

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of August 22, 2017

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

SUBJECT: **36-50 San Bruno Avenue;** Use Permit UP-2-17, Design Permit DP-1-17 and Grading Permit EX-4-17 to allow for the construction of a three-story, mixed use building, to replace a parking lot, with sixteen 1-bedroom rental units for seniors and 464 square feet of ground-floor commercial space and a ground-floor parking garage behind the commercial space on a 9,505 square feet lot, in the NCRO-2 Neighborhood Commercial Retail Office Zoning District; with associated grading for construction of a building pad to include approximately 185 cubic yards of cut and 67 cubic yards of fill and 119 cubic yards of material to be exported; James W. Trotter, applicant; Horsepower Holdings Llc, owner; APN 007-222-020 & -030.

REQUEST: The applicant proposes to build a new mixed-use building within the NCRO-2 Neighborhood Commercial zoning district. The proposed building is three-stories and 32 feet 3 inches in height, containing sixteen (16) 1-bedroom senior apartments, limited ground floor retail, and fourteen (14) parking spaces. The site is currently developed with a surface parking lot.

A use permit is required to allow for mixed use in this the NCRO-2 Neighborhood Commercial Retail Office Zoning District and a design permit is required for any new principal structure in this district. Planning Commission review of grading is required for projects with 50 cubic yards or more of exported material and the proposal would include approximately 186 cubic yards of cut and 67 cubic yards of fill.

SITE DESCRIPTION: The site is located at 36-50 San Bruno Avenue, on the west side of San Bruno Avenue and north of Mariposa Street. The approximately 9,500 square foot lot is developed with a paved surface parking lot. The site is comprised of two parcels, with the rear portion being in a panhandle shape and backing on to the vacant 23 Club bar and café. Six trees are located on or at the edges of the site. These include Pine, Walnut, Prunus sp., and other unprotected species. Additionally, three street trees are located along the site frontage. Narrow portions of the outer edge of the site are unpaved and these are not landscaped.

The site is generally flat, but has a gentle cross slope, going up at approximately a 3.6 percent slope from the northeast corner, at the edge of San Bruno Avenue, to southwest corner at the rear of the site.

Two small storage sheds are located on the panhandle portion of the site, which apparently served the 23 Club when it was in operation. These structures extended across the property boundaries, since the two sites have historically been in common ownership. Similarly, a fence also bifurcates the rear panhandle area from the rest of the site. The current owner of the project site also owns the 23 Club site. However, any improvements to the main structure on that site would be handled as separate permit applications.

The site is largely bounded on the sides and rear by 6 foot high fences, except at the edge of the Teen Center building and the edge of a shed attached to the home at 200 Mariposa Street. These structures are discussed further below. Additionally, at the front of the site, there is a large, free-standing telephone pole-style gateway at the driveway entrance, with a cable barring automobile entrance to the site.

City utilities are provided along San Bruno Avenue. An overhead electrical line runs from the public right-of-way to a light pole at the rear of the site and overhead lines run across, from the right-of-way and crossing the site on the southeast corner, to serve the residence at 200 San Bruno Avenue.

PROJECT DESCRIPTION: As noted above, the applicant proposes a 3-story structure with ground floor parking and two small commercial spaces with 2-floors of housing above. It is proposed as an age-restricted senior housing project with sixteen (16) 1-bedroom units. Four of the units would be 526 square feet and twelve would be 545 square feet. Three of the units would also be income restricted, to be for low to very low income households. Per both the State's and City's regulations low and very low income is defined as 60 and 50 percent of area median income, respectively.

There are two commercial spaces that total 464 square feet and line the San Bruno Avenue frontage of the building to screen the bulk of the parking area. The commercial spaces would have both standard entry doors and sliding-glass door access. The standard entry doors would allow for access internal to the building, while the sliding doors would allow for the retail spaces to open to the sidewalk. These are designed to serve both as boutique display windows, but would also serve as small commercial/storefront spaces. In the case of the deeper space, it could readily accommodate a boutique retail establishment, as described in the applicant's submittal, but even the smaller of the two spaces could open out to the sidewalk via the glass sliding doors, to serve either as a display case or an active retail space. An accessible bathroom is to be located on the ground floor to serve the commercial spaces. Also included in the design for the ground floor area, are bike racks on the street frontage and a long-term bike storage closet, an enclosed trash and recycling room, and accessible pathways through the garage space.

All of the residential units are to be elevator served and are also accessible from stairways, with both street and parking garage access. The 16 residential units would be split between two building segments above the parking garage, with a center open courtyard at the center, with podium level plantings on the first residential level and balconies above, on the second residential level (third floor). Since the residential levels have a center courtyard area, this allows for windows facing onto the building interior as well as the exterior walls allowing each of the residential units to have windows on at least two sides.

The building's lot coverage is to be approximately 73 percent, which leaves approximately 27 percent of the site open for landscaping and courtyard areas. That is in addition to the building's interior courtyard above the garage. A narrow strip of that outdoor area would include landscaping along the building frontage, with select plantings at the ground level to enliven the street frontage, but most of that landscaping area would be in the rear yard. Given the irregular shape of the rear yard, it would be divided into essentially two areas, a southwestern triangle shaped landscaped area of approximately 592 square feet and then a larger, 1,835 square foot landscaped courtyard area at the northwest side of the site. The smaller landscaped area would be accessible through the garage for maintenance and would provide for a green screen between the site and the adjacent properties, but would not be accessible for use by the residents or commercial tenants. However, the larger courtyard area would be finished with a patio area, benches and landscaping for passive recreation by both the residential and commercial tenants.

The project design and management aspects of this proposal are described further in the following subsections, including:

- Site Design
- Building Design
- Parking
- Landscaping
- Management/Restrictions

Discussion of how the project design complies with required findings is included in the Analysis and Findings Section and the Complete Outline of Findings, attached.

Note that the proposal would meet all of the City's development regulations, recognizing one concession required by state density bonus law for a portion of the rear setback area, as described further below.

Site Design: The proposed building footprint on the first floor generally extends to the side lot lines to accommodate the parking garage and the commercial space. On the second and third floors the building steps back from the side lot lines to accommodate stairwells and landings accessing these units. The design also proposes an interior courtyard above the parking garage, as mentioned above. It would allow light and air on the interior side of each of the apartments.

The building generally maintains a 2 foot setback on the ground level at the front and a 1 foot setback on the second and third floors. At the rear, the setback would vary from 18 feet 9 inches down to 1 foot, given the irregular shape of the rear lot line.

As indicated above, the proposal includes a concession on a portion of the rear setback. The City's development standards do not require side setbacks for this lot, but the rear setback standard is 10 feet. The proposed building setback ranges from 1 to almost 19 feet. Under typical City procedures, the setback shown would require a variance pursuant to Chapter 17.46 of the Zoning Code. However since this project includes income restricted units pursuant to State density bonus law § 65915 (b) & (d) state law requires the City to grant a concession to the development standards for projects including at least 10 percent of the total units for lower

income units or at least 5 percent for very low income households. In this case the concession to be granted is to allow a reduction of the rear yard setback to a minimum of 1 foot as shown on the site plan. As discussed later in this staff report, the project meets both the 10 percent low income and 5 percent very low income requirements and is eligible for the requested concession. The rectangular shape of the building allows for internal circulation for parking, while presenting the commercial storefront to the street and makes use of the irregular rear lot shape for the softer more flexible landscaping elements, for common open space in the quieter areas setback from the street.

Building Design: The project architect describes the design as art-deco inspired. Art deco is a modernistic style generally characterized by smooth wall surfaces, usually of stucco, with stylized geometric motifs as decorative elements, and vertical projections above the roofline to give vertical emphasis. The proposed building includes smooth stucco finishes on the second and third floors and smooth concrete on the first floor, all with horizontal reveals. A decorative fascia is also provided as a horizontal element at the top edge of the building and at the base of the third floor balconies and at the top edges of the storefronts. Vertical elements are provided with the elevator at the front, northeast corner of the building, as well as bay windows that extend from the second floor to the top of the building on both sides. Metal guardrails would be in an art deco motif and while on the interior sides of the building, these would be visible from some off-site vantage points. The color palette for the project utilizes tan and greys throughout, with blue and black accents. Building elevations, renderings, and materials samples are provided for the Commission's reference.

The first floor front of the building would be primarily clad in storefront windows, for the commercial space. As indicated above, the design of the commercial space is primarily intended as display areas, but is also intended to have some flexibility as a retail space, especially with the deeper space on the south side of the garage entrance. Per Building code requirements, an accessible bathroom with accessible path of travel would be provided to the rear of the building, which the tenants of these spaces may share.

The garage door reflects the modernistic style, utilizing translucent glass panels with horizontal black colored, metal panel frames. Likewise, the materials for the second floor planter boxes located on the sides of the building carry forward the modernistic horizontal lines with clear-coated redwood, or similar, plank siding.

The building colors would be light brown on the first floor, with lighter colors above, off white ("alabaster") for the body and cream-yellow ("haystack") for the bays. The fascia band would be in a light greyish-blue, or periwinkle. In addition to the variation in colors for the body of the building, black colored, metal horizontal reveals would serve to break up the mass of the building.

The proposed 3 story building would be 32 feet 3 inches in height at its highest, on its most downslope northeasterly corner, where the elevator enclosure would extend above the rest of the building by 1 foot. Given the grade change across the site, the building height would be approximately 26 feet 6 inches above existing grade on its southwest corner, closest to existing residences, since that corner of the parking garage would be partially below grade. The building's height along its sidewalk frontage would range from 32 feet 3 inches, to the top of the elevator on

the northeast corner, down to 29 feet on the southeast corner, given the gentle upslope along this section of San Bruno Avenue.

Parking: Parking meets Brisbane's standards for senior housing, with 14 spaces total on the site, including 11 spaces for the housing units, plus 3 guest spaces. One of the guest spaces would be an accessible van space to meet state building code requirements. Additional spaces would also be retained as on-street parking.

Landscaping: The landscape paving materials would consist of manufactured, grey limestone brick pavers at the front edge and entries and slate pavers at the rear. Clear-coated redwood, or similar fencing, benches and planters would match the building's second floor planter elements, to tie the building and landscape together. The rear outdoor area would provide for a variety of places to sit, for passive recreation.

A 40 foot wide by 6 foot high raised planter and cable wall trellis would line the fence in the rear courtyard for climbing vines. The outer perimeter of the yard would be planted and would include fixed benches lining the majority of the planted perimeter. The final planting plans would be subject to Planning Director approval and will be required to conform with the City's Water Conservation in Landscaping Ordinance.

Regarding the disposition of the existing landscape features, all the existing landscape features interior to the site would be removed and replaced. The perimeter fence would be replaced to match the style of the building, as shown in the conceptual landscape plans. The existing trees at the front edge of the site and the tree that's interior to the site would be removed, since they are within the proposed building pad area. The existing trees at the edge of the site, located behind the Teen Center, would be preserved if possible, subject to review and recommendations by an arborist. Two of the three street trees would be removed and replaced. One of these is located within the proposed driveway area and the second appears to be diseased and would be replaced to match the other species along this street segment, subject to approval by the City Engineer.

Management/Restrictions: The proposal involves income and age-restricted rental units. Under the applicant's proposal, all sixteen units would be deed restricted to be for persons 62-years and older. That restriction will be required to remain over time since it is integral to the City's determination of parking compliance for the project. The parking requirement for seniors is 67 percent of the standard that would otherwise be applied to one bedroom units, of 1 covered space per one bedroom unit.

As indicated above, three of the units would be income restricted. Two (2) units would be for low income households and one (1) unit would be for very low income households. Note that the inclusionary requirements are consistent with BMC Chapter 17.31, which establishes the number of units required at each income level and defines how the income levels are calculated over time. Low income is defined as affordable to residents earning no more than 60 % of the area median income, while very low income is defined as earning no more than 50% of the area median income. In both cases affordability is defined as rent, utilities, and housing-related fees not exceeding 30% of household income.

The units are also proposed to be rentals and not individually owned as condominiums. The City has a number of specific development standards that apply to condominium units, found in BMC Section 17.30.030, which this project is not subject to as a rental property. If the property owner were, at a future date, to pursue conversion of the units to condominiums, the proposal would then be subject to all applicable regulations regarding conversions, including applicable permit requirements in force at that time.

The applicant has proposed to have the development professionally managed, to address maintaining the age and income restrictions, as well as other rental management issues, such as trash and recycling and landscaping. In addition to conditions of approval requiring that deed restrictions be recorded on the property, a condition of approval is also included, that the applicant would be required to submit a management plan detailing how each of these restrictions would be implemented over time. This management plan would be subject to Planning Director and City Attorney review and approval prior to issuance of a certificate of occupancy.

Finally, a condition of approval is also included that the management plan shall address how the commercial area will be managed and how the display windows are to be maintained over time in an attractive manner, even in the off-times when there are not tenants occupying the spaces.

RECOMMENDATION: Conditionally approve Use Permit UP-2-17 and Design Permit DP-1-17 and recommend City Engineer approval of a grading permit, per the staff memorandum with attachments, via adoption of Resolution UP-2-15/DP-1-17/EX-4-17 with Exhibit A containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: Construction of infill development projects that meet certain criteria are categorically exempt from the provisions of the California Environmental Quality Act per Section 15332. This project meets the criteria for this exemption and the exceptions to the categorical exemptions referenced in Section 15300.2 do not apply.

APPLICABLE CODE SECTIONS: Brisbane Municipal Code (BMC) Section 17.14.040.L.2 allows for residential dwelling units in the NCRO-2 zoning district subject to the granting of a conditional use permit, when the units are located above or behind a commercial use. The findings for granting a use permit are contained in BMC Section 17.40.060.

BMC Section 17.14.110 requires a design permit for construction of any principal structure in the NCRO-2 zoning district. The findings required for the approval of design permits within the NCRO-2 zoning district are contained in BMC Section 17.14.110 and the general design permit findings are contained in BMC Section 17.42.040.

The development regulations for the NCRO-2 zoning district are contained in BMC Section 17.14.060. The development regulations allow for Planning Commission discretion on building height, up to 35 feet, and the floor area of the commercial space through the approval of a design permit. Specifically, per BMC Section 17.14.060.F, structures within the NCRO-2 zoning district may be up to 35 feet in height when authorized by a design permit granted by the Planning Commission. Additionally, while the NCRO-2 regulations require a minimum

storefront size of 600 square feet, the Commission may approve a storefront smaller than 600 square feet, if it can make the findings contained in BMC Section 17.14.060.H.1.

BMC Section 17.32.220 requires Planning Commission review of a grading permit when more than 50 cubic yards of material is to be removed from the site and/or when more than 250 of material are involved.

Inclusionary housing requirements for developments of 6 units or more are provided in BMC Chapter 17.31. State density bonus law § 65915 (b) & (d) also allows for development standard concessions for inclusionary housing.

Parking requirements are provided in BMC Chapter 17.31.

ANALYSIS AND FINDINGS: Key findings are summarized and discussed below, while a complete listing and detailed discussion of all required findings is provided as Attachment C. This section also provides a brief discussion of the parking and development standards.

Use Permit Findings: As noted previously, a use permit is required for residential development within the NCRO-2 zoning district per BMC Section 17.14.040.L.2. The two required use permit findings relate to:

1. Consideration to the nature and condition all adjacent uses and structures and consistency with the General Plan; and
2. Whether the proposed use would have injurious or detrimental effects on persons residing or working in the neighborhood, or the subject property, the neighborhood, or to the welfare of the City.

Adjacent Uses and General Plan Consistency: The proposed use meets the two required use permit findings. In regard to Finding #1, the proposal is consistent with the General Plan. The Land Use, Subareas and Housing Elements all address new development in this district. The NCRO General Plan land use designation allows for mixed-use development consistent with this proposal. As a matter of information, the General Plan does not establish a maximum residential density, but rather leaves it to the discretion by the Planning Commission on a case-by-case basis through the use permit process.

The addition of 16 residential units will increase housing opportunities in Brisbane's downtown core, providing new residences for seniors near existing shops and restaurants and in close proximity to transit. It is also in close proximity to Brisbane's other seniors' housing development, at the corner of Visitacion and San Francisco Avenues. That facility includes the Sunrise Room, a multi-use space that as a component of its mixed-use is used to host a variety of free programs to seniors, both within that development and for the greater community. The Sunrise Room is within approximately 300 feet walking distance from the proposed development. Regional bus lines and local shuttles have stops within ¼ mile of the site.

The proposal would also establish storefront use(s) and thereby contribute to the local services, consistent with the zoning ordinance, BMC Section 17.14.060.H.

Additionally, the above mentioned General Plan elements contain several policies and programs which express the City's desire to encourage mixed use in-fill development that is transit oriented and reduces vehicle miles travelled, while retaining diversity of development and individual expression in new developments. The Housing Element also specifically identifies housing for seniors' and those with income constraints as a priority. This project would be deed restricted to seniors for all 16 of the units and 2 units would be designated for lower income households and 1 unit would be designated for very low income.

In considering the nature of the development relative to the neighborhood, the density in this zoning district includes residential and mixed use developments with similar densities and of a similar 3-story scale. This proposal of 16 residential units on a 9,505 square foot lot results in a density of 73 units per acre. A review of existing housing unit density within the NCRO-2 and R-3 districts was done as part of a Housing Element update and presented to the Planning Commission in their July 10, 2014 study session. That review showed five other developments, three in the NCRO-2 district and two in the R-3 district, with densities at or above 73 units per acre. The highest density is 103 units per acre for a 13 unit apartment building located on a 5,500 square foot lot at the southwest corner of Mariposa Street and San Bruno Avenue, at 100 San Bruno Avenue. That is just two properties to the south on San Bruno Avenue. The 20 unit apartment building, built in the mid '60's, across the street at 35 San Bruno Avenue has a density of 87 units per acre. The newer condominium building at 1 San Bruno Avenue, built in 2008 and within the same block as the project, has a density of 44 units per acre. Those housing units are larger, ranging from approximately 817 to 1,236 square feet, plus a larger, 3,700 square foot commercial space.

This site is bordered by the City-owned Teen Center, on the north, which has been slated by City Council for demolition. Single family homes border the site on the south and west, one of which is in the NCRO-2 District and the other is in the R-2 district. The 23 Club, which is not currently in operation, borders the site on its northwest edge and, as mentioned, is under the same ownership as the subject site. While the owner provided preliminary plans for a Planning Commission study session and feedback in 2016, there are no applications in process at this time. Any plans to modify the 23 Club would be processed as a separate application. The proposed project is compatible with the surrounding uses as described further in the design permit findings.

Site Development Standards: The project complies with relevant development standards as set forth in BMC Section 17.14.060. A summary of the building details is provided on Table 1, Project Description, along with the applicable development standards. This is further discussed in the design permit findings section, below.

Note that on the southern edge of the site there is an encroachment from the neighboring structure over the property line onto the subject property by approximately 9 inches, with what appears to be a storage shed attached to the rear of that home. To allow this shed to remain as-is, a portion of the proposed garage level has been stepped in, as shown on the project drawings. Otherwise no setback would be required along that side of the property.

Injurious or Detrimental Effects: 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 fit with the character of the neighborhood. It would increase the density at Brisbane's downtown core by sixteen housing units, 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 in this same block. While the two single family residences to the south and west are single story structures, the proposed building would not block air or light from these buildings (see also the design permit neighborhood compatibility finding below).

Design Permit Findings: The construction of any principal structure in the NCRO-2 zoning district is subject to the granting of a design permit in accordance with the findings contained in BMC Section 17.14.111 and BMC Chapter 17.42. For new storefronts of less than 600 square feet an additional finding is contained in BMC Section 17.14.060.H. This application meets all of the applicable findings as discussed in the attachment, with the recommended conditions of approval.

While the detailed discussion of each of the design permit findings is attached, as Attachment C, the key findings fall into five topic areas as follows and are briefly discussed below:

1. Neighborhood Compatibility
2. Streetscape Vernacular and Pedestrian Scale
3. Building Design Form and Details
4. Landscaping
5. Size of the Commercial Space

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". These findings go hand-in hand with the use permit findings, discussed above.

By way of summary of compatibility with adjacent development:

- On the north side, the City's Teen Center has been slated for demolition by City Council and there are no immediate plans for redevelopment. However, it is envisioned that any new development on the Teen Center site could readily be designed to be compatible with the proposed development.
- The 23 Club property, which fronts on Visitacion Avenue, backs onto the northwest edge of the property, the rear yard. As indicated above, that property is under the same ownership as the subject site. While conceptual plans for remodeling and an addition were introduced last year, there are no applications pending at this time. 27/31 Visitacion Avenue (formerly Brisbane Video), next to the 23 Club, shares a small section of

boundary of the proposed rear yard, but is not in close proximity to the proposed structure.

- Three single family home sites abut the project site to the rear, within the R-2 residential district. The first is at 224 Mariposa Street and it is largely set back from the proposed development, on the west side. As indicated above, the setback along this rear lot line ranges from 1 foot to nearly 19 feet. The portion of the building that would have a 1 foot setback is toward the rear of the single family home property, so there would be a separation of approximately 10 feet between the buildings. Also, the proposed building would be to the northeast of the home and so it would not block the southern and western daylight exposures. 232 and 240 Mariposa Street share their rear lot lines with a small section of the rear yard adjacent to the proposed rear landscaped courtyard, or the panhandle area of the site. They would not be in close proximity to the proposed building.
- Another single family home to the south, at 200 Mariposa Street, is within this same NCRO-2 zoning district. Since a zero (0) foot setback is allowed, it would have the closest proximity to the proposed building, but is oriented primarily to the Mariposa Street side, with limited, small window openings facing the proposed development. It is set back by approximately two feet with no openings directly on the property line. Similar to the other single family home, 200 Mariposa Street would still receive daylight exposure along its primary orientation, along the southern and western sides, as well as its eastern exposure.

Note that there are no side and front setbacks (0 feet) required by the development regulations for the subject property. The rear setback standard would be 10 feet, but a concession is allowed to modify that standard consisting with the State's density bonus law, as indicated above. The rear setback in this case will range from 1 to almost 19 feet. Given the position of the structure on the lot as well as the landscape features there would be approximately a 10 foot separation between the proposed building and the single family home to the rear of the site, with landscape screening in that area, thereby maintaining a compatible relationship with the adjacent development.

While compatible with these other structures, the proposed building is distinctive in its design, including unique design details and form as discussed under the form and details findings. This is consistent with Housing Element Goal H.D, "Ensure that new residential development is compatible with existing development and reflects the diversity of the community."

Streetscape Vernacular and Pedestrian Scale: The design respects the intimate scale and streetscape vernacular through various means, including an abundance of windows, being nearly floor to ceiling on the ground floor. These would provide visual connectedness to the street and to pedestrians. The use of plantings and limestone pavers along the front edge will also provide for interest at the pedestrian level.

The building design shows good articulation with a recessed first floor and bay windows above on the second and third floors. It is also articulated with second floor planter boxes, on the north and south sides of the building.

The windows at all levels, but especially at the ground level, provide for a sense of contact and openness (visual access) between the streetscape and the building interior consistent with the design permit findings as well as the district's Design Guidelines, adopted in 2002.

The appearance of the streetscape will also be enhanced with new landscape features. The combination of the existing street trees and the trees at the front edge of the site appear to be in conflict and entangled with each other, with some leaning heavily or in poor health. The proposal provides for an overall improved appearance and would include at least one replacement street tree a green-streets landscape feature and smaller trees or shrubs within the front planter boxes adjacent to the building. Street tree replacements would be subject to the City Engineer's approval, per the conditions of approval.

The NCRO-2 district Design Guidelines suggests 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 is fitting for the scale of the street while allowing for much needed infill housing.

The mass of the building is adequately addressed by the architectural details of the second floor planter setbacks on the sides of the building, the articulation of the front between the ground floor and the upper two floors, the bay windows, fascia treatments and use of color.

Building Design Form and Details: As discussed above, the building has art deco influences, with a generally modernistic design style. It has strong, simple architectural lines, which fits in well with the context of the neighborhood. The other highly visible buildings on this block include the mid-century apartment building of 35 San Bruno Avenue, directly across the street, the contemporary modern design at 1 San Bruno Avenue and the art moderne building of Brisbane Hardware at 1 Visitacion Avenue.

Between the 1 and 35 San Bruno Avenue buildings, at 23 San Bruno Avenue, an industrial-modern mixed use building was approved by the Planning Commission in late 2015. Photos of each of these existing buildings are provided as attachments, for the Commission's reference.

In terms of details, the proposed design creatively uses design details to both reinforce the design style, to break up the mass of the building and to be engaging from street views. These details include planter boxes, bay windows on the second and third floors and contrasting concrete and stucco between the ground floor and upper floors, and decorative fascia and guardrails. The horizontal reveals and horizontal contrasting material of the redwood plank planters also provide interest in the details and complete the design.

Landscaping: The proposed landscaping would fit well with the site in terms of the design concept, with mix of planting areas, with a patio and seating options at the rear, and plantings and decorative paving at the front. While the final planting plan would be subject to Planning Director approval, and determination of compliance with the Water Conservation in Landscaping

Ordinance, the general layout concept and the use of a variety of drought resistant plants of various forms and scale would be well suited to the site. Conditions of approval are provided which will further instruct the final design.

Size of Commercial Space: The development standards call for a minimum of 600 square feet of storefront space, but also allows for less, if the Commission 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 includes 464 square feet of storefront space, plus a 49 square foot restroom area at the rear of the building. That space appears to be the most that can reasonably be dedicated to the storefront, given other site restrictions. In conjunction with the 16 housing units for seniors, a total of 11 resident parking spaces and 3 guest spaces are required, plus internal turnaround space. Per the California Building Code and City ordinances, the development also requires an accessible restroom, elevator, covered trash and recycling, and long term bicycle parking. An increase in the commercial space to 600 square feet would necessitate the loss of one or more parking spaces and thereby the reduction in the number of residences that could be provided, or enlarging the building further into the rear yard space.

A reduction in units caused by the elimination of parking to allow for more commercial space would conflict with the City’s goal of providing infill housing 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 option of increasing the overall building size into the rear yard, to allow more commercial square footage would serve to reduce the rear yard and the landscaped screening.

Given the limited demand for additional commercial space on San Bruno Avenue, staff sees no justification in requiring an enlarged commercial space as a part of this project, particularly at the expense of project parking or the loss of a housing unit. Staff believes the small retail space should fit well with the niche market for small spaces that Brisbane’s downtown appeals to.

Grading

In 2003, the Planning Commission adopted guidelines and findings for reviewing grading applications based on General Plan policies. The application would meet the findings which address the appearance of the development on the land-form 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.

Development Standards

As indicated above the proposed project meets all of the development standards for the zoning district, factoring in the required concession for the rear setback. The individual development standards are referenced relative to the proposal in the attached project description table. Key among these standards are the size of the building envelope. The proposal is nearly 3 feet below the height limit, at 32 feet 3 inches, where 35 feet is allowed. The lot coverage of 6,913 square feet is approximately 1,600 square feet less than the 90% maximum lot coverage allowed. The ground floor is generally set back 2 feet 6 inches from the front lot line, where no setback is required. No side setbacks are required and the proposal would be to the side lot lines, except where noted above to accommodate the neighbor's encroaching shed on the south side. Passive "open space" of 60 square feet per unit is required, for a total of 960 square feet, which can include balcony levels, outdoor patios, etc. The application far exceeds this requirement, with 1,835 square feet in the rear patio alone, plus the 1,425 square foot entry court on the second level and balconies above.

As noted previously, the project proposes 2 units proposed to be deed restricted for low income households and 1 unit proposed for very low income households, which meets the inclusionary requirements. While the project was designed to comply with state density bonus law provisions, it is also subject to the City's inclusionary housing ordinance which also requires 2 low income and 1 very low income units for a rental project. It should be noted that case law in California establishes a precedent for recognizing units that are intended to meet local inclusionary housing provisions as also being credited towards meeting state density bonus law § 65915 (b) & (d) allowing for a concession, meaning these requirements are not additive. As such, since the very low and low income units established to satisfy the City's requirements meet the standards established under state density bonus, the applicant was able to utilize the provision of state law requiring the granting of development standard concession as described previously.

Parking

The proposed parking would meet the provisions of BMC Section 17.14.090 and Chapter 17.34 and state building code for accessible spaces.

Within the NCRO-2 district, the parking requirements for ground floor storefront (i.e.: restaurant, retail and office) uses are waived by the BMC, freeing up on site parking to meet the requirements for residential uses.

Generally, 1 off-street parking space is required per 1-bedroom unit for multi-family developments. That standard is reduced to 67 percent for units designed and dedicated for use by households with one or more members who are 62 years of age or older. That results in a net of 10.7 parking spaces for 16 units, which is rounded up to 11 spaces. Guest parking is to be at a ratio of 1 to 5 units, which is rounded down to 3 spaces, for 14 off-street spaces total.

The Building Dept. has indicated that the development is to include one accessible van space, to meet the 2016 Building Code regarding accessible parking. Per BMC 17.34.020.A, the accessible parking space required per shall count as guest parking.

Additionally, street parking would be available along the property frontage. It is estimated that the frontage could accommodate 3 spaces. The final design for the street parking will be subject to the City Engineer's approval through the Building Permit application process.

Bicycle parking would also be provided both at the front of the site, for short term use, as well as within the building, for long term storage. Five bike racks are proposed within the public right-of-way along the site frontage and one 10 by 12 foot bike storage room is proposed for the southwest corner of the parking garage, for long term storage. The proposal would exceed the minimum requirement for bicycle parking of short term parking for two bicycles and long term parking for at least one.

Per Section 17.34.040.C up to 50 percent of the required parking may be compact, 8 by 16 feet. Standard spaces are 9 by 18 feet. In this case, the applicant has proposed 6 compact spaces, for 43 percent of the total spaces.

Correspondence

Finally, a number of emails or letters have been received by the City following the posting of the public notice for this project. To date, these have been generally supportive of the proposed project and are attached for the Commission's reference. Any additional correspondence will be provided to the Commission separately, either prior to or at the time of the public hearing.

ATTACHMENTS:

- A. Draft Resolution with Findings and Conditions of Approval
- B. Table 1 Project Description
- C. Aerial of Site Vicinity
- D. Applicant's Project Description
- E. Applicant's Plans & Renderings
- F. Photos by Staff
- G. Findings Outline and Discussion
- H. LSA Categorical Exemption Report
- I. Applicant's Environmental Study Reports
- J. Correspondence received as of 8/17/17

Draft
RESOLUTION UP-2-17/DP-1-17/EX-4-17

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-2-17, DESIGN PERMIT DP-1-17 and
GRADING PERMIT EX-4-17
FOR A MIXED-USE DEVELOPMENT
(16 RESIDENCES AND 1- 464 SQ FT COMMERCIAL SPACE)
AT 36-50 SAN BRUNO AVENUE

WHEREAS, James Trotter, the applicant, applied to the City of Brisbane for, Use Permit, Design Permit and Grading Permit approval of a mixed use development at 36 to 50 San Bruno Avenue; and

WHEREAS, on August 22nd, 2017, the Planning Commission conducted a hearing of the application, 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 plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the proposal meets the conditions for infill development , as provided in California Environmental Quality Act (CEQA) Guidelines Section 15332, and is thereby categorically exempt from the provisions of the CEQA and the exceptions to the categorical exemptions referenced in Section 15300.2 do not apply; and

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of August 22nd, 2017, did resolve as follows:

Use Permit UP-2-17, Design Permit DP-1-17 and Grading Permit EX-1-17 are approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twenty second day of August, 2017, by the following vote:

AYES:
NOES:
ABSENT:

Jameel Munir
Chairperson

ATTEST:

JOHN A SWIECKI, Community Development Director

Draft
EXHIBIT A

Action Taken: Conditionally approve Use Permit UP-2-17, Design Permit DP-1-17 and Grading Permit EX-4-17 per the staff memorandum with attachments, via adoption of Resolution UP-2-17/DP-1-17/EX-4-17

Findings:

- A. The proposal is consistent with the nature and condition of all adjacent uses and structures, and is consistent with the General Plan. There is no specific plan for the area in question.
- B. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, nor will it be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.
- C. The design respects the intimate scale and vernacular character of the street.
- D. Design details are incorporated to articulate the building and emphasize the relationship to the pedestrian environment.
- E. The design incorporates creative use of elements that are characteristic of the area, such as overhangs, windowed frontage on the ground floor and bay windows above. Varying materials, from concrete, to stucco, redwood plank planters, fascia elements and decorative guardrails.
- F. Color and texture are provided at the street through the use of lighting, planter boxes, pavers, and varying the materials and colors for the different building segments.
- G. Landscaping has been incorporated to enhance the design and enliven the streetscape.
- H. The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.
- I. The orientation and location of the building and other features integrate well with each other and maintain a compatible relationship to adjacent development. Appropriate open areas ("open spaces") are provided through the building setbacks.
- J. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses, including stepping the building in to accommodate the neighboring building which is over the lot line.

- K. 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.
- L. The site is not located on a hillside.
- M. The site plan minimizes the effects of traffic on the abutting street through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and the exit drive, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities will be surfaced and will be internally lit in accordance with the building code.
- N. The proposal encourages alternatives to travel by automobiles where appropriate, through the provision of facilities for bicycles. The site's location and direct sidewalk access provides alternatives for pedestrians to access public transit stops and access to other means of transportation.
- O. The site development plans provide open areas and landscaping to complement the buildings and structures. In this case, landscaping is not needed to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping will be water conserving and appropriate to the location. The site is not in or adjacent to habitat protection or wildland fire hazard areas.
- P. The proposal takes reasonable measures to protect against external and internal noise.
- Q. Consideration has been given to avoiding off-site glare from lighting and reflective building materials.
- R. Attention is given to the screening of utility structures, mechanical equipment and trash containers. These will be internal to the building. The rooftop equipment will include rooftop solar as a condition of approval, in compliance with the City's Energy Conservation and Generation ordinance.
- S. There is no signage included in this application.
- T. Provisions have been made to meet the needs of employees for outdoor space with the rear courtyard area.
- U. The commercial space is as large as possible for the intended storefront use, given the size, configuration and physical constraints of the structure and the site.
- V. The proposed grading is minimized and designed to fit comfortably with the natural topography.
- W. The proposed grading is designed to avoid exposed retaining walls.

- X. The proposed grading is designed to conserve existing trees as appropriate to the project.

- Y. The proposed grading is not subject to the terms of the San Bruno Mountain Area Habitat Conservation Plan (HCP) Agreement and Section 10(a) Permit, since it is outside the HCP plan area.

Conditions of Approval:

Prior to issuance of a Building Permit or Grading Permit:

1. The underlying subdivision lots shall be merged, via recordation of lot merger with the County, subject to a separate City administrative application and fee.
2. The property owner shall enter into an agreement to the satisfaction of the City Attorney, to be recorded with the County and running with the land, that will restrict residency to households with one or more members who are sixty-two (62) years of age or older, per BMC Section 17.34.050.F, in order to allow for the minimum parking requirement to be sixty-seven percent (67) of the standard, as is provided in the design plans.
3. An affordable housing plan shall be submitted, to the satisfaction of the City Attorney, which shall specify the location of the affordable units within the building and the methods to be used to verify incomes of renters or purchasers, and specify the mechanism for the on-going administration of the affordable units.
4. The property owner shall enter into an agreement to be recorded with the County and running with the land, that will restrict residency for three (3) of the units to be "Affordable Rent" per BMC Sections 17.31.020 & 030, at a rate of one (1) very low income unit and two (2) lower income units.
5. Prior to the issuance of a Building Permit and subject to the approval of the City Attorney, the property owner shall execute an agreement including a covenant running with the land and enforceable by the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district.
6. The property owner or owner's representative shall contribute, an amount equal to at least one-half percent (0.005%) of their building development costs into the Brisbane public art fund as an in-lieu contribution, for the City's "art in public places program", per BMC Section 15.85.050.A.2.
7. The project applicant shall provide written evidence to the Planning Director that, if feasible, all vegetation removal shall be undertaken during the non-breeding season (i.e., September 1 to January 31) to avoid direct impacts to nesting birds. If such work is scheduled during the breeding season, and per the direction of the Planning Director, the project applicant shall retain a qualified biologist or ornithologist to conduct a pre-construction survey to determine

if any birds are nesting within the project site. The pre-construction survey shall be conducted within 15 days prior to the start of work from March through May (since there is a higher potential for birds to initiate nesting during this period), and within 30 days prior to start of work from June through July. If active nests are found during the survey, the biologist or ornithologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the buffer would be determined by the biologist or ornithologist in consultation with the California Department of Fish and Wildlife, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance.

8. An application including detailed building plans, application forms and fees shall be submitted to the City for issuance of a Building Permit. The proposed building shall be required to 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 reference the materials and colors as approved with this Design Permit (see related conditions below). Materials samples shall also be provided for the windows and cut sheets shall be provided for the bike racks for Planning Director and City Engineer approval. Windows shall not be dark or reflective.
 - b. Building plans shall address Fire Dept. 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 fire sprinklers shall have a horn strobe mounted on the San Bruno side of the building.
 - c. The building permit shall include undergrounding of utilities to service the building.
 - d. Mechanical equipment may not be mounted on the rooftop, or be otherwise visible or audible from off-site.
 - e. The plans submitted for Building Permit approval shall specify lighting that will be directed away from and not cause glare onto adjacent properties.
 - f. Plans shall indicate that no reflective exterior equipment shall be allowed. Roof vents shall be painted to match or blend with the rooftop.
 - g. The building permit application shall not include materials which would present an off-site glare due to reflective materials or lighting.
 - h. The building permit plans, shall include solar energy generation and may be required to include cool roofs, in accordance with the Energy Conservation and Generation ordinance, BMC Chapter 15.81. Rooftop solar panels may not exceed 2 feet above the roof surface, except by approval by the Planning Director, based on a determination that they have been placed as close to the roof as is reasonable and their location will

minimize off-site visibility, as seen from San Bruno Avenue. That is, set back from the front edge of the building along San Bruno Avenue.

- i. The applicant shall comply with all applicable state and City stormwater requirements prior to issuance and during the performance of the building permit. The final design of the stormwater management system is subject to the City Engineer and Planning Director approvals. Stormwater is generally to be directed to landscaping for on-site areas and to the green-streets landscaping for off-site areas.
- j. As indicated in the plans, five (5) bike racks shall be located within the public right-of-way. The final bike rack design and locations are subject to approval by the City Engineer and Planning Director. Some of these may be placed beyond the property frontage at their discretion.
- k. The internal bike parking closet shall be clearly marked to designate it as bike storage only and bike racks or wall hangers shall be provided, to allow for orderly storage and locking of bicycles, to the satisfaction of the Planning Director.
- l. The plans shall include an access door through the garage to the rear landscaping area at the southwest corner of the site, to allow for maintenance of that area.
- m. The remaining street trees adjacent to the property and the large pine trees located, one each, on the east and west sides of the home at 200 Mariposa Street and the tree located along the property line to the rear of the Teen Center, shall be inspected by an arborist and a report provided, with recommendations for protection of the trees to remain during construction.
- n. The final detailed landscaping plans shall be submitted for Planning Director approval. That area within the public right-of-way shall also be subject to City Engineer approval. At a minimum, the landscape plans shall be to meet the following criteria:
 - Compliance with the provisions of BMC Section 15.70, the Water Conservation in Landscaping Ordinance, subject to separate administrative application and fee.
 - Size, scale and form of plants that is appropriate to the context.
 - Tree replacements shall be on at least a one-to-one basis and of at least 24-inch box size. Smaller sizes may be requested on a case-by-case basis in writing to the Planning Director, based on site specific criteria. These shall be in addition to the Juniper sp. or similar shrubs proposed for the site frontage.
 - Street tree replacements shall be on at least a one-to-one basis and of at least 24-inch box size. Alternatively, due to the limited site frontage, the City Engineer may authorize payment of an in-lieu fee for the tree removal from the driveway, upon a determination that there is not adequate room for a

replacement within the site frontage, or within the green streets landscape feature.

- Plantings to be installed in the southwest rear yard of the site, between the home at 224 Mariposa Street and the proposed building, shall be designed to serve as a screen to soften views between the two sites.
 - Consideration shall be given to species at the front of the site that will provide year-round interest along the building edge.
 - Consideration is to be given to protection of trees, rather than removal, where reasonable and feasible. Of note are the trees at the property edge adjacent to the Teen Center rear yard. Rear yard patio cut-outs may be warranted at those tree locations.
 - The green streets landscape feature shall be designed in accordance with County-wide technical guidance criteria for green streets in effect at the time of building permit application, subject to City Engineer approval. The calculation area for stormwater treatment is to be the equivalent of that area from the front edge of the building and extending to the crown of the street.
 - Courtyard benches shall be fixed and the final bench design(s) shall be in keeping with the building style and shall be subject to Planning Director approval.
9. A building permit shall be obtained for the relocation of the neighboring property's (200 Mariposa Street) overhead utilities that cross through the southeast corner of the proposed building area. Agreement for relocation of the neighbor's utility lines shall be the responsibility of the property owners' and such documentation shall be provided to the City prior to issuance of the permit.
10. An encroachment permit shall be obtained prior to any work within the public right-of-way.
11. Grading, paving and drainage plans, per Brisbane Municipal Code Sections 12.24.010 & 15.08.140, shall be submitted for approval by the City Engineer prior to the issuance of a building permit. 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.

During Construction:

12. Prior to foundation construction, a surveyed "staking" plan shall be submitted to the City Building and Planning Departments.

13. Construction of the proposed project would involve grading, site preparation, and construction activities but would not involve the use of construction equipment that would result in substantial ground-borne vibration or ground-borne noise on properties adjacent to the project site. No pile driving or blasting is permitted. Grading activities are limited to the approved volumes.
14. Noise producing construction activities are limited by the provisions of BMC Chapter 8.28 Noise Control, including but not limited to construction only being allowed between the hours of seven (7:00) a.m. and seven (7:00) p.m. on weekdays and nine (9:00) a.m. to seven (7:00) p.m. on weekends and holidays.
15. Processing of demolition materials for recycling shall not be conducted on site (ie: no on-site chipping or grinding of asphalt or shed materials).
16. 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.
17. Any sidewalk or street area reconstruction, such as to relocate the driveway and place landscaping elements, shall be subject to City Engineer approval, via encroachment permit.
18. 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:

19. The property owner shall enter into a standard landscape maintenance agreement with the City for landscaping, to the satisfaction of the City Attorney.
20. All landscaping shall be installed prior to certificate of occupancy and shall be subject to a recorded maintenance agreement.
21. The address number(s) shall be affixed to the building at a location visible from the street and individual unit numbers shall also be internally fixed, to a size, color and style subject to approval by the Planning Director and Fire Dept.
22. A gang style mail box shall be provided at a location and appearance subject to Planning Director and U.S. Postal Service approval.
23. Guest parking spaces shall be posted by the property owner as available for a seventy-two (72) hour maximum use by the guests only.

24. Per BMC Section 17.34.040 compact parking spaces shall be labeled as such on the pavement.
25. Residents shall be provided with remote garage door openers and fixed keypad garage door openers shall also be installed, for use without a remote opener.
26. Improvements within the public right of way shall be completed to the satisfaction of the City Engineer.
27. A management plan shall be submitted to the Plan Director and City Attorney review prior to certificate of occupancy, that shall address the following:
 - a. Rental restrictions to seniors
 - b. Rental restrictions on the lower and very low income units
 - c. Commercial occupancy and the ongoing maintenance of the display windows
 - d. Management of trash and recycling
 - e. General maintenance of the building and landscaping
 - f. Access and security.
28. Prior to certificate of occupancy the applicant shall demonstrate conformance with all of the above design permit conditions of approval.

Other Conditions:

29. The commercial spaces shall maintain storefront appearances, to be engaging to the passersby along the street, even when unoccupied by active commercial uses. The windows shall not be blocked out to prevent viewing from the street.
30. Private parking signs for on-street parking and the sidewalk bike racks shall not be allowed.
31. 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.
32. No advertising signage is included in this application. Advertising signage is subject to a separate application form and fee.

33. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
34. The residential units are designated as rentals. If the owner decides at a future date to establish the units as condominiums, then a separate application form, fees and application materials would apply. Additional conditions and restrictions may be imposed, through that separate permitting process. Conversion to condominiums may not release the owner from deed restrictions, but these would be subject to review by the Planning Director and City Engineer and may be referred to the Planning Commission, as appropriate at such time.
35. This Design Permit and Use Permit shall expire two years from the effective date (at the end of the appeal period) if a Building Permit has not yet been issued for the approved project.

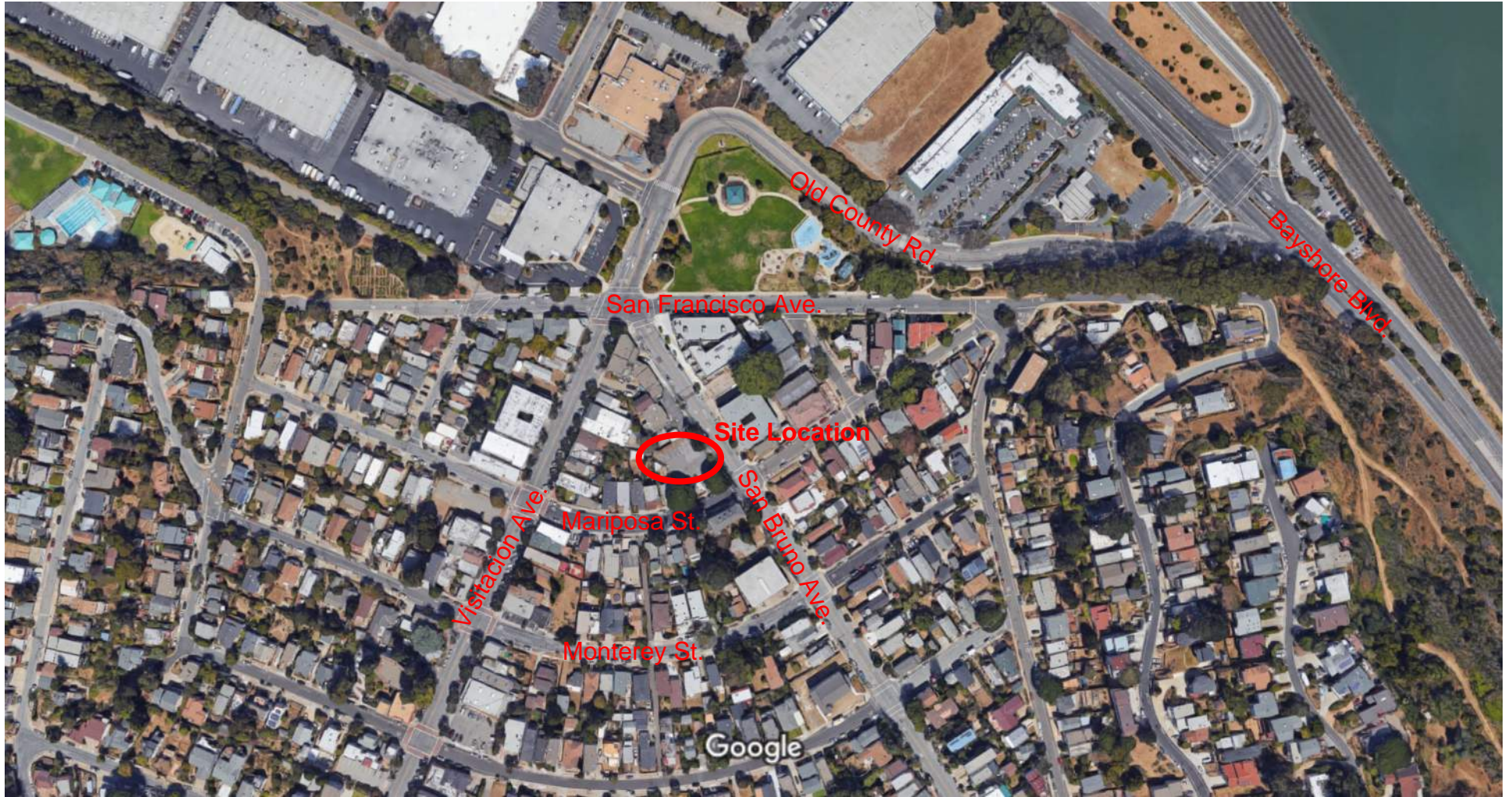
**Table 1- Project Description
23 San Bruno Avenue**

Site Description		
General Plan Designation:	Neighborhood Commercial/Retail/Office	
Zoning:	NCRO-2 Downtown Brisbane Neighborhood Commercial District	
Slope:	<5%	
Existing Development:	Vacant (Parking Lot)	
Lot Size	9,505 sq. ft. (subject to lot merger)	
Development Standards	Maximums	Proposed
Density:	Established by Use Permit	16 units (i.e.: 1 per 594 sq. ft.)
Lot Coverage:	90% (8,554 sq. ft.)	73% (6,913 sq. ft.)
Floor Area Ratio/Floor Areas:	NA	16 1-bedroom units (4 at 426 sq ft and 12 at 545 sq ft) plus garage space
Height	35 ft., by design permit	31 ft 3 in. - to parapet 32 ft 3 in. - to top of elevator
	Minimums	Proposed
Lot Area:	2,500 sq. ft. (25 wide)	9,505 sq. ft. (+/- 90 ft. wide)
Fencing	8 ft. when adjacent to residential district	8 ft. for rear yard
Storefront	600 sq. ft., except as approved by the Planning Commission.	464 square feet
Passive Open Space (i.e.: patios, decks etc.)	60 sq. ft./residential unit	1835 sq. ft. for Rear Open Courtyard 1428 sq ft. Entry Court above garage 3,263 sq ft Total = 204 sq. ft. per unit [Plus 592 sq. ft. Landscaped Open Area (not included – not accessible)]
Building Setbacks—		
Front	0 ft.	0 ft.
Sides	0 ft.	0 ft.
Rear	10 ft. (Reduction to 0 feet allowed per state density bonus law § 65915 (b) & (d) allowing for a concession)	Varies from 1 foot up to 18 ft 9 in. at the southern end of the rear setback area.**
Recycling Area	Adequate enclosed space	Enclosed Space for shared bins, per SSF Scavenger recommendations.
	14 off-street spaces total: 11 resident spaces and 3 guest spaces.	14 off-street spaces total, plus estimated 3 on-street: 11 resident spaces and 3 guest spaces.
Parking	Note: A minimum of 0.67 garage spaces per unit (10.72 total) for 16 senior housing, plus guest spaces at a rate of 1 space per 5 units (3.2 total). Total required spaces are rounded to nearest whole number. Up to 50% of the required spaces may be compact.	6 off-street spaces are to be compact (43%).

Notes: **Per state density bonus law § 65915 (b) & (d) a concession is allowed, reducing the development standard in exchange for lower income or very low income housing units, as provided in the application.



Attachment C
Aerial of Site Vicinity



Imagery ©2017 Google, Map data ©2017 Google United States 100 ft

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Applicants

Project Description 36-50 San Bruno Avenue

Project Overview. The proposed development revitalizes a part of downtown Brisbane that remains shuttered since 23 Club was closed, by adding much needed senior housing and reactivating some existing commercial space for the community.

Using the adjacent parking lot facing San Bruno, the proposed housing project includes both a secure parking garage and sixteen (16) one bedroom apartments with direct access to a shared rear courtyard space and a short walkable distance to Brisbane's shops & restaurants. All 16 apartments will be restricted for senior housing, with elevator access allowing for handicap accessibility.

Our revised proposal has evolved in response to input from the community. The design now incorporates architectural details to reflect the modest but eclectic quality of the downtown neighborhood, which includes features of the Art Deco style seen in some neighboring buildings. Adding much needed new housing will help the downtown area of Brisbane become the active town center the local community desires.

Inclusionary Housing Requirements. The project will restrict two one-bedroom units for rental to Lower Income residents and one one-bedroom unit for rental to Very Low Income residents ("Affordable Units"), in accordance with the City Inclusionary Housing Ordinance (City Municipal Code Chapter 17.1). The location of the Affordable Units within the project may be determined by the owner from time to time, so long as the interior finishes and features of the Affordable Units are durable and of good quality. The income and household size of the tenants of all Affordable Units will be certified by the owner prior to initial occupancy and recertified annually thereafter.

"Lower Income" means a household whose income does not exceed the lower income limits applicable to San Mateo County, as adjusted for household size, as published by the State of California per Title 25, Section 6932 of the California Code of Regulations, or successor provision.

"Very Low Income" means a household whose income does not exceed the very low income limits applicable to San Mateo County, as adjusted for household size, as published by the State of California per Title 25, Section 6932 of the California Code of Regulations, or successor provision.

Monthly rent for Lower Income residents of one-bedroom Affordable Units shall not exceed thirty percent (30%) of sixty percent (60%) of area median income for San Mateo County for a household of two, divided by twelve (12). Monthly rent for Very Low Income residents of one-bedroom Affordable Units shall not exceed thirty percent (30%) of fifty percent (50%) of area median income for San Mateo County for a household of two, divided by twelve (12). Area median income means the median income for San Mateo County as published by the State of California per Title 25, Section 6932 of the

California Code of Regulations, or successor provision. Monthly rent includes utilities and fees for all housing services, including parking.

The owner and the City will enter into an affordable housing agreement containing all of the affordable housing requirements for the project. The affordable housing agreement shall be executed and recorded prior to the issuance of the first building permit for the project, and shall run with the land and be binding upon future owners of the project. The affordable housing agreement shall contain all of the requirements set forth in Chapter 17.31.140 of the City Municipal Code. The term of the affordable housing agreement shall be fifty-five (55) years.

Density Bonus Restrctions. The project will restrict two one-bedroom units for rental to Lower Income residents, in accordance with the City Density Bonus Ordinance (City Municipal Code Chapter 17.1) and California Government Code Section 65915. Compliance with the Inclusionary Housing Requirements above for the two Lower Income Affordable Units will constitute compliance with the Density Bonus requirements. The project qualifies for one incentive or concession under the density bonus law, and is entitled to request the waiver of inconsistent development standards.

Age Restrictions. The project will restrict residents to persons 62 years old and older ("Senior Citizens"), and any other occupant of the unit must be another Senior Citizen or a "Qualified Permanent Resident" or a "Permitted Health Care Resident," per California and Federal law.

"Qualified Permanent Resident" means a person who meets both of the following requirements: (A) was residing with the Senior Citizen prior to the death, hospitalization, or other prolonged absence of, or the dissolution of marriage with, the Senior Citizen, and (B) was 45 years of age or older, or was a spouse, cohabitant, or person providing primary physical or economic support to the Senior Citizen. "Qualified Permanent Resident" also means a disabled person or person with a disabling illness or injury who is a child or grandchild of the Senior Citizen or Qualified Permanent Resident who needs to live with the Senior Citizen or Qualified Permanent Resident because of the disabling condition, illness, or injury. "Disabled" means a person who has a disability as defined in subdivision (b) of California Civil Code Section 54. A "disabling injury or illness" means an illness or injury which results in a condition meeting the definition of disability set forth in subdivision (b) of California Civil Code Section 54.

"Permitted Health Care Resident" means a person hired to provide live-in, long-term, or terminal health care to a Senior Citizen, or a family member of the Senior Citizen resident providing that care. The care provided by a Permitted Health Care Resident must be substantial in nature and must provide either assistance with necessary daily activities or medical treatment, or both. A Permitted Health Care Resident shall be entitled to continue his or her occupancy, residency, or use of the dwelling unit as a permitted resident in the absence of the Senior Citizen from the dwelling unit only if both

of the following are applicable: (A) the Senior Citizen became absent from the dwelling unit due to hospitalization or other necessary medical treatment and expects to return to his or her residence within 90 days from the date the absence began, and (B) the absent Senior Citizen or an authorized person acting for the Senior Citizen submits a written request to the owner stating that the Senior Citizen desires that the Permitted Health Care Resident be allowed to remain in order to be present when the Senior Citizen returns to reside in the development.

Management. Management of the project will be provided by a professional property management company. Management will be consistent with similar developments within the City.

Parking. The project will provide 14 total parking spaces in a secured parking garage, in compliance with City code requirements for 0.67 resident parking spaces per senior unit (10.72 spaces) plus 0.2 guest parking spaces per unit (3.2 spaces). Some residents may have assigned parking spaces, and others will not. Residents will not be permitted to park in guest parking spaces.

Maintenance. The property manager will establish a maintenance program, which will require staff to periodically inspect units, create a maintenance work order procedure, and participate in regular inspection of the project's exterior, grounds and parking structure.