



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

**MINUTES  
PLANNING COMMISSION MEETING**

**August 16, 2016**

**7:00 p.m.**

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

**CALL TO ORDER at 7:06 pm.**

**ROLL CALL**

	<u>Present</u>	<u>Absent</u>
Chair Biasotti		X
Vice Chair Kayal		X
Commissioner Chase	X arrived 7:15	
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  
Contract Assistant Planner: Matt Jones

**ROLL CALL**

**PLEDGE OF ALLEGIANCE:** Miriam Schalit

- 1. APPROVAL OF MINUTES** – None
- 2. COMMUNICATION** – Introduced new Associate Planner Megan Wooley-Ousdahl, AICP.

3. PUBLIC COMMENT – None

4. ANNOUNCEMENT OF CONFLICT OF INTEREST – None

5. PUBLIC HEARINGS:

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

**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**

*Contract Assistant Planner Jones:* Presented Staff Report.

Staff recommends that the Planning Commission approve Use Permit 16-011 based on Findings of Fact 1-6 and Conditions of Approval 1-32, with newly proposed condition 33.

Questions for Staff

*Commissioner Petersen:* Asked for clarification on the correct project data.

*Contract Assistant Planner Jones:* The correct data is listed on page 3 of the Staff Report.

*Commissioner Mishra:* Asked which building code cycle will be in effect at the time of construction.

*Director Woltering:* Staff anticipates that a building permit will be issued before the end of the year, in which case the plans would be subject to the 2013 CBC. In the event the permit is issued on or after the 1<sup>st</sup> of the year, the newly adopted 2016 CBC would apply.

*Commissioner Mishra:* Asked if condition 33 will become a standard condition. Suggested that the second sentence of the condition, referencing the placement of waste containers on collection days, be removed.

*Director Woltering:* Condition 33 was recommended for this application, due to concerns from neighbors about waste containers not being put away in a timely or regular basis. Staff is in agreement with removing the second sentence.

*Commissioner Johnson:* Suggested storing the waste containers in an area screened by landscaping.

*Director Woltering:* Since the applicant is in agreement with storing the containers in the garage, per condition 33, staff suggested that condition remain.

Open Public Hearing

*Jessica Tellez (Owner):* The purpose of the addition is to accommodate their growing family.

Closed Public Hearing

Commission Comments – None

**Motion to approve Use Permit 16-011 based on Findings 1-6 and Conditions of Approval 1-32, with added condition 33 proposed by staff and modified by Commission.**

**Commissioner Petersen/Mishra**

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

**Findings of Fact**

**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.

## **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.
33. Owner will store all waste and recycling containers in a storage area in the garage – such area shall not encroach into the 12'x20' designated parking area.

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

**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); Olivia Wing Lum Luo (Owner) AR15-006, UP-16-004**

*Senior Planner, Michael Smith:* Presented Staff Report.

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.

Questions for Staff

*Commissioner Chase:* Asked for clarification on the difference between “storage” and “warehouse” with regard to use restrictions as referred to on page 3 of the e-mail.

*Senior Planner Smith:* The zoning ordinance defines “contractor’s storage” as site for the storage a material for use on off-site projects, as opposed to a warehouse which could leased to multiple tenants for storage or sale of goods. The intent of this project is to provide contractor’s storage.

*Commissioner Petersen:* Asked for clarification on the wording of conditions 6 and 7.

*Senior Planner Smith:* Staff will provide revised working for conditions 6 and 7.

*Commissioner Mishra:* Asked for clarification regarding condition number 9 noting UBC as the applicable building code. Asked about any restrictions on workshop activities. Additionally, he wants to include a condition that auto repair is excluded from the site.

*Director Woltering:* The condition shall be corrected to note CBC as the applicable building code. Conditions 9 addresses auto repair.

*Opened Public Comments*

*Van Ly (Architect):* Appreciates the Commission clarifying some of the items from the Staff Report.

*Commissioner Petersen:* Asked about the use of video surveillance.

*Van Ly (Architect):* The client would be agreeable to using video surveillance, but is concerned about privacy rights of neighbors.

*Commissioner Chase:* Noted that the operating hours seemed long for proposed use.

*Opened Public Comments*

*Sam Laney (1121 Montgomery):* Expressed support for project. Noise is not a concern. The property owner have been respectful neighbors. Suggested motion sensor lights for the rear of building. Express concerns about lack of Police patrol in the area.

*Commissioner Johnson:* Staff will note the details of the concerns and will address the concerns.

*Director Woltering:* Staff will have Code Enforcement follow up on the illegal dumping and tree issues on site. No work will be conducted on site, only pick-up of stored materials.

Public Comment Closed

Commission Comments

*Commissioner Chase:* Supports the suggestion for motion sensor lights as he feels they are more of a deterrent to crime than cameras.

*Senior Planner Smith:* Provided revised language for conditions 6 and 9, and proposed new condition 29 for motion sensor lights.

**Motion to approve AR15-006 and UP-16-004, based on Findings 1-8 and subject to Conditions of Approval 1-28 with modified conditions 6 and 9, and an added condition 29 for motion sensor lights in lieu of surveillance cameras.**

**Commissioner Mishra/Petersen**

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

**Findings of Fact**

- 1. That the location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.**

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. There shall be no individuals employed on-site. Individuals can assist in the pick-up and delivery of materials stored on-site.
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.

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

29. The owner is encouraged to install motion sensor lighting at the back of the building to deter dumping and other illegal activity along Railroad Place.

**C. 73 Scott Street  
(APN: 014-276-230)**

**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.**

*Contract Assistant Planner Jones:* Presented Staff Report.

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

Questions for Staff

*Commissioner Petersen:* Verified with staff that the correct dimension for the garage door width is 16 feet.

Opened Public Hearing

*Praveen Charan (Owner):* The plans include removing an old parking pad, the provided driveway access to the previous garage location.

*Director Woltering:* Clarified Mr. Charan's comments for Commissioner Petersen.

*Justin Liu (Scott Street):* Expressed concerns about parking and tenant situation. Tenants at the residence have not been considerate neighbors.

*Commissioner Chase:* Asked about how Mr. Liu would best handle the nuisance items.

*Director Woltering:* This issue falls under police enforcement.

*Commissioner Johnson and Mishra:* Suggested using this opportunity to exchange contact information in order to create better neighbor relations in the future.

*Asha Charan (Owner):* They had previously been renting their house. As of October of last year, they are occupying their home.

Closed Public Hearing.

**Motion to approve Use Permit 16-012 based on Findings of Fact 1-6 and Conditions of Approval 1-28.**

**Commissioner Mishra/Chase**

VOTE: 5-0  
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.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.

#### **D. Affordable Housing Ordinance and Impact Fees (City-wide)**

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

*Long Range Planning Manager Sullivan:* Presented Staff Report.

Questions for Staff

*Commissioner Mishra:* Concerned that if the intent of ordinance is to build more affordable housing, the housing impact fee shouldn't be on the lower end of the range, it should be as high as the market will allow so that developers would have more incentive to include affordable housing units within their projects. Further, "zones" of low income housing should be avoided.

*Long Range Planning Manager Sullivan:* The Nexus study calculated the maximum justifiable fee. A project must be economically feasible for a developer to proceed. The fee should be enough to help meet the need but not too much to discourage development in the City.

*Community Development Direct Woltering.* The City can require construction of affordable units in for-sale housing developments. The intent is to include and scatter affordable units within individual projects, not cluster in one area. Since the Palmer court decision invalidated the City's current affordable housing requirements for rental housing, this proposed ordinance restores the City's ability to charge housing impact fees on rental housing projects.

*Commissioner Johnson:* Asked staff to address the pro and cons of having higher impact fees.

*Long Range Planning Manager Sullivan:* Projects may become economically infeasible if the fee is too high and could potentially deter development.

*Commissioner Petersen:* Asked if the report considers what the effects of the recommended fees are on the City, by comparison to other nearby cities. He would support lower impact fees, because they would be passed on to the consumer, and consider increasing the fee in the future. He is concerned that having higher impact fees would drive away developers, at which point it would be difficult to get them back.

*Commissioner Johnson:* Supports Commissioner Petersen's comments, because when a fee is raised, someone absorbs it in the end – typically the consumer. Commissioner Johnson stated that Commissioner Chase was not feeling well and left the meeting early. She read a note from Commissioner Chase stating that he is in support of recommending to the City Council adoption of the ordinance and recommended fees.

*Director Woltering:* The next steps would be for the City Council to receive the Commission's recommendation for adoption of this program and fees.

*Commissioner Petersen:* Developers are not opposed to impact fees as long as they are reasonable and they are aware of them in advance.

*Long Range Planning Manager Sullivan:* The housing impact fees being proposed are roughly equivalent to the City's existing below market rate (BMR) ordinance fees already established. The commercial fee proposed at \$5 per square foot is at the low end of the range for the area.

Public Comment - None

## **Motion to adopt resolution 2016-10 to forward to City Council**

**Commissioners Petersen/Mishra**

**Roll Call Vote: 4-0**

AYES:	Commissioners Sammut, Johnson, Mishra, and Petersen
NOES:	None
ABSTAIN:	None

Commissioner Chase left excused himself at 8:20 pm

## **6. DISCUSSION**

### **A. CITY STAFF DISCUSSION:**

Director Woltering: Staff is requesting volunteers for the September ARC meeting – Commissioners Chase, Johnson, and Biasotti identified.

### **B. PLANNING COMMISSION DISCUSSION:**

*Commissioner Petersen:* Asked for a status of The Plaza at 406-418 San Mateo Avenue. Will there be a provision in the permit for setting benchmarks at neighboring properties to monitor the elevations.

Director Woltering: Staff is working with the applicant's representative for issuance of the Shoring and De-watering permit. Staff anticipates issuing that permit by the end of the month. Staff is working on a traffic control plan and pedestrian safety around that site. There will be benchmarks established on specified adjoining properties.

## **8. ADJOURNMENT**

Meeting was adjourned at 9:43 pm

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**David Woltering**  
Secretary to the Planning Commission  
City of San Bruno

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**Rick Biasotti, Chair**  
Planning Commission  
City of San Bruno

**NEXT MEETING: September 20, 2016**