

**RESOLUTION NO. 2022-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BRUNO RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT AND AFFORDABLE HOUSING PLAN BETWEEN THE CITY OF SAN BRUNO AND NEW SHIDAI DEVELOPMENT, LLC, FOR THE GLENVIEW TERRACE RESIDENTIAL PROJECT (DA21-001) (APNs: 019-042-150, 019-042-160, AND 019-042-170)**

**WHEREAS**, California Government Code, Title 7, Chapter 4, Article 2.5 (“Development Agreement Statute”) authorizes the City of San Bruno (“City”) to enter into Development Agreements which will provide certainty, definition and commitment to developers as well as to necessary public improvements required by development;

**WHEREAS**, in order to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs and risks of development, the Legislature of the State of California enacted section 65864 et seq. of the Government Code (the “Development Agreement Statute”) which authorizes a city and a developer having a legal or equitable interest in real property to enter into a binding, long-term development agreement establishing certain development rights in the property;

**WHEREAS**, as authorized by Governmental Code Section 65865(c), the City has adopted City Council Resolution 1986-77 authorizing the execution of Development Agreements and establishing the procedures and requirements for said Development Agreements within the City;

**WHEREAS**, New Shidai Development, LLC (“Applicant”) is the owner of that certain 3.28 acre site located at 850 Glenview Drive and 2880 and 2890 San Bruno Avenue W. in the City of San Bruno and more particularly described as Assessor’s Parcel Numbers 019-042-150, 019-042-160, and 019-042-170 (the “Property”);

**WHEREAS**, Applicant desires to develop on the Property the Glenview Terrace Residential Subdivision Project, which consists of a residential subdivision of 29 single-family homes with associated roadways and infrastructure (the “Project”);

**WHEREAS**, in order to develop the Project, Applicant has submitted an application to the City of San Bruno for approval of the following: (1) an amendment to the San Bruno General Plan to change the land use designation of a portion of the Property from Low Density Residential to Medium Density Residential; (2) an amendment to the Zoning Ordinance to change the zoning district of a portion of the Property from Single Family Residential (R-1) to Planned Development (P-D) and amend the existing P-D District; (3) a Development Plan for the Property; (4) a Planned Development Permit; (5) a Vesting Tentative Map merging the existing three lots and subdividing the Property into 29 single-family parcels and common area parcels (6) and a Development Agreement and Affordable Housing Plan; and

**WHEREAS**, New Shidai Development, LLC is a corporation organized under the laws of the State of California and is in good standing thereunder and is a qualified applicant to do business in the State of California and enter into a Development Agreement;

**WHEREAS**, the Development Agreement commits the Developer to certain negotiated requirements, referred to as "Public Benefits." These include the following:

- \$400,000 total public benefit payment into the City's General Fund.

**WHEREAS**, the Affordable Housing Plan, attached hereto as Exhibit B, is consistent with Municipal Code Chapter 12.230 "Affordable Housing Program." The developer will make fifteen percent (15%) of the residential units in the project available at below-market rates to qualifying occupants as further specified in the Affordable Housing Plan. The developer has the right to operate the affordable units as rental units or as for-sale units. If the developer elects to operate the affordable units as rental units, that is an Alternative pursuant to Municipal Code Section 12.230.030 and therefore the Planning Commission recommends that the City Council determine, based on substantial evidence, that: a) the proposed alternative supports adopted Housing Element policies and goals and assists the city in meeting state housing requirements; b) the proposed affordable units comply with the standards in Municipal Code Section 12.230.080, including, without limitation, compliance with Municipal Code Section 12.230.080(B) requiring that the affordable units be made available for occupancy concurrently with the market-rate units; and c) The affordable units will help mitigate the impact of the project on the need for affordable housing.

**WHEREAS**, in exchange for the substantial Public Benefits of the Project, Owner desires to receive assurances that City shall grant permits and approvals required for the development of the Project over the Project's estimated three-year development horizon, in accordance with procedures provided by law and in this Agreement, and that Owner may proceed with the Project in accordance with the Existing City Laws. In order to effectuate these purposes, the Parties desire to enter into this Agreement;

**WHEREAS**, the proposed Development Agreement is consistent with the San Bruno General Plan, and Zoning Ordinance (as amended by the Project Approvals);

**WHEREAS**, a Notice of Public Hearing was mailed on April 7, 2022, and duly posted in the *San Mateo Times* on Saturday, April 9, 2022, for consideration of a Planned Development Permit and Tentative Map; and

**WHEREAS**, the Planning Commission held a Public Hearing on the Development Agreement on April 19, 2022 and on said date, the Public Hearing was opened, held and closed; and

**WHEREAS**, on April 19, 2022, the Planning Commission adopted Resolution 2022-02 recommending that the San Bruno City Council adopt an Initial Study and Mitigated Negative Declaration (IS/MND), dated April 2021, and Mitigation Monitoring Program prepared by Raney Planning and Management, Inc. to analyze the environmental effects of the proposed project and, based on the type and intensity of land uses identified with the proposed project

and the information contained in IS/MND, the project would not have a significant adverse effect on the environment that would not be mitigated by the proposed mitigation measures; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of San Bruno, based on facts in the staff reports, written and oral testimony, and exhibits presented:

1. The Planning Commission hereby finds that the proposed Development Agreement is consistent with the requirements of California Government Code, Title 7, and Chapter 4, Article 2.5 and San Bruno City Council Resolution 1986-77.
2. The Planning Commission hereby recommends that the City Council of the City of San Bruno approve the Development Agreement by and between the City of San Bruno and New Shidai Development, LLC, substantially in the form attached hereto as Exhibit A, subject to minor conforming or technical revisions approved by the City Manager and City Attorney.
3. The Planning Commission hereby finds that the proposed Affordable Housing Plan is consistent with the requirements City's Affordable Housing Ordinance, Chapter 12.230 of the Code.
4. The Planning Commission hereby recommends that the City Council of the City of San Bruno approve the Affordable Housing Plan for the project, substantially in the form attached hereto as Exhibit B.

5/2/2022

Date

DocuSigned by:

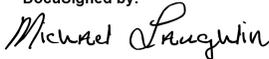


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Planning Commission Chair

**ATTEST**

DocuSigned by:



5/3/2022

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Planning Commission Secretary

**APPROVED AS TO FORM**

DocuSigned by:



5/3/2022

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City Attorney

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I, Michael P. Laughlin, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of San Bruno this 19<sup>th</sup> day of April 2022 by the following vote:

AYES            Commissioners: Harman, Biasotti, Johnson, Lethin, Morgan

NOES            Commissioners: \_\_\_\_\_

ABSENT        Commissioners: Madden, Durazo

RECUSED      Commissioners \_\_\_\_\_

Exhibit A

Planning Commission Review Copy – Draft Development Agreement

Exhibit B

Glenview Terrace Affordable Housing Plan