 2013 California Codes, including the California Residential Code.
13. The proposed addition is less than 5 feet from left (south) property line. A one hour fire resistive wall assembly is required along this wall line.
14. Altered sleeping room in basement area shall meet all current life safety code requirements including conformance with the following sections: 2013 CRC Sections R310.2.1,
15. Relocation of gas fueled appliances such as the Furnace, Water Heater, Clothes Dryer require venting and make up air. Provide calculations and specify means to provide minimum make up air and show termination of venting. Note: vent termination shall be located minimum 10 feet from Property Lines.

16. Penetrations through fire resistive rated walls or floor ceiling assemblies shall be in accordance with 2013 CRC Sections R302.4, R302.5
17. All habitable rooms shall provide natural light and ventilation of the following: 8% natural light and 4% natural ventilation. Calculate and clearly show conformance.
18. The proposed storage area is classified as a U Occupancy and shall be separated from the dwelling by a 1 hour fire resistive assembly (walls and floor/ceiling)
19. Clearly show access to proposed storage area and floor area materials.

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

20. The front property line is located 2.0 feet behind the sidewalk at 123 Poplar Avenue. Please also show this 2.0 foot setback on the Plot Plan. No fences, retaining walls, or other permanent structure shall be placed or constructed within 2.0 feet from the back of sidewalk along Poplar Avenue. S.B.M.C. 8.08.010.
21. The building permit plans shall include a site plan that shows all property lines, setbacks and easements, and all existing and any 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.M.C. 12.16.020.
22. Show on the plans existing and any proposed lateral services for domestic water (including meter size), and sanitary sewer in accordance with the applicable California Building Code 2013.
23. If not present, the applicant shall install a sanitary sewer lateral clean out at property line per City Standards Detail SS-02, dated January 2016. Older clean outs not meeting current City standards shall be replaced.
24. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property not caused by a City street tree shall be removed and replaced. Show or note on the plans the replacement of any locations where there are any raised or offset concrete sections greater than or equal to ¾-inch. S.B.M.C. 8.12.010.
25. Prior to final inspection, paint the address number on face of the curb near the driveway approach with black (4 inch or larger) lettering on a white background. Add a note showing the location where the street address will be painted.
26. Obtain an Encroachment Permit from Public Works Department 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. Add this requirement on the plans as a note.
27. The work shall conform to the current NPDES requirements. S.B.M.C. 12.16.020. Include the attached County Best Management Practices (BMPs) sheet on the plans.

28. Show on plans how storm water will be collected from downspouts and other on-site drainage and disposed of, either into landscaping or collected through an under sidewalk curb drain to the gutter per City Standard Detail ST-03. Foundations shall be protected from storm water. Drainage into adjacent properties shall not be allowed. Indicate any pipes, swales, or applicable ground percolation treatments as necessary.
29. Perform a 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 new meter will be required including water and sewer capacity charges based on the size of the new water meter installed along with materials and installation charges for an upgraded water meter. Please indicate on the plans the location and size of the existing water meter and the available water pressure at the property. For additional information, attached are Calculation Procedures and the estimated water pressure available at 100 Poplar Avenue is 75 psi static and at 149 Poplar Avenue is 62 psi static.

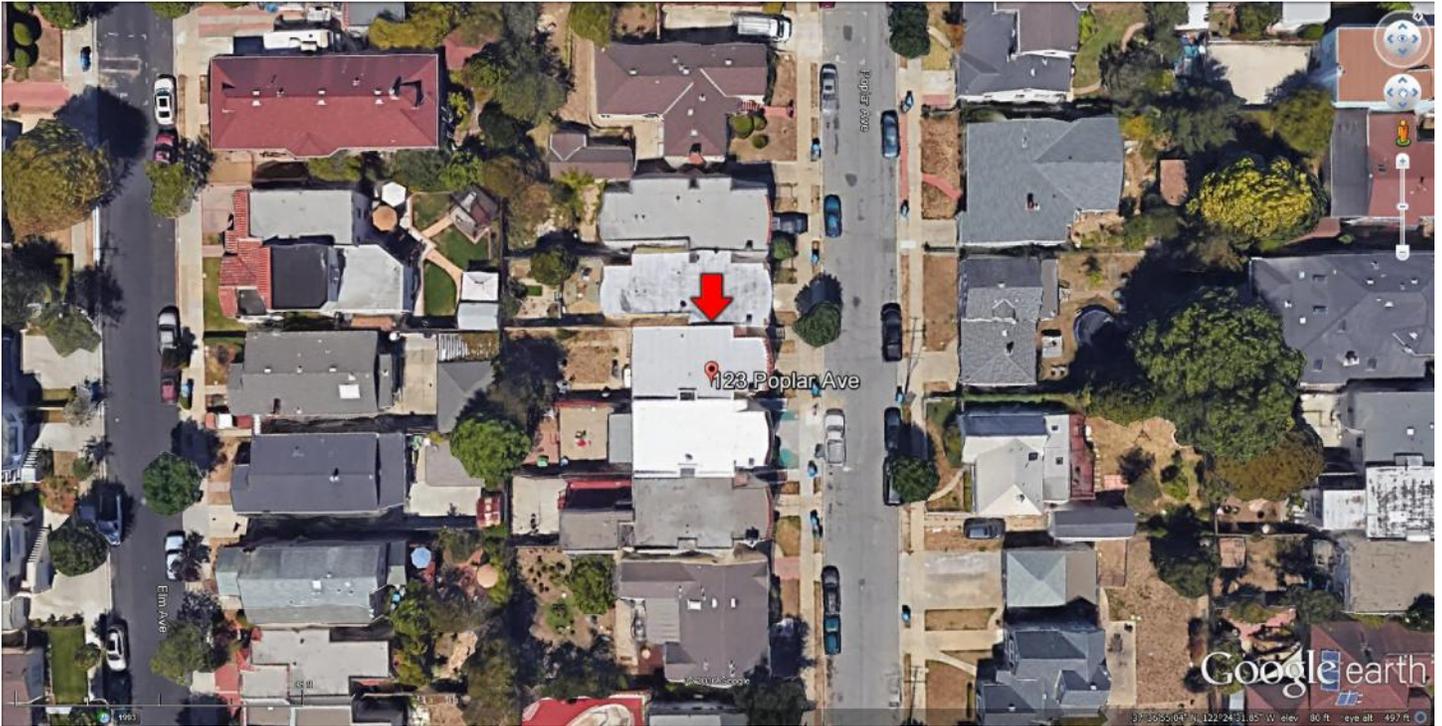
**Fire Department – (650) 616-7096**

30. Address numbers shall be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
31. Provide hardwired smoke alarms with battery backup to all bedrooms and hallways.
32. Provide flame arrester for chimney if not currently in place.

Date of Preparation: August 12, 2016  
Prepared by: Matt Jones, Contract Assistant Planner

**EXHIBITS**

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



**123 Poplar Avenue**  
**020-414-210**  
**UP 16-011**

**Exhibit A: Site Location**

**Exhibit B: Photographs**

Subject Site



Neighboring Property (121 Poplar- Left)



Neighboring Property (125 Poplar - Right)



Neighboring Property (124 Poplar – Across Street)



# Exhibit C

## SCOPE OF WORK

MODIFICATION ON THE BASEMENT AND NEW STAIR  
NEW CLOSET & BATHROOM ON REAR FIRST FLOOR  
APPLY FOR USE PERMIT TO EXCEED MAXIMUM FAR

# Tellez Residence

123 Poplar Ave  
San Bruno , Ca  
94066

Parcel No 020-414-210

Zoning : R1

### Applicable Codes

2013 Residential Code  
2013 California Building Code  
2013 California Mechanical code  
2013 California Electrical Code  
2013 California Plumbing Code  
2013 California Fire Code  
2013 Edition of Title 24  
San Bruno Municipal Code

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T-1	Title Sheet, Project, Sheet Index,
A-1 A1.1	Proposed Plot Plan and Site Plan
A-2 A-2.1	New Basement Plan and New First Floor Plan
A-3 A-3.1	(E) Front Elevation , New Rear Elevation New Right Elevation , New Left Elevation
A-4	Right Cross Section & Left Cross Section
A-5	T-24 Energy Calculation
S-1	Foundation and Framing Plans
SD-1-2	Structural Details and Notes

SINGLE FAMILY DWELLING .  
Parcel No 020-414-210  
USE : RESIDENTIAL, TWO STORY DWELLING  
OCCUPANCY TYPE : R-3  
LOT SIZE: 25'-0"x100'-0"  
Lot Sq. Ft. = 2,500  
EXISTING LOT COVERAGE: 44'X25'=1,100 S.F.  
Lot Coverage 43% Proposed Coverage 48.5%  
AREA OF ADDITION ; 108 Sq. Ft.  
BASEMENT CONVERSION: 500 S.F.

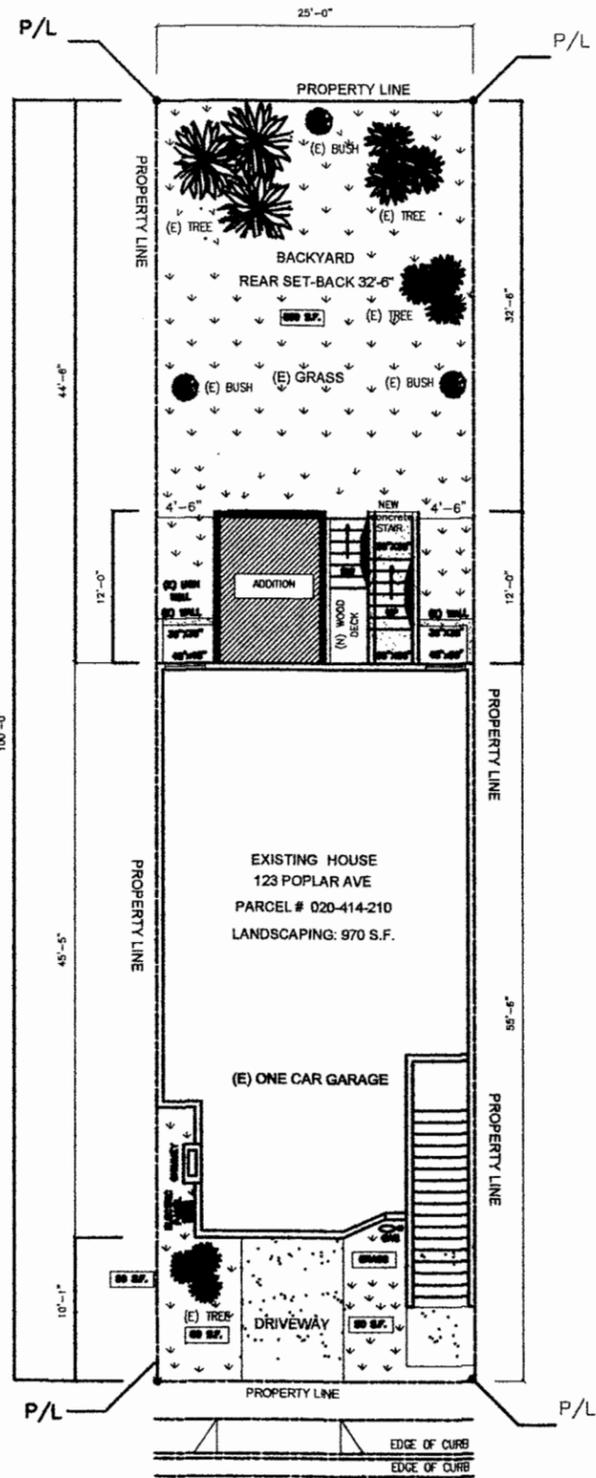
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TELLEZ RESIDENCE  
123 POPLAR AVE  
SAN BRUNO, CA. 94066

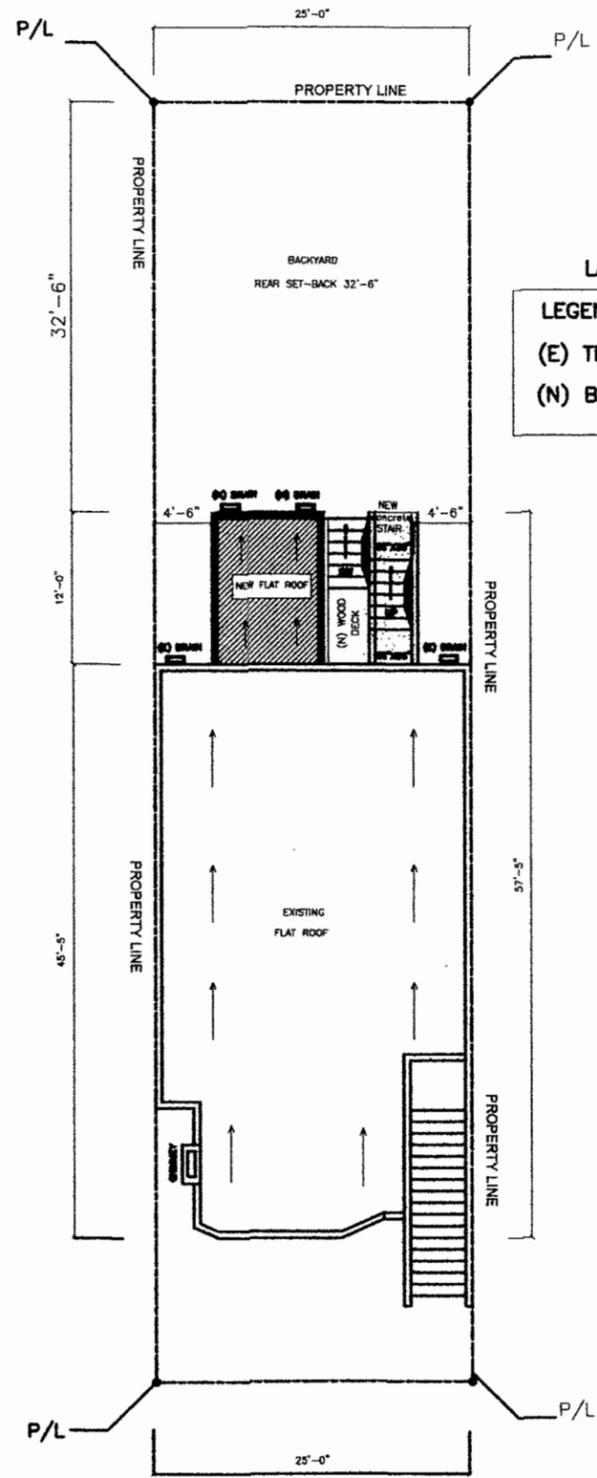
Revision:

05-18-2016

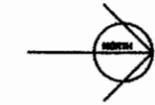
T-1



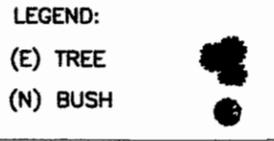
1  
A-1 PLOT PLAN  
SCALE: 1/8"=1'-0"



2  
A-1 ROOF PLAN  
SCALE: 1/8"=1'-0"



LANDSCAPING



1-HOUR RATED WALLS(CBC TABLE 720.1(2) ITEM # 16-1-1

2"x4" WOOD STUDS AT 16" CENTER WITH DOUBLE TOP PLATES, SINGLE BOTTOM PLATE; INTERIOR SIDE COVERED WITH 5/8" TYPE X GYPSUM WALLBOARD, 4 WIDE, APPLIED HORIZONTALLY UNBLOCKED, AND FASTENED WITH 2 1/2" TYPE S DRYWALL SCREWS, SPACED 12" ON CENTER, WALLBOARD JOINTS COVERED WITH PAPER TAPE AND JOIN COMPOUND EXTERIOR COVERED WITH 3/8" WOOD STRUCTURAL PANELS APPLIED VERTICALLY, HORIZONTAL JOINTS BLOCKED AND FASTENED WITH 6D COMMON NAILS (BRIGHT)-12" ON CENTER IN THE FIELD, AND 6" ON CENTER PANEL EDGES. CAVITY TO BE FILLED WITH 3 1/2" MINERAL WOOD INSULATION RATING ESTABLISHED FOR EXPOSURE FROM INTERIOR SIDE ONLY

SQUARE FOOTAGE BREAKDOWN :

	First Floor	Second Floor	Garage	Total
Existing	250	1,045	750	2,045
Proposed	500	150	(500)	150
Total:	750	1,195	250	2,195
Allow 80% : ± 2,237 S.F. with One Car Garage				

SITE CONDITIONS	ZONING REQUIREMENTS	EXISTING CONDITIONS	PROPOSED CONDITIONS	
LAND USE	R-1	R-1	SAME	
LOT AREA	2,500 S.F.	2,500 S.F.	SAME	
LOT AREA	3,000 S.F.Adjusted	3,000 S.F.Adjusted	SAME	
LOT COVERAGE	1,320 s.f.(44%)	1,045 (35 %)	1,195 (39.5 %)	
GROSS FLOOR AREA	1,650 S.F.	2,045 S.F.	2,195 S.F.	
FLOOR AREA RATIO	.55	.68	.73	
FRONT	15'-0"	8'-6"	SAME	
	REAR	10'-0"	44'-6"	32'-6"
SETBACKS	R SIDE	3'-0"	0'-0"	4'-6"
	L SIDE	3'-0"	0'-0"	4'-6"
BUILDING HEIGHT	28'-0"	17'-3"	SAME	
COVERED PARKING	2 SPACE	1 SPACE	SAME	
FRONT PERVIOUS	40%	130 S.F. 40%	130 S.F. 40%	
TOTAL PERVIOUS	20%	1270 S.F. 32%	970 S.F. 24%	

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PLOT PLAN & ROOF PLAN

05-18-2016

A-1

Of Total Sheets 10



1 SITE PLAN  
 A-1.1 SCALE: 3/16"=1'-0"

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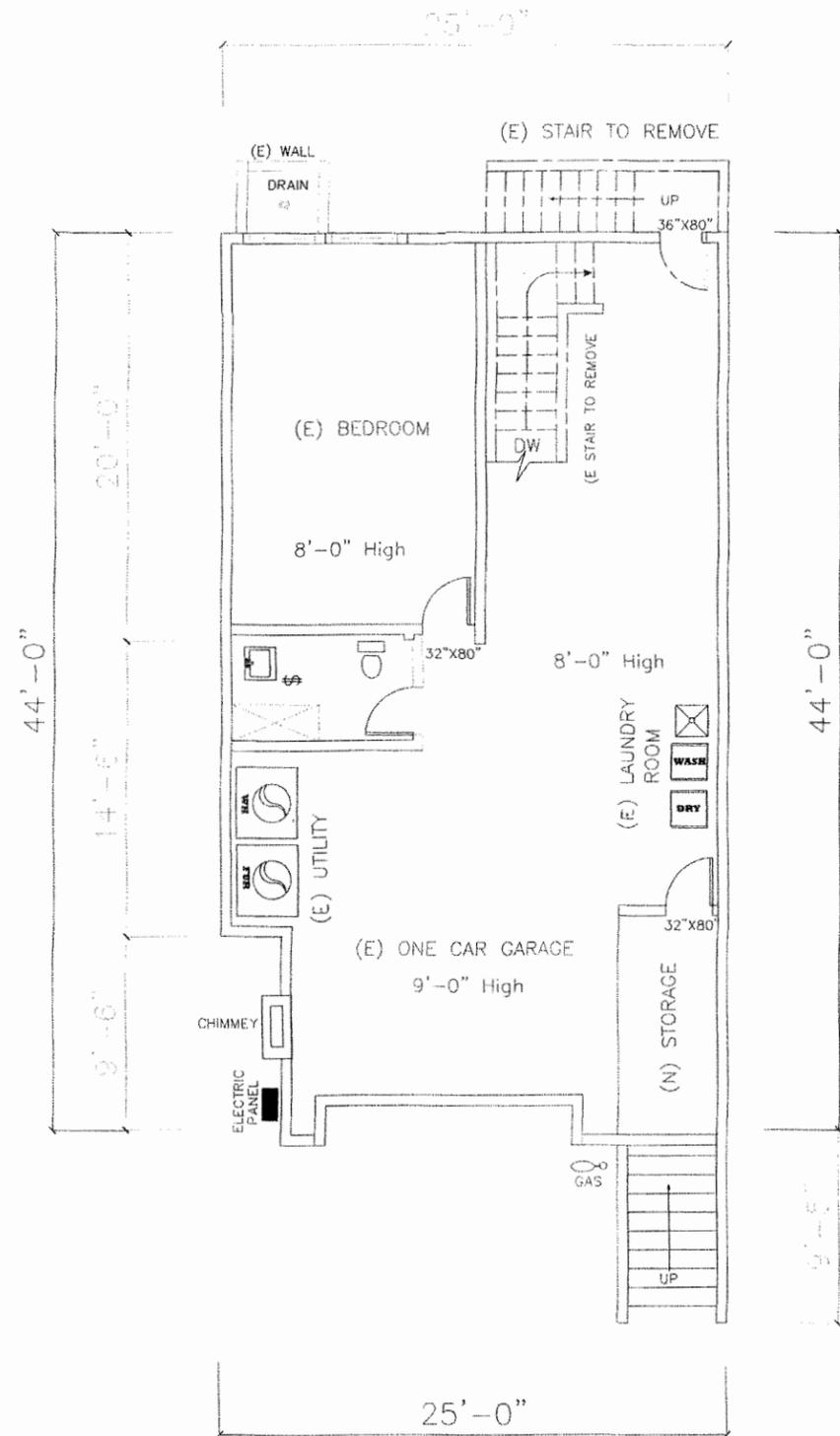
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 SAN BRUNO, CA. 94063

NEIGHBOR  
 SITE PLAN

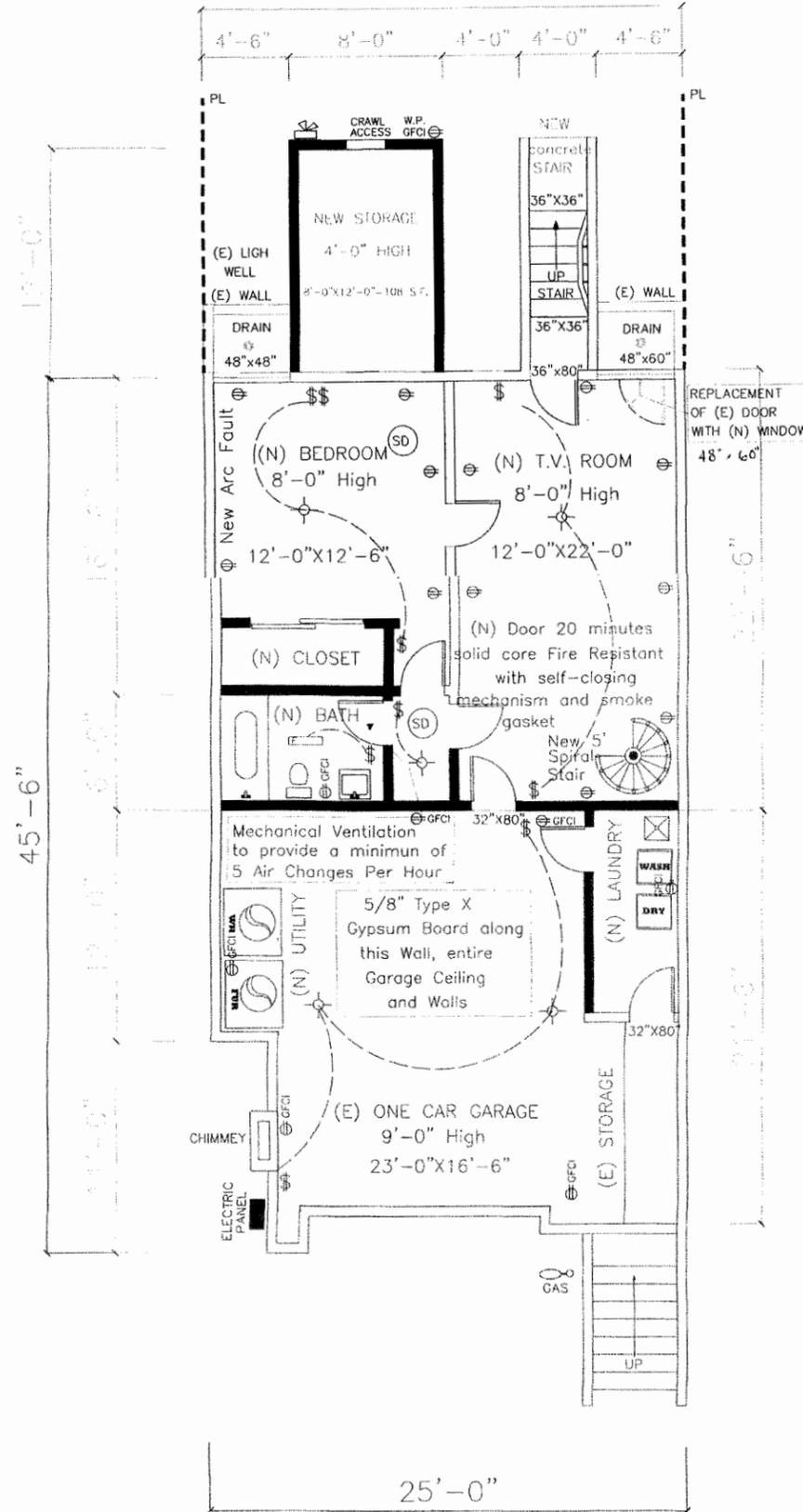
05-18-2016

A-1.1

Of Total Sheets 10



1  
A-2 (E) BASEMENT PLAN  
SCALE: 1/4"=1'-0"



2  
A-2 (N) BASEMENT PLAN  
SCALE: 1/4"=1'-0"

COMPLY THAT THE FURNACE, WATER HEATER, CLOTHES DRYER REQUIRE VENTING AND MAKE UP AIR. VENT TERMINATION SHALL BE LOCATED MINIMUM 10 FEET FROM PROPERTY LINE. ALL HABITABLE ROOMS SHALL PROVIDE NATURAL LIGHT AND VENTILATION OF THE FOLLOWING: 8% NATURAL LIGHT AND 4% NATURAL VENTILATION

- LEGEND**
- EXISTING
  - NEW
  - TO BE REMOVED
  - CONCRETE
  - EXISTING  (E)
  - NEW  (N)
  - CENTRAL HEATING  (C.H.)
  - WATER HEATING  (W.H.)
  - NOMENCLATURE LIGHT
  - RESET LIGHT
  - SWITCH
  - OUTLET
  - SMOKE DETECTOR  (SD)
  - ARC-FAULT-CIRCUIT INTERRUPTOR  (GFI)
  - EXT. SENSOR LIGHT
  - FLUORESCENT LIGHT

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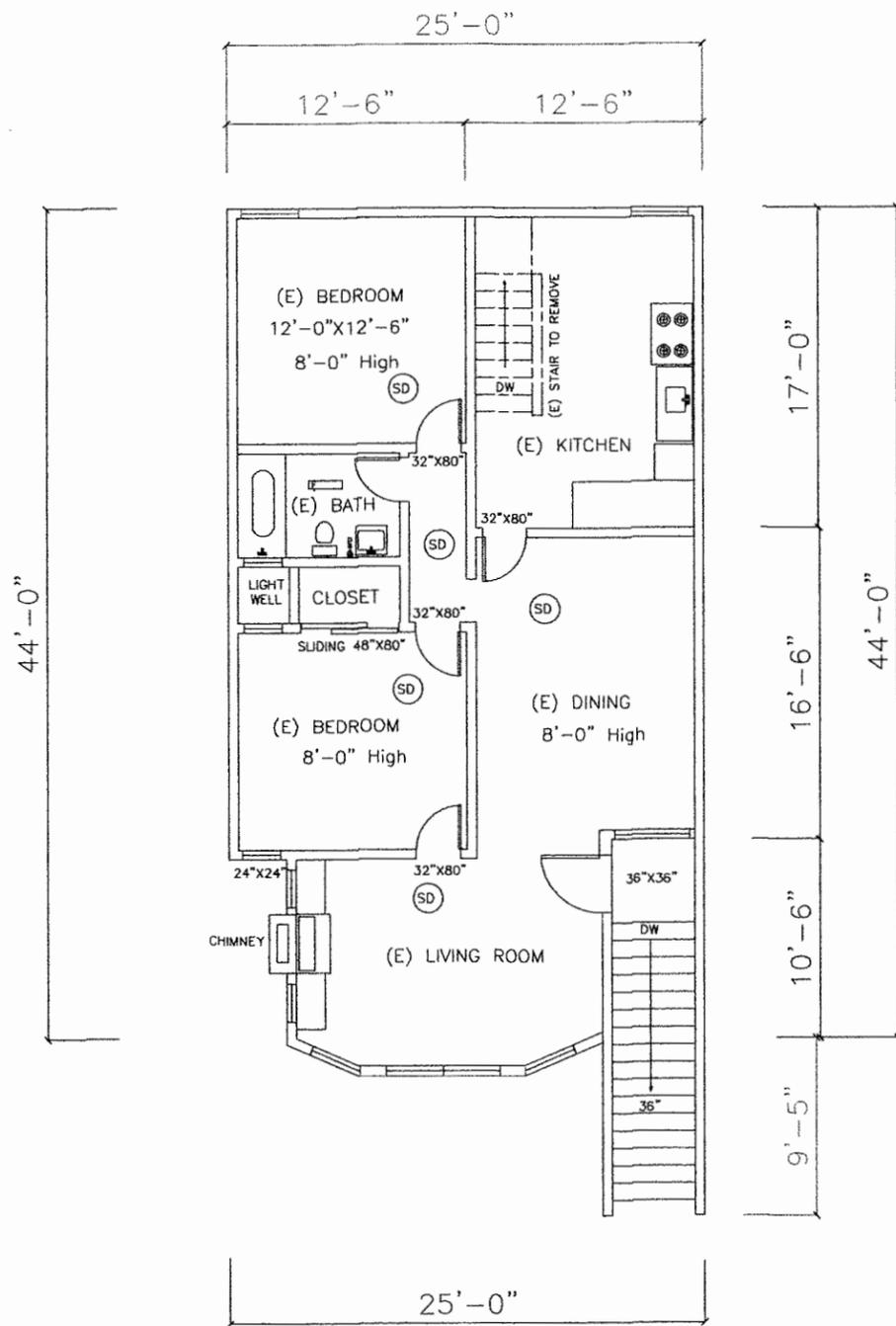
**TELLEZ RESIDENCE**  
123 POPLAR AVE  
SAN BRUNO, CA. 94068

(E) BASEMENT PLAN  
(N) BASEMENT PLAN

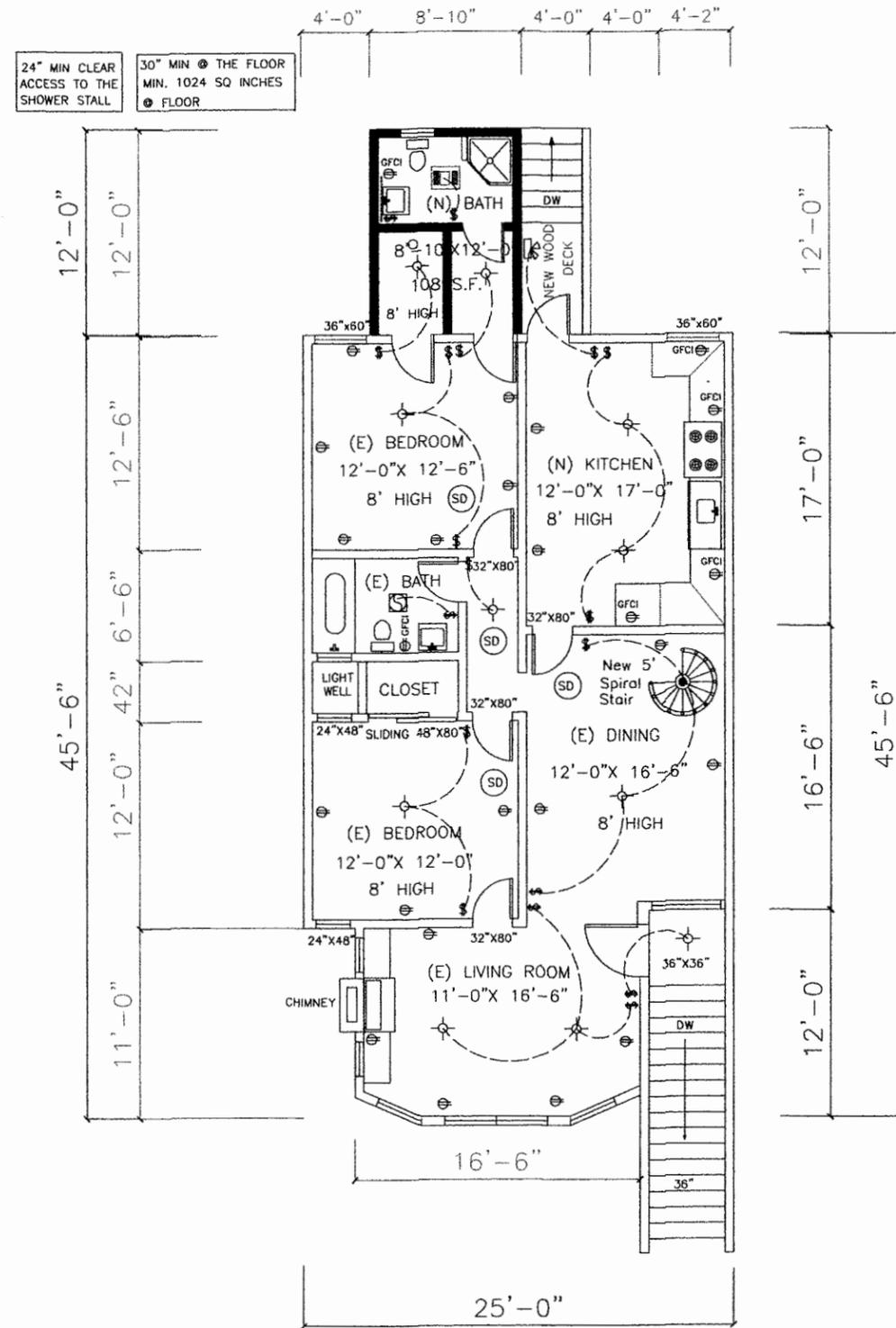
05-18-2016

A-2

Of Total Sheets 10



1 (E) FIRST FLOOR PLAN  
A-2 SCALE: 1/4"=1'-0"



2 (N) FIRST FLOOR PLAN  
A-2 SCALE: 1/4"=1'-0"

**LEGEND**

- EXISTING
- NEW
- TO BE REMOVED
- CONCRETE
- EXISTING
- NEW
- CENTRAL HEATING
- WATER HEARING
- NOMENCLATURE LIGHT
- RESET LIGHT
- SWITCH
- OUTLET
- SMOKE DETECTOR
- GROUND-FAULT-CIRCUIT INTERRUPTOR
- EXT. SENSOR LIGHT
- FLUORESCENT LIGHT

**TELLEZ RESIDENCE**

(E) FIRST FLOOR PLAN  
(N) FIRST FLOOR PLAN

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Studio Design

1 23 POPLAR AVE  
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A-2.1

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**GUTTERS:**  
6" FANCY BREAK ALUMINUM GUTTERS, FINISH PRIME and PAINT, COLOR: (PER OWNER)

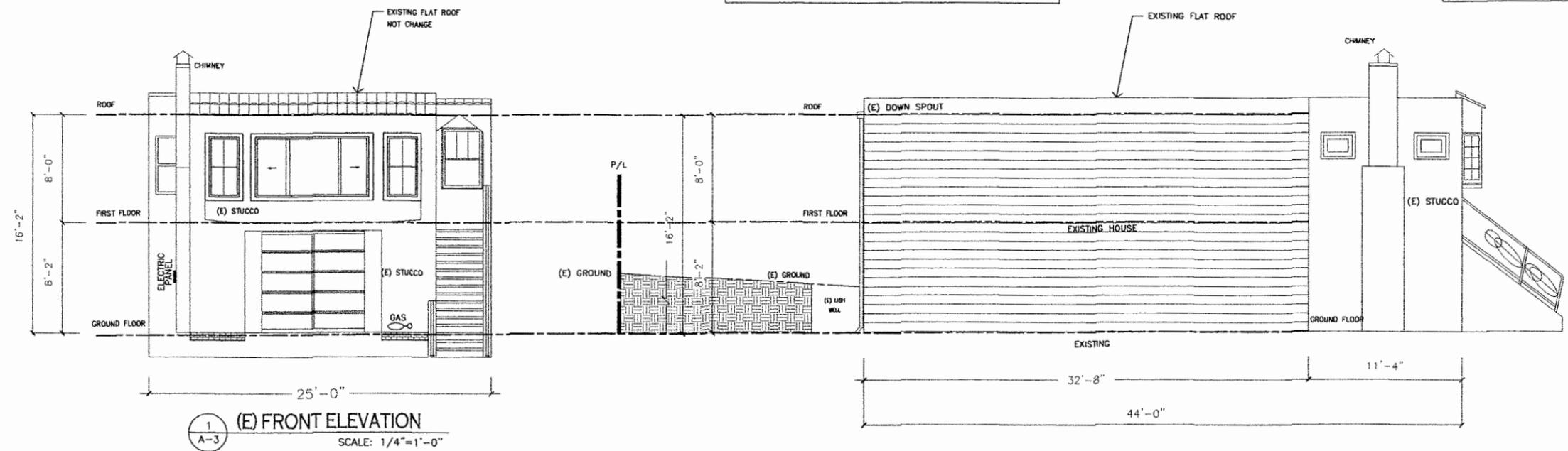
**FASCIA:**  
2x6 NOMINAL PRIME TRIM PRIME and PAINT COLOR: (PER OWNER)

**EXTERIOR WALLS:**  
1x8 T&G CEMWOOD FIBER CEMENT SIDING, SEE OWNER FOR COLOR, ON (2) LAYERS GRADE "D" BUILDING PAPER (ALT. TYVEK BUILDING WRAP) ON PLYWOOD WALL SHEATHING (ALT. OSB). SEE STRUCTURAL PLANS FOR SPECS & NAILING. PROVIDE 26 ga> GALVANIZED WEEP SCREED AT FOUNDATION AT LEAST 2" ABOVE SLAB OR 6" ABOVE FINISH GRADE ALT. VINYL HORIZONTAL SIDING

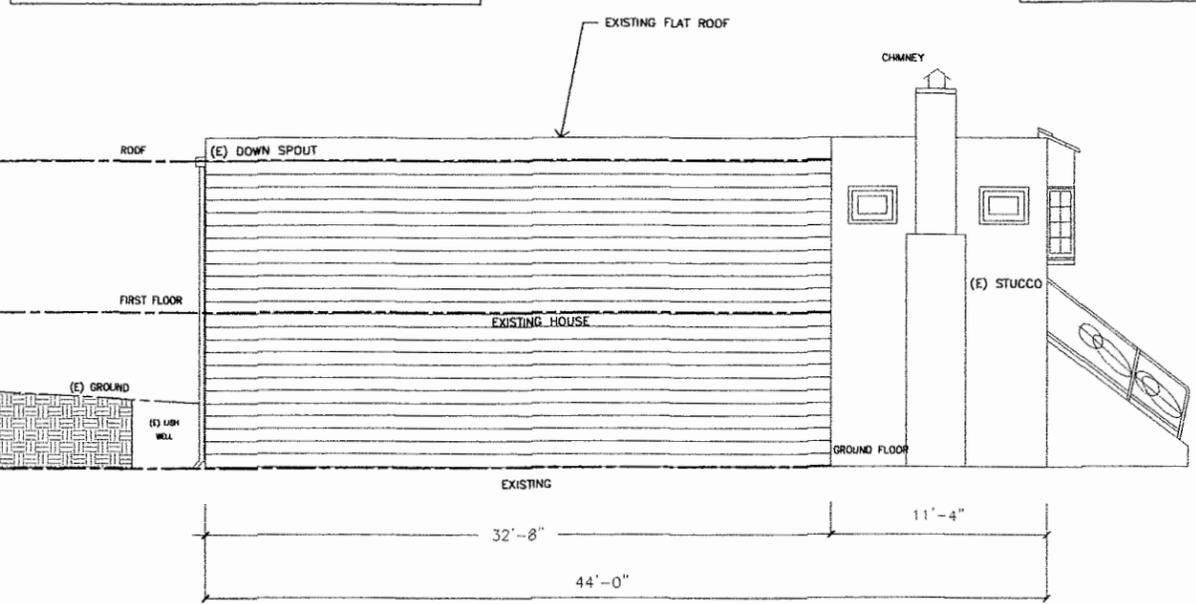
**INTERIOR WALLS & CEILING:**  
1/2" GYPSUM BOARD ON 2x4 STUDS's @16"O.C.(U.N.O.) INSULATE (R-13- R-19) WALLS WITH FINISH TEXTURE MATCHING EXISTING

**EXTERIOR TRIM:**  
1x4 "HARDIE" BOARD, ROUGH SAWN (CAULK SEAMS) PRIME and PAINT, COLOR: MATCHING (E)

**WINDOWS & DOORS:**  
VINYL FRAME, DUAL PANE UV-TINTED WINDOWS and DOORS PELLA OR APPROVE EQUAL

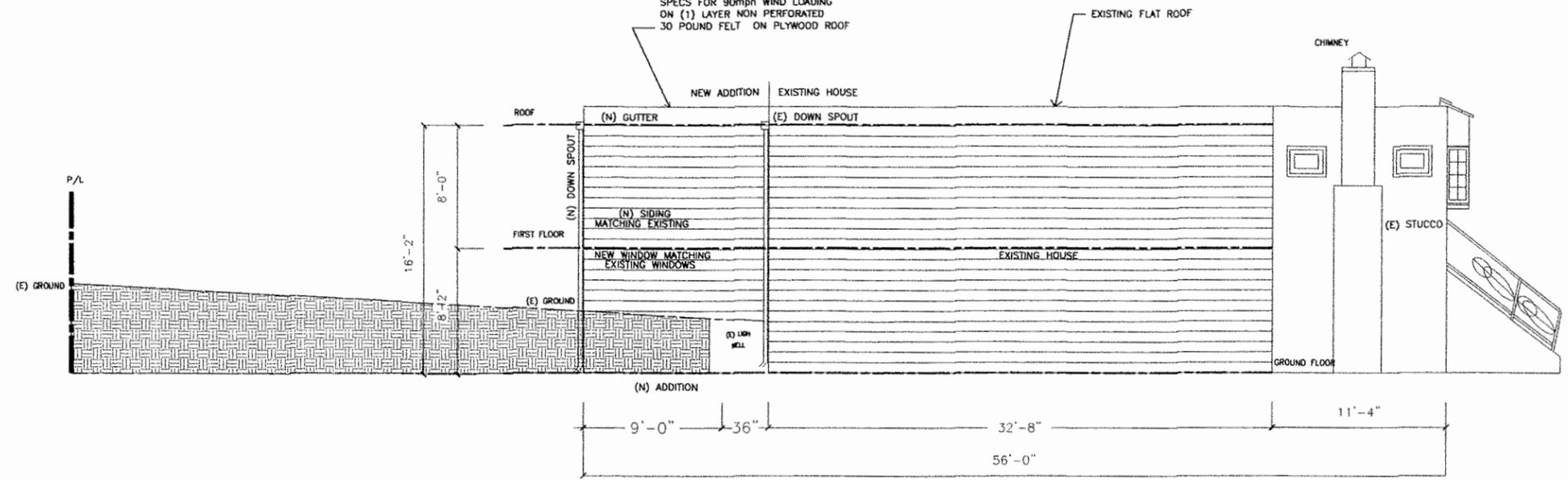


1 (E) FRONT ELEVATION  
SCALE: 1/4"=1'-0"



3 (E) LEFT ELEVATION  
SCALE: 1/4"=1'-0"

BASE, TORCH, AND GRANULATE BY CERTAINTED ROOFING COMPANY MATCHING EXISTING ROOF. INSTALL AS PER MANUFACTURERS SPECS FOR 90mph WIND LOADING ON (1) LAYER NON PERFORATED 30 POUND FELT ON PLYWOOD ROOF



3 (N) LEFT ELEVATION  
SCALE: 1/4"=1'-0"

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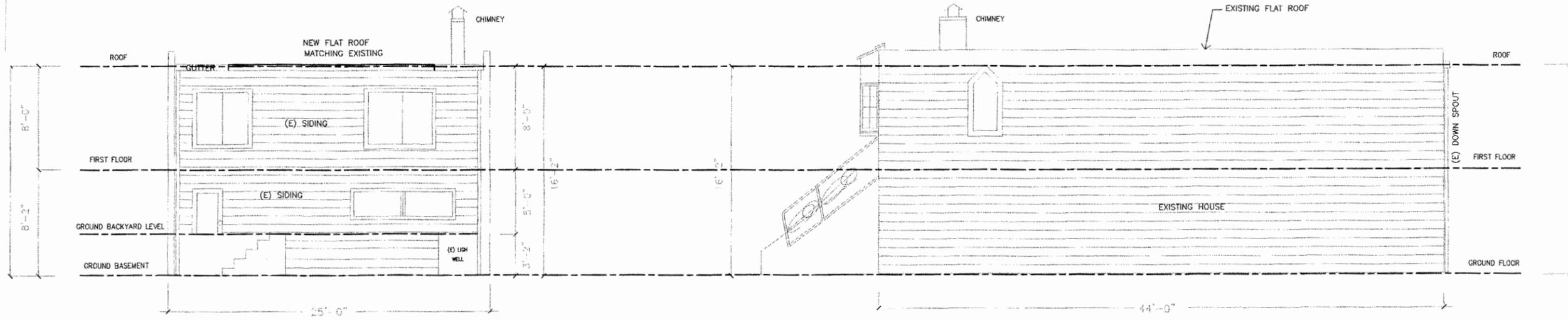
**TELLEZ RESIDENCE**  
1 23 POPLAR AVE  
SAN BRUNO, CA. 94068

- 1 (E) FRONT ELEVATION
- 2 (N) REAR ELEVATION
- 3 (N) RIGHT ELEVATION
- 4 (N) LEFT ELEVATION

05-18-2016

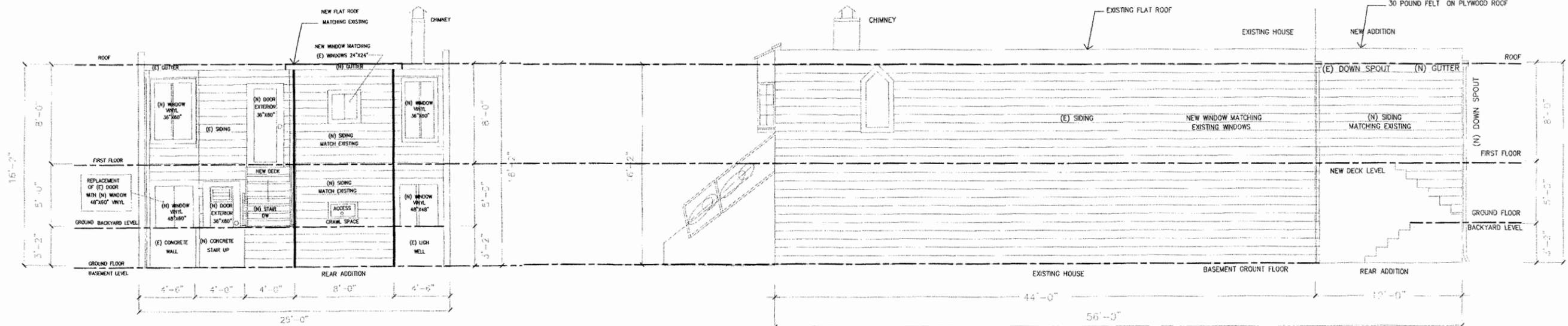
A-3

Of Total Sheets 10



2 (E) REAR ELEVATION  
A-3 SCALE: 1/4"=1'-0"

4 (E) RIGHT ELEVATION  
A-3 SCALE: 1/4"=1'-0"



BASE, TORCH, AND GRANULATE BY CERTAINTED ROOFING COMPANY MATCHING EXISTING ROOF. INSTALL AS PER MANUFACTURERS SPECS FOR 90mph WIND LOADING ON (1) LAYER NON PERFORATED 30 POUND FELT ON PLYWOOD ROOF.

2 (N) REAR ELEVATION  
A-3 SCALE: 1/4"=1'-0"

4 (N) RIGHT ELEVATION  
A-3 SCALE: 1/4"=1'-0"

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**TELLEZ RESIDENCE**  
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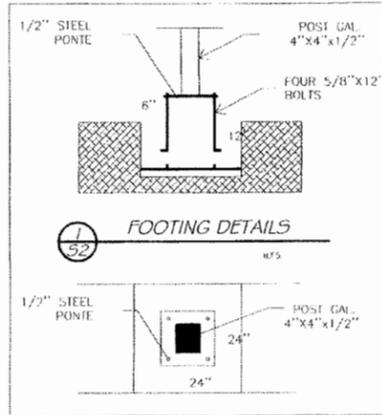
- 1 (E) FRONT ELEVATION
- 2 (N) REAR ELEVATION
- 3 (N) RIGHT ELEVATION
- 4 (N) LEFT ELEVATION

05-18-2016

A-3.1

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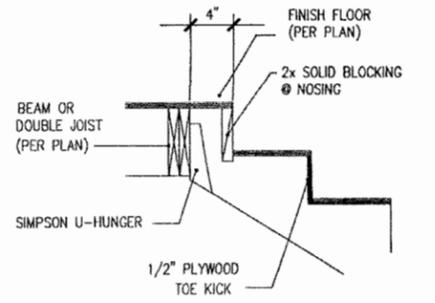




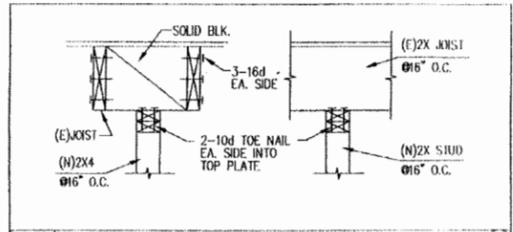
1 SPIRAL STAIRCASES 5' DIAMETER  
N.T.S.

HIGH RANGE 101"  
NUMERO RISES/TREADS 12/11  
MIN FINISHED OPENING SIZE 62"  
CLEAR WALKING PATH 26"

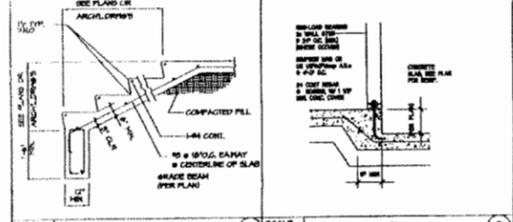
This detail is show for Code compliance of  
Guardrails, Handrails, and Rise & Run of  
Stairs, actual configuration and quantity  
of steps may be different .



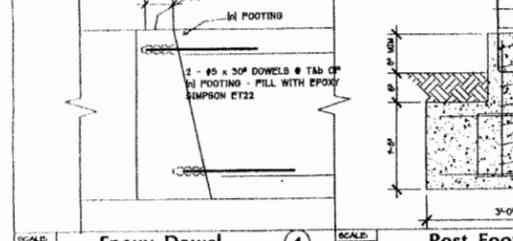
2 Stair Framing Detail  
SCALE: 1" = 1'-0"



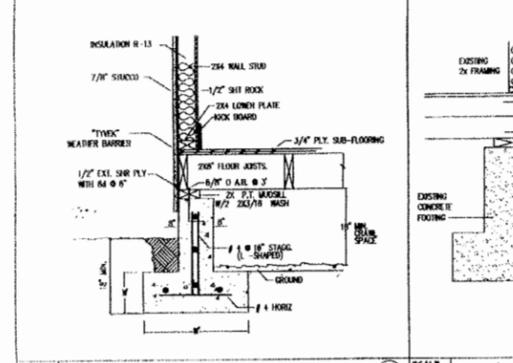
WALL TO JOIST CONN. N.T.S.



Concrete Stair (2) Concrete Step (3)



Epoxy Dowel (4) Post Footing (5)



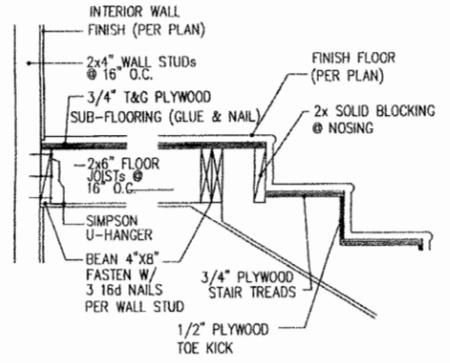
Foundation & Framing Detail (6) Foundation & Framing Detail (7)

NAILING SCHEDULE (Not to Scale)

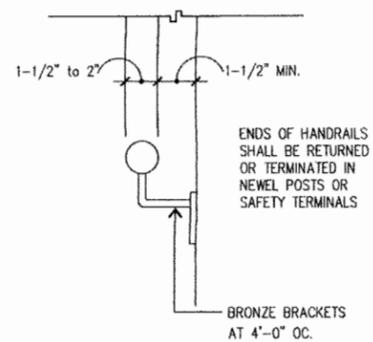
WOOD CONNECTION	NAILING
1. Joist to sill or girder, toenail	3-8d
2. Bridging to joist, toenail each end	2-8d
3. 1"x6" subfloor or less to each joist, face nail	2-8d
4. Wider than 1"x6" subfloor to each joist, face nail	3-8d
5. 2" subfloor to joist or girder, blind and face nail	2-16d
6. Sole plate to joist or blocking, typical face nail Sole plate to joist or blocking, at braced wall panels	16d @16" o.c., 3-16d per 16"
7. Top plate to stud, end nail	2-16d
8. Stud to sole plate	4-8d, toenail or 2-16d, end nail
9. Double stud, face nail	16d @24" o.c.
10. Double top plates, typical face nail / Double top plate, lap splice	16d @16" o.c. / 8-16d
11. Blocking between joists or rafters to top plate, toenail	3-8d
12. Rim joist to top plate, toenail	8d @6" o.c.
13. Top plates, laps and intersections, face nail	2-16d
14. Continuous header, two pieces	16d @16" o.c. along each edge
15. Ceiling joists to plate, toenail	3-8d
16. Continuous header to stud, toenail	4-8d
17. Ceiling joists, lap over partitions, face nail	3-16d
18. Ceiling joists to parallel rafters, face nail	3-16d
19. Rafter to plate, toenail	3-8d
20. 1" brace to each stud and plate, face nail	2-8d
21. 1"x8" sheathing or less to each bearing, face nail	2-8d
22. Wider than 1"x8" sheathing to each bearing, face nail	3-8d
23. Built-up corner studs	16d @24" o.c.
24. Build-up girder and beams	20d @32" o.c. @ top and bottom and staggered 2-20d at ends and at each splice
25. 2" planks	2-16d @ each bearing

NOTE: USE COMMON NAILS UNLESS OTHERWISE NOTED. OR REFER TO UBC TABLE 23-1-0.

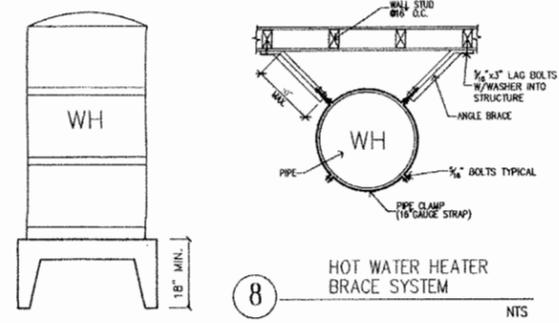
4



5 Stair Framing Details



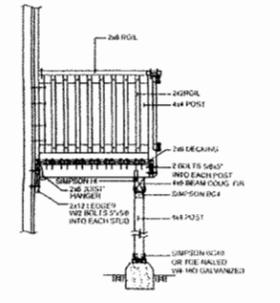
6 Handrail Detail  
SCALE: N.T.S.



8 HOT WATER HEATER BRACE SYSTEM  
N.T.S.

WATER HEATER NOTE:

1. "A.O. SMITH FSC-50-224, 50 GALLON GAS FIRED PROVIDE EXTERNAL INSULATION BLANKET OR APPROVED EQUAL
2. PROVIDE FIBERGLASS DRAIN PAN @ WATER HEATER AND PVC DRAIN TO OUTDOORS.
3. PROVIDE SEISMIC ANCHORAGE TO INCLUDE STRAPS @ POINTS WITHIN THE UPPER AND LOWER 1/3 OF ITS VERTICAL DIMENSION, W/ 4" MIN DISTANCE TO CONTROLS
4. PROVIDE TEMPERATURE AND PRESSURE RELIEF VALVE AND DRAIN TO OUTDOORS
5. MINIMUM 18" HEIGHT FROM FLOOR TO BASE OF THE WATER HEATING
6. Seismic strap & thermal expansion tank @ water heater, CPC 510.5 & 608.3
7. Outside combustion air for water heater and furnace, CPC 507, CMC 703
8. Dryer vent 14" max length, CMC 504.3
9. MECHANICAL AIR HEATING DUCTS SHALL BE No. 26 GAUGE GALVANIZED SHEET METAL.



9 DECK SECTION  
SCALE: 1" = 1'-0"

- NOTE:
- 1- USE ONLY GALVANIZED NAILS, BRACKETS & SCREWS
  - 2- LUMBER SHALL BE DOUGL. FIR P.I. WOOD
  - 3- SHALL USE 2X6" DECKING W/ 2 16d NAILS INTO EACH JOIST

- NOTE:
- 1- STAIRS: T=11" , R= 7-1/2"
  - 2- ALL FRAMING MATERIAL SHALL BE PRESSURE TREATED, DOUGLAS FINE SELECT STRUCTURAL
  - 3- DECKING FLOOR (2X8) , INNERRAILS (2X4), PICKETS (2X2) SHALL BE REDWOOD GONE HART.
  - 4- PICKETS SHALL HAVE A SEPARATION OF 3-1/2" O.C. (QUADRIGAL SPACING)
  - 5- MAX. 6"-0" POST TO POST.
  - 6- 2 X CROSS BRACING .

**TELLEZ RESIDENCE**  
123 POPLAR AVE  
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STAIR DETAIL  
Details & Notes

Revision:

05-18-2016

SD-1

Of Total Sheets 10

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# Exhibit D

## 2013 CALIFORNIA GREEN BUILDING CODE (CALGreen) CHECKLIST FOR RESIDENTIAL

Upon request, verification of compliance with this code may include construction documents, plans, specifications, or other methods acceptable for the Building Official which show substantial conformance

Address: 123 Poplar Ave, San Bruno, CA, 94066

Name: Sergio Galdamez

Date: August 02, 2016

Company: Pyramid Construction & Design

Address: 390 San Diego Ave, Dalu City, CA, 94014

License: 836731 Cell.: (650)296-0534

Feature or Measure (For full details of the code requirements see the 2013 CALGreen Code)	Mandatory Measures Specified Yes / No and Plan Reference
<b>SITE DEVELOPMENT (Section 4.106)</b>	
A plan has been developed and will be implemented to manage storm water drainage during construction per Section 4.106.2 & 4.106.3.	YES
<b>WATER EFFICIENCY AND CONSERVATION (Chapter 4)</b>	
<b>INDOOR WATER USE (Section 4.303)</b>	
Plumbing fixtures (water closets and urinals) shall comply with the following: 1. The effective flush volume of all water closets shall not exceed 1.28 gal / flush per Section 403.1.1. 2. The effective flush volume of urinals shall not exceed 0.5 gal / flush per Section 403.1.2.	YES
Fittings (faucets and showerheads) have all required standards listed on plans and are in accordance per Section 4.303.1.3 and 403.1.4	YES
Automatic irrigation system controller for landscaping provided by the builder and installed at the time of final inspection shall comply with Section 4.304	NO
<b>ENHANCED DURABILITY AND REDUCED MAINTENANCE (Section 4.406)</b>	
Annular spaces around pipes, electric cables, conduits or other openings in sole / bottom plates at exterior walls shall be rodent proofed by closing such openings with cement mortar, concrete masonry, or similar method acceptable to the enforcing agency per Section 4.406.1	YES
<b>CONSTRUCTION WASTE REDUCTION, DISPOSAL, AND RECYCLING (Section 4.408)</b>	
A minimum of 60% of the non-hazardous construction and demolition waste generated at the site shall be diverted to an offsite recycle, diversion, or salvage facility per SCMC Chapter 8.05.	YES
<b>BUILDING MAINTENANCE AND OPERATION (Section 4.410)</b>	
An operation and maintenance manual will be provided to the building occupant or owner per Section 4.410.1	YES

Feature or Measure (For full details of the code requirements see the 2013 CALGreen Code)	Yes / No and Plan Reference
<b>ENVIRONMENTAL QUALITY (Section 4.503)</b>	
Any gas fireplaces shall be a direct-vent sealed-combustible type.	NO
Any wood stove or pellet stove shall comply with US EPA Phase II emission limits per Section 4.503.1	YES
<b>POLLUTANT CONTROL (Section 4.504)</b>	
At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all duct and other related air distribution component openings shall be covered with tape, plastic, sheet metal, or other methods acceptable to the enforcing agency to reduce the amount of water, dust or debris, which may enter the system per Section 4.504.1.	YES
Paints and coatings shall comply with VOC limits per Section 4.504.2.2.	YES
Aerosol paints and coatings shall meet the Product-weighted MIR limits for ROC and other requirements per Section 4.504.2.3.	YES
Documentation will be provided, at the request of the Building Division, to verify compliance with VOC finish materials per Section 4.504.2.4.	YES
Carpet system installed in the building interior shall meet the testing and product requirements per Section 4.504.3.	YES
Where resilient flooring is installed, at least 80% of the floor area receiving resilient flooring will comply with the requirements per Section 4.504.4.	YES
Hardwood plywood, particleboard, and medium density fiberboard composite wood products used on the interior and exterior of the building shall comply with the low formaldehyde emission standards per Section 4.504.5.	YES
<b>INTERIOR MOISTURE CONTROL (Section 4.505)</b>	
A capillary break shall be installed if a slab on grade foundation system is used. The use of a 4" thick base of ½" or larger clean aggregate under a 6 mil vapor retarder with joint lapped not less than 6" will be provided per Section 4.505.2 and R506.2.3.	YES
Building materials with visible signs of water damage shall not be installed. Wall and floor framing shall not be enclosed when the framing members exceed 19% moisture content. Moisture content shall be checked prior to finish material being applied per Section 4.505.3.	YES
<b>INDOOR AIR QUALITY AND EXHAUST (Section 4.506)</b>	
Exhaust fans, which are ENERGY STAR compliant and be ducted to terminate outside the building, shall be provided in every bathroom per Section 4.506.1.	YES
<b>ENVIRONMENTAL COMFORT (Section 4.507)</b>	
Heating and air-conditioning system shall be sized, designed and have their equipment selected using the following methods: <ol style="list-style-type: none"> <li>1. Heat Loss/Heat Gain values in accordance with ANSI/ACCA 2 Manual J-2004 or equivalent;</li> <li>2. Duct systems are sized according to ANSI/ACCA 1, Manual D-2009 or equivalent;</li> <li>3. Select heating and cooling equipment in accordance with ANSI/ACCA 3, Manual S-2004 or equivalent.</li> </ol>	YES
<b>INSTALLER SPECIAL INSPECTOR QUALIFICATION</b>	
HVAC system installers shall be trained and certified in the proper installation of HVAC systems and equipment by a recognize training or certification.	N/A





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**PLANNING COMMISSION**

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

**PLANNING COMMISSION  
 STAFF REPORT  
 AGENDA ITEM NO. 5.D.  
 AUGUST 16, 2016**

**RECOMMENDATION**

Receive report, provide feedback to staff and take public testimony on Residential Impact Fee and Commercial Linkage Fee Nexus Studies demonstrating the impact of new housing or jobs on the need for affordable housing in San Bruno and proposing permissible and reasonable fee levels, and make a recommendation to the City Council regarding adoption of an affordable housing ordinance to replace Chapter 12.230 of the San Bruno Municipal Code and impact fees

**REVIEWING AGENCIES**

Community Development Department, City Attorney

**LEGAL NOTICE**

1. Agenda Notice posted on August 6, 2016

**ENVIRONMENTAL REVIEW**

The adoption of an affordable housing ordinance and impact fees is not a project under the California Environmental Quality Act (CEQA) as they create a governmental funding mechanism that does not involve any commitment to a specific project, which may result in a potentially significant effect on the environment (CEQA Guidelines Section 15378(b) (4)). Furthermore, even if these approvals were a project, they would be exempt from CEQA because it can be seen with certainty that there is no possibility that the fees may have a significant effect on the environment, given that the ordinance and resolution contain no provisions modifying the physical design, development, or construction of residences or nonresidential structures (CEQA Guidelines Section 15061(b)(3)).

**BACKGROUND**

The economy began its slow recovery from the Great Recession in 2009, and the costs associated with this recovery in the housing sector are extreme. This recession involved a collapse in the housing industry, resulting in much development know how and capability leaving the industry and project financing beginning significantly more difficult to assemble. Additionally, high land costs, the dissolution of the redevelopment agencies, cutbacks in federal and state funding for affordable housing and court cases that restrict the ability of cities to require affordable housing in new development have resulted in fewer people being able to afford to either live or continue to live in San Bruno and severely constrained the City's ability to address the City's affordable housing needs. The City's Below Market Rate (BMR) Housing Program, adopted in 2008, established inclusionary zoning that requires new for-sale or rental residential development projects of 10 units or more to provide at least 15 percent of the total units restricted for occupancy by very low, low, and moderate households or pay an in-lieu fee. However, the 2009 California Court decision in Palmer vs. City of Los Angeles

invalidated the rental requirements of inclusionary housing programs, although it did not affect the BMR requirements for ownership housing. In Addition, the elimination of redevelopment agencies by the State in 2012, was a major blow to the City’s ability to facilitate affordable housing development, resulting in the loss of nearly \$2,000,000 set aside for affordable housing annually.

In 2015, the San Bruno City Council adopted a new Housing Element which includes goals, programs and implementation actions to increase the supply of affordable housing to meet the housing needs of very low, low and moderate income households in the City. Housing Element Program 3-J called for the City to participate in the San Mateo Countywide Nexus Study to analyze the relationship between new housing or jobs and the need for affordable housing and to determine a permissible and reasonable fee level for both residential and commercial development.

In response to the constraints described above, the City is considering a variety of programs to increase affordable housing, including the creation of affordable housing impact fees. San Bruno participated with 13 other San Mateo County jurisdictions as well as the City of Palo Alto to pool resources and jointly conduct the Countywide Grand Nexus Study led by 21 Elements. Several communities including Mountain View, San Carlos, Sunnyvale, Menlo Park, and Redwood City have already implemented housing impact fees. Two draft Nexus Study reports customized to San Bruno’s specific circumstances and needs were completed in October 2015: a Commercial Linkage Fee Nexus Study and a Residential Impact Fee Nexus Study (together, the “Nexus Study”).

On October 27, 2015, Josh Abrams of 21 Elements gave a presentation to the City Council describing the Grand Nexus Study. The City Council responded positively to the report and expressed its desire to consider establishing impact fees to help address affordable housing needs in San Bruno. On April 19, 2016, the City Council held a Study Session to review San Bruno’s draft Nexus Study as well as a variety of other potential programs to increase affordable housing. The Council agreed that impact fees for residential and commercial development as outlined in the Nexus Study could be an important funding source to promote the development of affordable housing in San Bruno, and directed staff to draft an ordinance to establish affordable housing impact fees.

Projected Growth in the Bay Area

Between 2010 and 2040, the ABAG Plan Bay Area forecasts that the nine-county San Francisco Bay Area population, jobs, households will continue grow substantially in the next two decades placing increased pressure on the housing supply, as shown in the table below.

**Table 1. Bay Area Growth Projections, 2010 - 2040**

	<b>2010</b>	<b>2040</b>	<b>2010-2040 Growth</b>
Population	7.2 million	9.3 million	2.1 million (30%)
Jobs	3.4 million	4.5 million	1.1 million (33%)
Households	2.6 million	3.3 million	700,000 (27%)
Housing Units	2.8 million	3.4 million *	660,000 (24%)

Sources: 2010 US Census, ABAG

Housing Costs in San Bruno

Since the economic recover began in 2009, regionally, and in San Bruno, residential developers have primarily built market rate units and very few affordable units. Both ownership and rental housing have become increasingly less affordable over the past several decades, and the need for affordable housing in San Bruno, the Peninsula and the Bay Area far exceeds the supply. New market rate housing is only affordable to people making higher income wages, although half or more of new jobs pay lower income wages. Since 2010 the purchase price of an average priced home in San Bruno

has increased 64% from \$549,000 to \$900,000. Rental costs have also skyrocketed, increasing by 63% from an average of \$2,000 in 2010 to \$3,200 in 2016. The improved economy has also brought increased pressure on the non-residential market to produce more office and commercial space and less residential space, further eroding the potential for an improved housing stock.

## **DISCUSSION**

Nexus studies are legally required reports that determine how much affordable housing need is created with new development to help fund affordable housing, the cost of meeting that need, and possible fees that could be charged to new development while maintaining a healthy economy. San Bruno's Nexus Study reports analyze how new residential and nonresidential development create a need for housing of all income levels, particularly for very low, low and moderate income residents. The City's BMR Housing Program includes a provision for residential developments to pay an in-lieu fee instead of including affordable units, if approved by the City Council. However, as described above the Palmer court decision invalidated the requiring inclusionary units or in-lieu fees for new rental residential projects. The City does not currently have any impact fees for new development, although impact fees to pay for infrastructure are being studied. As the fees are based on the additional low-income workers needed by new residents and employees, the funds are to be used for workforce housing.

### **General Information on Affordable Housing Impact Fees:**

Impact fees are charges allowed under state law that jurisdictions can impose on new residential and nonresidential development to support and build new affordable housing for lower income residents. The methodology for calculating impact fees are described in Section II of the Residential and Commercial Nexus Studies, summarized below:

1. **Identify residential and commercial development types:** San Bruno's residential study includes single-family detached homes, condominiums, and apartments with generalized unit sizes and construction type. The commercial study includes offices, retail and hotel.
2. **Estimate future impacts based on conservative assumptions:** The residential study estimates the annual household income of buyers and renters, and calculates the economic impact, including jobs and wages linked to spending. Finally, it determines the expected number of new worker households and annual incomes.

The commercial study estimates the number of workers added in newly developed commercial space, and calculates the number of households needed for these new workers and their projected wages and annual household incomes.

3. **Calculate the number of new workers eligible for affordable housing:** this determines the demand for affordable housing, which is sorted by very low, low, and moderate incomes.
4. **Calculate the difference between what new worker households can afford to buy or rent, and the cost of building a new housing:** the studies calculate the amount of subsidies needed to build affordable housing and the maximum justifiable fees for each development type.
5. **Feasibility analysis and proposed appropriate feasible fee levels.** A feasibility study then determined appropriate fee levels below this maximum that will not interfere with the reasonable profitability of or inhibit new development. Four different fee levels were tested against the project assumptions to determine an appropriate fee level while maintaining project viability (pages 62-64 of the Residential Impact Fee Study and pages 72-74 of the Commercial Linkage Fee Study).

**Common Concerns with Affordable Housing Fees**

There are two common concerns with adopting affordable housing impact fees:

*The fee cost will be passed on to residents, raising rents and sales prices.* The Residential Nexus Study report demonstrates that affordable housing impact fees do not raise housing prices, because the overall real estate market sets the rental or sales price and developers cannot raise prices even if their costs go up.

*The fee will discourage new development by making new construction too expensive.* If development costs go down, rent or sales prices do not generally drop below the market rate. Increased development cost typically results in lower land prices as opposed to a higher market rent or sales price. For this reason, the feasibility analysis is crucial to setting a fee level that does not inhibit new construction and economic development, (i.e. that developers can still profitably buy land), and ideally is somewhat in line with surrounding cities. While the nexus analysis establishes the maximum legally-justified fee, the feasibility analysis considers a fee level that will not hinder development which would result in lower overall fees paid to the fund. Feasibility analysis includes comparison to existing City fees, neighboring jurisdictions’ fee levels and related citywide policies.

Many jurisdictions across the country and throughout the Bay Area region have shifted toward the use of impact fees to increase affordable housing opportunities, as shown in Table 2, below. Several Bay Area cities, including Daly City, Fremont, Mountain View, Menlo Park, Redwood City, San Carlos, San Francisco, Santa Rosa and Walnut Creek have established residential and/or commercial housing impact fees. For instance, Redwood City recently approved charges between \$20 - \$25 per square foot for new residential development (based on type of development) and \$20 per square foot for new commercial office development.

**Table 2. Impact Fee Comparisons**

City	Single Family	Condominium	Apartment	Office	Hotel	Retail
Cupertino	\$16.50	\$20.00	\$25.00	\$20.00	\$10.00	\$10.00
Daly City	\$18.00	\$22.00	\$25.00	N/A	N/A	N/A
East Palo Alto	N/A	\$22.00 - 44.00	\$22.00	N/A	N/A	N/A
Menlo Park	N/A	N/A	N/A	\$15.00	\$8.00	\$8.42
Mountain View	N/A	N/A	\$15.00	\$25.00	\$2.50	\$2.50
Palo Alto	\$95.00	\$50.00	\$50.00	\$35.00	\$30.00	\$19.85
Redwood City	\$25.00	\$20.00	\$20.00	\$20.00	\$5.00	\$5.00
San Carlos	\$21.00 - 42.00	\$21.00 - 42.00	\$24.00 - 43.00	N/A	N/A	N/A
Sunnyvale	\$N/A	N/A	\$17.00	\$15.00	\$7.50	\$7.50

**Proposed Reasonable Impact Fee Levels for San Bruno**

Based on the findings of the Nexus Study, fees could be charged on both residential and nonresidential development while maintaining development feasibility. Table 3 below shows the maximum justifiable impact fees identified in the Nexus Study reports and proposed reasonable fees recommended by staff.

**Table 3. Proposed Impact Fees**

Unit Type	Maximum Justifiable Fees	Proposed Reasonable Fees	Minimum Project Size
Single Family	\$27	\$25	5 or more net new units for residential projects
Condominium	\$51	\$20	
Apartment	\$56	\$20	
Office	\$196	\$5	All new commercial development
Retail	\$235	\$5	
Hotel	\$132	\$5	

Residential Impact Fee

Single family homes, condominiums and apartments were analyzed for the residential study. The market area studied consisted of primarily the City of San Bruno as well as the neighboring and comparable markets of South San Francisco and Millbrae. The analysis determined a maximum fee level and tested three lower fee levels below this maximum in order to ensure the financial feasibility of new development. City staff proposes appropriate fee levels based on the feasibility analysis, which are roughly equivalent to the City’s existing BMR ordinance in-lieu fees.

- *Single Family* – The maximum justifiable fee was determined to be \$27/square foot. Single-family homes have the highest profitability and the highest resulting threshold for financial feasibility with up to maximum. Based on the feasibility study, the proposed appropriate fee level is \$25/ square foot, in line with Redwood City, Cupertino and San Carlos.
- *Condominiums and Apartments* – Condominiums and apartments share similar characteristics in size and parking. The maximum justifiable fee was determined to be \$51/square foot for condominiums and \$56 for apartments. Based on the feasibility study, the proposed appropriate fee levels for both condominiums and apartments is \$20/square foot, in line with Mountain View, Sunnyvale and San Jose and Cupertino.

Commercial Linkage Fee

Office (office, medical office and R&D), retail (restaurant, retail and services) and hotel were all considered in the commercial study. Recent projects and pro forma analyses were used to determine construction costs and market value. Employment density was calculated to estimate the number of new worker households that require affordable housing.

As in the residential study, the feasibility analysis calculated a maximum justifiable commercial linkage fee and tested three lower fee levels that would ensure economic vitality and financial feasibility. These factors include market capitalization rates, total City fee costs, and nearby city rates. Generally, the study looked for a total return on cost of 6.75 percent to 7 percent depending on development type. City staff proposes appropriate fee levels based on the feasibility analysis.

The recommended commercial fees are considerably lower than the maximum justifiable fees and lower than other jurisdictions in Silicon Valley. The feasibility analysis showed that establishing a fee at the maximum level in San Bruno would have a negative impact on development feasibility for all prototypes, while the lowest fee scenario of \$5.00/square foot has a modest impact on financial feasibility. Cities in the southern Peninsula closer to the center of Silicon Valley can charge higher fees because lease revenues are significantly higher than in the northern peninsula, resulting in

higher returns on cost. The analysis shows that a ten percent increase in hotel and office revenues could support a linkage fee of \$20/square foot, which may impact the feasibility of prototypes in San Bruno. Recent data shows that the hotel and office revenues have increased in San Mateo County by five or ten percent in the last year. Staff recommends that the City reevaluate potential adjustments to the fee levels periodically.

- *Office* – The maximum justifiable fee was determined to be \$196/square foot. Based on the feasibility study, the proposed appropriate fee level is \$5/square foot. This wide gap occurs because in the current market, office development with no additional fees has a return on cost slightly below the 6.75 percent feasibility threshold (cited as a reasonable return threshold). This fee compares to \$20/square foot in Cupertino, \$25/square foot in Mountain View, \$19/square foot in Palo Alto and \$15/square foot in Sunnyvale.
- *Retail/Restaurant/Services* – The maximum justifiable fee was determined to be \$235/square foot. Based on the feasibility study, the proposed appropriate fee level is \$5/square foot. In the current market, retail development with no additional fees has a return on cost of 4.85 percent, well below what would be considered financially feasible. This fee compares to \$8 per square foot in Menlo Park, \$7.50 per square foot in Sunnyvale and \$2.50 per square foot in Mountain View.
- *Hotel* – The maximum justifiable fee was determined to be \$132/square foot. Based on the feasibility study, the proposed appropriate fee level is \$5/square foot. This modest fee is 1.35 percent of the project's total development costs. At this fee level, the return on cost is estimated at 6.97 percent, which is marginally feasible. This compares to \$5 per square foot in Redwood City, \$8/square foot in Menlo Park, \$7.50/square foot in Sunnyvale, \$19/square foot in Palo Alto, and \$2.50 per square foot in Mountain View.

#### Proposed Affordable Housing Ordinance

To implement this affordable housing impact fees, the affordable housing ordinance lays out the requirement for the fee, alternatives to payment, and the use of the fees (Attachments 1). A separate resolution will establish the particular fee amount and provides specifics about how to calculate the fee and what uses are exempt. Staff proposes that the adopted fee amounts should be adjusted automatically each year consistent with the Engineering News Record (ENR), which is typical for impact fees.

**Projects Subject to the Residential Impact Fee:** While the Residential Nexus Study justifies charging the fee on any new square footage, staff recommends a more conservative program with a minimum project size of five (5) or more residential units. This minimum eliminates further cost burden on homeowners or new duplex and fourplex-type projects. Rental developments would be required to pay the impact fee. For-sale projects would only be subject to impact fee as an alternative to including 15 percent affordable units in a residential project, similar to the requirements of the existing BMR Ordinance. The applicability threshold in the current BMR ordinance is ten units. Staff suggests that this threshold be lowered to five to facilitate achieving more affordable housing within San Bruno.

**Projects Subject to the Commercial Linkage Fee:** All new commercial projects would be subject to the commercial linkage fee. The fee is relatively low and is expected to have minimal effect on the viability of on small commercial improvements. Desirable public uses such as hospitals and community facilities and quasi-public uses such as child care centers, churches and schools would be exempted.

Mixed residential/commercial projects would be subject to both the residential and commercial fees in proportion to the square footage of each use in the project. Projects for which the applications were deemed complete prior to the ordinance effective date are proposed to be exempt from paying the fee. Public uses such as hospitals and community facilities and quasi-public uses such as child care centers, churches and schools would be exempted.

*Alternative to Fee Payment:* The ordinance allows alternatives to the payment of housing impact fees. These alternatives could include onsite affordable housing construction, contribution to offsite affordable housing, or other alternatives that meet the City's affordable housing goals. Alternative housing plans would be submitted with the primary development application and must be considered by the decision-making authority for the project. Any housing developed as part of an alternative plan must match the finishes, overall unit types, and amenities of the market-rate units.

*Impact Fee Use:* Affordable housing funds would be spent to provide housing affordable to very low, low, and moderate income households. The City Council may adopt guidelines which prioritize how the money may be spent on renovating existing units, land purchase, or construction funding for new units. The fee must also meet the Mitigation Fee Act reporting requirements, which require annual updates on collection and expenditure of fees, as well as identification of projects for funding. Every five years, specific findings must be made regarding unspent fees with estimates for future funding commitments.

*Example Fee Estimates:* The proposed fee amounts would result in a high-density downtown project of 100 residential units paying approximately \$5,500,000 in fees, and an office project of 100,000 sq. ft. could pay \$500,000 in fees. Assuming full buildout of the Transit Corridors Plan (not including potential development in other areas, such as Bay Hill Office Park), the City could receive up to total of \$80 million in affordable housing impact fees over time.

*Decision-Making Procedures:* The City Manager or their designee may approve the payment of a residential impact fee for a rental residential development project. In all other cases, including but not limited to, development of on-site affordable housing units or any proposal by a developer to meet the requirement of the affordable housing ordinance through an alternative method, will be considered by the City Manager or their designee subject to final approval by the City Council.

### **CONSISTENCY WITH GENERAL PLAN HOUSING ELEMENT**

San Bruno's 2015-2023 Housing Element of the General Plan presents a comprehensive set of housing policies and actions to address affordable housing needs. The proposed affordable housing ordinance is consistent with and implements the following Housing Element goals and policies.

1. Goal 3: Expand the variety of construction and financing techniques available to achieve new affordable housing and maintain it over time.
2. Program 3-J: Adopt an affordable housing impact fee. Conduct a nexus study that demonstrates the relationship between new housing or jobs and the need for affordable housing in San Bruno and determine a permissible and reasonable fee level for both residential and commercial development.
  - Participate in the San Mateo Countywide Affordable Housing Impact Fee Nexus Study and Feasibility Study that will estimate the increase in demand for affordable housing related to new residential and commercial development.
  - Determine a permissible and reasonable impact fee for both residential and commercial development based on local conditions that will not discourage development.

3. Goal 5: Ensure the continued availability of affordable housing for very low, low and moderate income households, seniors, persons with disabilities, single-parent households, large families, and other special needs groups.
4. Program 5-J: Explore and consider new strategies to increase affordable housing. Given the loss of redevelopment agencies and the state court decision in *Palmer v. City of Los Angeles* (2009), which invalidated San Bruno's BMR program for rental housing, the City will explore new opportunities and strategies to facilitate financing and development of affordable housing.

### Next Steps

The Planning Commission's input and recommendation will be forwarded with the affordable housing ordinance for consideration by the City Council. If the City Council adopts the affordable housing ordinance, the affordable housing impact fees would go into effect 60 days (rather than the normal 30 days) following adoption. The implementing ordinance would determine applicability to pending (pipeline) projects.

### **ATTACHMENTS**

- A. Resolution 2016-10
- B. Draft Affordable Housing Ordinance
- C. Residential Impact Fee Nexus Study (*previously distributed to the Planning Commission*)
- D. Commercial Linkage Fee Nexus Study (*previously distributed to the Planning Commission*)  
*The Nexus Studies are also available to review on the Community Development Department's [Affordable Housing Impact Fees](#) webpage.*

Date of Preparation: August 12, 2016  
Prepared by: Mark Sullivan, Long-Range Planning Manager  
Reviewed by: David Woltering, Community Development Director

## ATTACHMENT 1

### RESOLUTION NO. 2016-10

#### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BRUNO RECOMMENDING THAT THE CITY COUNCIL ADOPT AN AFFORDABLE HOUSING ORDINANCE AND HOUSING IMPACT FEES FOR RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT PROJECTS**

**WHEREAS**, on April 14, 2015 the Planning Commission of the City of San Bruno adopted its 2015-2023 Housing Element which contemplates, among other things, an ordinance to provide a mechanism to increase the supply of affordable housing in the City pursuant to Housing Element Programs 3-J and 5-J;

**WHEREAS**, high land costs, the dissolution of the redevelopment agencies, cutbacks in federal and state funding for affordable housing and court cases that restrict the ability of cities to require affordable housing in new development have resulted in fewer people being able to afford to either live or continue to live in San Bruno and severely constrained the City's ability to address the City's affordable housing needs through its existing Below Market Rate (BMR) Housing ordinance, adopted in 2008;

**WHEREAS**, to ensure that future development projects mitigate their impact on the need for affordable housing in San Bruno, and to ensure that any adopted housing impact fees do not exceed the actual affordable housing impacts attributable to the development projects to which the fees relate, the City participated in the preparation of a nexus study through the countywide 21 Elements collaboration project;

**WHEREAS**, the City has received and considered reports from Strategic Economics and Vernazza Wolfe Associates, Inc. dated October 2015 entitled "Residential Impact Fee Nexus Study" and "Commercial Linkage Fee Nexus Study" (together, the "Nexus Study");

**WHEREAS**, on April 19, 2016, the City Council held a Study Session to review the draft Nexus Study reports and directed City staff to prepare an affordable housing ordinance (the "Affordable Housing Ordinance") to replace the existing BMR ordinance and to propose reasonable impact fees for residential and nonresidential development;

**WHEREAS**, the Affordable Housing Ordinance would authorize the City Council to adopt by resolution housing impact fees for residential and nonresidential development projects to help mitigate the impact of such projects on the need for affordable housing in the City, a list of uses that shall be exempt from the payment of housing impact fees, the percentage of affordable units needed to fully mitigate the impact of residential or nonresidential development projects on the need for affordable housing, and a fee for processing applications for waivers from or modifications to the housing impact fees;

**WHEREAS**, the adoption of the Affordable Housing Ordinance and impact fees is not a project under the California Environmental Quality Act (CEQA) because it is a government funding mechanism which does not involve any commitment to any specific project (CEQA Guidelines Section 15378(b)(4)), and because it can be seen with

**ATTACHMENT 1**

certainty that there is no possibility that the fees may have a significant effect on the environment, in that impact fees contain no provisions modifying the physical design, development, or construction of residences or nonresidential structures (CEQA Guidelines Section 15061(b)(3)); and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on August 16, 2016 to consider the Affordable Housing Ordinance and housing impact fees, the accompanying staff report and any attachments to take public testimony, and make a recommendation to the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of San Bruno as follows:

1. The Planning Commission has reviewed and considered the findings of the Residential Impact Fee Nexus Study, Commercial Linkage Fee Nexus Study, the proposed Affordable Housing Ordinance, and the impact fees for residential and nonresidential projects.
2. The Planning Commission determined that the Affordable Housing Ordinance and impact fees are consistent with the City of San Bruno’s 2015 Housing Element of the General Plan.
3. The Planning Commission recommends that the City Council adopt the Affordable Housing Ordinance and appropriate impact fees for residential and nonresidential development projects, subject to minor changes to effectuate the intent of the ordinance and the Housing Element.
4. The Planning Commission recommends that the City Council repeal the existing Below Market Rate Housing Ordinance upon adoption of this Affordable Housing Ordinance.
5. The Planning Commission directs the Secretary of the City of San Bruno Planning Commission to forward to the City Council a certified copy of this resolution together with an attested copy.

\_\_\_\_\_  
Dated:

\_\_\_\_\_  
Planning Commission Chair

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
City Attorney

I, David Woltering, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of San Bruno on this 16th day of August 2016, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

## ATTACHMENT 2

DRAFT ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING AND REPLACING CHAPTER 12.230, THEREBY UPDATING AND ESTABLISHING AN AFFORDABLE HOUSING PROGRAM AND AFFORDABLE HOUSING IMPACT FEES, TO TITLE 12 (LAND USE) OF THE SAN BRUNO MUNICIPAL CODE

**Section 1.** Chapter 12.230 of Title 12 of the City of San Bruno Municipal Code is hereby repealed in its entirety.

**Section 2.** City Council makes the following findings:

**A.** The provision of safe and stable housing for households at all income levels is essential for the public welfare of the city. Housing in San Bruno has become steadily more expensive and housing costs have gone up faster than incomes. Federal and state government programs do not provide enough affordable housing to satisfy the needs of very low, low, or moderate income households. As a result, there is a severe shortage of adequate, affordable housing for extremely low, very low, lower, and moderate income households, as evidenced by the following findings in the City's 2015-2023 Housing Element:

1. Almost half of San Bruno's households are lower income (see Housing Element Figure 2.3-2).

2. Households of any size earning less than the median income cannot afford the average home purchase price or the average rents in San Bruno.

3. More than 90 percent of San Bruno renter households and two thirds of owner households earning under \$35,000 annually are overpaying for housing. Over half the households earning between \$35,000 and \$75,000 per year are overpaying as well. Without choices and availability of affordable housing in San Bruno, lower income people may choose to live elsewhere and commute to work. Or, lower income households may live in overcrowded homes, and have limited money to dedicate towards other necessities such as food, transportation and medical care.

**B.** As provided in the Housing Element of the General Plan, the City aims to meet the housing needs of the citizens of San Bruno, including the creation and retention of housing for lower income households and households with special needs, given the limitations imposed by current political, economic, and social conditions, and availability of State and federal funding.

1. Housing Element Goal 5 is to ensure the continued availability of affordable housing for very-low, low, and moderate income households, seniors, persons with disabilities, single-parent households, large families, and other special needs groups.

2. Housing Element Goal 2 is to accommodate regional housing needs through a community-wide variety of residential uses by size, type, tenure, affordability, and location.

3. Housing Element Goal 3 is to expand the variety of construction and financing techniques available to achieve new affordable housing and maintain it over time. Housing Element Program 3-J calls for the City to adopt an Affordable Housing Impact Fee, including an implementation action to participate in a countywide nexus study to estimate the increase in demand for affordable housing associated with new residential and nonresidential development and to determine permissible and reasonable impact fees for both residential and nonresidential development based on local conditions that will not discourage development.

## ATTACHMENT 2

**C.** The City adopted the Below Market Rate (BMR) Housing Ordinance establishing inclusionary housing requirements for new construction for for-sale and rental development projects in 2008. The 2009 *Palmer vs the City of Los Angeles* court decision invalidated inclusionary requirements for rental developments, but not for for-sale developments.

**D.** Because the City's first preference is for the actual construction of new affordable units to ensure that affordable housing is actually provided within residential projects, the City intends to retain the BMR requirements for "for-sale" units.

**E.** New residents of market rate housing purchase goods and utilize services in the community, increasing local employment and attracting employees, of whom a quantifiable number will have very low, low, or moderate incomes and cannot afford market-rate housing.

**F.** New housing construction that does not include affordable units aggravates the existing shortage of affordable housing by absorbing the supply of available residential land.

**G.** Because nonresidential development also attracts employees, of whom a quantifiable number will have very low, low, or moderate incomes, new nonresidential developments similarly increase the demand for and exacerbate the shortage of housing available for people at these income levels while also reducing the supply of land potentially available for housing development.

**H.** Based on the findings above and the findings from the Residential Impact Fee and Commercial Linkage Fee Nexus Studies prepared for San Bruno, dated October 2015, the City desires to further the public health, safety and welfare by requiring residential and nonresidential development projects in the City to help mitigate their impact on the need for affordable housing in the City.

**Section 3.** A replacement Chapter 12.230 (Affordable Housing Program) is hereby added to Title 12 (Land Use) of the San Bruno Municipal Code to achieve the purpose in Section 12.230.010 of this Chapter, based on the Findings in Section 2 of this Chapter, to read as follows:

### CHAPTER 12.230 AFFORDABLE HOUSING PROGRAM

Sections:

12.230.010	Purpose
12.230.020	Definitions
12.230.030	Affordable Housing Requirements
12.230.040	Affordable Housing Impact Fees
12.230.050	Exemptions
12.230.060	Alternatives
12.230.070	Compliance Procedures
12.230.080	Affordable Housing Unit Standards
12.230.090	Owner-Occupied Units
12.230.100	Rental Units
12.230.110	Administrative Relief
12.230.120	Affordable Housing Fund
12.230.130	Enforcement

## ATTACHMENT 2

### 12.230.010 Purpose

The purpose of this Chapter is to:

A. Encourage the development and availability of housing affordable to a broad range of Households with varying income levels within the City as mandated by State Law, California Government Code Sections 65580 et seq.

B. Promote Housing Element Goal 2 to accommodate regional housing needs through a community-wide variety of residential uses by size, type, tenure, affordability, and location.

C. Implement the Housing Element by creating a mechanism to provide benefits to the community from new development in the form of affordable housing, thereby, helping to meet the housing needs of all socioeconomic segments of the community as provided in the Housing Element.

D. Promote Housing Element Goal 5 to ensure the continued availability of affordable housing for very low, low, and moderate income households, seniors, and persons with disabilities, single-parent households, large families, and other special needs groups.

E. Implement Housing Element Program 3-J to adopt permissible and reasonable impact fees for both residential and nonresidential development based on impact fee nexus studies.

F. Implement Housing Element Program 5-A to support the Affordable Housing Ordinance (BMR Program, adopted in 2008) and to modify the BMR program as appropriate to maximize efforts to achieve affordable housing objectives in San Bruno.

G. Enhance the public welfare by imposing affordable housing impact fees for residential and nonresidential development projects whereby developers of residential and nonresidential development projects will help mitigate the impacts of their projects on the need for affordable housing by contributing to the supply of housing for households with very low, low, and moderate incomes.

### 12.230.020 Definitions

As used in this Chapter, the following terms shall have the following meanings:

A. "Affordable housing agreement" means a written agreement between the City and the Developer as provided in Section 12.230.070 of this Chapter.

B. "Affordable housing fund" means a "Fund" for the deposit of fees established under this Chapter as provided in Section 12.230.120 of this Chapter.

C. "Affordable Housing Impact Fee" means the fee paid by developers of residential or nonresidential development projects to help mitigate the impacts that such developments have on the demand for affordable housing in the City and to support affordable housing development and operation.

D. "Affordable housing unit" means a dwelling unit that shall be offered at an affordable rent or affordable ownership cost to very low, low and moderate income households.

E. "Affordable ownership cost" means the sales price of a for-sale affordable unit resulting in projected average monthly housing payments, during the first calendar year of a household's occupancy, including interest, principal, mortgage insurance, property taxes, homeowners insurance, homeowners' association dues, if any, and a reasonable allowance for utilities, property maintenance, and repairs, not exceeding the sales prices specified by Section

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50052.5 of the California Health and Safety Code and California Code of Regulations Title 25, Sections 6910-6924.

F. "Affordable rent" means the total monthly housing expenses for a rental affordable unit not exceeding the rents specified by Section 50053 of the California Health and Safety Code and California Code of Regulations Title 25, Sections 6910-6924. As used in this Chapter, "affordable rent" shall include the total of monthly payments by the tenant for all of the following: (1) use and occupancy of the affordable unit and land and all facilities associated with the affordable unit, including but not limited to parking, bicycle storage, storage lockers, and use of all common areas; (2) any additional separately charged fees or service charges assessed by the owner, other than security deposits; (3) an allowance for utilities paid by the tenant as established by the San Mateo County Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking, and refrigeration fuel, but not telephone service or cable TV; and (4) any other interest, taxes, fees or charges for use of the land or affordable unit or associated facilities and assessed by a public or private entity other than the owner, and paid by the tenant.

G. "Building permit" includes full structural building permits as well as partial permits such as foundation-only permits

H. "City" means the City of San Bruno.

I. "City Council" means the City Council of the City of San Bruno.

J. "City Manager" means the City Manager of the City or his or her designee.

K. "Commercial linkage fee" means a fee or charge imposed on commercial developers to pay for the development's impact on the need for affordable housing. The fee is based on projected household incomes of new employees that will work in newly created space.

L. "Decision-making body" means the City staff person or body authorized to approve or deny an application for a planning or building permit for a residential or nonresidential development project.

M. "Developer" means the person(s) or legal entity(ies), who also may be the property owner seeking real property development permits or approvals from the City or developing a particular project in the City.

N. "For-sale unit" means a residential dwelling unit that may be sold individually in conformance with the Subdivision Map Act. For-sale units also include units that are converted from rental units to for-sale units.

O. "Household" means one person living alone or two or more persons sharing residency in one dwelling unit.

P. "Inclusionary unit" has the same meaning as affordable housing unit.

Q. "Low income households" means households with incomes no greater than the maximum income for low income households, as published annually by the City for each household size, based on United States Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development (HCD) income limits for San Mateo County.

R. "Market-rate unit" means a new dwelling unit in a residential development project that is not an affordable unit.

S. "Median income" means the median income applicable to San Mateo County, as published annually by the City for each household size, based on median income data for San

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Mateo County published by the United States Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development (HCD).

T. "Moderate income households" means households with incomes no greater than the maximum income for moderate income households, as published annually by the City for each household size, based on United States Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development (HCD) income limits for San Mateo County.

U. "Nonresidential development project" means an application for a planning permit or building permit that includes the new construction of gross square feet of nonresidential space or the conversion of a residential use to a nonresidential use.

V. "Planning permit" means any discretionary approval of a residential or nonresidential development project, including, but not limited to, a general or specific plan adoption or amendment, rezoning, tentative map, conditional use permit, variances, or design review.

W. "Rental unit" means a dwelling unit that is intended to be offered for rent or lease and that cannot be sold individually in conformance with the Subdivision Map Act.

X. "Residential impact fee" means a fee or charge imposed on residential development to pay for a development's impact on the need for affordable housing. The fee is based on the projected incomes of new employees associated with the new market rate developments.

Y. "Residential development project" means an application for a planning permit or building permit at one location to create one or more additional dwelling units, convert nonresidential uses to dwelling units, subdivide a parcel to create one or more separately transferable parcels intended for residential development, or implement a condominium conversion, including development constructed at one time and in phases. "One location" includes all adjacent parcels of land under common ownership or control, the property lines of which are contiguous at any point, or the property lines of which are separated only by a public or private street, road, or other public or private right-of-way, or separated only by the lands owned or controlled by the developer.

Z. "Very low income households" means households with incomes no greater than the maximum income for very low income households, as published annually by the City for each household size, based on United States Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development (HCD) income limits for San Mateo County.

### **12.230.030 Affordable Housing Requirements**

A. For-sale residential development projects. All new for-sale residential development projects of five (5) or more units shall either include at least fifteen percent (15%) of the total units as affordable housing units restricted for occupancy by low and moderate income households, or, if approved by the City Manager and subject to final approval by the City Council, pay the impact fee required under Section 12.230.040 of this Chapter.

1. For purposes of this Chapter, the number of units in a residential development whose development includes the demolition or removal of existing residential units and the construction of new residential units shall be the difference between the new units constructed and the existing units demolished or removed.

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2. Total units shall not include any units granted pursuant to density bonuses provided under state density bonus law.

3. For “for-sale” residential development projects, forty percent (40%) of the affordable housing units (or six percent (6%) of the total development) shall be restricted to occupancy by Low Income Households, and sixty percent (60%) of the affordable housing units (or nine percent (9%) of the total development) shall be restricted to occupancy by Moderate Income Households.

4. In determining the number of affordable housing units required, any decimal fraction of less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

5. In determining the number of affordable housing units required for decimal fractions of less than 0.5, the Developer shall be required to pay the partial unit payment set forth in Subsection 12.230.040.C below.

**B.** Rental residential development projects. A residential impact fee is hereby imposed on all developers of rental residential development projects as required under Section 12.230.040 of this Chapter, unless an alternative is proposed by the developer and approved by the City Manager. No application for a rezoning, tentative map, conditional use permit, design review, or building permit shall be approved, nor shall any such rental project be constructed or condominium conversion approved without compliance with this Chapter.

**C.** Nonresidential development projects. A Commercial Linkage Fee is hereby imposed on all developers of nonresidential development projects, as required under Section 12.230.040 of this Chapter, unless an alternative is proposed by the developer and approved by the City Manager.

**D.** Mixed-use development projects. Mixed use developments must comply with the requirements for nonresidential developments in the nonresidential portion of the development and must comply with the requirements for residential developments for the residential portion of the development.

### **12.230.040 Affordable Housing Impact Fees**

**A.** Affordable Housing Impact Fees are hereby established for all residential and nonresidential development projects, including residential impact fees for residential development projects and Commercial Linkage Fees for nonresidential development projects. The amount of the affordable housing impact fees shall be established from time to time by resolution of the City Council. The impact fees shall not exceed the cost of mitigating the impact of residential or nonresidential development projects on the need for affordable housing in the City.

1. Residential Impact Fees for Rental Residential Projects. As provided in Section 12.230.030.B, all rental residential projects of five (5) or more units shall pay a Residential Impact Fee, unless an alternative is proposed by the developer and approved by the City Manager and subject to final approval by the City Council.

2. Commercial Linkage Fees. As provided in Section 12.230.030, all nonresidential development projects shall pay a Commercial Linkage Fee, unless an alternative is proposed by the developer and approved by the City Manager.

3. Residential Impact Fees for “For Sale Residential Projects.” As provided in Section 12.230.030, and with the approval of the City Manager, for-sale residential projects may pay a Residential Impact Fee rather than provide onsite units.

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**B.** Payment of the impact fees shall be due at the issuance of the building permit for the development. The fees shall be calculated based on the fee schedule in effect at the time the building permit is issued.

### **12.230.050 Exemptions**

The requirements of this Chapter do not apply to:

**A.** Residential development projects of four (4) or fewer new housing units, the creation of four or fewer parcels, provided that no more than four dwelling units are allowed; or accessory dwellings created under Section 12.92.031 of the San Bruno Municipal Code.

**B.** Replacement construction that results in a net increase of four (4) or fewer new housing units.

**C.** Residential developments that already have more deed-restricted units that are affordable to very low, low and moderate income households than this Chapter requires, for the period required under this Chapter.

**D.** Residential or nonresidential development projects which fall within one or more of the following categories:

1. Residential or nonresidential development projects located on property owned by the state of California, the United States of America, or any of its agencies and used exclusively for governmental or educational purposes.

2. Any structure proposed to repair or replace a building that was damaged or destroyed by fire or other calamity, so long as the square footage and use of the building remains the same, and construction of the replacement building begins within one year of the damage's occurrence.

3. Residential or nonresidential development projects to the extent they have received a vested right to proceed without payment of Affordable Housing Impact Fees pursuant to state law, including those that are the subject of development agreements currently in effect with the City, if such development agreements were approved prior to the effective date of this Chapter and where such agreements expressly preclude the city from requiring payment of the Affordable Housing Impact Fee.

4. Residential or nonresidential development projects for which applications have been deemed complete prior to September 1, 2016.

5. Other uses that may be specified by resolution of the City Council.

### **12.230.060 Alternatives**

**A.** Notwithstanding any contrary provisions of this Chapter, the City may determine that alternatives to the requirements in Section 12.230.030 of this Chapter as proposed by the developer in the affordable housing plan required by Section 12.230.070 of this Chapter, provided that the decision making body makes the findings in Section 12.230.070.E.

**B.** For-sale residential projects. As an alternative to construction of affordable housing units on-site or payment of an Residential Impact Fee, if approved by the City Manager, developers of for-sale residential development projects may propose to mitigate affordable housing impacts of such housing through alternative means, including but not limited to:

1. Provision of affordable units off site.

2. Dedication of land to the City suitable for construction of affordable units.

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3. Purchase of existing units for conversion to affordable units.
4. Acquisition and rehabilitation of affordable units.
5. Increase in the total number of affordable housing bedrooms.
6. Provision of greater level of affordability.
7. Construction of second dwelling units.

**C.** The City Council may approve alternatives to the payment of Residential Impact Fees where the proposed alternative supports adopted Housing Element policies and goals and assists the City in meeting its state housing requirements.

**D.** Rental residential development projects. As an alternative to payment of housing impact fees, developers of rental residential development projects may propose to help mitigate the affordable housing impacts of such developments through an alternative mitigation program, including but not limited to:

1. Construction of affordable housing units on site or through an alternative mitigation program, such as the provision of off-site affordable units, donation of land for the construction of affordable units, or purchase of existing units for conversion to affordable units.

2. For rental residential developments proposing this alternative, six percent (6%) of the total development shall be restricted to occupancy by very low income households, and nine percent (9%) of the total development shall be restricted to occupancy by low and moderate income households.

3. If a developer proposes to provide affordable rental units, then, to ensure compliance with the Costa-Hawkins Rental Housing Act (Chapter 2.7 of Title 5 of Part 4 of Division 3 of the Civil Code), the City may only approve such a proposal if, as required by Civil Code Sections 1954.52(b) and 1954.53(a)(2), the developer agrees in a contract with the City to limit rents in accordance with Section 12.260.070 of this Chapter in consideration for a direct financial contribution from the City or a form of assistance specified in the State's Density Bonus Law (Chapter 4.3, commencing with Section 65915, of Division 1 of Title 7 of the Government Code). The developer may request that the City waive the Residential Impact Fee as a direct financial contribution to the rental residential development project.

**E.** Nonresidential development projects. As an alternative to payment of the Commercial Linkage Fees, developers of nonresidential development projects may propose to mitigate the affordable housing impacts of such development through the construction of affordable housing units on site or through an alternative mitigation program, as provided in subsections B or D of this section.

1. The City Council may adopt by resolution the percentage of affordable units needed to help mitigate the impact of nonresidential development projects on the need for affordable housing.

**F.** Any affordable rental or for-sale units proposed as an alternative shall be subject to the requirements described in Section 12.230.080 of this Chapter.

### **12.230.070 Compliance Procedures**

**A.** General. Approval of an Affordable Housing Plan and execution, recordation and implementation of an Affordable Housing Agreement shall be conditions of any approval of a residential or nonresidential development project, which includes the provision of affordable housing units as provided in Section 12.230.030 or 12.230.060. No Affordable Housing Plan is

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required if the developer proposes only to pay the Residential Impact Fee or commercial linkage fee.

**B.** Affordable Housing Plan. No application for approval of a residential or nonresidential development project which includes the provision of affordable housing units may be deemed complete until an Affordable Housing Plan containing all the elements identified below is submitted to the Community Development Department. The Affordable Housing Plan shall include:

1. The number, location, number of bedrooms and size of the proposed market rate and affordable housing units and the basis for calculating the number of affordable housing units;

2. The City may approve an increase in the number of units per acre in a residential development if the increase is consistent with state density bonus law per Section 65915 of the State Government Code. If the applicant is proposing to apply for a density bonus, the Affordable Housing Plan must include an analysis of the density bonus request;

3. A site plan depicting the proposed location of the initial affordable housing units;

4. A floor plan depicting the proposed location of the initial affordable housing units within a residential development;

5. The income levels to which each affordable housing unit will be made affordable;

6. The mechanisms that will be used to assure that the units remain affordable for the desired term, such as resale and rental restrictions, deeds of trust, and City's option to purchase and other documents;

7. For a phased residential development, a phasing plan that provides for the timely development of affordable housing units in each proposed phase of development;

8. The conceptual plan for initial sales or rental by Developer of the affordable housing units; and

9. Any proposed Alternative as provided in Section 12.230.060 along with information necessary to support the findings required in Section 12.230.060.B. for approval of such alternatives.

10. The City Manager may request additional information as reasonably needed to assist with evaluation of the Affordable Housing Plan under the standards of this Chapter.

**C.** The Affordable Housing Plan shall be processed concurrently with all other permits required for the residential or nonresidential development project. Before approving the Affordable Housing Plan, the City Council shall find that the Affordable Housing Plan conforms to this Chapter. A condition shall be attached to the first approval of any residential or nonresidential development project to require recordation of an affordable housing agreement, as described in this subsection, prior to the approval of any final or building permit for the residential or nonresidential development project.

**D.** Findings - on-site affordable units. The City Council may approve or conditionally approve an affordable housing plan that proposes on-site construction of affordable units if the City Council determines, based on substantial evidence, that:

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1. The proposed affordable units comply with the standards in Section 12.230.080, including without limitation compliance with Section 12.230.080.B requiring that the affordable units be made available for occupancy concurrently with the market-rate units; and

2. The affordable units will help mitigate the impact of the project on the need for affordable housing.

**E.** Findings - off-site affordable units. If a developer proposes off-site affordable housing units or any other alternative in the Affordable Housing Plan, the City Manager may approve, conditionally approve or reject any alternative proposed by a developer subject to final approval by the City Council in its discretion. Any approval or conditional approval shall be based on a finding that:

1. Financing or a viable financing plan, which may include public funding sources, is in place for the proposed affordable housing units;

2. The proposed location is suitable for the proposed affordable housing, is consistent with the Housing Element, General Plan, and Zoning Ordinance, and will not tend to cause residential segregation; and

3. The net cost of the alternative is at least equal to the net cost to provide affordable housing units;

4. The alternative does not detract from the City's program to meet its housing goals and obligations under California Housing Law (Government Code Section 65580 and following) and California Community Redevelopment Law (Health and Safety Code Section 33000 and following).

**F.** Affordable Housing Agreement. To ensure compliance with the approved Affordable Housing Plan, an affordable housing agreement acceptable to the Community Development Director or designee shall be recorded against the residential or nonresidential development project prior to approval of any final, or issuance of any building permit, whichever occurs first. The affordable housing agreement shall specify the number, type, location, size, phasing, and terms of affordability of all affordable units, provisions for income certification and screening of potential purchasers or renters of units, and resale control mechanisms, including the financing of ongoing administrative and monitoring costs, consistent with the approved Affordable Housing Plan, as determined by the City Manager or designee, and subject to final approval by the City Council.

**G.** The City Manager may adopt affordable housing guidelines consistent with this Chapter and the Housing Element for the purpose of carrying out the administration of this Chapter and may update those guidelines periodically as required.

### **12.230.080 Affordable Housing Unit Standards**

**A.** All affordable units provided pursuant to Sections 12.230.030 and 12.230.060 shall be comparable to the overall quality of construction to market-rate units in the same housing development as follows:

1. The exterior appearance of the affordable units shall be compatible with that of market-rate units.

2. Interior finishes and amenities may not differ from those provided in the base model market rate units.

3. The number of bedrooms in the affordable units shall be comparable to the average number of bedrooms in the market-rate units, and the affordable units shall be

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reasonably dispersed within the residential development, with unit locations comparable to those of the market-rate units, subject to review and approval by the Community Development Director.

4. The affordable units shall have the same amenities as the market rate units, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential development, provided at an affordable rent as defined in Section 12.230.010 or at affordable ownership cost as defined in Section 12.230.010.

**B.** Affordable units provided pursuant to Sections 12.230.030 and 12.230.060 shall be made available for occupancy concurrently with the market-rate units. For the purposes of this subsection, "concurrently" means that the City may not issue building permits for more percent (50%) of the market-rate units until it has issued building permits for all of the affordable units, and the City may not approve any final inspections or certificates of occupancy for more than fifty percent (50%) of the market-rate units until it has issued final inspections or certificates of occupancy for all of the affordable units.

**C.** All affordable units provided pursuant to Sections 12.230.030 and 12.230.060 shall be subject to a resale restriction, deed of trust, and/ or regulatory agreement recorded against the property for execution by the City Manager, in a form approved by the City Attorney, to ensure the continued affordability of the affordable units.

1. Affordable housing units produced under this Chapter shall be legally restricted to occupancy by Households of the income levels for which the units were designated for a period of not less than fifty-five (55) years for rental units and forty-five (45) years for owner-occupied units.

2. To the extent permitted by state and federal law, preferences will be given to those Households where at least one member in the Household lives or works in San Bruno or works for a school district serving the residents living in the City, except for those deemed ineligible due to conflict of interest noted below.

3. Conflict of Interest. The following individuals are ineligible to purchase or rent certain affordable housing units: (i) Elected or appointed City officials (including their spouse and dependents) who participated in the approval process for a project that included the affordable housing units (ii) the project applicant and its officers and employees (and their spouse and dependents), and (iii) the project owner and its officers and employees (and their spouse and dependents).

4. Any household that occupies an affordable unit must occupy that unit as its principal residence, unless otherwise approved in writing for rental to a third party for a limited period of time due to household hardship, as determined by the City.

5. No household may begin occupancy of an affordable unit until the household has been determined to be eligible to occupy that unit by the community development director or designee. The Community Development Director may from time to time adopt guidelines for determining household income and affordable housing cost, determining buyer eligibility, monitoring, and relevant administrative provisions.

6. Officials, employees, or consultants of the City and members of City boards and commissions shall comply with all applicable laws, regulations, and policies relating to conflicts of interest as to their eligibility to develop, construct, sell, rent, lease, occupy, or purchase an affordable unit.

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### 12.230.090 Affordable Owner-Occupied Units

**A.** Sale to Eligible Households. Owner-occupied units will be offered to eligible households at a sales price set so that the eligible household will pay an affordable ownership cost. The developer shall certify each prospective purchaser's Income to the City or City's designee and obtain approval of the household prior to close of escrow. The developer must obtain and review documents that demonstrate the prospective owner's total income and assets and submit such information on a form approved by the City.

**B.** Initial Sales Price. The initial sales price of the affordable housing unit shall be set by the City so that the eligible household will pay an affordable ownership Cost. The City shall respond to a written request by developer and provide developer with a good-faith estimate of the initial sales price during pre-development.

**C.** Deed Restrictions. Deed restrictions provided by the City, recorded against title to the affordable housing unit, and secured by a deed of trust shall be required as condition of sale for all owner-occupied affordable housing units and will include, but are not limited to, the City's or its designee's option to purchase, resale restrictions, occupancy requirements, payment of penalty for any default, and procedures and policies regarding changes in title. Deed restrictions must be approved by the City Attorney prior to close of escrow.

**D.** Administration. The Developer or subsequent seller shall pay all administrative costs associated with the sale of the for sale affordable housing units, including for buyer review and qualification, and the review and processing of documents associated with the transaction.

### 12.230.100 Affordable Rental Units

**A.** Non-Discrimination. When selecting tenants, the owners of Affordable housing units shall comply with all fair-housing laws, rules, regulations, and guidelines. The owner shall apply the same rental terms and conditions to tenants of affordable housing units as are applied to all other tenants, except as required to comply with this Chapter or with other applicable government programs.

**B.** Annual Report. The owner shall submit an annual report summarizing the occupancy of each affordable housing unit for the year, demonstrating the income-eligibility of the tenant. The City Manager may require additional information to confirm household income and rental price of the unit if he or she deems necessary. The City Council may establish and charge the owner or operator of the rental residential development an annual fee to cover the costs of this monitoring. The fee will be added to the Master Fee Schedule by City Council resolution.

**C.** Periodic Audit. The City shall have the right to periodically audit the information supplied to the City for the annual report if deemed necessary to ensure compliance with this Chapter. In addition, owners of affordable housing units shall cooperate with any audits conducted by the City, State agencies, Federal agencies, or their designees.

**D.** Change in Income. If, after moving into an affordable housing unit, a tenant's household income exceeds the limit for that unit, the tenant household may remain in the unit as long as his or her household income does not exceed 120 percent of the income limit. Once the tenant's income exceeds 120 percent of the income limit, the tenant shall be given one year's notice to vacate the unit, or the next available market rate unit in the residential development shall be offered as an affordable housing unit. The owners of the residential development are responsible for notifying the City of such changes in income and documenting the process by which the existing tenant will be removed or the next available unit shall be offered as an affordable housing unit.

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### 12.230.110 Administrative Relief

**A.** As part of an application for the first approval of a residential or nonresidential development project, a developer may request that the requirements of this Chapter be waived or modified by the City Council, based upon a showing that applying the requirements of this Chapter would result in an unconstitutional taking of property or would result in any other unconstitutional result, or because there is no reasonable relationship between the impact of the development and the need for affordable housing. concurrently

1. Any request for a waiver or modification shall be submitted with the project application. The developer shall set forth in detail the factual and legal basis for the claim, including all supporting technical documentation.

2. Any request for a waiver or modification based on this Section shall be reviewed and considered at the same time as the project application. The City Council may from time to time establish by resolution a processing fee for review of any request for a waiver or modification.

**B.** The waiver or modification may be approved only to the extent necessary to avoid an unconstitutional result, based upon legal advice provided by or at the behest of the City Attorney, after adoption of written findings, based on legal analysis and the evidence. If a waiver or modification is granted, any change in the project shall invalidate the waiver or modification, and a new application shall be required for a waiver or modification pursuant to this Section.

### 12.230.120 Affordable Housing Fund

**A.** There is hereby established in the City of San Bruno a separate "Affordable Housing Fund," pursuant to Section 66006 of the California Government Code. All Affordable Housing Impact Fees or other funds collected under this Chapter shall be deposited into the City's Affordable Housing Fund.

**B.** The monies in the Affordable Housing Fund and all earnings from investment of the moneys in the Fund shall be expended exclusively to provide housing affordable to extremely low income, very low income, lower income, and moderate income households in the City, consistent with the goals and policies contained in the City's Housing Element and the purposes for which the fees were collected, and for administration and compliance monitoring of the affordable housing program.

**C.** The City Council may, from time to time, adopt guidelines for expenditure of monies in the affordable housing fund.

### 12.230.130 Enforcement

**A.** Payment of the Affordable Housing Impact Fee is the obligation of the developer for a residential or nonresidential development project. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including, but not limited to, actions to revoke, deny, or suspend any permit or development approval.

**B.** The City Attorney shall be authorized to enforce the provisions of this Chapter and all affordable housing agreements, regulatory agreements, and all other covenants or restrictions placed on affordable units, by civil action and any other proceeding or method permitted by law.

**C.** Failure of any official or agency to fulfill the requirements of this Chapter shall not excuse any developer or owner from the requirements of this Chapter. No permit, license, map,

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or other approval or entitlement for a residential development shall be issued, including without limitation a final inspection or certificate of occupancy, until all applicable requirements of this Chapter have been satisfied.

**D.** The remedies provided for in this Section shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

**Section 4.** Adoption of this ordinance is found to be categorically exempt from the California Environmental Quality Act because the adoption of this resolution is not a project, in that it is a government funding mechanism which does not involve any commitment to any specific project (CEQA Guidelines Section 15378(b)(4)), and because it can be seen with certainty that there is no possibility that the fees may have a significant effect on the environment, in that this ordinance contains no provisions modifying the physical design, development, or construction of residences or nonresidential structures CEQA Guidelines Section 15061(b)(3)).

**Section 5.** If any section, subsection, sentence, clause or phrase of the ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it should have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 6.** The City Clerk shall publish this ordinance in accordance with applicable law.

**Section 7.** Effective date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in the San Mateo Daily Journal, a newspaper of general circulation published and printed in the County of San Mateo and circulated in the City of San Bruno.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

---o0o---

I hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was introduced on \_\_\_\_\_, and adopted at a regular meeting of the San Bruno City Council on \_\_\_\_\_, by the following vote:

AYES: COUNCILMEMBERS: \_\_\_\_\_

NOES: COUNCILMEMBERS: \_\_\_\_\_

ABSENT: COUNCILMEMBERS: \_\_\_\_\_

City Clerk: \_\_\_\_\_