

Chapter 12.290 - Bayhill Specific Plan Districts

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12.290.010 Purpose and Intent of Bayhill Specific Plan Districts

The Bayhill Specific Plan Zoning Code Chapter and associated Zoning Districts are established to assure that the Bayhill Specific Plan Area is developed in a comprehensively planned manner, compatible with adjacent uses and consistent with the Bayhill Specific Plan policies that support infill development of new professional offices, hotels and ancillary commercial uses to serve employee needs, the creation of new housing along San Bruno Avenue and mixed use development of the Bayhill Shopping Center, while preserving retail and service uses in the Bayhill Shopping Center.

12.290.020 Establishment of Districts

The Specific Plan establishes four land use designations including two overlay designations. The zoning districts established in this Zoning Ordinance implement the Specific Plan by establishing the following zoning districts consistent with the land use designations of the Specific Plan (Refer to Specific Plan Figure 2-6.)

- A. **Bayhill Regional Office (BRO) Zoning District.** The BRO district facilitates regional office and hotel development to be located in a campus-style setting (Bayhill Office Park). Such development should be designed to encourage cohesive environments for safe and pleasant pedestrian movement, connectivity, greenways and plazas, and cohesive streetscapes and landscaping, as described in policies and standards in the Bayhill Specific Plan. Other uses such as daycare is allowed as a conditional use and retail sales and services, personal services, business services, and restaurants, are permitted only as ancillary uses.
- B. **Bayhill Neighborhood Commercial (BNC) Zoning District.** The BNC district allows for a mixture of convenience and retail commercial uses including retail sales and services, restaurants, personal services, business services, health and exercise clubs, and offices.
- C. **Bayhill Residential (BR) Overlay Zoning District.** The BR Overlay Zoning District allows for residential development on certain properties along San Bruno Avenue that are located

within the Bayhill Regional Office (BRO) Zoning District. Residential development can be allowed with uses that are otherwise permitted in the BRO Zoning District. Residential development can also be allowed as a stand-alone use.

- D. **Bayhill Mixed-Use (BMU) Overlay Zoning District.** The BMU Overlay Zoning District allows for mixed-use (residential and commercial) development within the Bayhill Neighborhood Commercial Zoning District, either side-by-side (horizontal) or with housing above commercial (vertical). However, vertical mixed-use development with ground-floor commercial uses shall be provided for properties that front on Cherry Avenue. The current square footage of commercial space may not be reduced as a result of housing development.

Chapter 12.290.030 Terms and Definitions

The following shall be defined when used in this Chapter:

- A. **Greenway:** A linear green space extending along the frontage of multiple parcels, incorporating a sidewalk/walkway, expansive curbside planting area(s), expansive landscaped area(s), seating, lighting, sculpture and/or other amenities for community use and enjoyment.
- B. **Unallocated Development:** Square footage that is allowed by the Bayhill Specific Plan and as stipulated in Table 12.290-2 in this zoning ordinance that has not been allocated to any particular parcel and is available for expansion of hotel and retail commercial development and regional office on a first-come, first-served basis, with a priority for hotel and retail commercial development that is consistent with the Bayhill Specific Plan Policies.
- C. **Average Front Setback:** The dimension that results from dividing the area between the front façade of a building and the back edge of the sidewalk by the length of the property frontage.

12.290.040 Land Use Regulations

Table 12.290-1 prescribes the land use regulations for the four Bayhill zoning districts. The regulations for each district are established by letter designations as shown in the table.

- A. The use types are defined in Chapter 12.80, Definitions of the San Bruno Zoning Ordinance. If a specific land use or activity is not defined, the Community and Economic Development Director shall assign the land use or activity to a use type that is substantially similar in character. Use types not listed in the table or not substantially similar to the uses below are prohibited unless the Community and Economic Development Director make a written determination that an unlisted proposed use is equivalent to a permitted or

conditionally listed use and is either permitted or conditionally permitted if all of the following findings can be made.

1. The use is no greater in density or intensity than other uses in the applicable zoning district;
 2. The use is compatible with permitted or conditionally permitted uses in the applicable zoning district;
 3. The use is consistent with the purpose and intent of the applicable zoning district and Bayhill Specific Plan;
 4. The use is consistent with applicable goals and policies of the General Plan and Bayhill Specific Plan;
 5. The use will not be detrimental to the public health, safety, or welfare.
- B. When the Community and Economic Development Director determines that a proposed use is equivalent to a permitted or conditionally permitted listed use, the proposed use shall be treated in the same manner as the listed use with respect to development standards, permits required (including the need for a Conditional Use Permit or any other Planning entitlement), and all applicable requirements of the Zoning Ordinance.
- C. Conditional Land Uses
1. Those land uses specified as conditionally permitted uses in the Bayhill Specific Plan may be permitted subject to approval of a use permit in accordance with Chapter 12.112.
 2. Where a use is classified as a “Conditional Use” under the Bayhill Specific Plan and exists as a permitted use at the effective date of this chapter, it shall be considered a legal and conforming use, without further approval.

TABLE 12.290-1: PERMITTED LAND USES—BAYHILL ZONING DISTRICTS				
P DESIGNATES PERMITTED LAND USES				
C DESIGNATES CONDITIONAL LAND USES				
- DESIGNATES LAND USES THAT ARE NOT ALLOWED				
AN ARCHITECTURAL REVIEW PERMIT SHALL BE REQUIRED FOR ANY NEW BUILDINGS OR FOR MAJOR FACADE MODIFICATIONS TO ANY EXISTING BUILDINGS, AS REQUIRED IN CHAPTER 12.108.				
	<i>Districts</i>			
<i>Land Uses</i>	<i>Bayhill Regional Office</i>	<i>Bayhill Neighborhood Commercial</i>	<i>Bayhill Residential Overlay</i>	<i>Bayhill Mixed Use Overlay</i>
Residential				
Duplex Homes, Mobile Home Parks, Single-Family Homes	-	-	-	-
Boarding House	-	-	C	C
Live/Work	-	-	P	P
Multi-Family Homes	-	-	P	P
Residential Care Facilities, Large	-	-	C	C
Residential Care Facilities, Small	-	-	P	P
Accessory Dwelling Units	-	-	P	P
Public/Quasi-Public				
Cemeteries	-	-	-	-
Colleges and Universities; Schools; Trade and Vocational Schools	C	C	C	C
Community Facilities	-	C	-	C
Day Care Center	C	C	C	C
Emergency Shelters	-	-	-	-
Home Day Care, Small and Large	-	-	P	P
Hospitals	-	-	-	-
Nursing and Convalescent Homes	-	-	-	-
Parks and Recreational Facilities	P	P	P	P
Places of Worship	-	C	-	C

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Public Safety Facilities	P	-	P	-
Public Maintenance Facilities	-	-	-	-
Social Services and Charitable Institutions	-	C	-	C
Commercial				
Adult Businesses	-	-	-	-
Bars, Nightclubs and Lounges	-	C	-	C
Business Services	P [1]	P	P [1]	P
Check Cashing Establishments	-	-	-	-
Commercial Recreation and Entertainment	-	C	-	C
Drive-Through Facilities	-	-	-	-
Firearm Dealers	-	-	-	-
Health and Exercise Clubs	P [1]	P/C [2]	P [1]	P/C [2]
Hotels and Motels	C	-	C	-
Regional Office	P		P	
Neighborhood Serving Office		P [4]		P [4]
Personal Services	P [1]	P	P [1]	P
Personal Storage	-	-	-	-
Pet Boarding Overnight	-	C	-	C
Pet Day Care Facility	C [1]	C	C [1]	C
Research and Development Facilities	P	-	P	-

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Restaurants	P [1]	P [3]	P [1]	P [3]
Outdoor Dining	P [1]	P	P [1]	P
Retail Sales and Services	P [1]	P	P [1]	P
Vehicle Sales and Rental	--	-	-	-
Vehicle Service Stations	-	-	-	-
Vehicle Repair and Maintenance	-	-	-	-
Industrial Uses				
(Construction, Maintenance and Repair services; Heavy Equipment Sales and Rental; Lumberyards; Manufacturing and Processing (Light and General); Warehousing, Wholesaling, and Distribution)	-	-	-	-
Transportation, Communication, and Utilities				
Alternative Energy Structures	C	C	C	C
Ground Transportation Provider	-	-	-	-
Parking Lots, Commercial	-	-	-	-
Parking Structures, Commercial	-	-	-	-

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Recycling Collection Facilities	-	C	-	C
Recycling Processing Facilities	-	-	-	-
Transportation Terminals	P	P	P	P
Utilities, Major	C	C	C	C
Utilities, Minor	P	P	P	P

Notes:

[1] Permitted only as an ancillary use to the main office use.

[2] Health and Exercise Clubs less than or equal to 15,000 square feet in total area are permitted. Health and Exercise Clubs greater than 15,000 square feet in total area require a Conditional Use Permit.

[3] Restaurant uses are allowed by right in the Bayhill Shopping Center. The total combined area for all Restaurant uses shall be limited to no more than 30,000 gross square feet.

[4] Neighborhood Serving Office uses are allowed by right in the Bayhill Shopping Center. The total combined area for all neighborhood serving office uses shall be limited to no more than 30,000 gross square feet.

12.290.050 Allocation of New Development and Transfer of Development

A Development in the Bayhill Specific Plan is allocated on a parcel-by-parcel basis per Table 12.290-2. As indicated in Table 12.290-2, 180,718 square feet is unallocated to specific parcels and may be allocated among hotel, retail, and/or office uses for expansion in the future. Hotel and retail are priority uses, and allocation would be assigned on a first-come, first-serve basis. The amount of development permitted for hotel and retail would be in the form of regional office equivalents.

Table 12.290-2: Potential Development Allocation (Refer to Figure 2-2 in the Specific Plan for a visual representation of all parcels)							
Parcel Number	Address(es)	Specific Plan Parcel Size (sq. ft.)	Existing Development in 2020 (sq. ft.)	Planned Land Use Designation	Potential Net New Development in 2020* (sq. ft.)	Potential Total Development (sq. ft.)	Potential Residential Overlay (Units)
Bayhill Shopping Center							
1	851 Cherry Ave ²	432,420	117,843	BNC / BMU	5,000	126,846	210
2	899 Cherry Ave ²	26,396	4,003	BNC / BMU			
Subtotal		458,816	121,846		5,000	126,846	210
Office Development							
Bayhill General							
3	850 Cherry Ave	145,708	270,980	BRO	5,000	275,980	
4	801-851 Traeger Ave ⁶	264,366	134,712	BRO / BR	125,000	259,712	205
8	1250 Grundy Ln	75,233	67,586	BRO	5,000	72,586	
Subtotal		485,307	473,278		135,000	608,278	205
YouTube							
5	APN 020-012-160 ³	290,545	0	BRO	287,000	287,000	
6	901 Cherry Ave	240,277	195,000	BRO	5,000	200,000	
7	1000 Cherry Ave	213,626	94,465	BRO	248,000	342,465	
9	1100 Grundy Ln	271,353	101,123	BRO	328,877	430,000	
10	900 Cherry Ave	151,869	102,252	BRO	192,000	294,252	
11	1150-1250 Bayhill Dr	283,070	138,524	BRO	301,476	440,000	
12	950 Elm Ave	117,852	106,099	BRO	52,568	158,667	
13	1111 Bayhill Dr ^{4,6}	426,711	206,137	BRO / BR	363,863	570,000	158
14	999-1001 Bayhill Dr	263,835	140,969	BRO	290,735	431,704	
15	APN 020-011-370	37,873	0	BRO	40,510	40,510	
Subtotal		2,297,011	1,084,569		2,110,029	3,194,598	158
Total Office		2,782,318	1,557,847		2,245,029	3,802,876	
Total Residential							573
Hotel Development							
16	1050 Bayhill Dr	196,978	79,152	BRO	5,000	84,152	
Subtotal		196,978	79,152		5,000	84,152	-
Total Planned		3,438,112	1,758,845		2,255,029	4,013,874	
Unallocated ⁵					180,718		
Total		3,438,112	1,758,845		2,435,747	4,013,874	573

Planned Land Use Designations	
BRO - Bayhill Regional Office	BR - Bayhill Residential Overlay
BNC - Bayhill Neighborhood Center Commercial	BMU - Bayhill Mixed-Use Overlay
Notes	
1	2,459,847 sq. ft. of additional office development is evaluated in the EIR Preferred Alternative. The Specific Plan allocates some of this square footage to uses that have greater per-square-foot impacts than office development, per equivalency ratios established by the Plan. This reduces the total square footage allocated to less than 2,459,847 sq. ft.
2	Allocations of commercial and residential development may be applied to either parcel, consistent with the land use and urban design policies of the Specific Plan.
3	Allocation per existing development agreement. If this development proceeds, the Specific Plan allocation for the property will be reduced by the sq. ft. amount of the development.
4	2.1 acre civic use fronting San Bruno Avenue may be located within this block
5	May be allocated to hotel, retail, or office consistent with Plan policies. Real square footage may be less than this number due to equivalency ratios.
6	Office allocations for Parcels 4 and 13 would need to be reduced to allow residential development.

- B. Regional Office Equivalents:** Regional Office Equivalents listed in Table 12.290-3 shall be used to convert the amount of unallocated square feet of regional office development to hotel and retail square footage. Regional office land uses shall also be permitted to use this unallocated square footage, but with a lower priority than hotel and retail uses.

Table 12.290-3: Regional Office Development Equivalents for Non-Residential Land Uses		
Land Use	Conversion Factor per Sq. Ft. of Regional Office ¹	Equivalent per 1,000 Sq.Ft. Regional Office
Professional Services Office	1.00	1,000 sq. ft.
Retail Commercial	0.19	190 sq. ft.
Hotel	0.64	640 sq. ft. ²
Civic Use	1.00	1,000 sq. ft.
Notes		
[1] Equivalent factors maintain development within the EIR analysis envelope based on quantitative analysis of: 1) Operational traffic, 2) Operational water, wastewater, and solid waste, 3) Operational criteria air/GHG pollutants, and 4) Operational roadway noise.		
[2] Each hotel room is assumed an average size of 595 sq. ft. Therefore, each 1,000 sq. ft. of office development is equivalent to 1.08 hotel rooms (640 sq. ft. /595 sq. ft. = 1.08).		

- C. **Assignment of Unallocated Square Footage.** Assignment of the 180,718 square feet of unallocated square footage shall be made on a first-come first serve basis and shall be approved by the Planning Commission at a noticed public hearing, based on the following findings:
1. The total amount of assigned unallocated square footage is consistent with the Regional Office Development Equivalents for Non-Residential Land Uses as referenced in Table 12.290-3;
 2. The total square footage on the receiving parcels does not exceed 2.0 FAR;
 3. The site(s) considered for assignment of unallocated square footage are adequate in size and shape to accommodate proposed land uses;
 4. The assignment of unallocated square footage will not be detrimental to the public health, safety, or welfare;
 5. The assignment of unallocated square footage will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.
- D. **Assignment of Unallocated Square Footage Appeals.** Appeals are subject to procedures set for in Section 12.78.060 (Appeals). (Section 12.78 Zoning Administration is a proposed/new section in the San Bruno Municipal Code and is attached for reference.)
- E. **Residential and Office Development Conversion in the BR Overlay Zoning District.** The Bayhill Residential (BR) Overlay Zoning District allows residential uses along San Bruno Avenue at 801-851 Traeger Avenue and 1111 Bayhill Drive, shown as Parcels 4 and 13 in Table 12.290-2. The total allowed residential units in the BR Overlay Zoning District is 363 dwelling units; with a maximum of 205 units allowed for the 6.06 acres at 801-851 Traeger and a maximum of 158 units allowed for the 3.95 acres at 1111 Bayhill. When residential square footage is developed on these parcels, the Office Development square footage permitted on these parcels shall be reduced using the conversion factors listed below:
1. **801-851 Traeger:** The amount of office development square footage shall be reduced by 1,267 square feet for each dwelling unit proposed.
 2. **1111 Bayhill:** The amount of office development square footage shall be reduced by 1,454 square feet for each dwelling unit proposed.
- F. **Residential Development in the BMU Overlay Zoning District.** The Bayhill Mixed Use (BMU) Overlay Zoning District allows for future transformation of the Bayhill Shopping Center site into a mixed-use development by permitting residential uses onto neighborhood-serving retail and service uses. The Bayhill Mixed-Use Overlay Zoning District allows up to a maximum of 210 dwelling units, as shown in Table 12.290-2. Residential uses are allowed as a standalone use or with a mixed-use development; however, along Cherry Avenue, ground-floor commercial use with residential uses above

shall be required. The current square footage of neighborhood commercial uses may not be reduced as required by Bayhill Specific Plan Policy 2-6.

G. Transfer of Development – Properties with Common Ownership. When the transferring and receiving properties are under the common ownership, up to 20 percent of the maximum permitted square footage of a designated Bayhill Regional Office parcel as listed in the Bayhill Development Allocation Table (Table 12.290-2) may be approved by the Community and Economic Development Director for transfer to another designated Bayhill Regional Office parcel based on all of the following findings:

1. The total amount of development resulting on the receiving parcel does not exceed 2.0 FAR;
2. The transfer produces a public benefit, such as increasing the amount of publicly accessible open space or making the construction of housing more feasible on the donating parcel;
3. The additional development on the receiving parcel is consistent with all applicable Bayhill Specific Plan standards and policies; and
4. The owner of both the transferring and the receiving properties are the same.

H. Transfer of Development – Properties with Different Ownership. When transferring properties that are under different ownerships, up to 20 percent of the maximum permitted square footage of the designated Bayhill Regional Office parcel as listed in the Bayhill Development Allocation Table (Table 12.290-2) may be approved by the City Council for transfer to another designated Bayhill Regional Office parcel based on all of the following findings:

1. The total amount of development resulting on the receiving parcel does not exceed 2.0 FAR;
2. The transfer produces a public benefit that is unlikely to be achieved without this transfer, such as increasing the amount of publicly accessible open space or making the construction of housing more feasible;
3. The additional development on the receiving parcel is consistent with all applicable Bayhill Specific Plan standards and policies.

12.290.060 Development and Design Standards

Table 12.290-4 establishes standards and regulations to implement the Specific Plan's policies for shaping the form and design of development in the Bayhill zoning districts. In addition to the standards in this Chapter, all development is subject to all applicable requirements of the San Bruno General Plan, Zoning Ordinance, City of San Bruno Standard Engineering Specifications and Details, and all other applicable requirements for managing stormwater flows and discharge, as well as the Specific Plan Policies.

TABLE 12.290-4 DEVELOPMENT AND DESIGN STANDARDS—BAYHILL ZONING DISTRICTS				
<i>District</i>	<i>Bayhill Regional Office - BRO</i>	<i>Bayhill Neighborhood Commercial - BNC</i>	<i>Bayhill Residential Overlay - BR</i>	<i>Bayhill Mixed Use Overlay - BMU</i>
Development Intensity				
Minimum Lot Size (square feet)	35,000 square feet	25,000 square feet	1 acre	25,000 square feet
Maximum Lot Coverage	Commercial or retail 80 % Office 70 % ¹ Residential or hotel 80 %			
Building Mass				
Maximum Building Length	Office – 450 ft. Commercial – 400 ft. Residential – 300 ft.			
Building Placement (Setbacks) - Building setbacks are measured from the back edge of the sidewalk throughout the Bayhill Specific Plan Area.				
Setbacks (ft.) Along Street Frontages	Bayhill Drive-- 10 feet minimum/30 feet average ^{2, 4} Grundy Lane – 10 feet minimum/30 feet average ⁴ Cherry Avenue – 10 feet minimum/30 feet average ² Elm and Trager Avenues – 10 feet minimum/30 feet average ⁴ San Bruno Avenue –10 feet minimum/30 feet average, 20 feet minimum for Residential ³			
Side, Interior	10 feet minimum			
Side, Street	10 feet minimum/30 feet average			
Rear	10 feet minimum; 20 feet for residential			
Greenway Frontage (feet)	30 feet minimum in depth to 60 feet minimum in depth to incorporate public use areas. Refer to Bayhill Specific Plan Figure 3-1 (Public Realm Concept Map) for the location of the greenways. Greenway setbacks are measured from the back edge of the sidewalk as depicted in Bayhill Specific Plan Figure 3-2b (Bayhill Drive Greenway).			
Separation (feet)	Office – 15 feet minimum Residential – 15 feet minimum Between Office and Residential or Office and Commercial Lodging – 30 feet minimum Between Commercial/Retail – None required			
Building Height				
Maximum shall be 50 ft. or three stories, whichever is most restrictive, per City of San Bruno Ordinance 1284.				
Ground Floor				
Windows	At least 50 percent of ground floor retail commercial frontage shall include windows, located between 2 ½ and 7 feet above the sidewalk.			
Ceiling Height (ft.)	At least 15 feet for ground floor retail spaces.			

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<p>ADDITIONAL REGULATIONS</p> <ol style="list-style-type: none"> 1. The maximum lot coverage for a single office building shall not exceed 95,000 square feet. 2. As measured from the face of curb, improvements shall include curbside planting area of 6 feet and a sidewalk of 14 feet at Bayhill Shopping Center frontages. Minimum setback from new back-of-walk is 0 feet at Bayhill Shopping Center frontages. 3. Residential ground-floor entry stoops may project into the setback area but must be set back at least 2 feet from the back of sidewalk. Window bays, balconies, and other architectural features may extend up to 4 feet. 4. Pedestrian Bridges over public streets are also allowed to fully encroach into the required setbacks. 				

12.290.070 Additional Development Regulations

- A. **Building Mass.** Building mass shall be recessed, projected, notched, or otherwise modified to maintain an attractive pedestrian scale of development along street and Greenway frontages consistent with Urban Design Guidelines in the Bayhill Specific Plan. The offset at the required break in each building mass shall be a minimum of two feet. Maximum length allowed for a continuous/unbroken building mass parallel to greenways or the street shall be:
 1. Office and Commercial Development – 100feet
 2. Residential Development – 50 feet
- B. **Height of the First Floor above Adjacent Sidewalk.** At least 80% of a buildings first-floor building elevation shall be a maximum of 6 feet above the grade of adjacent sidewalk. Grading and first floor building elevations shall be designed and clearly delineated in the development phasing plans(s). Underground and basement parking garage walls that extend above grade shall be screened by landscape materials and/or earthwork .
- C. **Lighting.** Site lighting shall provide a sense of safety for pedestrians without producing glare or light pollution on adjacent properties.
 1. All lighting fixtures shall be Dark Sky compliant
 2. Light Level. (As measured on the surface) min. 0.8 foot-candles along pedestrian paths with Maximum Uniformity Ratio (E average/E Minimum) = 6.0, 1.0 foot-candles at pedestrian path nodes and vehicle surfaces with Maximum Uniformity Ratio of 4.0, documented by photometric plan.
 3. Luminaire Height - 18 ft. max.
 4. Source Type and Temperature - LED, 3200 K max.

5. Pedestrian-oriented lights are required along all street frontages. Maximum average spacing shall be 100 feet on center.
 6. Pedestrian-oriented lights are required along all pedestrian paths located on private property. Maximum average spacing shall be 75 feet on center.
- D. **Roof Overhangs.** Roof features including overhang, cornices, fascia panels, and cantilevered slabs may encroach up to 4 feet into required setback areas.
- E. **Rooftop Mechanical Equipment.** Rooftop mechanical equipment shall be screened from views of any nearby public right-of-way. Such screening may include additional parapet, other segment of pitched roof, or equipment enclosure that are consistent and are complementary to the overall architectural elevation style and materials of the principal building. The total height of such screening, including the roof, shall not exceed the maximum height of 50-feet. Minimum height of such screening shall be the same height as the equipment to be screened.
- F. **Pedestrian Bridges over Public Streets.** Pedestrian bridges over public streets may be permitted on a case-by-case basis subject to review and approval at the discretion of the approval body in conjunction with the planning application for the project to which the bridge will connect.
- Pedestrian bridges shall maintain a minimum 18-foot clearance from all portions of the roadway surface below, and shall be a maximum 20 feet in width, as measured from the exterior edges of the pedestrian bridge.
- G. **Landscaping.** A minimum of 15 percent of the total building site (land area) shall be landscaped, where only ground floor level landscaping would count towards the 15% minimum requirement. Any landscaping either above or below ground level does not count toward the 15% minimum requirement. An individual building site or lot can provide less than 15 percent landscaping, if the building site/lot incorporates a public amenity that is approved, such as a publicly accessible plaza. However, in no case shall an individual building site or lot provide less than 12.5% of landscaping.
1. **Street trees.** Street trees shall be planted in accordance with the Urban Design policies and guidelines per the Bayhill Specific Plan and the City of San Bruno Street Trees and Plantings Ordinance (Chapter 8.24.) Canopy trees shall be the dominant landscape material used in order to complement the Bayhill hillside setting, and to reduce heat gain of roadways and buildings. Additional plantings shall be selected in accordance with the Bay-Friendly Landscape Guidelines.
 2. **Landscaping above underground and basement parking garages.** Landscaping around garages shall be designed to merge with surrounding environment to minimize the appearance of a parking garage below.
 3. **Landscaping adjacent to sidewalks.** Landscaping and other amenities designed for any new development adjacent to sidewalks shall complement curbside planting areas, street trees and lighting. Such landscaping design shall frame

sidewalks as attractive and continuous public space. Complementary landscaping may include installation of the same or similar plant species that are used along the roadway. Amenities may include benches and trash receptacles at regular intervals, supplementary sidewalk lighting, and other elements.

- H. **Greenway.** A wide linear green space shall be established in portions of properties with frontage on Bayhill Drive, Traeger Avenue, and Elm Avenue as indicated by the Specific Plan. The Greenway shall be developed in accordance with the provisions identified in Bayhill Specific Plan Policy 3-4. See Figure 3-1(Public Realm Concept Map), in the Bayhill Specific Plan for a visual representation of the Greenway locations.
- I. **Cherry Avenue Plaza.** A privately-owned publicly accessible open space (POPO) shall be provided at the northeast corner of Cherry Avenue and Grundy Lane. The Plaza shall be developed in accordance with the provisions identified in Bayhill Specific Plan Policy 3-5.
- J. **Residential Outdoor Space within BR and BMU Overlay Zoning Districts.** A minimum of 40 sq. ft. of private outdoor space in the form of a porch, balcony, deck, patio, or fenced yards shall be provided for each residential unit, or 60 sq. ft. per unit shall be provided as part of common usable outdoor space for all residential development. Private outdoor space shall not be less than six (6) feet in any dimension. Common outdoor space shall be located behind or within buildings as courtyards, and/or screened from street view by plant materials, elevation changes, and/or other techniques as appropriate.
- K. **Anti-Reflective Glass.** Anti-reflective glass with a reflectivity rating of 10% – 20% is required for office, commercial, and other building types when more than 50% of an exterior elevation/wall contains glazing.
- L. **Private Multi-Modal Transportation Hub.** A centrally-located multi-modal transportation hub shall be provided on private property for new office development exceeding a cumulative total of 200,000 square feet in the Specific Plan Area. The multi-modal transportation hub shall be off-street, designed to accommodate private shuttles, buses, and boarding-related activity without vehicle queuing on public streets, and shall be expanded or additional hubs added as needed to accommodate each phase of development through to buildout. The facility shall include supplemental alternative transportation modes such bike and scooter share facilities (subject to City authorization to operate in the City) and may include transportation network company (TNC) pickup and drop-off, subject to City review and approval.

12.290.080 Architectural Review Permit

An Architectural Review Permit shall be required for any new buildings or for major façade modifications to any existing buildings, as required in chapter 12.108. (Chapter 12.108 is attached for reference).

12.290.090 Vehicle Access, Parking and Off-Street Loading

All development proposed in the Bayhill Specific Plan Area shall comply with requirements set forth in Chapter 12.100 of the Zoning Ordinance.

12.290.100 Signage

All signages including advertisement and building identification signs proposed in the Bayhill Specific Plan Area shall comply with requirements set forth in Section 12.104 of the Zoning Ordinance.

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Chapter 12.108 ARCHITECTURAL REVIEW PERMITS

12.108.010 Required.

An Architectural Review Permit is a discretionary planning permit that enables the City to ensure that new structures and additions are consistent with the General Plan, applicable Specific Plan goals, policies, design guidelines, and development standards, and will not be detrimental to the public health, safety, or welfare.

- A. ~~No building permits shall be issued for any new buildings or for exterior changes~~ Major Façade Alterations to any existing buildings ~~which would be visible from a public right-of-way unless an architectural review permit shall have~~ has been issued by the Architectural Review Committee or Planning Commission in accordance with the provisions of this section. Major Façade Alterations include modifications to an existing building where an increase in square footage will occur (see subsections C and D for the designated review body), changes or alterations to the exterior of an existing building including, but not limited to, changes in the building's overall architectural style, changes to character-defining architectural features, and changes to the roof involving structural modification. Minor façade alterations shall be exempt as described in subsection G below. This chapter shall not apply to single-family or two-family dwellings or structures accessory thereto if the community development director finds that the project conforms to the basic design principles of the design guidelines as adopted by resolution of the city council and as may be revised from time to time.
- B. Architectural review permits shall be required for single-family homes pursuant to Chapter 12.200. The securing of an architectural review permit in accordance with the provisions of this chapter may be required as a condition of granting of a use permit or variance in any district.
- C. Architectural review permits for projects of less than six dwelling units and 10,000 square feet or less of non-residential development shall be considered and final action on the application taken by the Architectural Review Committee, a Committee designated by and of the Planning Commission.
- D. Architectural review permits for projects of six or more dwelling units and over 10,000 square feet of non-residential development shall be considered and final action on the application taken by the Planning Commission.
- E. The Architectural Review Committee or Planning Commission may approve, deny, or conditionally approve an application for an architectural review permit.
- F. The Architectural Review Committee or Planning Commission may impose such conditions as it deems necessary to secure the purposes of this article. The committee may impose such requirements and conditions with respect to location, size, and intensity of the proposed operation; accessibility of off-street parking areas and their relation to adjacent streets; landscape areas; and impact of the proposed development upon light and air, and upon other property in the neighborhood as it deems necessary for the protection of the public interest. The committee may require tangible guarantees or evidence that such conditions are being, or will be, complied with.
- A. ~~The planning director may approve minor extensions and changes to existing buildings that, in his or her opinion, do not significantly affect the general appearance of the building.~~
- G. Exemptions.

1. Minor Façade Alterations shall be exempt from Architectural Review Permits and approved at the discretion of the Community and Economic Development Director. Minor Façade Alterations include changes or alterations to the exterior of an existing building where no increase in the square footage of the building will occur, including, but not limited to, changes in building materials, alterations, additions or elimination of existing doors, windows, awnings and other building elements, and changes to architectural features, such as the building cornice, roof or parapet provided that there is no structural modification.

12.108.020 Application and plans.

An application for an architectural review permit shall include:

- A. A written statement by the owner(s) of the property approving submittal of the complete application; in instances where the applicant is not the same person as the owner, a statement signed by the owner (a) describing the nature of the applicant's interest, and (b) authorizing the applicant to act on behalf of and to bind the owners, shall also be required.
- B. An accurate legal description of the property;
- C. ~~A presentation plan; A site plan to scale indicating the location and configuration of all buildings including setbacks from property lines, parking spaces and circulation, fencing, street improvements, fire hydrants, refuse, waste and recycling areas, proposed grading and drainage, and other significant site features; a landscape plan; elevations and perspectives; detailed architectural plans; depending upon the complexity of the application, additional materials such as presentation illustrations, three-dimensional models, photometric analysis, color schemes, color elevations, and color and materials boards may be required by the community development director; and any such other plans as the community development director deems necessary. The community development director may waive any of the above requirements if the requirements are inapplicable or if other circumstances justify a waiver. The community development director may require other drawings, data, or information deemed necessary by the department to accomplish the purposes of state law or this title.~~
- D. Civil plans and stormwater plans;
- E. A statement describing the existing improvements on and use of the subject property and any proposed changes;
- F. A landscape plan;
- G. Dimensioned architectural elevations and perspectives;
- H. Fees or deposits as set by City Council resolution in the master fee schedule;
- I. Other documents or information that may be required including, but not limited to: Title reports; surveys; existing and proposed landscaping and other ground treatment; required parking facilities; building and development data; sign information; photographs; photometric analysis; materials sample boards; scale models; photo simulations; or environmental information.

~~12.108.030 Applications—Accompanying data—Transmittal to departments.~~

~~Upon receipt of an application for architectural review permits, the planning staff shall forward one copy of the plans to appropriate departments for review and comments.~~

~~12.108.040 Issuance—Conditions.~~

12.108.030 Findings.

Upon receipt of comments from the departments, the Architectural Review Committee, ~~a group designated by and of the planning commission, or the Planning Commission~~ shall consider the application and shall issue an architectural review permit provided the following findings are made, as appropriate:

- ~~A. That the location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;~~
- ~~B. That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses;~~
- ~~C. That sufficient landscape areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking areas from the street and adjoining building areas from paved areas and to provide access from buildings to open areas. In addition, that adequate guarantees are made, such as the filing of a performance bond, to insure maintenance of landscaped areas;~~
- ~~D. That the proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood;~~
- ~~E. That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is not detrimental to the character or value of an adjacent residential district;~~
- ~~F. That the proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks and rocks, scenic corridors, and the natural grade of the site;~~
- ~~G. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood;~~
- ~~H. That the proposed development is consistent with the general plan;~~
- ~~I. That any proposed single-family or two-family dwelling conform to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time.~~
- A. The proposed buildings, site plan, and landscaping are in substantial conformance with the goals, policies, and objective development standards of the zoning code, General Plan and applicable Specific Plans.
- B. The site for the proposed development is adequate in size and shape to accommodate proposed building site plan and landscaping.
- C. The design of the building site plan, landscaping, and streetscape, including street trees, lighting, and street furnishings, is consistent with the character of the surrounding area, and would not create an adverse visual impact on the surrounding area.
- D. The development will not be detrimental to public health, safety, or welfare.
- E. The proposed development contributes to the creation of an attractive and visually interesting built environment that includes a variety of building styles and designs with well-articulated structures within a unifying context that encourages increased pedestrian activity

and promotes compatibility among neighboring land uses within the same or different districts.

Appeals are subject to procedures set forth in Chapter 12.78.060.

~~If the applicant or any other interested party is not satisfied with the architectural review committee decision, he or she may within seven days of such decision appeal in writing to the planning commission. The decisions of the planning commission, whether original or on appeal, may be appealed to the city council as otherwise provided in Chapter 12.136. No architectural review permit shall be effective, nor shall any building permit for which an architectural review permit is required, be issued until the period for filing appeals has ended.~~

12.108.050-12.108.040 Conformance.

~~It shall be unlawful and a violation of the provisions of this article for any person to construct, erect, alter or modify any structure except in strict conformity with any architectural review permit issued.~~

Any proposed buildings, site plan, and landscaping, as approved and authorized by the decision-making body, shall be developed in substantial conformance with the Architectural Review Permit plans and associated planning application material submitted to and approved by the decision-making body.

12.108.050 Modifications to Approved Architectural Review Permits

An applicant may request a modification of a previously approved Architectural Review Permit subject to the procedures set forth in Chapter 12.78.030.

12.108.060 Architectural Review Permit Public Notice Requirements

Public notice for hearings to consider Architectural Review Permits shall be required as set forth in Chapter 12.132.030.

12.108.070 Architectural Review Permit Expiration.

An approved Architectural Review Permit shall be subject to the procedures set forth in Chapter 12.78.040.

12.108.080 Architectural Review Permit Extension.

All Architectural Review Permit extension requests shall be subject to the procedures set forth in Chapter 12.78.050.

Chapter 12.78 Zoning Administration

12.78.010 Planning Application Completion and Close Out Due to Inactivity

- A. A planning application is determined to be complete when all documents, reports, data, maps, fees, and other information prescribed in this Title are submitted and are determined to be adequate to allow the approval body to determine if the required findings can be made.
- B. The Community and Economic Development Director or their designee may require a new planning application for a project initially determined to be complete if one or more of the following occurs:
 - 1. The project is significantly revised;
 - 2. New information or material germane to the project is brought to light, or becomes available, or is required to assess a change, or revision in the proposed project and the information affects the ability of the approval body to make the required findings.
 - 3. City regulations, policies, or standards are adopted which require substantial revisions in the project.

If the Community and Economic Development Director finds that a new planning application is required, and no public hearing has been held on the project, then the application shall be considered withdrawn without prejudice. If a public hearing has been held, the approval body may accept the withdrawal with or without prejudice.

- C. The Community and Economic Development Director shall close out an application, if the information or materials requested in writing by the City to complete the planning application, and the said information or materials have not been submitted to the Director within 120 calendar days. No extensions may be requested under any circumstances. Applications which are closed out are considered to be actions without prejudice, thereby enabling an immediate re-application for a project of the same, or similar nature by any applicant. The re-application shall be subject to all current City fees and codes in effect at the time of re-application.
- D. The Director's action may be appealed to the Planning Commission within ten (10) days of the Director action closing out an application, or of determining that a new planning application is required.

12.78.020 Decision Final

- A. Approvals or Denials. Decisions on all applications on which the Director, Architectural Review Committee, or the Planning Commission may take final action shall become effective ten (10) calendar days after the decision is made unless an appeal is filed. Decisions of the City Council, unless otherwise stated, are effective and shall be final on the date City Council action is taken. Changes in zoning district classifications and projects requiring changes in zoning district classifications or ordinance amendments shall, however, become effective on the effective date of the rezoning or other ordinance, or on the date of another event if prescribed in the rezoning or other ordinance.
- B. Reapplications. New applications on the same project site for a similar project scope, as determined by the Community and Economic Development Director, shall not be accepted for review, if previously denied with prejudice, for a period of one year from the date of the final action. However, the one-year limitation shall not apply if the final decision-making body

(1) waives the limitation after an applicant's written request; or (2) states at the time of decision that the denial is without prejudice.

- C. Covenants and Conditions. Unless otherwise provided, the decisions of the approval bodies shall run with the land. Conditions imposed by the approval bodies on a project are binding upon successors to the applicant.

12.78.030 Modifications.

An applicant may submit a planning application for a modification of a previously approved planning application, prior to the issuance of building permits or a certificate of occupancy for the project.

- A. Minor modifications. The Community and Economic Development Director may approve minor modifications to approved planning applications that are consistent with the original findings and conditions approved by the hearing body and do not substantially alter character-defining design features or operational aspects of a project.
- B. Major modifications. The Community and Economic Development Director may refer major modifications to approved planning applications to the Planning Commission. Major modifications include changes to character-defining design features, a change in an approved site plan or building plan that would affect a condition of approval, a change that would make a project inconsistent with required findings for the discretionary approval, or a request for changes in conditions of approval.
- C. If additional planning applications are requested, the modification shall be reviewed by the decision-making body possessing the authority for final action for the planning applications.
- D. A modification shall not extend the approval expiration date beyond that of the original application.

12.78.040 Planning Approval Expiration.

Final approval of a planning application shall expire two years from the date of approval, with the following exceptions:

- A. A complete and adequate application for the vertical building permit shall be submitted, accepted, and issued before the expiration date. Building permits issued shall be completed consistent with the adopted Building Code and Chapter 11.34.
- B. Projects with associated subdivision maps that remain in effect or have been extended by mandate of the state Subdivision Map Act or otherwise provided in this Title. Those planning approvals remain effective for the term of the subdivision map approval, if required by State law.
- C. Projects for which an extension has been obtained in accordance with Section 12.78.050 below.
- D. Phased development projects shall be subject to timing specified in the project's conditions of approval and/or development agreement.

12.78.050 Planning Approval Extension.

The following extensions to planning approvals are available:

- A. Extensions required by state or federal law. Where state or federal law requires that extension of a planning approval be considered and acted up on by the City, the Community and Economic Development Director shall approve an extension if they find that the project complies with the applicable provisions of state or federal law.
- B. Extensions for subdivision applications shall be granted pursuant to Article II of Title 12.
- C. First Extension. The Community and Economic Development Director may approve the first application for a two-year extension of a planning approval, as a minor modification to a planning approval.
 - 1. Application required. A planning application is required to be submitted for the extension to be reviewed and acted upon.
 - 2. Findings required. In order to approve a time extension, the Community and Economic Development Director must find all of the following:
 - a. The approved project is still consistent with the City's General Plan; and
 - b. The approved project is still consistent with the City's Zoning Ordinance; and
 - c. The project site and its environs are in substantially the same condition as when the project was initially approved.
- D. Second Extension. The Planning Commission may consider a second two-year extension of a planning approval as a major modification to a planning approval.
 - 1. Application required. A planning application is required to be submitted for the extension to be reviewed and acted upon.
 - 2. Findings required. In order to approve a time extension, the Planning Commission must find all of the following:
 - a. The approved project is still consistent with the City's General Plan; and
 - b. The approved project is still consistent with the City's Zoning Ordinance; and
 - c. The project site and its environs are in substantially the same condition as when the project was initially approved.

12.78.060 Appeals.

An appeal may be made by the applicant or any interested resident.

- A. Method. All appeals must be filed prior to the effective date of a decision, in writing, and be accompanied by payment of the filing fee, as designated by the Master Fee Schedule. The effective date of all decisions of the Community and Economic Development Director, Architectural Review Committee, and Planning Commission shall be ten calendar days after the decision is made, as set forth by Section 12.78.020.A. The appeal shall clearly state the facts of the case and the grounds for the appeal.
 - 1. Appeals of Director Decisions. Decisions of the Director may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
 - 2. Appeals of Architectural Review Committee Decisions. Decisions of the Architectural Review Committee may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
 - 3. Appeals of Planning Commission Decisions. Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk.
- B. Public Hearing. When an appeal is properly filed, the application shall be set for hearing on an open agenda of the approval body to whom the appeal is authorized. All documents, plans, and papers constituting the record of the action from which an appeal is taken shall be forwarded to the approval body hearing the appeal and shall be considered part of the record of the new hearing.

- C. Planning Commission and City Council Review. Decisions by the Community and Economic Development Director shall be reviewed by the Planning Commission if a member of either the Planning Commission or the City Council files a written request with the Planning Commission through the office of the Community and Economic Development Director. Decisions of the Planning Commission shall be reviewed by the City Council if a City Council member files a written request with the City Clerk. No fees are required when a Planning Commissioner or City Council member requests review of an application.

12.78.070 Withdrawal of Application.

An applicant may withdraw an application at any time by filing a written notice of withdrawal with the appropriate approval body. If an application is withdrawn prior to any director-level decision or public hearing on the project, the withdrawal is without prejudice, and the application may be resubmitted at any time. If an application is withdrawn after any director-level decision or public hearing on the project, the applicant and all other persons are prohibited for a period of 1 year from the date of withdrawal from filing a new application for the same, or substantially the same project. A previously withdrawn application may be resubmitted prior to 1 year after the director-level decision or public hearing if (a) the final approval body specifies that such withdrawal is without prejudice, or (b) the withdrawal is made pursuant to Section 12.78.010.B prior to any public hearing on the project.

12.78.080 Revocation.

Any permit granted pursuant to the provisions of this article may be revoked if any of the conditions or terms of such approval are violated or if any law is violated in connection therewith.

The Planning Commission shall hold a public hearing on the proposed revocation after giving written notice to the permittee and to the owners of adjoining property as set forth in Chapter 12.132.

12.78.090 Effectiveness conditioned upon agreement to conditions.

No permit or authorization as to which conditions of approval have been imposed shall become effective unless and until the applicant shall have submitted to the planning department a document executed by the applicant, whereby the applicant acknowledges acceptance of such conditions.

12.78.100 Multiple Planning Application Requests.

When a planning application is comprised of multiple entitlements, including one or more which could be final with one approval body and one or more which could be final only with another approval body, the approval body with the superior level of authority shall consider and act upon the entire planning application. If any portion or all of a multiple development approval request is appealed, the entire planning application shall be considered upon appeal.