



**Site Frontage**

G.1.40



**View to Southwest Corner**

G.1.41



**View to Northwest Corner of Site**



G.1.43

1 & 23 San Bruno Avenue



35

**35 San Bruno Avenue**

G.144



**1 Visitacion Avenue (Brisbane Hardware)**



**23 Visitation Avenue (23 Club)**



G.1.47 **27/31 Visitation Avenue**





MARIPOSA  
SAN BRUNO

100 San Bruno Ave

G.1.48



**200 Mariposa Street (southeast corner)**

G.1.49



**200 Mariposa Street (southwest corner)**

**G.1.50**



**224 Mariposa Street**

G.1.51

## ATTACHMENT G- Findings Outline & Discussion

The following is an outline of the required Use Permit and Design Permit Findings:

### Use Permit Findings:

A use permit is required for residential development within this zoning district, per **BMC Section 17.14.040L.2**. The proposed use meets the required findings for a use permit, as discussed below.

1. Adjacent Uses and Consistency: *“In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.”*

The application meets this finding. It is consistent with the adjacent uses and structures and the neighborhood in general. There is no specific plan in place for this area of Brisbane. It is also consistent with the General Plan land use designation of Neighborhood Commercial/Retail/Office. The 2015-2022 Housing Element recognizes the NCRO-2 district as having, *“residential conditionally permitted as part of a mixed use, no minimum or maximum unit density set”* (pg. III-12). This is consistent with BMC Section 17.14.060, which allows the residential density to be established by use permit. With 16 units on this 9,505 square foot site, the development would have a density of 73 units per acre. That is between the residential density for 1 San Bruno Avenue at 43 units per acre and 35 San Bruno Avenue which has a density of 87 units per acre, which are located on this same block and same zoning district.

The R-2 zoning district to the rear of this site allows up to 17 units per acre, 1 unit per 2,500 sq ft of land area and the proposed use would not adversely effect those uses or structures.

Given the odd shape of the lot, it is bordered by seven properties, including both NCRO-2 and R-2 zoning, as follows:

#### Adjacent Properties in the NCRO-2 Zoning:

*22-26 San Bruno Avenue (Teen Center):* The Teen Center property, to the north of the site, is City owned and the Teen Center is no longer in operation. It has been designated by City Council for demolition. There are no plans in process at this time for redevelopment.

*23 Visitacion Avenue (23 Club):* This property, to the west, is owned by the same owner as the subject property. The 23 Club is not in operation at this time. The ownership has indicated an interest in adding to that property with residential units above/behind the club, but there are no applications in process at this time. For the applicant’s preliminary concept plan, refer to the Planning Commission study session of May 26<sup>th</sup>, 2016. This site backs on to the proposed landscaped courtyard for the subject site.

*27/31 Visitacion Avenue (formerly Brisbane Video):* A single story art deco style commercial building to the west. This site shares a small section of rear yard adjacent to the proposed rear landscaped courtyard. This site would be separated by a fence. There are no current business licenses on record for this site.

*200 Mariposa Street (single family residence):* This residential site shares its entire rear property line with the subject site. The home is oriented toward Mariposa Street, with rear setbacks (adjacent to the subject site) ranging from approximately 2 to 4 feet, except an attached shed that encroaches approximately 9 inches onto the site. While the scale of the single family home is smaller than the proposed new building, the proposal is not unduly out of proportion and the second and third floors are partially set back, with planter boxes at the second floor level on either side of an internal stairway. The height of the building on this side, adjacent to the home, would be approximately 26 feet 6 inches on the southwest corner and 29 feet at the southeast corner of the building.

Since a section of an attached shed structure encroaches onto the subject property along a section of the southern border of the site, the proposed mixed use building would be stepped in at the ground floor level to allow that structure to remain. Overhead lines which serve this adjacent home also appear to cross the southeast corner of the site and a condition of approval has been included to address that encroachment.

The proposed rear landscaped open space, shown on plan sheet A1.1, would be adjacent to the west side yard of 200 Mariposa Street, so it would provide an 18 foot 9 inch wide open landscaped area along that section, in addition to the separation provided by the second story planters. That same section is an open side yard area of 200 Mariposa, so the two developments would have complementary adjoining open areas there.

Large pine trees are located, one each, on the east and west sides of the home at 200 Mariposa Street. A condition of approval is has been included to have an arborist inspect the trees and provide recommendations as may be needed for their protection during construction.

Adjacent Structures in R-2 Zoning:

*224 Mariposa Street (single family residence):* Located to the west of the subject site, this single family home site shares much of its east side and rear lot lines with the subject property. Given the irregular lot shapes, most of that border would be in the areas of the proposed triangle-shaped, “landscaped open space” and “shared open courtyard” areas, shown on sheet A1.1, but where those two areas come together the setback would drop from nearly 19 feet down to 1 foot. This 1 foot setback is allowed with a concession for inclusionary housing, per density bonus law § 65915 (b) & (d). Moreover the larger setbacks on either side of the 1 foot setback portion allows for landscaping between the properties and a condition of approval has been included to have that landscaping also serve as a screen between the properties.

Also, given the location of the 200 Mariposa Street home on its lot, at their closest distance, the two structures, of 200 Mariposa and the proposed building, would be approximately 10 feet 6 inches apart. That would widen to nearly 20 feet apart towards the southwest corner of the subject lot, where the landscaped space widens.

*232 and 240 Mariposa Street (single family residences):* These two sites both share the lot line with a small section of the rear yard adjacent to the proposed rear landscaped courtyard, or the panhandle area of the site. These two sites would also be separated from the yard by a new wood fence and since these are farther to the west, essentially behind 224 Mariposa Street, they would not be in close proximity to the proposed building.

With regards to the reference to the General Plan, the Land Use & Subareas Elements and the 2015-2022 Housing Element include the following goal, policy and program direction, which are consistent with this proposal:

- Goal H.B Maintain a diverse population by responding to the housing needs of all individuals and households, especially seniors and those with income constraints or special needs.
- Policy H.B.3 Encourage development of affordable housing specifically designed for seniors and persons with disabilities (including the developmentally disabled) or other special needs.
- Policy H.B.5 Encourage utilization of the density bonus program to provide housing affordable to extremely-low, very-low- and/or low-income households, including supportive housing for extremely-low income families and larger households.
- Goal H.D Ensure that new residential development is compatible with existing development and reflects the diversity of the community.
- Goal H.E, *“Encourage compact, in-fill mixed use and transit oriented development to reduce vehicle miles travelled and greenhouse gas emissions”*
- Policy H.E.1, *“Encourage housing that supports transit oriented development (TOD) and smart growth to minimize automobile trips and reduce greenhouse gases.”*
- Program H.E.1.b, *“Continue to allow residential uses above or behind storefront uses in the NCRO-2 Downtown Brisbane Neighborhood Commercial District...”*
- Goal H.G Encourage housing opportunities that reduce vehicle miles traveled and greenhouse gas emissions.
- Policy 20, *“Retain diversity of development and individual expression in residential and commercial development, especially Central Brisbane.”* (also, Policy 253 – similar)
- Policy 248 *Encourage the establishment of small stores and shops that would diversify the City's revenue base and provide services to residents. (Subarea Policies – Central Brisbane)*

The addition of 16 residential units will increase housing opportunities in Brisbane’s downtown core by providing new residences near existing shops and restaurants and in close proximity to

transit. Regional bus lines and local shuttles have stops within ¼ mile of the site. At the same time, the proposal would provide a storefront use consistent with the zoning ordinance, BMC Section 17.14.060.H.

In addition to the project being compatible with nearby development from a density standpoint and maintaining a storefront, the form and scale of the project is also consistent with adjoining and nearby development. The project complies with relevant development standards pertaining to building height, lot coverage, and parking. Additionally, the proposed building would be consistent with the scale of the buildings within the same block/zoning district. This is further discussed in the design permit findings.

2. Injurious or detrimental: *“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. Rather, the proposal is consistent with the neighborhood and would provide for infill development and improvement of a property to better fit with the character of the neighborhood than the existing parking lot. It would increase the density at Brisbane’s downtown core by 16 seniors’ households, thereby contributing to the local economy, and that being within easy walking distance to local, shops, restaurants and transportation services. The residences would be within a building of similar height to the nearby buildings on this same block and within the density range for the neighborhood.

The form of the building would fit well with the other existing and planned developments in the neighborhood, as described further in the design permit findings.

### **Design Permit Findings:**

The construction of any principal structure in the neighborhood commercial district shall be subject to the granting of a design permit in accordance with the provisions of BMC Section 17.14.111 and BMC Chapter 17.42 of this title and any applicable design guidelines adopted by the city. As indicated above there is also a finding for Planning Commission approval of new storefront of less than 600 square feet. This application meets all of the applicable design permit findings, as outlined below.

***BMC Section 17.14.111 findings:*** The following five findings are required for approval of a principal structure within the NCRO-2 zoning district. The proposal meets all of these findings.

1. Scale and vernacular: *The design respects the intimate scale and vernacular character of the street.*



The design respects the intimate scale and vernacular through various means, including the mass of the building being reduced by articulation of the building on the sides on the second and third floors, the use of different materials on the first floor versus the second and third floors (concrete and glass below for the commercial spaces and stucco above) and the use of planter boxes at the second floor and the use of plants at the ground level to soften the views and break up the mass of the building. Details such as fascia treatments and art deco styled guard rails also serve to contribute to the human scale of the building.

The NCRO-2 district Design Guidelines also suggest that that portion of a building that is over 28 feet, should be stepped back from the front of the building, “so as not to overwhelm the view of pedestrians along both sides of the street below, and to emphasize the one-to two-story nature of the streetscape”. Note that this is a design guideline for the Commission’s consideration, but it is not a development regulation. The predominant building type along San Bruno Avenue is trending toward 3-story buildings, as evidenced by 1 San Bruno, 35 San Bruno and the recently approved 23 San Bruno. This 3-story nature also extends up both San Bruno Avenue in the R-3 district and along Visitacion Avenue in the NCRO 2 district with various buildings approved at 3 stories over the years. Stepping down the building at the front would not have a significant positive impact on the nature of the streetscape, but rather the positive impact would be realized through the thoughtful design and construction of the building to improve an aesthetically beleaguered area of Brisbane. The result of stepping the building down would be to diminish the density of the proposed development and reduce its contribution to the City’s center and the City’s ability to provide for much needed infill housing.

Rather, the mass of the building and providing for an intimate scale is addressed by the architectural details and building articulation.

2. Design details: *Design details are incorporated to articulate the building and emphasize the relationship to the pedestrian environment.*

The building is well articulated and emphasizes the pedestrian environment through the design details mentioned above, an abundance of display windows along the first floor frontage, fascia treatments, planter boxes, art deco style guard rails, the use concrete on the first floor and stucco above, with horizontal reveals, as well as bay windows all combine to articulate the building and provide for an engaging design that’s well related it to the pedestrian environment.

3. Creative use of design elements: *The design incorporates creative use of elements that are characteristic of the area, such as awnings, overhangs, inset doors, tile decoration, and corner angles for entry.*

The design creatively uses art deco inspired details in the guard rails, planter boxes and fascia treatments, as outlined above. While the vernacular for central Brisbane is eclectic, the elements do draw on art modern and art deco influences seen on other buildings in the neighborhood, without being repetitive.

4. Street relationship: *Color and texture are provided at the street through the use of signage, lighting, planter boxes, or other urban landscape treatments.*

The proposal includes a number of elements that would provide color and texture at the street. These include planters for landscaping along the site frontage and planter boxes on the sides at

the second floor and well and street trees and the green streets landscape feature. The front edge will also have limestone pavers. The building will also be related to the street with the large window displays.

5. Landscaping: *Landscaping has been incorporated to enhance the design and enliven the streetscape.*

The building would be set back 2 feet 6 inches from the property line at the ground level to allow for landscaping and pavers along the front edge at the ground-plane to provide interest along the streetscape.

The planter boxes between the first and second floors will also serve to enliven the streetscape.

New street trees are also proposed along the site frontage, to replace the existing trees, to provide a more uniform and orderly appearance. Proposed street tree replacements shall be subject to approval by the City Engineer.

**BMC Chapter 17.42 Findings:** The design also meets all of the general design permit findings contained in BMC Chapter 17.42.

6. General Plan Consistency: *“The proposed development is consistent with the general plan and any applicable specific plan.”*

The discussion of General Plan consistency was provided above for the use permit finding and the project is meets both findings. There is no specific plan for this area of Brisbane.

7. Harmonious design: *“The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.”*

The proposed 3 story building would be located on a 9,505 square foot lot and would be in scale. At 32 feet 3 inches to the top of the elevator and 31 feet 3 inches to the highest point of the parapet, it is lower than the 35 foot height limit. Given a proposed 73 percent lot coverage, it is less than the maximum of 90 percent. That's approximately 1,641 square feet less than the maximum lot coverage.

This building size fits well on the lot and allows for a good amount of functional patio area and other landscaping to provide screening between the development and the neighbors to the rear. The form of the building also allows for an interior court on the second floor and light and air to enter from both the east and west sides of each of the apartment units.

The form of the commercial space is laid out to provide both a liner for the parking garage along the street and to provide for functional boutique spaces that are in keeping with the neighborhood.

The proposal meets the required development standards (see attached summary table) with a concession allowed for the rear setback, in accordance with state density bonus law. Note that while the development standards include 600 square feet of storefront commercial space at the ground floor, the code (BMC Section 17.14.060.H) also indicates that the Planning Commission may approval a smaller space if it finds that the smaller space is as large as possible for the intended storefront use, given the size, configuration and physical constraints of the structure and the site, with the proposed 464 square foot commercial space. This finding is addressed further below (#20).

The colors and materials of both the building and landscape fixed element are also harmonious and work together for an overall well-conceived project.

The materials samples and artist's renderings provided by the applicant, provide information for the Commission to visualize the proposal.

8. Compatibility: *"The orientation and location of buildings, structures, open spaces and other features integrate well with each other and maintain a compatible relationship to adjacent development."*

This finding is addressed in the discussion on the use permit finding, provided above. The orientation and location of the building and open patio and landscaping spaces all integrate well and take into account the relationship to the adjacent development on the various sides, as well as neighborhood as a whole.

9. Mitigation of potential impacts: *"Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses."*

As discussed in the body of the agenda report and provided with the attached report by LSA, the city's environmental consultant, the project is categorically exempt, per the provisions of CEQA Guidelines Section 15332 and 15300.2, as an infill development. As such, there are no mitigation measures required under CEQA.

However, as discussed in the use permit findings, the project is designed to minimize the potential effects of placement of a 3-story building adjacent to the 1-story single family homes, that are located to the south side and rear (west) of the property. This is evidenced in the placement of landscaping at the rear of the site as well as articulation of the building on the second and third floors. These design features work together to provide separation and allow light and air between the structures.

10. Natural heating and cooling: *"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 would provide natural ventilation of the individual units through window placement both through the east and west sides on each of all the units, provided by windows to the interior courtyard and windows on the exterior walls. Additional window openings are provided for the

outer eight units that have north or south exposure. The interior courtyard will allow for a degree of natural climate control and allow for sunlight to enter all of units.

As an aside, earlier this year, City Council adopted the Energy Conservation and Generation Ordinance, BMC Chapter 15.81 which includes provisions solar installation and cool roofs, for on-site energy generation and conservation. The solar photovoltaic provisions would include a minimum of a 5 kilowatt system for the combined commercial and residential requirements, or an exception may be permitted to allow for solar thermal instead.

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

This finding is not applicable.

12. Traffic impacts: *“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.”*

Due to the size and location of the lot there is only one entrance in and out for vehicles. That entrance would allow for 2 way traffic in and out of the site, to City standards, to prevent potential traffic backups on San Bruno Avenue due to vehicles entering or exiting the site. Off-street parking includes 0.67 spaces per unit, plus guest spaces for 14 spaces total, one of those spaces is an ADA compliant space per the 2013 Building Code. The ground floor commercial space does not have an off-street parking requirement. On-street parking will also be maintained at the site’s frontage. That would include an estimated 3 spaces, subject to the City Engineer’s approval of the final striping of the street parking.

Parking facilities will be required to meet state building code regarding construction. A condition of approval is also recommended to 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, or use by guests. This is to enable the vehicles to efficiently get off the street and into the garage spaces.

13. Alternative travel modes: *“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.”*

In compliance with the development standards and to also address this finding, the applicant has also included bicycle parking along the sidewalk along the site's frontage as well as long term bicycle parking towards the rear of the site within the storage closet as well as under the rear stairwell.

The site is also located a short distance (within ¼ mile) to existing transit stops (SamTrans bus and shuttle lines) and is already connected by sidewalks to these stops located along Old County Road, at the Community Park, and along Bayshore Boulevard.

14. Landscaping: *“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.”*

The lot coverage within the NCRO-2 district is allowed to be up to 90% of the lot area. The proposed lot coverage for this site would be under that limit at approximately 73%. That allows for approximately 2,427 square feet of landscaping (including the patio area) at the rear of the site plus 2 foot wide planter strips along the front of the building. These areas would be landscaped subject to the conditions of approval, which requires Planning Director approval of the detailed landscape plans prior to installation.

The application provides for landscaping on both the ground plane and at the first floor residential level with the internal patio and planter boxes. These areas provide for passive recreation and would serve to create inviting and attractive spaces. While the code specifies a minimum of 60 square feet of passive open area per residential unit, the proposal includes 115 square feet per resident with the rear patio alone, plus the other spaces.

Landscaping at both the front and rear of the building would serve as a screen to break up the mass, define spaces and provide a sense of intimacy.

The site is not within a habitat conservation area or adjacent to wildlands, however the landscaping would not be permitted to include either invasive or highly flammable plant species.

The final planting plan will be required to be water conserving in accordance with the City's Water Conservation in Landscaping Ordinance.

15. Noise: *“The proposal takes reasonable measures to protect against external and internal noise.”*

Noise is discussed in detail in the attached report by LSA.

In brief, noise would come from the primary sources of vehicles and between the residential units internal to the proposed building or between apartment buildings. The proposal is consistent with the neighborhood and is not anticipated to generate noise beyond that expected for this the NCRO-2 zoning district.

The state building code also includes provisions to address potential noise transmission between attached housing units and that will be addressed through the building permit process.

16. Glare: *“Consideration has been given to avoiding off-site glare from lighting and reflective building materials.”*

The proposal is consistent with this finding. A condition of approval has been recommended to require that lighting be directed so as not to result in off-site impacts upon neighboring properties. Although reflective building materials are not proposed, a condition of approval has been included to also prohibit the use of reflective building materials.

17. Screening: *“Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.”*

None of these elements are proposed to be located such that they would be viewed from off site, but are to be internal to the building. Specifically trash would be in an enclosed towards within the ground floor of the building, separated from the parking and commercial uses.

Similarly the elevator equipment would be internally located and individual water heaters and furnace equipment would be internal to the building.

18. Signage: *“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.

19. Employee outdoor space: *“Provisions have been made to meet the needs of employees for outdoor space.”*

The rear setback area will be landscaped as discussed above and will be accessible to employees for a break area, as well as residents.

BMC 17.14.060.H

20. Size of Commercial Space: The Commission may approve less than 600 square feet of storefront space if it finds, *“that such lesser area is as large as possible for the intended*

*storefront use, given the size, configuration, and physical constraints of the structure and the site.”*

The proposal meets this finding in that the 464 square foot commercial space would be as large as possible for the intended use. The size of this space is restricted by the lot size, in combination with the development regulations requiring a landscaping, space required for a driveway and parking for the residences, trash and recycling enclosure space, walkway access, and the required elevator. All this is in balance with the City’s aim of providing for infill mixed use development, to include residential uses in this zoning district.

A small amount of commercial space could be added to the front of the site by eliminating the front planter and pavers, however that would be contrary to the other findings regarding incorporating landscaping, specifically landscaping to enliven the streetscape and it would result in a significantly less attractive development. It would also reduce the articulation of the building and significantly reduce the architectural character. Alternatively, the development could be reduced in its number of residential units, thereby reducing the parking requirements, but that would be in conflict with the City’s aim of providing for transit oriented development that reduces vehicle miles travelled, as expressed through the following Housing Element goal and policy:

- Goal H.E, “*Encourage compact, in-fill mixed use and transit oriented development to reduce vehicle miles travelled and greenhouse gas emissions*”
- Policy H.E.1, “*Encourage housing that supports transit oriented development (TOD) and smart growth to minimize automobile trips and reduce greenhouse gases.*”

*The building might also be enlarged to extend further into the rear, allowing for a nominal increase in the size of the commercial space, but that*

## **Grading**

In 2003, the Planning Commission adopted guidelines and findings for reviewing grading applications based on policies in the General Plan addressing grading and hillside development. **The application meets all of these recommended findings.** It should be noted that technical grading issues such as soil stability, erosion control, and site drainage are under the purview of the City Engineer.

1. Fitting with Topography: *The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography (General Plan Policies 43, 245, and 312, and Program 18a).*

The subject property is a vacant lot with less than a 5 percent slope. The proposed grading is minimized and would be primarily limited to that area needed to create a flat building pad, along with a minor amount of grading to construct a patio and control stormwater flow on-site at the rear of the site.

2. Retaining Walls: *The proposed grading is designed to avoid large exposed retaining walls (General Plan Policies 43 and 245).*

There are no exposed retaining walls proposed as part of this application.

3. Conserving Trees: *The proposed grading is designed to conserve existing street trees (as defined by BMC Section 12.20.020, 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 proposal calls for removal of 3 trees along the front edge of the property, two Pine trees and one Pepper tree, plus one Walnut tree from the rear of the property. All of these are within or at the edge of the proposed building envelope and so they cannot be preserved without significant reduction in building size. A small Arbutus Marina street tree is located at the proposed driveway entrance which would need to be removed for the driveway. The applicant has also proposed to remove a Melaluca street tree from the north side of the driveway to match the remaining street tree species. It should be noted that the Melaluca also appears diseased based on a large area of bark loss and discoloration on the trunk. The final determination regarding street tree replacements would be subject to City Engineer approval.

A condition of approval is also included to have an arborist report and recommendations incorporated into the building permit, as appropriate, for the large Pine trees adjacent to this property, at 200 Mariposa Street, as well as the trees located on the edge of the City's property behind the Teen Center.

4. HCP Compliance: *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 since the site is not within the San Bruno Mountain Area Habitat Conservation Plan area.