



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** June 11, 2019

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan D. Grogan, City Manager

**PREPARED BY:** Darcy Smith, Community and Economic Development Director

**SUBJECT:** Waive Second Reading and Adopt an Ordinance Amending Chapter 12.96 of the San Bruno Municipal Code to Establish a Planned Development District, Update the Zoning Map, and Adopt a Development Plan for the Multi-Family Residential Development located at 500 Sylvan Avenue

### **BACKGROUND:**

The City Council held a public hearing, waived the first reading and introduced an ordinance amending Chapter 12.96 of the San Bruno Municipal Code to establish a Planned Development District, update the Zoning Map, and adopt a Development Plan for the multi-family residential development located at 500 Sylvan Avenue on May 28, 2019. The ordinance is presented now for second reading and adoption. Should the Council waive the second reading and adopt the ordinance at this meeting, the ordinance would go into effect 30 days after the second reading on July 11, 2019.

The site is currently zoned R-2 (Low Density Residential) but is also located in the Transit Corridors Plan (TCP) Area. There are five-character areas located throughout the TCP area. The subject site is located in the Central Business District (C-B-D) Character Area. The ordinance would amend the Zoning District to change from the current Low-Density Residential (R-2) zoning classification to a Planned Development District (P-D), and to adopt a related District Development Plan to establish use and development standards. The underlying Low-Density Residential (R-2) zoning classification would not allow for the project as proposed; therefore, there is a need to establish a Planned Development District (P-D), which ultimately would be consistent with the TCP Central Business District (C-B-D) Character Area requirements.

The City Council also granted other approvals on May 28, 2019 to allow for the to allow the construction of a three-story, multi-family residential building containing nine residential units at the subject property, contingent upon the formal adoption of the ordinance being considered for second reading under this agenda item. The other approvals grated by the City Council include resolutions approving/adopting the following:

- A CEQA Conformity Determination.
- A Planned Development Permit, Architectural Review Permit, Conditional Use Permit, and Authorizing the City Manager to Execute a Development Impact Fee Agreement.

The subject property is 7,364 square feet in area and is located on the northwest corner of Sylvan Avenue and Green Avenue. The site is currently developed with a vacant, nonconforming, commercial building that was previously used as a dental office for many years. The existing building was constructed in 1929 and consists of stucco finish with the primary building entrance located off of Sylvan Avenue. Secondary access to the existing building is achieved via the north side elevation. The remainder of the lot consist of asphalt paving, with some landscaping located along a portion of the Sylvan Avenue and Green Avenue frontage. In the past there has been Code Enforcement related activities related to overgrown weeds and trash located on-site.

The Architectural Review Committee reviewed this proposal on October 11, 2018 and the Planning Commission reviewed the proposal on March 16, 2019. The Planning Commission unanimously adopted all resolutions recommending the City Council approve the project.

### **Environmental Assessment**

The 500 Sylvan Avenue project is located within the Transit Corridors Plan (TCP) area. A Program Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program were prepared for the TCP and adopted by the City Council on February 12, 2013. The 500 Sylvan Avenue property was analyzed in the TCP EIR at a programmatic level, with potential impacts identified and mitigations applied in the program EIR to avoid or reduce potentially significant impacts.

Under California Environmental Quality Act (CEQA) Guidelines sections 15168 (Program EIR), 15162 (Subsequent EIRs and Negative Declarations), and 15183 (Projects Consistent With a Community Plan or Zoning), subsequent individual projects can utilize a previously certified program EIR if all potentially significant environmental impacts of the proposed individual project: (1) have been previously identified (i.e., are not new) and are not substantially more severe than those identified in the previous EIR, (2) have been avoided or mitigated to the extent feasible as a result of the previous EIR, and (3) have been examined in sufficient detail in the previous EIR to enable those impacts to be avoided or mitigated by the mitigations in the EIR, site-specific project revisions, or the imposition of uniformly applicable development policies. If these conditions are met, then the City can approve the individual project as within the scope of the previous EIR, and no additional environmental document is required. The certified TCP EIR and the 500 Sylvan Avenue project meet these CEQA conditions.

### **NEXT STEPS**

If the City Council waives the second reading of the attached ordinance, the ordinance would go into effect 30 days after the second reading (July 11, 2019). The effective date of the Planned Development Permit, Architectural Review Permit, and Conditional Use Permit shall be the effective date of the associated Ordinance (July 11, 2019).

### **FISCAL IMPACT**

The applicant submitted a deposit to cover staff and consultant costs in processing this application. The City will also obtain building permit fees and utility connection fees associated

with the building permit, anticipated to be submitted in Fiscal Year 2019-2020. Additionally, the recently adopted Development Impact Fee (DIF) Resolution included a provision for planning applications currently being processed by the City. This provision stipulates that the fees will not apply to a proposed project if the following conditions are met: (i) the development application for the project was deemed complete no later than May 1, 2019, and (ii) on or before August 1, 2019, the City and the developer of the development project have entered into a development agreement of other negotiated contract with the City for the project; provided however if the development project has not commenced construction in compliance with and prior to expiration or termination of the development agreement or other negotiated contract, then the Fees shall apply in full to the project. On May 28, 2019, the City Council approved a Resolution that authorized the City Manager to enter into a contract in accordance with the the DIF Resolution, as this development project was originally submitted for pre-submittal review in January 2017 and the application was deemed complete on August 30, 2018. The Developer has signed the Agreement that states he will make a payment of \$98,271 to the City's unrestricted capital reserve fund. Additionally, the project will be required to pay approximately \$206,000 into the City's affordable housing fund.

**ALTERNATIVES**

1. Do not approve the proposed ordinance
2. Propose changes to the ordinance.

**RECOMMENDATION**

Waive Second Reading and Adopt an Ordinance Amending Chapter 12.96 of the San Bruno Municipal Code to Establish a Planned Development District, Update the Zoning Map, and Adopt a Development Plan for the Multi-Family Residential Development located at 500 Sylvan Avenue

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Ordinance 2019-XX Amending Chapter 12.96 of the San Bruno Municipal Code to Establish a Planned Development District, Update the Zoning Map, and Adopt a Development Plan
2. Location Map and Site Photos

**DATE PREPARED:**

June 3, 2019

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO  
AMENDING SECTION 12.96.020 OF TITLE 12 (LAND USE) OF THE SAN  
BRUNO MUNICIPAL CODE TO CHANGE THE ZONING MAP FROM R-2 (LOW  
DENSITY RESIDENTIAL) TO P-D (PLANNED DEVELOPMENT) DISTRICT FOR  
THE PROPERTY IDENTIFIED AS 500 SYLVAN AVENUE  
(APN 020-145-480)**

The City Council of the City of San Bruno **ORDAINS** as follows:

**SECTION 1. FINDINGS.**

**WHEREAS**, on February 23, 2018, Alan William Coon ("Applicant") submitted an application for a certain .17 acre site located at 500 Sylvan Avenue in the City of San Bruno, more particularly described as Assessor's Parcel Number 020-145-480 ("Property"); and

**WHEREAS**, the Applicant desires to develop a three-story multi-family residential building consisting of nine residential units on the Property ("Project"); and

**WHEREAS**, in order to develop the Project, the Applicant has submitted an application to the City of San Bruno for approval of the following: an amendment to the San Bruno Zoning Code to change to zoning of the Property from Low Density Residential (R-2) to Planned Development (P-D); a Planned Development Permit, an Architectural Review Permit, and a Conditional Use Permit; and

**WHEREAS**, the Applicant submitted a Development Plan application, dated February 23, 2018 in accordance with the provision of San Bruno Municipal Code Section 12.96.190(F); and

**WHEREAS**, on March 19, 2019 the Planning Commission conducted a duly notice public hearing and on said date the public hearing was opened, held, and closed and the Planning Commission recommended that the City Council adopt an Ordinance to change the Zoning Map From R-2 (Low Density Residential) to P-D (Planned Development), including the Development Plan by Resolution No. 2019-01; and

**WHEREAS**, a notice of public hearing was mailed on May 3, 2019 and duly published in the San Mateo Daily Journal on May 4, 2019, and the City Council held a public hearing on May 14, 2019 and on said date the public hearing was opened, held and closed, and the City Council continued the Project to the May 28, 2019 City Council meeting; and

**WHEREAS**, on May 28, 2019, the City Council held a public hearing and on said date the public hearing was opened, held and closed.

**WHEREAS**, the request to amend the San Bruno Municipal Code has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq., hereafter the "CEQA Guidelines"). The amendments do not require any further CEQA review because an Initial Study/Environmental Checklist was prepared to confirm that the proposed Project would not result in any new or substantially more significant all potentially significant effects than those analyzed in the San Bruno Transit Corridors Plan (TCP) Certified Environmental Impact Report (EIR) that was adopted by the

City Council on February 12, 2013, pursuant to CEQA Guidelines Sections 15162 (Subsequent EIRs and Negative Declarations) and 15168 (Program EIR). All applicable mitigations in the TCP EIR will be required as conditions of approval for the proposed Project.

**NOW, THEREFORE,** the City Council of the City of San Bruno Ordains as follows:

1. The City Council of the City of San Bruno finds as follows:
  - a. That said amendment is in general conformance with the general plan and that the public convenience and general welfare require adoption of the proposed amendment;
  - b. The proposed P-D District Zoning Change can be substantially completed within the time schedule submitted by the applicant;
  - c. Each unit of development, as well as the total development, can exist as an independent development capable of creating an environment of sustained desirability and stability or adequate assurance that such objective will be attained;
  - d. The land uses proposed will not be detrimental to the present or potential surrounding uses but will have a beneficial effect which would not be achieved through other districts;
  - e. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P-D District;
  - f. Any proposed commercial development can be justified economically at the location proposed and will provide adequate commercial facilities for the area;
  - g. Any exceptions from the standard district requirements are warranted by the design of the project and amenities incorporated in the development plan;
  - h. The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development and the P-D District uses proposed are in conformance with the general plan of the city.
2. The San Bruno City Council hereby amends the Zoning Map, as described in San Bruno Municipal Code Section 12.96.020, to change the zoning district of Assessor's Parcel no. 020-145-480 from Low Density Residential (R-2) to Planned Development (P-D), as shown in Exhibit A.
3. The San Bruno City Council hereby approves the Development Plan subject to the development standards in Exhibit B.
4. **Validity.** The City Council of the City hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.
5. **Effective Date.** The Ordinance shall go into effect thirty (30) days after the date of its passage and adoption, and shall be posted as required by law.

\_\_\_\_\_  
Rico E. Medina, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Thurman, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc Zafferano, City Attorney

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I hereby certify that the foregoing Ordinance No. 2019-\_\_\_\_\_ was introduced on \_\_\_\_\_, and adopted at a regular meeting of the San Bruno City Council on \_\_\_\_\_, by the following vote:

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

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

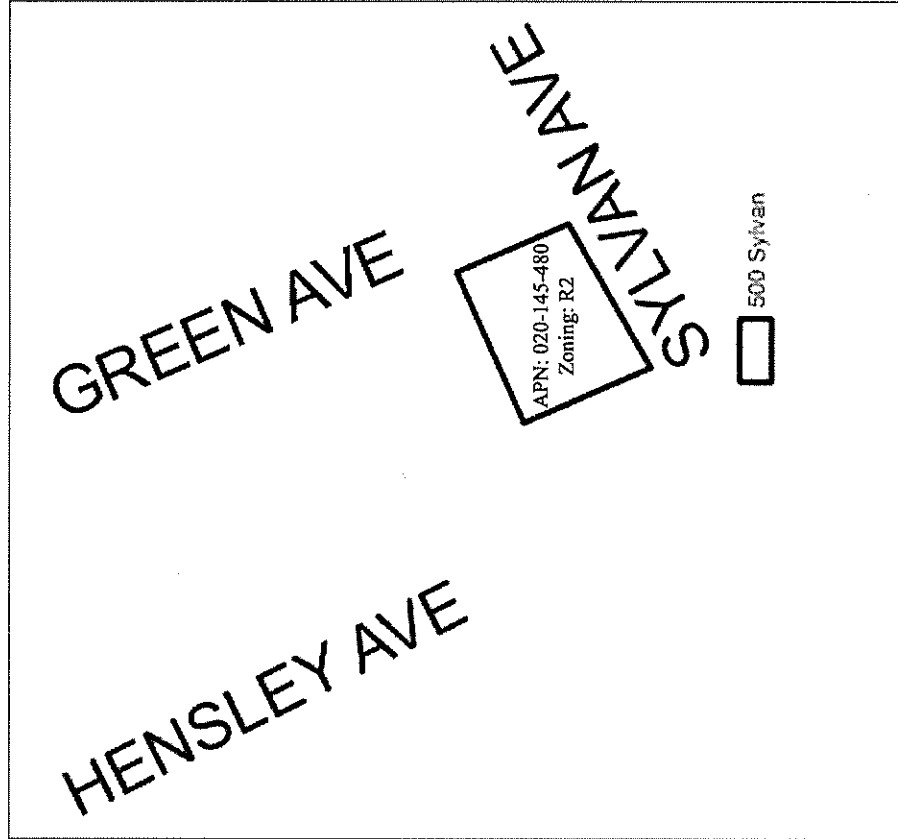
ABSENT: COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
Melissa Thurman, City Clerk

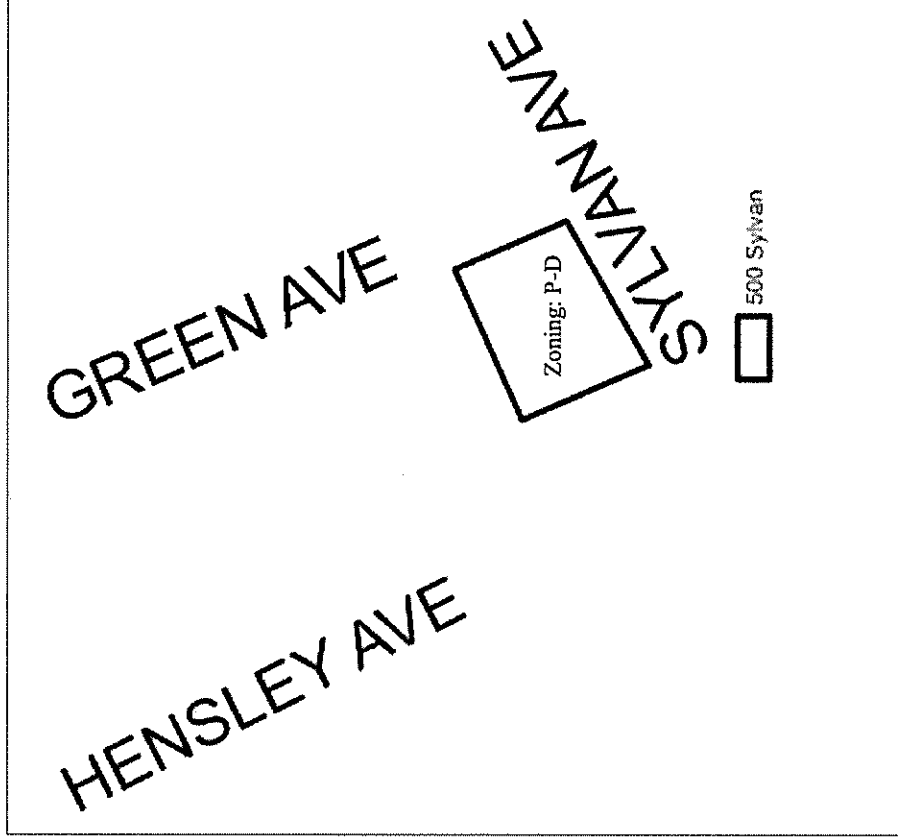
**Exhibit A**

Proposed Zoning Code Map Amendment (PD18-001)  
Current Zoning: (R-2) Low Density Residential  
Proposed New Zoning: (P-D) Planned Development District  
500 Sylvan Avenue, San Bruno, CA  
APN: 020-145-480

**Current Zoning  
(R-2) Low Density Residential**



**Proposed Zoning  
(P-D) Planned Development District**



**Exhibit B  
Development Plan  
500 Sylvan Avenue**

**Development Standards:**

- Zoning: P-D (Planned Development)
- General Plan: Transit Oriented Development
- Project Area: .17 acres (7,364 square feet)
- Assessor's Parcel Number: 020-145-480
- Max FAR: 2.0
- Number of Stories: 4-stories
- Maximum Height: 55'-0"
- Minimum Setbacks:
  - o Front – Combined width of sidewalk and setback must be a least 10 feet
  - o Rear – 10 feet
  - o Right Side – None
  - o Left Side – None
- Stepback – facing corridor street:
  - o Above 3<sup>rd</sup> floor stepback 15 feet
- Stepback – adjacent to low density residential:
  - o Above 3<sup>rd</sup> floor stepback 15 feet

**Permitted Uses:**

- Residential

**Parking:**

- 14 total parking spaces

**Minor adjustments from standards stated herein may be approved or conditionally approved by the Community Development Director in accordance with Section 12.96.190 (P-D Planned Development District) of the San Bruno Municipal Code.**



## Location Map & Site Photos

**500 Sylvan Avenue  
020-145-480  
PD18-001, PDP18-001, AR18-002, UP18-012**





Subject Site



Subject Site



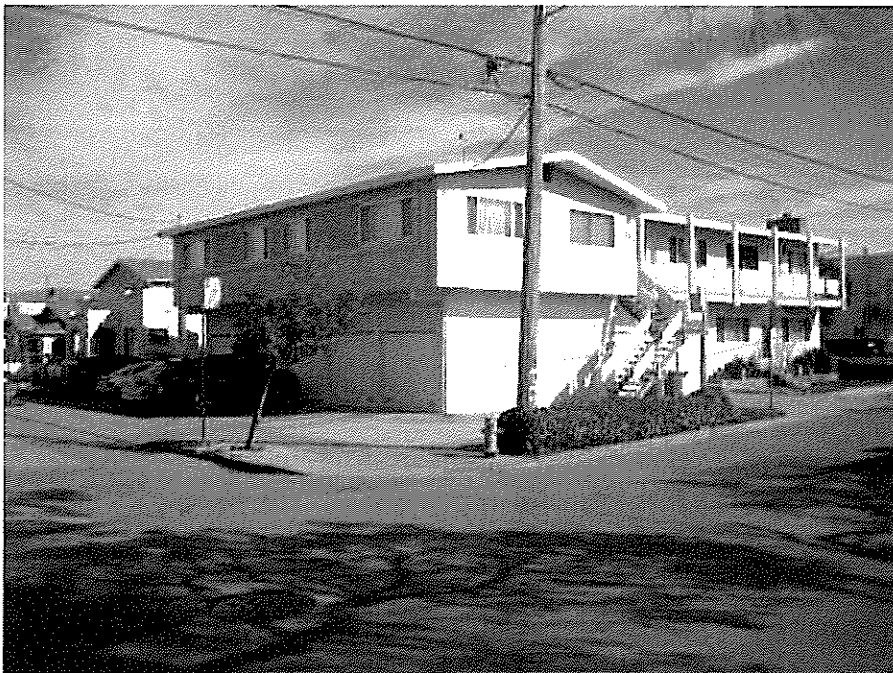
Subject Site



Adjacent Property to West



Adjacent Property to the North



Property to the East of the Subject Site



Properties to the South of the Subject Site