

## **ORDINANCE NO. 2022-XX**

### **AN ORDINANCE OF THE CITY OF SAN BRUNO APPROVING THE FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN BRUNO AND WILLIAMS PORTFOLIO 16 FOR THE CONSTRUCTION OF A RESIDENTIAL AND COMMERCIAL DEVELOPMENT AT 601-799 EL CAMINO REAL AND THE ADJACENT SITE AT 601-611 EL CAMINO REAL, SAN BRUNO, CALIFORNIA**

THE CITY COUNCIL OF THE CITY OF SAN BRUNO HEREBY ORDAINS AS  
FOLLOWS:

Section 1. The City of San Bruno ("City") and Williams Portfolio 16, a California corporation. ("Developer"), entered into that certain development agreement (the "Development Agreement" herein), recorded as instrument No. 2020-088980 on September 1, 2020, in connection with the construction of mixed use retail/residential project at the Mills Park Center, located primarily at 601 – 799 El Camino Real, and the adjacent commercial site at 601 – 611 El Camino Real (the "Project"). The property subject to the Development Agreement is described in Exhibit A and depicted in Exhibit B of the Development Agreement, and in Exhibit A of the attached First Amendment to the Development Agreement.

Section 2. Developer has requested an amendment (the "First Amendment") to the Development Agreement to give Developer a two-year extension to the term of the Development Agreement, from 10 years to 12 years and extension of certain deadlines established in the Development Agreement.

Section 3. The First Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), the City Council considered the information in the Project CEQA Documentation, as defined in Recital F of the Development Agreement, previously prepared for the Project and finds the First Amendment to be within the scope of the Project CEQA Documentation and exempt from CEQA pursuant to sections 15168 (Program EIR), 15162 (Subsequent EIRs and Negative Declarations) and 15183 (Projects Consistent with a Community Plan or Zoning), and in the alternative that it is exempt from CEQA pursuant to the State CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty that the extension of the term of the Agreement and other deadlines in the Agreement have no possibility of having a significant effect on the environment. No changes to the CEQA findings adopted in conjunction with the Project and the Development Agreement are made necessary by the First Amendment and the City Council finds the First Amendment to be within the scope of the prior Project CEQA Documentation and prior CEQA determinations made for the Project.

Section 4. On August 16, 2022, the Planning Commission conducted a duly noticed public hearing to consider the First Amendment. At the close of that hearing, the Planning Commission adopted Resolution No. 2022-10, recommending that the City Council approve the First Amendment.

Section 5. On September 13, 2022, the City Council conducted a duly noticed public hearing to consider the First Amendment, and agreed to a two-year extension of the term of the Development Agreement, from 10 years to 12 years, and the related deadline extensions and life or approval amendments as set forth in the First Amendment to the Development Agreement.

Section 6. The City Council hereby approves the First Amendment, as set forth in Exhibit A, and authorizes the City Manager to execute the First Amendment on behalf of the City substantially in the form attached hereto as Exhibit A, subject to minor conforming and technical revisions approved by the City Manager and the City Attorney.

Section 7. No later than ten (10) days after the effective date of this Ordinance, the City Clerk shall record with the County Recorder a copy of the First Amendment.

Section 8. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the adoption of this Ordinance and shall cause this Ordinance and this certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 9. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

Effective:

\_\_\_\_\_  
ATTEST:

\_\_\_\_\_  
Vicky Hasha, Deputy City Clerk

\_\_\_\_\_  
Rico E. Medina, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

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I hereby certify that the foregoing Ordinance No.  
\_\_\_\_\_ was introduced on \_\_\_\_\_, 2022,  
and adopted at a regular meeting of the San Bruno  
City Council on \_\_\_\_\_, 2022, by the  
following vote:

AYES: COUNCILMEMBERS: \_\_\_\_\_

NOES: COUNCILMEMBERS: \_\_\_\_\_

ABSENT: COUNCILMEMBERS: \_\_\_\_\_

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Vicky Hasha, Deputy City Clerk