



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

**MINUTES
PLANNING COMMISSION MEETING**

May 17, 2016

7:00 p.m.

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

CALL TO ORDER at 7:03 pm.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Biasotti	X	
Vice Chair Kayal	X	
Commissioner Chase	X arrived 7:26	
Commissioner Johnson	X	
Commissioner Mishra	X	
Commissioner Petersen		X
Commissioner Sammut	X	

STAFF PRESENT:

Planning Division:

Community Development Director: David Woltering
Senior Planner: Michael Smith
Long Range Planning Manager: Mark Sullivan

ROLL CALL

PLEDGE OF ALLEGIANCE: Commissioner Johnson

- 1. APPROVAL OF MINUTES – None**
- 2. COMMUNICATION – None**

3. PUBLIC COMMENT – None

4. ANNOUNCEMENT OF CONFLICT OF INTEREST – None

5. CONDUCT OF BUSINESS:

A. Capital Improvement Budget

Request adoption of a Resolution confirming review of the 2016-2021 Five-Year Capital Improvement Program and Fiscal Year 2016-17 Capital Improvement Program Budget and its conformance with the San Bruno General Plan, pursuant to California Government Code Section 65401.

Director Woltering: Presented brief introduction.

Long Range Planning Manager Mark Sullivan: Presented Staff Report.

Questions for Staff

Commissioner Biasotti: Asked for details on the Crestmoor Canyon Project.

Long Range Planning Manager Mark Sullivan: The project is to develop a master plan and create storm water collection pond to better control water run-off into the storm water system.

Director Woltering: The objective would be to minimize flooding impacts downstream particularly in the downtown area.

Motion to adopt a resolution and forward the 2016-2021 Five-Year Capital Improvement Program to the City Council for adoption.

Commissioners Johnson/Kayal

Roll Call Vote: 5-0

AYES: Chair Biasotti, Commissioners Sammut, Kayal, Johnson, Mishra
NOES: None
ABSTAIN: None

B. 406-418 San Mateo Avenue (APN: 020-364-320, 020-364-120, 020-364-130, 020-364-140)

Request for a six-month extension of a Conditional Use Permit, Parking Exception, and Architectural Review Permit for a proposal to construct a three-story mixed use building containing 83 residential units, approximately 6,975 square feet of retail space, and 106 subgrade parking spaces per Section 12.128 of the San Bruno Municipal Code. San Bruno Plaza, LLC (Applicant & Owner).

Associate Planner Neuebauer: Presented Staff Report.

Staff recommends that the Planning Commission adopt resolutions outlined as Exhibit B and C in the staff reports.

Questions for Staff

Commissioner Sammut: Expressed his concerned that the applicant will not have substantial work completed by December 25, 2016, as outlined in the analysis section of the staff report. Suggested altering the language so that the City does not bind itself to a specific timeline.

Associate Planner Neuebauer: Staff is looking for vertical construction (ex. Garage walls) by December 25, 2016.

Director Woltering: The analysis section of the staff report is referring to the previous extension. As we move forward, staff is anticipation permit issuance this August. Substantial construction would be pulling the building permit and construction of the foundation garage walls.

Peter Dunne (Applicant): Updated the commission of the status of their plan check. At this point they are finalizing the building permit with planned issuance late summer.

Commissioner Chase: Asked if they had their contractors lined up. Asked if they had been in contact with local trade unions.

Peter Dunne (Applicant): They have been working with their contractor for a year now and the contractor has be active in the plan review process.

Public Hearing Opened – None

Public Hearing Closed.

Motion to approve resolution 2016-06 for a six month extension of the expiration period for the conditional use permit and parking exception for 406-418 San Mateo Avenue.

Commissioners Chase/Kayal

Roll Call Vote: 6-0

AYES: Chair Biasotti, Commissioners Sammut, Kayal, Chase, Johnson, Mishra
NOES: None
ABSTAIN: None

Motion to approve resolution 2016-07 for a six month extension of the expiration period for the architectural review permit for 408-416 San Mateo Avenue.

Commissioners Kayal/Johnson

Roll Call Vote: 6-0

AYES: Chair Biasotti, Commissioners Sammut, Kayal, Chase, Johnson, Mishra
NOES: None
ABSTAIN: None

6. PUBLIC HEARINGS:

A. CalTrans Property at NW corner of San Bruno Ave. West and Glenview Drive (APN: 019-043-490)

Request for a Temporary Use Permit to allow for the continued use of an off-site construction staging area within the Crestmoor neighborhood per Section 12.84.030 of the San Bruno Municipal Code. City of San Bruno (Applicant), State of California (Owner).

Associate Planner Neuebaumer: Presented Staff Report.

Staff recommends that Staff recommends that the Planning Commission approve Temporary Use Permit 16-002 based on Findings of Fact 1-3 and Conditions of Approval 1-13.

Harry Burrowes, Glenview Project Manager: Provided updates on improvements to date.

Questions for Staff – None

Opened Public Hearing

None

Closed Public Hearing

Motion to approve Temporary Use Permit 16-002 based on Findings of Fact 1-3 and Conditions of Approval 1-13.

Commissioner Sammut/Chase

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

Findings of Fact

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

CONDITIONS OF APPROVAL

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, Temporary Use Permit 16-002 shall not be valid for any purpose. Temporary Use Permit 16-002 shall expire on May 20, 2017.
2. The request for a temporary construction staging area shall be operated according to written statement approved by the Planning Commission on May 17, 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.
3. The storage yard entryway on Glenview Drive shall be decomposed granite or other rock that will prevent soil tracking onto Glenview Drive.
4. At all times, the storage yard gates shall be secured due to potentially high winds in the neighborhood.
5. The applicant shall maintain the construction staging area in a clean and orderly condition. Any trash, dirt, and debris shall be cleaned and removed on a daily basis and cannot be stored on-site.
6. The applicant shall not perform any maintenance of equipment at the subject site.
7. The applicant shall remove all equipment and materials and thoroughly clean the staging area and any immediate properties affected by dust or debris within 14 days of the contract notice of substantial completion.

8. Loose material storage shall be covered with a tarp except during construction hours of Monday to Friday from 8 am to 5 pm. Contractor shall use all best practices consistent with BAAQMD to minimize dust impacts to nearby residential properties.
9. The applicant shall repair any damage to the public right of way in the area used for construction staging at the end of construction.
10. The applicant shall comply with all best management practices for stormwater prevention as required by the National Pollutant Discharge Elimination System (NPDES) Permit.
11. For Storage Lot 2, the applicant shall maintain a minimum of a 45' setback from the residential properties along Estates Drive and a minimum of a 45' setback from the sidewalk along Glenview Drive except for required clearance at the driveway entrance. The applicant shall not utilize the setback area for unloading or as a secondary access to the staging area. Access shall be through the designated driveway on Glenview Drive.
12. The parking area at the corner of Glenview Drive and San Bruno Avenue shall remain available for residents that use the nearby trail and for Church of the Highlands.
13. The applicant shall be responsible for keeping the 45' setback areas clear of weeds and debris and maintained in a fire safe manner.

B. 659 Huntington Avenue (APN: 020-131-570)

Request for a Use Permit to allow the installation of an approximately 24' X 60' temporary modular building within the parking lot to house administrative offices for the gaming operations associated with Artichoke Joe's Casino, per Sections 12.96.120 of the San Bruno Municipal Code. Steve Lesley (Applicant), Artichoke Enterprises (Owner). UP16-007

Senior Planner, Michael Smith: Presented Staff Report.

Staff recommends that the Planning Commission approve Use Permit 16-007 based on Findings 1-3 and Conditions of Approval 1-11.

Questions for Staff - None

Steven Lesley (Applicant): Gave a brief history of Artichoke Joe's use of modular buildings during construction.

Commissioner Sammut: As the applicant if he understands and is in agreement with the conditions of approval; specifically item 8 with regards to windows.

Steven Lesley (Applicant): A revision has been made to the window awnings.

Public Comments - None

Commission Comments - None

Motion to approve Use Permit 16-007 based on Findings 1-3 and Conditions of Approval 1-11.

Commissioner Sammut/Chase

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

Findings of Fact

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

CONDITIONS OF APPROVAL

Community Development

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary Hearing to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 16-007 shall not be valid for any purpose. Use Permit 16-007 shall expire one (1) year from the date of approval unless the plan is executed.
2. Use Permit 16-007 shall be operated by the owner and any successor in interest, according to plans approved by the Planning Commission on May 17, 2016, labeled Exhibit C, except as required to be modified by these Conditions of Approval. Any modification to the approved plans or any deviation or change in the business activities shall require prior approval by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
3. The applicant or property owner will clean graffiti on the property and/or paint over it within 24 hours of its appearance. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.
4. The Community Development Director may call this use permit project back to the Planning Commission if he/she finds that the business is not complying with the required performance standards or conditions of approval or if unforeseen negative neighborhood impacts result from the project.

5. The applicant shall ensure that the proposed modular building is painted to match the color of the existing primary building on the property.
6. The proposed modular building shall be properly maintained on the site to the satisfaction of the Community Development Director.
7. Windows shall be added to the walls of the modular building that front on San Mateo Avenue.
8. Window awnings shall be added to the windows that face San Mateo Avenue and the parking lot.
9. The applicant shall coordinate with Public Services to obtain a Transportation Permit to transport the modular building, an oversized load, over City streets.
10. The work shall conform to the NPDES requirements. S.B.M.C. 12.16.020. A copy of the County Best Management Practices (BMPs) must be included as a sheet within the plan set that is submitted for Building Permit review.
11. The proposed modular building shall be permitted on the site for a period not to exceed two years from the date of certificate of occupancy. As a further condition of approval, the Applicant shall execute a separate agreement acceptable to the City specifying the terms and conditions applicable to removal of the structure at the applicant's sole cost and expense at the expiration of the two years, and waiving any continued right to use or maintain the building beyond that time to the satisfaction of the Community Development Director and the City Attorney.

C. 1150 El Camino Real, Suite #245 (APN: 014-316-280)

Request for a Use Permit to allow alcohol beverage sales with a Type 40 ABC license in conjunction with an arcade (d.b.a. "GAMA Ride Inc.") per Section 12.84.210 of the San Bruno Municipal Code. Hossein Yavari, GAMA Ride, Inc. (Applicant), Shops at Tanforan Associates, LLC (Owner). UP16-005

Senior Planner Smith: Presented Staff Report.

Staff recommends that the Planning Commission approve Use Permit 16-005 based on Findings 1-5 and Conditions of Approval 1-12.

Questions for Staff

Commissioner Johnson: Asked if there were other establishments that sold alcohol at Tanforan and if there were any feedback or concerns.

Senior Planner Smith: The restaurants at Tanforan sell alcohol for on-site consumption. There have been no concerns expressed by the police. The San Bruno Police Department reached out to the Belmont Police (where the applicant previously operated a similar establishment) and found that there were no calls to service or nuisances reported.

Commissioner Sammut: Asked why the applicant was choosing to serve only beer, when they had previously sold beer and wine at their establishment in Belmont.

Senior Planner Smith: The type of license the applicant requested from ABC only allows the sale of beer.

Public Comments

Suhil Suharian, General Manager, Gamma Ride, Inc.: Confirmed their business practices that ensure a safe environment without incidences. They chose to apply only for a beer license because their lease agreement with Tanforan does not permit a kitchen or the preparation of food.

Commissioner Kayal: Asked the applicant to describe in further detail their practices to ensure alcohol is not sold to minors.

Suhil Suharian, General Manager, Gamma Ride, Inc.: The applicant described the business practice of having the date printed on each register and of checking the identification of all customers regardless of age.

Commissioner Johnson: Asked the applicant how they control what takes place during private parties. Customer cannot bring in their own alcoholic beverages.

Commissioner Kayal: Asked the employees will be trained to recognize when a customer has reached their limit of alcohol consumptions.

Chair Biasotti: What would be the delivery systems for the beverages.

Suhil Suharian, General Manager, Gamma Ride, Inc.: Customers cannot bring in their own alcohol. Employees are trained to recognize when a customers has reached their limit and would not serve them alcohol after that point. Beer would be sold in bottles. In addition to signage, customers would be verbally informed that all alcoholic beverages must be consumed on premises and cannot be taken outside into the mall area.

Senior Planner Smith: Confirmed the condition that states beer can only be consumed in the dining area.

Commissioner Kayal: Asked about condition of approval 5, which state that the permit will be brought back for review if there issues to be addressed and what method would City staff use to monitor this.

Senior Planner Smith: City staff would investigate on a complaint basis. San Bruno police would notify staff if something was occurring that was inconsistent with the conditions of approval.

Commission Comments - None

Motion to approve Use Permit 16-005 based on Findings 1-5 and Conditions of Approval 1-12.

Commissioner Chase/Mishra

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

Findings of Fact

1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area. (SBMC 12.84.210.B.1)
2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests. (SBMC 12.84.210.B.2)
3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute. (SBMC 12.84.210.B.3)
4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. (SBMC 12.84.210.B.4)
5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of licenses, required due to either of the following conditions:
 - a. The applicant premises are located in a crime reporting district that has a twenty percent greater number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests. (SBMC 12.84.210.5.a)
 - b. The applicant premises are located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County. (SBMC 12.84.210.5.b)

CONDITIONS OF APPROVAL

Community Development

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary Hearing to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 16-005 shall not be valid for any purpose. Use Permit 16-005 shall expire one (1) year from the date of approval unless the plan is executed.
2. Use Permit 16-005 shall be operated by the owner and any successor in interest, according to plans approved by the Planning Commission on May 17, 2016, labeled Exhibit C, except as required to be modified by these Conditions of Approval. Any modification to the approved plans or any deviation or change in the business activities shall require prior approval by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
3. The hours of operation shall be limited to 10:00 a.m. until 9:00 p.m. everyday. Any changes from the hours of operation shall require prior authorization from the Community Development Director. Any change that results in a later closing time shall also require review by the Police Department.
4. The applicant or property owner will clean graffiti on the property and/or paint over it within 24 hours of its appearance. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.
5. The Community Development Director may call this use permit project back to the Planning Commission if he/she finds that the business is not complying with the required performance standards or conditions of approval or if unforeseen negative neighborhood impacts result from the project.
6. The applicant shall provide the signed copy of the Summary of Hearing to the Alcohol, Beverage and Control Board (ABC). The signed summary of hearing will serve as the Letter of Public Convenience of Necessity as required by the ABC.
7. The Summary of Regulations and the Conditions of Approval for Planned Development for The Shops at Tanforan and the subsequent amendments, which are kept on file at the Community Development Department shall continue to apply to this permit.

Police Department

8. The applicant shall comply with all State Alcohol and Beverage Control (ABC) requirements. The applicant shall provide a copy of the approved ABC License Planning Commission to the City.
9. The applicant is responsible for providing emergency contact information to the Police Department for after hour's emergencies.

10. Alcohol consumption shall be limited to the interior of the arcade within the dining area. Signs shall be made and placed in the dining area that state, "beer allowed in the dining area only". At no time shall alcohol be sold for consumption off the premises. Premises shall be defined as the commercial tenant space.
11. To provide better security for the office area at the rear of the arcade and deter anyone from loitering or causing problems in the unauthorized areas, the applicant shall design a secured hallway leading from the arcade to the restrooms only and not let patrons have any access to the storage area or office area of the business.
12. It is not required though highly recommended that the applicant consider installing a robbery / burglary alarm system that is monitored by an offsite alarm company, install a video surveillance system, and have a uniformed security guard during peak operational hours.

D. 528 San Mateo Avenue (APN: 020-142-090)

Request for a Use Permit to allow alcohol beverage sales in conjunction with a restaurant per Chapters 12.84.210 and 12.96.120.C of the San Bruno Municipal Code. Hiroaki Makiyama (Applicant), Wong Cheng Mei Kuen (Owner) UP-16-002.

Contract Assistant Planner Jones: Presented Staff Report.

Staff recommends that the Planning Commission approve Use Permit 16-002 based on Findings 1-5 and Conditions of Approval 1-18, with an amendment to condition 4 regarding the hours and days of operation.

Questions for Staff

Commissioner Kayal: Asked for clarification of hours of operation.

Contract Assistant Planner Jones: Clarified that reference to the days of the week were removed in the amended condition.

Commissioner Chase: Asked why the hours for alcohol sales were different from the hours of operation of the restaurant.

Contract Assistant Planner Jones: The hours of alcohol sales were proposed by the applicant and approved by the police department.

Hiroaki Makiyama/Applicant: Opening a new Japanese restaurant. The license would allow sales of sake and beer which would complement the traditional Japanese fare.

Public Comment - None

Motion to approve Use Permit 16-002 based on Findings 1-5 as amended and Conditions of Approval 1-18.

Commissioner Kayal/Chase

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

Findings of Fact

- 1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area. (SBMC 12.84.210.B.1)**

The use of the property as a restaurant with beer and wine sales is compatible with surrounding uses, which include other restaurants, retail stores, and other similar uses, some of which also include alcohol sales.

- 2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests. (SBMC 12.84.210.B.2)**

The sale of beer, wine and sake will be conducted in conjunction with the restaurant. Sake is considered wine per section BPC.9.1.23007 of the CA code. The hours of operation will be 11:30am to 2:00pm for lunch and 5:30pm to 10:30pm from Tuesday through Sunday. The proposed sale of beer and wine is not expected to result in repeated nuisance activities. If nuisance activities associated with the sale of alcoholic beverages result, the Community Development Director has the ability to call this use permit back to the Planning Commission for review, if he/she finds that the use is negatively impacting the surrounding neighborhood or creating other concerns. Therefore, if any unforeseen impacts occur, the use can be further reviewed.

- 3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute. (SBMC 12.84.210.B.3)**

By obtaining this Use Permit, and, subsequently, obtaining approval from the State Department of Alcohol and Beverage Control, the applicant will be in compliance with local and state regulations. As required by the local and state law, the City will issue a “need and necessity” letter to the Department of Alcohol and Beverage Control upon approval of this Use Permit.

- 4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. (SBMC 12.84.210.B.4)**

As stated above, the use of the property as a restaurant with beer and wine sales is compatible with surrounding uses, which include other restaurants, retail stores, and other similar uses. The proposed sale of beer and wine is not expected to result in repeated nuisance activities. If

nuisance activities associated with the sale of alcoholic beverages result, the Community Development Director has the ability to call this use permit back to the Planning Commission for review, if he/she finds that the use is negatively impacting the surrounding neighborhood or creating other concerns. Therefore, if any unforeseen impacts occur, the use can be further reviewed.

5. **The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an “Undue Concentration” of licenses, required due to either of the following conditions:**
 - a. **The applicant premises are located in a crime reporting district that has a twenty percent greater number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests. (SBMC 12.84.210.5.a)**
 - b. **The applicant premises are located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County. (SBMC 12.84.210.5.b)**

Although the project site is located in a crime-reporting district that has a 20% greater number of reported crimes in a geographical area within the boundaries of the City than the average number of reported crimes in the City, the restaurant is located in a commercial area which typically has a greater concentration of businesses than non-commercial or residential districts. A large percentage of the crimes reported are not related to alcohol use but are related to the commercial uses typical of a district with greater variety and intensity of uses. Staff acknowledges that this use, with this small-scale restaurant having all glass exterior windows open to the public view, with limited evening hours (5:30 p.m.-10:30 p.m.) has reduced concerns. Should nuisance concerns result from this activity, the Community Development Director has the ability to call this use permit back to the Planning Commission for review. Therefore, should unforeseen negative impacts occur, the permit may be revoked.

Furthermore, 528 San Mateo Avenue is located in census tract 6041.01, which has a population of 7,993 and 13 on-sale ABC licenses as of September 2015 (14 including this license). Granting this license would result in 17.5 on-sale licenses per 10,000 population, which is higher than the County average of 7.7 on-sale licenses per 10,000 population. However, as stated above, population density varies throughout the county and the city, and the Central Business District has a larger concentration of people and uses than other areas in the city and county, which is typical of a downtown area. Thus, staff does not anticipate a statistically significant increase in alcohol-related crimes in this area given the reasons stated above.

CONDITIONS OF APPROVAL

Community Development

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary Hearing to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 16-002 shall not be valid for any purpose. Use Permit 16-002 shall expire one (1) year from the date of approval unless the plan is executed.

2. Use Permit 16-002 shall be operated by the owner and any successor in interest, according to plans approved by the Planning Commission on May 17, 2016, labeled Exhibit D, except as required to be modified by these Conditions of Approval. Any modification to the approved plans or any deviation or change in the business activities shall require prior approval by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
3. The applicant shall continue to conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front, and rear of the building.
4. The hours of operation shall be limited to 11:30 a.m. to 10:30 p.m. Any changes from the hours of operation shall require prior authorization of the Community Development Director. Any change that results in a later closing time shall also require review by the Police Department.
5. The applicant or property owner will clean graffiti on the property and/or paint over it within 24 hours of its appearance. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.
6. The Community Development Director may call this use permit project back to the Planning Commission if he/she finds that the business is not complying with the required performance standards or conditions of approval or if unforeseen negative neighborhood impacts result from the project.
7. The restaurant operator shall ensure that garbage and recyclables are properly stored inside the appropriate garbage enclosure.
8. The applicant shall provide the signed copy of the Summary of Hearing to the Alcohol, Beverage and Control Board (ABC). The signed summary of hearing will serve as the Letter of Public Convenience of Necessity as required by the ABC.
9. The restaurant shall at all times adhere to the municipal code requirements for signage, including the requirement to maintain a minimum of 75% of window space clear of signage and free of tinting material, blinds, shades or other material which could obscure the public's view of the restaurant's interior.
10. The applicant shall submit a business license application with the Finance Department if they have not already done so.
11. The applicant shall submit a sign permit application for planning department review, proposing signage that conforms to both the municipal code (section 12.104) and the Transit Corridors Plan building signage guidelines (ch. 5.2, A8).

Police Department

12. The applicant shall comply with all State Alcohol and Beverage Control (ABC) requirements. The applicant shall provide a copy of the approved ABC License Planning Commission to the City.
13. The applicant is responsible for providing emergency contact information to the Police Department for after hour's emergencies.
14. Alcohol consumption shall be limited to the interior of the restaurant area. At no time shall alcohol be consumed outside of the restaurant.
15. Address numbers in the front of the business are to be at least 6" high on a contrasting background, easily visible from the street. The address numbers also must be visible at night. The address numbers also need to be put on any backdoor or exterior door that leads into the business.
16. Adequate lighting needs to be provided in the front and rear of the business with sufficient wattage to provide enough illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons and property on site.
17. It is highly recommended that the applicant consider installing a robbery / burglary alarm system that is monitored by an offsite alarm company.
18. The applicant must keep all areas in the front and rear of the business and public sidewalk clean of any litter or debris.

6. DISCUSSION

A. CITY STAFF DISCUSSION:

Director Woltering: There is no ARC meeting anticipated for June. We will have two Planning Commission meetings, with the next meeting on June 7, 2016

B. PLANNING COMMISSION DISCUSSION: - NONE

8. ADJOURNMENT

Meeting was adjourned at 8:22 pm

David Woltering
Secretary to the Planning Commission
City of San Bruno

Rick Biasotti, Chair
Planning Commission
City of San Bruno

NEXT MEETING: June 7, 2016