

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 11/8/12

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

SUBJECT: 808 Sierra Point Road; Use Permit UP-8-12, Use Permit for Mechanical Appurtenance (Elevator Mechanicals) over the 30 ft Height Limit, on a Proposed New Single Family Home; David and Vicky Richoux, applicants/owners; APN 007-521-020

Request: The applicants propose to install an elevator connecting the living areas of their proposed new single family home at 808 Sierra Point Road. The elevator would provide access between the main living areas of this proposed home. Because the 32 ft 9 in tall elevator would exceed the 30 ft. height limit, a Use Permit for a mechanical appurtenance over the height limit is required.

Recommendation: Conditionally approve Use Permit UP-8-12 per the staff memorandum with attachments, via adoption of Resolution UP-8-12 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: New single family homes in urbanized areas, of which the proposed elevator would be a part, are categorically exempt from the provisions of the California Environmental Quality Act per Section 15303(a) of the State CEQA Guidelines. The exceptions to the use of this categorical exemption referenced in Section 15300.2 do not apply.

Applicable Code Sections: Given the average slope of the property, the height limit for this site is 30 ft. per Brisbane Municipal Code Section 17.06.040.G.1.b. BMC Section 17.32.060.B provides that "mechanical appurtenances and similar structures" may exceed the height limits subject to approval of a Use Permit. Findings for the granting of a use permit are found in BMC Section 17.40.060.

Analysis and Findings: There are two required findings for the Planning Commission to grant a conditional use permit, per BMC Section 17.40.060, which this application meets. These findings are addressed as follows:

"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."

The proposal is not anticipated to have any impact on adjacent uses or structures and likewise such adjacent uses and structures are compatible with the proposal and will not impact it (see below for further discussion on neighboring properties). The installation and use of a residential elevator is consistent with the General Plan's Residential land use designation as the elevator is incidental to the residence. There is no specific plan for this area of Brisbane.

"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."

Staff finds that the proposed use would not have any detrimental effects to the neighbors, neighboring properties or the general welfare of the City. The use would provide for the long term enjoyment of this residential property with no anticipated detrimental impacts.

The elevator is proposed to connect the second, third and observation levels of this proposed new home and is designed to fit in well with the home, minimizing its visual impacts. The home has been proposed to be stepped up the hillside, thereby minimizing excavation on this steep site, as well as minimizing the height of most of the home. However, as a result of this design, the home will have several levels and so the elevator is requested to aid in negotiating these levels. Also, as indicated in the applicant's statement, their desire is to stay in the home for the long term, even if their ability to negotiate stairs gets more difficult with age. Integrating an elevator at the time of new construction, versus adding an elevator at a later stage, if an accessibility improvement is needed due to disability (also allowed by permit, through the Zoning Administrator), allows it to be better integrated into the structure than it might otherwise be.

The proposed home is on a through lot and the uphill neighboring properties would be significantly higher in elevation and across Humboldt Road and should not be impacted by the elevator. It appears that most, or all of the home, including the elevator, will not be readily visible from the uphill neighboring properties. The home on the east side of the site will be on the opposite side from the elevator and should not be affected by it. The most prominent view to the elevator would be from the property on the west side, which the applicants also own. The views of the elevator from Sierra Point Road, below, should also be insignificant given the location of the elevator towards the rear of the property (approximately 61 ft. from the front lot line). Also, given the steep slope of the site (45 percent +/-), the total height of the elevator will be only approximately 14 to 16 ft above the elevation of Humboldt Rd., which borders the rear of the site. The distance from the rear lot line at Humboldt Rd to the top of the elevator will be approximately 23 ft.

General Plan Policy 252 and Programs 22b & 22f stress the importance of maintaining an appropriate scale for development in keeping with the existing character of Central Brisbane, which this proposal does.

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No objections to approval of the Use Permit have been raised by the Building, Fire or Public Works Departments. Also, a public notice was posted and mailed for this project and no objections have been received as of the writing of this agenda report.

Attachments:

- Project Description
- Draft Resolution with Findings and Conditions of Approval
- Vicinity Map/Aerial
- Staff's Photo of the Site
- Applicant's Statements, Plans

Project Description:

General Plan: Residential 2 ½ - 14 Dwelling Units Per Acre

Zoning: R-1 Residential District

Lot Area: 5,679 sq. ft. (Per Moran Engineering survey, dated September 12, 2012, exhibit C for lot line adjustment, file LLA-1-12)

Average Slope: 45 % +/-

Setback of Elevator--

	Required	Proposed
West Side:	5 ft.	16 ft 6 in.
Rear:	10 ft	23 ft

Height--

Maximum:	30 ft
Proposed:	32 ft. 9 in. +/- (Not To Exceed 33 ft)

DRAFT
RESOLUTION UP-8-12

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING
USE PERMIT UP-8-12
TO PERMIT AN ELEVATOR EXCEEDING THE HEIGHT LIMIT
AT 808 SIERRA POINT ROAD

WHEREAS, David and Vicky Richoux, the applicants, applied to the City of Brisbane for Use Permit approval for an elevator within exceeding the 30 ft. height limit, by up to 3 ft., at 808 Sierra Point Road, such application being identified as Use Permit UP-8-12; and

WHEREAS, on November 8, 2012, the Planning Commission conducted a hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; and

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of November 8, 2012, did resolve as follows:

Use Permit Application UP-8-12 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this eight day of November, 2012, by the following vote:

AYES:
NOES:
ABSENT:

JAMEEL MUNIR
Chairman

ATTEST:

John A. Swiecki, Community Development Director

**DRAFT
EXHIBIT A**

Action Taken: Conditionally approve Use Permit UP-8-12, per the staff memorandum with attachments, via adoption of Resolution UP-8-12.

Findings:

1. Approval of the use permit is consistent with the general plan and there is no applicable specific plan adopted by the city council for this area of Brisbane.
2. The establishment, maintenance and operation of the use applied for, under the circumstances, will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City, given the conditions of approval.

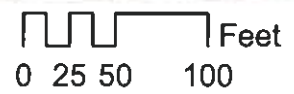
Conditions of Approval:

- A. The project shall be subject to Building Permit approval.
- B. The elevator equipment shall be enclosed to effectively mitigate sound emissions distinctly detectable from any off-site location.
- C. Any lighting for the elevator shall not cast glare off-site or upward into the night sky.
- D. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- E. This Use Permit shall expire two years from its effective date (at the end of the appeal period) if a Building Permit has not been issued for the approved project or if the Building Permit, once issued, is allowed to expire prior to final inspection.



Vicinity Map/Aerial
808 Sierra Point Road

F.1.7



8-1-18



View of site from
Sierra Pt. Rd.

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Ecological Planning & Design



October 16, 2012

City of Brisbane Community Development
50 Park Place
Brisbane, California 94005

Ken Johnson
Planning Department
T: 415-508-2120

RE: Use Permit Application
Richoux Residence, APN: 007-521-020
808 Sierra Pt. Road, Brisbane

RECEIVED
OCT 17 2012
Comm. Dev. Dept. Brisbane

SUPPORTING STATEMENTS:

The enclosed Use Permit Application is for the extension of a mechanical appurtenance (residential elevator) beyond the 30'-0" height limit per the exception rule under Municipal Code Section 17.32.060 and Ordinance #558. The elevator in question is attached to an enclosed stair tower that is not apart of this application, as it falls within the height limitation.

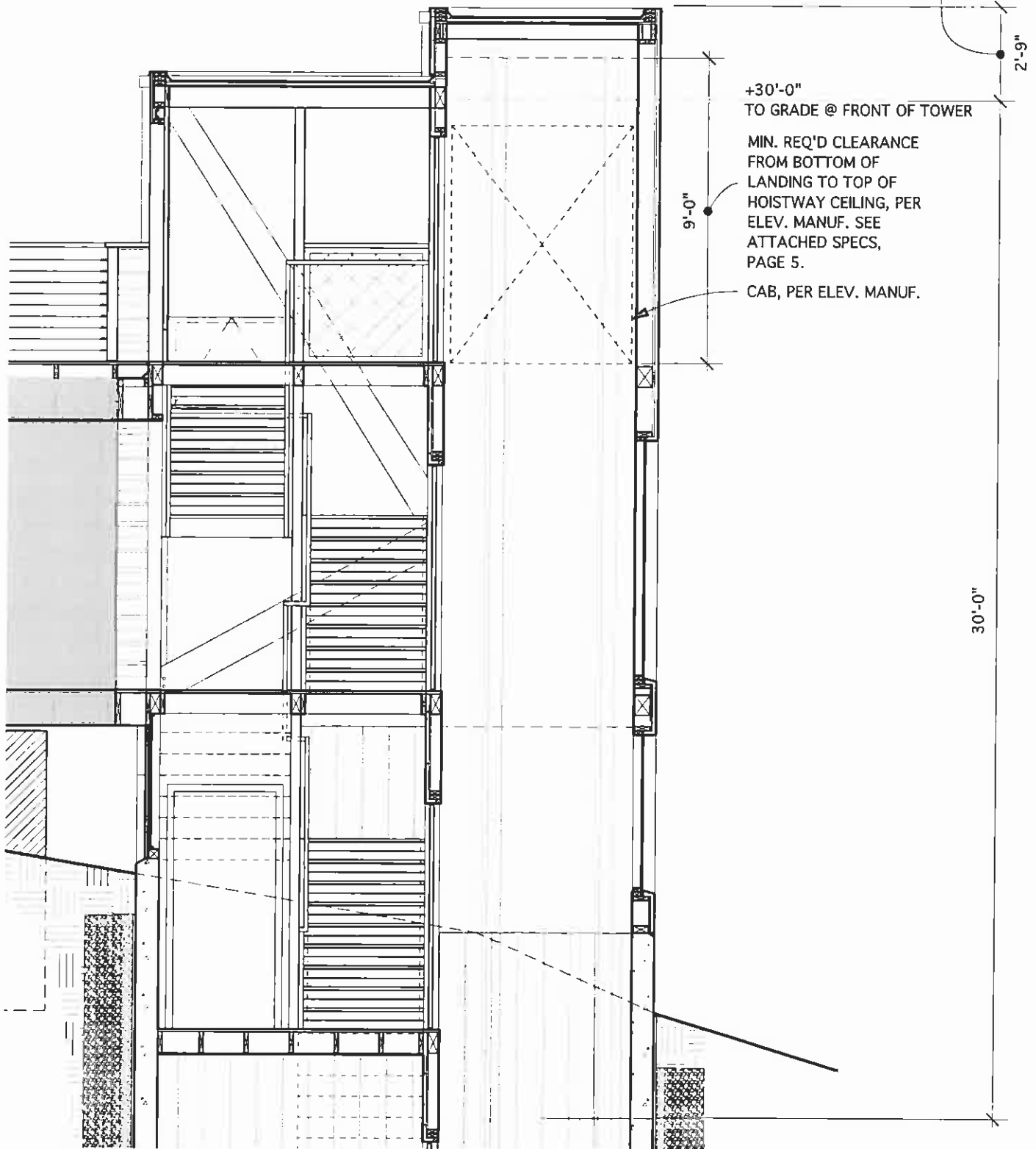
Per the findings in Section 17.40.060, this elevator will benefit the health, safety, comfort, and general welfare of the residents at 808 Sierra Point, as it will allow for greater accessibility and usability of their home. The owners are very concerned about the full life cycle of the property, and feel this elevator will allow them to age in place without compromising the functionality of their space over time.

The proposed tower will not be injurious or detrimental to the property or adjacent properties as it has a small building footprint, 5'-6" x 6'-0", and is situated on the uppermost third of the lot, far from the main traffic artery of Sierra Point Road. Given the approximate 25% slope of the site and modular nature of the primary residence, it will also allow access to each level without requiring extensive and costly site disturbances, grading, and retaining. The elevator is visible primarily to the adjacent property to the West, which is also owned by the applicant, and beyond which is a public park. A largely undeveloped hill falls to the south of the tower beyond Humboldt Road, where no views or adjacent structures will be impeded by the height of the proposed structure. This application requests a height limitation exception of approximately 2'-9" as a result of the mechanical hoistway requirements, per the elevator manufacturer specifications, and approval of this application will allow full height construction to ensure each level within the home will be wheelchair accessible.

Thank you,

Chris Fano
Project Manager
Arkin Tilt Architects

REQUESTED APPROX.
HEIGHT EXCEPTION



Dwg. No.

SD-1

Use Permit: Elevator Tower Diagram

Scale: 1/4" = 1'-0"

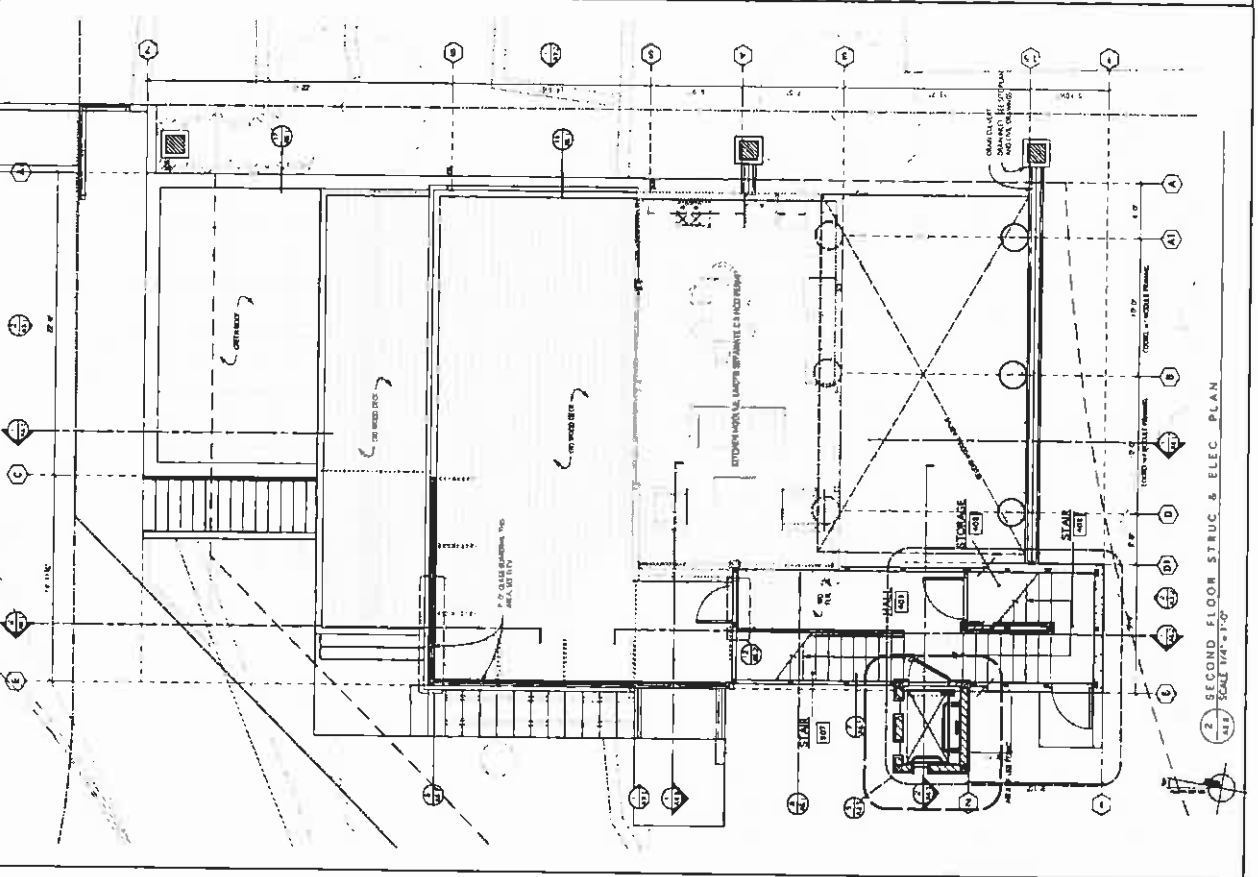
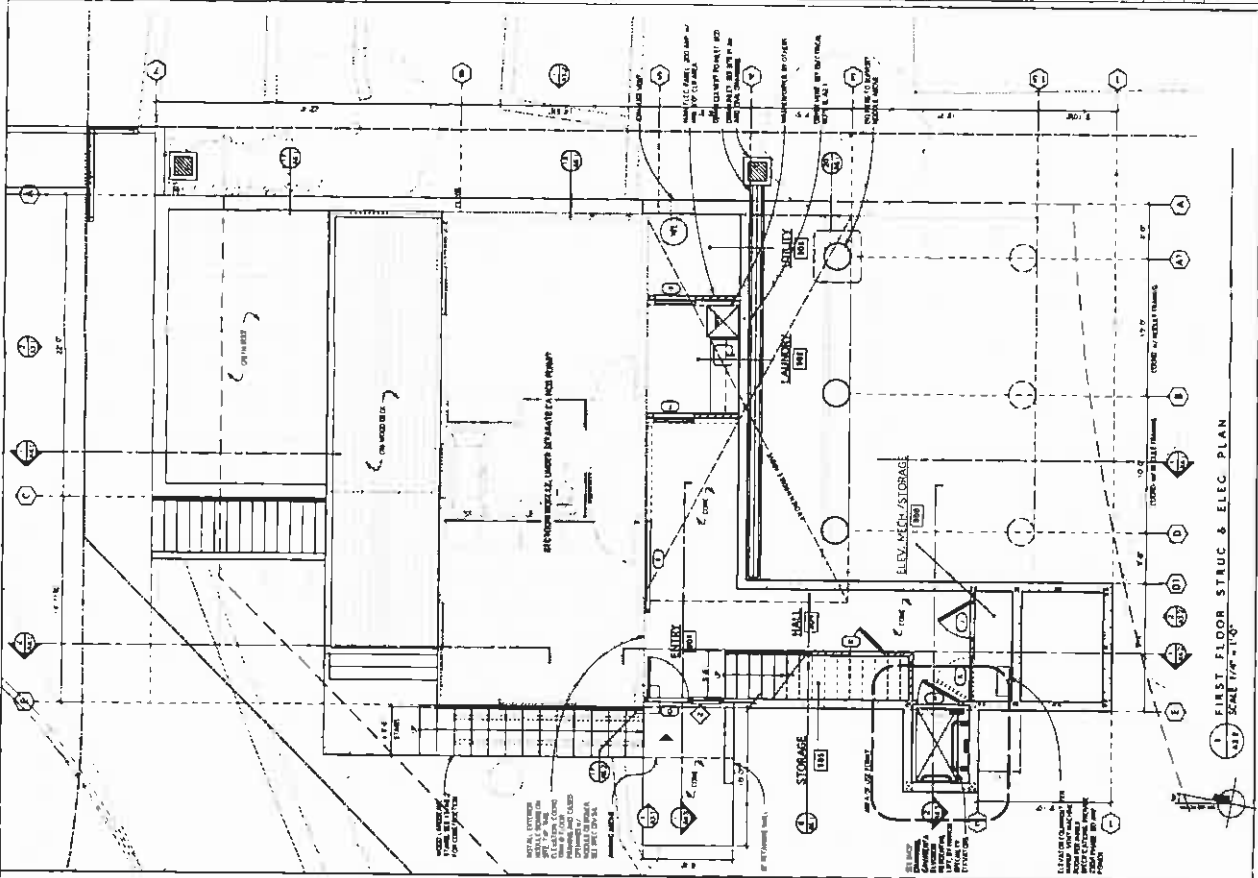
Richoux Residence
808 Sierra Pt. Road, Brisbane

Date: 10.23.12



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F.I.12

