



CITY of BRISBANE

Planning Commission Meeting Agenda

Thursday, January 26, 2023 at 7:30 PM • Hybrid Regular Meeting
• Brisbane City Hall 50 Park Place, Brisbane CA

This hybrid meeting is compliant with the Ralph M. Brown act as amended by California Assembly Bill No. 361 effective September 16, 2021 providing for a public health emergency exception to the standard teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for the public, staff, and Planning Commissioners, while allowing for public participation. Accordingly, the public may attend Planning Commission meetings in person or observe Planning Commission meetings and/or address the Commission using remote public comment options detailed below. Please be advised that Planning Commissioners may continue to participate in the meeting remotely.

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The Commission may take action on any item listed in the agenda.

HOW TO VIEW THE MEETING

Members of the public have the following options for viewing the meeting:

- In person at the Community Meeting Room, Brisbane City Hall, 50 Park Place, Brisbane. To maintain public health and safety, please do not attend in person if you are experiencing symptoms associated with COVID-19 or respiratory illness.
- Join the Zoom webinar (please use the latest version: zoom.us/download)
www.brisbaneca.org/pc-zoom
Webinar ID: 970 0458 3387
Passcode: 215153
- Local Comcast Channel 27.
- The City's YouTube channel at <https://youtube.com/BrisbaneCA>

TO ADDRESS THE COMMISSION

In Person

Location: 50 Park Place, Brisbane, CA 94005, Community Meeting Room

Masks are no longer required but are highly recommended in accordance with California Department of Health Guidelines. To maintain public health and safety, please do not attend in person if you are experiencing symptoms associated with COVID-19 or respiratory illness.

Members of the public attending the meeting in person at City Hall may fill out a "Notice of Request to Address Brisbane Planning Commission" located in the Community Meeting Room Lobby and submit it to staff prior to or during the agenda item(s) they wish to address. When

recognized by the Chair person, please come up to the microphone. If an item you're concerned about does not appear on the agenda, you may address the Commission under "Oral Communications."

Remote Participation

Members of the public may observe/participate in the meeting by logging into the Zoom webinar listed below. Planning Commission Meetings may also be viewed live and/or on-demand via the City's YouTube channel at www.youtube.com/Brisbaneca, or on Comcast Channel 27. Archived videos may be replayed on the City's website, www.brisbaneca.org/meetings. Please be advised that if there are technological difficulties, the meeting will nevertheless continue.

Members of the public who join the live Zoom webinar may address the Commission in the meeting when called upon by the Chairperson. Please use the "raise hand" feature in Zoom to alert staff that you want to address the Commission.

Zoom Webinar: (please use the latest version: zoom.us/download)

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Webinar ID: 970 0458 3387

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Email: jswiecki@brisbaneca.org

Text: 415-713-9266

A call-in number is also available for those watching the meeting on YouTube or Channel 27 for oral communications and public hearing items:

Phone Number: +1 (669) 900-9128

Webinar ID: 970 0458 3387.

After entering the meeting ID and pressing #, simply press # a second time to enter the meeting waiting room. No participant code is required. Please wait to call until the Chairperson and/or staff announces that the phone line is open. When you are let into the meeting, press *6 on your phone to unmute yourself before addressing the Commission. To avoid feedback, please turn off the volume of the meeting broadcast on your TV or computer. You will still be able to hear the Commissioners through your phone.

WRITTEN COMMUNICATIONS

Members of the public are encouraged to submit written comments before the meeting to the project planner. See posted public notices at <https://www.brisbaneca.org/cd/page/public-notices> for planner contact information. For items that are not public hearings, refer to the staff report for planner contact information.

All written communications are provided to the Planning Commission. Any written communication that is received after the agenda has been posted but before 4 p.m. of the day

of the meeting will be available for public inspection at the front lobby in City Hall and online at www.brisbaneca.org/meetings. Any writings that are received after the agenda has been posted but after 4 p.m. of the day of the meeting will be available on the internet at the start of the meeting (www.brisbaneca.org/meetings), at which time the materials will be distributed to the Planning Commission.

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the Community Development Department at (415) 508-2120 in advance of the meeting. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Commissioners: Funke, Gooding, Lau, Patel, and Sayasane

CALL TO ORDER

ROLL CALL

ADOPTION OF AGENDA

CONSENT CALENDAR

Please Note: Items listed here as Consent Calendar Items are considered routine and will be acted upon collectively by one motion adopting the Planning Department's recommendation unless a member of the public, the Commission, or its staff asks to remove an item to discuss it. Prior to the motion, the Chairperson will ask if anyone wishes to remove an item from the Consent Calendar.

ORAL COMMUNICATIONS (Limited to a total of 15 minutes)

WRITTEN COMMUNICATIONS

OLD BUSINESS

None

NEW BUSINESS

- A. [**PUBLIC HEARING: 213 Visitacion Avenue; 2022-DP-6/2022-UP-9; NCRO-2; 36-month extension of design and use permits for a four-unit residential mixed-use building; and finding that this project is categorically exempt from environment review under CEQA Guidelines Sections 150301\(l\), 15303\(b\), and 15303\(c\); Arjun Dutt, applicant; Arcus Housing LLC, owner.**](#)
- B. [**PUBLIC HEARING: 2000 Sierra Point Parkway; Design Permit 2022-DP-7; SP-CRO Sierra Point Commercial District; Design Permit to extend the existing rooftop screen to allow additional rooftop mechanical equipment; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15301, Existing Facilities; Kevin Norman, applicant; HCP Life Science REIT, owner.**](#)

- C. **PUBLIC HEARING: SP-CRO Sierra Point Commercial District; Zoning Text Amendment 2022-RZ-4; Zoning text amendment to Title 17, Chapter 17.18 of the Brisbane Municipal Code (BMC) to update existing research and development use provisions and performance standards; and finding that this project is exempt from environment review under CEQA Guidelines Section 15183(a); City of Brisbane, applicant.**

Note: This item was continued from the Planning Commission meeting of January 12, 2023.

ITEMS INITIATED BY STAFF

ITEMS INITIATED BY THE COMMISSION

ADJOURNMENT

- D. Adjournment to the regular meeting of February 9, 2023

APPEALS PROCESS

Anyone may appeal the action of the Planning Commission to the City Council. Except where specified otherwise, appeals shall be filed with the City Clerk not later than 15 calendar days following the Planning Commission's decision. Exceptions to the 15 day filing period include the following: appeals shall be filed with the City Clerk within 6 calendar days of the Planning Commission's action for use permits and variances and 10 calendar days for tentative maps and advertising sign applications. An application form and fee is required to make a formal appeal. For additional information, please contact the City Clerk at 415-508-2110.

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NOTICE OF DISCLOSURE

Written information or comments that may include a person's name, address, email address, etc. submitted to the City, Planning Commission, and/or City staff are public records under the California Public Records Act, are subject to disclosure and may appear on the City's website.

File Attachments for Item:

A. PUBLIC HEARING: 213 Visitacion Avenue; 2022-DP-6/2022-UP-9; NCRO-2; 36-month extension of design and use permits for a four-unit residential mixed-use building; and finding that this project is categorically exempt from environment review under CEQA Guidelines Sections 150301(l), 15303(b), and 15303(c); Arjun Dutt, applicant; Arcus Housing LLC, owner.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: January 26, 2023

From: Julia Ayres, Senior Planner

Subject: 213 Visitacion Avenue; 2022-DP-6/2022-UP-9; NCRO-2; 36-month extension of design and use permits for a four-unit residential mixed-use building; and finding that this project is categorically exempt from environment review under CEQA Guidelines Sections 150301(l), 15303(b), and 15303(c); Arjun Dutt, applicant; Arcus Housing LLC, owner.

REQUEST: The applicant requests approval of a 36-month extension of previously approved Design Permit DP-2-20 and Use Permit UP-4-20 to allow demolition of an existing nonconforming single-family dwelling and construction of a new mixed-use building on the subject property. No changes are proposed to the originally approved design. Granting the request would result in a new expiration date of December 19, 2025 for the design and use permits.

RECOMMENDATION: Approve 2022-DP-6/2022-UP-9 via adoption of Resolution 2022-DP-6/2022-UP-9 containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 150301(l), 15303(b), and 15303(c) - this project falls within a class of projects which the State has determined not to have a significant effect on the environment. The exceptions to this categorical exemption referenced in Section 15300.2 of the CEQA Guidelines do not apply.

APPLICABLE CODE SECTIONS: Brisbane Municipal Code (BMC) Chapter 17.14- Neighborhood Commercial District establishes development regulations for new development, including requirements for a design permit for all new principal structures and for a use permit for mixed-use developments. BMC Chapter 17.34 establishes off-street parking requirements for new development and provisions for modifying off-street parking requirements via use permit application.

ANALYSIS AND FINDINGS:

Background

The Planning Commission approved Design Permit DP-2-20 and Use Permit UP-4-20 on December 3, 2020, such approvals taking effect on December 19, 2020 following closure of a 15-calendar day appeal period with no appeals submitted. The December 3, 2020 agenda report, meeting minutes and video are attached to this report for the Commission's reference. The original expiration date for the permits was December 19, 2022 unless a building permit was issued or an application for an extension was filed by that original expiration date.

Project Description

The applicant proposes to demolish the existing nonconforming single-family home and construct a new three-story mixed-use building, with a four-car parking garage and a 283 sq ft storefront commercial space at the ground floor, and two floors of housing above. The ground floor storefront would be conveyed with residential Unit B as a live/work unit (note: no internal connection between the storefront and residential unit is provided or required to be a live/work unit).

A detailed project description is provided in the December 3, 2020 agenda report (see Attachment C).

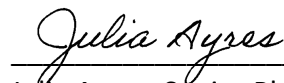
Analysis

Per BMC Section 17.42.060, a design permit may be extended by the Planning Commission for a period of time not exceeding 36 months. Extension of a design permit is not a matter of right and the Commission may deny the application or grant the same subject to conditions.

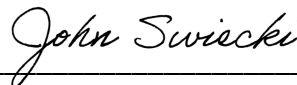
The proposed project is unchanged from the original 2020 approvals. As such, staff's analysis of the project's substantial conformance with the NCRO-2 district regulations, design permit findings, and use permit findings for both the mixed-use land use proposal and parking modifications remains unchanged. The Commission may refer to staff's full analysis in the December 3, 2020 agenda report (see Attachment C).

ATTACHMENTS

- A. Draft Resolution **2022-DP-6/2022-UP-9**
- B. Resolution DP-2-20/UP-4-20
- C. [December 3, 2020 agenda report](#) (hyperlink)
- D. [December 3, 2020 meeting video and minutes](#) (hyperlink)
- E. Applicant's plans



Julia Ayres, Senior Planner



John Swiecki, Community Development Director

Draft

RESOLUTION **2022-DP-6/2022-UP-9**A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING 2022-DP-6/2022-UP-9 FOR A 36-MONTH EXTENSION OF DESIGN
AND USE PERMITS FOR A NEW MIXED-USE RESIDENTIAL BUILDING
AT 213 VISITACION AVENUE

WHEREAS, following a public hearing on December 3, 2020, the Planning Commission granted Design Permit DP-2-20 and Use Permit UP-4-20 for demolition of an existing nonconforming single-family dwelling and construction of a new four-unit mixed-use residential development at 213 Visitacion Avenue, via Resolution DP-2-20/UP-4-20, which approvals took effect on December 19, 2020, following closure of a 15-calendar day appeal period during which no appeals were filed; and

WHEREAS, the above-referenced permits had an expiration date of December 19, 2022, two years following the effective date, if a building permit had not yet been issued; and

WHEREAS, prior to the expiration date, Arjun Dutt, the applicant, applied to the City of Brisbane for a 36-month extension to the previously approved design permit (DP-2-20) and use permit (UP-4-20) at 213 Visitacion Avenue, as provided in BMC Section 17.42.060, such application identified as 2022-DP-6/2022-UP-9; and

WHEREAS, on January 26, 2023, the Planning Commission conducted a public hearing on the extension application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said applications, the applicant's plans and supporting materials, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 150301(l), 15303(b), and 15303(c) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the application.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of January 26, 2023, did resolve as follows:

2022-DP-6/2022-UP-9

ATTACHMENT A

Extension of Design Permit DP-2-20 and Use Permit UP-4-20 via application 2022-DP-6/2022-UP-9 is approved for a period of 36 months to December 19, 2025, per the findings and conditions of approval contained in Exhibit A and Exhibit B to this resolution.

ADOPTED this twenty-sixth day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ROEL FUNKE
Acting Chairperson

ATTEST:

JOHN A SWIECKI, Community Development Director

**Draft
EXHIBIT A**

Action Taken: Conditionally approve 2022-DP-6/2022-UP-9 per the staff memorandum with attachments, via adoption of Resolution 2022-DP-6/2022-UP-9, extending the original Design permit and use permit approvals to December 19, 2025.

Findings:**Use Permit 2022-UP-9**

- A. As detailed in Exhibit B, the proposal is consistent with the nature and condition of all adjacent uses and structures, and is consistent with the applicable Neighborhood Commercial/Retail/Office land use designation in the General Plan. There is no specific plan for the area in question.
- B. As detailed in Exhibit B, the establishment, maintenance or operation of the mixed-use structure will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, nor will it be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.
- C. As detailed in Exhibit B, strict enforcement of the specified regulation would not be required by either present or anticipated future traffic volume or traffic circulation on the site.
- D. As detailed in Exhibit B, the granting of the use permit will not create or intensify a shortage of on-street parking spaces.
- E. As detailed in Exhibit B, full compliance with the parking requirements is not reasonably feasible due to existing structural or site constraints, specifically the narrow lot width and requirements to provide ground floor storefront space and residential dwelling unit access.

Design Permit 2022-DP-6

- F. As detailed in Exhibit B, the proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.
- G. As detailed in Exhibit B, the orientation and location of the structure and open spaces integrate well and maintain a compatible relationship to adjacent development.
- H. As detailed in Exhibit B, the proposed structure is designed to mitigate potential impacts to adjacent land uses.
- I. As detailed in Exhibit B, the project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent

practicable, given site constraints, to promote sustainable development and to address long term affordability.

- J. This finding is not applicable as the property is not located on a hillside.
- K. As detailed in Exhibit B, the site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking.
- L. As detailed in Exhibit B, the property's location and direct sidewalk access provides alternatives for pedestrians to access public transit and shuttle stops within a half-mile radius on Bayshore Boulevard, Old County Road, and San Bruno Avenue, connecting to BART and Caltrain as well as regional bus routes.
- M. As detailed in Exhibit B, the proposed open areas and landscaping complement the structure and the project provides a reasonable amount of individually accessible space considering the lot size and width and availability of outdoor recreational spaces in walking distance. The property is not located near protected habitat or wildland areas.
- N. As detailed in Exhibit B, the proposal takes reasonable measures to protect against external and internal noise.
- O. As detailed in Exhibit B, consideration has been given to avoiding off-site glare from lighting and reflective building materials.
- P. Trash and recycling receptacles utilities and mechanical equipment are located within the structure and will not be visible from the exterior of the building.
- Q. No signage is included in the application.
- R. As detailed in Exhibit B, the ground floor shared patio will be accessible to the commercial unit. If the unit is rented by the owner, access to the secured bicycle storage and rear patio will be maintained for employees of the commercial unit.
- S. As detailed in Exhibit B, the design respects the intimate scale and vernacular character of the street.
- T. As detailed in Exhibit B, design details are incorporated to articulate the building.
- U. As detailed in Exhibit B, the design incorporates creative use of elements that are characteristic of both residential and commercial structures on Visitacion Avenue.
- V. As detailed in Exhibit B, color and texture are provided at the street through the use of planter boxes and stone veneer.
- W. As detailed in Exhibit B, landscaping has been incorporated to enhance the design and enliven the streetscape.
- X. As detailed in Exhibit B, the requested 283 sq ft commercial storefront area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the site.

Conditions of Approval: 2022-DP-6/2022-UP-9Prior to issuance of a Building Permit:

1. The owner shall obtain a building permit and encroachment permit prior to proceeding with construction. A complete application including detailed building plans, application forms and fees shall be submitted to the City for issuance of a Building Permit. The building permit application shall comply with all applicable State codes and applicable City of Brisbane Municipal Code provisions for new construction. Building plans shall comply with the following conditions:
 - a. The plans shall be in substantial conformance to the plans on file with the Community Development Department, including finish materials and colors (see related condition 1.h below), with the following modifications:
 - i. A final landscaping plan shall be submitted demonstrating compliance with the requirements of Brisbane Municipal Code §17.06.040.I and §12.12.050.4, to the satisfaction of the Community Development Director. The plan shall incorporate water-conserving, non-invasive landscaping.
 - b. The plans shall address North County Fire Authority requirements for new construction, including but not limited to installation of fire sprinklers, obtaining water flow, smoke detectors, key box, portable extinguishers, clearly visible address, illuminated utility identification, illuminated exit signs, and others applicable as determined through building permit review.
 - c. The plans shall include undergrounding of utilities to service the building, including electrical utilities.
 - d. Mechanical equipment, other than the required rooftop solar panels, shall not be visible from off-site. Should mechanical equipment be located outdoors, it shall be properly screened with fencing or landscaping consistent with the final landscaping plan submitted with the building permit and shall be located outside of required setbacks.
 - e. The building permit application shall not include materials which would present an off-site glare due to reflective materials or lighting.
 - f. The plans shall specify that lighting will be directed away from and not cause glare onto adjacent properties.

2022-DP-6/2022-UP-9
ATTACHMENT A

- g. Each unit shall be provided with remote-controlled garage door openers, and an electronic keypad shall be installed to ensure efficient ingress and egress from the garage.
- h. Final color and material samples and/or cut sheets shall be provided for Community Development Director approval to confirm they are in substantial conformance with the approved Design Permit. Materials samples shall also be provided for windows.
- i. All windows shall match each other and shall not be dark or reflective.
- j. The driveway curb cut width and location shall be subject to City Engineer review and approval, and shall not displace existing on-street parking or require the removal of any street tree(s).
- k. Any mechanical equipment required to operate the stacked parking lifts in the garage shall not obstruct the on-site turnaround for standard-sized vehicles per Brisbane Municipal Code §17.34.040.
- l. Final cut sheets indicating the specifications of stacked parking lifts shall be included with building permit application and plans shall demonstrate that Four standard-sized vehicles can reasonably be stacked inside the garage, including dimensions of applicable clearances for vehicles and operational equipment
- m. The pedestrian warning system shall be installed to the satisfaction of the City Engineer and Planning Director and provide both visual and audio alerts of approaching vehicles exiting the driveway.
- n. A permanently anchored short-term bicycle parking rack for two (2) bicycles shall be provided in the public right-of-way, the specific location and design of which shall be subject to approval by the City Engineer.
- o. Direct access shall be provided from the commercial storefront to the garbage receptacles and long-term bicycle racks in the garage and to the shared rear yard to the satisfaction of the Community Development Director.
- p. Necessary vents and chases shall be incorporated into the building design so as to allow future changes in occupancy of the storefront area to the satisfaction of the Community Development Director.

2022-DP-6/2022-UP-9
ATTACHMENT A

2. The property owner shall enter into a standard landscape maintenance agreement with the City for landscaping, to the satisfaction of the City Attorney.
3. An agreement shall be recorded between the owner and the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district.

During Construction:

4. Prior to foundation construction, a surveyed staking plan prepared by a licensed land surveyor or engineer authorized to conduct land surveying under California law shall be submitted to the Community Development Department confirming the building location and pad elevations conform to the approved site plan.
5. The project shall comply with the San Mateo County Stormwater Pollution Prevention Program's Best Management Practices, as provided in the applicable state regulations and included in the applicant's storm water checklist for Small Projects.
6. Any prehistoric Native American cultural resources found during the course of construction shall be conserved in accordance with State and Federal requirements (Appendix K of the State CEQA Guidelines).

Prior to Occupancy:

7. All landscaping shall be installed and inspected by Planning staff to confirm conformity with the approved landscape plan.
8. Address numbers for the residential and commercial units shall be affixed to the building at a location visible from the street and a size, color and style subject to approval by the Community Development Director and North County Fire Authority.
9. The applicant shall demonstrate conformance with all of the above Design Permit conditions of approval.

Other Conditions:

10. The required garage parking spaces shall not be used or converted to any other use that would impair their basic use as parking for motor vehicles per Brisbane Municipal Code Section 17.34.020.A.

2022-DP-6/2022-UP-9
ATTACHMENT A

11. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
12. This design permit and use permit shall expire 36 months from the effective date of the 2020 permit approvals on December 19, 2025 if a Building Permit has not yet been issued for the approved project or if the Building Permit, once issued, is allowed to expire prior to final inspection.

Exhibit B Findings Outline & Discussion

The following is a detailed analysis of the required Design Permit findings:

Design Permit and Use Permit 2022-DP-6/2022-UP-9 Findings:

Use Permit 2022-UP-9

- A. The proposal is consistent with the nature and condition of all adjacent uses and structures, and is consistent with the applicable Neighborhood Commercial/Retail/Office land use designation in the General Plan. There is no specific plan for the area in question. Specifically, the proposal is a mixed-use development of 64 dwelling units per acre, falling within the range of residential densities found in the NCRO-2 District, and would be consistent with General Plan policies to increase housing opportunities in Brisbane's downtown core and in proximity to transit, including the free Bayshore Caltrain and Balboa Park BART station shuttles (San Francisco Avenue-Old County Road stop) and Samtrans Route 292 (Bayshore-Old County Road stop) less than one-half mile away by foot. The project would establish a new storefront on Visitacion Avenue, creating opportunity for small businesses and contributing to the pedestrian-oriented environment envisioned for Visitacion Avenue in the Subareas Element and NCRO-2 District development standards. The three-story scale is consistent with the scale of three other multi-family residential projects in the NCRO-2 District at 34 and 395 Visitacion Avenue and 1 San Bruno Avenue, and with the approved mixed-use developments at 36-50 San Bruno Avenue, 23 San Bruno Avenue, and 18 Visitacion Avenue.
- B. The establishment, maintenance or operation of the mixed-use structure will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, nor will it be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. Specifically, the project will be built to current health and safety standards contained in the California Building and Fire codes. Further, the design of the structure will not impact access to light and air of surrounding properties as they are developed currently and as they may be redeveloped in the future, via incorporation of lightwells and other openings in the north and south side walls. Finally, a pedestrian warning system shall be installed to alert pedestrians when a car is exiting the garage to ensure safety of pedestrians on Visitacion Avenue.
- C. Strict enforcement of the specified regulation would not be required by either present or anticipated future traffic volume or traffic circulation on the site. Specifically, the design of the garage and incorporation of mechanical lifts inherently restricts its use for purposes other than vehicle parking. The proposed development is as dense as reasonably feasible for the site, given the physical development standards limiting the building's footprint. The

2022-DP-6/2022-UP-9
ATTACHMENT A

proposed units may not be enlarged or expanded such that parking demand would be increased and thus unable to be accommodated within the garage. Therefore, there is no anticipated increase in traffic volume on the site.

- D. The granting of the use permit will not create or intensify a shortage of on-street parking spaces. The proposal allocates one parking space to each unit, and further provides secured and covered long-term bicycle parking spaces on the ground floor to encourage use of alternative transportation. Additionally, while the Municipal Code does not currently reduce or eliminate on-site parking requirements due to proximity to transit alone, the subject property is less than one half mile from nearby regional bus routes on Bayshore Boulevard and blocks away from the Caltrain and BART shuttle stop, accessible both by foot or by bicycle. The Bayshore Caltrain Station is about a 15 minute bike ride away. This is consistent with policies in the General Plan Circulation Element (Policies C.24, C.29, C.30, and C.36). Further, the project incorporates a 10 ft curb cut in order to preserve existing on-street parking in the property's frontage.

In this case, granting the use permit to allow four parking spaces on-site, where five on-site parking spaces are required, on a site in close proximity to available public transit and with secured on-site bicycle storage would not demonstrably contribute to the existing shortage of on-street parking in the vicinity of the project.

- E. Full compliance with the parking requirements is not reasonably feasible due to existing structural or site constraints, specifically the narrow lot width and requirements to provide ground floor storefront space and residential dwelling unit access. The subject property is only 25 ft wide and approximately 110 ft deep, which conforms to the minimum lot width and depth requirements for lots in the NCRO-2 District. However, the narrow lot width in conjunction with the required ground floor storefront space significantly constrains the ability to provide the required off-street parking. Additionally, residential projects of four or more units are required by the Americans with Disabilities Act to provide ground floor access to at least one unit, which the applicant has provided but which further limits the footprint of parking on the site. The applicant's proposal for four off-street parking spaces is thus the maximum number of parking spaces that can be accommodated on the property as a result of these structural and site constraints.

Given the structural constraints of the mechanical lifts, the 8.5 ft width is the widest feasible width for the respective parking spaces. The City defines a parking space as "compact" with a width of 8 ft; the proposed width is thus wider than a traditional compact space, although it is 6 inches narrower than a standard 9 ft parking space. Given the expected compact nature of cars to be parked in the garage, an 8.5 ft wide by 18 ft deep parking space will be sufficient to meet the project's parking needs.

Design Permit 2022-DP-6

2022-DP-6/2022-UP-9
ATTACHMENT A

- F. The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project. Specifically, the building is of a contemporary architectural design that features pedestrian-level detail and articulation at the north side and west (street) facades and a harmonious mix of exterior materials and colors. The building form is highly articulated at the most visible west (street-facing), north, and east building facades through a mix of second and third story setbacks, inset decks, and other voids in the building walls, including the recessed residential entry and garage opening in the west façade and a second and third story lightwell at the north façade. Though the structure would be the tallest building on the 200-block of Visitacion Avenue, it would be similar in scale to other three-story buildings in the NCRO-2 District, including 34 and 395 Visitacion Avenue and 1 San Bruno Avenue, and with the recently approved mixed-use developments at 36-50 San Bruno Avenue, 23 San Bruno Avenue, and 18 Visitacion Avenue.

The proposed neutral color palette, includes natural gray-toned stone veneer and white stucco at the ground floor, white stucco at the second floor, and charcoal stucco at the third floor. The transition from white to charcoal stucco at the third floor aids in articulating the upper floor from the first and second stories. Black-framed windows provides complementary and distinctive detailing that ties together all three stories of the building. The incorporation of transom windows and decorative elements at the ground floor provides continuity with ground floor architectural details found elsewhere along the block, particularly 245 and 249 Visitacion Avenue (Midtown Market), without being derivative of their style.

- G. The orientation and location of the structure and open spaces integrate well and maintain a compatible relationship to adjacent development. The footprint of the building, with zero foot front and side setbacks and 10 ft rear setback, is consistent with the NCRO-2 District standards and appropriate to the subject property's small size and narrow width. Use of the 10 ft setback for a common patio and landscaped area is an appropriate use of the setback area, and would be compatible with the nearby rear yards abutting the space at 201 and 245 Visitacion Avenue. The third story rear deck is located on the southern face of the structure's rear wall, avoiding direct sight lines to the adjacent second-story window and outdoor living areas at 349 Monterey Street.
- H. The proposed structure is designed to mitigate potential impacts to adjacent land uses. Two one-story commercial structures abut the subject property to the north and south, both built to their respective shared property lines with 213 Visitacion Avenue. The proposed structure would also have zero setbacks to the side property lines, consistent with the NCRO-2 District development standards. This would impact 201 Visitacion Avenue to the extent that two ground-level windows in the south side of the building wall would need to be eliminated, and as 213 Visitacion Avenue is located to the south of 201 Visitacion, it is

2022-DP-6/2022-UP-9
ATTACHMENT A

likely that the rear yard of 201 Visitacion would be shaded in the early evening during autumn and winter, and in the afternoon during summer months. Should the property at 201 Visitacion Avenue be redeveloped in the future, the light wells incorporated into the north wall of the proposed structure at the second and third stories would ensure ambient light and air are maintained. The access stairway to the residential dwelling units on the south side of the building would act similarly in the case of redevelopment of 245 Visitacion Ave. There are no windows in the north wall of the existing structure at 245 Visitacion Avenue and shading is not anticipated to its rear yard, which is located to the south of the subject property.

The proposed structure would be set back 10 feet from the rear lot line abutting the single-family dwelling at 349 Monterey to the east, which building is in turn set back approximately 9 ft from the shared property line, resulting in 19 ft of distance between the two structures. As such, the proposed structure would not interfere the adjoining property's access to ambient light and air, though shading will occur during afternoon hours due 349 Monterey Street's location due west of the subject property.

- I. The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent practicable, given site constraints, to promote sustainable development and to address long term affordability. The site's small size and narrow width greatly constrain the siting and orientation of the building, making it difficult to avoid long building walls on the north side of the site. However, the northern wall plane is broken up by the second and third story light wells, and there are no windows proposed along the northern wall in order to reduce the passive heating gain.
- J. The property is not located on a hillside.
- K. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. Specifically, the proposed 10 ft curb cut, authorized by the City Engineer, will preserve existing on-street parking spaces while allowing for safe egress and ingress to the site. Pedestrian safety will be ensured by the required pedestrian warning system to provide both audio and visual warning to pedestrians when cars exit the garage. As demonstrated in the applicant's turning radius diagrams, garage design will allow for all four cars to turn around and exit the garage head first, consistent with the requirements of BMC Chapter 17.34 and further ensuring the safety of vehicular ingress and egress.
- L. The property's location and direct sidewalk access provides alternatives for pedestrians to access public transit and shuttle stops within a half-mile radius on Bayshore Boulevard, Old County Road, and San Bruno Avenue, connecting to BART and Caltrain as well as regional bus routes. Additionally, the project includes four long-term bicycle parking spaces and two

2022-DP-6/2022-UP-9
ATTACHMENT A

short-term bicycle parking spaces at the ground floor, incentivizing bicycle ownership and use as an alternative to single-occupancy vehicles.

- M. The proposed open areas and landscaping complement the structure. The design includes private decks for three of the four units, and a shared common yard directly accessible from Unit A at the ground floor. This results in an average of 184 sq ft of open space per unit, which exceeds the 60 sq ft per unit requirement for the NCRO-2 District but is less than the required 400 sq ft per unit for new condominium developments. Given the constraints of the site, the provided outdoor space is the maximum feasible and provides outdoor area for each unit. Additionally, the subject property is in walking distance to the Community Park, Crocker Park Recreational Trail, Community Garden, and San Bruno Mountain hiking trails, which would complement the dedicated outdoor spaces for each individual unit proposed by the project. As such, the project provides a reasonable amount of individually accessible space considering the lot size and width and availability of outdoor recreational spaces in walking distance.

While the small size of the lot and narrow width constrain location and amount of landscaping, the proposed landscape plan maximizes the available space in the rear yard and will be planted with drought-resistant, non-invasive species (California natives preferred), subject to final approval by the Community Development Director via the building permit application. The proposed landscaped planters on the front building façade provide visual interest at the pedestrian level and are reasonable given the constraints of the site. The property is not located near protected habitat or wildland areas.

- N. The proposal takes reasonable measures to protect against external and internal noise. Specifically, the structures must comply with California Building Code applicable to condominium structures to protect residents from unhealthy noise levels from the exterior of the building as well as unwanted noise from adjacent units.
- O. Consideration has been given to avoiding off-site glare from lighting and reflective building materials. The stucco exterior finish will not be reflective, and the conditions of approval require the building permit plans to provide a lighting plan demonstrating that all exterior lighting will be shielded and downlit to minimize off-site light and glare, and that all windows will be treated to minimize glare.
- P. Trash and recycling receptacles utilities and mechanical equipment are located within the structure and will not be visible from the exterior of the building.
- Q. No signage is included in the application.
- R. As the proposed storefront commercial unit will be conveyed as a live/work space, the second floor deck and ground floor shared patio will be accessible to the commercial unit. If the unit is rented by the owner, access to the secured bicycle storage and rear patio will be maintained for employees of the commercial unit.

2022-DP-6/2022-UP-9
ATTACHMENT A

- S. The design respects the intimate scale and vernacular character of the street. Specifically, the proposed design respects the pedestrian scale and streetscape vernacular of Visitacion Avenue through the utilization of voids in the ground floor walls fronting Visitacion Avenue at the driveway and residential entry, and second and third story setbacks. The NCRO-2 district Design Guidelines specifically suggest that portions of a building over 28 ft in height should be stepped back from the front of the building “so as not to overwhelm the view of pedestrians along both sides of the street below, and to emphasize the one-to two-story nature of the streetscape.”
- T. Design details are incorporated to articulate the building, as described in detail in Findings F, G, H, and S, which emphasize the relationship to the pedestrian environment. The ground floor storefront commercial unit features a glass door and large windows at the north and west building façade with transom accent windows providing unobstructed views into the space from the street. The ground floor façade features stone veneer, small planters, and permeable pavers at the residential entry to provide additional visual interest at eye level. The existing street tree would be retained.
- U. The design incorporates creative use of elements that are characteristic of both residential and commercial structures on Visitacion Avenue. These elements include recessed entries to the residential access pathway and garage, transom windows above doors and windows at the ground floor, stone veneer at street level to add texture to the façade, and planter boxes at street level to provide urban greenery at the pedestrian level.
- V. Color and texture are provided at the street through the use of planter boxes and stone veneer, as described in detail in Findings G and U.
- W. Landscaping has been incorporated to enhance the design and enliven the streetscape, as described in Findings M, T, and U.
- X. The requested 283 sq ft commercial storefront area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the site. The space is the largest that can reasonably be dedicated to the storefront, given that half of the frontage must be occupied by the driveway and residential entryway, and given the need to provide on-site parking, permanent storage facilities, and interior garbage and recycling areas on the ground floor. Increasing the commercial space to achieve the 600 sq ft size would result in the loss of the required storage units and interior garage and recycling area and/or two of the parking spaces, depending on how the space was reallocated. In this case, given the intended use of the space for an office and/or small retail space (depending on the future owner’s needs), a 283 sq ft storefront is adequate for the proposed use and the largest possible area given the physical constraints of the structure and site.

RESOLUTION UP-4-20/DP-2-20

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
APPROVING USE PERMIT UP-4-20 AND DESIGN PERMIT DP-2-20 FOR
A MIXED-USE DEVELOPMENT
(4 RESIDENCES AND 1- 283 SQ FT COMMERCIAL SPACE)
AT 213 VISITACION AVENUE

WHEREAS, Mark Topetcher, the applicant, applied to the City of Brisbane for Use Permit and Design Permit approval of a mixed use development at 213 Visitacion Avenue, which would accommodate two 1-bedroom units and two 2-bedroom units above and behind a four-car parking garage and a 283 sq ft commercial storefront; and

WHEREAS, on August 27, 2020, the Planning Commission continued the public hearing at the applicant's request after the application was duly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, and the applicant subsequently requested a 60-day extension of the Commission's review window under the Permit Streamlining Act, which expires December 10, 2020; and

WHEREAS, on December 3, 2020, the Planning Commission conducted a public hearing on the applications, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said applications, the applicant's plans and supporting materials, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the minutes of the Planning Commission meeting of August 27, 2020 and December 3, 2020 are attached and incorporated by reference as part of this resolution; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit B in connection with the Design Permit and Use Permit applications.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of December 3rd, 2020, did resolve as follows:

Use Permit UP-4-20 and Design Permit DP-2-20 are conditionally approved per the conditions attached herein as Exhibit A.

ADOPTED this third day of December, 2020, by the following vote:

AYES: Gomez, Gooding, Mackin, Patel, Sayasane

NOES: None.

ABSENT: None.

PAMALA SAYASANE
Chairperson

ATTEST:

JOHN A SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Conditionally approve Use Permit UP-4-20 and Design Permit DP-2-20 per the staff memorandum with attachments, via adoption of Resolution UP-4-20/DP-2-20

Findings:**Use Permit UP-4-20**

- A. As detailed in Exhibit B, the proposal is consistent with the nature and condition of all adjacent uses and structures, and is consistent with the applicable Neighborhood Commercial/Retail/Office land use designation in the General Plan. There is no specific plan for the area in question.
- B. As detailed in Exhibit B, the establishment, maintenance or operation of the mixed-use structure will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, nor will it be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.
- C. As detailed in Exhibit B, strict enforcement of the specified regulation would not be required by either present or anticipated future traffic volume or traffic circulation on the site.
- D. As detailed in Exhibit B, the granting of the use permit will not create or intensify a shortage of on-street parking spaces.
- E. As detailed in Exhibit B, full compliance with the parking requirements is not reasonably feasible due to existing structural or site constraints, specifically the narrow lot width and requirements to provide ground floor storefront space and residential dwelling unit access.

Design Permit DP-2-20

- F. As detailed in Exhibit B, the proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.
- G. As detailed in Exhibit B, the orientation and location of the structure and open spaces integrate well and maintain a compatible relationship to adjacent development.
- H. As detailed in Exhibit B, the proposed structure is designed to mitigate potential impacts to adjacent land uses.
- I. As detailed in Exhibit B, the project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent practicable, given site constraints, to promote sustainable development and to address long term affordability.
- J. This finding is not applicable as the property is not located on a hillside.

Exhibit A

- K. As detailed in Exhibit B, the site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking.
- L. As detailed in Exhibit B, the property's location and direct sidewalk access provides alternatives for pedestrians to access public transit and shuttle stops within a half-mile radius on Bayshore Boulevard, Old County Road, and San Bruno Avenue, connecting to BART and Caltrain as well as regional bus routes.
- M. As detailed in Exhibit B, the proposed open areas and landscaping complement the structure and the project provides a reasonable amount of individually accessible space considering the lot size and width and availability of outdoor recreational spaces in walking distance. The property is not located near protected habitat or wildland areas.
- N. As detailed in Exhibit B, the proposal takes reasonable measures to protect against external and internal noise.
- O. As detailed in Exhibit B, consideration has been given to avoiding off-site glare from lighting and reflective building materials.
- P. Trash and recycling receptacles utilities and mechanical equipment are located within the structure and will not be visible from the exterior of the building.
- Q. No signage is included in the application.
- R. As detailed in Exhibit B, the ground floor shared patio will be accessible to the commercial unit. If the unit is rented by the owner, access to the secured bicycle storage and rear patio will be maintained for employees of the commercial unit.
- S. As detailed in Exhibit B, the design respects the intimate scale and vernacular character of the street.
- T. As detailed in Exhibit B, design details are incorporated to articulate the building.
- U. As detailed in Exhibit B, the design incorporates creative use of elements that are characteristic of both residential and commercial structures on Visitacion Avenue.
- V. As detailed in Exhibit B, color and texture are provided at the street through the use of planter boxes and stone veneer.
- W. As detailed in Exhibit B, landscaping has been incorporated to enhance the design and enliven the streetscape.
- X. As detailed in Exhibit B, the requested 283 sq ft commercial storefront area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the site.

Conditions of Approval:Prior to issuance of a Building Permit:

1. The owner shall obtain a building permit and encroachment permit prior to proceeding with construction. A complete application including detailed building plans, application forms and fees shall be submitted to the City for issuance of a Building Permit. The building permit application shall comply with all applicable State codes and applicable City of Brisbane Municipal Code provisions for new construction. Building plans shall comply with the following conditions:
 - a. The plans shall be in substantial conformance to the plans approved with this Design Permit DP-2-20, including finish materials and colors (see related condition 1.h below), with the following modifications:
 - i. A final landscaping plan shall be submitted demonstrating compliance with the requirements of Brisbane Municipal Code §17.06.040.I and §12.12.050.4, to the satisfaction of the Community Development Director. The plan shall incorporate water-conserving, non-invasive landscaping.
 - b. The plans shall address North County Fire Authority requirements for new construction, including but not limited to installation of fire sprinklers, obtaining water flow, smoke detectors, key box, portable extinguishers, clearly visible address, illuminated utility identification, illuminated exit signs, and others applicable as determined through building permit review.
 - c. The plans shall include undergrounding of utilities to service the building.
 - d. Mechanical equipment, other than the required rooftop solar panels, shall not be visible from off-site. Should mechanical equipment be located outdoors, it shall be properly screened with fencing or landscaping consistent with the final landscaping plan submitted with the building permit and shall be located outside of required setbacks.
 - e. The building permit application shall not include materials which would present an off-site glare due to reflective materials or lighting.
 - f. The plans shall specify that lighting will be directed away from and not cause glare onto adjacent properties.
 - g. Each unit shall be provided with remote-controlled garage door openers, and an electronic keypad shall be installed to ensure efficient ingress and egress from the garage.
 - h. Final color and material samples and/or cut sheets shall be provided for Community Development Director approval to confirm they are in substantial conformance with the approved Design Permit. Materials samples shall also be provided for windows.
 - i. All windows shall match each other and shall not be dark or reflective.

Exhibit A

- j. The driveway curb cut width and location shall be subject to City Engineer review and approval, and shall not displace existing on-street parking or require the removal of any street tree(s).
 - k. Any mechanical equipment required to operate the stacked parking lifts in the garage shall not obstruct the on-site turnaround for standard-sized vehicles per Brisbane Municipal Code §17.34.040.
 - l. Final cut sheets indicating the specifications of stacked parking lifts shall be included with building permit application and plans shall demonstrate that Four standard-sized vehicles can reasonably be stacked inside the garage, including dimensions of applicable clearances for vehicles and operational equipment
 - m. The pedestrian warning system shall be installed to the satisfaction of the City Engineer and Planning Director and provide both visual and audio alerts of approaching vehicles exiting the driveway.
 - n. A permanently anchored short-term bicycle parking rack for two (2) bicycles shall be provided in the public right-of-way, the specific location and design of which shall be subject to approval by the City Engineer.
 - o. Direct access shall be provided from the commercial storefront to the garbage receptacles and long-term bicycle racks in the garage and to the shared rear yard to the satisfaction of the Community Development Director.
 - p. Necessary vents and chases shall be incorporated into the building design so as to allow future changes in occupancy of the storefront area to the satisfaction of the Community Development Director.
- 2. The property owner shall enter into a standard landscape maintenance agreement with the City for landscaping, to the satisfaction of the City Attorney.
 - 3. An agreement shall be recorded between the owner and the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district.

During Construction:

- 4. Prior to foundation construction, a surveyed staking plan prepared by a licensed land surveyor or engineer authorized to conduct land surveying under California law shall be submitted to the Community Development Department confirming the building location and pad elevations conform to the approved site plan.
- 5. The project shall comply with the San Mateo County Stormwater Pollution Prevention Program's Best Management Practices, as provided in the applicable state regulations and included in the applicant's storm water checklist for Small Projects.

Exhibit A

6. Any prehistoric Native American cultural resources found during the course of construction shall be conserved in accordance with State and Federal requirements (Appendix K of the State CEQA Guidelines).

Prior to Occupancy:

7. All landscaping shall be installed and inspected by Planning staff to confirm conformity with the approved landscape plan.
8. Address numbers for the residential and commercial units shall be affixed to the building at a location visible from the street and a size, color and style subject to approval by the Community Development Director and North County Fire Authority.
9. The applicant shall demonstrate conformance with all of the above Design Permit conditions of approval.

Other Conditions:

10. The required garage parking spaces shall not be used or converted to any other use that would impair their basic use as parking for motor vehicles per Brisbane Municipal Code Section 17.34.020.A.
11. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
12. This Design Permit and Use Permit shall expire two years from the effective date (at the end of the appeal period) if a Building Permit has not yet been issued for the approved project.

Exhibit B: Outline of Required Findings**Use Permit UP-4-20**

- A. The proposal is consistent with the nature and condition of all adjacent uses and structures, and is consistent with the applicable Neighborhood Commercial/Retail/Office land use designation in the General Plan. There is no specific plan for the area in question. Specifically, the proposal is a mixed-use development of 64 dwelling units per acre, falling within the range of residential densities found in the NCRO-2 District, and would be consistent with General Plan policies to increase housing opportunities in Brisbane's downtown core and in proximity to transit, including the free Bayshore Caltrain and Balboa Park BART station shuttles (San Francisco Avenue-Old County Road stop) and Samtrans Route 292 (Bayshore-Old County Road stop) less than one-half mile away by foot. The project would establish a new storefront on Visitacion Avenue, creating opportunity for small businesses and contributing to the pedestrian-oriented environment envisioned for Visitacion Avenue in the Subareas Element and NCRO-2 District development standards. The three-story scale is consistent with the scale of three other multi-family residential projects in the NCRO-2 District at 34 and 395 Visitacion Avenue and 1 San Bruno Avenue, and with the approved mixed-use developments at 36-50 San Bruno Avenue, 23 San Bruno Avenue, and 18 Visitacion Avenue.
- B. The establishment, maintenance or operation of the mixed-use structure will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, nor will it be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. Specifically, the project will be built to current health and safety standards contained in the California Building and Fire codes. Further, the design of the structure will not impact access to light and air of surrounding properties as they are developed currently and as they may be redeveloped in the future, via incorporation of lightwells and other openings in the north and south side walls. Finally, a pedestrian warning system shall be installed to alert pedestrians when a car is exiting the garage to ensure safety of pedestrians on Visitacion Avenue.
- C. Strict enforcement of the specified regulation would not be required by either present or anticipated future traffic volume or traffic circulation on the site. Specifically, the design of the garage and incorporation of mechanical lifts inherently restricts its use for purposes other than vehicle parking. The proposed development is as dense as reasonably feasible for the site, given the physical development standards limiting the building's footprint. The proposed units may not be enlarged or expanded such that parking demand would be increased and thus unable to be accommodated within the garage. Therefore, there is no anticipated increase in traffic volume on the site.
- D. The granting of the use permit will not create or intensify a shortage of on-street parking spaces. The proposal allocates one parking space to each unit, and further provides secured and covered long-term bicycle parking spaces on the ground floor to encourage use of alternative transportation. Additionally, while the Municipal Code does not currently reduce or eliminate on-site parking requirements due to proximity to transit alone, the subject property is less than one half mile from nearby regional bus routes on Bayshore Boulevard and blocks away from the Caltrain and BART shuttle stop, accessible both by foot or by bicycle. The

Exhibit B

Bayshore Caltrain Station is about a 15 minute bike ride away. This is consistent with policies in the General Plan Circulation Element (Policies C.24, C.29, C.30, and C.36). Further, the project incorporates a 10 ft curb cut in order to preserve existing on-street parking in the property's frontage.

In this case, granting the use permit to allow four parking spaces on-site, where five on-site parking spaces are required, on a site in close proximity to available public transit and with secured on-site bicycle storage would not demonstrably contribute to the existing shortage of on-street parking in the vicinity of the project.

- E. Full compliance with the parking requirements is not reasonably feasible due to existing structural or site constraints, specifically the narrow lot width and requirements to provide ground floor storefront space and residential dwelling unit access. The subject property is only 25 ft wide and approximately 110 ft deep, which conforms to the minimum lot width and depth requirements for lots in the NCRO-2 District. However, the narrow lot width in conjunction with the required ground floor storefront space significantly constrains the ability to provide the required off-street parking. Additionally, residential projects of four or more units are required by the Americans with Disabilities Act to provide ground floor access to at least one unit, which the applicant has provided but which further limits the footprint of parking on the site. The applicant's proposal for four off-street parking spaces is thus the maximum number of parking spaces that can be accommodated on the property as a result of these structural and site constraints.

Given the structural constraints of the mechanical lifts, the 8.5 ft width is the widest feasible width for the respective parking spaces. The City defines a parking space as "compact" with a width of 8 ft; the proposed width is thus wider than a traditional compact space, although it is 6 inches narrower than a standard 9 ft parking space. Given the expected compact nature of cars to be parked in the garage, an 8.5 ft wide by 18 ft deep parking space will be sufficient to meet the project's parking needs.

Design Permit DP-2-20

- F. The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project. Specifically, the building is of a contemporary architectural design that features pedestrian-level detail and articulation at the north side and west (street) facades and a harmonious mix of exterior materials and colors. The building form is highly articulated at the most visible west (street-facing), north, and east building facades through a mix of second and third story setbacks, inset decks, and other voids in the building walls, including the recessed residential entry and garage opening in the west façade and a second and third story lightwell at the north façade. Though the structure would be the tallest building on the 200-block of Visitacion Avenue, it would be similar in scale to other three-story buildings in the NCRO-2 District, including 34 and 395 Visitacion Avenue and 1 San Bruno Avenue, and with the recently approved mixed-use developments at 36-50 San Bruno Avenue, 23 San Bruno Avenue, and 18 Visitacion Avenue.

The proposed neutral color palette, includes natural gray-toned stone veneer and white stucco at the ground floor, white stucco at the second floor, and charcoal stucco at the third floor. The

Exhibit B

transition from white to charcoal stucco at the third floor aids in articulating the upper floor from the first and second stories. Black-framed windows provides complementary and distinctive detailing that ties together all three stories of the building. The incorporation of transom windows and decorative elements at the ground floor provides continuity with ground floor architectural details found elsewhere along the block, particularly 245 and 249 Visitacion Avenue (Midtown Market), without being derivative of their style.

- G. The orientation and location of the structure and open spaces integrate well and maintain a compatible relationship to adjacent development. The footprint of the building, with zero foot front and side setbacks and 10 ft rear setback, is consistent with the NCRO-2 District standards and appropriate to the subject property's small size and narrow width. Use of the 10 ft setback for a common patio and landscaped area is an appropriate use of the setback area, and would be compatible with the nearby rear yards abutting the space at 201 and 245 Visitacion Avenue. The third story rear deck is located on the southern face of the structure's rear wall, avoiding direct sight lines to the adjacent second-story window and outdoor living areas at 349 Monterey Street.
- H. The proposed structure is designed to mitigate potential impacts to adjacent land uses. Two one-story commercial structures abut the subject property to the north and south, both built to their respective shared property lines with 213 Visitacion Avenue. The proposed structure would also have zero setbacks to the side property lines, consistent with the NCRO-2 District development standards. This would impact 201 Visitacion Avenue to the extent that two ground-level windows in the south side of the building wall would need to be eliminated, and as 213 Visitacion Avenue is located to the south of 201 Visitacion, it is likely that the rear yard of 201 Visitacion would be shaded in the early evening during autumn and winter, and in the afternoon during summer months. Should the property at 201 Visitacion Avenue be redeveloped in the future, the light wells incorporated into the north wall of the proposed structure at the second and third stories would ensure ambient light and air are maintained. The access stairway to the residential dwelling units on the south side of the building would act similarly in the case of redevelopment of 245 Visitacion Ave. There are no windows in the north wall of the existing structure at 245 Visitacion Avenue and shading is not anticipated to its rear yard, which is located to the south of the subject property.

The proposed structure would be set back 10 feet from the rear lot line abutting the single-family dwelling at 349 Monterey to the east, which building is in turn set back approximately 9 ft from the shared property line, resulting in 19 ft of distance between the two structures. As such, the proposed structure would not interfere the adjoining property's access to ambient light and air, though shading will occur during afternoon hours due 349 Monterey Street's location due west of the subject property.

- I. The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent practicable, given site constraints, to promote sustainable development and to address long term affordability. The site's small size and narrow width greatly constrain the siting and orientation of the building, making it difficult to avoid long building walls on the north side of the site. However, the

Exhibit B

northern wall plane is broken up by the second and third story light wells, and there are no windows proposed along the northern wall in order to reduce the passive heating gain.

- J. The property is not located on a hillside.
- K. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. Specifically, the proposed 10 ft curb cut, authorized by the City Engineer, will preserve existing on-street parking spaces while allowing for safe egress and ingress to the site. Pedestrian safety will be ensured by the required pedestrian warning system to provide both audio and visual warning to pedestrians when cars exit the garage. As demonstrated in the applicant's turning radius diagrams, garage design will allow for all four cars to turn around and exit the garage head first, consistent with the requirements of BMC Chapter 17.34 and further ensuring the safety of vehicular ingress and egress.
- L. The property's location and direct sidewalk access provides alternatives for pedestrians to access public transit and shuttle stops within a half-mile radius on Bayshore Boulevard, Old County Road, and San Bruno Avenue, connecting to BART and Caltrain as well as regional bus routes. Additionally, the project includes four long-term bicycle parking spaces and two short-term bicycle parking spaces at the ground floor, incentivizing bicycle ownership and use as an alternative to single-occupancy vehicles.
- M. The proposed open areas and landscaping complement the structure. The design includes private decks for three of the four units, and a shared common yard directly accessible from Unit A at the ground floor. This results in an average of 184 sq ft of open space per unit, which exceeds the 60 sq ft per unit requirement for the NCRO-2 District but is less than the required 400 sq ft per unit for new condominium developments. Given the constraints of the site, the provided outdoor space is the maximum feasible and provides outdoor area for each unit. Additionally, the subject property is in walking distance to the Community Park, Crocker Park Recreational Trail, Community Garden, and San Bruno Mountain hiking trails, which would complement the dedicated outdoor spaces for each individual unit proposed by the project. As such, the project provides a reasonable amount of individually accessible space considering the lot size and width and availability of outdoor recreational spaces in walking distance.

While the small size of the lot and narrow width constrain location and amount of landscaping, the proposed landscape plan maximizes the available space in the rear yard and will be planted with drought-resistant, non-invasive species (California natives preferred), subject to final approval by the Community Development Director via the building permit application. The proposed landscaped planters on the front building façade provide visual interest at the pedestrian level and are reasonable given the constraints of the site. The property is not located near protected habitat or wildland areas.

- N. The proposal takes reasonable measures to protect against external and internal noise. Specifically, the structures must comply with California Building Code applicable to

Exhibit B

condominium structures to protect residents from unhealthy noise levels from the exterior of the building as well as unwanted noise from adjacent units.

- O. Consideration has been given to avoiding off-site glare from lighting and reflective building materials. The stucco exterior finish will not be reflective, and the conditions of approval require the building permit plans to provide a lighting plan demonstrating that all exterior lighting will be shielded and downlit to minimize off-site light and glare, and that all windows will be treated to minimize glare.
- P. Trash and recycling receptacles utilities and mechanical equipment are located within the structure and will not be visible from the exterior of the building.
- Q. No signage is included in the application.
- R. As the proposed storefront commercial unit will be conveyed as a live/work space, the second floor deck and ground floor shared patio will be accessible to the commercial unit. If the unit is rented by the owner, access to the secured bicycle storage and rear patio will be maintained for employees of the commercial unit.
- S. The design respects the intimate scale and vernacular character of the street. Specifically, the proposed design respects the pedestrian scale and streetscape vernacular of Visitacion Avenue through the utilization of voids in the ground floor walls fronting Visitacion Avenue at the driveway and residential entry, and second and third story setbacks. The NCRO-2 district Design Guidelines specifically suggest that portions of a building over 28 ft in height should be stepped back from the front of the building “so as not to overwhelm the view of pedestrians along both sides of the street below, and to emphasize the one-to two-story nature of the streetscape.”
- T. Design details are incorporated to articulate the building, as described in detail in Findings F, G, H, and S, which emphasize the relationship to the pedestrian environment. The ground floor storefront commercial unit features a glass door and large windows at the north and west building façade with transom accent windows providing unobstructed views into the space from the street. The ground floor façade features stone veneer, small planters, and permeable pavers at the residential entry to provide additional visual interest at eye level. The existing street tree would be retained.
- U. The design incorporates creative use of elements that are characteristic of both residential and commercial structures on Visitacion Avenue. These elements include recessed entries to the residential access pathway and garage, transom windows above doors and windows at the ground floor, stone veneer at street level to add texture to the façade, and planter boxes at street level to provide urban greenery at the pedestrian level.
- V. Color and texture are provided at the street through the use of planter boxes and stone veneer, as described in detail in Findings G and U.
- W. Landscaping has been incorporated to enhance the design and enliven the streetscape, as described in Findings M, T, and U.

The requested 283 sq ft commercial storefront area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the

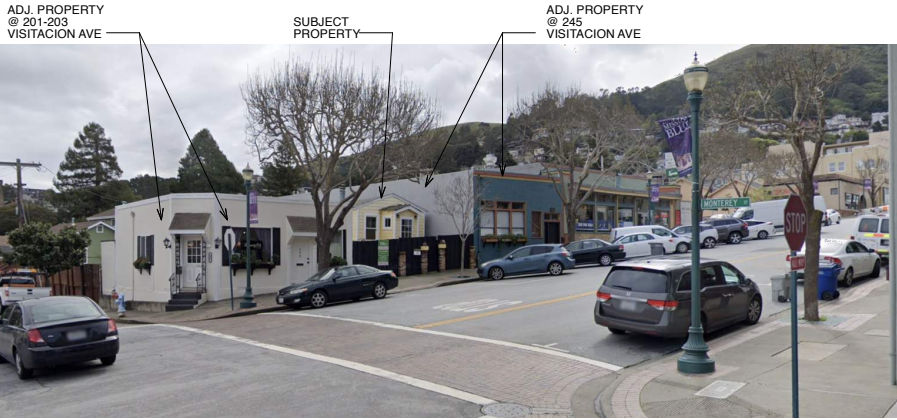
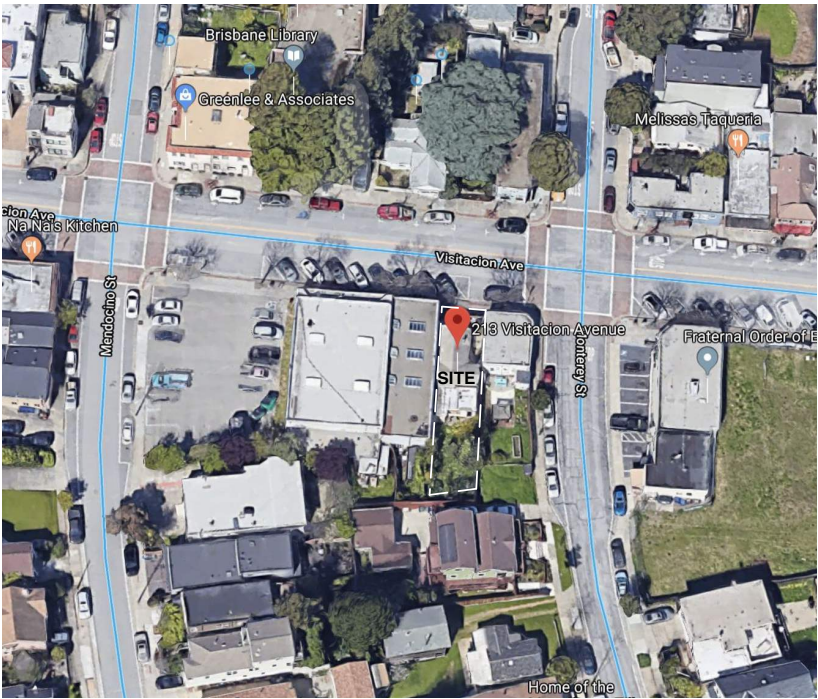
Exhibit B

site. The space is the largest that can reasonably be dedicated to the storefront, given that half of the frontage must be occupied by the driveway and residential entryway, and given the need to provide on-site parking, permanent storage facilities, and interior garbage and recycling areas on the ground floor. Increasing the commercial space to achieve the 600 sq ft size would result in the loss of the required storage units and interior garage and recycling area and/or two of the parking spaces, depending on how the space was reallocated. In this case, given the intended use of the space for an office and/or small retail space (depending on the future owner's needs), a 283 sq ft storefront is adequate for the proposed use and the largest possible area given the physical constraints of the structure and site.

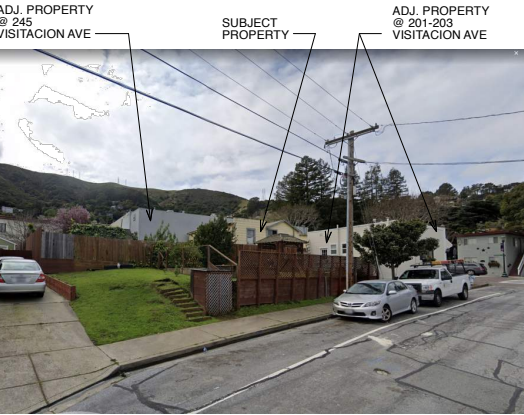
December 3, 2020 agenda report ([hyperlink](#))

December 3, 2020 meeting video and minutes (hyperlink)

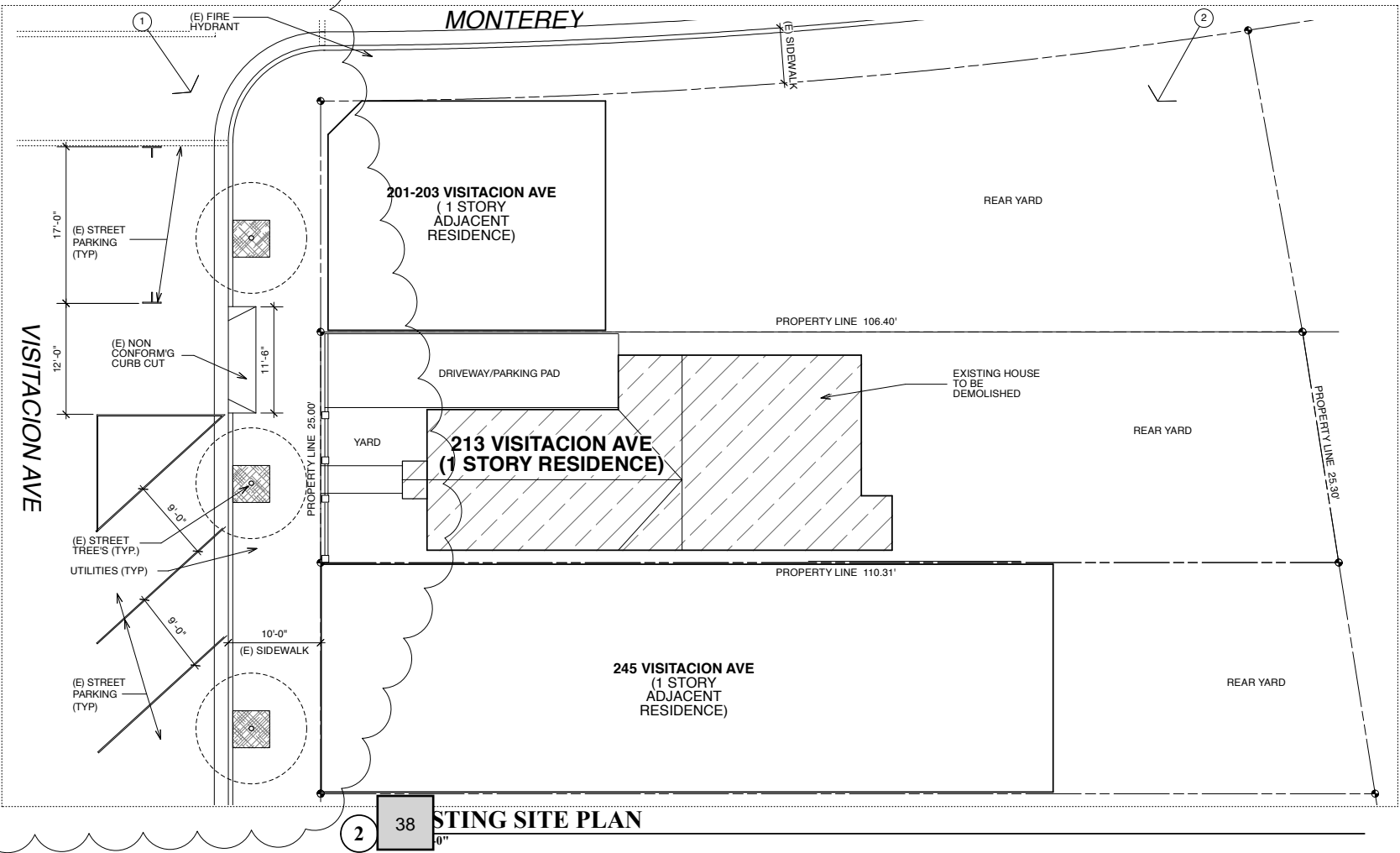
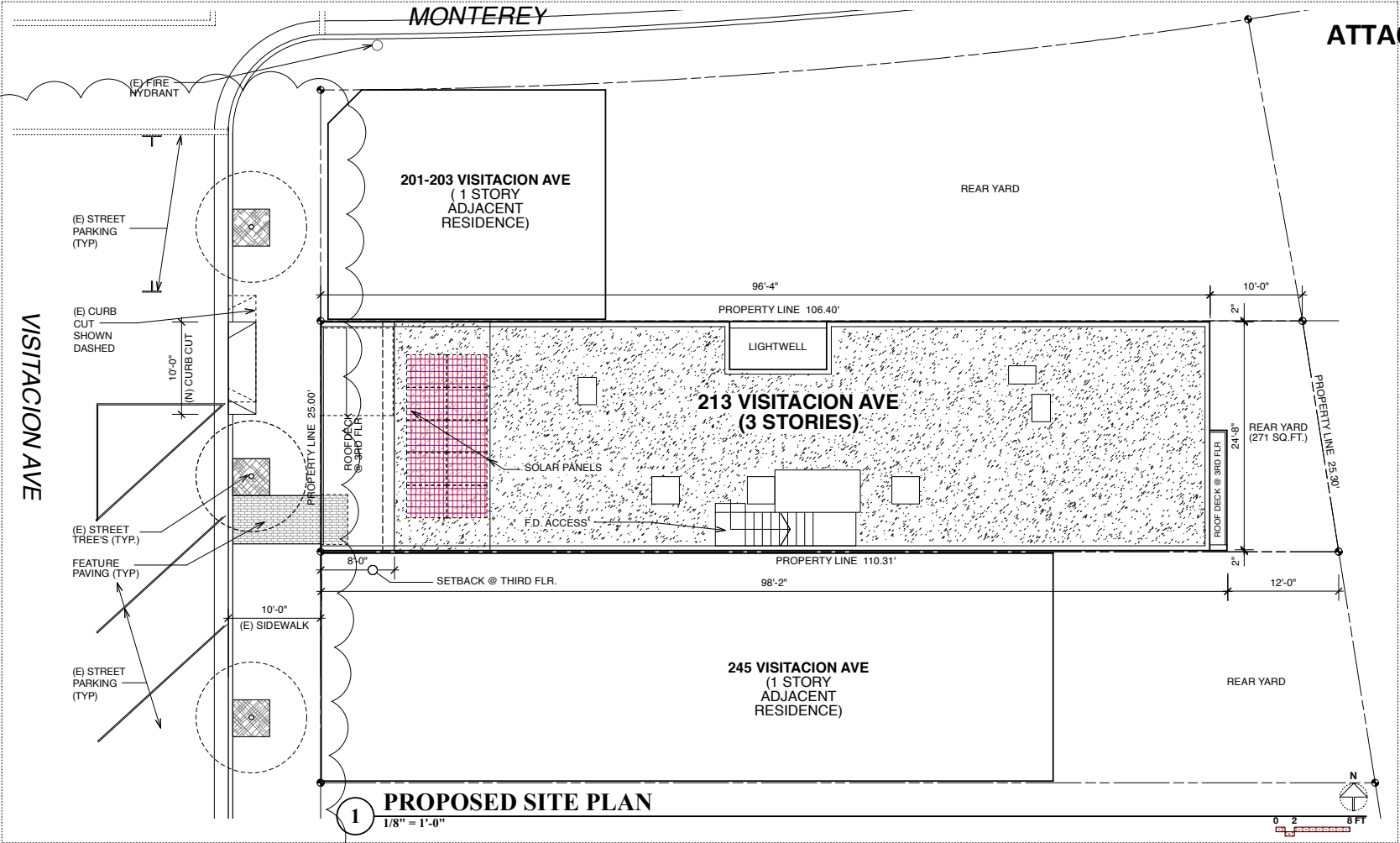
SITE VICINITY AERIAL MAP



1 LOOKING SOUTH WEST



2 LOOKING EAST



ATTACHMENT E

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JUNE 3, 2020	PERMIT SUBMITTAL
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OCT. 15, 2020	DESIGN REVISION
NOV. 18, 2020	DES. REVISION2:1 FNL. CMNTS.

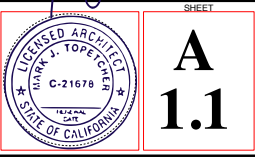
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V-213 RESIDENCES
213 VISITACION AVENUE
BRISBANE, CA. 94005
APN # 007-283-080

SHEET TITLE
(E) SITE PLAN
(P) SITE PLAN
SITE PHOTOS

SCALE:
AS NOTED

JOB NO.
19.20



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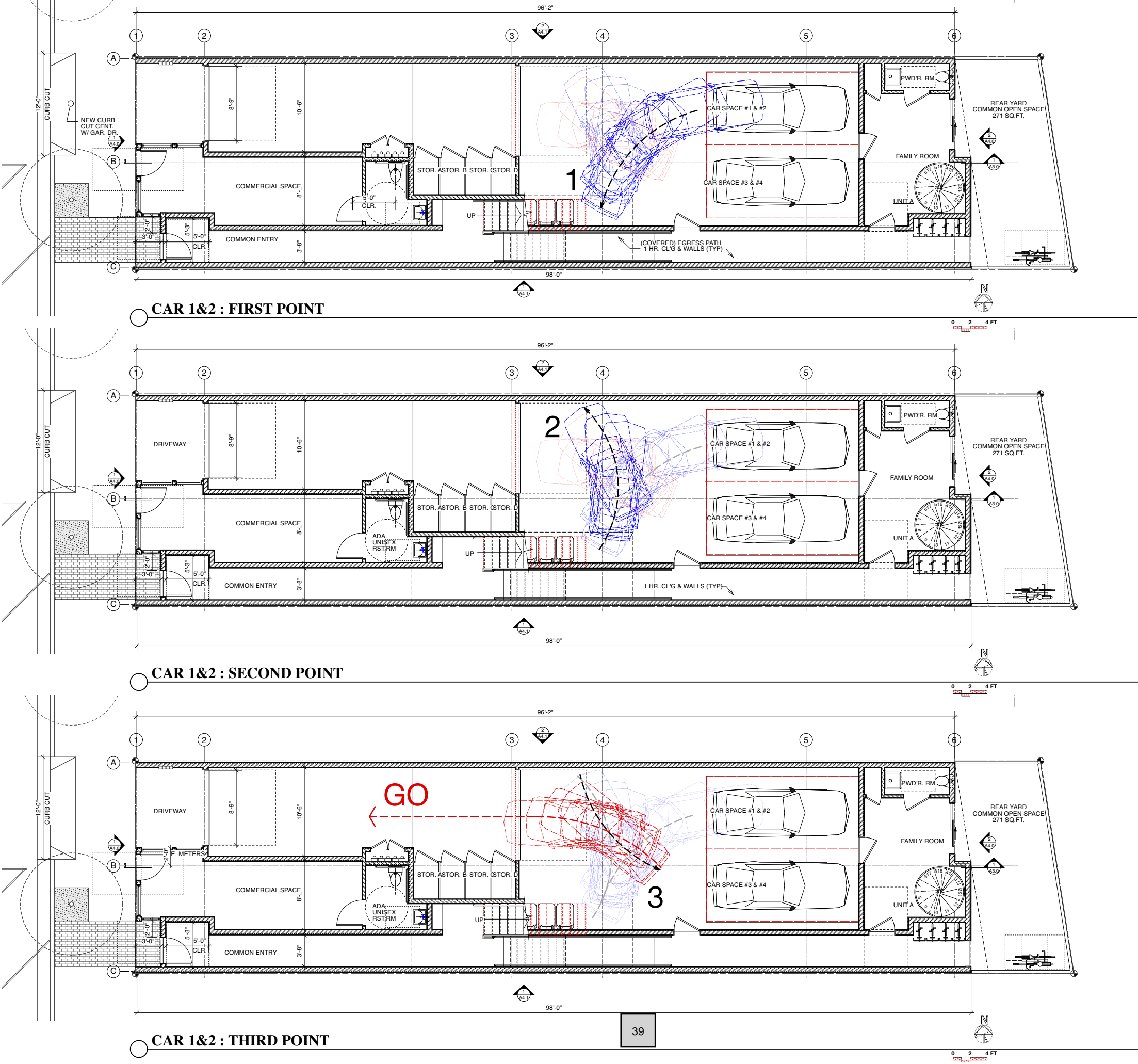
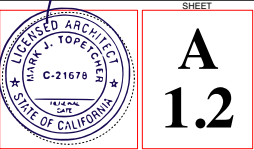
PERMIT
APP. NO.

V-213 RESIDENCES
213 VISITACION AVENUE
BRISBANE, CA. 94005
APN # 007-283-080

SHEET TITLE
3 POINT TURN
DIAGRAMS /
CARS 1 & 2

SCALE: 3/16"= 1'-0"
JOB NO. 19.20

MARK J. TOPETCHER, ARCHITECT, CA. LIC. # C-21678, EXPI. MAY 2021



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OCT. 23, 2020	DESIGN REVISION2 CMNTS.

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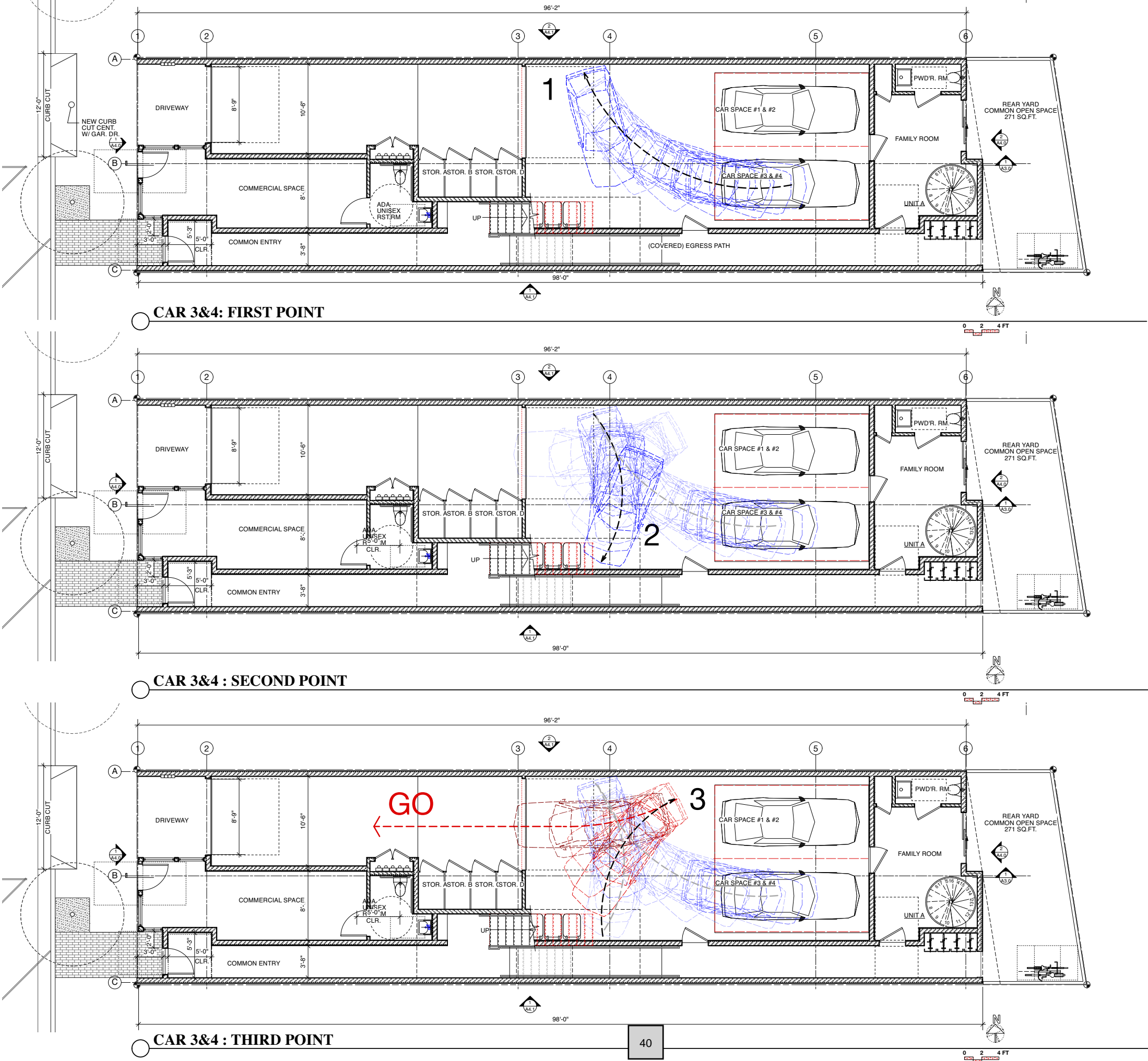
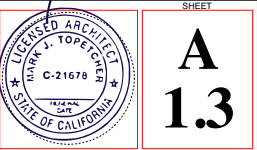
PERMIT
APP. NO.

V-213 RESIDENCES
213 VISITACION AVENUE
BRISBANE, CA. 94005
APN # 007-283-080

SHEET TITLE
3 POINT TURN
DIAGRAMS /
CARS 3 & 4

SCALE: 3/16"= 1'-0"
JOB NO. 19.20

MARK J. TOPETCHER, ARCHITECT, CA. LIC. # C-21678, EXP. MAY 2021



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NOV. 18, 2020	DES. REVISION 2.1 FNL. CMNTS.

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APP. NO.

V-213 RESIDENCES
213 VISITACION AVENUE
BRISBANE, CA. 94005

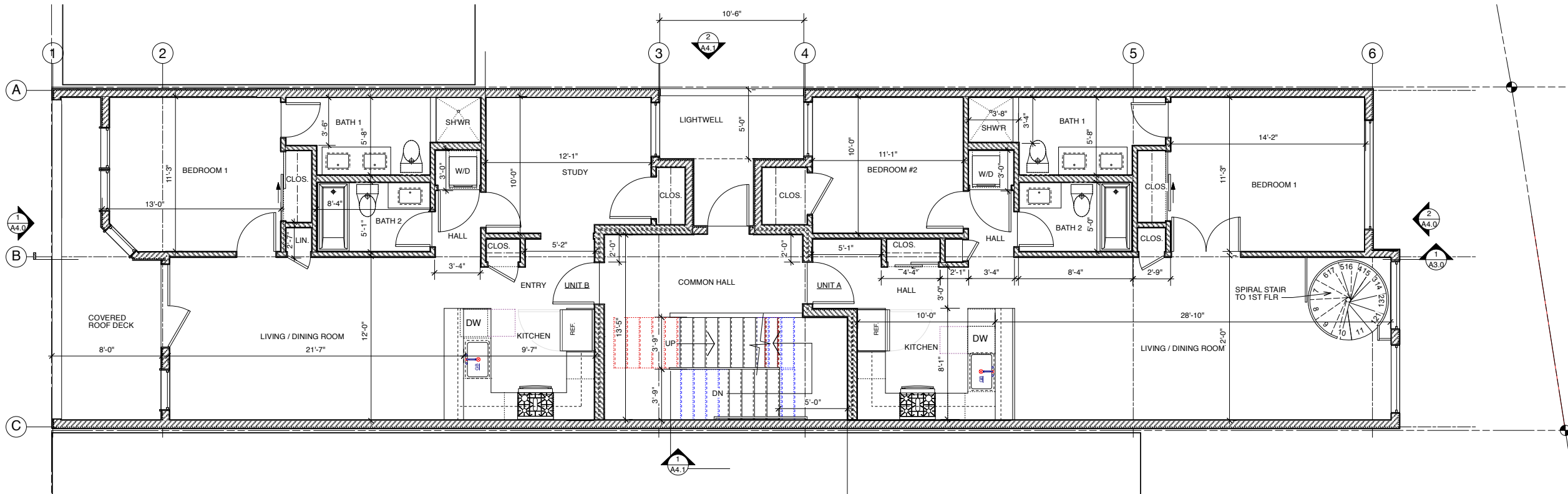
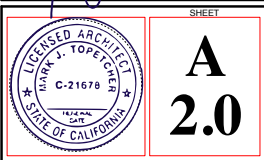
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SHEET TITLE
PROP. PLANS

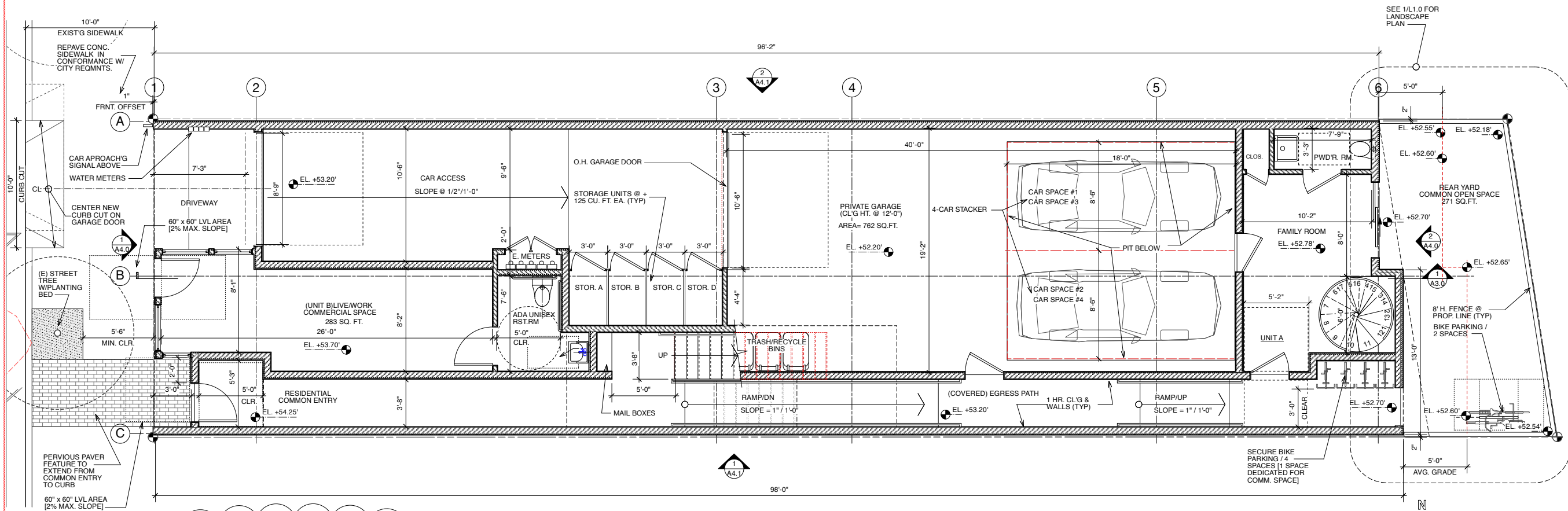
SCALE:
1/4" = 1'-0"

JOB NO.
19.20

MARK J. TOPETCHER, ARCHITECT, C.A. # C 21678, EXP. MAY 2021



PROPOSED SECOND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

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NOV. 10, 2020	DESIGN REVISION2 FNL CMNTS

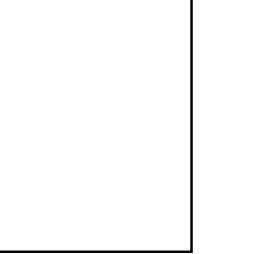
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V-213 RESIDENCES
213 VISITACION AVENUE
BRISBANE, CA. 94005

APN # 007-283-080

SHEET TITLE	
PROP. PLANS	

SCALE: 1/4"= 1'-0"	JOB NO. 19.20
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W. J. ...
MARK J. ...
C-21678
DATE OF CALIFORNIA

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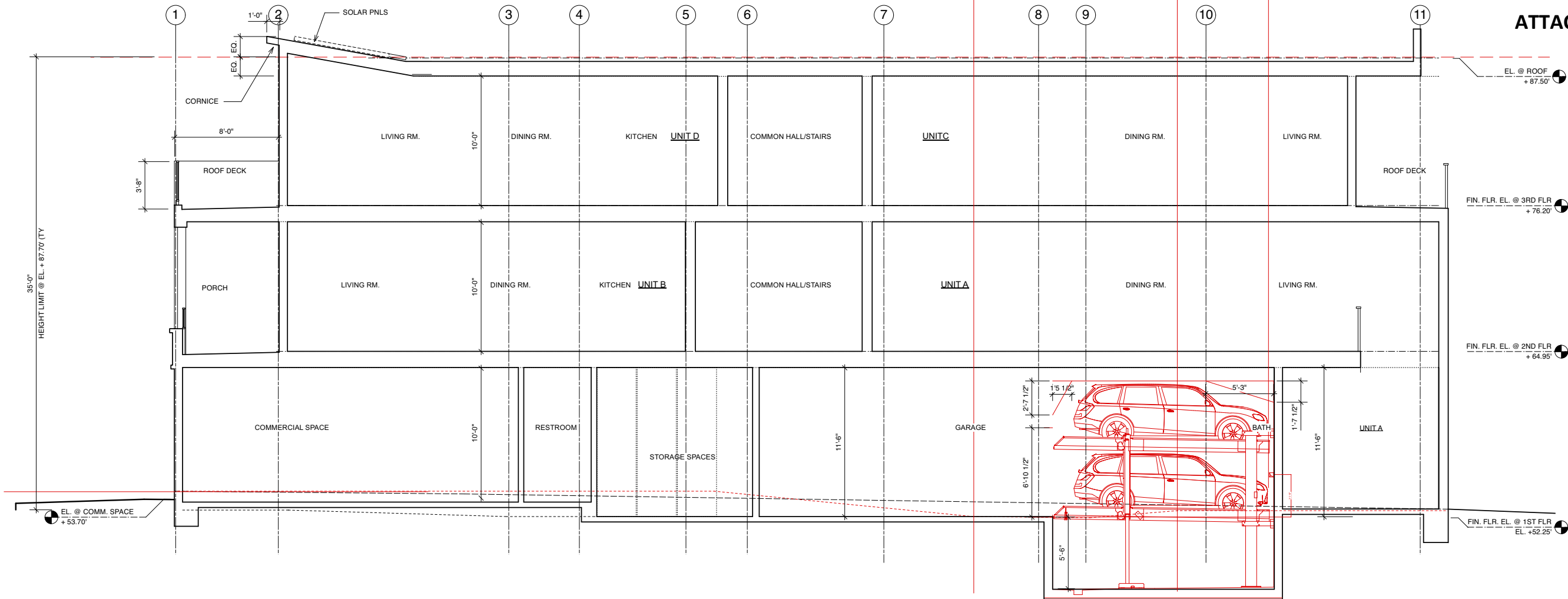
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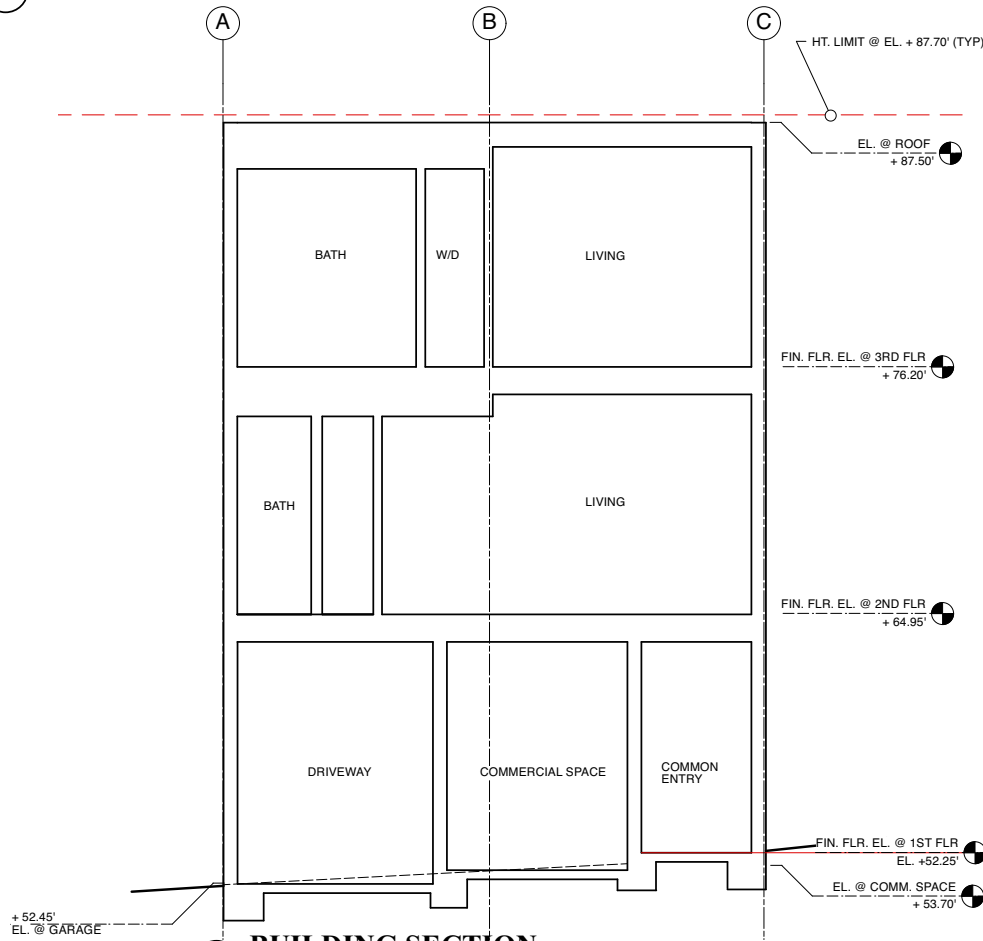
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PROPOSED ROOF PLAN

PROPOSED THIRD FLOOR PLAN



1 BUILDING SECTION



2 BUILDING SECTION
1/4" = 1'-0"

ATTACHMENT E

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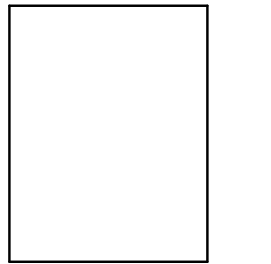
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V-213 RESIDENCES
213 VISITACION AVENUE
BRISBANE, CA. 94005
APN # 007-283-080

SHEET TITLE

SCALE: JOB NO. 19.20



MARK J. TOPETCHER ARCHITECT, C.A. # C-21676, EXP. MAY 2021

3.0

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NOV. 10, 2020	DESIGN REVISION2 FNL. CMNTS

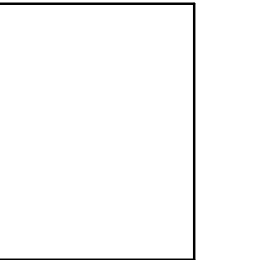
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213 VISITACION AVENUE
BRISBANE, CA. 94005

APN # 007-283-080

SHEET TITLE	

SCALE:	JOB NO. 19.20
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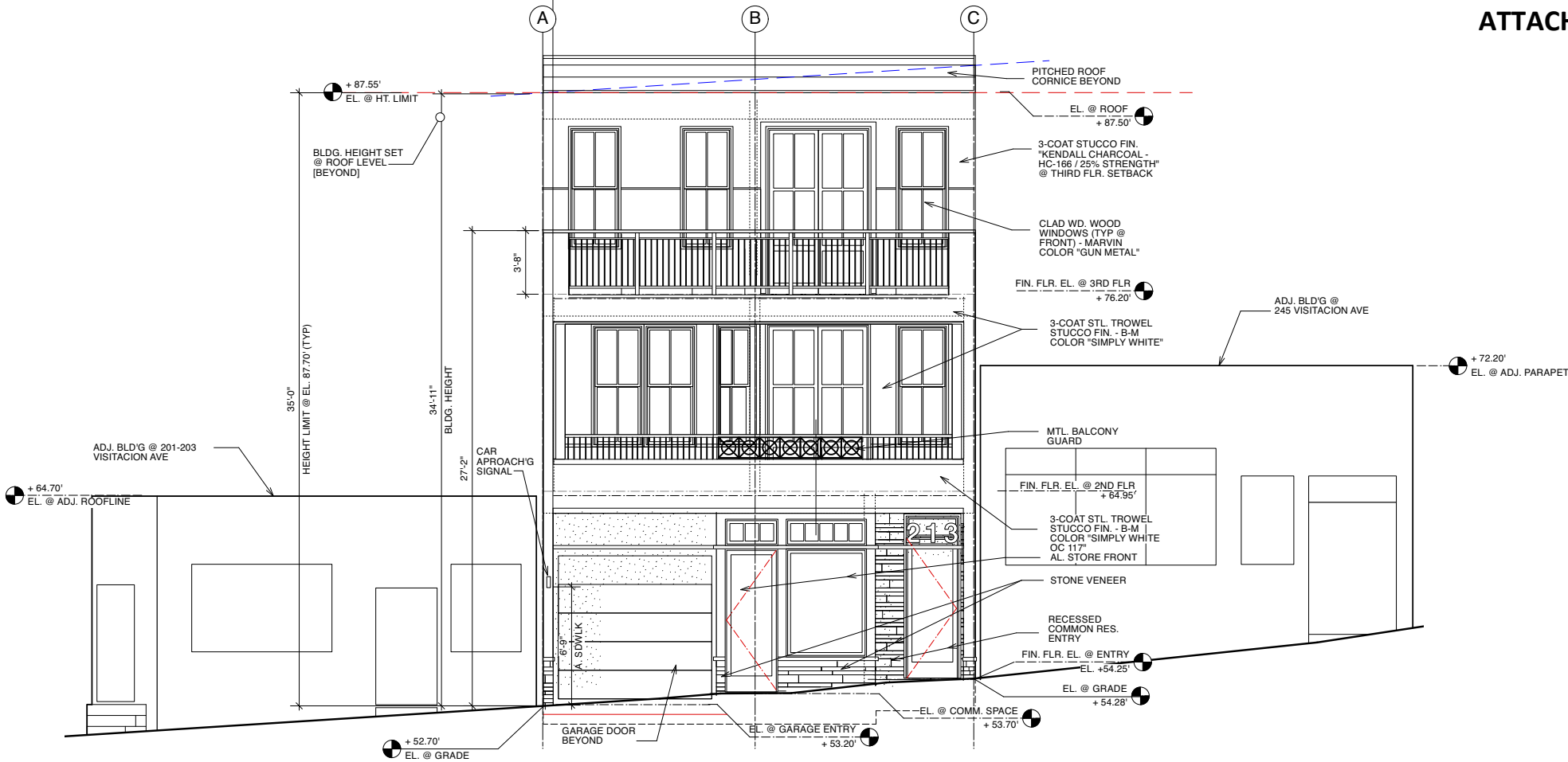


MARK J. TOPETCHER ARCHITECT, CAL. # C 21678, EXP. MAY 2021

MARK J. TOPETCHER
C-21678
STATE OF CALIFORNIA

SHEET

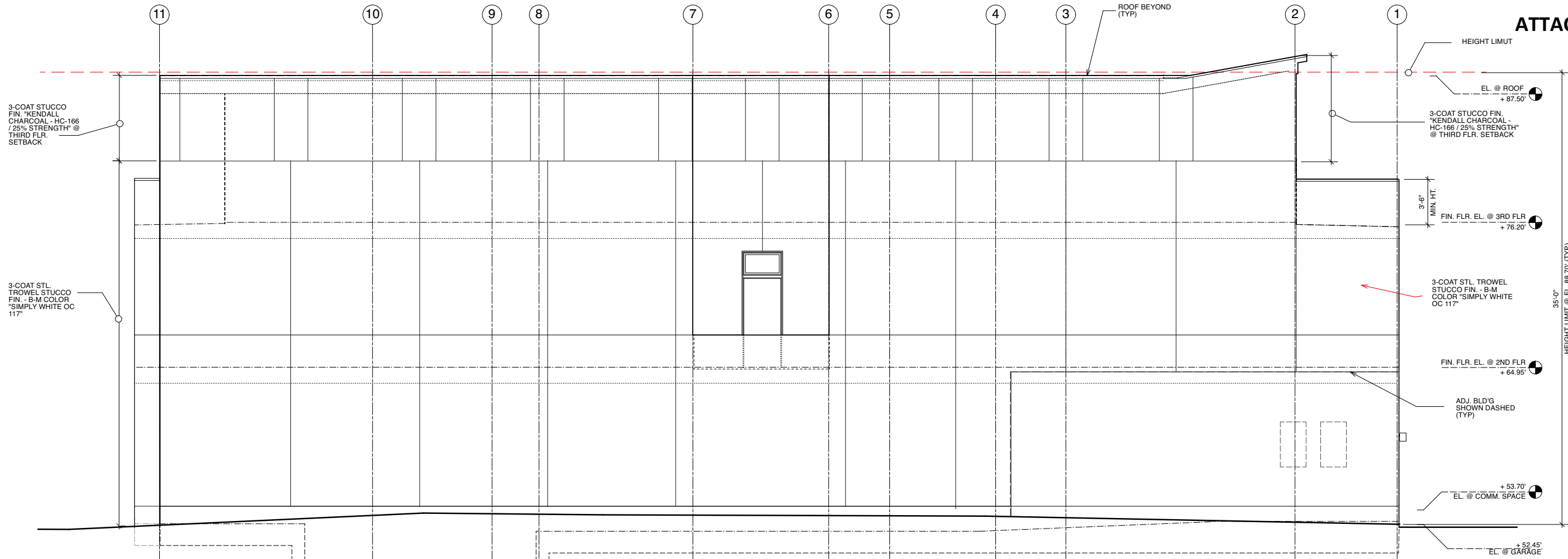
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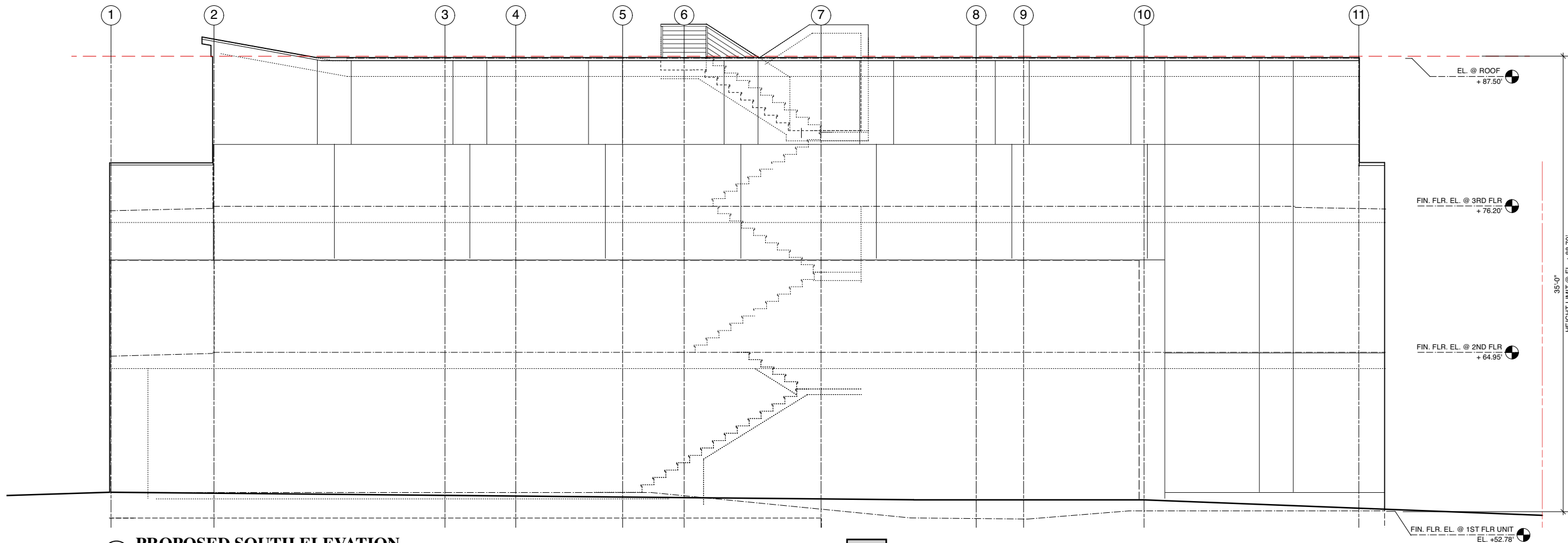
1 PROPOSED WEST (FRONT) ELEVATION



2 PROPOSED EAST (REAR) ELEVATION



2 PROPOSED NORTH ELEVATION



1 PROPOSED SOUTH ELEVATION

ATTACHMENT E

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V-213 RESIDENCES
213 VISITACION AVENUE
BRISBANE, CA. 94005

APN # 007-283-080

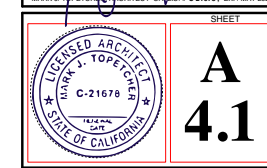
SHEET TITLE

SCALE:

JOB NO.

19.20

MARK J. TOPETCHER ARCHITECT, C.A. 21676, EXP. MAY 2021



A. Project Information

B. Select Appropriate Site Design Measures

B.2 On the list below, indicate whether each site design measure is included in the project plans and the plan sheet number:		
Yes	No	Plan Sheet No.
<input type="checkbox"/>	<input type="checkbox"/>	a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	b. Direct roof runoff onto vegetated areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	g. Minimize land disturbance and impervious surface (especially parking lots).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	h. Maximize permeability by clustering development and preserving open space.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	i. Use micro-ventilation, including distributed landscape-based detention.

<input type="checkbox"/>	<input checked="" type="checkbox"/>	j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	k. Self-retaining area (see Section 4.2 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	l. Self-retaining area (see Section 4.3 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	m. Plant or preserve interceptor trees (Section 4.1, C.3 Technical Guidance)

Are these features in project?		Features that require source control measures	Source control measures (Refer to Local Source Control List for detailed requirements)	Is source control measure included in project plan?	
Yes	No			Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Storm Drain	* Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Floor Drains	* Plumb interior floor drains to sanitary sewer (or prohibit).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking garage	* Plumb interior parking garage floor drains to sanitary sewer. ⁶	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landscaping	* Retain existing vegetation as practicable. * Select diverse species appropriate to the site. Include plants that are pest-and/or disease-resistant, drought-tolerant, and/or attract beneficial insects. * Minimize use of pesticides and quick-release fertilizers. * Use efficient irrigation system; design to minimize runoff.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pool/Spa/Fountain	* Provide connection to the sanitary sewer to facilitate draining. ⁶	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel Service Equipment (non-residential)	* Provide sink or other area for equipment cleaning, which is: * Connected to a grease interceptor prior to sanitary sewer discharge. ⁶ * Large enough for the largest mat or piece of equipment to be cleaned. * Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off, and signed to require equipment washing in this area.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Refuse Areas	* Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. * Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer. ⁶	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Process Activities ⁷	* Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer. ⁶	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Equipment/ Materials Storage	* Cover the area or design to avoid pollutant contact with stormwater runoff. * Locate area only on paved and contained areas. * Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer ⁶ , and contain by berms or similar.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/ Equipment Cleaning	* Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer ⁶ , and sign as a designated wash area. * Commercial car wash facilities shall discharge to the sanitary sewer. ⁶	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/ Equipment Repair and Maintenance	* Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas. * No floor drains unless pretreated prior to discharge to the sanitary sewer. ⁶ * Connect containers or sinks used for parts cleaning to the sanitary sewer. ⁶	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel Dispensing Areas	* Fueling areas shall have impermeable surface that is (a) minimally graded to prevent ponding and (b) separated from the rest of the site by a grade break. * Canopy shall extend at least 10 ft. in each direction from each pump and drain away from fueling area.	<input type="checkbox"/>	<input type="checkbox"/>

D. Implement construction Best Management Practices (BMPs) *(Required for all projects.)*

D.2 All projects require appropriate stormwater (BMPs) during construction - indicate which BMPs are included in the project, below	
Yes	Best Management Practice (BMP)
<input checked="" type="checkbox"/>	Attach the San Mateo Countywide Water Pollution Prevention Program's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.
<input type="checkbox"/>	Temporary erosion controls to stabilize all denuded areas until permanent erosion controls are established.
<input type="checkbox"/>	Delineate with field markers the following areas: clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees to be protected and retained, and drainage courses.
<input checked="" type="checkbox"/>	Provide notes, specifications, or attachments describing the following: <ul style="list-style-type: none"> Construction, operation and maintenance of erosion and sediment controls, include inspection frequency; Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material; Specifications for vegetative cover & mulch, include methods and schedules for planting and fertilization; Provisions for temporary and/or permanent irrigation.
<input type="checkbox"/>	Perform clearing and earth moving activities only during dry weather.
<input checked="" type="checkbox"/>	Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.
<input checked="" type="checkbox"/>	Control all storm drain inlets in vicinity of site using sediment controls (e.g., berms, socks, fiber rolls, or filters).
<input checked="" type="checkbox"/>	Trap sediment on-site, using BMP's such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, compact blankets or jute mats, covers for stock pile runoff, etc.
<input type="checkbox"/>	Divert on-site runoff around exposed areas; divert off-site runoff along the site (e.g., swales and dikes).
<input checked="" type="checkbox"/>	Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mounds, or other measures as appropriate.
<input checked="" type="checkbox"/>	Limit construction access routes and stabilize designated access points.
<input checked="" type="checkbox"/>	No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where washwater is contained and treated.
<input checked="" type="checkbox"/>	Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.
<input checked="" type="checkbox"/>	Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.
<input checked="" type="checkbox"/>	Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, washwater or cleaning agents, fine waste from architectural copper, and non-stormwater discharges to storm drains and watercourses.

Stormwater Checklist for Small Projects

Signature:  Date: 7/21/2020

E. Comments (for municipal staff use only)

F. NOTES (for municipal staff use only)

Section A Notes: _____

Section B Notes: _____

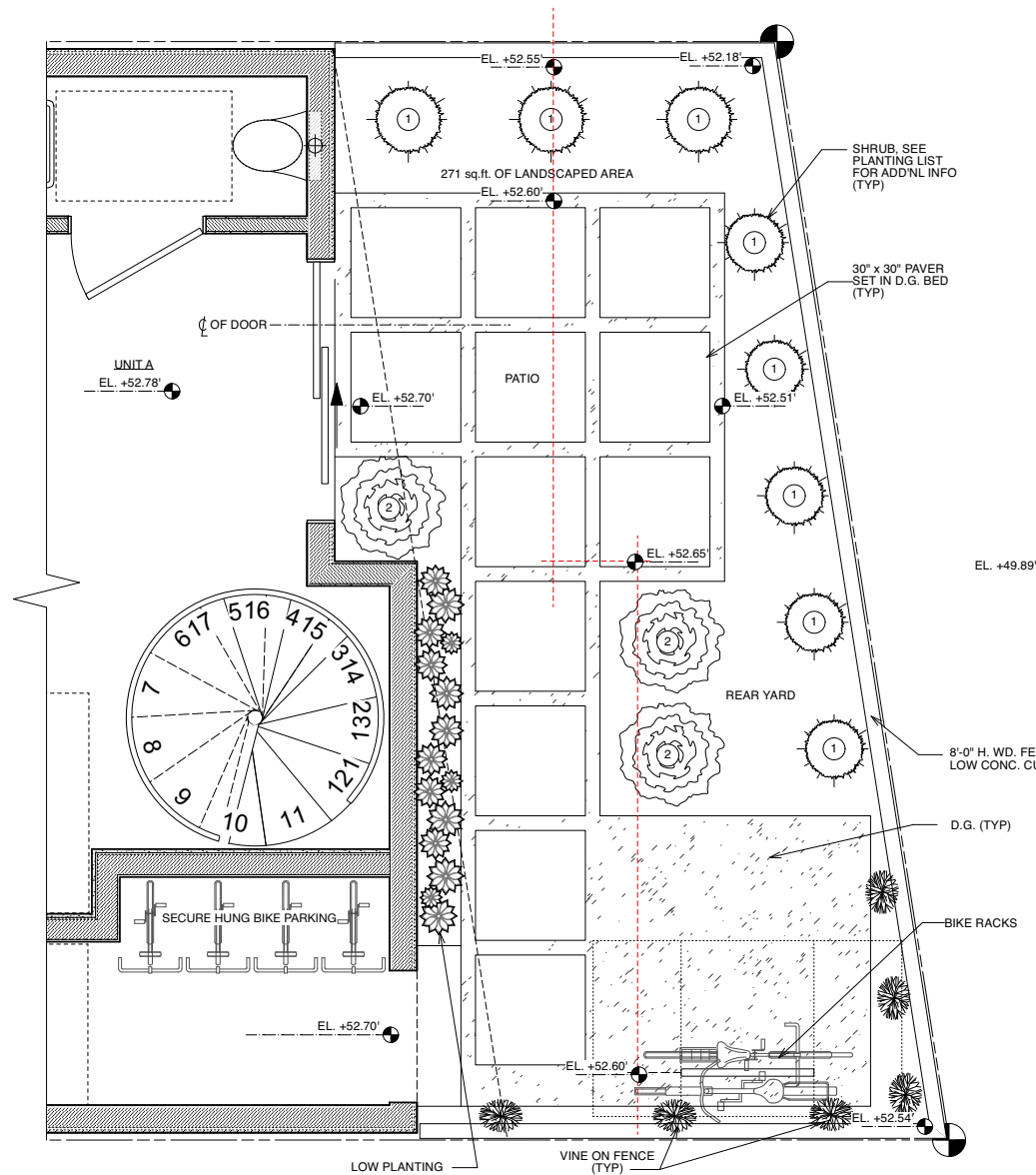
Section C Notes: _____

Section D Notes: _____

Stormwater Checklist for Small Projects

LATIN NAME	COMMON NAME	WATER USE	CLASSIFICATION
BANKSIA VICTORIAE	WOOLY ORANGE BANKSIA	LOW	FLOWERING SHRUB
GREVELLIA 'SUNSET BRONZE'	SUNSET BRONZE GREVILLEA	LOW	FLOWERING SHRUB
LEUCOSPERMUM CORDIFOLIUM	PIN CUSHION PROTEA	LOW	FLOWERING SHRUB
LEONITUS LEONURUS	LION'S TAIL	LOW	PERENNIAL HERB
MELIANTHUS MAJOR 'ANTONOW'S BLUE'	ANTONOW'S BLUE HONEYBUSH	LOW	PERENNIAL HERB

NOTE: LOW WATER USE CALIFORNIA NATIVE SPECIES PREFERRED FOR LANDSCAPING



CONCEPTUAL LANDSCAPE PLAN

828 DIVISADERO
SAN FRANCISCO
CALIFORNIA 94117
TEL 415 359 9997
FAX 415 359 9986
toparchitecture.com

PRINTING RECORD

[illegible]

All drawings and written material appearing herein constitute the original unpublished work of TOPetcher ARCHITECTURE INC. and the same may not be duplicated, used or disclosed without written consent.

V-213 RESIDENCES
213 VISITACION AVENUE
BRISBANE, CA. 94005
APN # 007-283-080

PERMIT
APP NO

APN # 007-283-080

SHEET TITLE
CONCEPTUAL
LANDSCAPE PLAN &
STORMWATER
CHECKLIST

SCALE: 1/2" = 1'-0"	JOB NO. 19.20
------------------------	------------------

MARK J. TOPETCHER, ARCHITECT C.A.L.I.C. # C 21578, EXP. MAY 2021

The image shows a circular professional engineer seal for the State of California. The outer ring contains the text "LICENSED ARCHITECT" at the top and "STATE OF CALIFORNIA" at the bottom, separated by two stars on each side. Inside the ring, the name "MARK J. TOPOLENDER" is written in a larger font, with the license number "C-21678" below it. At the bottom of the inner circle, it says "MECHANICAL" and "EXPIRATION DATE" followed by a blank space.



2 VISTACION AVENUE LOOKING SOUTH

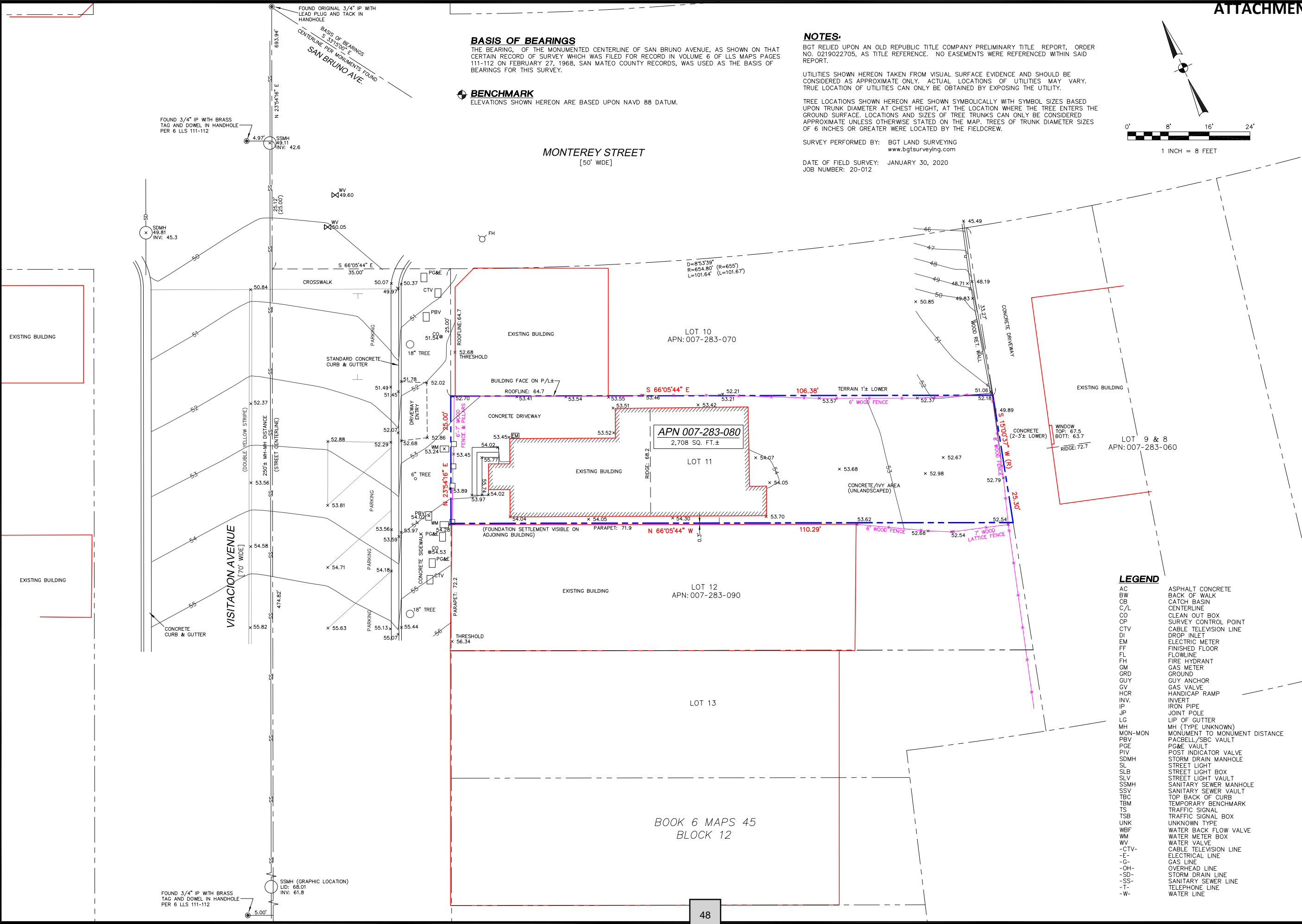


1 VISTACION AVENUE VIEW



FINISH SCHEDULE		
ID	MATERIAL	COLOR
1	Cornice Trim	Similar to Benjamin Moore - Kendall Charcoal - HC-166 / 25% strength
2	STUCCO 'A'	Similar to Benjamin Moore - Kendall Charcoal - HC-166
3	CLAD WOOD WINDOWS	Obsidian - charcoal grey
4	POWDER COATED METAL	Similar to Obsidian - charcoal grey
5	WESTERN RED CEDAR	CEDAR
6	STUCCO	Similar to Benjamin Moore - Simply White - OC 117
7	STONE VENEER	





BASIS OF BEARINGS
THE BEARING, OF THE MONUMENTED CENTERLINE OF SAN BRUNO AVENUE, AS SHOWN ON THAT CERTAIN RECORD OF SURVEY WHICH WAS FILED FOR RECORD IN VOLUME 6 OF LLS MAPS PAGES 111-112 ON FEBRUARY 27, 1968, SAN MATEO COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCHMARK
ELEVATIONS SHOWN HEREON ARE BASED UPON NAVD 88 DATUM.

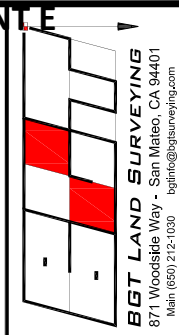
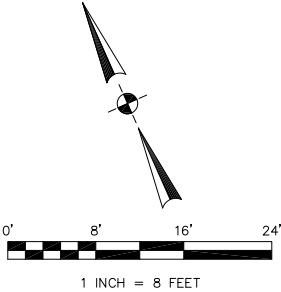
NOTES:
BGT RELIED UPON AN OLD REPUBLIC TITLE COMPANY PRELIMINARY TITLE REPORT, ORDER NO. 0219022705, AS TITLE REFERENCE. NO EASEMENTS WERE REFERENCED WITHIN SAID REPORT.

UTILITIES SHOWN HEREON TAKEN FROM VISUAL SURFACE EVIDENCE AND SHOULD BE CONSIDERED AS APPROXIMATE ONLY. ACTUAL LOCATIONS OF UTILITIES MAY VARY. TRUE LOCATION OF UTILITIES CAN ONLY BE OBTAINED BY EXPOSING THE UTILITY.

TREE LOCATIONS SHOWN HEREON ARE SHOWN SYMBOLICALLY WITH SYMBOL SIZES BASED UPON TRUNK DIAMETER AT CHEST HEIGHT, AT THE LOCATION WHERE THE TREE ENTERS THE GROUND SURFACE. LOCATIONS AND SIZES OF TREE TRUNKS CAN ONLY BE CONSIDERED APPROXIMATE UNLESS OTHERWISE STATED ON THE MAP. TREES OF TRUNK DIAMETER SIZES OF 6 INCHES OR GREATER WERE LOCATED BY THE FIELDCREW.

SURVEY PERFORMED BY: BGT LAND SURVEYING
www.bgtlandsurveying.com

DATE OF FIELD SURVEY: JANUARY 30, 2020
JOB NUMBER: 20-012



BOUNDARY AND TOPOGRAPHIC SURVEY
"AMENDED MAP OF SUBDIVISIONS 1, 2, AND 3 OF THE CITY OF VISITACION" (BOOK 6 MAPS 45)
LOT 11, BLOCK 12, "AMENDED MAP OF SUBDIVISIONS 1, 2, AND 3 OF THE CITY OF VISITACION" (BOOK 6 MAPS 45)
213 VISITACION AVENUE
BRISBANE, COUNTY OF SAN MATEO, CALIFORNIA

- LEGEND**
- | | |
|---------|-------------------------------|
| AC | ASPHALT CONCRETE |
| BW | BACK OF WALK |
| CB | CATCH BASIN |
| C/L | CENTERLINE |
| CO | CLEAN OUT BOX |
| CP | SURVEY CONTROL POINT |
| CTV | CABLE TELEVISION LINE |
| DI | DROP INLET |
| EM | ELECTRIC METER |
| FF | FINISHED FLOOR |
| FL | FLOWLINE |
| FH | FIRE HYDRANT |
| GM | GAS METER |
| GRD | GROUND |
| GUY | GUY ANCHOR |
| GV | GAS VALVE |
| HCR | HANDICAP RAMP |
| INV. | INVERT |
| IP | IRON PIPE |
| JP | JOINT POLE |
| LG | LIP OF GUTTER |
| MH | MH (TYPE UNKNOWN) |
| MON-MON | MONUMENT TO MONUMENT DISTANCE |
| PBV | PACBELL/SBC VAULT |
| PGE | PG&E VAULT |
| PIV | POST INDICATOR VALVE |
| SDMH | STORM DRAIN MANHOLE |
| SL | STREET LIGHT |
| SLB | STREET LIGHT BOX |
| SLV | STREET LIGHT VAULT |
| SSMH | SANITARY SEWER MANHOLE |
| SSV | SANITARY SEWER VAULT |
| TBC | TOP BACK OF CURB |
| TBM | TEMPORARY BENCHMARK |
| TS | TRAFFIC SIGNAL |
| TSB | TRAFFIC SIGNAL BOX |
| UNK | UNKNOWN TYPE |
| WBF | WATER BACK FLOW VALVE |
| WM | WATER METER BOX |
| WV | WATER VALVE |
| -CTV- | CABLE TELEVISION LINE |
| -E- | ELECTRICAL LINE |
| -G- | GAS LINE |
| -OH- | OVERHEAD LINE |
| -SD- | STORM DRAIN LINE |
| -SS- | SANITARY SEWER LINE |
| -T- | TELEPHONE LINE |
| -W- | WATER LINE |

File Attachments for Item:

B. PUBLIC HEARING: 2000 Sierra Point Parkway; Design Permit 2022-DP-7; SP-CRO Sierra Point Commercial District; Design Permit to extend the existing rooftop screen to allow additional rooftop mechanical equipment; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15301, Existing Facilities; Kevin Norman, applicant; HCP Life Science REIT, owner.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: January 26, 2023

From: Jeremiah Robbins, Associate Planner

Subject: 2000 Sierra Point Parkway; Design Permit 2022-DP-7; SP-CRO Sierra Point Commercial District; Design Permit to extend the existing rooftop screen to allow additional rooftop mechanical equipment; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15301, Existing Facilities; Kevin Norman, applicant; HCP Life Science REIT, owner.

REQUEST: The applicant requests design permit approval to extend the existing rooftop mechanical equipment screen of 2000 Sierra Point Parkway within the SP-CRO Sierra Point Commercial zoning district. The extension would match the height, color, and finish of the existing screen.

RECOMMENDATION: Approve Design Permit 2022-DP-7 via adoption of Resolution 2022-DP-7 containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301(a) - this project falls within a class of projects which the State has determined not to have a significant effect on the environment. The exceptions to this categorical exemption referenced in Section 15300.2 of the CEQA Guidelines do not apply.

APPLICABLE CODE SECTIONS: Brisbane Municipal Code (BMC) [Chapter 17.42](#) requires a design permit when a substantial modification of an existing principal structure for which no design permit has previously been issued is proposed. That same chapter defines the term "substantial modification" to mean an alteration of the exterior of the structure to the extent of significantly modifying its basic design, elevations, size, appearance, or relationship to adjacent properties or structures, as determined by the planning director. Design permit findings are contained within [§17.42.040](#). The [Sierra Point Combined Site and Architectural Design Guidelines](#) (SPDG) requires all mechanical equipment to be concealed and screened, regardless of building height.

ANALYSIS AND FINDINGS:

Background

Existing Conditions and Site Description

2000 Sierra Point Parkway is an approximately 10.2 acre developed site at the center of the Sierra Point subarea and is bordered by Sierra Point Parkway to the south and Marina Boulevard on the western and northern sides. The subarea is located atop a closed landfill and the site, along with most of the subarea, was developed in the 1980s. 2000 Sierra Point Parkway is the tallest

2022-DP-7

1/26/2023 Regular Meeting

structure in the subarea at 12 stories and is surrounded by towers at 8000 Marina Boulevard immediately to the east, 7000 and 5000 Marina Boulevard to the north, and 1000 Marina Boulevard to the west, as well as the nearly complete six-structure campus located to the South at 800-1800 Sierra Point Parkway, and the under construction three-tower campus at 3000-3500 Marina Boulevard to the northwest.

In addition to the office building at 2000 Sierra Point, the owner of the site, HCP Life Science, also owns the office building at 8000 Marina Blvd. Together, the two buildings are referred to as “The Towers” and will serve as an extension of the biotech campus to the south, known as “The Shore” and also owned by HCP Life Science. In 2022, a building permit was issued to modify the infrastructure within the office building on the project site to make it more suitable for life science tenants. The scope of the building permit included replacing rooftop mechanical equipment that had reached the end of its useful life as well as installation of new infrastructure and equipment required for life science tenants, which generally require a larger footprint to accommodate all the equipment.

Project Description

As noted above, the applicant proposes to extend the existing screen of the rooftop mechanical equipment area to allow for a larger space to accommodate new and larger mechanical equipment. The application would not alter the location or orientation of the existing building nor does it increase or reduce the scale and intensity of use. No modifications to the building’s access or landscaped areas are proposed.

The new portion of the rooftop screen would be set back from the building’s parapet and match the height of the existing screen, as would the finish materials and colors of the new screen.

Analysis

Design Permit Findings

A detailed discussion of each required design permit finding is attached in Exhibit B of Resolution 2022-DP-7. The required findings are summarized below.

The project is located in the SP-CRO - Sierra Point Commercial District and as the orientation, location, and use of the building is unchanged, it would remain compatible with the development contained within this district. The proposed modifications to the rooftop mechanical screen would be complimentary as they match the existing screen materials and colors comprised of an aluminum framing finished with green glazing and glass fiber reinforced concrete finished in a white plaster (see attachment D). The white and green color scheme also matches the colors employed on both the building’s facades.

While the building is the tallest in the district at 12 stories, the SPDG require all mechanical equipment to be concealed and screened, regardless of building height. The new portion of the

2022-DP-7

1/26/2023 Regular Meeting

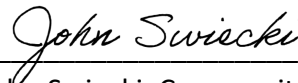
screen would match the 13'-4" height of the existing screen and it would also be setback at least 7 feet from the building's edge, following the existing lines and curvature of the building's footprint. This would keep the expanded rooftop mechanical area's scale, form, and proportions in harmony with the building's current design while adequately screening existing and new rooftop mechanical equipment.

Overall, the proposed modifications to the building's exterior elevations respect Brisbane's vernacular architectural heritage and conforms to the SPDG.

ATTACHMENTS

- A. Draft Resolution **2022-DP-7** with recommended findings and conditions of approval
- B. Aerial vicinity map
- C. Applicant's statement of findings for design permit
- D. Applicant's plans and renderings



Jeremiah Robbins, Associate Planner

John Swiecki, Community Development Director

Draft
RESOLUTION **2022-DP-7**
A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING DESIGN PERMIT 2022-DP-7
TO EXTEND THE EXISTING ROOFTOP SCREEN OF AN EXISTING STRUCTURE
AT 2000 SIERRA POINT PARKWAY

WHEREAS, Kevin Norman, the applicant, applied to the City of Brisbane for Design Permit approval of exterior design modifications at 2000 Sierra Point Parkway, which would extend the existing rooftop screen to allow additional rooftop mechanical equipment; and

WHEREAS, on January 26, 2023, the Planning Commission conducted a public hearing on the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said applications, the applicant's plans and supporting materials, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15301(a) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibits A and B in connection with the Design Permit application.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of January 26, 2023, did resolve as follows:

Design Permit 2022-DP-7 is approved per the findings and conditions of approval attached herein as Exhibits A and B.

ADOPTED this twenty-sixth day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

ROEL FUNKE

Acting Chairperson

JOHN A SWIECKI, Community Development Director

**Draft
EXHIBIT A**

Action Taken: Conditionally approve Design Permit 2022-DP-7 per the staff memorandum with attachments, via adoption of Resolution **2022-DP-7**.

Findings:**Design Permit 2022-DP-7**

- A. The proposal's scale, form, and proportion, are harmonious, and the materials and colors used complement the project, as described in detail in Exhibit B to Resolution 2022-DP-7.
- B. The proposal does not include modifications to the existing orientation or location of buildings, structures, open spaces, and other features.
- C. The proposal does not include modifications to the building's existing location and envelop.
- D. The proposal does not include modifications to the building's existing orientation or location nor any modifications that will substantially impact sustainability, long-term affordability, or heating and cooling opportunities.
- E. The proposal does not include hillside development.
- F. The location and dimensions of vehicular and pedestrian entrances and exits will not be modified. The proposal does not include modifications to off-street parking facilities nor interior site circulation.
- G. The proposal does not include an expansion of the existing structure or use, or alteration to the site that would negatively impact the use of alternative transportation.
- H. The proposal does not include modifications to existing landscaping, storage, service areas, and/or open areas. The property is not located in protected habitat or wildland areas.
- I. The proposal does not include modifications that substantially impact external and internal noise. As described in detail in Exhibit B to Resolution 2022-DP-7, conditions of approval 2 and 4 ensure the applicant will provide a noise analysis and provide evidence of internal noise reduction systems, sound attenuation encasements, and added vibration isolation devices prior to building permit issuance.
- J. Consideration has been given to avoiding off-site glare from lighting and reflective building materials, as described in detail in Exhibit B to Resolution 2022-DP-7.
- K. The proposal will allow new and additional rooftop equipment to be adequately screened. It does not include modifications to existing, adequately screened utility structures, trash containers, and mechanical equipment not located on the roof.

- L. The proposal does not include signage.
- M. The proposal does not include modifications to the needs of employees for outdoor space.

Conditions of Approval:

Prior to issuance of a Building Permit:

1. The owner shall obtain a building permit prior to proceeding with construction. An application including detailed building plans, application forms, and fees shall be submitted to the City for issuance of a Building Permit. The building permit application shall comply with all applicable State codes and applicable City of Brisbane Municipal Code provisions for new construction. Building plans shall comply with the following conditions:
 - a. The plans shall be in substantial conformance to the plans approved with this Design Permit, including finish materials and colors.
 - b. The building permit application shall not include materials which would present an off-site glare due to reflective materials or lighting.
 - c. Final color and material samples and/or cut sheets shall be provided for Community Development Director approval to confirm they are in substantial conformance with the approved Design Permit.
2. The owners shall submit an environmental noise analysis to document the current ambient noise levels and analyze the design of new rooftop mechanical equipment to ensure the project is within the acceptable ambient noise levels prescribed under the Brisbane Municipal Code. The building permit application shall be deemed incomplete if the noise analysis is not included with the owner's submission.
 - a. The noise analysis shall specify, document, and analyze internal noise reduction systems, sound attenuation encasements, and vibration isolation devices required of new rooftop mechanical equipment under condition of approval 4.
3. An encroachment permit shall be obtained prior to any work within the public right-of-way.

Other Conditions:

4. Any subsequent building permit application to install new rooftop mechanical equipment within the expanded rooftop area shall include a copy of the noise analysis required under condition of approval 2 and documentation demonstrating such mechanical equipment is in compliance with acceptable ambient noise levels prescribed under the Brisbane Municipal Code **AND** internal noise reduction systems, sound attenuation encasements, and vibration isolation devices are included to protect against external and internal noise.

Design Permit 2022-DP-7
ATTACHMENT A

5. Approval of this application is to allow for the project as detailed in the Project Description contained in the Planning Commission staff report dated January 26, 2023, except where project parameters are modified expressly by this Resolution.
6. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
7. This Design Permit shall expire two years from the effective date (at the end of the appeal period) unless extended by the Planning Commission, a Building Permit has not yet been issued for the approved project, or if the Building Permit, once issued, is allowed to expire prior to final inspection.

Exhibit B Findings Outline & Discussion

Design Permit 2022-DP-7 Findings:

Brisbane Municipal Code (BMC) [Chapter 17.42](#) requires approval of a Design Permit prior to performing substantial modifications to an existing principal structure for which no design permit has previously been issued. The Planning Commission may grant a design permit if the Commission finds that the proposed development is consistent with the General Plan and any applicable specific plan, and makes the findings in subsections A through M, as applicable.

General Plan Consistency: The proposed development is consistent with the General Plan. There is no specific plan applicable to this property.

The underlying land use designation for the subject property is Sierra Point Commercial/Retail/Office (SPCRO) and office uses are permitted. The proposal does not include any modifications that would expand the existing structure or use as an office building. The project is consistent with the following applicable General Plan policies:

- General Plan Policy LU.11 expects the City to make every effort to preserve public views of the Mountain and the Bay, in the context of respecting private property rights. The application does not increase the height of the structure and the new screen is setback from the building's parapet to reduce potential visual impacts.
- General Plan Policy LU.13 requires development to respect Brisbane's vernacular architectural heritage. The application proposes to match the existing screen's design, color scheme, and finish materials.
- General Plan Policy SP.1 requires development at Sierra point be guided by the Sierra Point Combined Site and Architectural Design Guidelines (SPDG). The application conforms to the SPDG in terms of appearance, with the new screen matching the finish of the existing, and ensures mechanical equipment is screen from view as required by the SPDG.
- General Plan Policy SP.6 encourages attractive and safe development at Sierra Point. As noted above, the application conforms to the SPDG.

Design Permit Findings:

- A. The proposal's scale, form, and proportion are harmonious, and the materials and colors used complement the project.

The project meets this finding. The application proposes to match the existing materials and colors employed on both the building's facades as well as those used on the existing rooftop mechanical equipment screen. The new screen also matches the height of the existing screen while being setback from the building's edge and following the existing lines and curvature of the building's footprint. This allows the expanded rooftop mechanical area's scale, form, and proportions to remain in harmony with the building's current design.

Design Permit 2022-DP-7
ATTACHMENT A

- B. The orientation and location of buildings, structures, open spaces, and other features integrate well with each other and maintain a compatible relationship to adjacent development.

This finding is inapplicable as the proposal does not include modifications to the existing orientation or location of the building.

- C. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.

This finding is inapplicable as the proposal does not include modifications to the existing orientation or location of the building.

- D. The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping, and building design, to the extent practicable given site constraints, to promote sustainable development and to address long term affordability.

This finding is inapplicable as the proposal does not include modifications to the existing orientation or location of the building nor any modifications that will substantially impact sustainability, long-term affordability, or heating and cooling opportunities.

- E. For hillside development, the proposal respects the topography of the site and is designed to minimize its visual impact. Significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park are preserved.

This finding is inapplicable as the proposal does not include hillside development.

- F. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.

This finding is inapplicable as the proposal does not impact vehicular and pedestrian entrances and exits nor include modifications to off-street parking facilities or interior site circulation.

- G. The proposal encourages alternatives to travel by automobiles where appropriate, through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation.

This finding is inapplicable as the proposal does not increase the scale or intensity of the existing use.

- H. The site provides open areas and landscaping to complement the buildings and structures. Landscaping is also used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping is generally water conserving, some California-native, and is appropriate to the location. Attention is given to habitat protection and wildland fire hazard as appropriate.

This finding is inapplicable as the proposal does not alter the existing landscaped areas and the site is not within a habitat conservation area or adjacent to wildlands.

- I. The proposal takes reasonable measures to protect against external and internal noise.

This finding is inapplicable as the proposal does not include modifications that directly impact external or internal noise. However, the Building Code includes provisions to mitigate noise transmission and will be applied to the project and subsequent installations of rooftop mechanical equipment through the building permit process if applicable.

The applicant has indicated an environmental noise analysis will be performed to document the current ambient noise levels and the design of new mechanical equipment will be analyzed to ensure the project is within the acceptable ambient noise levels under the Brisbane Municipal Code, and that the new mechanical equipment will include internal noise reduction systems, sound attenuation encasements, and added vibration isolation devices to protect against external and internal noise. Conditions of approval 2 and 4 ensure the applicant will submit the results of the noise analysis and provide evidence of internal noise reduction systems, sound attenuation encasements, and added vibration isolation devices prior to building permit issuance.

- J. Consideration has been given to avoiding off-site glare from lighting and reflective building materials.

Part of this finding is inapplicable as the project does not add nor modify any exterior lights. However, the proposal will match the existing building materials used and condition of approval 1.b requires all finishes shall match each other and shall not be reflective. Furthermore, condition of approval 1.a requires the plans submitted as part of the building permit application to be in substantial conformance with the plans approved under this Design Permit.

- K. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.

Part of this finding is inapplicable as the proposal does not include modifications to utility structures, trash containers, or mechanical equipment not located on the roof; existing utility structures, mechanical equipment, and trash receptacles are adequately screened or located within the structure. The new rooftop mechanical equipment screen matches the height of the current screen and will allow new rooftop equipment to be adequately screened.

- L. Signage is appropriate in location, scale, type and color, and is effective in enhancing the design concept of the site.

This finding is inapplicable as the proposal does not include signage. A sign permit will be required for any signage proposed in the future.

- M. Provisions have been made to meet the needs of employees for outdoor space.

This finding is inapplicable as the proposal does not modify existing outdoor space nor needs of employees.

Aerial Vicinity Map
2000 Sierra Point Parkway



DESIGN PERMIT APPLICATION SUPPORTING STATEMENTS



Agency:	City of Brisbane Planning 50 Park Place Brisbane, CA 94005	Permit No:	N/A
Project Address:	2000 Sierra Point Pkwy. Brisbane, CA 94005	For:	Roof screen expansion.
Date	November 11, 2022	Project Owner:	HCP Life Science REIT, Inc. 1920 Main Street, Suite #1200 Irvine, CA 92614
		DES Project No:	10262.003

**Findings Required for Approval of All Design Permits
Brisbane Municipal Code §17.42.060**
Finding Response
*Plan Sheet
Page(s)*

A. How do the proposal's scale, form and proportion relate to each other in a harmonious manner? How do the materials and colors used complement the project?

The new roof screen addition is designed to be an extension of the existing roof screen matching the existing design including height, colors, and finishes so the new portion blends in and looks as though it was always there. **A2 & A3**

B. How does the orientation and location of buildings, structures, open spaces, and other features integrate with each other? How does the project maintain a compatible relationship to adjacent development?

N/A, The existing building orientation and location of buildings, structures, and open spaces are not altered by the scope of this project.

C. How do the design and location of proposed buildings and structures mitigate potential impacts to adjacent land uses?

N/A, These existing relationships are not altered by the scope of this project.

D. How does the project design utilize natural heating and cooling opportunities through building placement, landscaping and building design to promote sustainable development and to address long-term affordability? What site constraints exist, if any, that limit the use of natural heating and cooling opportunities?

N/A, This is an existing building and we are not altering the building placement, landscaping, or building design other than adding a small extension to the existing roof screen.

E. For hillside development, how does the proposal respond to the topography of the site? How does the design minimize the project's visual impact? How does the design preserve significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park?

2000 Siera Point Pkwy., Brisbane CA 94005
Design Permit Application Supporting Statements | November 11, 2022
DES Project No: 10262.003
Page 2 of 3

N/A

F. How does the location and dimensions of vehicular and pedestrian entrances and exits minimize traffic impacts on abutting streets? Is the proposed off-street parking and interior site circulation adequate to meet the needs of the project? Are parking facilities adequately surfaced, landscaped and lit?

N/A

G. How does the proposal encourage the use of alternative transportation, e.g., through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation?

N/A

H. How do the provided open areas and landscaping complement the buildings and structures? How is landscaping used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy? Is landscaping water conserving and appropriate to the location? If applicable, how does the project address habitat protection and wildland fire hazard mitigation?

N/A

I. How does the project design protect against external and internal noise?

An environmental noise analysis will be conducted to document the current ambient noise levels and the design of new equipment will be analyzed to insure the project is within the acceptable ambient noise levels under the Brisbane Municipal Code.

N/A

The new Equipment will include internal noise reduction systems, sound attenuation encasements, and added vibration isolation devices to protect against external and internal noise.

J. How do the proposed building materials and exterior lighting mitigate off-site glare?

The project proposes to match the existing building materials used on the rest of the building in order to blend in with the existing building construction. No new lighting is planned as part of this project.

**A1, A2, A3,
A6, A7, A8,
A9, & A10**

K. Are utility structures, mechanical equipment, trash containers and rooftop equipment screened?

This project is limited to work on the rooftop and within the existing building. It is the intent of this project to screen all new rooftop equipment within the new and existing roof screened area.

**A1, A2, A3,
A6, A7, A8,
A9, & A10**

2000 Siera Point Pkwy., Brisbane CA 94005
Design Permit Application Supporting Statements | November 11, 2022
DES Project No: 10262.003
Page 3 of 3

L. If applicable, how does the location, scale, type and color of project signage enhance the design concept of the site?

N/A

M. If applicable, how does the project meet the needs of employees for outdoor space?

N/A

Sincerely,

DES Architects + Engineers, Inc.



Kevin D. Norman, AIA
Principal / Project Executive

PROJECT DESCRIPTION

Healthpeak is in the process of modifying the infrastructure within the 2000 Sierra Point building to allow life science tenants in this building. This effort includes replacing rooftop mechanical equipment that has reached the end of its life and allowing for the increased infrastructure required for life science tenants.

To screen the additional rooftop equipment, we are proposing to extend the existing roof screen matching the existing design including height, colors, and finishes so the new portion blends in and looks as though it was always there. The intent is to provide the additional screened rooftop area for the additional equipment needed while minimizing the visual impact to the building.

The new portion of the roof screen would sit back from the parapet approximately 7' to 10' on the north and west facades in order to accommodate and maintain the existing exterior building maintenance system. As a result if you were close to the buildings at ground level you would not be able to see it and from locations a bit further away the height and visual impact would be reduced by the setback.

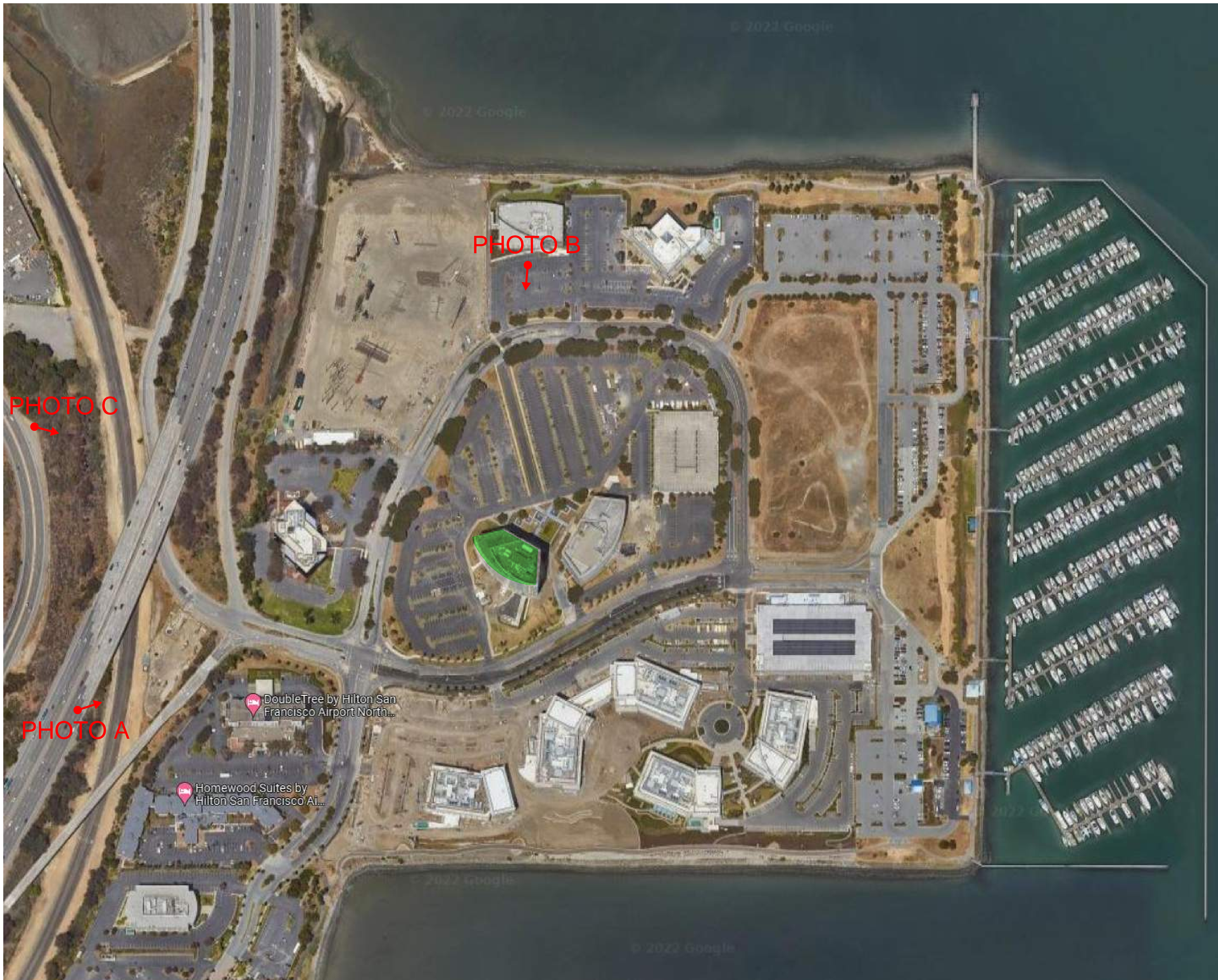




PHOTO A (Existing Condition)
Taken from northbound 101 looking north-east toward the 2000 Sierra Point Parkway building.
Taken from Google Maps January 1, 2022



PHOTO B (Existing Condition)
Taken from parking lot of 5000 Marina Boulevard looking south toward the 2000 Sierra Point Parkway building.
Taken from Google Maps January 1, 2022



PHOTOSIMULATION A (Proposed roof screen addition added)



PHOTOSIMULATION B (Proposed roof screen addition added)





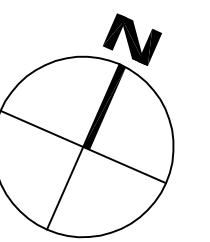
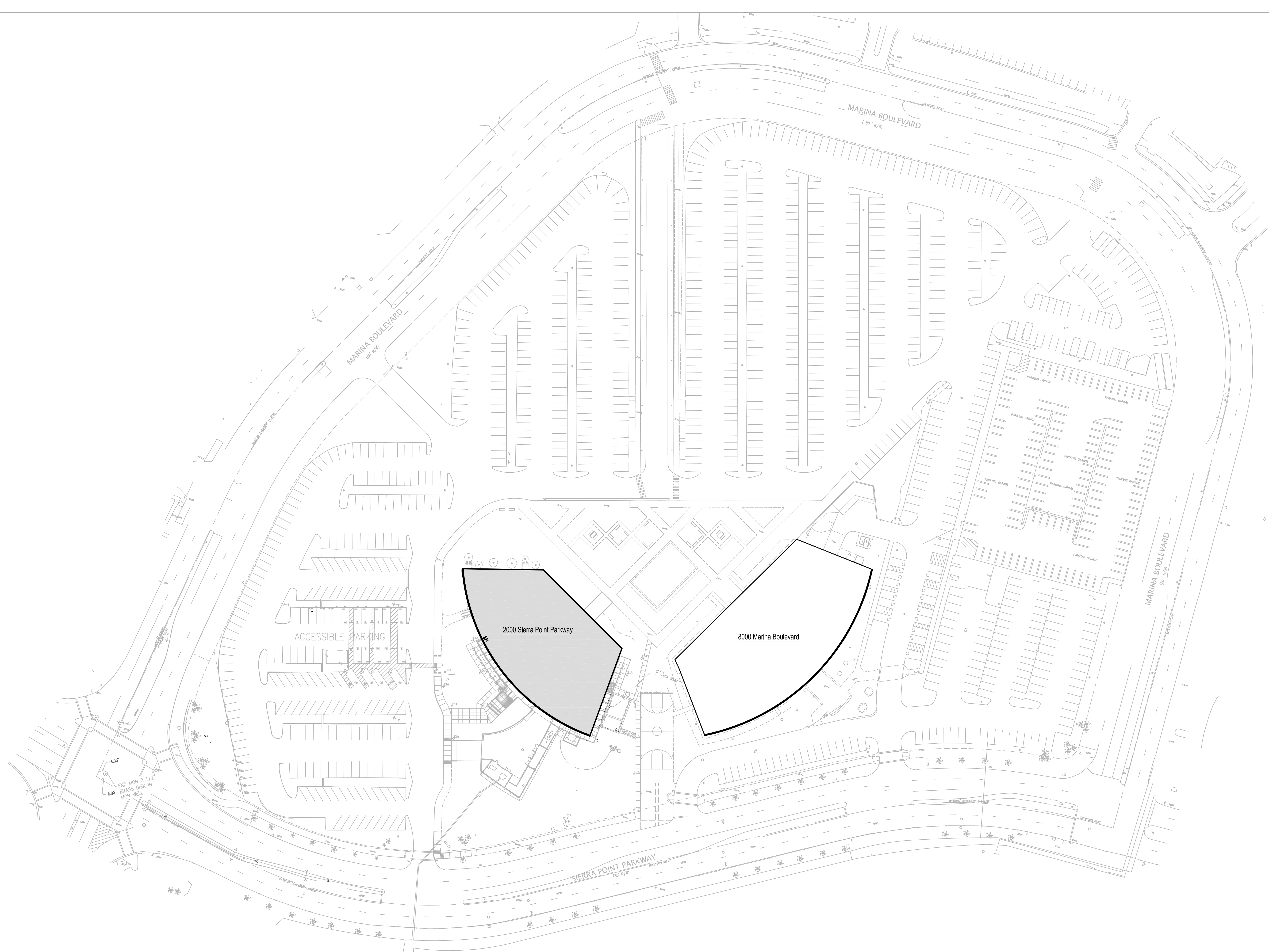
PHOTO C (Existing Condition)
Taken from 3799 Bayshore Boulevard looking south-east toward the 2000 Sierra Point Parkway building.
Taken by Kevin D. Norman on October 25, 2022



PHOTOSIMULATION C (Proposed roof screen addition added)



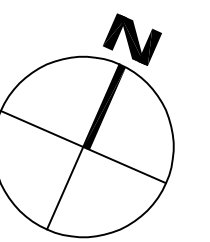
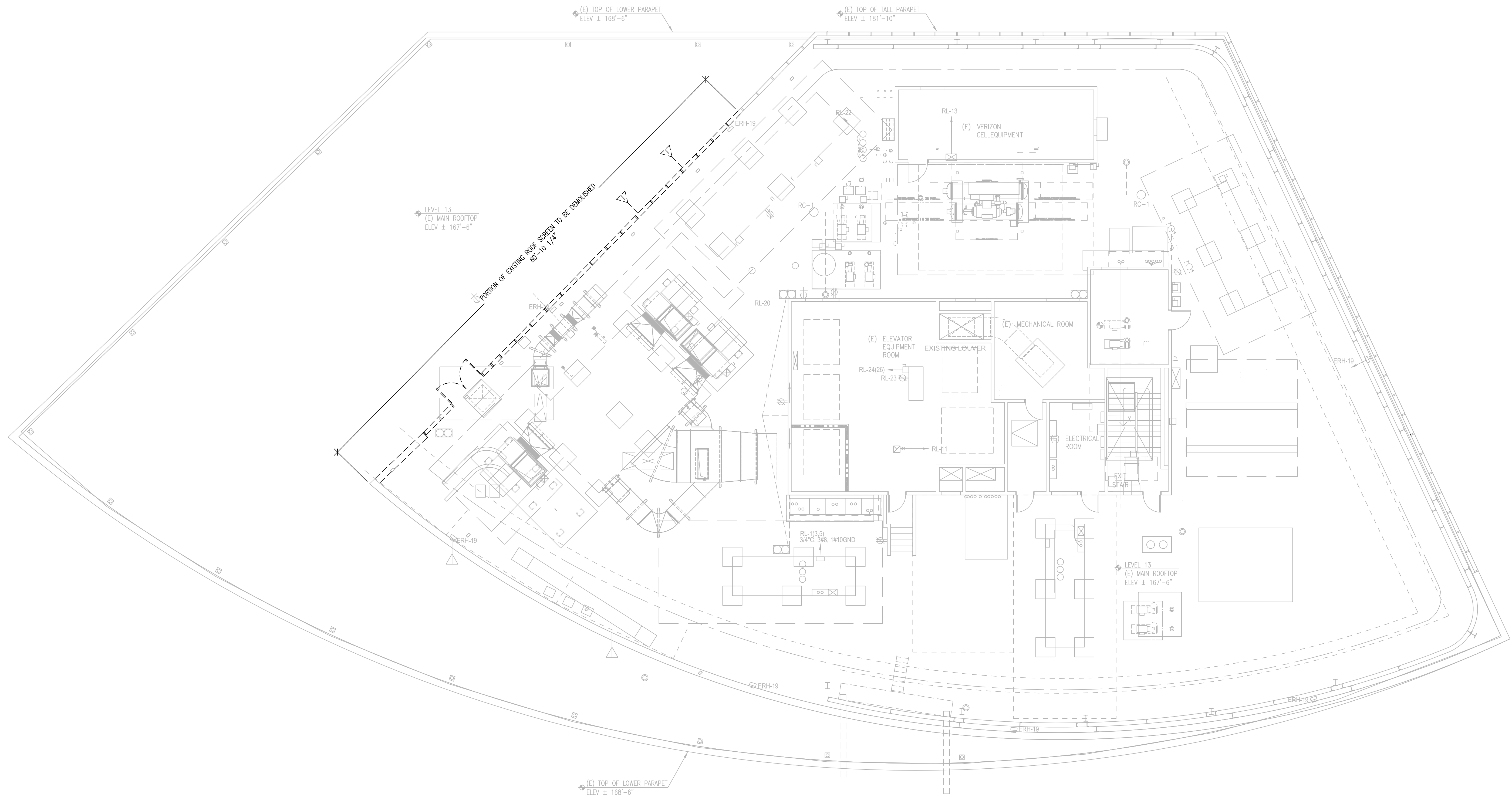
Nov 09, 2022 - 9:25am hamanun P:\Healthpeak\SierraPointTowers\+Campus_Gen\10262003\Draw\Arch\Design Permits\Application\Drawings\+Common\bdr_24x36_Tech Office 22-1109.dwg

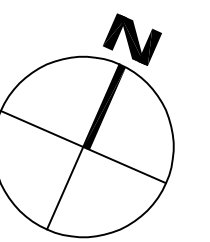
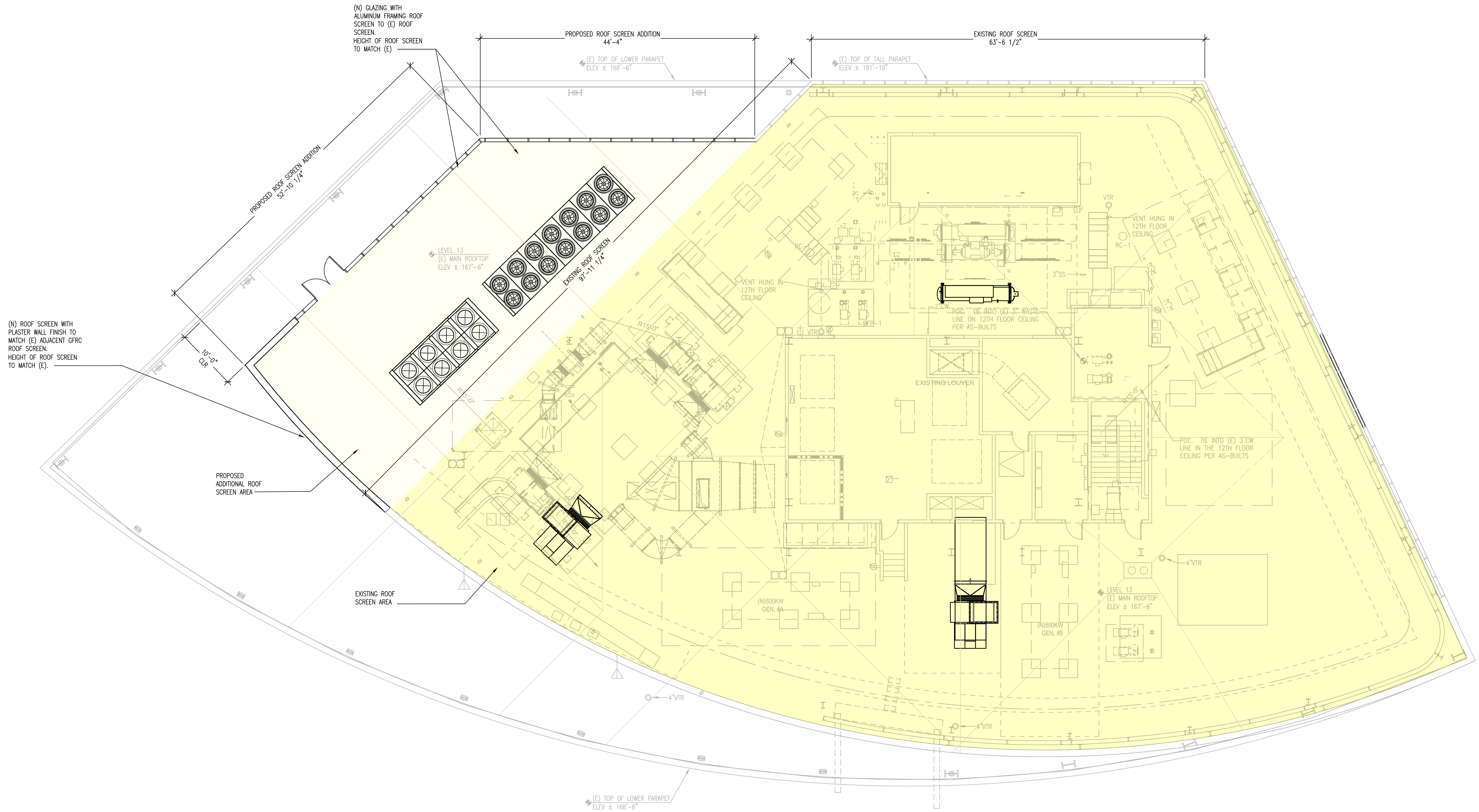


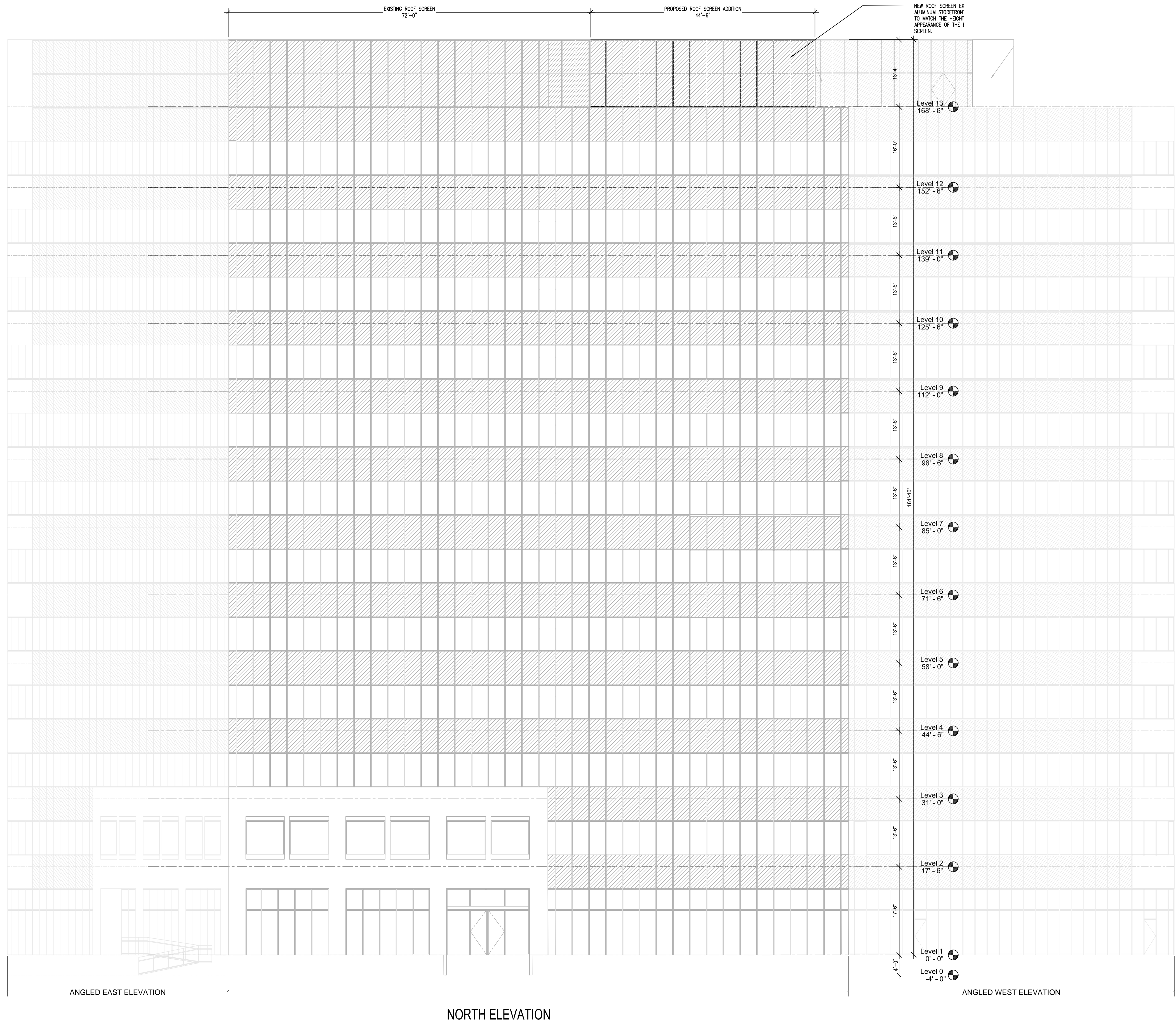
SITE PLAN

2000 SPT LAB CONVERSION
Phase 3 Roof Screen Addition
11.11.22

A4
Project Number: 10262.003







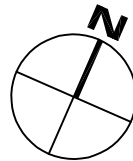
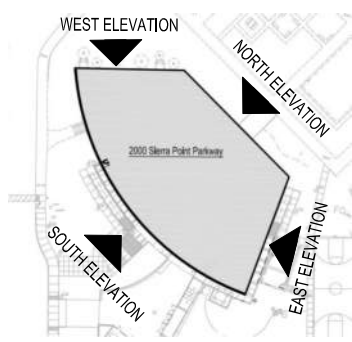
EXTERIOR ELEVATIONS

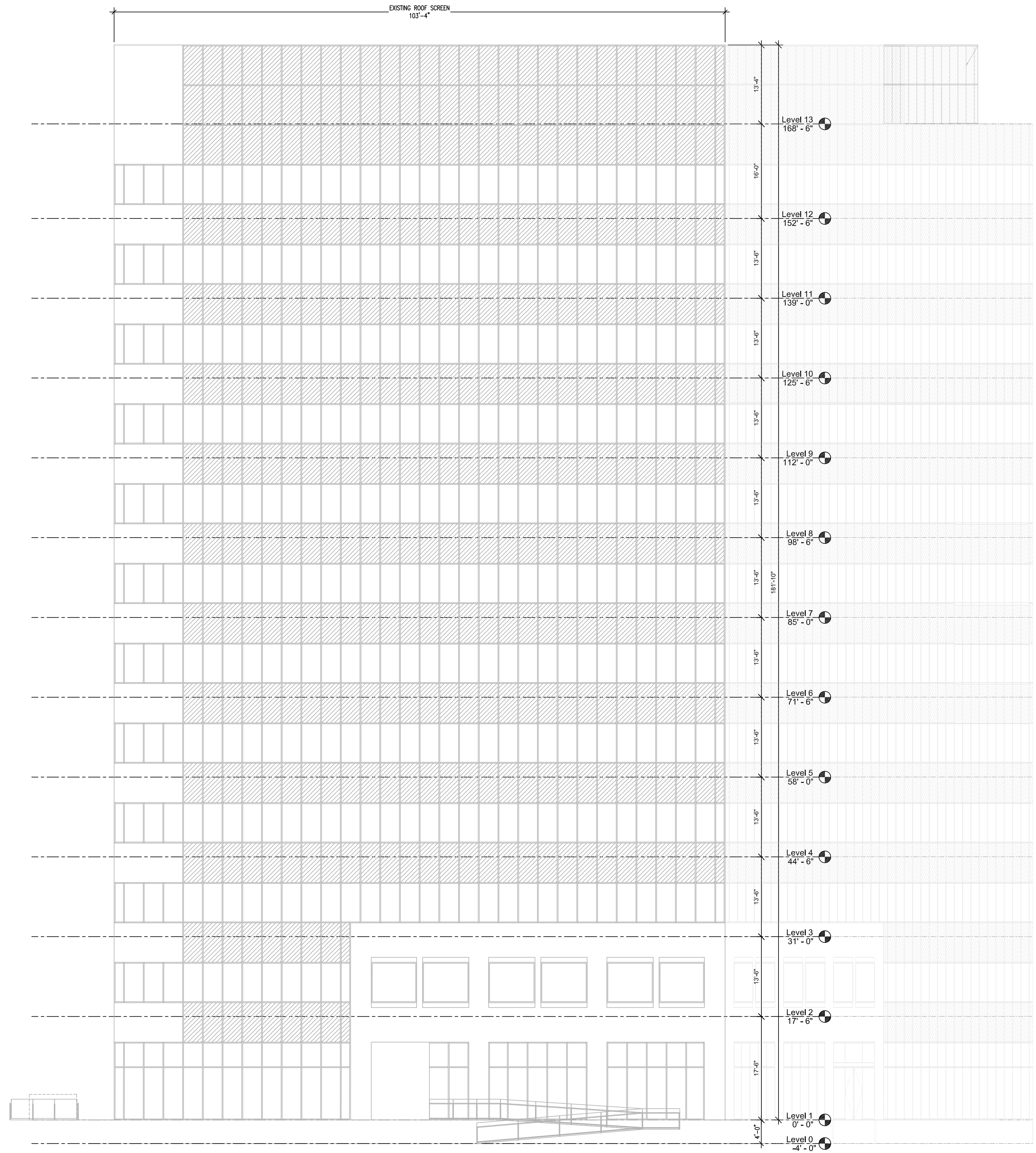
2000 SPT LAB CONVERSION
Phase 3 Roof Screen Addition
11.11.22

A7
Project Number: 10262.003

DES
ARCHITECTS
ENGINEERS

3/32"=1'-0"



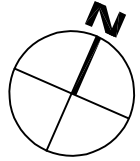


EAST ELEVATION

EXTERIOR ELEVATIONS

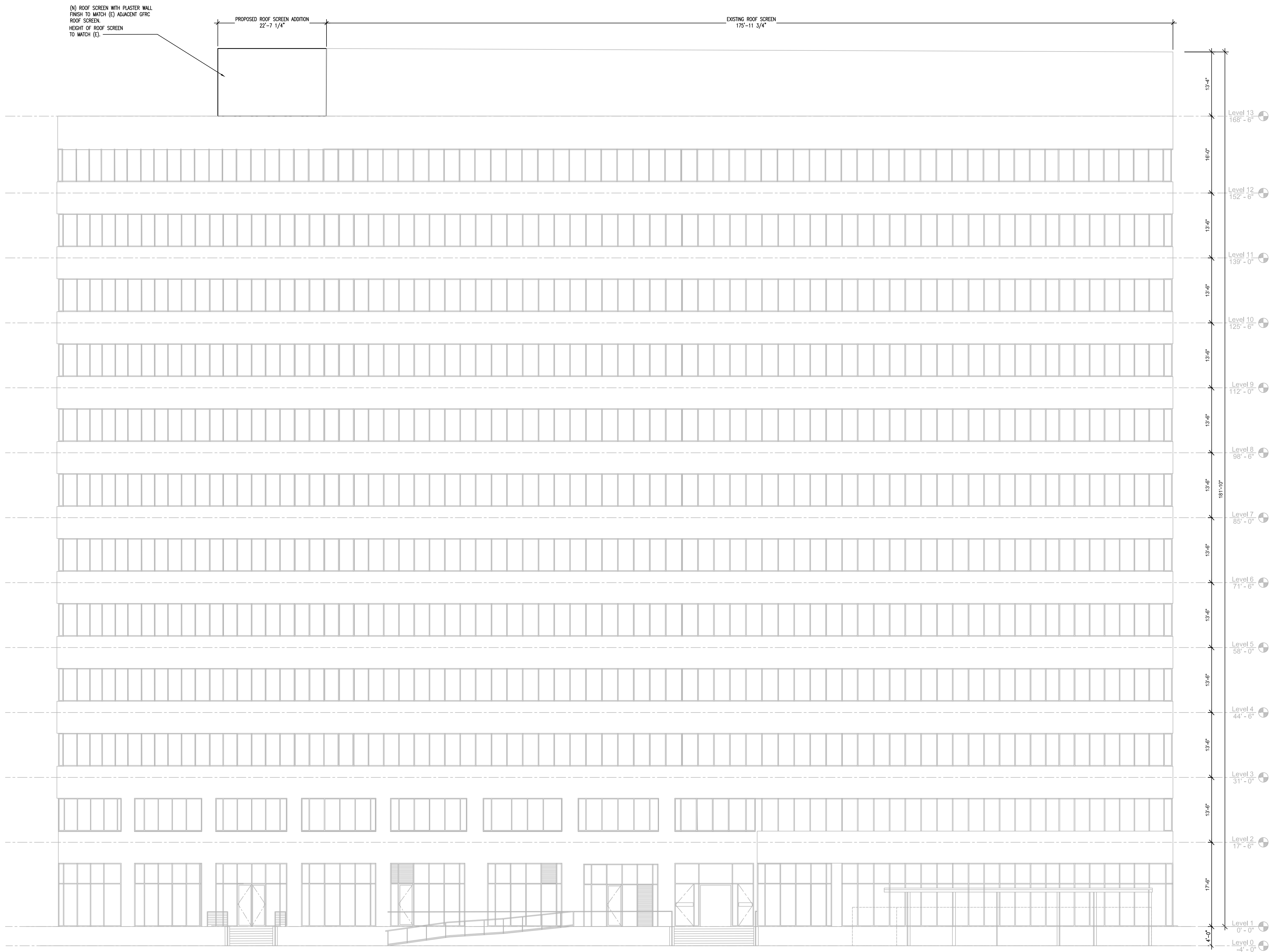
DES
ARCHITECTS
ENGINEERS

3/32"=1'-0"



2000 SPT LAB CONVERSION
Phase 3 Roof Screen Addition
11.11.22

A8
Project Number: 10262.003



SOUTH ELEVATION

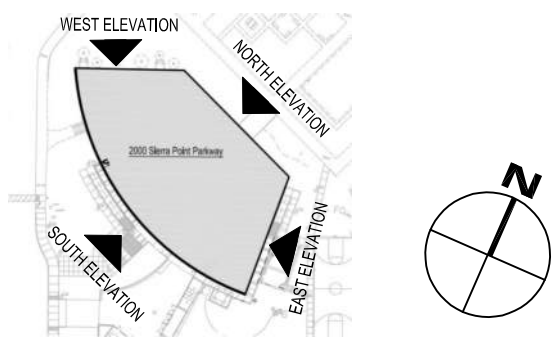
EXTERIOR ELEVATIONS

2000 SPT LAB CONVERSION
Phase 3 Roof Screen Addition
11.11.22

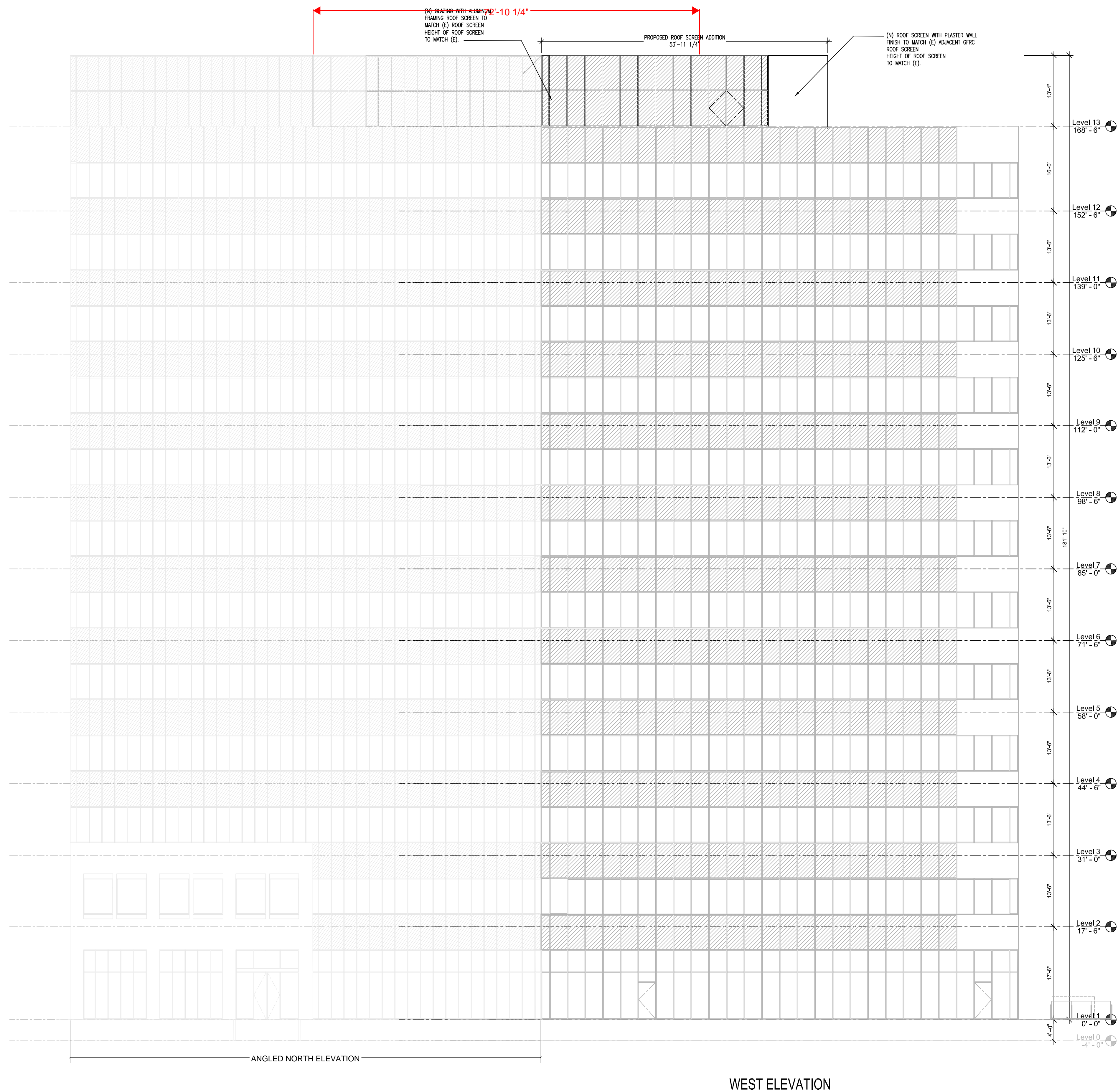
A9
Project Number: 10262.003

DES
ARCHITECTS
ENGINEERS

3/32"=1'-0"



© 2021



EXTERIOR ELEVATIONS

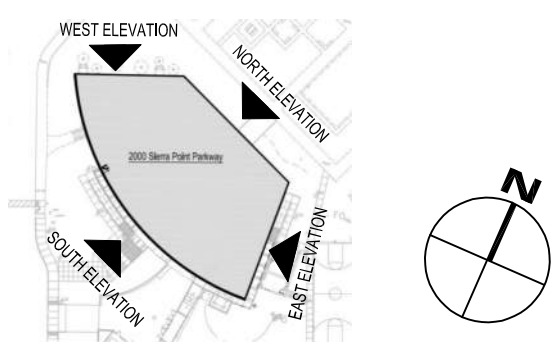
2000 SPT LAB CONVERSION
Phase 3 Roof Screen Addition
11.11.22

A10

Project Number: 10262.003

DES
ARCHITECTS
ENGINEERS

© 2021



File Attachments for Item:

C. PUBLIC HEARING: SP-CRO Sierra Point Commercial District; Zoning Text Amendment 2022-RZ-4; Zoning text amendment to Title 17, Chapter 17.18 of the Brisbane Municipal Code (BMC) to update existing research and development use provisions and performance standards; and finding that this project is exempt from environment review under CEQA Guidelines Section 15183(a); City of Brisbane, applicant. *Note: This item was continued from the Planning Commission meeting of January 12, 2023.*



PLANNING COMMISSION AGENDA REPORT

Meeting Date: 1/26/2023

From: Ken Johnson, Senior Planner

Subject: SP-CRO Sierra Point Commercial District; Zoning Text Amendment 2022-RZ-4; Zoning text amendment to Title 17, Chapter 17.18 of the Brisbane Municipal Code (BMC) to update existing research and development use provisions and performance standards; and finding that this project is exempt from environment review under CEQA Guidelines Section 15183(a); City of Brisbane, applicant.

REQUEST: To update the research and development (R&D) permitted and conditional use provisions in the SP-CRO Sierra Point Commercial District.

RECOMMENDATION: Recommend City Council adoption of Zoning Text Amendment 2022-RZ-4 via adoption of Resolution 2022-RZ-4 (Attachment A).

ENVIRONMENTAL DETERMINATION: The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15183(a) in that this proposal falls within a class of projects which are consistent with existing zoning or general plan policies for which an EIR was certified and shall therefore not require further review.

APPLICABLE CODE SECTIONS: Procedures for zoning amendments are provided in BMC Chapter 17.50. The proposed updates for this amendment pertain to R&D uses and are contained in BMC Chapter 17.18, Sections 17.18.020, 17.18.030, 17.18.035 and 17.18.045. Additionally, BMC Section 17.02.675 provides the City's definition of research and development.

BACKGROUND: BMC Section 17.02.675 defines research and development as *"a use engaged in studying, testing, designing, analyzing and experimenting with potential or existing products, processes or services, including cannabis and cannabis products."*

On June 16, 2008, City Council adopted zoning provisions via Ordinance 528 to allow for R&D uses as either permitted by-right or as conditional uses in the Sierra Point Commercial District. The provisions of that ordinance, with some exceptions, permitted R&D uses by right in the district. With regards to using live animals, the ordinance provisions permit by-right, R&D on live insects, rodents, rabbits, fish, and amphibians. R&D involving the use of live dogs, cats or nonhuman primates was prohibited. Use of other live animals that are not named as permitted or prohibited are subject to a conditional use permit, with a special provision that City Council is named as the approving authority instead of the Planning Commission.

No special findings were provided for R&D use permits, but the standard findings contained in BMC Section 17.40.060 apply, *“In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question. The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the planning commission finds that the aforementioned conditions will not result from the particular use applied for, it may grant the use permit.”* These conditions focus on potential impacts to neighbors, but do not specifically address issues of animal care related to R&D work. Animal care at R&D facilities is the purview of the U.S. Dept of Agriculture (USDA).

In 2022, Bristol-Myers Squibb (BMS) applied for a use permit to conduct R&D using minipigs at 1400 Sierra Point Parkway, the only R&D use permit application filed to date pursuant to the regulations described above. That application was heard by City Council on May 19, 2022, continued for further public hearing and ultimately withdrawn by the applicant before a decision was made. Following that application, City Council directed staff to initiate an update to consider updates to the use provisions for live animals. Additionally, a City Council subcommittee met on October 31, 2022 and indicated a desire to consider removal of R&D conditional uses for animals, but also made a recommendation to consider removal of rabbits from the R&D permitted uses list. The subcommittee also requested that an email with linked articles, originally from Councilmember Cunningham to the City Manager and City Council, be provided to the Commission for reference. That is included as Attachment C.

DISCUSSION: The draft ordinance would amend certain provisions contained in BMC Chapter 17.18 - SP-CRO Sierra Point Commercial District, as outlined below. A redlined version of the proposed amendments is provided as Attachment B.

BMC Section 17.18.020 – Permitted Uses: The amendment would retain the provisions allowing for R&D by-right on insects, rodents, fish and amphibians. However, consistent with the Council subcommittee recommendation, use of rabbits would no longer be permitted. R&D on any other animals that are not specifically identified as permitted would now be prohibited, thus eliminating the conditional use category that presently exists. In addition to the change regarding use of rabbits, reptiles have been added as a permitted R&D use and the use of insects has been broadened to invertebrate animals. Invertebrates are those animals without a backbone and includes insects, spiders, worms, etc. The only vertebrate animals, those with a backbone, on the permitted for R&D list would be fish, amphibians, reptiles and rodents.

Additionally, as an administrative clarification item, in reviewing this section staff noted that it also refers to cannabis R&D as permitted but is subject to BMC Chapter 17.33. Since that chapter is specific to cannabis performance standards, the cross reference was moved to BMC Section 17.18.045 – Performance Standards. It does not change the allowance of cannabis R&D as permitted in this district, since it’s already named as an R&D use in the definition, as noted above.

An important distinction should also be noted, that manufacturing of products is not permitted in this district whether related to cannabis or other medical products. That remains unchanged.

BMC Sections 17.18.030 – Conditional Uses and 17.18.035 – Conditional Uses – Research and Development: BMC Section 17.18.035 - Conditional Uses-Research and Development is proposed to be deleted. There are three types of R&D uses identified in that section: 1) Risk analysis-based referral to the City Council by the Planning Director 2) live animals not otherwise named under permitted or prohibited uses and 3) uses exceeding Risk Group 3 or Biosafety level 3 as defined by the National Institute of Health (NIH) or the Center for Disease Control.

As indicated above, with the proposed amendment, R&D using live animals would no longer be permitted by use permit. They would either be permitted by-right or prohibited, depending on the animal species.

The provision pertaining to R&D utilizing biological agents exceeding Risk Group 3 or Biosafety Level 3 would be moved to Section 17.18.030 - Conditional Uses and such R&D uses would still require a conditional use permit, but as with all other conditional uses, the Planning Commission would be the approving authority instead of City Council. As is the case with all Planning Commission decisions, the Commission’s decision on any use permit may be appealed to City Council, as provided in BMC Chapter 17.52 - Appeals.

The provisions for Planning Director referral of certain uses to the Council based on a risk analysis have been removed. The risk analysis would still be required, per BMC Section 17.18.045 - Performance Standards, to provide documentation prior to issuance of a building permit or business license. That documentation would then be used to identify whether the Risk Group 3 or Biosafety Level 3 threshold would be exceeded, at which point a proposed use would automatically be referred to the Planning Commission for a decision on a use permit application. The intent of this proposed change is to provide for greater clarity in the regulations as to what does and does not require a use permit, while still requiring a use permit for higher risk or biosafety level uses. Such uses would still be considered by the Planning Commission relative to the standard use permit findings related to potential impacts to neighbors, as indicated above.

In brief, elimination of Section 17.18.035 and moving certain R&D uses indicated above to Section 17.18.030 would provide for consistent processing requirements for all use permits in this district.

BMC Section 17.18.045 – Performance Standards: The performance standards for this district have been updated, as indicated above. The risk analysis for R&D would be required prior to building permit or business license issuance. The business license reference has been added, since certain incoming R&D businesses may occupy a space that has already been built out to suit their R&D needs. A building permit is not always required, but a business license is. The cross reference to BMC Chapter 17.33 for cannabis businesses has been added to the performance standards, as noted above.

ATTACHMENTS:

- A. Draft Resolution 2022-RZ-4 (including draft ordinance)
- B. Redlined copy of proposed zoning text amendments
- C. Email from Council Subcommittee Member Cunningham, dated 6/2/22

Ken Johnson

Ken Johnson, Senior Planner

John Swiecki

John Swiecki, Community Development Director

Draft

RESOLUTION 2022-RZ-4

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
 RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT 2022-RZ-4 AMENDING
 REGULATIONS WITHIN TITLE 17 OF THE BRISBANE MUNICIPAL CODE CONCERNING RESEARCH AND
 DEVELOPMENT USES IN THE SP-CRO SIERRA POINT COMMERCIAL DISTRICT

WHEREAS, the City Council adopted Ordinance 528 on June 16, 2008, which provided for research and development (R&D) uses in the SP-CRO Sierra Point Commercial District; and

WHEREAS, City Council directed the Planning Commission to consider updates to the ordinance provisions regarding permitted uses, conditional uses and prohibited uses; and

WHEREAS, the state of medical research and development using alternative methods has progressed such that animal research and development on higher order animals is not a necessity for medical scientific advancement and many such animals are relatable to people as household pets; and

WHEREAS, the draft ordinance attached as Exhibit A to this resolution proposes amendments to Title 17 (Zoning) to reduce unnecessary use of animals for R&D and to provide clarity in the related ordinance provisions; and

WHEREAS, on January 26, 2023, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the draft ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15183(a) of the CEQA Guidelines; and

NOW, THEREFORE, based upon the evidence presented, both written and oral, the Planning Commission of the City of Brisbane hereby RECOMMENDS that the City Council adopt the attached ordinance.

ADOPTED this twenty-sixth day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

SANDIP PATEL
 Chairperson

ATTEST:

JOHN SWIECKI, Community Development Director

draft
ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING SECTIONS 17.18.020, 17.18.030 AND 17.18.045 AND
DELETING SECTION 17.18.035
OF THE BRISBANE MUNICIPAL CODE
CONCERNING RESEARCH AND DEVELOPMENT USES IN THE
SP-CRO SIERRA POINT COMMERCIAL DISTRICT**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Sections 17.18.020 and 17.18.030 are amended to read as follows:

17.18.020 - Permitted Uses

The following uses shall be allowed in the SP-CRO district:

- A. Offices;
- B. Hotels;
- C. Retail sales and rental;
- D. Restaurants;
- E. Bars;
- F. Financial institutions;
- G. Personal services;
- H. Commercial gyms and health facilities;
- I. Meeting halls;
- J. Marinas;
- K. Research and development, unless the use is classified as a conditional use pursuant to Section 17.18.030.F. Research and development may include the use of live invertebrate animals, such as insects, or any of the following live vertebrate animals: fish, amphibians, reptiles or rodents. Research and development involving the use of other live animals not listed here is prohibited. All research and development uses are subject to the performance standards set forth in [Section 17.18.045](#).

17.18.030 – Conditional uses.

The following conditional uses may be allowed in the SP-CRO district, upon the granting of a use permit pursuant to Chapter 17.40 of this title:

- A. Child care centers when:
 - 1. Located more than five hundred (500) feet from the edge of the eastern-most lane of the Bayshore Freeway (U.S. 101);
 - 2. Located within an area with a community noise equivalent level (CNEL) of not more than sixty (60) dB as determined by a professionally-prepared acoustical analysis report; or

located within an area with a community noise equivalent level (CNEL) of sixty to eighty (60—80) dB and designed with the noise insulation features identified in a professionally-prepared acoustical analysis report so as to comply with Figure 2 in Appendix C of the state of California General Plan Guidelines 2003; and

3. Designed and operated so to comply with the noise levels specified in Brisbane Municipal Code Section 8.28.040, as per the recommendations of a professionally-prepared acoustical analysis report.
- B. Medical facilities.
- C. Commercial recreation.
- D. Transit/transportation facilities.
- E. Temporary uses.
- F. Research and development utilizing biological agents exceeding Risk Group 3 or Biosafety Level 3 as defined by the National Institute of Health or the Center for Disease Control.

SECTION 3: Section 17.18.035 is deleted in its entirety.

SECTION 4: Sections 17.18.045 is amended to read as follows:

17.18.045 - Performance standards.

- A. All research and development uses shall submit to the planning department a risk analysis performed by a qualified hazardous or biologic materials professional specifying all hazardous or biologic materials to be utilized and methods of safe handling and disposal prior to building permit or business license issuance.
- B. Research and development involving the use of live animals, specifically permitted in Section 17.18.020.K, shall be conducted in compliance with the Institute of Laboratory Animals Resources' Guide for the Care and Use of Laboratory Animals, and in compliance with all applicable federal, state and local laws and regulations as most recently amended.
- C. Research and development uses involving the use of biological agents shall comply with all design standards set forth in the most current Center for Disease Control (CDC) Office of Health and Safety document "Biosafety in Microbiological and Biomedical Laboratories."
- D. Research and Development involving cannabis is subject to the requirements set forth in Chapter 17.33.
- E. Lighting shall be designed to avoid excessive glare as viewed from offsite locations, in compliance with the California Green Building Standards Code.

SECTION 11: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence,

clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 12: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

Legal Counsel

ATTACHMENT B REDLINED DRAFT ORDINANCE

Chapter 17.18 - SP-CRO SIERRA POINT COMMERCIAL DISTRICT

Sections:

17.18.010 - Purposes of chapter.

In addition to the objectives set forth in [Section 17.01.030](#), the SP-CRO Sierra Point Commercial District (hereinafter referred to as the "SP-CRO district") is included in the zoning ordinance to achieve the following purposes:

- A. To establish a zoning district for the Sierra Point subarea that provides for orderly development consistent with the adopted master use permit UP-11-78, the redevelopment plan for Brisbane Community Redevelopment Project Area Number One, and the combined site and architectural design guidelines for Sierra Point.
- B. To encourage a mix of office, commercial and recreational uses to best serve the residents and businesses of Brisbane and the businesses and employees in the Sierra Point subarea.
- C. To ensure that development in the Sierra Point subarea occurs in compliance with the highest development and design standards and meets the goals and objectives set forth in the general plan.

17.18.020 - Permitted uses.

The following uses shall be allowed in the SP-CRO district:

- A. Offices;
- B. Hotels;
- C. Retail sales and rental;
- D. Restaurants;
- E. Bars;
- F. Financial institutions;
- G. Personal services;
- H. Commercial gyms and health facilities;
- I. Meeting halls;
- J. Marinas;
- K. ~~Research and development, including the use of live insects, rodents, rabbits, fish, and amphibians subject to the performance standards set forth in Section 17.18.045. Research and development~~

~~involving the use of live dogs (Canis genus) cats (Felis genus), or nonhuman primates is prohibited. Research and development involving the use of other live animals not otherwise permitted or prohibited herein may be permitted upon the granting of a conditional use pursuant to Section 17.18.030. Research and development involving cannabis is additionally subject to the requirements in Chapter 17.33. Research and development, unless the use is classified as a conditional use pursuant to Section 17.18.030.F. Research and development may include the use of live invertebrate animals, such as insects, or any of the following live vertebrate animals: fish, amphibians, reptiles or rodents. Research and development involving the use of other live animals not listed here is prohibited. All research and development uses are subject to the performance standards set forth in Section 17.18.045.~~

17.18.030 - Conditional uses.

The following conditional uses may be allowed in the SP-CRO district, upon the granting of a use permit pursuant to [Chapter 17.40](#) of this title:

- A. Child care centers when:
 1. Located more than five hundred (500) feet from the edge of the eastern-most lane of the Bayshore Freeway (U.S. 101);
 2. Located within an area with a community noise equivalent level (CNEL) of not more than sixty (60) dB as determined by a professionally-prepared acoustical analysis report; or located within an area with a community noise equivalent level (CNEL) of sixty to eighty (60—80) dB and designed with the noise insulation features identified in a professionally-prepared acoustical analysis report so as to comply with Figure 2 in Appendix C of the state of California General Plan Guidelines 2003; and
 3. Designed and operated so to comply with the noise levels specified in Brisbane Municipal Code [Section 8.28.040](#), as per the recommendations of a professionally-prepared acoustical analysis report.
- B. Medical facilities.
- C. Commercial recreation.
- D. Transit/transportation facilities.
- E. Temporary uses.
- F. Research and development utilizing biological agents exceeding Risk Group 3 or Biosafety Level 3 as defined by the National Institute of Health or the Center for Disease Control.

~~17.18.035 — Conditional uses — Research and development.~~

~~The following research and development-related uses may be allowed in the SP-CRO district, upon the granting of a use permit pursuant to Chapter 17.40 of this title, subject to the provision that the city council (instead of the planning commission) shall act as the reviewing and approving authority for all purposes under Chapter 17.40 for any such research and development-related conditional use permit(s):~~

- ~~A. Any such use where the planning director determines, based solely upon the risk analysis required pursuant to Section 17.18.045 of this chapter and an evaluation by the fire marshal and the building official, that certain conditions of approval as recommended in the risk analysis or by the fire marshal or building official, are necessary to protect the public health, safety and welfare, and that such conditions are not otherwise included in any of the codes, standards or regulations applicable to such use. Notwithstanding the foregoing sentence, a use permit pursuant to Chapter 17.40 shall not be required if:~~
- ~~1. The applicant seeking to conduct the research and development signs a written agreement to implement the additional conditions of approval that are recommended in the risk analysis or by the fire marshal or the building official;~~
 - ~~2. A copy of such written agreement along with a description of the proposed research and development activity and a copy of the risk analysis and the recommendations of the fire marshal and the building official are delivered to the residence of each council member; and~~
 - ~~3. No request has been communicated to the city clerk by any two (2) council members, within fifteen (15) days after delivery of the items described in subsection (A)(2) of this section, for the matter to be heard by the city council (in which event a use permit granted by the city council shall be required).~~
- ~~B. Any use proposing the use of live animals not otherwise approved or prohibited pursuant to Section 17.18.020(K) of this title in the conduct of research.~~
- ~~C. Any use utilizing biological agents exceeding Risk Group 3 or Biosafety Level 3 as defined by the National Institute of Health or the Center for Disease Control.~~

17.18.040 - Development regulations.

Development regulations for the SP-CRO district are as follows:

- A. Lot Area. The minimum area of any lot in the SP-CRO district shall be one acre.
- B. Lot Dimensions. The minimum dimensions of any lot in the SP-CRO district shall be as follows:

Width	Depth
100 feet	No requirement

- C. Setbacks. The minimum required setback for any lot in the SP-CRO district shall be as follows, except as otherwise established in the combined site and architectural guidelines for Sierra Point:
 1. Front setback: Twenty-five (25) feet;
 2. Side setbacks:
 - a. Interior side yards: Fifteen (15) feet.
 - b. Exterior side yards: Twenty (20) feet.
 3. Rear setbacks:
 - a. Interior lots: Twenty (20) feet.

- b. Corner lots: Fifteen (15) feet.
- D. Location of Structures. The location of structures relative to the mean high tide line shall comply with the requirements set forth in the combined site and architectural design guidelines for Sierra Point.
- E. Coverage. The maximum coverage by all structures on any lot shall be forty percent (40%).
- F. Height. The height of structures shall comply with the combined site and architectural design guidelines for Sierra Point.
- G. Landscaping Requirements.
 - 1. A minimum of twenty-five percent (25%) of the total lot area shall be landscaped. Additional landscaping requirements are set forth in the combined site and architectural design guidelines for Sierra Point.
 - 2. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to [Chapter 15.70](#)) or the latest state provisions, whichever is more effective in conserving water.
- H. Recycling Area Requirements.
 - 1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
 - 2. This requirement shall apply to all new commercial or institutional buildings, and city facilities (including buildings, structures, marinas, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. The floor area of a marina shall be defined as the space dedicated to the docking or mooring of marine vessels. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases, and such recycling areas shall be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

17.18.045 - Performance standards.

- A. All research and development uses shall submit to the planning department a risk analysis performed by a qualified hazardous or biologic materials professional specifying all hazardous or biologic materials to be utilized and methods of safe handling and disposal prior to building permit or business license issuance.
- B. Research and development involving the use of live animals, **specifically permitted in Section 17.18.020.K**, shall be conducted in compliance with the Institute of Laboratory Animals Resources' Guide

for the Care and Use of Laboratory Animals, and in compliance with all applicable federal, state and local laws and regulations as most recently amended ~~and such other conditions as may be imposed by the city.~~

C. Research and development uses involving the use of biological agents shall comply with all design standards set forth in the most current Center for Disease Control (CDC) Office of Health and Safety document "Biosafety in Microbiological and Biomedical Laboratories."

D. Research and Development involving cannabis is subject to the requirements set forth in Chapter 17.33.

E. Lighting shall be designed to avoid excessive glare as viewed from offsite locations, in compliance with the California Green Building Standards Code.

17.18.050 - Parking.

All uses in the SP-CRO district shall comply with the parking regulations set forth in [Chapter 17.34](#) of this title.

17.18.060 - Signs.

All advertising signs in the SP-CRO district shall comply with the sign programs referenced in the combined site and architectural design guidelines for Sierra Point. If the proposed advertising sign is not covered by such sign programs, it shall comply with the sign regulations set forth in [Chapter 17.36](#) of this title.

17.18.070 - Design review.

The construction of any principal structure in the SP-CRO district shall be subject to the granting of a design permit in accordance with the provisions of [Chapter 17.42](#) of this title and shall comply with any applicable guidelines as set forth in the combined site and architectural design guidelines for Sierra Point.

6/2/22
To: Holstine, Clay <clayholstine@ci.brisbane.ca.us>
Subject: Bristol Myers ~ Minipig Testing

Attachment C
Email from Council Subcommittee
Member Cunningham

Hi Clay,
I would like all of this information to be distributed to the entire City Council please

Human *In Silico* Drug Trials Demonstrate Higher Accuracy than Animal Models in Predicting Clinical Pro- Arrhythmic Cardiotoxicity

It is understood that the use of Animal Testing has been the benchmark for many years, even as early as 2018

However, advanced computer and in vitro methods of testing as far back as the 1960's has proven more improved drug testing results than animal testing has given us

In Vitro Methods of Testing ~

Advanced Computer Modeling (aka in silico models) ~

From the European Society of Cardiology

These alternatives to animal testing include sophisticated tests using human cells and tissues (also known as in vitro methods), advanced computer-modeling techniques (often referred to as in silico models), and studies with human volunteers.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5601077>

<https://pubmed.ncbi.nlm.nih.gov/28955244/>

Computer-based in silico clinical trials (European Society of Cardiology)

There are >1900 article representing the advantages of non animal testing

As far back as 2018 (Smithsonian

<https://www.smithsonianmag.com/innovation/why-we-should-test-heart-drugs-on-virtual-human-instead-animals-180968588/>)

Human Volunteers ~

Virtual Human Testing (since 2018) ~

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5601077/>

<https://www.frontiersin.org/articles/10.3389/fphys.2017.00668/full>

Computer-based in silico clinical trials (Oxford University)

<https://www.frontiersin.org/articles/10.3389/fphys.2017.00668/full>

Efficacy rates (Oxford University) ~ Department of Computer Science demonstrates that computational models representing human heart cells produce a higher accuracy than animal models in predicting an adverse drug effect. Therefore it is now possible to test a new heart drug in virtual humans

Pigs 75% - 85% efficacy

Virtual Human Computer simulations 89%-96% efficacy

<https://mazuri.com/blogs/education-and-nutrition/mini-pigs-what-makes-mini-pig-mini>

A mini pig refers to a class of domesticated pig ranging from 60 pounds to 200 pounds and 14 to 20 inches tall. “Mini” is used as a differentiator between traditional farm or production pigs and smaller pigs bred as companion animals. Mini pigs can be mixed or pure breeds, with common ancestry from Juliana, KuneKune, Pot-bellied and Göttingen mini pigs. Mini pigs reach maturity at five years old and have 20 years life expectancy. Like other pigs, mini pigs are incredibly smart and social animals. They are easy to train and can make great pets or therapy animals.



Karen Cunningham | She/Her

City Council Member

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City Hall hours (Covid Changes ~ please check City Website): M, T, Th: 8-5,
W: 8-5, F: 8-1

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and [Instagram](#)!