

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 1/23/18

FROM: Ken Johnson Senior Planner, via John A. Swiecki Community Development Director

SUBJECT: 99 Thomas Avenue; Design Permit DP-2-16, Grading Permit EX-2-16 and Habitat Conservation Plan Permit HCP-1-16 for an approximately 5,483 square foot Single Family Home, with associated grading of approximately 1,411 cubic yards of cut and 652 cubic yards of fill on a Ridgeline Lot within the R-BA Brisbane Acres Zoning District; Mark English, applicant; Andrew Kom and Helen Ruan, owners; APN 007-350-170

REQUEST: The applicant proposes to remove the existing ruins of a former single family residence and build a new 5,483 square foot single family residence, to be comprised of approximately 4,949 square feet of living area with a 534 square foot detached, 2-car garage on a 52,255 square foot (1.2 acre) lot at 99 Thomas Avenue. The lot is within the R-BA Brisbane Acres Residential zoning district. The property is also located within the San Bruno Mountain Habitat Conservation Plan Area (HCP), which necessitates HCP compliance review and adoption of an HCP Operating Program. Since the property is located on a ridgeline within the R-BA district, a design permit is required for development of a single family home. Site development would also result in grading of approximately 1,411 cubic yards of cut, with 652 cubic yards of fill and the remainder being exported from the site, which requires Planning Commission review in addition to the City Engineer's approval of the proposed grading.

SITE DESCRIPTION AND CONTEXT: The property is located within the R-BA zoning district and borders the R-1 and R-3 Residential districts along its western and southern edges, and those bordering properties are already built out. To the north and east, the property borders vacant lands that are also within the R-BA Residential zoning district.

The site is defined as a ridgeline lot in BMC Section 17.12.040.L. It is located along the Thomas Hill ridgeline which runs from the saddle of San Bruno Avenue, roughly parallel to Thomas Avenue and terminating on this lot. Thomas Avenue ends on the west side of a topographic knoll. The topographic knoll partially blocks views of the southern end of the site. The topography on site generally drops off from the southwest to the northeast. The home is proposed in the center portion of the site with natural slopes of approximately 20 percent. There is a steep drop-off north of the home, down to a level area which is not proposed for development. This lower (northern) portion of the site is largely inaccessible from the home site.

This lot and the adjacent R-BA lots to the north and east are heavily treed, primarily with a mix of Eucalyptus spp. and Pinus spp., which serve to obscure views of the site. Many of the Pine trees have died off and fallen in recent years. Further details on the site biota are provided with the biological resources report and the existing tree list contained in the applicant's drawing set, Sheet L3.

An apartment building is located along the southern edge of the property with a block wall along the boundary. The homes along the western edge of the site front onto Tulare Street so their back yards face the subject property.

The site was originally developed with a 2,340 square foot single family home, constructed in 1941, and the ruins of that home are located in the southwest corner of the lot. The home was abandoned a number of years ago and there is now no roof and only remnants of the walls, floors and foundation remain. The remnants of that structure are proposed for demolition as part of this project. The site is currently in a state of disrepair with graffiti on remaining walls and a number of dead and/or fallen trees on site.

A certificate of compliance was recorded for the lot in June 2000, which verified that the site was a legally established lot that could be developed with a single family residence.

PROJECT DESCRIPTION: As noted above, the applicant proposes to remove the remnants of the former single family residence and build a new single family residence with a detached 2-car garage on the 1.2 acre site, at the end of Thomas Avenue. The new home would be 4,949 square feet in floor area with a 534 square foot garage, for 5,483 square feet total. It would step from 1 story at the front to 3 –stories at the rear, ranging in height from approximately 10 feet 6 inches to 33 feet. The lot coverage would be approximately 7.5 percent. The building design may be identified as a high-style International design, characterized by cantilevered sections of the house and large ribbons of windows, which gives the building an air of lightness. The design style is also naturally articulated with the cantilevered sections and windows which serve to break up the mass of the building. The exterior materials include tongue and groove Western Red Cedar siding and complementary stone veneer panels.

A total of 9 parking spaces would be accommodated on site, with 2 in the garage and the remainder uncovered in the parking court areas in front and to the sides of the house. No parking spaces are designated within the required driveway turnaround area. See staff's annotated parking figure, attached.

As noted previously, the site topography accommodates development of the home on the upper portion of the site. A deck is proposed on a benched area partway down the northerly slope which is accessed via a new set of stairs from the residence. A guard rail is proposed to provide fall protection along the length and at the edge of the steep slope to the north of the house. The lower portion, beyond the drop off, would remain largely in its existing state except for weed abatement as required by the HCP Operating Program.

Access to the site and utilities would be provided from Thomas Avenue. Since this site is at the end of Thomas Avenue and there is not an existing code-compliant vehicle turnaround area, the Fire Department is requiring a "Y" shaped turnaround on the site. The size of that turnaround

necessitated the house being set towards the center of the lot. Conversely, geotechnical setback requirements also had to be met relative to the drop-off on the north side of the house.

In order to provide for the “Y” turnaround and parking, the proposal includes approximately 1,411 cubic yards of cut from the eastern side and approximately 652 cubic yards of fill on the western side. Along the western side, beginning approximately 22 feet from the west side lot line, is a set of two retaining walls, the highest being approximately 8.4 feet in height. The retaining walls would be surfaced with a stone veneer to match the stone used on portions of the house. The walls would also be screened from view by a mix of trees and shrubs to be located along the western edge of the property. New, largely native landscaping would be provided throughout the upper portion of the lot, with existing trees retained where possible at the eastern and western edges.

RECOMMENDATION: Conditionally approve Design Permit DP-2-16, Grading Permit EX-2-16 and Habitat Conservation Plan compliance permit HCP-1-16, per the staff memorandum with attachments, via adoption of Resolution DP-2-16/EX-2-16/HCP-1-16 with Exhibit A containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: Demolition and removal of the ruins of the former single family residence and construction of a new single family residence is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), per Sections 15301(l)1 and 15303(a) of the CEQA Guidelines. The exceptions to these categorical exemptions, referenced in Section 15300.2, do not apply.

APPLICABLE CODE SECTIONS: The City’s zoning ordinance in conjunction with the HCP govern the development of properties within the Brisbane Acres.

The Brisbane Acres is located within HCP Administrative Parcel 2-03 which established general obligations applicable to properties that are proposed for development. This is addressed through the Operating Program that is proposed for this parcel. See the attached draft Operating Program 2-03-19.

The development regulations are provided in BMC Section 17.12.040 for the R-BA zoning district. In addition to the standard development regulations, the zoning ordinance requires a Design Permit for Ridgeline Lots in the Brisbane Acres, per BMC Section 17.12.040.L. The findings required for the approval of Design Permits are contained in BMC Sections 17.12.040.L.2 and 17.42.040.

BMC Section 17.32.220, as well as BMC Section 15.01.081, calls for Planning Commission approval for projects involving grading of over 250 cubic yards of material, that’s in addition to approval by the City Engineer that’s required for any grading project over 5 cubic yards.

Off-street parking regulations are found in BMC Chapter 17.34.

Additional City regulations, not listed here, are ministerial and would be applied at the time of building permit application.

ANALYSIS AND FINDINGS:

This section provides discussion of the following:

- Compliance with Development Regulations
- Compliance with Design Permit Findings
- Grading Review
- HCP Compliance

Compliance with Development Regulations

The proposal is in compliance with all of the applicable development regulations, as provided in BMC Section 17.12.040. These regulations address factors including lot size, setbacks, lot coverage, floor area ratio, and height of structures. The proposal also complies with the applicable parking regulations contained in BMC Chapter 17.34. An evaluation of the project's compliance with the applicable development regulations is provided on the attached Project Description Table.

As indicated above in the project description, the project is on an approximately 1.2 acre site, or 52,255 square feet, whereas only 20,000 square feet is required for a single family home site. While the floor area ratio for the house and garage, at 0.105, is well below the maximum of 0.72, the floor area of 5,483 square feet approaches the 5,500 square foot maximum limit. The lot coverage of 7.5 percent is well under the limit of 25 percent. The house and garage meets or exceeds all of the setback requirements. The closest distance of the structures to a lot line would be on the northwest corner of the house, where it would be 15 feet from the west side lot line where a minimum side setback of 15 feet is required. The height ranges from approximately 10 feet 6 inches at the front, southeast corner, to approximately 33 feet at the northwest corner, where the code permits a maximum height of 35 feet.

The off-street parking requirements include 4 spaces total, 2 on- or off-street parking spaces, plus 2 covered parking spaces. The application includes 9 spaces available for parking, 2 of which would be in the garage and the other 7 would be uncovered. All of these would be on-site and outside the area of the required driveway turnaround "Y".

Compliance with Design Permit Findings

In order to approve a Design Permit, the Planning Commission must make the findings required by BMC Sections 17.12.040.L.2 and 17.42.040. There are eleven applicable design permit findings to be met. They are provided as an attachment along with the analysis/discussion for each. The application meets all the required findings. The following discussion highlights a few of the findings that are of particular relevance to the proposed development:

- *Ridgeline Development Finding:* "The planning commission shall find that the building's placement, height, bulk and landscaping will preserve those public views of the San Bruno Mountain State and County Park as seen from the community park and from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines that are found to be of community-wide value."

As noted previously, the development is located along a ridgeline identified in BMC 17.12.040.L. In this case, the ridgeline runs through the eastern edge of the lot,

approximately where the driveway enters the site and fans out just before the drop-off. The house and garage are situated just below the ridgeline on its western side. Its location below the ridgeline, in combination with the distance to the potential vantage points along the Bay Trail, support the conclusion the project complies with the finding noted above. Additionally, in this case the ridgeline is obscured from view by the existing vegetation so there are not sightlines of the San Bruno Mountain State and County Park from the public view vantage points identified in the finding. As required pursuant to the Zoning Code, the applicant has installed story poles showing the footprint and height of the home and garage at the building corners along with orange mesh fencing along the northern edge to optimize visibility from the Bay Trail, given the tree coverage. While largely hidden in the trees, one can see the orange fence material as peek-a-boo views along the Lagoon edge. The house would also be visible from the central area of the Community Park, but would appear as a continuation of the Central Brisbane homes and would not be in a view corridor towards San Bruno Mountain. Note also that while a number of trees will be removed and new trees planted on the site, much of the existing view blockage is from off-site trees that would not be removed as part of this application. The proposal meets the ridgeline development finding and would not significantly impact public views.

Further discussion is provided in the attachment, Visual Impact Analysis, prepared by staff.

- *Hillside Development Finding:* “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 proposal places the structures just below the ridgeline, thereby respecting the topography of the site. It further steps down the hillside to minimize excavation, further respecting the natural terrain where it is sited. As indicated for the ridgeline finding above, there are no significant views within the sightline of the proposed development and the proposal would meet this finding.

- *Scale & Form Finding:* “The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.”

The proposal meets this finding. The proposal is a high-style International design, characterized by cantilevered sections of the house and large ribbons of windows. This gives the building an air of lightness. The design style also is naturally articulated and the style serves to break up the mass of the building.

The exterior materials include tongue and groove Western Red Cedar siding and stone veneer panels that complement the style of the home. These would be in their natural brown colors. Copper would be used for the fascia.

The home meets all of the development regulations as outlined in the Project Description table attached with this agenda report. The scale of the proposed home starts at one story for the detached garage and the front of the house, then steps up to three stories, including

a basement level on the back of the house, where the land slopes down. At the highest point, on the northwest corner, the home would be up to 33 feet 1 inch in height. At the front of the house, on the one story portion, it would be down to 10 feet 6 inches in height. A height of up to 35 feet is allowed in this zoning district.

While at nearly 5,500 square feet, the home is large, it is located on a large site of approximately 1.2 acres and is in scale with this setting. The lot size is 52,255 square feet, which is more than twice the minimum lot size of 20,000 square feet for the Brisbane Acres and the home is within the home size maximum of 5,500 square feet, including the garage. With the proposed lot coverage of 7.5 percent, the home and garage would be well under the maximum of 25 percent.

- *Compatibility with Adjacent Development Finding:* “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 proposal meets this finding. There were four primary issues to address in the siting of the proposed residence and other site features:

1. Allowing for adequate fire apparatus turnaround on the site, given the location of the site at the end of the Thomas Avenue cul-de-sac;
2. Meeting the required 18 foot geotechnical setback requirement from the topographic drop-off that’s located near the center of the site;
3. Meeting the required zoning setbacks from the adjacent properties;
4. Providing landscape features to integrate the structures into the site and help provide for screening and compatibility with the neighboring sites.

The fire apparatus turnaround geometry and the setback to address geotechnical issues related to the proximity of the house to the topographic drop off were all designed in consultation with the applicant’s engineering team as well as the Fire Dept. and the City’s geotechnical engineering consultant. The design meets with their requirements.

In terms of the zoning setback, at the building’s closest point to another site, it would be 15 feet from the western edge lot line. That meets the 15 feet side setback that is required. That’s at the northwest corner of the home. Given the curved shape of the lot, that western side setback widens out from there to approximately a 53 foot setback at the garage. The setbacks are even greater to the north, south and east lot lines.

In order to provide for a proper grade for the driveway and fire truck turnaround, stepped retaining walls, up to a maximum height of approximately 8.4 feet, have been included along the western side of the property. While retaining walls may be located in the setback areas, in this case they are set back from the lot line by 21 feet or more.

The retaining walls, the garage, parking areas and the home itself will all be screened by a mix of primarily native landscape plantings.

Finally, given the site’s topography a guard rail has been incorporated into the design to protect against falls from the edge of the drop off, to the north of the proposed home.

While the aforementioned design permit findings were highlighted here, since they serve to illustrate the character of the development, all of the design permit findings must be met to approve the project. Further discussion of all of the findings is provided in the attachment and all of the findings are included in the draft resolution.

Grading Review

Brisbane Municipal Code Sections 15.01.081 and 17.32.220 require that the Planning Commission approve any grading involving more than 250 cubic yards of material in any single operation or if more than 50 cubic yards is to be removed from any single parcel of land.

The intent of the Planning Commission's review of grading is to address aesthetic issues which may arise, while the technical aspects of grading are addressed by the City Engineer through the grading permit, which will be required in conjunction with the building permit, prior to undertaking the proposed site work. Despite the fact that there are no adopted findings in the Municipal Code for the Planning Commission's review of grading, in 2003 the Planning Commission adopted recommended findings that serve as guidance and these were based on General Plan policies. The application would meet these findings which address the appearance of the development on the land with respect to changes in such things as topography and construction of retaining walls. These are outlined in the attachment summarizing findings and in the attached draft resolution.

It should be noted that technical issues such as soil stability, erosion control and site drainage are under the purview of the City Engineer. Also, given the site topography, the City's geotechnical engineering consultant has reviewed the project engineer's proposal for grading and foundation conceptual plans and the project design reflects their input. Conditions of approval are also included to require verification of the proper design by the geotechnical engineering professionals during grading and building permit plan check and during construction.

With regards to the findings, with approximately 1,411 cubic yards of cut and 652 cubic yards of fill, the project strikes a balance between the grading needed to provide for the "Y" shaped drive and the required parking areas and not digging too deeply into the hillside to disturb the underlying rock.

Retaining walls are minimized to the extent reasonable in balance with the geotechnical engineer's recommendation to minimize cut in the vicinity of the previously described drop-off, near the center of the site. The larger walls, two walls of up to approximately 8.4 feet in height, are located on the western side of the site. These are stepped with landscaping in between the walls and in front of the lower wall to minimize their appearance. They are also set interior to the site, outside the setback areas. Smaller retaining walls, up to approximately 5 feet, would be located along the edges of the driveway at the front of the site. All of the walls would be surfaced with a stone veneer to match the stone used on the house.

HCP Compliance

The Development Regulations contained in BMC Section 17.12.040.I requires that all development within the R-BA Brisbane Acres Residential Zoning District comply with the San Bruno Mountain Habitat Conservation Plan (HCP). This includes biological assessment for determination of potential impacts on any existing special-status biota and establishment of an

operating program for the site. The application, given the proposed draft Operating Program and conditions of approval, is in compliance with the HCP.

For this project, a biological resource analysis was conducted by Johnson Marigot Consulting, LLC, an approved biological firm for the HCP area. Johnson Marigot conducted site surveys on March 9th and 14th, 2014, December 30, 2015 and May 27, 2016 and indicated that special-status species, listed state or federal species, were not found at the site and that it was not probable for such species to occur on the site, given its location. The project plans and the Johnson Marigot report was also reviewed by the County Parks Dept., which serves as the HCP Plan Operator, the U.S. Fish and Wildlife Service and California Fish and Wildlife.

Given the low likelihood of establishing viable habitat for the butterfly species of concern, even with the planting of host plants, due to the disconnected nature of this site from existing habitat areas, the County recommended that a one-time, in lieu fee be paid into a City fund for purchase of lands elsewhere on San Bruno Mountain. This is consistent with the provisions of the HCP and would be in lieu of establishing habitat on this site, with the aim of setting aside 40 percent of the Brisbane Acres as habitat. The applicant has agreed and that condition, which has been included in the draft Operating Program for this parcel. This requirement is in addition to the required annual fee assessment to be paid to San Mateo County for ongoing habitat management within the HCP area. The draft Operating Program also includes obligations for ongoing invasive species control, pesticide control and maintaining a fire buffer around the residence. Note that a condition of approval has also been recommended by the biologist to prevent potential impacts to migratory birds and bats during construction, although those were not found during their site visits.

The draft Operating Program is included as an attachment and would become effective with the City's approval of this project and issuance of the subsequent building permit. Note that conditions of approval are included that reference the owner's ongoing obligations through the Operating Program and the property owners' related requirement to become a signatory to the San Bruno Mountain Area Habitat Conservation Plan Agreement and to comply with the Declaration of Covenants and Restrictions with respect to the San Bruno Mountain Area Habitat Conservation Plan. These agreements would be prepared in cooperation with the County and would be recorded with the County prior to occupancy and run with the land in perpetuity.

ATTACHMENTS:

- A. Project Description Table
- B. Aerial Vicinity Map, Zoning Location Map, Site Photo & Annotated Plan Showing Parking
- C. Applicant's Plans
- D. Applicant's Rendering, Colors & Materials Sample Sheet (Sample Board to Be Provided at the meeting), Plant Information Sheets, and Statements
- E. Draft Resolution with Findings and Conditions of Approval and draft HCP Operating Program 2-03-19
- F. Required Findings
- G. Visual Impact Analysis, prepared by staff
- H. Biological Resources Assessment prepared by Johnson Marigot Consulting, LLC
- I. Geotechnical Peer Review Report, by Cotton Shires and Associates
- J. Geotechnical Review Reports, by BAGG Engineers

ATTACHMENT A

Project Description Table 99 Thomas Avenue

<u>Site Description</u>		
General Plan Designation:	Residential: 0-2 dwelling units per acre	
Zoning:	R-BA Brisbane Acres Residential	
Lot Area:	52,255 sq. ft. (1.2 acres)	
Lot Dimensions:	Odd Shaped Lot (158 ft wide by 351 ft deep)	
Slope:	20% downslope over entire lot, but varies internally. (Note that the rear of the lot, beyond the proposed building area slopes steeper, up to approximately 150 %, or a 3/2 rise to run ratio. The site has up to a 20% slope within building pad area)	
Existing Development:	Ruins of Single Family Residence	
<u>Development Standards</u>	<u>Maximums</u>	<u>Proposed</u>
Density:	1 Single Family Residence per 20,000 sq ft, plus Secondary Dwelling.	1 Single Family Residence per 52,255 sq. ft.
Lot Coverage:	25% (13,063 sq. ft.)	7.5% (3,956 sq. ft.)
Floor Area Ratio:	0.72, but not to exceed 5,500 sq ft	0.105 FAR with 5,483 sq. ft. total (Including 4,949 sq. ft. of living space and 534 sq. ft. detached garage.)
Height	35 ft	33 ft. 1 in
	<u>Minimums</u>	<u>Proposed</u>
Building Setbacks--		
Front – south (Thomas Ave.)	10 ft	120 ft
Side – west (interior)	15 ft	15 ft
Side – east (interior)	15 ft	53 ft
Rear - north (downslope)	10 ft	140 ft
Articulation for front outside walls that are greater than 20 ft by 20 ft	30%	45%
Parking	4 total. A minimum of 2 garage spaces, plus 2 uncovered spaces which may be on or off-street	9 total, including 2 garage spaces plus 7 off street uncovered. Does not include parking within fire apparatus turnaround driveway.
<u>Other</u>		<u>Proposed</u>
Grading	NA	1,411 cubic yards cut 652 cubic yards of fill 759 cubic yards of export
HCP Compliance	NA	Addressed through the Operating Program, Management Unit 2-03-19 (attached to Resolution)

Google Maps



ATTACHMENT B

Imagery ©2018 Google, Map data ©2018 Google 500 ft

Vicinity Map/Aerial

G.1.10

G.1.11

Zoning Map - Annotated excerpt





Site Photo (1/16/18) - Showing Existing Remnant of the former Single Family Home and Fallen Trees

