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

**MINUTES**
**PLANNING COMMISSION MEETING**

**September 20, 2016**

**7:00 p.m.**

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

**CALL TO ORDER at 7:01 pm.**

**ROLL CALL**

| | Present | Absent |
|---|---|---|
| **Chair Biasotti** | X | |
| **Vice Chair Kayal** | | X |
| **Commissioner Chase** | X through 8:10 | |
| **Commissioner Johnson** | | X arrived at 8:05 |
| **Commissioner Mishra** | X | |
| **Commissioner Petersen** | X | |
| **Commissioner Sammut** | X | |

**STAFF PRESENT:**

Planning Division:

Community Development Director: David Woltering
Senior Planner: Michael Smith
Associate Planner: Matt Neuebaumer
Contract Assistant Planner: Matt Jones

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**: Commissioner Sammut

1. **APPROVAL OF MINUTES –** None

2. **COMMUNICATION –** None ‘

**3. PUBLIC COMMENT –** None

**4. ANNOUNCEMENT OF CONFLICT OF INTEREST –** None

**5. 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 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 the Planning Commission approve Temporary Use Permit 16-005, based on Findings 1-3 and Conditions of Approval 1-12.

Questions for Staff - None

Public Comment – None

**Motion to approve Temporary Use Permit 16-005 based on Findings 1-3 as amended and Conditions of Approval 1-12.**

**Commissioner Petersen/Mishra**

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

**Findings**

**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)**

The storage of construction materials and vehicles on the Caltrans property (APN 019-043-490) will not be detrimental to the surrounding neighborhood because the proposed use will be temporary, the applicant will be storing construction materials and vehicles on-site rather than on public streets as is typical in street upgrade projects, and the site is large enough to locate construction materials over 350'-0" away from the nearest residential properties. Any material storage will be closely monitored by City inspectors to ensure that no air quality issues are created for immediate residents. Construction hours are scheduled to be 8am until 5pm during weekdays, per the Public Services Department contract requirements. The Public Services Department only allows Saturday construction work with prior approval.

**2. Will not be injurious or detrimental to property and improvements in the neighborhood**

**or to the general welfare of the city. (SBMC 12.112.050)**

Per the Conditions of Approval, the construction staging area shall be kept clean. Additionally, the applicant will be required to repair any damage that may occur to the Caltrans property, or any surrounding properties that are damaged as a result of this temporary use. Therefore, staff determines that the project will not be detrimental to improvements in the neighborhood or to the general welfare of the City.

**3. Will not be inconsistent with the general plan. (SBMC 12.112.050)**

The San Bruno General Plan designates the Caltrans Property (APN 019-043-490) as Parks/Open space, which permits parks, recreation facilities, and open space areas. The construction staging area is undeveloped and closed to the public. The current proposal is to continue the short-term storage related to the Crestmoor rebuilding project, which does not conflict with the General Plan designated uses.

**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 16-005 shall not be valid for any purpose. Temporary Use Permit 16-005 shall expire on September 20, 2017.

2. The request for a temporary construction staging area shall be operated according to written statement approved by the Planning Commission on September 20, 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. 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.

12. A Caltrans approved membrane shall be installed on Storage Yard 1, if asphalt concrete pavement grindings are stockpiled on Storage Yard 1.

**B. 1429 Kains Avenue (APN: 020-082-020)**

**Request for a Use Permit to allow the construction of a 566 square foot addition that exceeds the maximum permitted floor area guideline of .55 (.57), and exceeds 1,825 square feet of living area (2,745s.f.) with a one car garage per Section 12.200.030.B.2 and 12.200.080.A.2 of the San Bruno Municipal Code. Veronica and Fabian Juarez (Applicant & Owner).**

The applicant has requested and staff supports and continuance of this item to October 18, 2016.

Public Comment - None

**Motion to continue item 5B to the next Planning Commission meeting.**

**Commissioner Petersen/Sammut**

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

**C. 718 Cypress (APN: 020-054-120)**

**Request for a Use Permit to allow the construction of a second-story addition that would add 404 square feet of living area to the existing single-family home. Use permit authorization is required because the proposed living area (2,051 square feet) would exceed the maximum 1,825 square feet of living area allowed for a one-car garage, the addition would result in a cumulative increase in gross floor area by greater than 50% (66%), and to allow a second-story deck facing an interior side yard adjacent to an abutting property which has a side yard greater than ten feet, per Sections 12.200.060.C, 12.200.030.B.1 and B.5, 12.200.080.A.2, and 12.200.040.B.1 of the San Bruno Municipal Code. Paul Nii (Applicant); Michael Fellion (Owner).**

*Contract Assistant Planner Jones:* Presented Staff Report.

Staff recommends that the Planning Commission approve Use Permit 16-014, based on Findings 1-6 and subject to conditions of approval 1-28.

Questions for Staff

*Commissioner Petersen*: Suggested a condition for the attic not to be used as habitable space.

*Director Woltering*: The Commission could recommend a condition, but staff suggests that the condition by worded such that any future conversion of the attic to habitable space be subject to the City's standard permitting process.

*Commissioner Chase*: Noted that the height of the attic does not meet minimum height requirements of the building code.

*Commissioner Sammut*: He doesn't see the need for a condition for habitable attic space, as the City has not seen this as an issue in the past.

*Commissioner Chase:* Not comfortable with "special circumstance" conditions.

*Commissioner Mishra:* The height of the attic space doesn't justify a "special circumstance" condition.

Public Comments

*Michael Fellion (Owner):* Goal is to add and master bedroom and bathroom and to have a vaulted ceiling in the master bedroom. The neighborhood has a combination of hip and gable roofs.

*Commissioner Sammut*: Confirmed with the applicants that they are agreeable to the conditions of approval.

*Stephanie Fellion (Owner):* They have made all the design adjustments the commission suggested.

Commission Comments – None

**Motion to approve Use Permit 16-014 based on Findings 1-6 and Conditions of Approval 1-28.**

**Commissioner Sammut/Mishra**

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

**<u>Findings</u>**

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

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 second-story addition located at the rear of the building. With the adjusted location of the louvered deck set back 10 feet from the south-facing first-story wall, 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.” As proposed, the addition would impact the character of the neighborhood by introducing an uncharacteristic combination hip and gable roof style that is spatially disconnected from the existing hipped roof with a contrasting form. The proposal, with staff’s recommendation to incorporate a hipped roof, will be complementary to other single-family homes in the area and consistent with the existing roof form.

**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 proposal includes a ground floor addition to an existing one-story single-family dwelling. The overall design and scale is consistent with the neighborhood, which consists of single-family homes. The height of the home would increase to 24’-9”, which is less than the 28’-0” height limit of the R-1 zone. The proposed expansion also meets the floor area, lot coverage, and setback requirements of the zoning district, therefore, the structure would not unreasonably restrict or interfere with light and air on the adjacent properties. Furthermore, the addition would conform to the daylight plane requirement of the RDG.

**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 have a combination hip and gable roof form, with a hip-style front elevation, which is keeping with the character of the neighborhood, which is not anticipated to be significant enough to impair the desirability of investment within the neighborhood. Staff finds that this roof compromise to be harmonious with the character of the neighborhood, which consists of hipped roof homes.

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, with the roof modification, would conform to the basic design principles of the Residential Design Guidelines (RDG) by continuing the simple building form of the existing structure.

The addition of a window above eye-level on the second story conforms to section 3.13.2 of the Residential Design Guidelines. The second story louvered deck with the proposed setback would "minimize privacy intrusions on adjacent residences," in accordance with 3.13.2 of the RDG.

## 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 16-014 shall not be valid for any purpose. Use Permit 16-014 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 September 20, 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 garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the California Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this

condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.

9. Prior to Final Inspection, 15% 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 most current version of the California Codes, including the California Residential Code.

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

13. The front property line is located 5.5 feet behind the sidewalk at 718 Cypress Avenue. No fences, retaining walls, or other permanent structure shall be placed or constructed within 5.5 feet from the back of sidewalk along Cypress Avenue. S.B.M.C. 8.08.010.

14. There is currently an unauthorized brick planter built within City right of way on Cypress Avenue. Although the structure may remain at this time, should the City ever need to access facilities underneath the planter, any costs to remove the planter shall be at the sole expense of the Property Owner.

15. The building permit plans shall include a site plan that shows all property lines, setbacks and easements, and all proposed grading and drainage improvements. Please add the Public Utility Easement as shown on the attached mapping. All unpaved areas shall be graded to slope at 1% of 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.

16. 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.

17. If not present, the applicant shall install a sanitary sewer lateral clean out at property line per City Standards Detail SS-02. Older clean outs not meeting current City standards shall be replaced. Show on the plans the location of the existing sewer lateral. Also show the existing or new cleanout.

18. 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.

19. 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.

20. 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.

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 at
765 Cypress Avenue is 42 psi static.

**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. 811 Reid Avenue (APN: 020-094-070)**

**Request for a Use Permit to allow the construction of a 768 square foot addition which increases the gross floor area of the existing home by greater than 50% (62%), per Section 12.200.030.B.1 of the San Bruno Municipal Code. Steven C. Randel (Applicant); Mark Calonico (Owner).**

*Associate Planner, Matt Neuebaumer:* Presented Staff Report.

Staff recommends that the Planning Commission approve Use Permit 16-015, based on Findings 1-6 and Conditions of Approval 1-26.

Questions for Staff - None

*Steve Randel (Architect/Applicant):* The reasoning behind the lack of window trim is to keep the original traditional minimalist style and to prevent a "busy" architectural detailing on the rear elevation.

*Associate Planner, Matt Neuebaumer:* Staff goal is to have the proposed window trim match the existing window trim in appearance. The first option would be to provide window trim per the residential design guidelines. Option two would be to recess the window at least 3 inches. The last option would be to move away from the stucco finish and use a horizontal siding.

*Commissioner Chase:* Added the option of approving it as designed.

*Commissioner Sammut:* Clarified that only the windows on the rear elevation with the stucco siding have no trim.

*Commissioner Mishra:* It would not look good to use the same trim on the rear elevation as the front.

Public Comments - None

Commission Comments - None

**Motion to approve Use Permit 16-015, based on Findings 1-6 and Conditions of Approval 1-26.**

**Commissioner Chase/Mishra**

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

**Findings**

**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 ground floor 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 property and improvement in the neighborhood or to the general welfare of the City. Regarding parking, the current one-car garage is adequate as the proposed living area of 1,743 square feet is less than the 1,825 square foot threshold for requiring a second covered parking space.

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. The design of the project 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 proposal includes a ground floor addition at the rear of an existing one-story single-family dwelling. The overall design and scale is consistent with the neighborhood, which consists of single-family homes. The height of the home would increase to 20’-4”, which is less than the 28’-0” height limit of the R-1 zone. The proposed expansion also meets the floor area, lot coverage, and setback requirements of the zoning district, therefore, the structure would not unreasonable restrict or interfere with light and air on the adjacent properties.

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 addition would incorporate horizontal siding and a stucco finish, which is consistent with the homes in the immediate neighborhood. The proposed expansion also meets the floor area, 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 incorporates a cross gable roof design that blends in well with the existing home and is consistent with the overall neighborhood. The addition also incorporates exterior materials that match the existing home and the surrounding homes in the immediate area. Regarding landscaping, the applicant is proposing drought tolerant landscaping in the front yard area. A condition of approval was included requiring that a landscaping/planting plan be submitted at the time of building permit submittal specifying the type of drought tolerant landscaping proposed in the front yard area.

## 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 16-015 shall not be valid for any purpose. Use Permit 16-015 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 September 20, 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 garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the California Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage 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, the site shall be landscaped according to the plans approved by the Planning Commission on September 20, 2016 and any site landscaping damaged during construction shall be replanted to the satisfaction of the Community Development Director. A complete landscaping plan/planting plan shall be submitted at the time of building permit submittal specifying the type of drought tolerant landscaping proposed in the front yard area.

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 Building Codes, including the California Residential Code.

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

13. The front property line is located 5.5 feet behind the sidewalk on Reid Avenue. No fences, retaining walls, or other permanent structure shall be placed or constructed within this 5.5 foot area. S.B.M.C. 8.08.010.

14. The building permit plans shall include a site plan that shows all properly lines, setbacks and easements, and all existing and any proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% of 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 existing and any proposed lateral services for domestic water (including meter size), and sanitary sewer 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. 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 Reid 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 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.

19. Obtain an Encroachment Permit from Public Services 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.

20. The work shall conform to the current NPDES stormwater pollution prevention requirements. S.B.M.C. 12.16.020.

21. Show on plans how stormwater 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 stormwater. Drainage into adjacent properties shall not be allowed. Indicate any pipes, swales, or applicable ground percolation treatments as necessary.

22. 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.

23. 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. The estimated water pressure available at the fire hydrant near the property is 76 psi static.

**Fire Department – 650-616-7096**

24. Address numbers to be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

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

26. Provide spark arrester for chimney if not currently in place.

**E. 139 Florida Avenue (APN: 020-375-130)**

**Request for a Use Permit to allow the construction of a 1,296 square foot first and second floor addition on the east side of the building, increasing the gross floor area of the existing home by greater than 50% (121%) and exceeding 1,825 square feet of living area (1,870 s.f.) with a one car garage; per Sections 12.200.030.B.1 and 12.200.080.A.2 of the of the San Bruno Municipal Code. Echo Liu (Applicant); Shui Ben Lau (Owner).**

*Senior Planner Smith:* Presented Staff Report.

Staff recommends that the Planning Commission approve Use Permit 15-001 with staff recommendations, based on Findings 1-6 and subject to Conditions of Approval 1-29.

Questions for Staff

*Commissioner Petersen:* Asked for clarification on the bi-level floor plate.

*Senior Planner Smith:* There are three steps up to the bedroom.

*Commissioner Mishra:* He is not satisfied with the engineering firm not conducting a survey of the property and plans to abstain from the project.

*Director Woltering:* There are many survey discrepancies in the area. A survey is not typically required for this scope of work.

Public Comment

*Echo Liu (Applicant):* The project corrects existing code enforcement violations at the property.

*Commissioner Petersen:* Asked the applicant to confirm acceptance of the conditions of approval.

*Echo Liu (Applicant):* The conditions of approval are accepted as proposed.

**Motion to approve Use Permit 15-001 based on Findings 1-6 as amended and Conditions of Approval 1-29.**

**Commissioner Petersen/Sammut**

| | |
|---|---|
| VOTE: | 4-0-1 |
| AYES: | Biasotti, Petersen, Johnson, Sammut |
| NOES: | None |
| ABSTAIN: | Mishra |

**<u>Findings</u>**

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

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 1,010 square foot first and second floor addition with a detached 426

square foot garage, increasing the existing gross floor area from 1,070 square feet to 2,296 square feet, and increasing the gross floor area by more than 50%. A Parking Exception is required to allow tandem garage parking spaces. 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.

Regarding parking, the project is required to provide two parking spaces. The applicant is seeking a Use Permit to not provide the one additional parking space. The proposed garage is much larger than a standard single car garage but it is not wide enough or deep enough to accommodate a second parking space. However, it is presumable that the garage could accommodate smaller vehicles in a tandem configuration. Furthermore, the proposed driveway could provide an additional parking space though it would not count as a legal parking space because the S.B.M.C. requires that the required parking spaces be covered.

**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. The proposed addition is well-integrated with the existing single-family dwelling as is blends with the existing style and most of the existing exterior elements will remain the same. The design of the project reinforces the residential character of the neighborhood and conforms to the policy.

**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 design of the ground level addition is consistent with the character of the neighborhood and the Residential Design Guidelines. The proposed addition is well-integrated with the existing single-family dwelling as is blends with the existing style and most of the existing exterior elements will remain the same. The home was constructed in 1933 and is typical of the homes built at that time period and in the surrounding area. The front stairs lead to the living area on the upper floor with a small enclosed front porch, the roof is a flat parapet type with no overhang, a cantilevered second floor in the front with a window, with a façade with little architectural detail. The existing home is plain with a wood shingle exterior, somewhat box like with a flat roof. Also typical of the neighborhood and area, the property has a substandard size lot size and width, which do not meet current front or side setbacks. Immediately adjacent to the subject property are two-story, single-family and multifamily residential uses, and across the street one- and two-story homes. To the rear is a two-story multi-family residence.

The proposed second floor deck is to the rear of the home and does not create a privacy issue. The deck is enclosed on the sides, only open to the rear without stairs and overlooks shed on the adjacent property. According to Section 3.13.2 of the Residential Design Guidelines, second-

story decks should not intrude on the privacy of adjacent neighbors or create a privacy concern. Concerning windows on the second floor Section 12.96.070.D.13 of the Zoning Code restricts second floor transparent windows where the adjacent property side setback is more than ten feet. The home to the east is two story has a 14' side setback in the front and five-foot setback in the rear. The proposed addition would include a bedroom window on the side toward the front of the adjacent home, which at that point has a six-foot side setback from the property line and has no window, therefore the proposed window does not create a privacy concern. To the rear are windows on both homes side elevations, but the side setback is less than ten feet and the windows are offset from each other.

The existing and proposed impervious surface does not exceed the maximum of 60% in the front yard setback (33%) consistent with section 12.96.070.D.6 of the Zoning Code. The proposed lot coverage is proposed to be 43% where the maximum allowed is 85%. The project does not exceed the maximum FAR or Lot Coverage

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.

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 design of the addition is compatible with the architecture of the existing building and consistent with the character of the neighborhood and the Residential Design Guidelines. The proposed addition would be well integrated with the existing single-family dwelling, utilizing the same wood shingle exterior materials and compatible window openings. The home was constructed in 1933 and is typical of the homes built at that period and in the surrounding area. The front stairs lead to the living area on the upper floor with a small enclosed front porch, the roof is a flat parapet type with no overhang, and a cantilevered second floor in the front with a window, and a façade with little architectural detail. Also typical of the neighborhood and area, the property has a substandard size lot size and width, which do not meet current front or side setbacks.

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

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, as described in above Findings No. 4 and 5.

**<u>CONDITIONS OF APPROVAL</u>**

**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 15-001 shall not be valid for any purpose. Use Permit 15-001 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 Use Permit shall be built according to plans approved by the Planning Commission on September 20, 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 home shall be used only as a single-family residential dwelling unit. No portion of any 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 garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the California Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

8. Prior to issuance of Certificate of Occupancy, the applicant shall remove the unpermitted full bathroom and any existing unpermitted utilities to the source, and that no living space be created in the crawl space which does not meet the minimum ceiling height (7’-6”) for habitable area.

9. Prior to permit issuance for the proposed addition, the applicant shall record a deed restriction on the property that the ground floor crawl space shall not be converted into habitable space without proper authorization from the Community Development Department.

10. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning, Building, and Public Services staff to ensure compliance with the conditions of approval during the construction process.

11. Prior to Final Inspection, the site shall be landscaped according to the plans approved by the

Planning Commission on September 20, 2016 and any site landscaping damaged during construction shall be replanted to the satisfaction of the Community Development Director.

12. 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.

13. 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.

14. Comply with the most current version of the California Codes, including the California Residential Code.

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

15. The front property line is located 2.0 feet behind the sidewalk on Florida Avenue. No fences, retaining walls, or other permanent structure shall be placed or constructed within this 2.0 foot area. S.B.M.C. 8.08.010.

16. Please include on the site plan all existing and proposed elevations and slopes for the drainage improvements. All unpaved areas shall be graded to slope at 1% of 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. Please provide a construction detail of the Open French Drain and show on plans how storm water will be discharged from the Drain. Foundations shall be protected from storm water and drainage onto adjacent properties shall not be allowed. Indicate on plans any pipes, swales, applicable ground percolation treatments or under sidewalk curb drains as necessary.

18. 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.

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 Reid 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.

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 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 any building permits.

22. 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 95 psi static. S.B.M.C. 10.14.020/110.

23. 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.

24. 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.

25. 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 and confirm that the new stairwell structure will not block existing surface drainage patterns.

26. 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.

**Fire Department – 650-616-7096**

27. 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.

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

29. Provide spark arrester for chimney if not currently in place.

## 6. DISCUSSION

### A. CITY STAFF DISCUSSION:

Staff is looking for three volunteers for the October 13, 2016 ARC meeting. Commissioners Biasotti, Kayal, and Johnson identified.

### B. PLANNING COMMISSION DISCUSSION: - NONE

Commissioner Sammut and Mishra will not be renewing their terms as Planning Commissioners.

Commissioner Petersen asked for a status on the Plaza Project. Director Woltering noted that at neighborhood meeting was held and the permits for grading and shoring were issues on September 20, 2016. Staff anticipates mobilization the week of September 26.

## 8. ADJOURNMENT

Meeting was adjourned at 8:30 pm

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

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

**NEXT MEETING*:* October 18, 2016**