

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 5/28/2020

**SUBJECT:** Design Permit DP-1-20 and Grading Review EX-2-20; 221 Tulare Street; R-3 Residential District; Request for 36-month extension of previously approved design and grading approvals (DP-2-18 and EX-2-18) for demolition of existing single-family dwelling and construction of new 3,690 square foot, three-unit residential building, requiring 1,384 cubic yards of soil cut and export; Fred Herring, applicant; Harold Lott, owner.

**REQUEST:** The applicant requests a three-year extension of Design Permit DP-2-18 and Grading Review EX-2-18, granted June 12, 2018, for construction of a new three-unit residential condominium building in the R-3 District. The project scope includes demolition of an existing one-story, 1,482 square foot single-family home, and construction 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.

**RECOMMENDATION:** Approve DP-1-20 and EX-2-20 and extend the previously approved design permit and grading review by 36 months, via adoption of Resolution DP-1-20/EX-2-20 containing the findings and conditions 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:**

- R-3 Residential District Development Standards: [BMC Chapter 17.10](#)
- Condominium regulations: [BMC Chapter 17.30](#)
- Planning Commission review of grading: [BMC Section 17.32.220](#)
- Design Permits: [BMC Chapter 17.42](#)

### **ANALYSIS AND FINDINGS:**

#### **Background**

The Planning Commission's approval of Design Permit DP-2-18 and Grading Review EX-2-18 for the subject project are set to expire on June 12, 2020, because a building permit has not been

issued for construction of the project. The applicant is preparing to submit a building permit application in the coming months and requests a 36-month extension of the approvals pursuant to BMC Section 17.42.060.

No modifications are proposed to the 2018 project plans (including grading), which 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. The 2018 plans, staff report, and meeting minutes are attached for the Planning Commission's reference in Attachments B and C.

### **Analysis**

The extension of the project approval would not affect the findings under which it was originally approved. These findings are included in the resolution to approve the requested extension (see Attachment A).

### **ATTACHMENTS:**

- A. Draft Resolution DP-1-20/EX-2-20
- B. June 12, 2018 Planning Commission agenda report with attachments, including applicant's plans
- C. June 12, 2018 Planning Commission meeting minutes

  
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Julia Ayres, Senior Planner

  
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John Swiecki, Community Development Director

Draft  
RESOLUTION DP-1-20/EX-2-20

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
APPROVING DP-1-20 AND GRADING REVIEW EX-2-20  
GRANTING A 36-MONTH EXTENSION OF  
DESIGN PERMIT DP-2-18 AND GRADING REVIEW EX-2-18  
AT 221 TULARE STREET

WHEREAS, on June 12, 2018, the Brisbane Planning Commission granted approval of Design Permit DP-2-18 and Grading Review EX-2-18 for demolition of an existing one-story, 1,482 square foot single-family home, and construction a new 3,690 square foot, three-unit condominium building on a 6,355 square foot lot at 221 Tulare Street; and

WHEREAS, pursuant to BMC Chapter 17.42, DP-2-18 and EX-2-18 will expire June 12, 2020 without issuance of a building permit and commencement of project construction; and

WHEREAS, prior to permit expiration, Fred Herring, the applicant, applied for a 36-month extension of DP-2-18 and EX-2-18 pursuant to BMC Chapter 17.42, extending the project approvals to June 12, 2023, such applications being identified as Design Permit DP-1-20 and Grading Review EX-2-20; and

WHEREAS, on May 28, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, 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, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Sections 15301(l) and 15303(b) of the State CEQA Guidelines; and

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of May 28, 2020 did resolve as follows:

Extension of Design Permit DP-2-18 and Grading Review EX-2-20 is approved for a period of 36 months, beyond the original expiration date of June 12, 2020, and affirms the permit findings originally provided via Planning Commission Resolution DP-2-18/EX-2-18, provided as Exhibit A and Exhibit B.

ADOPTED this 28<sup>th</sup> day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

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Reso. DP-1-20/EX-2-20

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PAMALA SAYASANE  
Chairperson

ATTEST:

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JOHN A. SWIECKI, Community Development Director

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**EXHIBIT A**

**Action Taken:** Conditionally approved the requested 36-month extension of Design Permit DP-2-18 and Grading Review EX-2-18, per the staff memorandum with attachments, via adoption of Resolution DP-1-20/EX-2-20.

**Findings DP-1-20/EX-2-20:**

**Design Permit DP-1-20**

A. The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project, as described in detail Exhibit B.

B. The orientation and location of buildings, structures, open spaces and other features integrate well with each other and maintain a compatible relationship to adjacent development, as described in detail in Exhibit B.

C. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses, as described in detail in Exhibit B

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D. 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, as described in detail in Exhibit B.

E. The proposal respects the topography of the site and is designed to minimize its visual impact, and significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park are preserved, as described in detail in Exhibit B.

F. As described in detail in Exhibit B, the site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.

G. The property's location and direct sidewalk access provides alternatives for pedestrians to access public transit and shuttle stops within a quarter-mile radius on Bayshore Boulevard, Old County Road, and San Bruno Avenue, as described in detail in Exhibit B.

H. As described in detail in Exhibit B, the site provides open areas and landscaping to complement the buildings and structures. Landscaping is also used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping consist of drought-resistant, California native species. The property is not located in protected habitat or wildland areas.

I. The proposal takes reasonable measures to protect against external and internal noise, as described in detail in Exhibit B.

J. Consideration has been given to avoiding off-site glare from lighting and reflective building materials, as described in detail in Exhibit B .

K. Trash and recycling receptacles are adequately screened, and utilities and mechanical equipment are located within the structure, as described in detail in Exhibit B.

L. No signage is included in the application.

M. The proposed residential units will not have employees.

### **Grading Review EX-2-20**

- 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). Considering the existing topographic conditions of the site's relationship to the public right-of-way described in the staff report, the bulk of the proposed 1,384 cubic yards of soil excavation and export from the site is the minimum required to accommodate the required five on-site parking spaces (one covered space per unit and two guest parking spaces that may be uncovered). Because BMC §17.34.030 requires the required parking for each unit be independently accessible from other unit parking spaces, the covered parking facilities must provide three independently accessibly 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. Additionally, as there is no existing curb cut for the property, driveway excavation is required to allow access to the on-site parking facilities from the street.

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 results in a grading plan that is minimized and ensures the structure fits comfortably with the natural topography.

- With the Conditions of Approval contained in this Resolution, the proposed grading is designed to avoid large exposed retaining walls (General Plan Policies 43 & 245). While the grading plan calls for several exposed retaining walls within setbacks, most wall segments would measure less than six feet in height from adjacent grade as seen from neighboring properties. The tallest exposed wall would be 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.

Condition of Approval 2.a.iii requires that the final landscaping plan submitted with the building permit include vegetative screening for these walls such that no more than six feet of the wall (horizontally) 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 (horizontal) segments.

- The proposed grading necessitates the proposed removal of two street trees for which no permit is required, per BMC Ch. 12.12, and the removal of such is subject to the City Engineer's approval. Their removal is required due to their proximity to the proposed structure and driveway, and as such is necessary for economic enjoyment of the property as it is redeveloped to a higher use and intensity. New retaining walls and landscaping will prevent erosion, and the project will incorporate site design measures to retain and infiltrate stormwater, including directing roof runoff onto vegetated areas and using landscaped micro detention basins. Considering the seven trees to be planted the property, 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 to be planted on the property on-site are adequately sited to ensure their healthy growth over time.
- The proposed grading is not located within the San Bruno Mountain Area Habitat Conservation Plan Area.

**Conditions of Approval DP-1-20/EX-2-20:**

Prior to issuance of a Building Permit:

1. The owner shall obtain a permit to demolish the existing structure.
2. An application including detailed building plans, application forms and fees shall be submitted to the City for issuance of a Building Permit. The building permit application shall 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 be in substantial conformance to the plans approved with this Design Permit, including finish materials and colors (see related conditions below), with the following modifications:
    - i. All awnings proposed in side yard setbacks must maintain at least a 2 foot, 6 inch setback from side lot lines per BMC Section 17.32.070.
    - ii. A final landscaping plan shall be submitted demonstrating compliance with landscaping requirements of the R-3 Residential District and showing the total square footage of permanently irrigated landscape area, and shall

comply with the provisions of BMC Chapter 15.70, Water Conservation in Landscaping, as applicable. The final landscaping plans shall be subject to approval by the Community Development Director.

- iii. All walls located within setbacks that exceed six feet in height from adjacent grade shall be screened with vegetation, per the final landscaping plan, such that no more than six feet (vertically) is visible, or the walls be treated with different textures or materials to break up the height of the wall into no more than six foot segments, at the applicant's option and subject to approval by the Community Development Director.
  - iv. The building permit plans shall include specifications and installation details for the required three mechanical lifts in the garage.
- b. The plans shall address North County Fire Authority 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 others applicable as determined through building permit review.
  - c. The plans shall include undergrounding of utilities to service the building.
  - d. Mechanical equipment other than the required rooftop solar panels may not be mounted on the rooftop, or be otherwise visible from off-site. Should mechanical equipment be located outdoors, it shall be properly screened with fencing or landscaping consistent with the final landscaping plan submitted with the building permit.
  - e. The building permit application shall not include materials which would present an off-site glare due to reflective materials or lighting.
  - f. The plans shall specify that lighting will be directed away from and not cause glare onto adjacent properties.
  - g. Each unit shall be provided with remote-controlled garage door openers, and an electronic keypad shall be installed to ensure efficient ingress and egress from the garage.
  - h. Final color and material samples and/or cut sheets shall be provided for Community Development Director approval to confirm they are in substantial conformance with the approved Design Permit and Grading Review. Materials samples shall also be provided for windows.
  - i. All windows shall match each other and shall not be dark or reflective.
  - j. The driveway curb cut width and design of required right-of-way improvements shall be subject to City Engineer review and approval.



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Reso. DP-1-20/EX-2-20

- k. The building permit plans shall comply with requirements of on-site energy generation pursuant to BMC Chapter 15.81.
3. The applicant shall consult with the City Engineer regarding the potential private sewer line on the property in relation to the project. Replacement of the sewer line may be required.
4. An encroachment permit shall be obtained prior to any work within the public right-of-way.
5. Grading, paving and drainage plans, per Brisbane Municipal Code §12.24.010 & §15.08.140, shall be submitted for approval by the City Engineer prior to the issuance of a building permit. Stormwater 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.
6. Following review and approval of the final documents by the City Attorney, the condominium plan and accompanying covenants, conditions, and restrictions shall be recorded with the County of San Mateo. The CC&Rs shall conform to the requirements of BMC Chapter 17.30, Condominiums. The condominium plan shall dedicate each uncovered parking space located within the driveway to a condominium unit.
7. Prior to building permit issuance, the applicant shall apply for a Parcel Map Waiver per BMC Section 16.12.050.

During Construction:

8. Prior to foundation construction, a surveyed foundation staking plan prepared by a licensed land surveyor or engineer authorized to conduct land surveying under California law shall be submitted to the City Building and Planning Departments.
9. 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.
10. 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:

11. The property owner shall enter into a standard landscape maintenance agreement with the City for landscaping, to the satisfaction of the City Attorney.
12. All landscaping shall be installed and inspected by Planning staff to confirm conformity with the approved landscape plan.

13. House numbers shall be affixed to the building at a location visible from the street and a size, color and style subject to approval by the Planning Director and Fire Department.
14. Prior to certificates of occupancy the applicant shall demonstrate conformance with all of the above Design Permit conditions of approval.

Other Conditions:

15. 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.
16. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
17. This Design Permit and Grading Review shall expire three 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.

## **Exhibit B**

### **Findings Outline & Discussion**

The following is a detailed analysis of the required Design Permit findings:

#### **Design Permit Findings:**

BMC §17.10.050 requires approval of a Design Permit prior to construction of any principal structure containing more than two dwelling units within the R-3 Residential district. The Planning Commission may grant a design permit if the Commission finds that the proposed development is consistent with the general plan and any applicable specific plan, and makes the findings in subsections A through M, as applicable. With the Conditions of Approval included in this Resolution DP-1-20/EX-2-20, the application is consistent with the General Plan and meets all of the applicable Design Permit findings located in BMC §17.42.040 as outlined below.

General Plan Consistency: The proposed development is consistent with the General Plan and any applicable specific plan.

There is no specific plan for this area of Brisbane. The underlying land use designation for the subject property is Residential at 15-30 dwelling units per acre (du/ac). The project proposes three residential units on 0.15 acres, resulting in a density of 20 du/ac, within the permitted density range. The project is consistent with the following applicable General Plan policies:

- General Plan Policy 20 encourages diversity of development and individual expression in residential and commercial development in Central Brisbane. The application proposes a unique and distinctive, organic architectural design that respects and mimics the natural topography of the site. The stepped design of the four-level structure and natural color palette of light sand/beige walls and slate roofing is compatible with surrounding development in regards to scale, form, and materials.
- General Plan Policy 21 requires new development to respect Brisbane's vernacular architectural heritage. As noted above, the application proposes a unique, organic architectural form distinct from surrounding structures and presenting a cohesive and attractive design.
- General Plan Policy 252 requires that new development retain the existing scale, character and intensity of use of residential & commercial districts. The 200-block of Tulare Street features a mix of multi-story single-family, duplex, and multi-family homes consistent with the residential product types allowed in the R-3 Residential District. Immediately adjacent structures include a 10-unit, three-story multi-family building to the east (41 Thomas Avenue) with a residential density of 44 du/ac, and a three-story single-family dwelling to the south (223 Tulare Street) with a density of 12.5 du/ac. Single-family dwellings are planned to be constructed on the adjacent properties to the north (219 Tulare Street) and the east (99 Thomas Avenue).

The project's density of 20 du/ac falls in the range between adjacent larger multi-family developments and surrounding single-family development. Further, the stepped design of

the structure up the hillside would ensure its compatibility with adjacent single-family dwellings as each building segment would be limited to two stories. The proposed 20 foot setback from the rear lot line and five foot setbacks to the side lot lines would provide adequate buffer between adjacent structures, and landscape screening of the front and side building and retaining walls would ensure compatibility with adjacent properties.

- General Plan Policy 253 encourages diversity and individual expression in residential and commercial construction. As addressed previously, the proposed design is unique and respectful of Brisbane's vernacular architectural heritage.
- General Plan Policy 258 requires new residential development to retain open areas through setback, lot coverage and landscape requirements in the Zoning Ordinance. The project complies with all setback, lot coverage, and landscape area requirements in both the R-3 Residential zoning district and condominium development regulations. The project design would dedicate 21% of the site to landscaping where 15% is required by the R-3 District regulations. Additionally, the project would provide more than the minimum 400 square feet per unit in combined private and shared common outdoor space required by BMC Chapter 17.30, Condominiums.
- Housing Element Policy H.D.1 encourages retention of the small town character of existing residential neighborhoods, while allowing for increased housing density appropriate to the multi-family residential districts. By demolishing the existing single-family dwelling and constructing a three-unit development, the project would increase the City's supply of housing while complying with all applicable development standards in the R-3 District.

Design Permit Findings:

- A. The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.

The project meets this finding. The application proposes a unique and distinctive, organic architectural design that mimics the natural topography of the site. The four-level structure is stepped up the hillside such that each building segment is no more than two stories as seen from the north and south side elevations. The natural color palette of light sand/beige walls and slate roofing, coupled with the undulating roof form, allow the structure to blend seamlessly with the surrounding topography. The roof, building façade, and retaining walls feature complementary linear and curvilinear forms. Visual interest and articulation is provided on all building elevations, including 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 heights in the living units are varied to provide a modulated building form while maintaining a consistent two-story scale. The structure would maintain five-foot setbacks from the side lot lines.

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.

- B. The orientation and location of buildings, structures, open spaces and other features integrate well with each other and maintain a compatible relationship to adjacent development.

The project meets this finding. The subject property is located between existing and proposed single-family dwellings to the north and south, and a multi-family building and proposed single-family dwelling to the east, varying from two to three stories in height. Accordingly, 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. 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.

The location of outdoor spaces would provide both private and shared space for residents. The balcony for Unit 1 would be set back from the garage at the first level to afford for additional privacy from the street, while the private patios provided for Units 2 and 3 are located wholly within the interior of the lot between the two building wings, set into the hillside. In addition to being physically separated from structures on adjacent properties, the terraces would be separated from each other by landscaped planters and other landscaped areas.

- C. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.

The project meets this finding. 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. In addition to providing the minimum required five-foot side setbacks, the building's stepped form up the hillside would limit the maximum height of any building segment to two-stories. Further, the 20 foot rear setback would provide a significant buffer between the new structure and the existing multi-family dwellings and proposed single-family home abutting the rear lot line. These design elements adequately mitigate potential impacts to adjacent land uses.

- D. The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent practicable, given site constraints, to promote sustainable development and to address long term affordability.

The project meets this finding. The subject property is generally rectangular in shape, with an average width running north-to-south of 63 feet and depth of approximately 100 feet. Because of the lot's rectangular shape and orientation, the building's longest sides are oriented north-to-south, consistent with passive solar design practice. South-facing windows are shaded by the roof which overhangs the building wall by two feet, six inches. While the east-facing front

façade features large windows, the windows are stepped back from the surrounding building wall, allowing for shadowing. The east (rear)-facing building wall of the east wing (Unit 2) is almost completely below grade, with a clerestory window shaded by the overhanging roof providing additional shade. The east (rear)-facing wall of the west wing (Unit 3) is above grade and features a large picture window, but the roof overhang and retained adjoining patio provide additional shading. The rear yard landscaping, to include several new trees, will provide natural shading during warm summer months for the rear yard common landscaping area and the structure below. At building permit stage, the project must comply with Title 24 energy requirements, which address insulation and materials to moderate heat loss and gain within the home, and with BMC Chapter 15.80, requiring installation of a solar energy system (proposed by the applicant on the roof of the structure).

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

The project meets this finding. The subject property is not located on a mapped ridgeline, but rather lies just below the mapped ridgeline along Thomas Avenue. 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 the Brisbane Lagoon and San Francisco Bay. As described in Finding A above, the structure is stepped up the hillside such that each building segment is no more than two stories as seen from the north and south side elevations. As such, the design will not result in significant impacts to views of San Bruno Mountain from adjacent properties to the east and south. Because the property is located on the upslope side of Tulare, the project would not impact views from properties to the west downslope of the subject property.

- F. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.

The project meets this finding. A six-car garage (three car lengths in width, with mechanical lifts doubling parking capacity) is proposed to accommodate more than the minimum three required covered parking spaces. The proposed new driveway would accommodate an additional three uncovered parking spaces, but cannot be formally recognized as such by the Zoning Ordinance as they are tandem to the garage spaces. However, that would not prevent their use as guest parking. The width of the driveway would require elimination of one of the two existing on-street spaces, 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 per BMC §12.24.015 if the greater width will substantially reduce the amount of excavation that would otherwise be necessary to provide the required off-street parking, the greater width will not

eliminate existing usable on-street parking and the greater width will not preclude future on-street parking, given any expected street widening. The findings can be made in this case, as the Zoning Ordinance requires three covered parking spaces, one for each unit. Because BMC Section 17.34.030 requires the required parking for each unit to be independently accessible from that required for any other unit, the covered parking facilities must provide three independently accessible parking spaces. 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 the required 18 foot curb cut would eliminate one of the standard on-street parking spaces, 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. The City Engineer has reviewed the project preliminarily and has not indicated that the applicant's proposal will conflict with proposed future street widening.

Parking facilities will be required to meet BMC Title 15 requirements pertaining to surfacing and lighting. A recommended condition of approval would require that each unit be supplied with an automatic garage door opener and that the garage door be equipped with a coded keypad in the event of an opener being misplaced. This is to enable the vehicles to efficiently get off the street and into the garage spaces.

- G. The proposal encourages alternatives to travel by automobiles where appropriate, through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation.

The project meets this finding. The Zoning Ordinance does not require new residential development to provide bicycle parking facilities. In regards to transit proximity, the subject property is located within ¼ mile to existing SamTrans bus and shuttle stops located along Old County Road, Bayshore Boulevard, and San Bruno Avenue (at Mendocino Street).

- H. The site provides open areas and landscaping to complement the buildings and structures. Landscaping is also used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping is generally water conserving and is appropriate to the location. Attention is given to habitat protection and wildland fire hazard as appropriate.

R-3 Residential district regulations allow up to 60% of the lot area to be occupied by structures. The project's proposed lot coverage is well below this maximum at approximately 46%, leaving more than half of the site dedicated to landscaping and outdoor living areas. The project would provide landscaping in the front yard in excess of the minimum 15% requirement, and overall site landscaping would be more than double the required 10% overall site landscaping requirement per the R-3 Residential district standards. 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. As a condition of approval, the final

landscape plans submitted with the building permit application will be subject to further review for compliance under BMC Chapter 15.70, Water Conservation in Landscaping, and minor modifications as to species type and location on site as deemed necessary by the Community Development Director.

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. The conceptual landscape plan proposes planting seven new trees on-site, representing a 7x1 increase in trees on-site. The project proposes removal of two trees in the public right-of-way (Monterey Pine and eucalyptus) due to their proximity to the proposed structure and driveway, for which no permit is required per BMC Chapter 12.12, and the removal of such is subject to the City Engineer's approval. Their removal is required due to their proximity to the proposed structure and driveway, and as such their removal is necessary for economic enjoyment of the property as it is redeveloped to a higher use and intensity. The grading plan proposes soil excavation retained by walls in their location, which will prevent erosion, and the applicant will incorporate stormwater retention measures to ensure retention of stormwater on-site as required by the Municipal Regional Stormwater Permit. 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.

In addition to the landscaping and lot coverage standards of the R-3 Residential district, the project complies with the outdoor living space requirements for condominiums contained in 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 outdoors paces include four private terraces (two each for Units 2 and 3), and one balcony (Unit 1).

The site is not within a habitat conservation area or adjacent to wildlands.

- I. The proposal takes reasonable measures to protect against external and internal noise.

The project meets this finding. The site is not located within a mapped traffic noise in the 1994 General Plan. However, as part of the building permit application process, the Building Code includes provisions to mitigate noise transmission between attached condominium dwelling units, which will be applied to the project through the building permit process.

- J. Consideration has been given to avoiding off-site glare from lighting and reflective building materials.

The project meets this finding. A condition of approval will require that exterior lighting be directed away from neighboring properties.

- K. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.



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The project meets this finding. As a condition of approval, the building permit application shall demonstrate that all mechanical equipment, including water heaters and HVAC systems for each unit, will be screen or located in the interior of the structure. Trash and recycling bins would be located inside the structure adjacent to the garage. No utility structures are proposed.

- L. Signage is appropriate in location, scale, type and color, and is effective in enhancing the design concept of the site.

No signage is included in this application.

- M. Provisions have been made to meet the needs of employees for outdoor space.

This finding is inapplicable as the proposal does not include commercial development.