

ORDINANCE NO. 2022-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
APPROVING A DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF SAN BRUNO
AND NEW SHIDAI DEVELOPMENT, LLC,
FOR THE GLENVIEW TERRACE RESIDENTIAL SUBDIVISION PROJECT
(APNs: 019-042-150, 019-042-160, AND 019-042-170)
(DA21-001)**

SECTION 1. FINDINGS.

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, a Development Agreement can provide certainty, definition and commitment as to proposed development and as to necessary public improvements required by development.

WHEREAS, as authorized by Governmental Code Section 65865(c), the City has adopted City Council Resolution 1986-77 (the "Development Agreement Resolution") 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 and Architectural Review 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

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, 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), for the reasons set forth in the respective resolutions and ordinance approving the Project;

WHEREAS, a Notice of Public Hearing was mailed on June 17, 2022, and duly posted in the *San Mateo Times* on Saturday, June 18, 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

WHEREAS, the City Council held a Public Hearing for the project on June 28, 2022, and on said date, the Public Hearing was opened, held and closed; and,

WHEREAS, on June 28, 2022, the City Council independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and considered the information contained therein prior to acting upon or approving the Project. Based on all evidence in the administrative record for the Project, the Council adopted Resolution No. 2022- adopting the Initial Study/Mitigated Negative Declaration, which determined the project would not have a significant adverse effect on the environment that would not be mitigated by the proposed mitigation measures which have been summarized in a Mitigation Monitoring and Reporting Program adopted by the City Council and added to the

project as conditions of approval. This Development Agreement vests rights to proceed with the project and requires a community benefit payment to the City, thus the Development Agreement does not have the potential to cause any impacts beyond those identified in the Initial Study / Mitigated Negative Declaration prepared for the Project.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN BRUNO, AS FOLLOWS:

SECTION 2. This Ordinance incorporates, and by this reference makes a part hereof, that certain Development Agreement, substantially in the form attached to this Ordinance as Exhibit A, subject to minor conforming or technical revisions approved by the City Manager and City Attorney.

SECTION 3. This Ordinance is adopted under the authority of the Development Agreement Statute and pursuant to the provisions of the Development Agreement Resolution.

SECTION 4. The City Council hereby finds and determines that the Development Agreement is consistent with the General Plan of the City of San Bruno for the same reasons the Project overall is consistent with the General Plan and as set forth in the various related Project approval resolutions and ordinance.

SECTION 5. The City Council hereby finds that the proposed Development Agreement is consistent with the requirements of the Development Agreement Statute and the Development Agreement Resolution.

SECTION 6. The City Council hereby authorizes the City Manager to execute the Development Agreement 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.

SECTION 7. The City Manager or his or her designee is hereby authorized and directed to perform all acts required to be performed by the City in the administration and implementation of the Development Agreement, including, without limitation, reviewing the Development Agreement on an annual basis, approving assignments and executing other agreements or documents necessary to carry out the purposes of the Development Agreement.

SECTION 8. This Ordinance shall take effect thirty (30) days following its final passage and adoption and shall be posted as required by law.

SECTION 9. Within ten (10) days after the date upon which the City Manager executes the Development Agreement on behalf of the City, the City Clerk shall record the Development Agreement and this Ordinance with the County Recorder of the County of San Mateo.

SECTION 10. If any part of this Ordinance, or the Development Agreement which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Agreement, and this City Council hereby declares that it would have passed the remainder of the Ordinance, or approved the remainder of the Agreement, if such invalid portion thereof had been deleted.

Dated: June 28, 2022

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I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing Ordinance was duly and regularly passed and adopted by the City Council of the City of San Bruno this 28th day of June 2022 by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____

ATTEST:

Vicky Hasha, Deputy City Clerk

Exhibit A

City Council Review Copy – Draft Development Agreement