


# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of November 28, 2017

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

**SUBJECT:** **1093 San Bruno Avenue; SCRO-1 District; Use Permit UP-3-17/ Habitat Conservation Plan Compliance HCP-1-17;** Use Permit and Habitat Conservation Plan Compliance for a new 3,838 square foot single-family home on a 19,465 square foot lot developed with an existing single-family home; Bill Guan, Xie Associates, applicant; Zhaohui Ma and Lin Lin, owners; APN 007-553-160.

**REQUEST:** The applicant proposes demolition of an existing single-family home and construction of a new single-family home on a 19,465 square-foot lot in the SCRO-1 zoning district. The property is located within the San Bruno Mountain Area Habitat Conservation Plan (HCP) and requires HCP compliance review and adoption of an HCP Operating Program. As the existing single-family home on the property was constructed prior to adoption of the SCRO-1 district regulations and the HCP, a Use Permit and HCP Operating Program is required.

**RECOMMENDATION:** Conditional approval of Use Permit UP-3-17/ Habitat Conservation Plan Compliance HCP-1-17, via adoption of Resolution UP-3-17/HCP-1-17 with Exhibit A containing the conditions and findings of approval.

**ENVIRONMENTAL DETERMINATION:** Construction of new single-family homes is categorically exempt from the provisions of the California Environmental Quality Act per Section 15303(a) of the CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply, as confirmed by the biological resources assessment attached to this agenda report.

**APPLICABLE REGULATIONS:** The San Bruno Mountain Area Habitat Conservation Plan (HCP) governs development of properties within the Brisbane Acres (Administrative Parcel 2-03 of the HCP). The Operating Program for Administrative Parcel 2-03 establishes the general obligations applicable to properties and property owners in regards to HCP compliance. Tree removal regulations are contained in BMC Chapter 12.12. The SCRO-1 district development regulations are located in BMC Chapter 17.16.

### **ANALYSIS AND FINDINGS:**

#### **Existing Conditions and Site Context**

The property is located within the SCRO-1 zoning district and Administrative Parcel 2-03 (Brisbane Acres) of the HCP. The existing one-story single-family home on the property is

located roughly in the middle of the lot and is accessed via an unpaved driveway that partially encroaches within the San Bruno Avenue public right-of-way and the adjacent property to the south (3852 Bayshore Boulevard). The property slopes down (eastward) from San Bruno Avenue towards Bayshore Boulevard, with two relatively level pads where the existing driveway and home are located in roughly the middle of the lot. The overall slope of the property measured per BMC Section 17.02.730 is 29%. The front of the property is encumbered by a 40-foot utility easement in favor of the San Francisco Public Utilities Commission (SFPUC). The property is bordered by commercially developed lots at 3840 Bayshore Boulevard to the east and 3852 Bayshore Boulevard to the south, and mixed-use (commercial and residential) development at 3832-3836 Bayshore Boulevard to the north, all zoned SCRO-1. The northwest corner of the property abuts an undeveloped lot at the corner of Joy Avenue and San Bruno Avenue, zoned R-BA. (A vicinity map showing the subject property in relationship to surrounding properties and uses is provided in Attachment 2).

As indicated in the biological resources assessment (Attachment 5), the property features a mix of native, non-native, and limited invasive tree and plant species, with 22 trees noted as existing on the property per the submitted arborist report (Attachment 6). Two trees on the property are considered protected trees under BMC Section 12.12.020 due to their species (Coast live oak and California buckeye) and size.

### **Project Description**

The applicant proposes demolition of the existing 650 square foot, single-story home and construction of a new 3,838 square foot, two-story home located roughly in the same area of the property as the existing home. The floor plan accommodates a two-car garage and three bedrooms on the lower level, with kitchen, dining, and living space located on the upper floor. The upper floor is stepped back from the lower level, allowing for two roof decks providing views to San Francisco Bay to the east. Exterior materials include white stucco siding, steel balcony railings, wood trim at doors and windows, and metal-finished doors at the garage and main entry. The applicant's development plans comply with all development regulations of the SCRO-1 zoning district, including FAR, lot coverage, building height, setbacks, and landscaping, as summarized in the project data table (Attachment 1).

The project also includes a new 18-foot curb cut and driveway providing site access from San Bruno Avenue, and removal of 15 trees from the property. Per the definitions of BMC Chapter 12.12, 11 of the 15 trees to be removed from the site collectively qualify as a "protected tree" due to their trunk circumference. The two trees on the property protected by species will be preserved. Of the trees to be removed, seven are located within the SF PUC easement and have been required to be removed by the SF PUC. Of the eight trees to be removed outside of the SFPUC easement, four are located within the footprint of the proposed new structure, and four are invasive Blackwood Acacias required to be removed from the site by the HCP Plan Operator. The applicant has prepared a conceptual landscape plan that calls for planting 10 replacement trees on the site.

It should be noted that the SFPUC has legal authority to require removal of all woody vegetation and trees and to prohibit landscaping and other permanent structures within the bounds of the easement. While the City may not prevent the SF PUC from requiring removal of trees within

the easement, the City may require replacement trees to be planted outside of the easement consistent with the provisions of BMC Chapter 12.12. Additional project conditions restricting construction and grading activity within and adjacent to the easement required by the SF PUC are included in the Conditions of Approval contained in Exhibit A to the attached Resolution.

Additional landscaping proposed in the conceptual landscape plan will include shrubs and grasses adjacent to the driveway and home. The specific species of replacement trees and other landscaping are to be determined based on consultation with the County Plan Operator prior to building permit issuance to ensure compatibility with the provisions of the HCP (Condition of Approval C.1).

### **Use Permit Analysis**

**A. In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.**

#### Adjacent Uses and Structures

As previously indicated in the existing conditions summary, the subject property is bordered by developed lots at 3832 Bayshore Boulevard to the north, 3840 Bayshore Boulevard to the east, and 3852 Bayshore Boulevard to the south, zoned SCRO-1. These properties are developed with commercial uses, primarily contractor's storage yards and associated office buildings. Residential development in the vicinity of the property includes 1075 San Bruno Avenue to the south, the Joy Avenue condominium complex to the northwest, and single-family residences on McClain Road and Gladys Avenue to the south and west, respectively. The northwest corner of the property abuts an undeveloped lot at the corner of Joy Avenue and San Bruno Avenue, and an undeveloped lot owned by the Brisbane Housing Authority lies directly east of the property, both zoned R-BA Residential.

The project would continue the established residential use of this property, consistent with the mixed commercial and residential character of the Southwest Bayshore subarea. The proposed setbacks from property lines, in excess of the minimum requirements of the SCRO-1 district, will ensure the structure is adequately buffered from surrounding commercial uses and Bayshore Boulevard. With a rear setback of approximately 23 feet from the rear lot line, the structure will be set back approximately 128 feet from the edge of Bayshore Boulevard. Additionally, the building pad of the home will be approximately 40 feet above the elevation of Bayshore Boulevard. The proposed landscaping and tree plantings in the rear and side yards would screen the new home from adjacent properties and provide additional noise buffering. As required by the General Plan and discussed in detail below, an acoustical study will be required prior to building permit issuance to confirm the structure is designed to reduce intrusion of traffic noise from Bayshore Boulevard (Condition of Approval H).

### General Plan Consistency

The subject property is designated Subregional Commercial/Retail/Office (SCRO) per the 1994 General Plan and is located within the Southwest Bayshore subarea, which allows a variety of land uses including residential. Chapter 12 of the General Plan contains a number of policies and programs that apply specifically to development within the Southwest Bayshore subarea. The proposed residential use of the property and the applicant's site design and architectural plans are consistent with the applicable General Plan policies, including the Southwest Bayshore subarea policies, as shown in the General Plan compliance analysis provided in Attachment 5.

Specifically, a visual impact analysis was prepared (Attachment 6), which finds that the building will be located low on the hillside relative to the ridgelines above, that its stepped profile will mitigate its perceived height from both San Bruno Avenue and Bayshore Boulevard, and that both existing and proposed landscaping will screen the building and to blend it into the surrounding hillside. A preliminary soils and geotechnical analysis has been prepared for the project that provides engineering recommendations for the foundation and structure design based on the soil and geologic conditions at the subject property. An acoustical study will be required prior to building permit issuance to confirm the structure is designed to reduce intrusion of traffic noise (Condition of Approval H).

A conceptual landscaping plan is provided (Sheet A1.3 of the applicant's plans, attached) that calls for preservation of a mature, protected California buckeye and planting of a new tree in the rear yard to screen the structure from Bayshore Boulevard. The Planning Commission may wish to consider requiring additional large shrub or small trees to be included in the final landscape plan adjacent to the property's foundation to provide additional screening of the structure without limiting views of the home. This recommendation is included in Condition of Approval C.1

**B. The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the planning commission finds that the aforementioned conditions will not result from the particular use applied for, it may grant the use permit.**

The proposed site design will accommodate four on-site parking spaces (two covered in the attached garage, and two uncovered on the parking pad), as required by BMC Chapter 17.34, and the driveway is designed to provide on-site turnaround capability to ensure cars will not back out onto San Bruno Avenue. As required by the General Plan and conditions of approval, noise insulation measures will be incorporated into the project design for the benefit of those residing in the structure. To reduce conflicts with uses on the adjoining properties, the living areas are set back from the front, side, and rear property lines in excess of the minimum requirements of the SCRO-1 district. The project will require a building permit, and its design and construction shall be subject to compliance with current California Building Code requirements for health and safety, including installation of fire sprinklers, as well as CALGreen requirements for energy

efficiency and the City's local Building Code requirements for either rooftop solar systems or "cool roof" design (per BMC Chapter 15.80).

The SF PUC has reviewed the project application and will impose several requirements during construction to avoid impacts to underground facilities within the easement it owns in the front of the property. The home's living areas are setback a minimum of nine feet from the bounds of the easement. Outside of specific construction safety requirements, the SF PUC has not raised long-term safety concerns for residents of the property due to existence of the easement. It should be noted that this easement impacts most of the properties along Bayshore Boulevard, and the SF PUC works directly with property owners when access to facilities within the easement for maintenance or repairs are required. The easement is recorded in the deed of the property and will be disclosed to future property owners prior to purchase as part of typical real estate due diligence.

### **HCP Compliance and Operating Program Analysis**

As required by the General Plan and the HCP, a biological resources assessment of the site was conducted consistent with the methodology adopted by the Plan Operator (San Mateo County). An HCP Operating Program was drafted based on the specific findings of the assessment and circulated for review by the US Fish & Wildlife Service and the State Department of Fish & Wildlife. Both agencies accepted the draft Operating Program with no recommended changes.

Based on the biological resources assessment's findings of no larval habitat or nectaring plants for the Mission Blue and callippe Silverspot butterflies protected by the HCP, no on-site habitat restoration is proposed for this site. Consistent with the HCP's requirements for Administrative Parcel 2-03, Brisbane Acres, the draft Operating Program requires payment of a fee to fund habitat acquisition elsewhere in the HCP area (Condition of Approval D). This fee will be required prior to building permit issuance. The property owner must also become signatory to the San Bruno Mountain Area Habitat Conservation Plan Agreement by signing an "Agreement to Comply with Terms and Conditions of the Agreement with Respect to the San Bruno Mountain Area Habitat Conservation Plan and Section 10(a) Permit", including the requirement to participate in the HCP funding program, which must be recorded with the San Mateo County Recorder's office prior to occupancy of the property (Condition of Approval L).

### **ATTACHMENTS:**

1. Project data table
2. Aerial vicinity map
3. Applicant's plans
4. Draft Resolution UP-3-17/HCP-1-17 with HCP Operating Program and recommended Findings and Conditions of Approval
5. General Plan compliance analysis prepared by staff
6. Visual impact analysis prepared by staff
7. Biological Resources Assessment prepared by Nomad Ecology
8. Arborist report prepared by Ellyn Shea
9. Preliminary geotechnical report prepared by Modern Technology Resources, Inc.

## Project Data Table

<b>ADDRESS</b>	1093 San Bruno Avenue			
<b>APN</b>	007-553-160			
<b>GENERAL PLAN</b>	Subregional Commercial/Retail/Office (SCRO)			
<b>ZONING DISTRICT</b>	SCRO-1, Southwest Bayshore Commercial District			
<b>APPLICATION #</b>	UP-3-17/HCP-1-17			
<b>Development Standard</b>	<b>Existing</b>	<b>Proposed</b>	<b>Min/Max</b>	<b>Status</b>
<b>Lot Area</b>	19,465 SF	-	7,500 SF	Complies with standard.
<b>Lot Slope</b>	29%	-	-	
<b>Lot Coverage</b>	650 SF or 3%	2,476 SF or 13%	70%	Complies with standard.
<b>Floor Area</b>	627 SF or .03 FAR	3,838 SF or 0.20 FAR	2.0 FAR	Complies with standard.
<b>Setbacks</b>				
<b>N Side Lot Line</b>	>5'	>5'	5'	Complies with standard.
<b>S Side Lot Line</b>	>5'	>5'	5'	Complies with standard.
<b>Rear Lot Line</b>	>10'	23' 4"	10'	Complies with standard.
<b>Front Lot Line</b>	>10'	53'	10'	Complies with standard.
<b>Height</b>	16'	29'	35'	Complies with standard.
<b>Parking</b>	n/a	2 garage, 2 driveway	2 covered, 2 on-site	Complies with standard.
<b>Landscaping</b>	n/a	Conceptual landscape plan provided; 5,542 SF of landscaping = 28%	Min 10% site landscaping (1,946 SF)	Conceptual landscaping plan complies with standard. At BP tree and shrub species to be identified; low-water use, non-invasive
<b>Grading</b>	n/a	75 CY cut, 80 CY fill	n/a	Does not require PC review
<b>Tree Removal</b>	n/a	Several trees TBR	n/a	Protected trees must be replaced at least 1 x 1, species TBD prior to BP



Aerial Vicinity Map  
1093 San Bruno Avenue



Property Address	Current Use	Property Address	Current Use
3852 Bayshore Blvd.	Contractor's office/yard	3840 Bayshore Blvd.	Contractor's office/yard
3832/3836 Bayshore Blvd.	Commercial/residential	1075 San Bruno Ave.	Residential
1100 San Bruno Ave.	Vacant (zoned residential)		

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