

**RESOLUTION NO. 2023- \_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO APPROVING A SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE CROSSING SAN BRUNO**

**WHEREAS**, Martin/Regis San Bruno Associates, L.P., a Delaware limited partnership, as declarant (“Declarant”), entered into that certain Declaration of Covenants, Conditions and Restrictions for The Crossing / San Bruno dated December 17, 2002, recorded as Instrument No. 2002-267962 in the Official Records of San Mateo County, California, amended by a First Amendment to Declaration of Covenants, Conditions and Restrictions for The Crossing / San Bruno dated March 13, 2005, recorded as Instrument No. 2005-043348 in the Official Records of San Mateo County, California, (collectively, the “Declaration”) with respect to the property located in the City of San Bruno, County of San Mateo, State of California as more particularly described on Exhibit A to the Declaration as Parcels 1 through 10 and Parcel 12 shown on the Map entitled “The Crossing” filed in the office of the Recorder of San Mateo County, California on December 9, 2002 in Book 132 of Maps at Pages 54-60 (the “Development”); and

**WHEREAS**, Declarant no longer owns any property in the Development; and

**WHEREAS**, the property in the Development is owned by a number of entities (collectively, the “Owners”), including the City as owner of fee title to Parcels 7 and 8 (the “City Property”) shown on the Map; and

**WHEREAS**, the Owners desire to amend the Declaration pursuant to a Second Amendment to Declaration (the “Amendment”) to allow development and operation of a new automobile dealership on the City Property (hereafter, the “Project”), a use that is presently prohibited by the Declaration; and

**WHEREAS**, the proposed Project has been reviewed pursuant to the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq., the “CEQA Guidelines”). A Final Initial Study and Draft Mitigated Negative Declaration has been prepared by David J. Powers and, based on the type and intensity of land uses identified with the Project and the information contained therein, the Initial Study and Mitigated Negative Declaration conclude that the Project, with the proposed mitigation measures, would not have a significant adverse effect on the environment.

**WHEREAS**, the Project applicant has agreed to incorporate in the Project all applicable mitigation measures identified in the Mitigated Negative Declaration to reduce environmental impacts to be less than significant;

**WHEREAS**, on March 14, 2023 the City Council considered the Final Initial Study and Mitigated Negative Declaration, including the public comments and responses to those comments, and adopted Resolution No. 2023- XX, which is hereby incorporated by reference, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby approves the Amendment and authorizes the City Manager to execute the Amendment and take any other such actions as deemed necessary to effectuate the purposes of this Resolution; and

**BE IT FURTHER RESOLVED**, that upon full execution of the Amendment, the City Council hereby authorizes the Amendment to be recorded in the San Mateo County Clerk-Recorder's office.

Dated: March 14, 2023

ATTEST:

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Lupita Huerta, City Clerk

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I, Lupita Huerta, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 14th day of March 2023 by the following vote:

AYES: Councilmembers: \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_