

ORDINANCE NO. 1956

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
AMENDING TITLE 12 (LAND USE), ARTICLE III (ZONING) OF THE MUNICIPAL
CODE TO CREATE CHAPTER 12.245 – MULTI-FAMILY HOUSING MINISTERIAL
REVIEW, AND FINDING SUCH ACTIONS EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Title 12 (Land Use), Article III (Zoning) of the San Bruno Municipal Code is hereby amended to create Chapter 12.245 (Multi-Family Housing Ministerial Review).

SECTION 2. FINDINGS.

WHEREAS, to address the City’s housing shortage, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City adopt a Housing Element for the eight-year period 2023-2031 to address local housing needs and accommodate its 6th Cycle Regional Housing Needs Allocation (“RHNA”) of 3,165 housing units, comprised of 704 very-low-income units, 405 low-income units, 573 moderate-income units, and 1,483 above moderate-income units; and

WHEREAS, State Housing Element Law (Government Code Section 65583(a)(5)) requires that the City provide an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels; and

WHEREAS, State Housing Element Law (Government Code Section 65583(c)) requires that the City provide a program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, in order to make adequate provision for the housing needs of all economic segments of the community; and

WHEREAS, to facilitate the production of housing at all income levels, the City has created Program 9.a. to expedite the review of multi-family housing with an implementation timeline of July 2024; and

WHEREAS, the zoning code amendments were considered by the San Bruno Planning Commission on August 6, 2024, at a duly noticed public hearing. At the conclusion of the public hearing, the Planning Commission adopted Resolution No. 2024-11 recommending that the City Council adopt the zoning code amendments; and

SECTION 3. REGULATION.

The San Bruno Municipal Code is hereby amended to add a new Chapter 12.245 to Article III of Title 12 to read as follows:

Chapter 12.245 - MULTI-FAMILY HOUSING MINISTERIAL REVIEW

Sections:

- 12.245.010 Purpose
- 12.245.020 Applicability; Mixed-Use Incentive
- 12.245.030 Ministerial Planning Permit Process
- 12.270.040 Action
- 12.270.050 Appeals

12.245.010 Purpose.

The purpose of this chapter is to establish a streamlined review process for qualifying multi-family housing projects to facilitate housing development to meet local and regional housing needs, consistent with Government Code Section 65583.2(h) and (i). This chapter furthers the production of housing in the City by establishing a ministerial planning permit process for qualifying multi-family housing projects. This chapter allows and encourages mixed-use components of multi-family housing projects, by allowing mixed-use to be included in a qualifying multi-family housing project while maintaining the ministerial process. This allowance supports the provision of jobs, activities and services in close proximity to new housing.

12.245.020 Applicability; Mixed-Use Incentive.

A. A multi-family residential development that complies with all of the following criteria shall qualify for a ministerial planning permit process and shall be considered a “qualifying multi-family housing project” for the purpose of this chapter:

1. The project site is located in a zoning district that allows multi-family housing; and
2. The project complies with all City objective development regulations, except for any objective development standard that is rendered inapplicable pursuant to State law, including State Density Bonus law; and
3. The project includes a minimum of twenty percent (20%) of the units in the project as affordable and restricted to occupancy by very low income households, low-income households, or a combination thereof.

B. A mixed-use development that complies with all of the following criteria shall qualify for a ministerial planning permit process and shall be considered a “qualifying multi-family housing project” for the purpose of this chapter:

1. The project site is located in a zoning district that allows mixed-use development; and
2. The project complies with all City objective development regulations, except for any objective development standard that is rendered inapplicable pursuant to State law, including State Density Bonus law; and
3. The project includes a minimum of twenty percent (20%) of the residential units in the project as affordable and restricted to occupancy by very low income households, low-income households, or a combination thereof; and
4. A minimum of 50% of the total floor area of the project is used for residential uses. For the 50% total floor area calculation, total residential floor area shall include lobbies, indoor and outdoor common areas, hallways, utility rooms, and other similar above-ground level areas that are used solely to support the residential component of the project, as determined by the community development director. Above-grade parking area within the building shall be counted as non-residential floor area.

C. As an incentive, a mixed-use project that is also a “qualifying multi-family housing project” and is utilizing the ministerial process shall be required to pay the non-residential transportation impact fee only for non-residential floor area over 10,000 square feet. Further, the community development director is authorized to adjust the residential transportation impact fee based on a trip-generation analysis by a licensed transportation planner or traffic engineer demonstrating the proportionate reduction in residential trip generation due to the presence of the non-residential use(s).

12.245.030 Ministerial Planning Permit Process.

A. Submittal Requirements. Qualifying multi-family housing projects under this chapter shall require submittal of the same planning applications as a non-qualifying multi-family housing project based on the zoning district in which the project is located, the applicable regulations of the San Bruno Zoning Ordinance, and published application requirements by the Community Development Department. The City Council will establish a fee for ministerial versions of these applications.

B. Application Processing. The processing of the ministerial applications shall follow the City's interdepartmental review process that is used for discretionary planning applications, including the application of conditions of approval, except that such conditions shall be based on objective standards only, there shall be no public noticing or public hearing requirements, and the community development director shall have the authority to render decisions on all qualifying multi-family housing project permit applications.

1. The community development director is authorized to render a decision on the following permits and approvals, if part of a qualifying multi-family housing project, as part of the ministerial approval process: architectural review permit, parking compliance permit, density bonus approval, lot line adjustment, temporary use permit, sign program or sign deviation, and other minor planning permits required by Title 12, Article III, that may be required for a qualifying multi-family housing project.
2. The community development director is not authorized to render a ministerial decision on a variance application, and projects that required a variance shall not be considered a "qualifying multi-family housing project" eligible for the ministerial planning permit process.
3. A proposed parcel or tract map associated with a qualifying multi-family housing project shall be processed pursuant to Chapter 12.32 or 12.36, as applicable, under a separate fee. The community development director is authorized to conditionally approve other permits for a qualifying multi-family housing project that includes a subdivision map, which approvals shall only become effective upon approval of the related subdivision map. Alternately, the applicant can elect to defer the director's action on the related qualifying multi-family housing project permits and approvals until after the tentative subdivision map is approved.
4. Non-residential use(s) in a mixed-use project that require a conditional use permit shall be subject to the permit processed pursuant to Chapter 12.112 under a separate fee. The conditional use permit process shall apply only to the proposed conditional use or uses, and not the balance of the qualifying multi-family housing project, however, any such conditional use permit shall not become effective unless and until the qualifying multi-family housing project is approved through the ministerial process.

12.245.040 Action.

The community development director shall approve the application or applications for a qualifying multi-family housing project upon finding that the project complies with this chapter, and the City's objective development regulations, except where State law may override local regulations rendering an objective standard inapplicable. Conditions of approval may be placed on these applications. Except as otherwise stated in this chapter, all projects shall be subject to all applicable application fees, impact fees, and connection charges.

12.245.050 Appeal.

Decisions of the community development director on any permit or approval for a qualifying multi-family housing project may be appealed to the City Manager within a ten (10) calendar day period following issuance of the approval. Appeals must be in writing and clearly state the facts of the case and the ground for the appeal, which should be focused solely on whether or not the project constitutes a qualifying multi-family housing project, and whether the project complies with the objective standards applicable to the project. If the appeal is filed by any party other than the applicant for the project, the applicant shall be provided notice of the filing of the appeal, and shall be provided a ten (10) calendar day period in which to provide a written response to the appeal for consideration by the City Manager. The City Manager shall issue a written determination on the appeal within forty-five (45) calendar days of the City's receipt of the appeal, and this written determination shall be final and not subject to any further appeal. Notice of the City Manager's decision shall be given to the appellant, and project applicant, if different from the appellant."

SECTION 3. CEQA. The proposed ordinance has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and the San Bruno environmental review procedures and is determined to be exempt from the requirements of CEQA pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15378 (b)(5). Further, pursuant to CEQA Guidelines Section 15162, the City prepared an Addendum to the adopted Initial Study/Mitigated Negative Declaration that was prepared for the 2023-2031 Housing Element, which showed that amendments to the adopted Housing Element and the related implementing actions, including the zoning changes considered herein, will not cause any new significant impacts or other triggers that would require additional CEQA review, and that no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance has been submitted. Further, on August 27, 2024, and prior to the adoption of this Resolution, the City Council adopted Resolution No. 2024-74, adopting the Addendum to the adopted Initial Study/Mitigated Negative Declaration for the Amended Housing Element Project and related implementing actions, including the zoning changes considered herein, and which is hereby incorporated by reference, and serves as the CEQA review for the changes considered herein.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

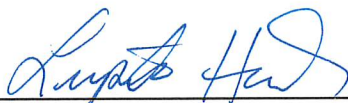
SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after its adoption.

SECTION 6. PUBLICATION. The City Clerk shall publish this Ordinance according to law.



Rico E. Medina, Mayor

ATTEST:



Lupita Huerta, City Clerk

APPROVED AS TO FORM:



Trisha A. Ortiz, City Attorney
Richards Watson Gershon Law

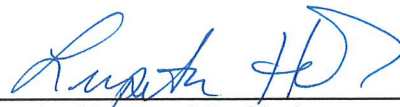
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I hereby certify that foregoing **Ordinance No. 1956** was introduced at a regular meeting of the San Bruno City Council on August 27, 2024 and adopted by the San Bruno City Council at a regular meeting on September 10, 2024, by the following vote:

AYES: Councilmembers: Alvarez, Hamilton, M. Medina, Salazar, Mayor R. Medina

NOES: Councilmembers: None

ABSENT: Councilmembers: None



Lupita Huerta, City Clerk