## CITYof BRISBANE

 Planning Commission Meeting AgendaThursday, May 28, 2020 at 7:30 PM • Virtual Meeting
This virtual meeting is compliant with the Governor's Executive Order N-29-20 issued on March 17, 2020 allowing for deviation of teleconference rules required by the Brown Act. Consistent with the Order, this virtual meeting provides a safe environment for staff, Planning Commissioners, and the public while allowing for public participation. The public may address the Commission using exclusively remote public comment options which are detailed below.

The Planning Commission Meeting will be an exclusively virtual meeting broadcast on Comcast Channel 27 and the City's YouTube channel at www.youtube.com/Brisbaneca. The agenda materials may be viewed online at www.brisbaneca.org by 1 PM on Friday, May 22, 2020.

## TO ADDRESS THE COMMISSION:

Members of the public are encouraged to submit comments in writing in advance of the meeting to the project planner (see the posted public notice at https://www.brisbaneca.org/cd/page/public-notices for planner contact information).
Comments that can't be provided in advance of the meeting may be emailed or texted prior to the start of the particular agenda item to the below email and text line:

Email: jswiecki@brisbaneca.org
Text: 415-713-9266

A call-in number is also available during the meeting for oral communications and public hearing items:

Phone Number: +1 (669) 900-9128.
Meeting ID: 91615986805 (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.)

Commissioners: Gomez, Gooding, Mackin, 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.
A. Grading Review EX-2-20; 2000 Sierra Point Parkway/8000 Marina Boulevard; SP-CRO District; Grading Review for approximately 942 cubic yards of soil cut, with approximately 600 cubic yards being exported and 342 cubic yards being used as fill, to accommodate re-landscaping with stormwater treatment units and accessibility improvements to serve the existing office buildings; Dawn Jedkins, DES Architects + Engineers, applicant; HCP Life Science Reit Inc, owner.

Staff recommendation: Accept applicant's request to withdraw the above application.
ORAL COMMUNICATIONS (Limited to a total of 15 minutes)

## WRITTEN COMMUNICATIONS

## NEW BUSINESS

B. PUBLIC HEARING: Setback Exception Modification SE-1-20; 285 Santa Clara Street; R1 Residential Zoning District; to allow construction of the entry stairway and landing within the side setback; Jerry Kuhel, applicant; Martin Walker, owner.
C. PUBLIC HEARING: Design Permit DP-1-20 and Grading Review EX-3-20; 221 Tulare Street; R-3 Residential District; Request for 36 -month extension of previously approved design and grading approvals (DP-2-18 and EX-2-18) for demolition of existing single-family dwelling and construction of new 3,690 square foot, three-unit residential building, requiring 1,384 cubic yards of soil cut and export; Fred Herring, applicant; Harold Lott, owner.

## ITEMS INITIATED BY STAFF

## ITEMS INITIATED BY THE COMMISSION

## ADJOURNMENT

D. Adjournment to the meeting of June 11, 2020 at 7:30 p.m.

## 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.

## INTERNET \& OTHER ACCESS

Agendas and adopted minutes for meetings of the Planning Commission are posted on the Internet at: www.brisbaneca.org. Email may be sent to the Community Development Department at: planning@brisbaneca.org. Meetings are broadcast live on Comcast Channel 27 and by streaming video, via a link from the City's homepage. Rebroadcasts are during weeks following the meetings, on Fridays at 5 pm and Sundays at 1 pm; see the link http://www.brisbaneca.org/live-streaming for further details on Comcast's schedule. For a DVD copy, please contact the Community Development Department.

## 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:
B. PUBLIC HEARING: Setback Exception Modification SE-1-20; 285 Santa Clara Street; R-1 Residential Zoning District; to allow construction of the entry stairway and landing within the side setback; Jerry Kuhel, applicant; Martin Walker, owner.

# City of Brisbane Planning Commission Agenda Report 

## TO:

Planning Commission
For the Meeting of 5/28/2020
SUBJECT: Setback Exception Modification SE-1-20; 285 Santa Clara Street; R-1 Residential Zoning District; to allow construction of the entry stairway and landing within the side setback; Jerry Kuhel, applicant; Martin Walker, owner.

REQUEST: The applicant requests modification the setback exceptions to allow the landing of proposed elevated stairway providing exclusive access to the front door of the existing single-family dwelling to extend nine inches into the required three-foot side setback along the northern property line.

RECOMMENDATION: Conditionally approve Setback Exception Modification SE-1-20, via adoption of Resolution SE-1-20 with Exhibit A containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: Categorically Exempt per State CEQA Guidelines Section 15305(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) Section 17.32.070.A.2.e allows for stairs, ramps, and landings to be within the side setback with certain provisions (setback exceptions). If the proposed setbacks are less than permitted by exception, the section allows for Planning Commission approval of modification of said setback exceptions based on certain findings outlined below.

## ANALYSIS AND FINDINGS:

The subject property is located in the R-1 Residential District on a lot that is less than thirty (30) feet wide. Per BMC Section 17.06.040.D, the side setback for this lot is three feet. BMC Section 17.32.070.A.2.e permits stairs on-grade constructed of noncombustible materials to be located anywhere in the side setback.

The proposed entry stairs are located along the northern side property line and lead to the subject property's main entrance on the second floor. As shown on the applicant's site plan (see Attachment D), only the landing at the top of the stairs will project into the three foot side setback. The stairs leading to that landing will either be on grade or set back three feet from the property line.

The on-grade stairs stretch approximately 15 feet from the front of the house towards the rear. A new steel staircase, set back three feet from the side property line, begins where the on-grade stairs end and extends roughly another five feet to a height of about three and a half feet. The staircase

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terminates with a small landing at the second-floor front door of the subject property. This landing encroaches 9 inches into the required 3 -foot side setback.

## Three specific findings are required to grant this requested modification to setback exceptions, per BMC Section 17.32.070.A.2.e.i, ii and iii. These findings are as follows:

i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.

The proposal complies with this finding. The proposed stairway is to provide access from the public right of way to the front door of the only dwelling at the subject property. Presently, there is no stairway from the front door to street level and entry to the home is provided through either the garage or the back door at the rear of the property, accessed via a narrow walkway along southern property line. The landing of the proposed stairway is the only portion of the elevated stairway that extends into the required side setback and does so in part because the subject property's main entry is positioned at a 45 -degree angle and minimum building code requirements for landings demand such a configuration.
ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.

The project complies with this finding. The subject property is twenty-five feet wide and the main entry is located at a 45 -degree angle along the northern property line. The narrow lot width and orientation of the front door are limiting factors for potential alternative designs. The proposal seeks to minimize any protrusion into the required side setback in that only the landing extends into the setback area. In order to comply with building code requirements for landings and maintain a threefoot setback, the existing home would need to be altered to locate the front door farther away from the property line or orient the door at a different angle.
iii. The visual impacts of the modification have been minimized.

The proposal complies with this finding. The proposed stairway is mostly on grade, and the elevated portion of the stairway is a simple and attractive design of steel construction that extends at most approximately four feet above grade. Views of the staircase and landing will be screened from the adjacent property by an existing fence approximately eight feet tall along the northern property line. The landing does not exceed the minimum size requirements of the building code.

ATTACHMENTS:
A. Draft Resolution SE-1-20 with recommended Findings and Conditions of Approval
B. Aerial vicinity map
C. Applicant's statement of findings
D. Applicant's Plans and Photographs

Jeremiah Robbins, Associate Planner


ATTACHMENT A
DRAFT RESOLUTION SE-1-20 WITH FINDINGS AND CONDITIONS OF APPROVAL

Draft
RESOLUTION SE-1-20
A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE CONDITIONALLY APPROVING SETBACK EXCEPTION MODIFICATION SE-1-20 FOR A NEW ENTRY STAIRWAY AND LANDING WITHIN THE NORTHERN SIDE SETBACK AT 285 SANTA CLARA STREET

WHEREAS, Jerry Kuhel applied to the City of Brisbane for a Setback Exception Modification for a new entry stairway and landing in the north side yard of 285 Santa Clara Street, such application being identified as SE-1-20; and

WHEREAS, a portion of the proposed stairway landing exceeds the setback exceptions for stairs, ramps, and landings, being approximately two feet, three inches from the northern side lot line (with a setback exception of three feet permitted by BMC Section 17.32.070.A.1.e); and

WHEREAS, on May 28, 2020, 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, 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 15305 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 Setback Exception Modification.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of May 28, 2020 did resolve as follows:

Setback Exception Modification SE-1-20 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twenty-eighth day of May, 2020, by the following vote:
AYES:
NOES:
ABSENT:

PAMALA SAYASANE
Chairperson

ATTEST:

## EXHIBIT A

ACTION TAKEN: Conditionally approved Setback Exception Modification SE-1-20 per the staff memorandum with attachments, via adoption of Resolution SE-1-20.

## FINDINGS:

i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.
ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.
iii. The visual impacts of the modification have been minimized.

## CONDITIONS OF APPROVAL:

## Building Permit Application or During Construction:

A. The applicant shall obtain a building permit and, if applicable, a grading permit prior to proceeding with construction. Drawings depicting all work completed and proposed shall be provided to the satisfaction of the City. Exposure of covered work may also be required to demonstrate compliance with building code requirements.
B. As required by the Building Department, the guardrail for the metal staircase and landing shall be solid for the first 30 inches above the stairs and landing. Other building permit requirements may be imposed once detailed plans are provided for a building permit application.

Modifications \& Time Limits:
C. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
D. This Setback Exception Modification shall expire two years from its effective date (at the end of the appeal period) if a Building Permit has not been issued for the approved project or if the Building Permit, once issued, is allowed to expire prior to final inspection.

ATTACHMENT B
AERIAL VICINITY MAP


ATTACHMENT C APPLICANT'S STATEMENT OF FINDINGS

## SUPPORTING STATEMENTS

FINDINGS REQUIRED TO GRANT A SETBACK EXCEPTION MODIFICATION
Brisbane Municipal Code Section 17.32.070.A.1.(c.) \& (e.): Decks, balconies, stairs, ramps, landings.
(1) The modification is necessary in order to gain access to the property or to the dwelling unit on the property.
(2) The modification is necessary because of unusual or special circumstances relating to the configuration of the property.
(3) The visual impacts of the modification have been minimized.

How is the proposed projection from a building at this specific location necessary in order to in order to gain access to your property or to the dwelling unit on the property?

THIS IS THE MAIN ENTRANCE T. THE STRUCTURE THE STAIRS WERE REMOVED MANY YEARS AGOAND ARE JUST REPLACIMG THON NOW. CURRONT ACLESS To THE HOME IS THROUGH TIE GARAGE DOOR.

What unusual or special circumstances relating to your property make it necessary for you to install this projection from a building at this specific location?

| THE FRONT ENTRANCE TO THE STRUCTURE IS AT ANGLE |
| :--- |
| $M A R I N G ~ I T ~ N E G E S A R Y ~ F O R ~ T I E ~ M I N I M U M ~ I A N Q I N G-~$ |

How will the visual impacts of the proposed projection from a building (in terms of size, height, location, color, materials, landscaping, etc.) be minimized?

| THE PROPOSED STAIRSARE THE MINIMUM SIZE TO |
| :--- |
| MEET BUILDInG CODE. . |

## SUPPORTING STATEMENTS

## FINDINGS REQUIRED TO GRANT A SETBACK EXCEPTION MODIFICATION

Brisbane Municipal Code Section 17.32.070.A.2.(a.) \& (b.): Gazebos, greenhouses, garden and utility sheds, arbors, porticos, trellises, lath houses, etc.
(1) The modification will not result in overbuilding the site or result in the removal of significant greenscape.
(2) The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.
(3) The accessory structure is designed to be compatible with the primary dwelling(s) on the site.

How much of the site (in terms of square footage and percentage of lot area) will the proposed accessory structure occupy? How much of the site is already occupied by structures?


THIS IS TIE PRIMARY ENTRANCE

How many trees and shrubs and how much other landscaping will be removed to accommodate the proposed accessory structure?
$\qquad$
$\qquad$
$\qquad$

How will the accessory structure be designed so as not to adversely impact the surrounding properties in terms of privacy, noise or glare?

No ImPACT

How will the accessory structure be designed to be compatible with the main dwelling(s) on the site (in terms of size, height, location, color, materials, landscaping, etc.)?

[^0]ATTACHMENT D
APPLICANT'S PLANS AND PHOTOGRAPHS





File Attachments for Item:
C. PUBLIC HEARING: Design Permit DP-1-20 and Grading Review EX-3-20; 221 Tulare Street; R3 Residential District; Request for 36-month extension of previously approved design and grading approvals (DP-2-18 and EX-2-18) for demolition of existing single-family dwelling and construction of new 3,690 square foot, three-unit residential building, requiring 1,384 cubic yards of soil cut and export; Fred Herring, applicant; Harold Lott, owner.

# City of Brisbane Planning Commission Agenda Report 

TO:

Planning Commission

For the Meeting of 5/28/2020
SUBJECT: Design Permit DP-1-20 and Grading Review EX-2-20; 221 Tulare Street; R-3 Residential District; Request for 36-month extension of previously approved design and grading approvals (DP-2-18 and EX-2-18) for demolition of existing singlefamily dwelling and construction of new 3,690 square foot, three-unit residential building, requiring 1,384 cubic yards of soil cut and export; Fred Herring, applicant; Harold Lott, owner.

REQUEST: The applicant requests a three-year extension of Design Permit DP-2-18 and Grading Review EX-2-18, granted June 12, 2018, for construction of a new three-unit residential condominium building in the R-3 District. The project scope includes demolition of an existing one-story, 1,482 square foot single-family home, and construction a new 3,690 square foot, threeunit condominium building on the subject 6,355 square foot lot in the R-3 Residential zoning district.

RECOMMENDATION: Approve DP-1-20 and EX-2-20 and extend the previously approved design permit and grading review by 36 months, via adoption of Resolution DP-1-20/EX-2-20 containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: Demolition of a single-family dwelling is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per Section 15301(1) of the CEQA Guidelines. Construction of a multi-family structure containing four or fewer units is categorically exempt from the provisions of the CEQA per Section 15303(b) of the CEQA Guidelines. The exceptions to those categorical exemptions referenced in Section 15300.2 do not apply.

## APPLICABLE CODE SECTIONS:

- R-3 Residential District Development Standards: BMC Chapter 17.10
- Condominium regulations: BMC Chapter 17.30
- Planning Commission review of grading: BMC Section 17.32.220
- Design Permits: BMC Chapter 17.42


## ANALYSIS AND FINDINGS:

## Background

The Planning Commission's approval of Design Permit DP-2-18 and Grading Review EX-2-18 for the subject project are set to expire on June 12, 2020, because a building permit has not been
issued for construction of the project. The applicant is preparing to submit a building permit application in the coming months and requests a 36-month extension of the approvals pursuant to BMC Section 17.42.060.

No modifications are proposed to the 2018 project plans (including grading), which comply with all development standards of the R-3 Residential District, including floor area and unit density, lot coverage, building height, setbacks, landscaping, and on-site parking. The 2018 plans, staff report, and meeting minutes are attached for the Planning Commission's reference in Attachments B and C.

## Analysis

The extension of the project approval would not affect the findings under which it was originally approved. These findings are included in the resolution to approve the requested extension (see Attachment A).

## ATTACHMENTS:

A. Draft Resolution DP-1-20/EX-2-20
B. June 12, 2018 Planning Commission agenda report with attachments, including applicant's plans
C. June 12, 2018 Planning Commission meeting minutes


Julad Ayres, Senior Planner
$\frac{\text { Sohn Swiecki }}{\text { John Swiecki, Community Development Director }}$

Draft
RESOLUTION DP-1-20/EX-2-20

## A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE APPROVING DP-1-20 AND GRADING REVIEW EX-2-20 GRANTING A 36-MONTH EXTENSION OF DESIGN PERMIT DP-2-18 AND GRADING REVIEW EX-2-18 <br> AT 221 TULARE STREET

WHEREAS, on June 12, 2018, the Brisbane Planning Commission granted approval of Design Permit DP-2-18 and Grading Review EX-2-18 for demolition of an existing one-story, 1,482 square foot single-family home, and construction a new 3,690 square foot, three-unit condominium building on a 6,355 square foot lot at 221 Tulare Street; and

WHEREAS, pursuant to BMC Chapter 17.42, DP-2-18 and EX-2-18 will expire June 12, 2020 without issuance of a building permit and commencement of project construction; and

WHEREAS, prior to permit expiration, Fred Herring, the applicant, applied for a 36month extension of DP-2-18 and EX-2-18 pursuant to BMC Chapter 17.42, extending the project approvals to June 12, 2023, such applications being identified as Design Permit DP-1-20 and Grading Review EX-2-20; and

WHEREAS, on May 28, 2020, 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 Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Sections 15301(l) and 15303(b) 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 requested permit extensions.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of May 28, 2020 did resolve as follows:

Extension of Design Permit DP-2-18 and Grading Review EX-2-20 is approved for a period of 36 months, beyond the original expiration date of June 12, 2020, and affirms the permit findings originally provided via Planning Commission Resolution DP-2-18/EX-2-18, provided as Exhibit A and Exhibit B.

ADOPTED this $28^{\text {th }}$ day of May, 2020, by the following vote:
AYES:
NOES:
ABSENT:

PAMALA SAYASANE
Chairperson

## ATTEST:

JOHN A. SWIECKI, Community Development Director

## DRAFT

## EXHIBIT A

Action Taken: Conditionally approved the requested 36-month extension of Design Permit DP-2-18 and Grading Review EX-2-18, per the staff memorandum with attachments, via adoption of Resolution DP-1-20/EX-2-20.

Findings DP-1-20/EX-2-20:

## Design Permit DP-1-20

A. The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project, as described in detail Exhibit B.
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, as described in detail in Exhibit B.
C. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses, as described in detail in Exhibit B
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, as described in detail in Exhibit B.
E. The proposal respects the topography of the site and is designed to minimize its visual impact, and significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park are preserved, as described in detail in Exhibit B.
F. As described in detail 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. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.
G. The property's location and direct sidewalk access provides alternatives for pedestrians to access public transit and shuttle stops within a quarter-mile radius on Bayshore Boulevard, Old County Road, and San Bruno Avenue, as described in detail in Exhibit B.
H. As described in detail in Exhibit B, 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 consist of drought-resistant, California native species. The property is not located in protected habitat or wildland areas.
I. The proposal takes reasonable measures to protect against external and internal noise, as described in detail in Exhibit B.
J. Consideration has been given to avoiding off-site glare from lighting and reflective building materials, as described in detail in Exhibit B .
K. Trash and recycling receptacles are adequately screened, and utilities and mechanical equipment are located within the structure, as described in detail in Exhibit B.
L. No signage is included in the application.
M. The proposed residential units will not have employees.

## Grading Review EX-2-20

- The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography (General Plan Policies 43, 245 \& 312 and Program 18a). Considering the existing topographic conditions of the site's relationship to the public right-of-way described in the staff report, the bulk of the proposed 1,384 cubic yards of soil excavation and export from the site is the minimum required to accommodate the required five on-site parking spaces (one covered space per unit and two guest parking spaces that may be uncovered). Because BMC $\S 17.34 .030$ requires the required parking for each unit be independently accessible from other unit parking spaces, the covered parking facilities must provide three independently accessibly parking spaces. Considering the steep slope of the site, the proposed layout and location of the garage parallel to the front lot line would require the least amount of excavation in considering the variety of ways to provide the required on-site parking. Additionally, as there is no existing curb cut for the property, driveway excavation is required to allow access to the on-site parking facilities from the street.

The grading plan proposes minimal excavation of the steeply sloped lot by utilizing a stepped design whereby each building segment is limited to no more than two stories, as demonstrated in the site sections and building elevations. Additionally, existing grades would be maintained at the north and south side lot lines. This design approach results in a grading plan that is minimized and ensures the structure fits comfortably with the natural topography.

- With the Conditions of Approval contained in this Resolution, the proposed grading is designed to avoid large exposed retaining walls (General Plan Policies 43 \& 245). While the grading plan calls for several exposed retaining walls within setbacks, most wall segments would measure less than six feet in height from adjacent grade as seen from neighboring properties. The tallest exposed wall would be located with the public right-ofway at the northern edge of the driveway, adjacent to the public parking space, ranging from five to approximately seven feet in exposed height. A retaining wall within the south side setback extending from the driveway to the entry of Unit 3 would range from one to seven
feet above adjacent, existing grade. A retaining wall within the north side setback extending from the driveway to the entry of Unit 2 would range from one to five feet above adjacent, existing grade.

Condition of Approval 2.a.iii requires that the final landscaping plan submitted with the building permit include vegetative screening for these walls such that no more than six feet of the wall (horizontally) is visible, or that the walls be treated with different textures or materials to break up the height of the wall into no more than six foot (horizontal) segments.

- The proposed grading necessitates the proposed removal of two street trees for which no permit is required, per BMC Ch. 12.12, and the removal of such is subject to the City Engineer's approval. Their removal is required due to their proximity to the proposed structure and driveway, and as such is necessary for economic enjoyment of the property as it is redeveloped to a higher use and intensity. New retaining walls and landscaping will prevent erosion, and the project will incorporate site design measures to retain and infiltrate stormwater, including directing roof runoff onto vegetated areas and using landscaped micro detention basins. Considering the seven trees to be planted the property, and existing trees to remain in the neighborhood, the removal of the two street trees would have minimal impact on shade, privacy, or scenic beauty of the area. The proposed seven trees to be planted on the property on-site are adequately sited to ensure their healthy growth over time.
- The proposed grading is not located within the San Bruno Mountain Area Habitat Conservation Plan Area.


## Conditions of Approval DP-1-20/EX-2-20:

## Prior to issuance of a Building Permit:

1. The owner shall obtain a permit to demolish the existing structure.
2. 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. At a minimum, building plans shall address the following conditions:
a. The plans shall be in substantial conformance to the plans approved with this Design Permit, including finish materials and colors (see related conditions below), with the following modifications:
i. All awnings proposed in side yard setbacks must maintain at least a 2 foot, 6 inch setback from side lot lines per BMC Section 17.32.070.
ii. A final landscaping plan shall be submitted demonstrating compliance with landscaping requirements of the R-3 Residential District and showing the total square footage of permanently irrigated landscape area, and shall
comply with the provisions of BMC Chapter 15.70, Water Conservation in Landscaping, as applicable. The final landscaping plans shall be subject to approval by the Community Development Director.
iii. All walls located within setbacks that exceed six feet in height from adjacent grade shall be screened with vegetation, per the final landscaping plan, such that no more than six feet (vertically) is visible, or the walls be treated with different textures or materials to break up the height of the wall into no more than six foot segments, at the applicant's option and subject to approval by the Community Development Director.
iv. The building permit plans shall include specifications and installation details for the required three mechanical lifts in the garage.
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 may not be mounted on the rooftop, or be otherwise 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.
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 and Grading Review. 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 design of required right-of-way improvements shall be subject to City Engineer review and approval.
k. The building permit plans shall comply with requirements of on-site energy generation pursuant to BMC Chapter 15.81.
3. The applicant shall consult with the City Engineer regarding the potential private sewer line on the property in relation to the project. Replacement of the sewer line may be required.
4. An encroachment permit shall be obtained prior to any work within the public right-ofway.
5. Grading, paving and drainage plans, per Brisbane Municipal Code §12.24.010 \& $\S 15.08 .140$, shall be submitted for approval by the City Engineer prior to the issuance of a building permit. Stormwater drainage shall comply with the National Pollutant Discharge Elimination System (NPDES) permit issued by the San Francisco Bay Regional Water Control Board. The property owner(s) shall be responsible for ongoing operation and maintenance of any permanent structural stormwater controls.
6. Following review and approval of the final documents by the City Attorney, the condominium plan and accompanying covenants, conditions, and restrictions shall be recorded with the County of San Mateo. The CC\&Rs shall conform to the requirements of BMC Chapter 17.30, Condominiums. The condominium plan shall dedicate each uncovered parking space located within the driveway to a condominium unit.
7. Prior to building permit issuance, the applicant shall apply for a Parcel Map Waiver per BMC Section 16.12.050.

## During Construction:

8. Prior to foundation construction, a surveyed foundation staking plan prepared by a licensed land surveyor or engineer authorized to conduct land surveying under California law shall be submitted to the City Building and Planning Departments.
9. The project shall comply with the stormwater Best Management Practices, as provided in the applicable state regulations and included in the applicant's Stormwater Checklist for Small Projects.
10. 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:

11. The property owner shall enter into a standard landscape maintenance agreement with the City for landscaping, to the satisfaction of the City Attorney.
12. All landscaping shall be installed and inspected by Planning staff to confirm conformity with the approved landscape plan.
13. House numbers shall be affixed to the building at a location visible from the street and a size, color and style subject to approval by the Planning Director and Fire Department.
14. Prior to certificates of occupancy the applicant shall demonstrate conformance with all of the above Design Permit conditions of approval.

## Other Conditions:

15. 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.
16. Minor modifications may be approved by the Community Development Director in conformance will all requirements of the Municipal Code.
17. This Design Permit and Grading Review shall expire three 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 <br> Findings Outline \& Discussion 

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

## Design Permit Findings:

BMC $\S 17.10 .050$ requires approval of a Design Permit prior to construction of any principal structure containing more than two dwelling units within the R-3 Residential district. 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. With the Conditions of Approval included in this Resolution DP-1-20/EX-2-20, the application is consistent with the General Plan and meets all of the applicable Design Permit findings located in BMC $\S 17.42 .040$ as outlined below.

General Plan Consistency: The proposed development is consistent with the General Plan and any applicable specific plan.

There is no specific plan for this area of Brisbane. The underlying land use designation for the subject property is Residential at 15-30 dwelling units per acre (du/ac). The project proposes three residential units on 0.15 acres, resulting in a density of $20 \mathrm{du} / \mathrm{ac}$, within the permitted density range. The project is consistent with the following applicable General Plan policies:

- General Plan Policy 20 encourages diversity of development and individual expression in residential and commercial development in Central Brisbane. The application proposes a unique and distinctive, organic architectural design that respects and mimics the natural topography of the site. The stepped design of the four-level structure and natural color palette of light sand/beige walls and slate roofing is compatible with surrounding development in regards to scale, form, and materials.
- General Plan Policy 21 requires new development to respect Brisbane's vernacular architectural heritage. As noted above, the application proposes a unique, organic architectural form distinct from surrounding structures and presenting a cohesive and attractive design.
- General Plan Policy 252 requires that new development retain the existing scale, character and intensity of use of residential \& commercial districts. The 200-block of Tulare Street features a mix of multi-story single-family, duplex, and multi-family homes consistent with the residential product types allowed in the R-3 Residential District. Immediately adjacent structures include a 10 -unit, three-story multi-family building to the east ( 41 Thomas Avenue) with a residential density of $44 \mathrm{du} / \mathrm{ac}$, and a three-story single-family dwelling to the south ( 223 Tulare Street) with a density of 12.5 du/ac. Single-family dwellings are planned to be constructed on the adjacent properties to the north (219 Tulare Street) and the east (99 Thomas Avenue).

The project's density of $20 \mathrm{du} / \mathrm{ac}$ falls in the range between adjacent larger multi-family developments and surrounding single-family development. Further, the stepped design of
the structure up the hillside would ensure its compatibility with adjacent single-family dwellings as each building segment would be limited to two stories. The proposed 20 foot setback from the rear lot line and five foot setbacks to the side lot lines would provide adequate buffer between adjacent structures, and landscape screening of the front and side building and retaining walls would ensure compatibility with adjacent properties.

- General Plan Policy 253 encourages diversity and individual expression in residential and commercial construction. As addressed previously, the proposed design is unique and respectful of Brisbane's vernacular architectural heritage.
- General Plan Policy 258 requires new residential development to retain open areas through setback, lot coverage and landscape requirements in the Zoning Ordinance. The project complies with all setback, lot coverage, and landscape area requirements in both the R-3 Residential zoning district and condominium development regulations. The project design would dedicate $21 \%$ of the site to landscaping where $15 \%$ is required by the R-3 District regulations. Additionally, the project would provide more than the minimum 400 square feet per unit in combined private and shared common outdoor space required by BMC Chapter 17.30, Condominiums.
- Housing Element Policy H.D. 1 encourages retention of the small town character of existing residential neighborhoods, while allowing for increased housing density appropriate to the multi-family residential districts. By demolishing the existing single-family dwelling and constructing a three-unit development, the project would increase the City's supply of housing while complying with all applicable development standards in the R-3 District.


## 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 a unique and distinctive, organic architectural design that mimics the natural topography of the site. The four-level structure is stepped up the hillside such that each building segment is no more than two stories as seen from the north and south side elevations. The natural color palette of light sand/beige walls and slate roofing, coupled with the undulating roof form, allow the structure to blend seamlessly with the surrounding topography. The roof, building façade, and retaining walls feature complementary liner and curvilinear forms. Visual interest and articulation is provided on all building elevations, including varied window openings, exterior balconies and roof overhangs. The third and fourth level building wings break up the building massing as seen from the front and rear of the building and allow for relatively private outdoor open areas for residents in between. Ceiling heights in the living units are varied to provide a modulated building form while maintaining a consistent two-story scale. The structure would maintain five-foot setbacks from the side lot lines.

Exterior building materials will include a complementary mixture of modern and rustic elements, with shiplap cement-board siding and natural red cedar soffits at the roofline and overhangs. Contrasting texture is provided by stucco retaining wall finishes at the side and front setbacks. The exterior color palette would be an organic mix of shades of beige at the building
walls and retaining walls, natural finish (red) cedar soffits, defined by distinctive slate-colored roofing and window frames.
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.

The project meets this finding. The subject property is located between existing and proposed single-family dwellings to the north and south, and a multi-family building and proposed singlefamily dwelling to the east, varying from two to three stories in height. Accordingly, the project's two-story scale and stepped proportions are harmonious with the established development pattern in the neighborhood and with existing and proposed adjacent structures. The structure's two-story height and setbacks meeting or in excess of the minimum requirements mitigate any potential impacts to adjacent structures' access to light and air to the north and south. The building's forward placement on the property and generous rear setbacks and rear landscaping would adequately buffer the new structure from the proposed singlefamily home abutting the rear of the property.

The location of outdoor spaces would provide both private and shared space for residents. The balcony for Unit 1 would be set back from the garage at the first level to afford for additional privacy from the street, while the private patios provided for Units 2 and 3 are located wholly within the interior of the lot between the two building wings, set into the hillside. In addition to being physically separated from structures on adjacent properties, the terraces would be separated from each other by landscaped planters and other landscaped areas.
C. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.

The project meets this finding. As the site is currently developed with a single-story, singlefamily home, the primary potential impact of concern for any new development proposal would be to light and air for the adjacent multi-family and the single-family homes. In addition to providing the minimum required five-foot side setbacks, the building's stepped form up the hillside would limit the maximum height of any building segment to two-stories. Further, the 20 foot rear setback would provide a significant buffer between the new structure and the existing multi-family dwellings and proposed single-family home abutting the rear lot line. These design elements adequately mitigate potential impacts to adjacent land uses.
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.

The project meets this finding. The subject property is generally rectangular in shape, with an average width running north-to-south of 63 feet and depth of approximately 100 feet. Because of the lot's rectangular shape and orientation, the building's longest sides are oriented north-tosouth, consistent with passive solar design practice. South-facing windows are shaded by the roof which overhangs the building wall by two feet, six inches. While the east-facing front
façade features large windows, the windows are stepped back from the surrounding building wall, allowing for shadowing. The east (rear)-facing building wall of the east wing (Unit 2) is almost completely below grade, with a clerestory window shaded by the overhanging roof providing additional shade. The east (rear)-facing wall of the west wing (Unit 3) is above grade and features a large picture window, but the roof overhang and retained adjoining patio provide additional shading. The rear yard landscaping, to include several new trees, will provide natural shading during warm summer months for the rear yard common landscaping area and the structure below. At building permit stage, the project must comply with Title 24 energy requirements, which address insulation and materials to moderate heat loss and gain within the home, and with BMC Chapter 15.80, requiring installation of a solar energy system (proposed by the applicant on the roof of the structure).
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.

The project meets this finding. The subject property is not located on a mapped ridgeline, but rather lies just below the mapped ridgeline along Thomas Avenue. Views from the subject property and surrounding properties to the north, south, and east are oriented to San Bruno Mountain to the north and west, as Thomas Hill obscures the Brisbane Lagoon and San Francisco Bay. As described in Finding A above, the structure is stepped up the hillside such that each building segment is no more than two stories as seen from the north and south side elevations. As such, the design will not result in significant impacts to views of San Bruno Mountain from adjacent properties to the east and south. Because the property is located on the upslope side of Tulare, the project would not impact views from properties to the west downslope of the subject property.
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.

The project meets this finding. A six-car garage (three car lengths in width, with mechanical lifts doubling parking capacity) is proposed to accommodate more than the minimum three required covered parking spaces. The proposed new driveway would accommodate an additional three uncovered parking spaces, but cannot be formally recognized as such by the Zoning Ordinance as they are tandem to the garage spaces. However, that would not prevent their use as guest parking. The width of the driveway would require elimination of one of the two existing on-street spaces, but would preserve and improve the remaining on-street parking space.

While the proposed 31 foot curb cut exceeds the maximum 18 foot curb cut for multi-family dwellings, the City Engineer may approve exceptions to the maximum curb cut per BMC $\S 12.24 .015$ if the greater width will substantially reduce the amount of excavation that would otherwise be necessary to provide the required off-street parking, the greater width will not
eliminate existing usable on-street parking and the greater width will not preclude future onstreet parking, given any expected street widening. The findings can be made in this case, as the Zoning Ordinance requires three covered parking spaces, one for each unit. Because BMC Section 17.34.030 requires the required parking for each unit to be independently accessible from that required for any other unit, the covered parking facilities must provide three independently accessibly parking spaces. Considering the steep slope of the site, the proposed layout and location of the garage would require the least amount of excavation by locating it as close to the front property line as possible. Additionally, even the required 18 foot curb cut would eliminate one of the standard on-street parking spaces, as the minimum length of a parallel parking space is 20 feet; with a 56.5 foot frontage, an 18 foot curb cut with 1.5 flares on either side would leave only 35.5 feet along the property frontage for on-street parking where at least 40 feet is required The City Engineer has reviewed the project preliminarily and has not indicated that the applicant's proposal will conflict with proposed future street widening.

Parking facilities will be required to meet BMC Title 15 requirements pertaining to surfacing and lighting. A recommended condition of approval would require that each unit be supplied with an automatic garage door opener and that the garage door be equipped with a coded keypad in the event of an opener being misplaced. This is to enable the vehicles to efficiently get off the street and into the garage spaces.
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.

The project meets this finding. The Zoning Ordinance does not require new residential development to provide bicycle parking facilities. In regards to transit proximity, the subject property is located within $1 / 4$ mile to existing SamTrans bus and shuttle stops located along Old County Road, Bayshore Boulevard, and San Bruno Avenue (at Mendocino Street).
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 and is appropriate to the location. Attention is given to habitat protection and wildland fire hazard as appropriate.

R-3 Residential district regulations allow up to $60 \%$ of the lot area to be occupied by structures. The project's proposed lot coverage is well below this maximum at approximately $46 \%$, leaving more than half of the site dedicated to landscaping and outdoor living areas. The project would provide landscaping in the front yard in excess of the minimum $15 \%$ requirement, and overall site landscaping would be more than double the required $10 \%$ overall site landscaping requirement per the R-3 Residential district standards. The conceptual landscape plan identifies a variety of native and non-native, non-invasive low-water use trees, shrubs, groundcover, and vine species planted throughout the site. The two private terraces between the two building wings would be physically separated and screened by a variety of shrubs and trees to provide privacy and enhance usability. Shrubs are also proposed along the north and south side property lines to soften and screen the structure from neighbors. As a condition of approval, the final
landscape plans submitted with the building permit application will be subject to further review for compliance under BMC Chapter 15.70, Water Conservation in Landscaping, and minor modifications as to species type and location on site as deemed necessary by the Community Development Director.

One cedar tree with a trunk exceeding 30 inches in circumference would be removed from the rear yard, requiring a ministerial permit as it does not qualify as a protected tree per BMC Chapter 12.12. The conceptual landscape plan proposes planting seven new trees on-site, representing a 7 x 1 increase in trees on-site. The project proposes removal of two trees in the public right-of-way (Monterey Pine and eucalyptus) due to their proximity to the proposed structure and driveway, for which no permit is required per BMC Chapter 12.12, and the removal of such is subject to the City Engineer's approval. Their removal is required due to their proximity to the proposed structure and driveway, and as such their removal is necessary for economic enjoyment of the property as it is redeveloped to a higher use and intensity. The grading plan proposes soil excavation retained by walls in their location, which will prevent erosion, and the applicant will incorporate stormwater retention measures to ensure retention of stormwater on-site as required by the Municipal Regional Stormwater Permit. Considering the seven trees to be planted on site, and existing trees to remain in the neighborhood, the removal of the two street trees would have minimal impact on shade, privacy, or scenic beauty of the area. The proposed seven trees on-site are adequately sited to ensure their healthy growth over time.

In addition to the landscaping and lot coverage standards of the R-3 Residential district, the project complies with the outdoor living space requirements for condominiums contained in Chapter 17.30. The project provides 2,037 square feet of active and passive outdoor space, exceeding the Code requirement of 1,200 square feet ( 400 square feet per unit). Passive outdoor space includes the rear yard landscaping, while active outdoors paces include four private terraces (two each for Units 2 and 3), and one balcony (Unit 1).

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.

The project meets this finding. The site is not located within a mapped traffic noise in the 1994 General Plan. However, as part of the building permit application process, the Building Code includes provisions to mitigate noise transmission between attached condominium dwelling units, which will be applied to the project through the building permit process.
J. Consideration has been given to avoiding off-site glare from lighting and reflective building materials.

The project meets this finding. A condition of approval will require that exterior lighting be directed away from neighboring properties.
K. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.

The project meets this finding. As a condition of approval, the building permit application shall demonstrate that all mechanical equipment, including water heaters and HVAC systems for each unit, will be screen or located in the interior of the structure. Trash and recycling bins would be located inside the structure adjacent to the garage. No utility structures are proposed.
L. Signage is appropriate in location, scale, type and color, and is effective in enhancing the design concept of the site.

No signage is included in this application.
M. Provisions have been made to meet the needs of employees for outdoor space.

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

# City of Brisbane Planning Commission Agenda Report 

TO: Planning Commission

FROM: Julia Capasso, Associate Planner, via John Swieek. Community Development Director

SUBJECT: Design Permit DP-2-18 and Grading Review EX-2-18; 221 Tulare Street; R-3 Residential District; Design Permit and Grading Review to allow demolition of an existing single-family dwelling and construction of new three-unit condominium development on an approximately 6,355 square foot lot, requiring 1,384 cubic yards of soil excavation and export; Fred Herring, Herring \& Worley Inc., applicant; Harold Lott, owner.

REQUEST: The applicant proposes to demolish an existing one-story, 1,482 square foot singlefamily home, and construct a new 3,690 square foot, three-unit condominium building on the subject 6,355 square foot lot in the R-3 Residential zoning district. The project includes removal of two street trees with trunk circumferences measuring 30 inches or more, qualifying as protected tree under BMC Chapter 12.12. The project plans comply with all development standards of the R-3 Residential District, including floor area and unit density, lot coverage, building height, setbacks, landscaping, and on-site parking standards.

In order to build the project as designed, the following permit approvals are required:

- A Design Permit for the new three-unit condominium building, including draft condominium plan and covenants, conditions, and restrictions (CC\&Rs); and
- Grading Review for 1,384 cubic yards of soil cut and export from the property to accommodate a new driveway and the structure itself.

RECOMMENDATION: Conditionally approve Design Permit DP-2-18 and Grading Review EX-2-18, via adoption of Resolution DP-2-18/EX-2-18 with Exhibit A containing the conditions and findings of approval.

ENVIRONMENTAL DETERMINATION: Demolition of a single-family dwelling is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per Section 15301(l) of the CEQA Guidelines. Construction of a multi-family structure containing four or fewer units is categorically exempt from the provisions of the CEQA per Section 15303(b) of the CEQA Guidelines. The exceptions to those categorical exemptions referenced in Section 15300.2 do not apply.

APPLICABLE CODE SECTIONS: Removal of protected trees is addressed in BMC Chapter 12.12. Development standards for new structures in the R-3 Residential zoning district are contained in BMC §17.10.040. Design Permit requirements and findings of approval are located
in BMC Chapter 17.42. Condominium regulations are located within BMC Chapter 17.30. Planning Commission review of grading operations including more than 50 cubic yards of soil export from any site is required by BMC §17.32.220.

## ANALYSIS AND FINDINGS:

## Project Description

The subject property is 6,355 square feet in size with an approximately $41 \%$ slope upward from the Tulare Street right-of-way. As is common in Brisbane's hillside neighborhoods, the paved portion of the Tulare Street right-of-way adjacent to the front lot line is approximately 21 feet wide, significantly less than its 50 foot total width. Per the submitted boundary and topographic survey, the front lot line is located approximately 17 feet, nine inches to the east and approximately nine feet above the paved portion of Tulare Street. The existing single-family dwelling is setback approximately 23 feet from the front lot line and approximately one foot, six inches from the southerly lot line shared with 223 Tulare Street. There is no curb cut or on-site parking provided. Two striped public parking spaces are located adjacent to the property on Tulare Street.

The applicant proposes to demolish the existing single-family dwelling and excavate approximately 1,384 cubic yards of soil from the site and 148 cubic yards from the public right-of-way to accommodate an approximately 31 foot wide curb cut and driveway, as well as one public parking space on Tulare Street. The driveway width and depth would accommodate three uncovered, standard sized on-site parking spaces. The garage would be three spaces wide but would accommodate six cars utilizing mechanical lifts, for a total of nine on-site parking spaces. Storage for each unit and an elevator would be located adjacent to the garage.

The second level, stepped back behind the garage face, would be occupied by Unit 1, an approximately 830 square foot, one-bedroom unit extending horizontally across the width of the site with an exterior balcony extending over the garage. Units 2 and 3 would be located above and behind Unit 1, each with two-story floor plans and extending separately as two wings toward the rear of the property, separated by two private terraces dedicated to each unit and separated by planted retaining walls. At the fourth level, the second stories of Units 2 and 3 would accommodate sleeping rooms as well as two additional private terraces, and pathways to shared open areas in the rear of the property. Unit 2 would total approximately 1,254 square feet and Unit 3 would be approximately 1,332 square feet. Due to the stepped design of the structure, no portion of the structure would exceed two stories as seen from adjacent properties to the north and south.

## Design Permit

## Design Permit Findings

A detailed discussion of the 20 individual design permit findings is attached in Exhibit B to the attached Resolution DP-2-18/EX-2-18. The required findings fall into four topic areas, briefly discussed below:

## 1. Neighborhood Compatibility

2. Building Design Form and Details
3. Site Access and Circulation
4. Landscaping

Neighborhood Compatibility: The findings regarding neighborhood compatibility, as it relates to the Design Permit findings, include the language, "...mitigating potential impacts on adjacent land uses..." and "...maintain a compatible relationship to adjacent development." Overall, the project's density and scale are compatible with structures in the immediate vicinity.

The R-3 District corridor along Tulare Street features a mix of multi-family, duplex, and singlefamily homes, consistent with the variety of residential product types allowed in the R-3 District. Structures showcase a variety of architectural styles and aesthetics, consistent with the General Plan's encouragement of diversity and creativity in residential design. To the south, the subject property abuts a three-story single-family home at 223 Tulare Street of approximately 1,031 square feet (see attached site photos and aerial vicinity map). A single-family dwelling is proposed to be developed to the north of the subject property at 219 Tulare Street, currently vacant. To the east, the subject property's rear lot line abuts 41 Thomas Avenue, a 10-unit, threestory apartment building. Also abutting the rear of the subject property is 99 Thomas Avenue, for which the Planning Commission recently approved a Design Permit for a three-story singlefamily dwelling.

The project's two-story scale and stepped proportions are harmonious with the established development pattern in the neighborhood and with existing and proposed adjacent structures. As the site is currently developed with a single-story, single-family home, the primary potential impact of concern for any new development proposal would be to light and air for the adjacent multi-family and the single-family homes. The structure's two-story height and setbacks meeting or in excess of the minimum requirements mitigate any potential impacts to adjacent structures' access to light and air to the north and south. The building's forward placement on the property and generous rear setbacks and rear landscaping would adequately buffer the new structure from the proposed single-family home abutting the rear of the property. These design elements ensure compatibility with neighboring development.

The subject property is not located on a mapped ridgeline per BMC Section 17.02.695. Views from the subject property and surrounding properties to the north, south, and east are oriented to San Bruno Mountain to the north and west, as Thomas Hill obscures views of the Brisbane Lagoon and San Francisco Bay.

Building Design, Form, and Details: The application proposes a unique and distinctive, organic architectural design that respects and blends with the natural topography of the site. The stepped design of the four-level structure and natural color palette of light sand/beige, natural cedar wood, and slate roofing is compatible with surrounding development in regards to scale, form, and materials. The roof, building façade, and retaining walls feature complementary linear and curvilinear forms. Visual interest and articulation are provided on all building elevations through the incorporation of varied window openings, exterior balconies and roof overhangs. The third and fourth level building wings break up the building massing as seen from the front and rear of the building and allow for relatively private outdoor open areas for residents in between. Ceiling
heights in the living units are varied to provide a modulated building form while maintaining a consistent two-story scale.

Exterior building materials will include a complementary mixture of modern and rustic elements, with shiplap cement-board siding and natural red cedar soffits at the roofline and overhangs. Contrasting texture is provided by stucco retaining wall finishes at the side and front setbacks. The exterior color palette would be an organic mix of shades of beige at the building walls and retaining walls, natural finish (red) cedar soffits, defined by distinctive slate-colored roofing and window frames. As discussed in detail in Exhibit B to Resolution DP-2-18/EX-2-18, the structure's design is consistent with passive solar design practice as is practicable on the site.

The location of outdoor spaces provides both private and shared space for residents via a series of private balconies and terraces and shared, landscaped space. Private terraces are sufficiently spaced on the site to avoid conflicts with neighbors, or are screened by landscaped planters where they are nearer to other private outdoor spaces.

Site Access and Circulation: The site would be accessed from Tulare Street via a new 31 foot wide driveway leading to a six-car garage (three car lengths in width, with mechanical lifts doubling parking capacity) to accommodate the minimum five required on-site parking spaces. The driveway is of sufficient width to accommodate three additional uncovered parking spaces, but these spaces cannot be formally recognized by the Zoning Ordinance as they are tandem to the tandem garage spaces. However, that would not prevent their use as guest parking. The width of the driveway would eliminate one of two existing on-street spaces along the property frontage (as recognized by the Zoning Code), but would preserve and improve the remaining on-street parking space.

While the proposed 31 foot curb cut exceeds the maximum 18 foot curb cut for multi-family dwellings, the City Engineer may approve exceptions to the maximum curb cut if certain findings can be made, as detailed in Exhibit B to Resolution DP-2-18/EX-2-18. BMC §17.34.030 requires the parking for each unit to be independently accessible. Considering the steep slope of the site, the proposed layout and location of the garage would require the least amount of excavation by locating it as close to the front property line as possible. Additionally, even an 18 foot curb cut would eliminate one of the standard on-street parking spaces recognized per the Zoning Ordinance, as the minimum length of a parallel parking space is 20 feet; with a 56.5 foot frontage, an 18 foot curb cut with 1.5 flares on either side would leave only 35.5 feet along the property frontage for on-street parking where at least 40 feet is required by the Zoning Ordinance. The City Engineer has reviewed the project and has not required street widening.

Landscaping: The project's proposed lot coverage leaves more than half of the site dedicated to landscaping and outdoor living areas. As summarized in the project data table in Attachment 3, front yard landscaping would exceed the minimum $15 \%$ requirement, and overall site landscaping would be more than double the required $10 \%$ overall site landscaping requirement. The conceptual landscape plan identifies a variety of native and non-native, non-invasive lowwater use trees, shrubs, groundcover, and vine species planted throughout the site. The two private terraces between the two building wings would be physically separated and screened by a
variety of shrubs and trees to provide privacy and enhance usability. Shrubs are also proposed along the north and south side property lines to soften and screen the structure from neighbors.

In addition to complying with the landscaping standards of the R-3 Residential district, the project complies with the outdoor living space requirements for condominiums contained in BMC Chapter 17.30. The project provides 2,037 square feet of active and passive outdoor space, exceeding the Code requirement of 1,200 square feet ( 400 square feet per unit). Passive outdoor space includes the rear yard landscaping, while active outdoors paces include four private terraces (two each for Units 2 and 3), and one balcony (Unit 1).

## Grading Review Findings:

BMC §17.32.220 requires Planning Commission Grading Review when fifty (50) cubic yards or more of material is to be removed from any single parcel of land. While there are no findings in the Zoning Ordinance for review of such applications, in 2003, the Planning Commission adopted guidelines that contain findings for approval, as described below. With the suggested conditions of approval contained in the attached Resolution, the application would meet these findings.

- The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography (General Plan Policies 43, 245 \& 312 and Program 18a).

The project meets this finding. The paved portion of the Tulare Street right-of-way adjacent to the front lot line is approximately 21 feet wide, significantly less than its 50 foot total width. As such, the front property line is located approximately 17 feet, nine inches to the east and approximately nine feet above the paved portion of Tulare Street.

Considering the site's relationship above and beyond the paved roadway, the proposed 1,384 cubic yards of soil excavation and export from the site is the minimum required to access the site and required five on-site parking spaces. Considering the steep slope of the site, the proposed layout and location of the garage parallel to the front lot line would require the least amount of excavation in considering the variety of ways to provide the required on-site parking such that they are independently accessible for each unit, as required by BMC §17.34.030.

Beyond the excavation required for the driveway and garage, the grading plan proposes minimal excavation of the steeply sloped lot by utilizing a stepped design whereby each building segment is limited to no more than two stories, as demonstrated in the site sections and building elevations. Additionally, existing grades would be maintained at the north and south side lot lines. This design approach ensures the structure fits comfortably with the natural topography.

- The proposed grading is designed to avoid large exposed retaining walls (General Plan Policies 43 \& 245).

With the Conditions of Approval in the attached Resolution, the project meets this finding. While the grading plan would result in several exposed retaining walls within setbacks, the majority of these walls would measure less than six feet in height from adjacent grade as seen from
neighboring properties. The tallest exposed wall is located with the public right-of-way at the northern edge of the driveway, adjacent to the public parking space, ranging from five to approximately seven feet in exposed height. A retaining wall within the south side setback extending from the driveway to the entry of Unit 3 would range from one to seven feet above adjacent, existing grade. A retaining wall within the north side setback extending from the driveway to the entry of Unit 2 would range from one to five feet above adjacent, existing grade.

BMC §17.32.050 requires vegetative screening or wall treatments for retaining walls over six feet in height only if they are located within a setback area. Condition of Approval 2.a.iii in the attached resolution requires that the final landscaping plan submitted with the building permit include vegetative screening for these walls such that no more than six feet (vertically) is visible, or that the walls be treated with different textures or materials to break up the height of the wall into no more than six foot segments.

- The proposed grading is designed to conserve existing street trees (as defined by BMC Section 12.12.020), any California Bay, Laurel, Coast Live Oak or California Buckeye trees, and three or more trees of any other species having a circumference of at least 30 inches measured 24 inches above natural grade.

The project would meet this finding. One cedar tree with a trunk exceeding 30 inches in circumference would be removed from the rear yard, requiring a ministerial permit as it does not qualify as a protected tree per BMC Chapter 12.12. While no replacement is required under the BMC, seven new trees will be planted. The project also proposes removal of two trees in the public right-of-way exceeding 30 inches in circumference that are protected under BMC Chapter 12.12. Their removal is required due to their proximity to the proposed structure and driveway, and as such is necessary for the redevelopment of the site consistent with applicable Zoning standards. New retaining walls and landscaping will prevent erosion, and the project will incorporate site design measures to retain and infiltrate stormwater, including direction roof runoff onto vegetated areas and using landscaped micro detention basins. Considering the seven trees to be planted on site, and existing trees to remain in the neighborhood, the removal of the two street trees would have minimal impact on shade, privacy, or scenic beauty of the area. The proposed seven trees on-site are adequately sited to ensure their healthy growth over time.

- The proposed grading complies with the terms of the San Bruno Mountain Area Habitat Conservation Plan Agreement and Section 10(a) Permit, if and as applicable (General Plan Policy 119 and Program 83b).

This finding does not apply as the subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

## Compliance with the Subdivision Map Act

While establishment of a condominium development is subject to the Subdivision Map Act, the project is eligible for a Parcel Map waiver per BMC Section 16.12.050 and the applicant has indicated his intent to apply for such waiver. Condition of Approval 6 requires the waiver to be approved prior to issuance of the building permit.

## State Housing Accountability Act

The Planning Commission's review of this application is subject to the State Housing Accountability Act (Government Code §65589.5). Under this law, a housing development project that complies with objective design standards may be denied or reduced in density only if the decision-making body can make specific findings related to unmitigatable public health and safety impacts.

## ATTACHMENTS:

1. Braft Resolution DP-2-18/EX-2-18 withrecommended Findings and Conditions of Approvat
2. Summary of Project Data
3. Aerial site map
4. Site photos
5. Applicant's grading and architectural plans
6. Applicant's supporting statements
7. Materials and color board-to be provided at the public heating by the applicant

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Summary of Project Data

| ADDRESS | 221 Tulare Street |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| APN | 007-361-220 |  |  |  |  |
| ZONING DISTRICT | R-3 Residential District |  |  |  |  |
| DESCRIPTION | Design Permit and Grading Review for new 3-unit condo |  |  |  |  |
| Development Standard | Existing | Proposed | Min/Max | Complies | Does not comply |
| Lot Area | 6,355 SF | $\mathrm{n} / \mathrm{c}$ | 5,000 SF | X |  |
| Lot Slope | 41\% | 48\% | n/a | n/a |  |
| Lot Coverage |  | 46\% or 2,905 SF | 60\% or 3,813 SF | X |  |
| Floor Area |  | 3,690 SF or 0.58 FAR | 4,575.6 SF or 0.72 FAR | X |  |
| Setbacks |  |  |  |  |  |
| N Side Lot Line | 16'3" | 5' | 5' | X |  |
| S Side Lot Line | 1' 6" | 5' | 5' | X |  |
| Rear Lot Line | 49'9" | $20^{\prime}$ | 10' | X |  |
| Front Lot Line | 17'9" | $10^{\prime}$ | $0^{\prime}$ | X |  |
| Garage | n/a | 0' | $0^{\prime}$ if complies with height | X |  |
| Height | ~ 10' | $20^{\prime}$ | 30' | X |  |
| 15' from front lot line | n/a | Home: 12' Garage: 14' above ST centerline | 20'; 15' above ST centerline for garage in FYSB | X |  |
| Parking |  | 6 covered (in lifts; considered tandem) | 3 covered spaces (1 per unit), 2 uncovered spaces (no guest pkg; < 5 units) | X |  |
| Outdoor Living Space |  | $\begin{aligned} & \text { 1,057 SF private + } \\ & 980 \text { SF shared (rear } \\ & \text { yard above patios) = } \\ & 2,037 \mathrm{SF} \end{aligned}$ | 1200 SF (400 SF/unit) | X |  |
| Articulation |  |  |  |  |  |
| Front |  | N/a | Applies to walls > 20' $\times 20^{\prime}$ | n/a |  |
| Rear |  | N/a | Applies to walls > 20' $\times 20^{\prime}$ | n/a |  |
| Landscaping |  |  |  |  |  |
| 15\% of FYSB | - | 108 SF | 85 SF | X |  |
| 10\% of total lot | - | 1,362 SF | 635.5 SF | X |  |
| Condo Requirements |  |  |  |  |  |
| Washer drier hookups or laundry facilities <br> Storage areas <br> Outdoor areas | - - - | WD provided in ea. Unit $>125$ CF provided for ea unit on 1st fl <br> Total: 2,037 SF | Hookups for each unit OR one washer and one drier shall be installed in a laundry room for every three (3) units. <br> 125 CF enclosed storage area per unit. <br> Avg $=400$ SF per unit or total 1200 SF | $x$ $X$ $X$ |  |

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Aerial Map
221 Tulare Street


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## Site Photos 221 Tulare Street



Above: Approximate location of proposed curb cut shown in hatching.
Left: View of existing structure and two street trees to be removed from the public right-of-way (to the left/north of existing home)

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DRAWING INDEX:





A-1 Site plan Project data
A-1.1 Heienth imititoconomarance DiagramLlong section










## 






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GRADING SECTIONS



GRADING SECTIONS

$\frac{\text { INLET PROTECTION }}{n-\mathrm{s}}$



ERosion control notes




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9. TREE PRotecton shall ee in place prior to the ISSuance of the grading permit

## Erosion control legend


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STABILIZED CONSTRUCTION ENTRANCE









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 NECCHBors.









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# ATTACHMENT B 

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Mayne Tree Expert Company, Inc.



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| OJECT DATA |  |  |
| :---: | :---: | :---: |
| Property：$\underbrace{221}_{\text {Brish }}$ | 221 Tulare Street <br> Brisbane， 94005 CA |  |
| APN：007－3 | 007－361－120， 130 |  |
| Lotarea： | ${ }^{6355}$ |  |
| Average low widtr： 63.8 |  |  |
| Max．permited floor area： |  |  |
|  |  |  |
| Manin flor（ Unitityl） | 1）${ }^{8324}$ |  |
| Upper foor（Nitt th） | H2）H3） <br> 8504 <br> 804 |  |
| Top for（Unit＋2） | ${ }^{5504}$ |  |
| Top flor（ Unit t3） | ${ }_{358884}^{4884}<4575.6 ¢$ | permitted |
| $\frac{\text { Carae }}{\text { Grand }}$ Total | ${ }_{4}^{6230 ¢}$ |  |
| Max．pemitite coverage： |  |  |
|  |  |  |
| Proposed dldg．footprint $20054 \times 3813 \ddagger \mathrm{OK}$ |  |  |
| Seltacks |  |  |
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| （eat（ |  |  |
| Occupancy： | UR－3 |  |
| Bulding TVe： | ¥в |  |
| ${ }_{\text {Exising Parking }}^{\text {Stret parking } 7 \text { widh）}} 4$ spaces |  |  |
|  |  |  |
|  |  |  |
| Proposed Parking |  |  |
| Ontite |  |  |
| Requires | $\frac{6 \text { spaces }}{1 \text { spaces "surplus" }}$ |  |
|  |  |  |
| PROUECT DESCRIPTION |  |  |
| New four story condominium with three units and attached garage． Unit \＃2 1255中 with 1 bedroom， 2 bath Unit \＃2 1255中 with 2 bedrooms， 2.5 bath |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| Impermeable surfaces： |  |  |
|  | Existing condition（pre－project） | Postrerject condition |
|  |  | 3，265 |
|  |  |  |  |
| Terraces，Driveway 404中 <br> Total： 1356 中 |  |  |
|  |  |  |
|  |  |  |  |
| Increase in inperious area（5，143－1356＝ $7878=.087 \mathrm{ac}$ ．） |  |  |
| FIRE PROTECTION： <br> Structure to be protected with automatic fire <br> sprinkler system compliant with NFPA 13D． |  |  |
|  |  |  |  |
| 2016 California Building Code 2016 California Residential Code <br> 2016 California Electrical Code <br> 2016 California Mechanical Code <br> 2016 California Plumbing Code <br> 2016 California Energy Code |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |















GROUND FLOOR PLAN

EXTERIOR LIGHTING PLAN



Exterior materal specifications:

| Roofing | Class "A" Fire Resistive Roll Roofing Local Supplier | CertainTeed "Colonial Slate <br> roll roofing $39-3 / 8^{\prime \prime} \times 32^{\prime} 11^{\prime \prime}$ |
| :---: | :---: | :---: |
| Concrete Walls | Stucco / Plaster Sand finish | Finish coat of C.P. over wire <br> lath over conc. structural wan |
| Wood Frame Walls | Cement board Local Supplier | Cement board $1 \times 6$ shiplap pattern siding |
| Glazing | Alufront <br> Thermally broken alum. frames | Clear dual glazing |
| Soffit | Local Lumber Supplier | Native Red Cedar <br> $1 \times 6$ board natural finish |

## EXTERIOR MATERIAL SPECIFICATIONS:



Steve Johnson, applicant, and Charlie Kavanagh, project engineer, addressed the design considerations that require the parking garage to be open on the north side of the building.

Dennis Busse, Brisbane resident, asked that the final project design include bollards or another structural element engineered to stop a car from jumping the wheelstop and that the private sewer line running down the northern side of the property from Tulare Street be replaced during project construction.

Hector Estipona, project architect, addressed the Commission regarding the handrail design adjacent to the garage.

Steve Johnson, applicant, stated he intended to replace the sewer line during project construction.
Commissioner Gomez moved to close the public hearing. Commissioner Gooding seconded the motion and it was approved 5-0.

Following deliberation, Commissioner Saysane moved to approve the application by adopting Resolution DP-3-17/EX-8-17/V-2-18/FD-1-18/UP-3-18, with the additional conditions that the project design incorporate a structural barrier adequate between the north side yard walkway and the wheelstop of the parking spaces, and an advisory condition for the applicant to work with the City Engineer to replace the private sewer line subject to the City specifications. Commissioner Patel seconded the motion and it was approved 5-0.
2. PUBLIC HEARING: Design Permit DP-2-18, Grading Review EX-2-18; 221 Tulare Street; R-3 Residential District; Design Permit and Grading Review for demolition of an existing single-family dwelling and construction of new three-unit condominium development on an approximately 6,355 square foot property, requiring 1,384 cubic yards of soil excavation and export; Fred Herring, Herring and Worley Inc., applicant; Harold Lott, owner.

Associate Planner Capasso presented the staff report and answered questions from the Commission regarding street parking improvements.

Chairperson Mackin opened the public hearing.
Fred Herring, applicant and project architect, discussed the proposed street and parking improvements in the right-of-way adjacent to the property line required by the City Engineer and the project design, the noise level of the mechanical parking lifts, the height of the proposed replacement trees, and development plans for the lot to the north.

Boya Yan, Brisbane resident, shared a letter regarding a private sewer line crossing over the subject property and serving other properties to the east.

Associate Planner Capasso noted the City was aware of letters to that effect in the property files but that no recorded easements exist.

Mr. Herring stated if there is a private sewer line it would be accommodated and protected through the project.

Commissioner Gooding moved to close the public hearing. Commissioner Gomez seconded and the motion was approved 5-0.

Following deliberation, Commissioner Patel moved to approve the application by adopting Resolution DP-2-18/EX-2-18, with the additional conditions that the project plans submitted for building permit include the interior mechanical lifts for the parking garage, and an advisory condition for the applicant to work with the City Engineer to replace the private sewer line subject to the City specifications. Commissioner Sayasane seconded the motion and it was approved 5-0.

## H ITEMS INITIATED BY STAFF

Director Swiecki asked the Commission to appoint a 1-2 person subcommittee to study the tree preservation ordinance with staff at the request of the City Council. Commissioner Sayasane moved to appoint Commissioners Gomez and Gooding to the subcommittee. Commissioner Patel seconded the motion and it was approved 5-0. Director Swiecki stated the Council continued the Baylands public hearings to June 21, 2018.

Associate Planner Capasso announcedstaff intended to cancel the July 10 meeting.

## I. ITEMS INITIATED BY THE COMMISSTQN

Commissioner Gooding inquired when the Commission meetings would be changed to Thursdays.

Director Swiecki stated that change would be effective in August.

## J. ADJOURNMENT

Commissioner Gooding moved adjournment to the next regular meeting of June 26, 2018. Commissioner Gomez seconded the motion and the meeting adjourned at 9:12 p.m.


John A. Swiecki, Community Development Director
NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at www.brisbaneca.org.


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