

RESOLUTION NO. 2022 – 09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BRUNO RECOMMENDING THAT THE CITY COUNCIL APPROVE A PLANNED DEVELOPMENT PERMIT TO ALLOW INTERIM AUTOMOBILE SALES AND INVENTORY STORAGE AT THE SHOPS AT TANFORAN MALL (APN 014-316-330) (PDP 22-003)

WHEREAS, Bay Area A.G., LLC ("Applicant") is the leasee of a portion of that certain 3.28 acre site located at 1150 El Camino Real in the City of San Bruno and more particularly described as Assessor's Parcel Number 014-316-330 (the "Property"); and

WHEREAS, Applicant desires to establish two interim automobile dealerships (for Hyundai and Genesis) in the former Sears building at The Shops at Tanforan. The use would include automobile inventory storage on the ground floor and in the basement. Additionally, automobile servicing is proposed in the adjacent former Sears automobile servicing building. The interim use is anticipated for three to five years, until such time as a new dealership facility can be applied for and processed by the city, anticipated at The Crossing center by El Camino Real/I-380; and

WHEREAS, in order to develop the Project, Applicant has submitted an application to the City of San Bruno for approval of the following: to amend the existing Planned Development (PD) for The Shops at Tanforan to allow for interim automobile sales use and inventory storage, and a Planned Development Permit (PDP) for interim automobile sales and inventory storage in the former Sears building; and

WHEREAS, on June 21, 2022, the Planning Commission found the Project to be exempt from CEQA. The project is Categorically Exempt from CEQA environmental review pursuant to CEQA Guidelines Class 1 (Section 15301), which recognizes the proposed operation and leasing of existing facilities involving negligible or no expansion of an existing or former use, while allowing for minor alterations or repairs of the existing facility. The project proposes no expansion of the former Sears retail building. The automobile sales uses will occur on the ground-floor of the former retail building, and would include placement of interior partitions, and minor changes to a rear access door on the ground floor to allow for vehicle access. Additionally, the use would include storage of automobiles partially on the ground-floor and in the basement. Automobile servicing will reuse the adjacent existing service building, with no proposed changes to the building beyond exterior painting. All proposed uses would be consistent with the Class 1 CEQA Categorical Exemption; and

WHEREAS, in Resolution No. 2022-08, the Planning Commission recommended that the City Council amend the land uses in the Tanforan Planned Development to allow interim sales of automobiles and automobile inventory storage, as proposed by Applicant; and

WHEREAS, a Notice of Public Hearing was mailed on June 10, 2022 to property owners and tenants within 600' of the Shops at Tanforan, and duly posted in the *San Mateo*

Times on Saturday, June 11, 2022, for consideration of the Planned Development Permit and; and

WHEREAS, the Planning Commission held a Public Hearing on the Planned Development Permit on June 21, 2022 and on said date, the Public Hearing was opened, held and closed.

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 is consistent with the San Bruno General Plan. The General Plan land use designation for the site is Regional Commercial, which identifies a wide range of commercial uses, including retail sales. The proposed interim automobile sales and service uses would be consistent with the General Plan.
2. With respect to the Planned Development Permit, the Planning Commission hereby finds that the proposed Planned Development Permit is consistent with the Planned Development, as recommended for approval.
3. The Planning Commission hereby recommends that the City Council approve the Planned Development Permit.
4. Upon the effective date, this Planned Development Permit approval shall be valid for a period of five (5) years.

NOW, THEREFORE, BE IT FURTHER 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 recommends approval of the Planned Development Permit subject to the following conditions of approval:

Community and Economic Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community & Economic Development Department within 10 days of City Council approval. Until the Summary is filed, Planned Development Permit 22-03 shall not be valid for any purpose. Planned Development Permit 22-03 shall expire on July 03, 2027, five (5) years from the date of City Council approval. Any continuation of the use beyond this date will require submittal of a new Planned Development Permit application to the City and require Planning Commission approval.
2. The signed copy of the Summary of Hearing shall be photocopied and included as a full-size page in the project set of drawings.

3. Any minor modification to the approved plans (floor plan and building elevations) shall require prior approval by the Community and Economic Development Director. Any major modifications, as determined by the Director, shall require Planning Commission approval of a modification to this Planned Development Permit.
4. No automobile inventory storage shall be permitted in the Shops at Tanforan parking garages.
5. There shall be no display of automobiles for sale within the Shops at Tanforan.
6. General operations for automobile sales may occur 7 days per week, between 10:00 a.m. to 6:00 p.m. on Sundays, and from 9:00 a.m. to 7:00 p.m. on Saturdays, while general operations for the automobile service center shall be limited to Monday to Saturday, from 7:30 a.m. to 6:00 p.m.
7. All deliveries and off- and on-loading of vehicles shall occur only in the delivery driveway bays at the rear (east) side of the retail building at the basement level. This will include use of a movable ramp to allow vehicle access into the roll-up basement delivery doors.
8. As may be required by the City and to ensure compliance with applicable Building Codes, the applicant shall obtain a City of San Bruno building permit before any construction can proceed, and shall be completed, inspected by the City and a Certificate of Occupancy issued prior to operation of the use and occupancy.
9. Prior to any required Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
10. Prior to securing any required building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
11. The applicant shall indemnify, defend, and hold harmless the City, its officers, employees, and agents, from all claims and lawsuits from a third party(s) involving or related to the City's consideration and/or approval of the applicant's application for development.

Fire Department – (650) 616-7058

12. The applicant shall obtain all necessary inspections and approval from the Fire Department prior to commencing the use and occupancy of the

structures. This shall include, but may not be limited to, testing of existing fire sprinkler systems.

7/7/2022

Date

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Planning Commission Chair

ATTEST

DocuSigned by:

Michael Laughlin

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Planning Commission Secretary

APPROVED AS TO FORM

DocuSigned by:

Trisha Ortiz

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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 21st day of June 2022 by the following vote:

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|---------|----------------|---|
| AYES | Commissioners: | <u>Harman, Madden, Morgan, Durazo, Lethin</u> |
| NOES | Commissioners: | <u>None</u> |
| ABSENT | Commissioners: | <u>Biasotti, Johnson</u> |
| RECUSED | Commissioners | <u>None</u> |