

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 6/12/2018

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

**SUBJECT:** **Design Permit DP-2-18 and Grading Review EX-2-18; 221 Tulare Street; R-3 Residential District;** Design Permit and Grading Review to allow demolition of an existing single-family dwelling and construction of new three-unit condominium development on an approximately 6,355 square foot lot, requiring 1,384 cubic yards of soil excavation and export; Fred Herring, Herring & Worley Inc., applicant; Harold Lott, owner.

**REQUEST:** The applicant proposes to demolish an existing one-story, 1,482 square foot single-family home, and construct a new 3,690 square foot, three-unit condominium building on the subject 6,355 square foot lot in the R-3 Residential zoning district. The project includes removal of two street trees with trunk circumferences measuring 30 inches or more, qualifying as protected tree under BMC Chapter 12.12. The project plans comply with all development standards of the R-3 Residential District, including floor area and unit density, lot coverage, building height, setbacks, landscaping, and on-site parking standards.

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

- A Design Permit for the new three-unit condominium building, including draft condominium plan and covenants, conditions, and restrictions (CC&Rs); and
- Grading Review for 1,384 cubic yards of soil cut and export from the property to accommodate a new driveway and the structure itself.

**RECOMMENDATION:** Conditionally approve Design Permit DP-2-18 and Grading Review EX-2-18, via adoption of Resolution DP-2-18/EX-2-18 with Exhibit A containing the conditions and findings of approval.

**ENVIRONMENTAL DETERMINATION:** Demolition of a single-family dwelling is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per Section 15301(l) of the CEQA Guidelines. Construction of a multi-family structure containing four or fewer units is categorically exempt from the provisions of the CEQA per Section 15303(b) of the CEQA Guidelines. The exceptions to those categorical exemptions referenced in Section 15300.2 do not apply.

**APPLICABLE CODE SECTIONS:** Removal of protected trees is addressed in BMC Chapter 12.12. Development standards for new structures in the R-3 Residential zoning district are contained in BMC §17.10.040. Design Permit requirements and findings of approval are located

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in BMC Chapter 17.42. Condominium regulations are located within BMC Chapter 17.30. Planning Commission review of grading operations including more than 50 cubic yards of soil export from any site is required by BMC §17.32.220.

## **ANALYSIS AND FINDINGS:**

### Project Description

The subject property is 6,355 square feet in size with an approximately 41% slope upward from the Tulare Street right-of-way. As is common in Brisbane's hillside neighborhoods, the paved portion of the Tulare Street right-of-way adjacent to the front lot line is approximately 21 feet wide, significantly less than its 50 foot total width. Per the submitted boundary and topographic survey, the front lot line is located approximately 17 feet, nine inches to the east and approximately nine feet above the paved portion of Tulare Street. The existing single-family dwelling is setback approximately 23 feet from the front lot line and approximately one foot, six inches from the southerly lot line shared with 223 Tulare Street. There is no curb cut or on-site parking provided. Two striped public parking spaces are located adjacent to the property on Tulare Street.

The applicant proposes to demolish the existing single-family dwelling and excavate approximately 1,384 cubic yards of soil from the site and 148 cubic yards from the public right-of-way to accommodate an approximately 31 foot wide curb cut and driveway, as well as one public parking space on Tulare Street. The driveway width and depth would accommodate three uncovered, standard sized on-site parking spaces. The garage would be three spaces wide but would accommodate six cars utilizing mechanical lifts, for a total of nine on-site parking spaces. Storage for each unit and an elevator would be located adjacent to the garage.

The second level, stepped back behind the garage face, would be occupied by Unit 1, an approximately 830 square foot, one-bedroom unit extending horizontally across the width of the site with an exterior balcony extending over the garage. Units 2 and 3 would be located above and behind Unit 1, each with two-story floor plans and extending separately as two wings toward the rear of the property, separated by two private terraces dedicated to each unit and separated by planted retaining walls. At the fourth level, the second stories of Units 2 and 3 would accommodate sleeping rooms as well as two additional private terraces, and pathways to shared open areas in the rear of the property. Unit 2 would total approximately 1,254 square feet and Unit 3 would be approximately 1,332 square feet. Due to the stepped design of the structure, no portion of the structure would exceed two stories as seen from adjacent properties to the north and south.

## **Design Permit**

### Design Permit Findings

A detailed discussion of the 20 individual design permit findings is attached in Exhibit B to the attached Resolution DP-2-18/EX-2-18. The required findings fall into four topic areas, briefly discussed below:

1. Neighborhood Compatibility

2. Building Design Form and Details
3. Site Access and Circulation
4. Landscaping

*Neighborhood Compatibility:* The findings regarding neighborhood compatibility, as it relates to the Design Permit findings, include the language, "...mitigating potential impacts on adjacent land uses..." and "...maintain a compatible relationship to adjacent development." Overall, the project's density and scale are compatible with structures in the immediate vicinity.

The R-3 District corridor along Tulare Street features a mix of multi-family, duplex, and single-family homes, consistent with the variety of residential product types allowed in the R-3 District. Structures showcase a variety of architectural styles and aesthetics, consistent with the General Plan's encouragement of diversity and creativity in residential design. To the south, the subject property abuts a three-story single-family home at 223 Tulare Street of approximately 1,031 square feet (see attached site photos and aerial vicinity map). A single-family dwelling is proposed to be developed to the north of the subject property at 219 Tulare Street, currently vacant. To the east, the subject property's rear lot line abuts 41 Thomas Avenue, a 10-unit, three-story apartment building. Also abutting the rear of the subject property is 99 Thomas Avenue, for which the Planning Commission recently approved a Design Permit for a three-story single-family dwelling.

The project's two-story scale and stepped proportions are harmonious with the established development pattern in the neighborhood and with existing and proposed adjacent structures. As the site is currently developed with a single-story, single-family home, the primary potential impact of concern for any new development proposal would be to light and air for the adjacent multi-family and the single-family homes. The structure's two-story height and setbacks meeting or in excess of the minimum requirements mitigate any potential impacts to adjacent structures' access to light and air to the north and south. The building's forward placement on the property and generous rear setbacks and rear landscaping would adequately buffer the new structure from the proposed single-family home abutting the rear of the property. These design elements ensure compatibility with neighboring development.

The subject property is not located on a mapped ridgeline per BMC Section 17.02.695. Views from the subject property and surrounding properties to the north, south, and east are oriented to San Bruno Mountain to the north and west, as Thomas Hill obscures views of the Brisbane Lagoon and San Francisco Bay.

*Building Design, Form, and Details:* The application proposes a unique and distinctive, organic architectural design that respects and blends with the natural topography of the site. The stepped design of the four-level structure and natural color palette of light sand/beige, natural cedar wood, and slate roofing is compatible with surrounding development in regards to scale, form, and materials. The roof, building façade, and retaining walls feature complementary linear and curvilinear forms. Visual interest and articulation are provided on all building elevations through the incorporation of varied window openings, exterior balconies and roof overhangs. The third and fourth level building wings break up the building massing as seen from the front and rear of the building and allow for relatively private outdoor open areas for residents in between. Ceiling

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heights in the living units are varied to provide a modulated building form while maintaining a consistent two-story scale.

Exterior building materials will include a complementary mixture of modern and rustic elements, with shiplap cement-board siding and natural red cedar soffits at the roofline and overhangs. Contrasting texture is provided by stucco retaining wall finishes at the side and front setbacks. The exterior color palette would be an organic mix of shades of beige at the building walls and retaining walls, natural finish (red) cedar soffits, defined by distinctive slate-colored roofing and window frames. As discussed in detail in Exhibit B to Resolution DP-2-18/EX-2-18, the structure's design is consistent with passive solar design practice as is practicable on the site.

The location of outdoor spaces provides both private and shared space for residents via a series of private balconies and terraces and shared, landscaped space. Private terraces are sufficiently spaced on the site to avoid conflicts with neighbors, or are screened by landscaped planters where they are nearer to other private outdoor spaces.

*Site Access and Circulation:* The site would be accessed from Tulare Street via a new 31 foot wide driveway leading to a six-car garage (three car lengths in width, with mechanical lifts doubling parking capacity) to accommodate the minimum five required on-site parking spaces. The driveway is of sufficient width to accommodate three additional uncovered parking spaces, but these spaces cannot be formally recognized by the Zoning Ordinance as they are tandem to the tandem garage spaces. However, that would not prevent their use as guest parking. The width of the driveway would eliminate one of two existing on-street spaces along the property frontage (as recognized by the Zoning Code), but would preserve and improve the remaining on-street parking space.

While the proposed 31 foot curb cut exceeds the maximum 18 foot curb cut for multi-family dwellings, the City Engineer may approve exceptions to the maximum curb cut if certain findings can be made, as detailed in Exhibit B to Resolution DP-2-18/EX-2-18. BMC §17.34.030 requires the parking for each unit to be independently accessible. Considering the steep slope of the site, the proposed layout and location of the garage would require the least amount of excavation by locating it as close to the front property line as possible. Additionally, even an 18 foot curb cut would eliminate one of the standard on-street parking spaces recognized per the Zoning Ordinance, as the minimum length of a parallel parking space is 20 feet; with a 56.5 foot frontage, an 18 foot curb cut with 1.5 flares on either side would leave only 35.5 feet along the property frontage for on-street parking where at least 40 feet is required by the Zoning Ordinance. The City Engineer has reviewed the project and has not required street widening.

*Landscaping:* The project's proposed lot coverage leaves more than half of the site dedicated to landscaping and outdoor living areas. As summarized in the project data table in Attachment 3, front yard landscaping would exceed the minimum 15% requirement, and overall site landscaping would be more than double the required 10% overall site landscaping requirement. The conceptual landscape plan identifies a variety of native and non-native, non-invasive low-water use trees, shrubs, groundcover, and vine species planted throughout the site. The two private terraces between the two building wings would be physically separated and screened by a

variety of shrubs and trees to provide privacy and enhance usability. Shrubs are also proposed along the north and south side property lines to soften and screen the structure from neighbors.

In addition to complying with the landscaping standards of the R-3 Residential district, the project complies with the outdoor living space requirements for condominiums contained in BMC Chapter 17.30. The project provides 2,037 square feet of active and passive outdoor space, exceeding the Code requirement of 1,200 square feet (400 square feet per unit). Passive outdoor space includes the rear yard landscaping, while active outdoor spaces include four private terraces (two each for Units 2 and 3), and one balcony (Unit 1).

### **Grading Review Findings:**

BMC §17.32.220 requires Planning Commission Grading Review when fifty (50) cubic yards or more of material is to be removed from any single parcel of land. While there are no findings in the Zoning Ordinance for review of such applications, in 2003, the Planning Commission adopted guidelines that contain findings for approval, as described below. With the suggested conditions of approval contained in the attached Resolution, the application **would meet** these findings.

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

The project meets this finding. The paved portion of the Tulare Street right-of-way adjacent to the front lot line is approximately 21 feet wide, significantly less than its 50 foot total width. As such, the front property line is located approximately 17 feet, nine inches to the east and approximately nine feet above the paved portion of Tulare Street.

Considering the site's relationship above and beyond the paved roadway, the proposed 1,384 cubic yards of soil excavation and export from the site is the minimum required to access the site and required five on-site parking spaces. Considering the steep slope of the site, the proposed layout and location of the garage parallel to the front lot line would require the least amount of excavation in considering the variety of ways to provide the required on-site parking such that they are independently accessible for each unit, as required by BMC §17.34.030.

Beyond the excavation required for the driveway and garage, the grading plan proposes minimal excavation of the steeply sloped lot by utilizing a stepped design whereby each building segment is limited to no more than two stories, as demonstrated in the site sections and building elevations. Additionally, existing grades would be maintained at the north and south side lot lines. This design approach ensures the structure fits comfortably with the natural topography.

- The proposed grading is designed to avoid large exposed retaining walls (General Plan Policies 43 & 245).

With the Conditions of Approval in the attached Resolution, the project meets this finding. While the grading plan would result in several exposed retaining walls within setbacks, the majority of these walls would measure less than six feet in height from adjacent grade as seen from

neighboring properties. The tallest exposed wall is located with the public right-of-way at the northern edge of the driveway, adjacent to the public parking space, ranging from five to approximately seven feet in exposed height. A retaining wall within the south side setback extending from the driveway to the entry of Unit 3 would range from one to seven feet above adjacent, existing grade. A retaining wall within the north side setback extending from the driveway to the entry of Unit 2 would range from one to five feet above adjacent, existing grade.

BMC §17.32.050 requires vegetative screening or wall treatments for retaining walls over six feet in height **only** if they are located within a setback area. Condition of Approval 2.a.iii in the attached resolution requires that the final landscaping plan submitted with the building permit include vegetative screening for these walls such that no more than six feet (vertically) is visible, or that the walls be treated with different textures or materials to break up the height of the wall into no more than six foot segments.

- The proposed grading is designed to conserve existing street trees (as defined by BMC Section 12.12.020), any California Bay, Laurel, Coast Live Oak or California Buckeye trees, and three or more trees of any other species having a circumference of at least 30 inches measured 24 inches above natural grade.

The project would meet this finding. One cedar tree with a trunk exceeding 30 inches in circumference would be removed from the rear yard, requiring a ministerial permit as it does not qualify as a protected tree per BMC Chapter 12.12. While no replacement is required under the BMC, seven new trees will be planted. The project also proposes removal of two trees in the public right-of-way exceeding 30 inches in circumference that are protected under BMC Chapter 12.12. Their removal is required due to their proximity to the proposed structure and driveway, and as such is necessary for the redevelopment of the site consistent with applicable Zoning standards. New retaining walls and landscaping will prevent erosion, and the project will incorporate site design measures to retain and infiltrate stormwater, including direction roof runoff onto vegetated areas and using landscaped micro detention basins. Considering the seven trees to be planted on site, and existing trees to remain in the neighborhood, the removal of the two street trees would have minimal impact on shade, privacy, or scenic beauty of the area. The proposed seven trees on-site are adequately sited to ensure their healthy growth over time.

- The proposed grading complies with the terms of the San Bruno Mountain Area Habitat Conservation Plan Agreement and Section 10(a) Permit, if and as applicable (General Plan Policy 119 and Program 83b).

This finding does not apply as the subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

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

While establishment of a condominium development is subject to the Subdivision Map Act, the project is eligible for a Parcel Map waiver per BMC Section 16.12.050 and the applicant has indicated his intent to apply for such waiver. Condition of Approval 6 requires the waiver to be approved prior to issuance of the building permit.

### **State Housing Accountability Act**

The Planning Commission's review of this application is subject to the State Housing Accountability Act (Government Code §65589.5). Under this law, a housing development project that complies with objective design standards may be denied or reduced in density only if the decision-making body can make specific findings related to unmitigatable public health and safety impacts.

### **ATTACHMENTS:**

1. ~~Draft Resolution DP-2-18/EX-2-18 with recommended Findings and Conditions of Approval~~
2. Summary of Project Data
3. Aerial site map
4. Site photos
5. Applicant's grading and architectural plans
6. Applicant's supporting statements
7. Materials and color board- ~~to be provided at the public hearing by the applicant~~

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**Summary of Project Data**

<b>ADDRESS</b>	221 Tulare Street				
<b>APN</b>	007-361-220				
<b>ZONING DISTRICT</b>	R-3 Residential District				
<b>DESCRIPTION</b>	Design Permit and Grading Review for new 3-unit condo				
<b>Development Standard</b>	<b>Existing</b>	<b>Proposed</b>	<b>Min/Max</b>	<b>Complies</b>	<b>Does not comply</b>
<b>Lot Area</b>	6,355 SF	n/c	5,000 SF	X	
<b>Lot Slope</b>	41%	48%	n/a	n/a	
<b>Lot Coverage</b>		46% or 2,905 SF	60% or 3,813 SF	X	
<b>Floor Area</b>		3,690 SF or 0.58 FAR	4,575.6 SF or 0.72 FAR	X	
<b>Setbacks</b>					
<b>N Side Lot Line</b>	16' 3"	5'	5'	X	
<b>S Side Lot Line</b>	1' 6"	5'	5'	X	
<b>Rear Lot Line</b>	49' 9"	20'	10'	X	
<b>Front Lot Line</b>	17' 9"	10'	0'	X	
<b>Garage</b>	n/a	0'	0' if complies with height	X	
<b>Height</b>	~ 10'	20'	30'	X	
<b>15' from front lot line</b>	n/a	Home: 12' Garage: 14' above ST centerline	20'; 15' above ST centerline for garage in FYSB	X	
<b>Parking</b>		6 covered (in lifts; considered tandem)	3 covered spaces (1 per unit), 2 uncovered spaces (no guest pkg; < 5 units)	X	
<b>Outdoor Living Space</b>		1,057 SF private + 980 SF shared (rear yard above patios) = 2,037 SF	1200 SF (400 SF/unit)	X	
<b>Articulation</b>					
<b>Front</b>		N/a	Applies to walls > 20' x 20'	n/a	
<b>Rear</b>		N/a	Applies to walls > 20' x 20'	n/a	
<b>Landscaping</b>					
<b>15% of FYSB</b>	-	108 SF	85 SF	X	
<b>10% of total lot</b>	-	1,362 SF	635.5 SF	X	
<b>Condo Requirements</b>					
<b>Washer drier hookups or laundry facilities</b>	-	WD provided in ea. Unit	Hookups for each unit OR one washer and one drier shall be installed in a laundry room for every three (3) units.	X	
<b>Storage areas</b>	-	> 125 CF provided for ea unit on 1st fl	125 CF enclosed storage area per unit.	X	
<b>Outdoor areas</b>	-	Total: 2,037 SF	Avg = 400 SF per unit or total 1200 SF	X	

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Site Photos  
221 Tulare Street



**Above:** Approximate location of proposed curb cut shown in hatching.

**Left:** View of existing structure and two street trees to be removed from the public right-of-way (to the left/north of existing home)

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