

City of Brisbane
Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 10/27/11

FROM: Tim Tune, Senior Planner, via John Swiecki, Community Development Director

SUBJECT: **88 Thomas Avenue;** Variance V-5-11, 5-Year Extension of Planning Commission's Conditional Approval of Variance V-2-09 Permitted Conversion of Existing Single-Family Residence into a Secondary Dwelling Unit and Construction of New Single-Family Residence on Property Located Atop Ridgeline; Thomas Chan, applicant; Gladys Chan, owner; APN 007-350-310

REQUEST: In 2009, the Planning Commission approved a proposal to convert the existing house at 88 Thomas Avenue into a secondary dwelling unit and to construct a new primary dwelling unit downslope from the existing house on the eastern side of the property. A Variance was necessary, because the Municipal Code required that structures in the R-BA District be located below ridgelines in a manner that would preserve public views of the San Bruno Mountain State and County Park. To obtain the Commission's approval, the project was revised to lower its overall height, to eliminate the southern portion of the upper floor, stepping the roofline, and to include additional articulation, resulting in a less boxy profile. The Variance will expire December 28th.

In addition to conditionally approving the Variance, the Planning Commission adopted a Mitigated Negative Declaration, found the proposed development to be consistent with the Agreement with Respect to the San Bruno Mountain Area Habitat Conservation Plan and the Section 10(a) Permit, and recommend that the City Engineer issue a Grading Permit for 982 cubic yards of grading (12 c.y. of fill and 970 c.y. of cut) for the project. Secondary Dwelling Unit Permit SDU-1-09 was approved by the Community Development Director on December 22, 2009. These related approvals have no specific expirations and need not be extended.

The applicant is requesting that the Variance be extended for 5 years per the attached, in hopes that financing will become easier to obtain and the family's financial situation will improve within that time.

RECOMMENDATION: Conditionally approve Variance V-5-11, extending Variance V-2-09 for 3 years, via adoption of Resolution V-5-11.

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration (State Clearinghouse No. 2009082060) was adopted December 10, 2009, for this project, concluding that all environmental impacts will be less than significant or will be reduced to less than

significant levels by mitigation measures agreed to by the project proponent. These mitigation measures required restricting tree removal during the bird nesting season, following the State protocol in the event that human remains or unique archaeological resources are found on the site, submitting construction details to demonstrate compliance exterior noise exposure levels for habitable rooms, and agreeing to provide a fair share contribution toward signalization of the intersection of Bayshore Boulevard and San Bruno Avenue. Note that per previously approved Condition A, the Notice of Determination was filed with the County on December 31, 2009.

There have been no substantial changes in circumstances for the project that would result in significant effects not discussed before. Accordingly, per Section 15162 of the State CEQA Guidelines, a subsequent Negative Declaration is not required for this project.

APPLICABLE CODE SECTIONS: Brisbane Municipal Code Section 17.12.040.L currently requires that structures be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park. The findings required to grant a Variance to this regulation are listed in BMC Section 17.46.010.

Effective November 2nd, Ordinance No. 562 will amend BMC Section 17.12.040.L to replace the requirement for a Variance with a new Design Permit procedure for approving development on ridgeline properties in the R-BA District. The new ordinance identifies “varying the buildings’s roofline to reflect the ridgeline’s topography, orienting the building to minimize the impact of its profile upon public views, locating the building on the lower elevations of the site, and reducing the building’s height below the maximum permitted in the district” as potential methods to “preserve those public views of the San Bruno Mountain State and County Park as seen from the Community Park and from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines that are found to be of community-wide value.”

STAFF ANALYSIS: According to Open Space Plan Figure 4 (attached), a ridgeline runs through the subject property. Based upon the previously submitted topographic survey, the ridgeline follows the western property line, with the existing house sitting just to the east of it (see attached preliminary grading plan annotated by staff). The peak of the existing house’s roof runs parallel to the ridgeline, approximately 12 3/4 to 17 1/3 ft. higher than that portion of the ridgeline to the immediate west.

The proposed house would be located downslope farther toward the east and southeast. The upper floor of the proposed building, as revised, would be almost 13.5 ft. below the relative elevation of the roof peak of the existing house. Eliminating the southern portion of the upper floor dropped it to approximately the same elevation as the ridgeline at the southwestern corner of the site. Even so, it appeared that the proposed structure would extend above the ridgeline when viewed from the Bay Trail at the northwest corner of the Sierra Point office park and from the Bay Trail toward the southern end of the Brisbane Lagoon (see attached annotated site plan,

sightline map and photos), if these views were not already blocked by existing trees on the site and beyond (and possibly the apartment building at 21 Thomas Avenue; although, it is hard to tell with all the trees). Note that the story poles installed for the original design are still located at the site.

Staff studied views of the San Bruno Mountain State and County Park from 14 locations, at 100 ft. intervals, along the Bay Trail toward the southern end of the Brisbane Lagoon (see attached Staff's Analysis). Sightlines were calculated so as to disregard existing trees but to take existing buildings (the existing house at 88 Thomas Avenue and the apartment buildings at 21 and 71 Thomas Avenue) into account. The analysis determined that any development above elevation 214-228 (using the City's topographic information; see attached Topographic Correlation) would block views of the San Bruno Mountain State and County Park that are at least theoretically visible above the existing apartment building at 71 Thomas Avenue through the southern portion of the site. Through the northern portion of the site, any development above elevation 228-245 would block views (theoretically) visible above the existing apartment building at 21 Thomas Avenue and the existing house at 88 Thomas Avenue. Staff calculated the average highest elevation at which the proposed building would remain below the mountain's silhouette to be 240.

In response, the proposed design was revised to fit under the calculated average elevation for a building that would not extend above the silhouette of the mountain. This version that was approved by the Planning Commission was 0.5 ft. lower for the northern portion, 11.5 ft. lower for the southern portion (eliminating that portion of the upper floor), 7.5 ft. lower for the new rooftop railing atop the southern portion, and 3 ft. lower for the garage. As a result, the building stepped with the slope of the ridgeline. In addition to the outdoor seating area between the living room and bedroom #1, articulation would be provided by the cantilevered second floor and the projecting first floor deck. Further depth would be provided through shadowing resulting from overhangs proposed on the west side of the building. The solid railing atop the garage would be eliminated to further open views through the southern portion of the site, and a transparent glass railing system would be used around the roof deck over the first floor. This additional articulation will distinguish the house from multi-family and industrial buildings in the area.

To grant the Variance, the Planning Commission must find that, because of special circumstances applicable to the property, such as its size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the vicinity and same zoning district. In addition, any approval must be subject to such conditions as necessary to assure that the Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and same zoning district.

The subject property is unusual in that it slopes downward in two directions, toward the south and the east. As a result, any attempt to build with the terrain is going to (eventually) break the ridgeline. The situation is also unusual in that most, if not all, of the view that the proposed building will block is already blocked by existing trees and buildings on and beyond the site. The proposed removal of most of the trees on the property and the replacement of the existing house's pitched roof with a flat one to match the proposed house may actually help open up views of the Mountain.

Original Condition of Approval C.5. requires that no tall species of tree (including the 3 Coast Live Oak required to be planted to replace the 1 being removed) be located on the south or west sides of the property where they could block views (in addition, no trees are permitted on the east side within the butterfly flight corridor). Note that the North County Fire Authority recommends a new Condition of Approval A, requiring confirmation that fire flow and any photovoltaic systems will meet California Fire Code requirements.

Staff recommends that the Variance be extended for 3 years, which with the 2 year approval of the previous Variance would total 5 years, the maximum typically granted for any planning permit.

ATTACHMENTS:

- Draft Resolution V-5-11
- Project Description
- Applicant's Statement, 8/18/11
- Applicant's Plans for Existing and Proposed Buildings
- Applicant's Photomontages
- Open Space Plan—Figure 4, Brisbane Acres Butterfly Habitat/Ridgelines
- Ridgeline Location as Estimated by Staff
- Staff's Topographic Correlation and Annotated East Elevation
- Story Pole Site Plan and Staff's Story Pole Photos
- Staff's Analysis of Ridgeline Views for 88 Thomas Avenue
- East Elevation Annotated by Staff
- Adopted Mitigated Negative Declaration, Initial Study & Mitigation Monitoring Program
- Adopted HCP Operating Program for Management Unit 2-03-21
- Biological Assessment by TRA Environmental Sciences, 5/21/09
- Potential Butterfly Corridors Map

Revised Project Description:

| | | |
|------------------------|---|---|
| Zoning: | R-BA Brisbane Acres Residential District | |
| Lot Size— | <u>Required</u> | <u>Proposed</u> |
| Area: | 20,000 sq. ft. | 20,841 sq. ft. + 823 sq. ft. street right-of-way dedication |
| Width: | 110 ft. | 129 ft. |
| Depth: | 140 ft. | 167 ft. |
| Frontage: | 143.67 ft. | |
| Average Slope: | 18% | |
| Building Coverage-- | | |
| Maximum Permitted: | 25% (5,210 sq. ft.) | |
| Proposed: | 23% (4,744 sq. ft. including cantilevered second floor) | |
| Floor Area— | | |
| Maximum Permitted: | 5,500 sq. ft. (including garage) | |
| SDU Maximum Permitted: | 1,000 sq. ft. (excluding garage) | |
| Proposed: | 5,040 sq. ft. (including 998 sq. ft. Secondary Dwelling Unit, not including crawl spaces with ceiling height under 6 ft or unfinished understories) | |
| Setbacks-- | <u>Required</u> | <u>Proposed</u> |
| Front: | 10 ft. | 18.5 ft. |
| North Side: | 15 ft. | 15 ft. |
| South Side: | 15 ft. | 16 ft. |
| Rear: | 20 ft. | 22.5 ft. |
| Height-- | | |
| Maximum Permitted: | 35 ft., 20 ft. within front 20 ft. | |
| Proposed: | 32 ft., 17 ft. within front 20 ft. | |
| Parking-- | | |
| Required: | 2 garage/carport spaces plus 2 on/off-street spaces for the primary dwelling unit; 2 standard-size on-site spaces for the secondary dwelling unit | |
| Proposed: | 2 standard-size garage spaces and 2 compact driveway spaces for the primary dwelling unit; 2 standard-size on-site spaces for the secondary dwelling unit | |



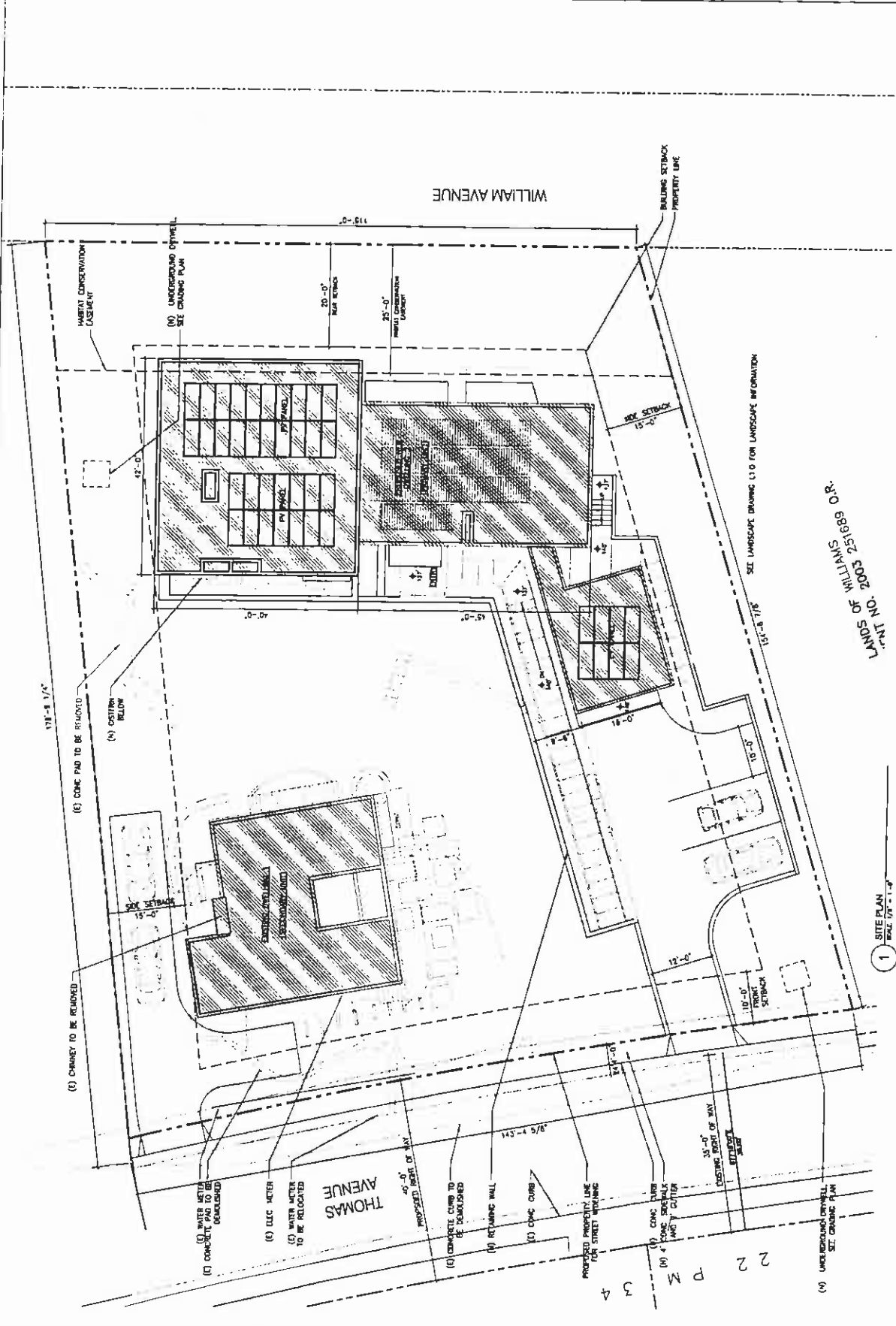
SEAL
 REGISTERED ARCHITECT
 STATE OF CALIFORNIA
 No. 14152
 WING LEE ARCHITECTS, INC.
 1415 29th Street
 Los Angeles, CA 90015
 (213) 391-1888



PROJECT
 88 THOMAS AVENUE
 BERRIDGE
 CA 90005

DATE
 11/11/09
PROPOSED SITE PLAN

SCALE
 A-1.0



NOT FOR CONSTRUCTION

LANDS OF WILLIAMS CO. R. 2009 25168100 R. 11/11/09

1 SITE PLAN
 DATE: 11/11/09

(1) WATER METER
 CONCRETE PAD TO BE
 DEMOLISHED

(2) WATER METER
 TO BE RELOCATED

THOMAS AVENUE

(3) CONCRETE CURB TO
 BE DEMOLISHED

(4) RETAINING WALL

(5) CONCRETE CURB

PROPOSED PROPERTY LINE
 FOR STREET TYPING

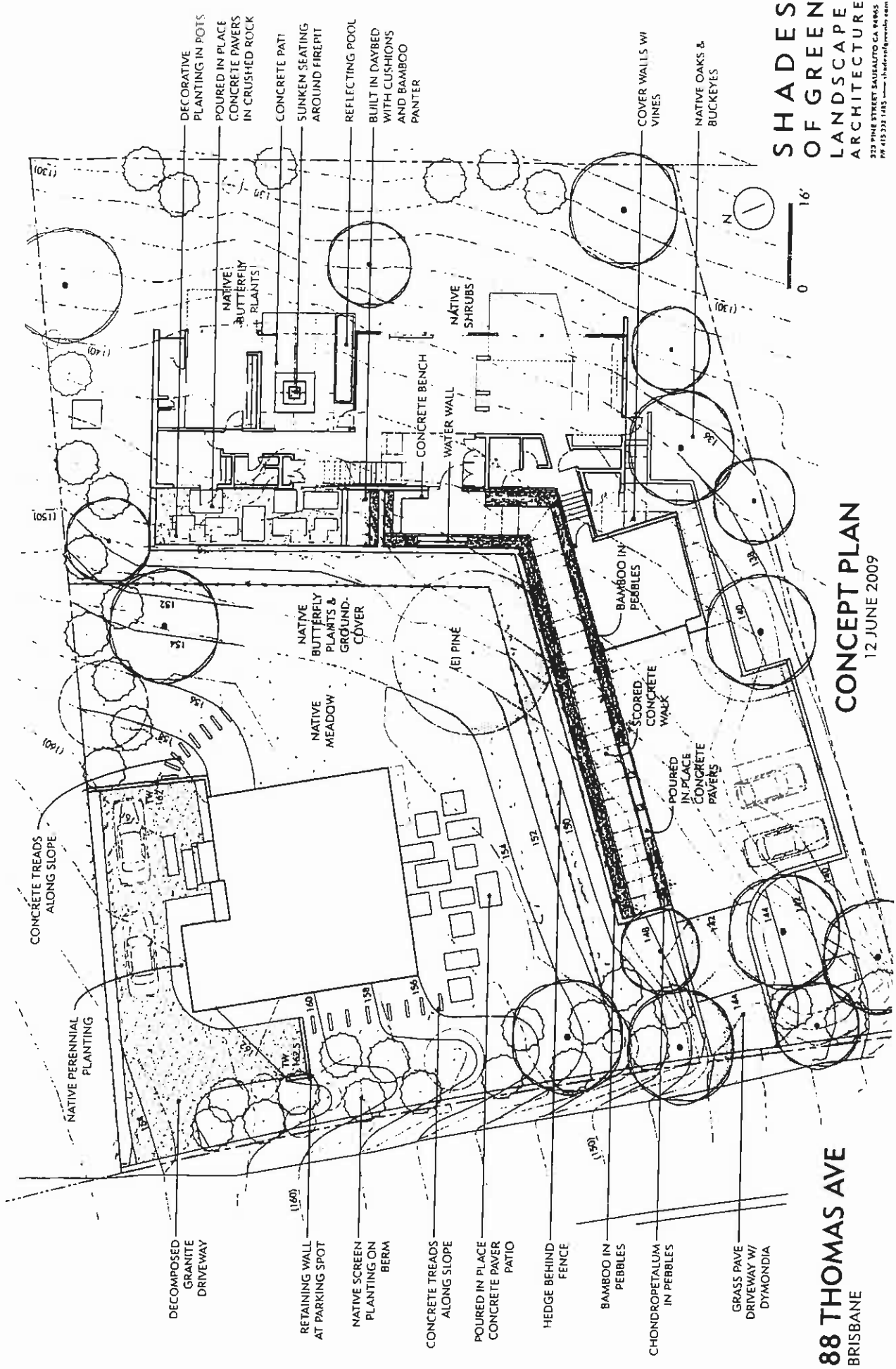
(6) CONCRETE CURB
 AND 4' SIDEWALK
 AND 5' CURB

EXISTING EAST OF WAY
 SETBACK

(7) UNDERGROUND DRAINAGE
 SEE CHASING PLAN

3 4 P M 2 2

G.1.85



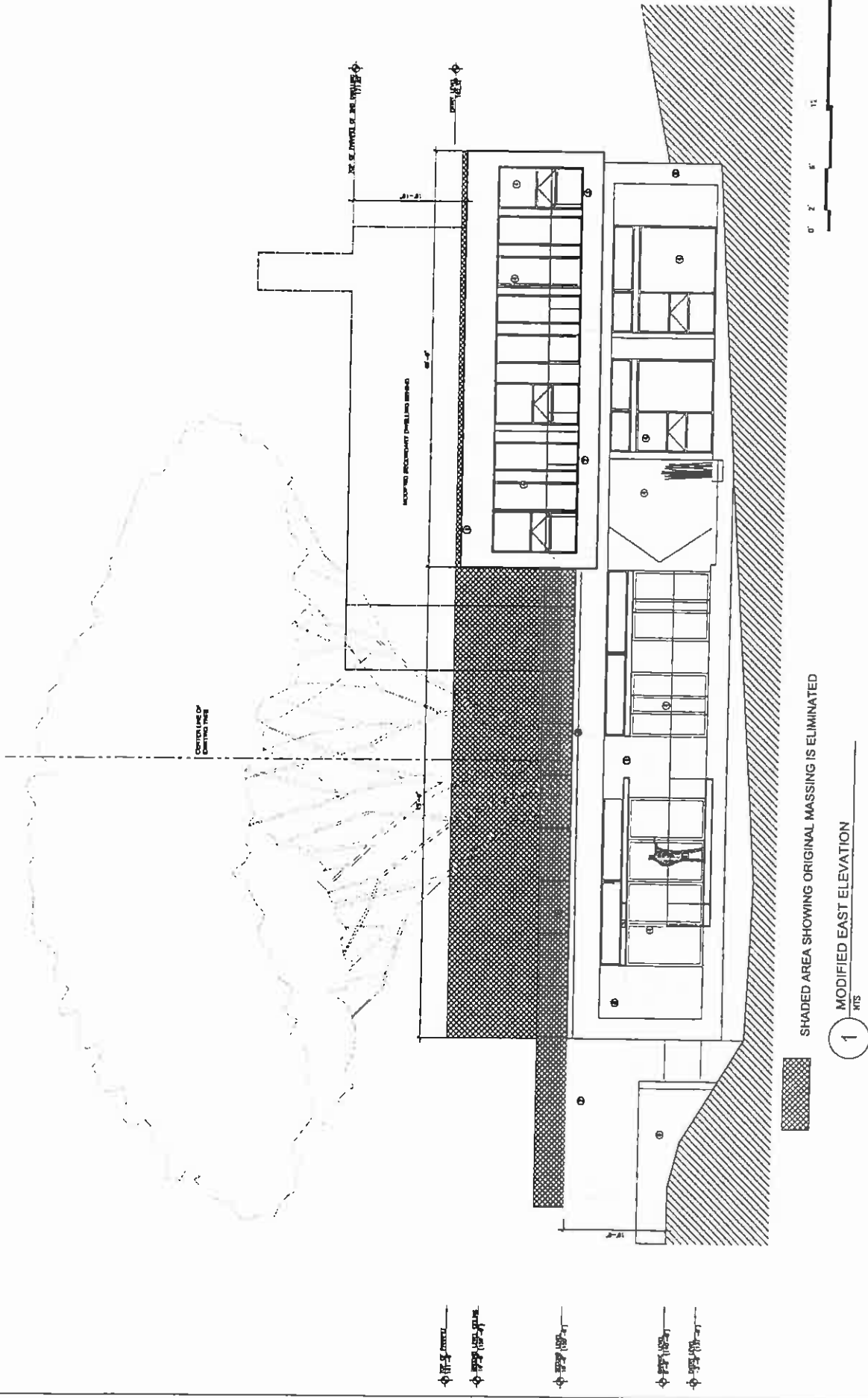
SHADES OF GREEN
LANDSCAPE ARCHITECTURE
 323 PINE STREET SAULUITO CA 94845
 PH 415 332 1485 www.shadesofgreen.com

CONCEPT PLAN
 12 JUNE 2009

88 THOMAS AVE
 BRISBANE

G.1.B6

G.187



0.00

Existing roof at 71 Thomas Avenue
249
239.15

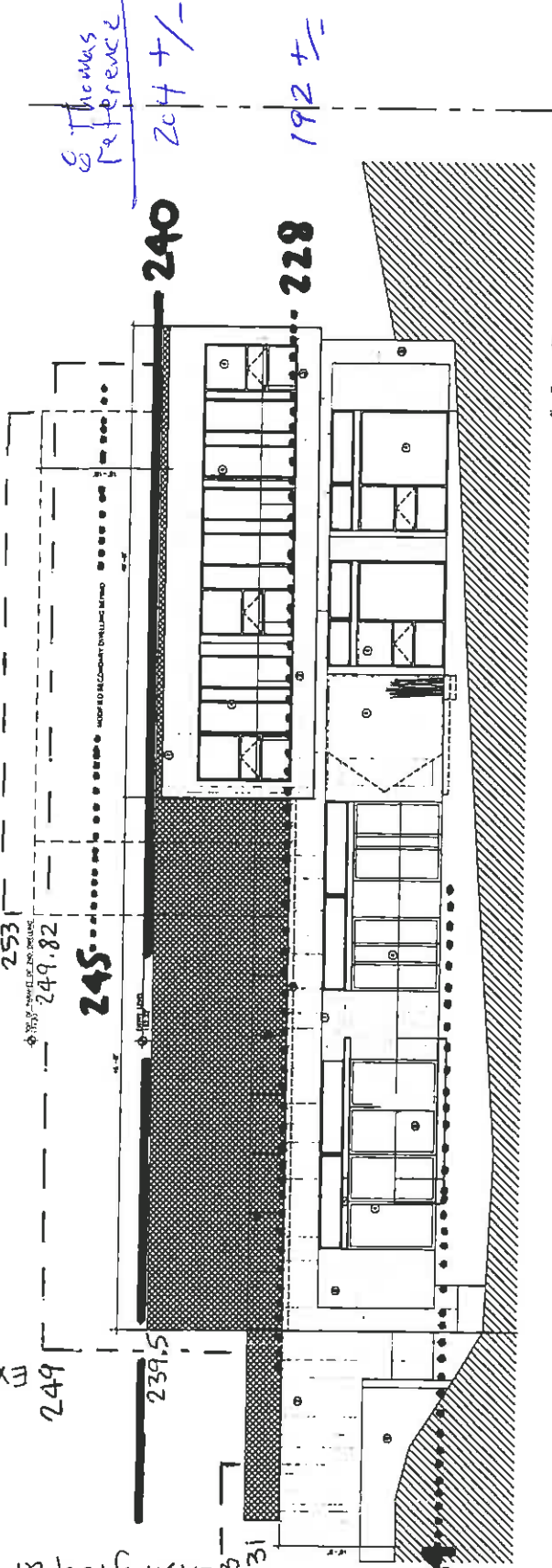
Existing roof at 21 Thomas & Thomas
253
249.82

Note:

A different reference elevation was used vs. @ Thomas Ave with a $\Delta 36$ ft +/-

Thomas Reference

239
237
233
231
227
812
812
812



EAST ELEVATION - WITH HATCHED AREA SHOWING THE MASSING BEING ELMINIATED

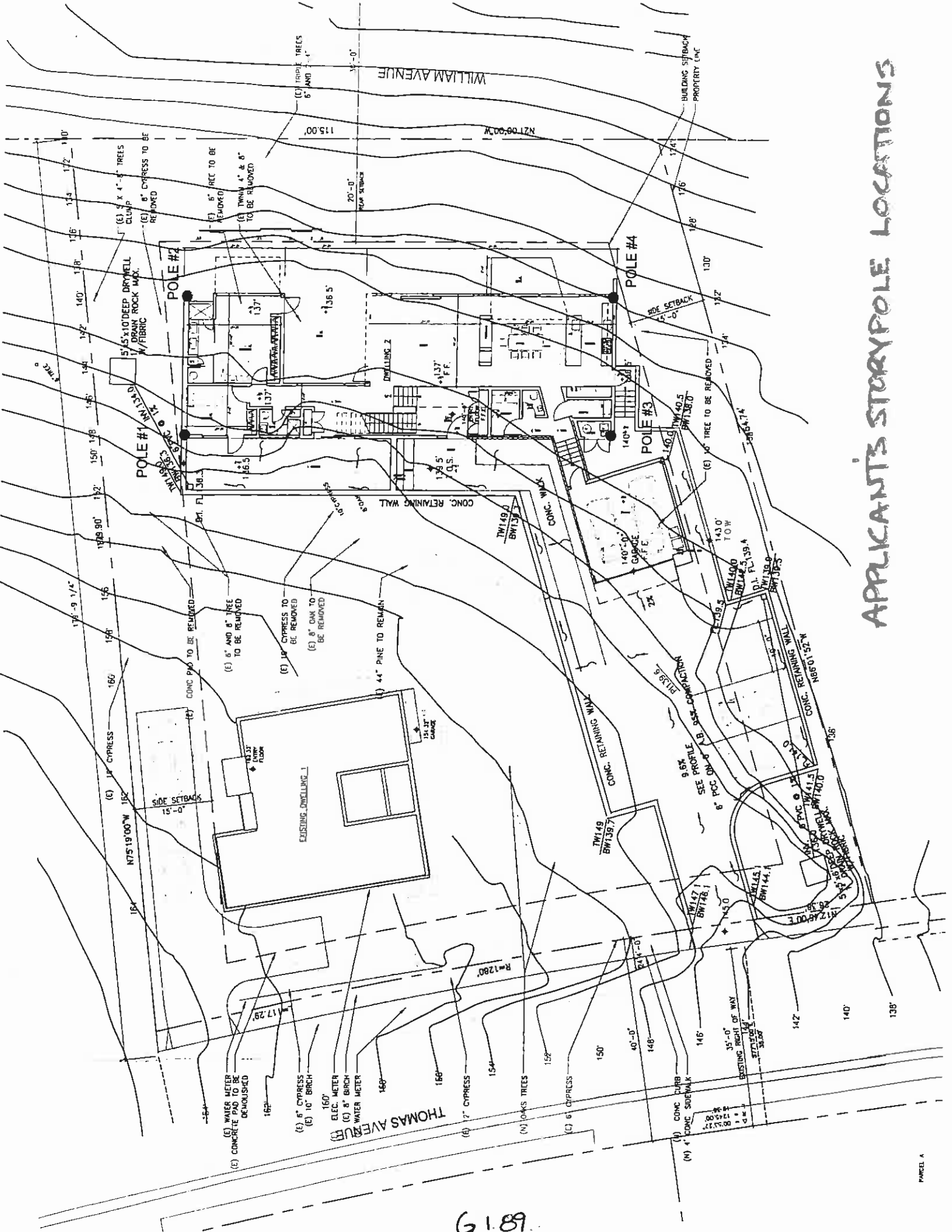
**ANNOTATED BY STAFF
USING CITY TOPOGRAPHIC ELEVATIONS**

WING LEE ARCHITECTS

..... MINIMUM ELEVATION AT WHICH BUILDING BLOCKS MOUNTAIN VIEW

— AVERAGE ELEVATION AT WHICH BUILDING EXTENDS ABOVE MOUNTAIN SILHOUETTE

APPLICANT'S STORYPOLE LOCATIONS



G189

#1. View from lagoon

G1.90.

tree to be removed
tree to remain
4 story poles
13





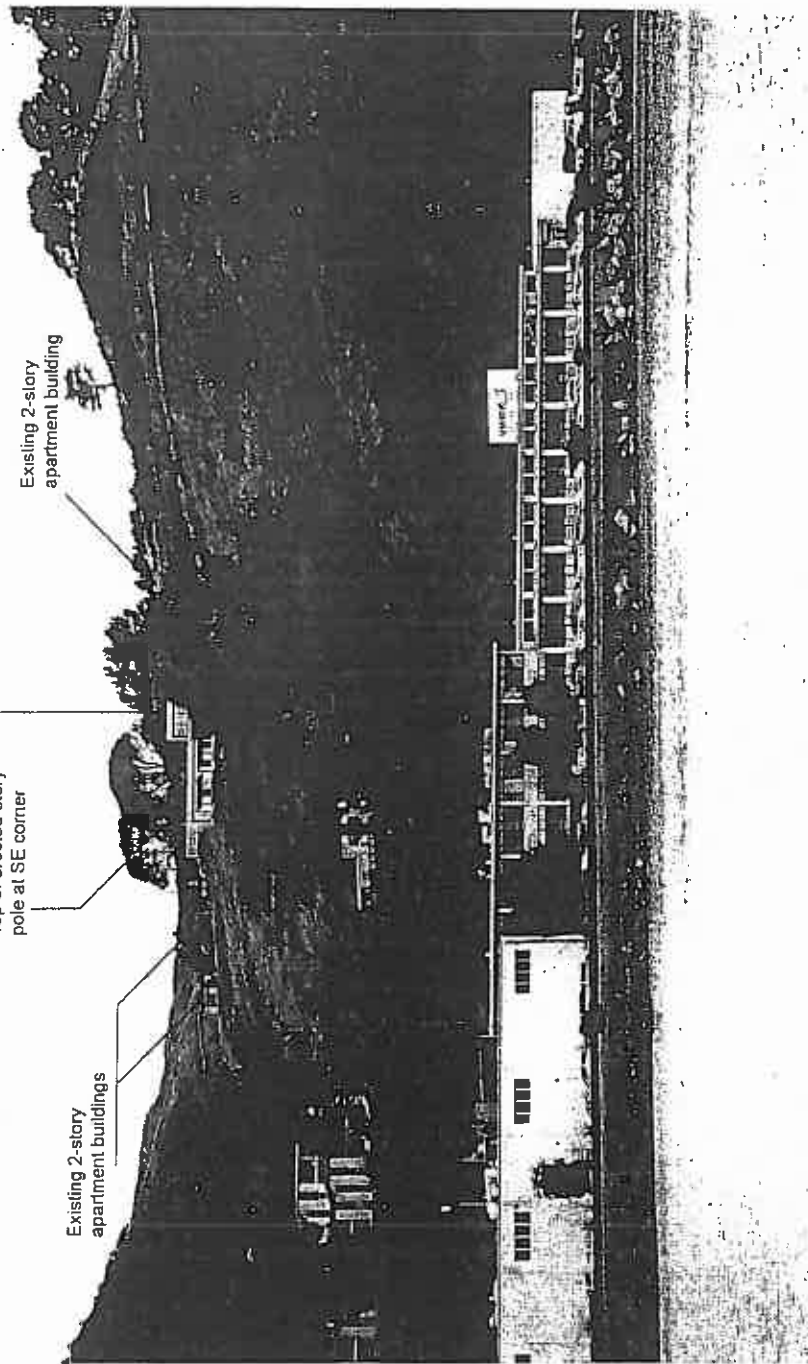
DATE REVISION: 05/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]



PROJECT: 88 THOMAS AVENUE
 PROGRAM: RESIDENCE
 CITY: SAN FRANCISCO, CA 94118

DATE: 05/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]

SCALE: AS SHOWN



1 VIEW LOOKING WEST FROM HIKING TRAIL

NOT FOR CONSTRUCTION A-4.0

Thomas Avenue

Top of erected story pole at SE corner

Existing 2-story apartment building

Existing 2-story apartment buildings



1 VIEW LOOKING WEST FROM HIKING TRAIL
RHS

6.1.92