

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 3/24/11

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

SUBJECT: Zoning Text/Map Amendment RZ-3-11, Study Session on R-BA Brisbane Acres Residential District Height Limit and Ridgeline Development

Request: Housing Element Programs H.H.2.b, H.H.2.c and H.H.2.d call for amendments to the R-BA Brisbane Acres Residential District chapter of the Zoning Ordinance regarding density transfer and clustered development. Consistent with General Plan Policy 6, additional changes to simply and clarify the R-BA District's side and rear setback requirements and floor area ratio standard have been suggested. This would also be an opportune time to consider potential changes to the R-BA District's height regulations and ridgeline development provisions. Preliminarily proposed revisions are attached.

Potential amendments to the R-BA Brisbane Acres Residential District chapter of the Zoning Ordinance and to the Zoning Map were preliminarily discussed at the study sessions on February 10th and March 10th. This study session addresses the height regulations and ridgeline development provisions.

Recommendation: Provide direction to staff to prepare a draft ordinance for recommendation to the City Council, and adopt the attached draft Resolution No. RZ-3-11a to formally initiate the zoning text/map amendment process.

Front Height Limit: Brisbane Municipal Code Section 17.12.040.G.2, adopted in 2003, restricts the height limit within the front 20 ft. of the property to 20 ft. from finished grade, with an exception for garages. This provision was modeled after a similar one in the R-1, R-2 & R-3 Districts that restricts the height limit within the front 15 ft of the property (those districts' standard front setback).

The first test of this requirement came with the proposed density transfer project on San Diego Court. The Planning Commission granted a Variance, affirmed by the City Council on appeal, to restrict the height limit to 20 ft. within the front 10 ft. of the property (rather than front 20 ft.). It was noted that the original intent of the height restriction was to maintain a pedestrian scale for development along the streetscape, but due to the configurations of these lots, the requirement would have unintended consequences, such as flat roofs instead of pitched ones and increased excavation in order to accommodate the permitted building floor area.

A recently proposed development raised an interesting question regarding the intent of the 20 ft. height limit within the front 20 ft. of the property (BMC Section 17.12.040.G.2). The standard front setback in the R-BA District is 20 ft., except on slopes of 15% or more, which presumably includes practically all of the Brisbane Acres, where the setback is reduced to 10 ft. (BMC Section 17.12.040.D.1). The standard height limit in the R-BA District is 35 ft. (BMC Section 17.12.040.G.1). The height limit was lowered to 20 ft. for that portion of a house that the front setback exception would allow between 10 ft. and 20 ft. from the front property line, so that development would not overwhelm the pedestrian-scale of the streetscape. Please refer to the attached schematic comparing the effect of this 20 ft. height limit within the front 20 ft. of properties with 20% and 40% slopes.

At 200 Annis Road, the approximately 45% slope of this downslope site results in only 2+/- ft. of the 20 ft. tall front of the house actually extending above street level. This means that if the front of the house were 35 ft. tall, only 17 ft. would extend above the street, having less of an impact upon the streetscape than if the site were flatter. Other factors at play in this situation are the distance from the property line to the street and the finish elevation of the street. For example, if the elevation of the street were raised with retaining walls, the disparity between grade at the street and at the house would be increased. On steep upslope sites, the situation may be reversed, since building height (except for garages) is measured from grade surrounding the building, which would typically be even higher than the street below. To tie building height on upslope sites to the street elevation, though, could result in more grading, either to lower the grade from which height is measured or to locate the building farther back on the site, out of the 20 ft. setback.

One way in which this issue could be addressed for downslope sites would be as follows:

G. Height of structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be thirty-five (35) feet.
2. For a distance of twenty (20) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however,
 - a. *residential structures on sites sloping down from the adjacent street may be constructed to a height of twenty (20) feet above the elevation of the center of the street; and*
 - b. garages may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this Title and so long as the total height of the garage and any permitted living area underneath does not exceed thirty-five (35) feet from finish grade.

As noted above, since practically all of the Brisbane Acres has a slope of 15% or more, it may be desirable to eliminate the exception that is more the rule, and simply reduce the standard to 10 ft. (BMC Section 17.12.040.D.1).

Ridgelines: Another item the Planning Commission may wish to consider is ridgeline development. BMC Section 17.12.040.L simply states, "Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park." This language combines concepts found in General Plan Policy 19 and Program 17a (see attached).

Past practice has been to require a Variance for any development on a lot through which a ridgeline passes, if any portion of the proposed building would block views of San Bruno Mountain State and County Park from various public facilities, including the Bay Trail along the Brisbane Lagoon and at Sierra Point. This process has relied upon Figure 4 of the Open Space Plan (attached) for determining the location of ridgelines, even though neither the General Plan (Programs 19a & 93h), the Municipal Code (Section 17.02.695) nor the Open Space Plan (pages iii, 7 & 12) identify this as the purpose of Figure 4. The ridgelines identified in Figure 4 include the Mountain's main ridgeline which runs through southeast Brisbane Acres toward Sierra Point, as well as 5 lesser ridgelines that bracket Costanños Canyon, the two upper branches of Firth Canyon, and the Gladys Ravine. According to Figure 4, at least 2 of these ridgeline extend beyond the borders of the Brisbane Acres subarea into Central Brisbane.

It should be noted that while the Open Space Plan (page 11) preliminarily considered "scenic and aesthetic conditions" in its analysis of the open space values of the Brisbane Acres subarea, there has been no formal attempt to identify the "vistas and view corridors of community-wide value" referenced in General Plan Program 19a (attached). BMC Section 17.12.040.L's general dictum to "preserve public views" could be interpreted as providing little room to consider the relative significance of various views.

For development proposals at 8 Thomas Avenue, 88 Thomas Avenue and 2 San Diego Court, through which ridgelines ran per Figure 4, staff prepared detailed estimates of the heights at which public views would presumably not be blocked from specified angles and viewing locations to give an indication of what construction might or might not block the full range of existing or potential views. For these proposals, the Planning Commission has sought a balance between preserving public views and private property rights through the Variance approval process (see attached General Plan Policies and Programs). Implicit in this approach is the possibility that there might be a specific elevation determined administratively below which development would not be subject to public review.

A more direct approach may be to require some form of design review (as opposed to a variance) for any new structures on properties through which ridgelines run as identified in a version of Figure 4 modified as a direct insert into the Zoning Ordinance. The definition of "ridgeline"

could be amended to refer directly to this inserted figure. This design review approach would be consistent with General Plan Program 19b: "Consider amendments to the Zoning Ordinance to provide for site plan review to assure that identified vistas and public view corridors remain accessible for public enjoyment. The review should evaluate building placement, height and bulk." Design review is already required for density transfer projects in the R-BA District (BMC Section 17.12.050.C).

In addition to the standard application submittal requirements in BMC Section 17.42.020, applicants could be specifically required to erect story poles certified by a qualified licensed professional to represent the height of the proposed building at its corners and roof peaks. This approach has proven to be an effective means to give the public (and the Planning Commission) something concrete to react to when reviewing proposals for ridgeline development.

For example, by combining elements of General Plan Programs 19a and 19b, Section 17.12.040.L could be revised to read:

L. **Ridgeline.** ~~Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park. Development on any site through which a ridgeline runs as identified in Figure 4 of the Open Space Plan shall be subject to design permit approval.~~

1. *In addition to the required contents of application for design permit set forth in Section 17.42.020.A, story poles certified by a licensed architect, surveyor, civil engineer or contractor to represent the height of the proposed building shall be erected at the locations of its outer corners and roof peaks according to a plan pre-approved by the Community Development Director. The upper one foot length of each pole shall be painted white so as to be clearly visible from a distance.*
2. *In addition to the findings required for issuance of design permit set forth in Section 17.42.040, the Planning Commission shall find that the building's placement, height and bulk will preserve those public views of the San Bruno Mountain State and County Park as seen from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines that are found to be of community-wide value.*

Subsection 2 would supplement the Design Permit finding already required in BMC Section 17.42.040.D:

D. 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.

Although an improvement over the existing process, this approach would still have the downside of providing applicants only limited guidance in designing their projects before public review.

Attachments:

- Draft Resolution RZ-3-11a
- Redline Version of Preliminary Draft Revisions to BMC Chapter 17.12
- Schematic Comparing 20' Height Limit within Front 20' of Properties with 20% vs. 40% Slope
- Open Space Plan Figure 4
- General Plan Policies & Programs: Ridgeline Protection/Property Rights
- 2/8/11 Email from Beth Grossman & Storrs Hoen
- 2/8/11 Email from City Attorney Hal Toppel

draft
RESOLUTION NO. RZ-3-11a

RESOLUTION OF INTENTION TO CONSIDER AMENDMENTS TO
THE CITY OF BRISBANE MUNICIPAL CODE TITLE 17, ZONING,
REGARDING THE R-BA BRISBANE ACRES RESIDENTIAL DISTRICT

WHEREAS, on January 18, 2011, the City Council adopted the 2007-2014 Housing Element; and

WHEREAS, the Planning Commission has determined that amending Municipal Code Chapter 17.12 to clarify the density transfer provisions and add clustered development provisions would be consistent with Housing Element Programs H.H.2.b, H.H.2.c and H.H.2.d, as well as General Plan Policy 81 and Programs 31b & 83b; and

WHEREAS, the Planning Commission has determined that amending the height regulations and ridgeline provisions in Municipal Code Chapter 17.12 would be consistent with General Plan Policy 6 and Program 22a that require that the City to "Set clear and definitive standards for all rules and regulations;" and "Consider amendments to the Zoning Ordinance which contain clear and defined standards to protect creativity and diversity in design while addressing issues of height, scale, mass and articulation;" and

WHEREAS, the Planning Commission also finds that amending the zoning map to correct the split zoning of a property would be consistent with General Plan Policy 6.

NOW, THEREFORE, BE IT RESOLVED, that the City of Brisbane Planning Commission intends to consider amendments to the Title 17, Zoning, of the Brisbane Municipal Code.

JAMEEL MUNIR
Chairman

I hereby certify that the foregoing Resolution No. RZ-3-11a was duly and regularly passed and adopted by the Brisbane Planning Commission at a regular meeting thereof held on March 24, 2011, by the following roll call vote:

AYES:
NOES:
ABSENT:

JOHN SWIECKI
Community Development Director