

RESOLUTION NO. 2014 - 90

A RESOLUTION PLACING AN INITIATIVE MEASURE ON THE BALLOT FOR THE NOVEMBER 4, 2014 MUNICIPAL ELECTION AMENDING ORDINANCE 1284 (CHAPTER 12.26 OF THE SAN BRUNO MUNICIPAL CODE) TO ALLOW, SOLELY WITHIN THE TRANSIT CORRIDORS PLAN AREA, NEW BUILDING HEIGHT RESTRICTIONS, INCREASED DENSITY OF CERTAIN RESIDENTIALLY ZONED PARCELS AND ABOVE-GROUND MULTI-STORY PARKING STRUCTURES; DIRECT THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF SAID INITIATIVE MEASURE; AND AUTHORIZING SUBMISSION OF BALLOT ARGUMENTS SUPPORTING THE MEASURE ON BEHALF OF THE CITY COUNCIL

WHEREAS, the City Council desires to submit to the voters at the municipal election on November 4, 2014 an ordinance, which may be referred to as the Downtown and Transit Corridors Economic Enhancement Initiative, and which, if approved by the voters, would allow, solely within the transit corridors plan area, new building height restrictions, increased density of certain residentially zoned parcels and above-ground multi-story parking structures consistent with the adopted Transit Corridors Specific Plan (TCP);

WHEREAS, the City Council of the City of San Bruno adopted Resolution 2013-16, adopting the Transit Corridors Specific Plan on February 12, 2013 in order to achieve the community's desire to stimulate economic activity and encourage private investment; to revitalize aging and obsolete land uses and buildings with new housing and vibrant commercial uses within the Transit Corridors Area; to improve the quality of life and safety for all San Bruno residents enabling revitalization of San Bruno's downtown, creating new and attractive public places, attracting new restaurants, shops and stores, creating jobs, providing new housing, including housing for seniors, and preserving existing residential neighborhoods; to make the area safe and convenient for pedestrians, bicyclists and public transit users; and to generate new revenue for vital city services for public safety, parks, public infrastructure and facilities;

WHEREAS, the Transit Corridors Plan Area encompasses a total of 155 acres, including 90 acres of buildable land, along commercial corridors adjacent to the new San Bruno Avenue Caltrain Station, as shown on the map in Exhibit A;

WHEREAS, in order to promote mixed use and transit oriented development and achieve the economic development and redevelopment as envisioned in the Transit Corridors Plan, it is necessary to adjust the City's development standards to allow: (1) buildings that exceed the current height limits by twenty feet or two stories in the El Camino Real area, by fifteen feet or two stories in the San Bruno Avenue area, by five feet or one story in the San Mateo Avenue area, and by forty feet or four stories in the Caltrain Station area; (2) development on 42 residential parcels that exceeds the density limits permitted in 1974; and (3) above-ground multi-story parking garages;

WHEREAS, the proposed changes would only apply to property within the Transit Corridors Plan area and not anywhere else in the City;

WHEREAS, consistent with the Transit Corridors Plan, the measure would not allow eminent domain on residential property;

WHEREAS, City Ordinance No. 1284, adopted in 1977, is a constraint to development in the Transit Corridors Area by prohibiting the following types of development in San Bruno unless approved by a majority of the voters of San Bruno, including: (1) buildings or other structures exceeding 50 feet in height; (2) buildings or other structures exceeding three stories in height; (3) buildings or other structures, modifications or redevelopment thereof in residential zones that would increase the number of dwelling units per acre or occupancy, within each acre or portion thereof, in excess of limits permitted on October 10, 1974, under the then existing Zoning Chapter of the City of San Bruno; and (4) multi-story parking structures or buildings;

MADE BY: [REDACTED]
 AUG 04 2014
 CERTIFIED COPY
 SAN BRUNO MUNICIPAL CLERK

WHEREAS, the proposed amendments of this measure were analyzed in the Transit Corridors Plan Program Environmental Impact Report (State Clearinghouse No. 2010122029), certified on February 12, 2013 by City Council Resolution 2013-14. The measure does not change the land use regulations or development program at the height and density proposed in the Transit Corridors Plan, and, therefore, no further potential for causing a significant effect on the environment impacts are anticipated, although the physical development of individual sites will be subject to review and analysis as provided by CEQA;

WHEREAS, each development project will be subject to the City's development review and environmental review process, including the development standards and design guidelines contained in the Transit Corridors Plan, and making a finding that the project is in compliance with the Mixed Use to Residential Transition Measures to mitigate the impacts of new development on adjacent residential neighborhoods; and

WHEREAS, in order to provide greater assurance that larger projects in the Transit Corridor Plan area comply with the residential transition measures and to further protect adjacent low density residential uses from potential impacts of larger buildings, proposed development projects on sites 20,000 square feet or larger will be subject to a formal public pre-submittal process, prior to an application being deemed complete.

NOW THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of San Bruno does hereby resolve as follows:

Section 1. That the City Council orders submitted to the voters at the General Municipal Election to be held and consolidated with the Statewide General Election on Tuesday, November 4, 2014, the following question:

<p>To stimulate economic enhancement only in San Bruno's Transit Corridors Plan Area, shall the City amend Ordinance 1284 to allow: (1) buildings exceeding the maximum height of fifty feet by: twenty feet along El Camino Real, fifteen feet along San Bruno Avenue, five feet along San Mateo Avenue, and forty feet in the Caltrain Station area; (2) development on 42 residential parcels exceeding the density permitted in 1974; (3) above-ground multi-story parking garages.</p>	YES
	NO

Section 2. If the ordinance is enacted, the City Council will establish a formal pre-submittal public process to evaluate proposals in the Transit Corridors Plan area located on sites that are 20,000 square feet or larger to ensure they comply with the Mixed-Use to Residential Transition Measures adopted in the Transit Corridors Plan. The pre-submittal process will be incorporated into the San Bruno Zoning Code.

Section 3. A majority vote of the voters is required to approve the ordinance.

Section 4. The full text of the ballot measure to be voted upon is set forth in Exhibit B, attached hereto.

Section 5. This measure is submitted to the voters pursuant to Elections Code Section 9222.

Section 6. The ballots used at the election shall be in the form and content as is required by law.

Section 7. The City Attorney is hereby directed to prepare and submit an impartial analysis.

Section 8. Arguments in Favor or Against the above ballot measure shall be filed with the City Clerk of the City of San Bruno during regular business hours by August 15, 2014 after which no arguments for or against the City measure may be submitted to the City Clerk.

- Section 9. The Mayor or his designee(s) are hereby authorized to prepare a written argument in favor of the ballot measure, not to exceed 300 words, on behalf of the City Council at the Mayor's discretion, the argument may also be signed by bona fide associations or by individual voters who are eligible to vote.
- Section 10. Rebuttal arguments shall be filed with the City Clerk during regular business hours by August 25, 2014 and shall not exceed 250 words in length.
- Section 11. The Mayor or his designee(s) are hereby authorized to prepare rebuttal responses to any arguments filed against the ballot measure.
- Section 12. During the period commencing August 15, 2014 and ending August 25, 2014, the City Clerk shall make available for public inspection the arguments filed For and Against the ballot measure.
- Section 13. The County Election Department is hereby authorized to canvass the returns of the election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.
- Section 14. The Board of Supervisors of the County of San Mateo is hereby requested to issue instructions to the County Election Department to take any and all steps necessary for the holding the election.
- Section 15. The "full text" of ORDINANCE NO. XXXX AN INITIATIVE ORDINANCE OF THE CITY OF SAN BRUNO AMENDING ORDINANCE NO. 1284 (CHAPTER 12.26 OF THE SAN BRUNO MUNICIPAL CODE) TO ALLOW, SOLELY WITHIN THE TRANSIT CORRIDORS PLAN AREA, NEW BUILDING HEIGHT RESTRICTIONS, INCREASED DENSITY OF CERTAIN RESIDENTIALLY ZONED PARCELS, AND ABOVE GROUND MULTI-STORY PARKING STRUCTURES shall appear in the voter information pamphlet.
- Section 16. The City Clerk is hereby directed to deliver forthwith certified copies of this Resolution to the Clerk of the Board of Supervisors of San Mateo County and the Registrar of Voters of San Mateo County promptly upon its adoption.

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I hereby certify that foregoing **Resolution No. 2014 - 90** was introduced and adopted by the San Bruno City Council at a regular meeting on July 22, 2014, by the following vote following vote:

AYES: Councilmembers: Ibarra, O'Connell, Mayor Ruane
 NOES: Councilmembers: None
 ABSENT: Councilmembers: None
 RECUSED: Councilmembers: Medina, Salazar

I hereby certify this to be a full, true and correct copy of the document it purports to be, the original of which is on file in my office.

Dated: 8/1/14


 City Clerk of the City of San Bruno


 Carol Banner, City Clerk

Exhibit A San Bruno Transit Corridors Plan

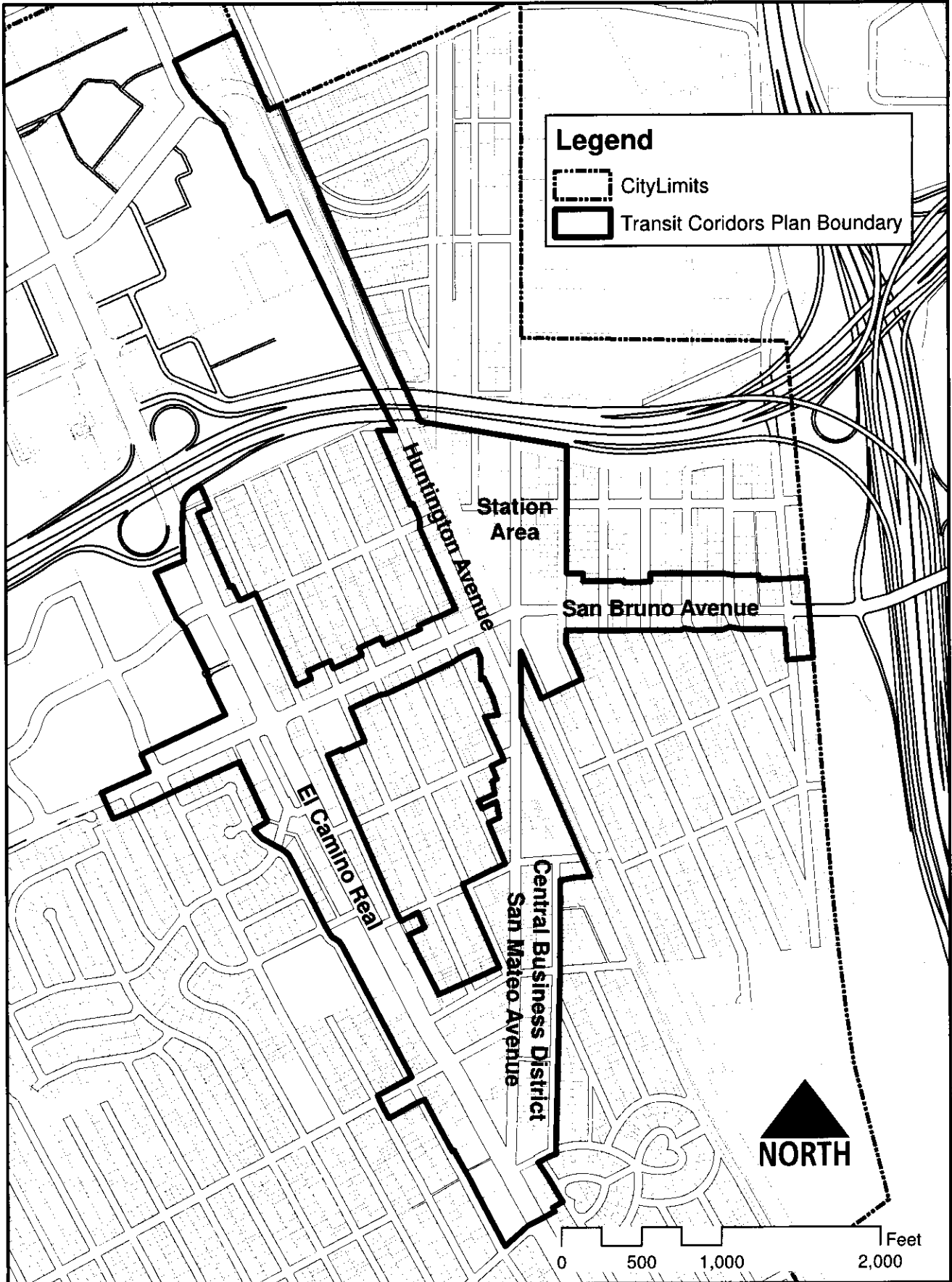


EXHIBIT B

ORDINANCE NO. _____

**AN INITIATIVE ORDINANCE OF THE CITY OF SAN BRUNO AMENDING
ORDINANCE NO. 1284 (CHAPTER 12.26 OF THE SAN BRUNO MUNICIPAL
CODE) TO ALLOW, SOLELY WITHIN THE TRANSIT CORRIDORS PLAN
AREA, NEW BUILDING HEIGHT RESTRICTIONS, INCREASED DENSITY OF
CERTAIN RESIDENTIALLY ZONED PARCELS AND ABOVE-GROUND
MULTI-STORY PARKING STRUCTURES**

The people of the City of San Bruno do ordain as follows:

SECTION 1: This ordinance may be referred to as the Downtown and Transit Corridors Economic Enhancement Initiative.

SECTION 2: Upon appropriate application, the City of San Bruno shall have the authority to review, hold public hearings upon, deliberate upon, and approve, or deny, or modify any proposed development and inclusion of new buildings and related structures within the Transit Corridors Plan Area, shown on the Map in Exhibit 1, without further voter approval, subject to the following conditions, restrictions, and parameters:

A. The maximum height of any building or structure shall be adjusted to allow an increase above the current height limit of 50 feet or 3 stories as follows (as shown on the map in Exhibit 1):

i. The maximum height of any building or structure shall not exceed 70 feet or five stories along El Camino Real;

ii. The maximum height of any building or structure shall not exceed 65 feet or five stories along San Bruno Avenue, Huntington Avenue and between San Mateo Avenue and 2nd Avenue;

iii. The maximum height of any building or structure shall not exceed 55 feet or four stories along San Mateo Avenue;

iv. The maximum height of any building or structure shall not exceed 90 feet or seven stories in the Caltrain Station area;

B. The density limits of 42 parcels that were zoned residential in 1974 (as shown on Map in Exhibit 2) shall be subject to the same development standards permitted in Transit Corridors Plan;

C. A proposed development may include a variety of residential and commercial uses and parking structures; subject to a maximum height of any structure not to exceed *the height* limits set forth in Subsection A;

D. Consistent with the adopted Transit Corridors Plan, certain architectural

features such as dormers, roof-top cupolas, corner towers, elevator and mechanical equipment enclosures and other similar features promoting good urban design would be permitted extend up to ten feet beyond the height limits with the approval of the Planning Commission through a public review and approval process. No habitable space would be permitted in any such feature located above the building height limit

SECTION 3: As used in this ordinance, the term "Transit Corridor Plan Area" means the area of approximately 155 acres, located within the City of San Bruno, including Downtown San Bruno along San Mateo Avenue and adjacent streets, including El Camino Real, San Bruno Avenue and Huntington Avenue, as shown on the attached Transit Corridors Area map; more particularly described in the list of Assessor's Parcel Numbers in Exhibit 3.

SECTION 4: As used in this ordinance, the term "City of San Bruno" means the San Bruno City Council, the San Bruno Planning Commission, the Architectural Review Committee of the San Bruno Planning Commission, and any other officer or employee of the City of San Bruno, as set forth above, responsible for the approval and/or administration of projects involving physical development of real property in the City of San Bruno.

SECTION 5: In the event that any building or related structure governed by this ordinance is damaged by fire, explosion, flood, earthquake or other natural disaster or calamity, such building or related structure may be restored not to exceed the maximum permitted height or to exceed the number of stories approved by this ordinance without further voter approval, provided that any such reconstruction shall be in compliance with the other applicable zoning, health and safety ordinances in effect at the time of such restoration.

SECTION 6: This ordinance constitutes an express exception in the area specified to the requirements of any other ordinance of the City of San Bruno which would otherwise require approval by the voters of the City of San Bruno prior to approval of construction of any building or structure in excess of three (3) stories or fifty (50) feet in height, construction of any above-ground multi-story parking structure, and/or maximum density of residential development.

SECTION 7: The height and the number of stories of any building or related structure and the definitions of the words, terms, and phrases herein shall be governed by the definitions in the edition of the California Building Code most recently adopted by the City of San Bruno, or as modified by local ordinance.

SECTION 8: Nothing in this ordinance shall be construed to except (beyond that stated herein) the proposed development from any requirement or procedure adopted or established by any City ordinance or resolution, or by any county or regional law or regulation, or by state law or regulation concerning the development approval process of the City of San Bruno; further, nothing in this ordinance shall be construed to require the City of San Bruno approve any such development.

SECTION 9: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The people of the City of San Bruno hereby declare that they would have

adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 10: The proposed amendments of this initiative ordinance were analyzed in the Transit Corridors Specific Plan Program Environmental Impact Report (State Clearinghouse No. 2010122029), certified on February 12, 2013 by City Council Resolution 2013-14. The measure does not change the land use regulations or development program at the height and density proposed in the Transit Corridors Plan, and, therefore, no further potential for causing a significant effect on the environment impacts are anticipated. However, the physical development of individual sites will be subject to review and analysis as provided by CEQA.

SECTION 11: This ordinance shall take effect as provided in § 9217 of the Elections Code of the State of California.

SECTION 12: The City Clerk shall publish this ordinance according to law



Exhibit 1 Downtown and Transit Corridors Economic Enhancement Initiative Proposed Maximum Building Heights

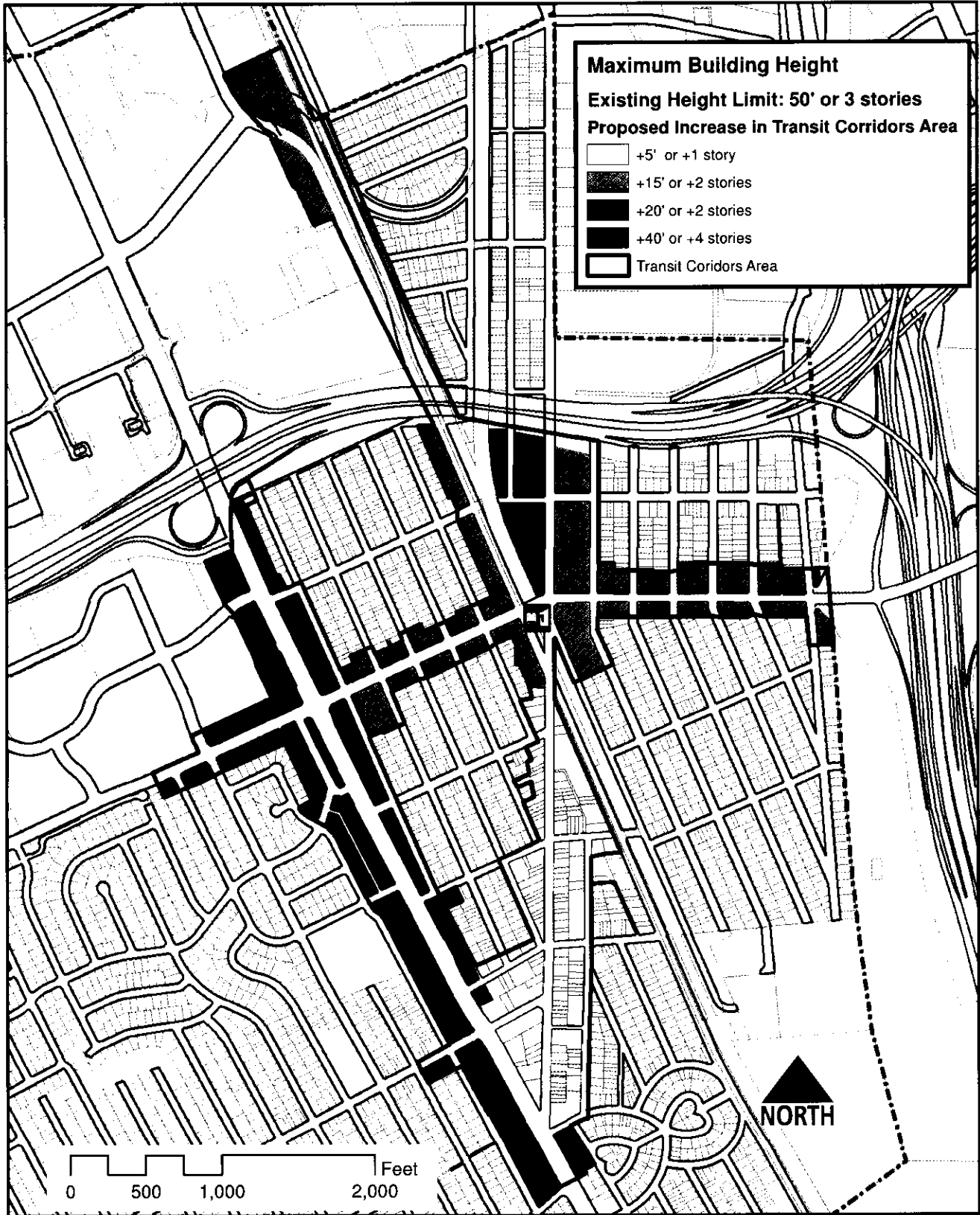
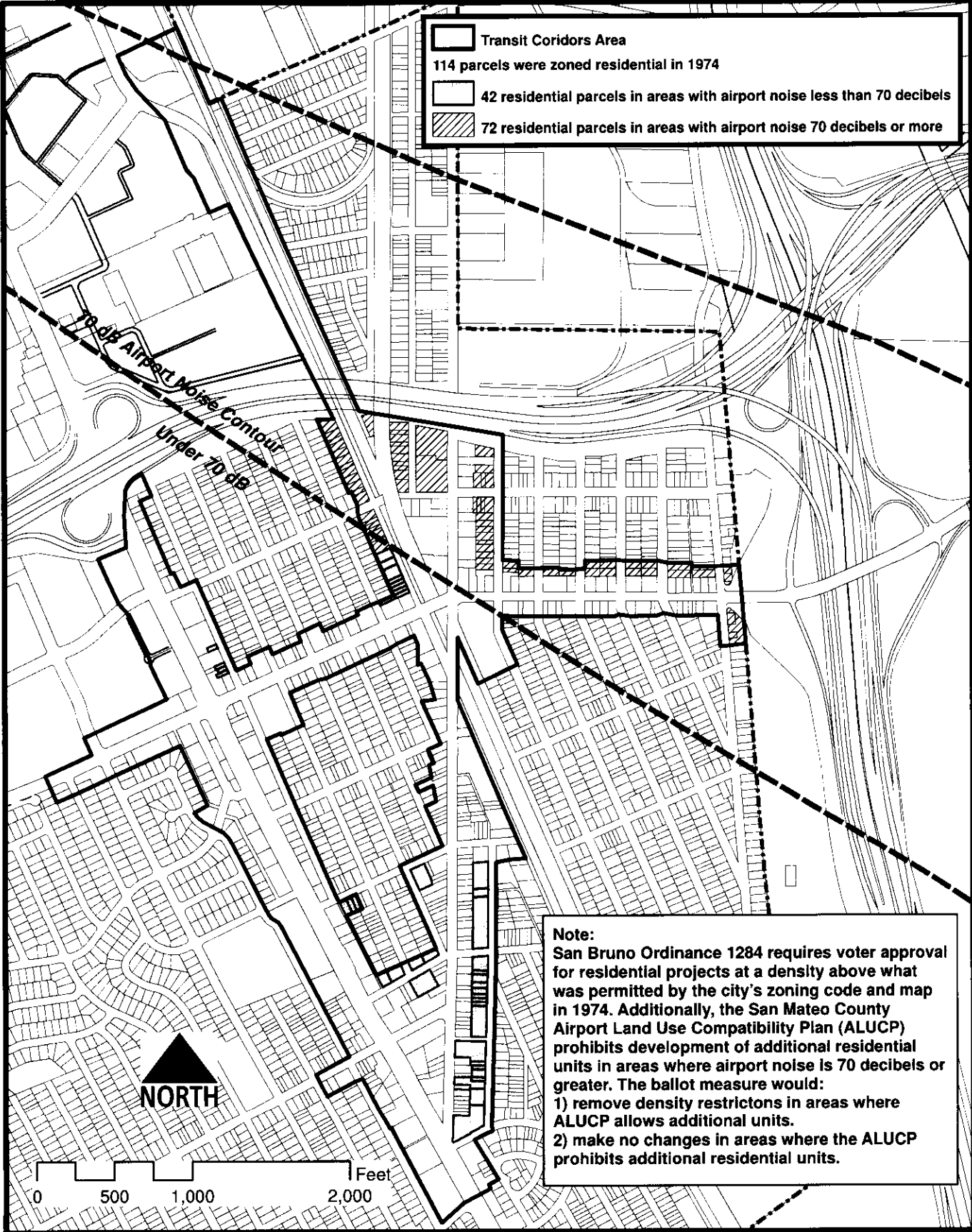


Exhibit 2
Proposed Increase in Residential Density
San Bruno Transit Corridors Plan



Note:
San Bruno Ordinance 1284 requires voter approval for residential projects at a density above what was permitted by the city's zoning code and map in 1974. Additionally, the San Mateo County Airport Land Use Compatibility Plan (ALUCP) prohibits development of additional residential units in areas where airport noise is 70 decibels or greater. The ballot measure would:

- 1) remove density restrictions in areas where ALUCP allows additional units.
- 2) make no changes in areas where the ALUCP prohibits additional residential units.

Exhibit 3
Assessor Parcel Numbers of Property in the
San Bruno Transit Corridors Plan Area

Complete List of APNs in Transit Oriented Land Use Classification with Amendment (466 APN's)

014-285-030	020-075-100	020-111-140	020-143-240	020-132-320	020-145-210	020-256-100	020-362-210	020-362-240
014-285-999	020-075-110	020-111-150	020-144-150	020-132-340	020-145-340	020-256-130	020-362-230	020-363-010
014-291-030	020-076-090	020-111-160	020-144-160	020-132-350	020-145-350	020-256-140	020-256-150	020-363-020
014-291-040	020-076-100	020-111-170	020-124-350	020-132-360	020-145-470	020-184-170	020-256-160	020-363-030
014-292-040	020-076-110	020-111-320	020-125-320	020-132-370	020-145-480	020-184-180	020-256-170	020-363-040
014-292-050	020-076-120	020-111-360	020-126-050	020-136-010	020-145-490	020-184-190	020-256-180	020-363-050
014-292-060	020-076-130	020-111-370	020-126-080	020-136-020	020-145-510	020-185-110	020-256-190	020-363-060
014-292-070	020-076-160	020-111-380	020-126-130	020-136-030	020-161-100	020-185-120	020-256-250	020-363-070
014-292-080	020-076-200	020-112-340	020-126-140	020-136-040	020-161-110	020-185-140	020-256-260	020-363-080
014-292-090	020-076-220	020-112-350	020-126-160	020-136-050	020-161-130	020-186-100	020-256-270	020-363-090
014-292-100	020-076-230	020-113-160	020-126-170	020-136-060	020-162-040	020-186-110	020-256-280	020-363-100
014-292-110	020-076-240	020-113-370	020-126-180	020-136-120	020-162-050	020-186-150	020-256-320	020-363-110
014-292-120	020-076-250	020-113-380	020-126-190	020-136-130	020-162-060	020-186-290	020-256-330	020-363-120
014-293-130	020-076-260	020-113-390	020-126-200	020-141-380	020-162-070	020-187-100	020-256-340	020-363-130
014-293-010	020-096-050	020-114-150	020-131-010	020-141-410	020-162-100	020-187-140	020-256-350	020-363-140
014-293-020	020-096-060	020-114-160	020-131-020	020-142-030	020-162-110	020-187-150	020-275-010	020-363-150
014-293-030	020-096-070	020-114-190	020-131-110	020-142-040	020-162-120	020-187-160	020-275-020	020-363-160
014-293-040	020-096-080	020-114-340	020-131-120	020-142-050	020-162-130	020-187-170	020-275-270	020-363-170
014-293-050	020-096-090	020-115-160	020-131-170	020-142-060	020-162-140	020-187-350	020-276-010	020-363-190
014-293-110	020-097-010	020-115-170	020-131-190	020-142-070	020-162-180	020-188-010	020-276-020	020-363-200
014-293-120	020-101-050	020-115-360	020-131-240	020-142-080	020-163-030	020-188-040	020-276-030	020-363-210
014-311-040	020-101-060	020-116-080	020-131-250	020-142-090	020-163-040	020-188-050	020-276-040	020-363-220
014-311-050	020-101-070	020-116-120	020-131-280	020-142-100	020-163-090	020-188-090	020-276-150	020-364-020
014-311-060	020-101-080	020-116-130	020-131-290	020-142-110	020-163-100	020-188-100	020-276-160	020-364-030
014-316-140	020-101-090	020-116-160	020-166-010	020-142-120	020-163-130	020-188-110	020-276-170	020-364-040
014-316-160	020-101-100	020-116-230	020-166-150	020-142-130	020-163-140	020-188-130	020-276-180	020-364-050
014-316-180	020-101-320	020-116-260	020-131-300	020-142-140	020-164-020	020-188-150	020-276-210	020-364-070
014-317-020	020-101-330	020-116-290	020-131-360	020-142-150	020-164-030	020-188-230	020-276-220	020-364-120
020-011-310	020-101-350	020-116-300	020-131-370	020-142-170	020-164-040	020-188-240	020-276-240	020-364-130
020-019-080	020-101-370	020-116-310	020-131-400	020-142-180	020-164-060	020-188-250	020-276-290	020-364-140
020-019-100	020-101-380	020-116-330	020-131-410	020-142-190	020-165-010	020-188-280	020-276-300	020-364-170
020-019-999	020-101-390	020-121-030	020-131-420	020-142-200	020-165-020	020-188-290	020-276-310	020-364-180
020-063-010	020-106-150	020-121-060	020-131-430	020-142-210	020-166-160	020-188-300	020-276-320	020-364-200
020-063-020	020-106-160	020-121-090	020-131-450	020-142-230	020-166-170	020-188-310	020-293-030	020-364-210
020-064-290	020-106-170	020-121-100	020-131-470	020-142-240	020-166-180	020-188-330	020-293-040	020-364-270
020-064-310	020-106-180	020-121-210	020-131-480	020-143-010	020-166-190	020-188-340	020-361-050	020-364-300
020-065-010	020-106-190	020-121-240	020-131-510	020-143-020	020-166-200	020-188-360	020-361-060	020-364-320
020-065-020	020-106-200	020-121-320	020-131-520	020-143-060	020-167-010	020-188-380	020-361-070	020-364-330
020-071-010	020-106-210	020-121-340	020-131-540	020-143-070	020-167-220	020-188-390	020-361-080	020-364-340
020-071-040	020-106-220	020-121-350	020-131-550	020-143-080	020-167-230	020-188-400	020-361-090	020-364-350
020-072-030	020-106-230	020-121-360	020-131-560	020-143-130	020-167-240	020-188-410	020-361-160	020-364-999
020-072-040	020-106-240	020-122-010	020-131-570	020-143-140	020-167-250	020-188-420	020-361-230	020-371-050
020-072-050	020-106-310	020-122-310	020-132-010	020-143-150	020-168-010	020-191-360	020-361-240	020-371-060
020-072-060	020-111-010	020-122-320	020-132-020	020-143-160	020-168-250	020-191-370	020-361-250	020-371-070
020-072-070	020-111-020	020-123-010	020-132-030	020-143-170	020-168-260	020-191-380	020-361-260	020-371-400
020-072-230	020-111-030	020-123-280	020-132-050	020-143-180	020-168-270	020-191-400	020-361-280	020-371-490
020-072-290	020-111-040	020-123-290	020-132-080	020-143-190	020-184-050	020-192-420	020-362-050	092-020-060
020-072-310	020-111-060	020-123-300	020-132-090	020-143-200	020-184-060	020-192-440	020-362-060	093-340-010
020-072-320	020-111-100	020-123-310	020-132-120	020-143-230	020-184-070	020-192-460	020-362-070	093-340-020
020-072-330	020-111-110	020-124-010	020-132-130	020-145-010	020-184-080	020-193-360	020-362-180	093-341-010
020-075-080	020-111-120	020-124-310	020-132-140	020-145-020	020-184-150	020-193-999	020-362-190	
020-075-090	020-111-130	020-124-340	020-132-300	020-145-030	020-184-160	020-256-090	020-362-200	