

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission

For the Meeting of 4/14/2016

**FROM:** Julia Capasso, Associate Planner, via John Swiecki, Community Development Director

**SUBJECT:** **124 San Bruno Avenue; Design Permit DP-1-16 and Use Permit UP-1-16** to allow construction of an approximately 28-foot tall, 2-story residential building to accommodate three condominium units ranging between 1,100-1,300 square feet in size, and an attached 5-car garage, altogether totaling approximately 4,044 square feet in floor area, to replace an existing single-family home on a 5,679 square foot lot.; Jerry Kuhel, applicant; Robin Hubinsky and Brendan Frost, owners; APN 007-282-020.

**REQUEST:** The applicant proposes to demolish an existing one-story single-family home of approximately 1,300 square foot, and build a new two-story multi-family building of 4,044 square feet on a 5,679 square foot lot in the R-3 Residential zoning district. The maximum height of the building would be 28 feet measured from the third-level roof deck entry. The building would accommodate three condominium units.

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

- A Design Permit for the new three-unit building; and
- A Use Permit to approve the condominium plan and related Covenants, Conditions & Restrictions (CC&Rs).

The applicant also applied for a tentative parcel map, based on the Municipal Code provisions for condominiums. However, State law allows the City to establish condominiums by recording a condominium plan that shows the division of airspace on a legally established lot. This is discussed further in the analysis and findings section.

**RECOMMENDATION:** Conditionally approve Design Permit DP-1-16 and Use Permit UP-1-16, via adoption of Resolution DP-1-16/UP-1-16 with Exhibit A containing the conditions and findings of approval.

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

**APPLICABLE CODE SECTIONS:** 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, and the required findings for Use Permit approval are located in BMC §17.40.060.

## **ANALYSIS AND FINDINGS:**

### **Design Permit**

The R-3 Residential district regulations require all new primary structures containing three or more residential units to obtain a Design Permit prior to construction. A detailed discussion of the 20 individual design permit findings is attached as Attachment B. 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". (See related Use Permit findings, below.)

The San Bruno Avenue corridor features a mix of multi-family, duplex, and single-family homes, consistent with the R-3 Residential district standards. Structures in this corridor showcase a variety of architectural styles and aesthetics, consistent with Brisbane's values of diversity and creativity in residential design.

Immediately adjacent to the subject property to the north at 100 San Bruno Avenue is a 13-unit, three-story multi-family building, a narrow, rectangular building dating from the early 1900s and a notable example of Brisbane's vernacular architectural heritage. The building is set back considerably from the shared property line with 124 San Bruno, providing an open yard space for residents (see attached site photos). The building has a height of approximately 29 feet and the property has an overall density of 108 dwelling units per acre (13 units on a 0.12-acre lot). To the south of the subject property is an 11-unit multi-family building at 200 Monterey Street, consisting of two residential floors above parking in a contemporary architectural style. The building is approximately 24 feet in height, and the property has an overall density of 50 du/ac (11 units on a 0.22-acre lot). Both adjacent multi-family properties have a higher residential density than the proposed project (23 du/ac), and the project's maximum height of 28 feet fits within the range of building heights on the block.

The subject property's rear lot line abuts 217 Mariposa Street and 242 Monterey Street within the R-2 zoning district, both developed with single-family homes. To mitigate potential impacts

to these adjacent single-family properties, the project design incorporates 28-47 foot rear setbacks to buffer the new structure from the rear lot line. The landscaping plan also includes tree plantings to provide additional screening. Overall, the project's density and scale are compatible with structures in the immediate vicinity.

*Building Design, Form, and Details:* The application proposes a contemporary modern architectural design incorporating a flat roof, asymmetrical façade, geometric wall planes and window openings, and mix of exterior materials. The front façade features varied wall planes, with a second-story overhang and recessed front entryway maintaining varied setbacks from the front lot line between 15 ft and 23 ft, 8 inches. Visual interest and articulation would be provided on all building elevations, including rectangular window fascia, a linear band running the length of both north and south side exterior walls, and two rear upper and lower level decks connected by a spiral staircase. Ceiling and floor heights in the living units are varied to provide a modulated building form while maintaining a two-story scale. The structure would maintain five-foot setbacks from the side lot lines.

The primary building material would be stucco, with tongue-in-groove Hardie Plank accenting the garage door and partially extending around the lower portion of the building's south wall. This contrasting accent material would complement and strengthen the building's contemporary modern aesthetic. Proposed paint colors include a complementary mix of standard and customized colors, including a light tan on the upper level (Benjamin Moore, Valley Forge Tan-custom); a creamy yellow for the band between first and second levels (Benjamin Moore, Sail Cloth); a gray-tan on the lower level (Benjamin Moore, Kingsport Gray- custom); and a deep navy accent wall at the recessed entry way (Benjamin Moore, Hale Navy- custom). A color board and three-dimensional artist's renderings are attached for the Commission's reference.

The building's longest walls are oriented north-to-south, providing a passive solar design. The rear yard landscaping, including several new trees, will shade the rear patios during summer months. At the building permit stage, the project shall demonstrate compliance with Title 24 energy requirements, which address insulation and materials to moderate heat loss and gain within the home.

Outdoor spaces within the lot are oriented to provide both private and shared spaces for residents. The two lower level patios (assigned to Units 1 &3, respectively) would be physically separated by an attractive bamboo planter, and the roof deck (assigned to Unit 2) would be set back from the front and side building walls to provide a buffer from adjacent structures and the roadway. A condition of approval is recommended to require the proposed glass railing at the third-level balcony to be treated through tinting, sandblasting, or similar method to reduce off-site glare. Alternatively, the glass rail could be replaced with treated wood railing to match the garage façade.

*Site Access and Circulation:* All five required off-street, covered parking spaces would be accommodated in a five-car garage accessed from a driveway on San Bruno Avenue. Tandem parking spaces would be assigned to separate units to ensure that tenants' cars would not block the cars of other tenants. The applicant studied alternative site access through a side yard with

podium parking (living units above); however, this alternative was discarded due to turning radii limitations posed by the lot width.

The applicant has proposed a 32-foot curb cut, 14 feet wider than the maximum curb cut of 18 feet specified in the Municipal Code, in order to provide safe ingress and egress for the parking garage. The City Engineer has reviewed the applicant's proposal and is willing to waive the curb cut maximum, should the Planning Commission's approval of the project (see recommended condition of approval 2.M). Though the wider curb cut would eliminate one existing on-street parking space, the wider driveway (partially within the public right-of-way) could accommodate additional off-street guest parking spaces, which the applicant has assigned to each unit. As the driveway guest spaces would be in tandem to the garage spaces, they would not meet the definition of off-street parking in the Zoning Ordinance; however, that would not prevent their use as such. One on-street parking space would remain, partially overlapping with the 100 San Bruno Avenue frontage. The final striping of street parking and the sidewalk configuration would be done to the satisfaction of the City Engineer.

To maximize garage access for all building occupants, a recommended condition of approval would require each unit to 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.

*Landscaping:* The project's proposed lot coverage of approximately 53% is well below the 60% maximum, leaving almost half of the site available for landscaping and outdoor living areas. Landscaping in the front and rear yards complies with the minimum area requirements of the R-3 Residential district standards and would feature drought-tolerant, California native grass, shrub, and tree species.

The project proposes removal of three pine trees exceeding 30 inches in circumference to accommodate the proposed landscaping plan and address the owner's concerns with disease and long-term tree health. Though pine trees are not considered a protected species under BMC Chapter 12.12, these trees are collectively subject to that chapter due to their number and size. As a recommended condition of approval, the trees to be removed shall be replaced at a 1 x 1 ratio by an appropriate water-conserving species. A condition of approval is recommended to require the final landscaping plan, including replacement tree species, to be subject to Planning Director review and approval prior to installation.

In addition to the landscaping and lot coverage standards of the R-3 Residential district, the project is also subject to compliance with outdoor living space requirements for condominiums contained in Chapter 17.30. The project provides 1,700 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 and front yard landscaped areas, while active outdoor spaces include upper and lower level decks and patio areas assigned to each unit. Vegetation separating the lower level patios and physical separation of the second and third-level decks allow for adequate usability and privacy from other tenants and neighboring residents.

**Use Permit Findings:**

BMC §17.030.020 requires a Use Permit prior to construction of new condominium developments in any zoning district in the City. The application meets the required findings for a Use Permit located within BMC §17.40.060, as discussed below.

- A. *“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.”*

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 0.13 acres, resulting in a density of 23 du/ac within the permitted density range. The project is consistent with the following applicable General Plan policies applicable to new residential development and neighborhood compatibility: General Plan Policy 20, 21, 252, 253, 258, and Housing Element Policy H.D.1. (See expanded discussion of General Plan Policies in Attachment B.)

As previously described, the San Bruno Avenue corridor features a mix of multi-family and single-family homes consistent with the R-3 Residential district standards. Immediately adjacent structures to the subject property include a 13-unit, three-story multi-family building to the north (100 San Bruno Avenue), and an 11-unit multi-family building to the south (200 Monterey Street) consisting of two residential floors above parking. These adjacent developments are taller and have a higher residential density than the proposal. The subject property’s rear lot line also abuts 217 Mariposa Street and 242 Monterey Street, both developed with single-family homes. By limiting the height of the structure to two stories and maintaining front, side, and rear setbacks meeting or in excess of the minimum requirements, the application will not significantly impact adjacent structures’ access to light and air.

- B. *“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.”*

The proposed use would not be detrimental to those residing or working in the neighborhood, to other property or improvements or the welfare of the City. As detailed in Finding A above and in the Design Permit Findings, the project’s density, form, and scale is compatible with surrounding development and the use itself is consistent with the General Plan. The project would enhance the neighborhood by providing additional housing units on an infill lot within walking distance to Brisbane shops, restaurants, and transit stops.

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 buildings and the single-family homes to the rear. As previously described, the project's proposed setbacks and two-story building height would mitigate potential impacts to adjacent development.

Finally, the project will require a building permit and must comply with all health and safety regulations contained in the California Building Code and Brisbane Municipal Code, ensuring the continued safety of the building for both residents and neighbors.

### **Compliance with the Subdivision Map Act**

As indicated above, the applicant initially applied for a tentative parcel map. However, State law allows the City to establish a condominium project of fewer than five units on a legally established lot by recording of a condominium plan showing the division of airspace. Since the property is comprised of two underlying legal lots from the original subdivision of this area of Central Brisbane (1908 "City of Visitacion" subdivision map), the application for a tentative map is not necessary. Rather, the filing of a declaration of lot merger prior to or concurrent with the recording of the condominium plan will satisfy the requirements of the Subdivision Map Act for this project. A declaration of lot merger may therefore be completed administratively in lieu of a tentative map. This requirement is included as a condition of approval.

### **ATTACHMENTS:**

- A. Draft Resolution DP-1-16/UP-1-16 with recommended Findings and Conditions of Approval
- B. Findings Outline and Discussion
- C. Summary of Project Data
- D. Aerial site map
- E. Existing structure and site photos
- F. Applicant's architectural plans
- G. Three-dimensional rendering
- H. Applicant's supporting statements
- I. Materials and color board
- J. Hardie siding cut sheet
- K. Covenants, Conditions, & Restrictions Document with Exhibits A and B