

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 2/10/11

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

SUBJECT: **STUDY SESSION:** Zoning Text/Map Amendment RZ-3-11 to Amend Brisbane Municipal Code Title 17, Chapter 17.12, R-BA Brisbane Acres Residential District, and to Rezone Assessor's Parcel No. 007-560-120; City of Brisbane, applicant.

Request: Amendments to the R-BA Brisbane Acres Residential District chapter of the Zoning Ordinance regarding density transfer and clustered development are preliminarily proposed to implement Housing Element Programs H.H.2.b, H.H.2.c and H.H.2.d. Additional changes to simply and clarify the side and rear setback requirements and floor area ratio standard are suggested per General Plan Policy 6.

The preliminarily proposed revisions would also rezone the 2,500+/- sq. ft. portion of the property at (1100-1100) San Bruno Avenue abutting McLain Road from the SCRO-1 District to the R-BA District, within which the remainder of the property is located. This would correct the property's current split-zoned status.

Other potential changes to R-BA District regulations discussed involve 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.

Staff Analysis: The preliminarily proposed revisions (see attached) would amend the R-BA District development regulations and density transfer provisions, add new provisions regarding clustered development, as part of the implementation of General Plan/Housing Element policies and programs. The preliminarily proposed revisions would also amend the Zoning Map to address a split-zoned property at San Bruno Avenue and McLain Road. Further changes to the height/setback exceptions and ridgeline development provisions are also discussed.

Implementing General Plan/Housing Element Policies/Programs. The Housing Element includes three programs dealing directly with the R-BA Brisbane Acres Residential District. Programs H.H.2.c & H.H.2.d are "fix-it" items to cover density transfers from multiple sites,

including the “paper streets” in the upper Brisbane Acres which were inadvertently overlooked by the Open Space Plan (left unshaded on the attached Figure 6):

Program H.H.2.c Clarify the R-BA District’s density transfer provisions so that if multiple properties are acquired for dedication as open space through density transfer, the combined area would be used to calculate the number of transfer units, not each property individually (BMC Section 17.12.050.A.1).

Program H.H.2.d Clarify the R-BA District’s density transfer provisions to recognize the density transfer value of undeveloped “paper streets” in the upper Brisbane Acres, once it can be established that they are not subject to claims of access rights by necessity from any remaining private property owners in the upper Brisbane Acres, even though the Open Space Plan did not specifically designate them as having open space value (BMC Section 17.12.050.A.2).

The preliminarily proposed revisions would implement these through amendments to BMC Sections 17.12.050.A.1 & 2 of the R-BA District regulations (see attached).

Program H.H.2.b calls for allowing adjustments to the R-BA District development regulations to accommodate the clustering of units on large sites so they can be closer to existing streets and utilities than would otherwise be permitted under the standard lot size, setback and other requirements:

Program H.H.2.b Revise the zoning ordinance regulations to permit clustered development in the Brisbane Acres subarea, consistent with the San Bruno Mountain Area Habitat Conservation Plan, to place housing development where it can be best served by infrastructure and public safety services.

Clustering of development is one of the measures specifically identified in the HCP Operating Program for the Brisbane Acres Administrative Parcel to demonstrate consistency with the HCP’s goal of protecting 40% of the Brisbane Acres as conserved habitat (see attached HCP excerpt). It could also be consistent with General Plan Program 31b as a means to set aside steep slopes as open areas and Policy 81 and Program 83b to protect portions of sites with habitat value.

The draft provisions, modeled on the density transfer regulations, are preliminarily proposed to be added as Section 17.12.055 (attached). Given the changes suggested below to the side and rear setback standards for the R-BA District, the clustering provisions would only add adjustments to the lot area, width and depth standards for qualifying projects. This would allow large properties to be subdivided so as to set aside a minimum 40% of the site as protected open areas, while reducing the required lot sizes and

dimensions to accommodate the otherwise permitted units on a portion of the site closest to existing infrastructure.

Per General Plan Policy 6 (“Set clear and definitive standards for all rules and regulations”), the preliminarily proposed revisions would also:

- Simplify side setbacks, similar to the R-1, R-2 and R-3 Districts, to accommodate substandard lots, density transfers and clustering (Sections 17.12.040.D.2 & 17.12.050.A.5.b). Currently, the minimum side setback drops from 15 ft. for a 110 ft. or wider lot to 10.9 ft. for a 109 ft. wide lot, then gradually decreases to 10 ft. for a 100 ft. or narrower lot, unless it is a 5,000 sq. ft. density transfer lot, in which case it drops again to 5 ft. The preliminarily proposed side setback would be a simple 10% of the lot width, with a maximum of 15 ft. and a minimum of 5 ft. This is consistent with Variance V-2-06 granted by the Planning Commission and City Council for the density transfer project approved on San Diego Court.
- Revise the rear setback to be the same as that in the R-1, R-2 and R-3 Districts, to accommodate substandard lots, density transfers and clustering (Sections 17.12.040.D.3 & 17.12.050.A.5.b). This is consistent with Variance V-2-06 granted by the Planning Commission and City Council for the density transfer project approved on San Diego Court. Note that the 25% lot coverage limit remains the same, preventing overbuilding (Section 17.12.040.E & 17.12.050.A.5.c).
- Delete the floor area ratio exception for 3,700 sq. ft. lots (Section 17.12.040.F), since there are no lots that small in the R-BA District.
- Provide for exceptions to the lot width and depth standards for lots resulting from density transfer, subject to the 5,000 sq. ft. minimum lot area requirement (as is proposed for clustered development). This allows for flexibility in configuring new lots, as was done with the San Diego Court density transfer project.
- Delete repetitious portions of the density transfer provisions (Section 17.12.050.A.5), as well as confusing terminology that may give the impression that multi-family development could be permitted through density transfer (Sections 17.12.040.B, 17.12.040.F & 17.12.050.A.4).
- Clarify that design review is intended to be the last step in the density transfer approval process (Sections 17.12.050.B & C).

The preliminarily proposed revisions would also adjust the R-BA District’s boundaries so as not to split-zone the property at (1100-1100) San Bruno Avenue (APN 007-556-010 & -560-120, -

130, -140 & -150), rezoning the 2,500+/- sq. ft. portion abutting McLain Road from the SCRO-1 District to the R-BA District (see attached Assessor's Parcel Maps and Zoning Map details).

Front Height Limit. 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 most 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.

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."

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. For proposals on Thomas Avenue and San Diego Court through which ridgelines ran, staff prepared detailed estimates of the heights at which views would not be blocked from various angles. For these proposals, the Planning Commission has sought a balance between preserving public views and private property rights through the Variance approval process.

A more direct approach may be to require some form of Design Review for any new structures on properties through which ridgelines run as identified in Figure 4 of the Open Space Plan (attached). This 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, 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 must find that the building's placement, height and bulk will minimize impacts to 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.*

Attachments:

Draft Resolution RZ-3-11a

Redline Version of Preliminary Draft Revisions to BMC Chapter 17.12

Assessor's Parcel Maps Detail

Zoning Map Detail

Open Space Plan Figure 6

San Bruno Mountain Area Habitat Conservation Plan Excerpt: Operating Program for
Brisbane Acres Administrative Program

Schematic Comparing 20' Height Limit within Front 20' of Properties with 20% vs. 40%
Slope

Open Space Plan Figure 4

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 February 10, 2011, by the following roll call vote:

AYES:
NOES:
ABSENT:

JOHN SWIECKI
Community Development Director

redline version of preliminary draft revisions to

**CHAPTER 17.12
R-BA BRISBANE ACRES
RESIDENTIAL DISTRICT**

Sections:

17.12.010	Purposes of Chapter
17.12.020	Permitted uses
17.12.030	Conditional uses
17.12.040	Development regulations
17.12.050	Density transfer
<i>17.12.055</i>	<i>Clustered development</i>
17.12.060	Parking
17.12.070	Signs

§17.12.010 Purposes of Chapter

In addition to the objectives set forth in Section 17.01.030, the R-BA Brisbane Acres Residential District (hereinafter referred to as the "R-BA District") for the subarea of the City designated in the General Plan as Brisbane Acres is included in the Zoning Ordinance to achieve the following purposes:

- A. To provide a district for single-family dwellings.
- B. To ensure that new residential development addresses the unique environmental constraints of the R-BA District, including the requirements of the San Bruno Mountain Area Habitat Conservation Plan, limited infrastructure improvements, steep grades, and risk of wildland fire.
- C. To ensure adequate light, air, space, quiet, and privacy for single-family residential uses.
- D. To implement and promote the goals and policies of the General Plan so as to guide and manage residential development in the City in accordance with such Plan.

§17.12.020 Permitted uses

The following permitted uses shall be allowed in the R-BA District:

- A. Single-family dwellings.
- B. Accessory structures and uses incidental to a permitted use.
- C. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this Title.

- D. Small family day care homes.
- E. Secondary dwelling units, when authorized by a permit granted pursuant to Chapter 17.43 of this Title.

§17.12.030 Conditional uses

The following conditional uses may be allowed in the R-BA District, upon the granting of a use permit pursuant to Chapter 17.40 ~~or 17.43~~ of this Title:

- A. Group care homes.
- B. Large family day care homes.

§17.12.040 Development regulations

The following development regulations shall apply to any lot in the R-BA District:

A. Lot area.

1. The minimum area of any lot shall be twenty thousand (20,000) square feet, except as otherwise provided in Sections 17.12.050 *and 17.12.055* of this Chapter.
2. A single-family dwelling may be constructed on a lot of record with an area of less than twenty thousand (20,000) square feet, subject to the provisions of this Chapter and the limitations set forth in Section 17.32.100.

B. Density of development. Not more than one dwelling unit shall be located on each lot in the R-BA District, except for a secondary dwelling unit authorized by a ~~use~~ permit granted pursuant to Chapter 17.43 of this Title, ~~or one or more additional dwelling units in connection with a density transfer authorized by a use permit granted pursuant to Subsection 17.12.050 of this Chapter.~~

C. Lot dimensions.

- 1.* The minimum dimensions of any lot shall be as follows:

<u>Width</u>	<u>Depth</u>
110 feet	140 feet

- 2. Exceptions may be approved as part of the use permit required for density transfer in Section 17.12.050 or clustered development in Section 17.12.055 of this Chapter*

D. **Setbacks.** The minimum required setbacks for any lot shall be as follows:

1. **Front setback:** Twenty (20) feet, with the exception that where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
2. **Side setback:** *Ten percent (10%) of the lot width, but in no event more than fifteen (15) feet or less than five (5) feet.*
~~Fifteen (15) feet, with the exception that a lot having a width of less than one hundred ten (110) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than ten (10) feet or the minimum setback required by the Uniform Building Code, whichever is greater.~~
3. **Rear setback:** *Ten (10) feet.* ~~Twenty (20) feet.~~

E. **Lot coverage.** The maximum coverage by all structures on any lot shall be twenty five percent (25%).

F. **Floor area ratio.** The maximum floor area ratio of all buildings on a lot shall be 0.72; provided, however, that in no event shall the floor area of all buildings on a lot exceed five thousand five hundred (5,500) square feet. ~~In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio and the five thousand five hundred (5,500) maximum square footage specified herein; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.~~

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.

H. **Wildland interface.** The development shall incorporate such measures as the Fire Chief may deem necessary to protect against the spread of fire between the site and the adjacent wildland.

I. **HCP compliance.** All development within the R-BA District shall comply with the requirements of the San Bruno Mountain Area Habitat Conservation Plan.

J. **Articulation requirements.** Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:

1. Front outside wall: Thirty percent (30%) articulation.
2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet
3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

K. **Landscaping requirements.**

1. Landscape Plan. All development proposals shall include a landscape plan to be approved by the Planning Director. The plan shall show all proposed landscaping and the location of all protected trees and rare plants. The landscape plan shall be consistent with all of the following objectives:
 - a. Preservation of protected trees and rare plants to the greatest extent possible;
 - b. Use of plants that are compatible with the natural flora and are not invasive to the HCP area;

- c. Use of water conserving plants;
 - d. Use of plants that will effectively screen structures and blend with the natural landscape; and
 - e. Use of landscaping that is fire resistant.
2. Irrigated Landscapes. New and replacement, irrigated landscapes of 1,000 square feet, or more, shall be subject to the Water Conservation in Landscaping Ordinance. Refer to Chapter 15.70.

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 must find that the building's placement, height and bulk will minimize impacts to 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.~~

M. Watercourses, wetlands and canyons. Development of the site shall be setback from all watercourses, wetlands and canyons consistent with the sensitivity of the resource.

N. Trails. The development shall incorporate public access trails to the extent feasible given the environmental sensitivities of the site.

O. Nonconforming residential structures and uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this Title.

P. Recycling Area Requirements. For new subdivisions containing an area where solid waste is collected and loaded in a location which serves five or more living units, adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided to serve the needs of the living units

which utilize the area. This requirement shall also apply to all institutional buildings and City facilities (including buildings, structures, and outdoor recreation areas owned by the City) where solid waste is collected and loaded. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

§17.12.050 Density transfer

A. In order to facilitate preservation of lands in the R-BA District with significant environmental resources, one or more additional dwelling units within the R-BA District, in addition to the dwelling unit otherwise permitted on a particular site, may be constructed under the conditions set forth in this Section 17.12.050. As used herein, the additional dwelling units are called "transfer units." The density transfer shall comply with all of the following requirements:

1. One (1) transfer unit may be allocated to the site receiving the density transfer for each 20,000 square feet of land *of the total area of the site or sites* from which the transfer units are taken which is permanently dedicated to open space. No transfer units shall be allocated for any area of land having less than 20,000 square feet. The method of retaining the dedicated land in permanent open space shall be approved by the City Council upon recommendation of the Planning Commission and shall be implemented before any building or grading permit is issued for development on the site receiving the transfer units.
2. The site from which the transfer units are taken must be found to have value as open space based upon one or more of the following considerations:
 - a. contiguous with San Bruno Mountain State and County Park;
 - b. contains intact native vegetation;
 - c. contains endangered butterfly habitat;
 - d. contains permanent or semi-permanent wetlands;
 - e. forms a portion of a significant watercourse;
 - f. does not adjoin developed parcels on more than one side.

In making this determination, the Planning Commission and the City Council shall be guided by the City's Open Space Plan. *The density transfer value of undeveloped "paper streets" in the upper*

Brisbane Acres may be recognized, once it is established that they are not subject to claims of access rights by necessity from any remaining private property owners in the upper Brisbane Acres.

3. The site receiving the transfer units must be found suitable for development with increased density based on all of the following considerations:
 - a. has a lot area of not less than 20,000 square feet;
 - b. does not contain any of the features of value for open space as described in subsections (A) (2) (a) through (e) of this section;
 - c. is adjacent to or relatively near existing development and infrastructure.
4. The type of development permitted on the site receiving the transfer units shall be single family dwellings only. *The minimum lot area shall be* ~~The density of development of such site shall be no less than~~ five thousand (5,000) square feet ~~per unit~~. One secondary dwelling unit may be allowed *per twenty thousand (20,000) square feet of* ~~on~~ the site receiving the transfer units if otherwise in compliance with the requirements of Chapter 17.43, but no additional secondary dwelling units shall be allocated to that site as part of the density transfer.
- ~~5. If the density transfer includes a proposed subdivision of the site receiving the transfer units, the subdivision shall comply with all of the following additional requirements:~~
 - ~~a. No lot shall have an area of less than 5,000 square feet.~~
 - ~~b. If the area of any lot is 5,000 square feet, the minimum front and rear setbacks for such lot shall be 10 feet and the minimum side setbacks for such lot shall be 5 feet.~~
 - ~~c. The maximum coverage on any lot shall be 25%.~~

B. A use permit granted by the City Council shall be required for all density transfers pursuant to this Section. The use permit shall first be considered by the Planning Commission which shall make its recommendation to the City Council. In addition to the findings for issuance of a use permit prescribed by Section 17.40.060 of this Title, the approving authority shall find and determine that:

1. The transfer units will be sited, designed and constructed to avoid adverse effects upon environmentally sensitive areas both on and off site, such as disturbance of watercourses and hazardous geologic conditions;

2. The site receiving the transfer units will be served by infrastructure that meets City standards, as determined by the Director of Public Works;
3. The site receiving the transfer units will have adequate parking and vehicular circulation; and
4. The proposed development of the site receiving the transfer units will be compatible with adjacent and nearby development and is designed to minimize its visual impact.

If the density transfer requires any other permits or discretionary approvals, *except for the design permit required by Section 17.12.050.C*, the applications for such permits or approvals shall be filed and processed concurrently with the application for the density transfer use permit.

C. *As a condition of approval of ~~In addition to~~* the use permit referred to in Section 17.12.050.B, a design permit shall be required for any density transfer.

§17.12.055 Clustered Development

A. *Consistent with the San Bruno Mountain Area Habitat Conservation Plan's goal of protecting forty percent (40%) of the Brisbane Acres as conserved habitat, adjustments to the minimum lot area, lot width and lot depth standards referred in Section 17.12.040.C may be granted under the conditions set forth in this Section 17.12.055.*

1. *One unit shall be permitted for each 20,000 square feet of the total area of the site. In addition, one secondary dwelling unit may be allowed for each 20,000 square feet of the total area of the site, if otherwise in compliance with the requirements of Chapter 17.43. Permitted units shall not be clustered as multiple-family dwellings.*
2. *A minimum of forty percent (40%) of the total area of the site shall be permanently dedicated as conserved habitat. The method of retaining the dedicated land as conserved habitat shall be approved by the City Council upon recommendation of the Planning Commission and shall be implemented before any building or grading permit is issued for development on the site receiving the transfer units.*
3. *The site shall be subdivided into lots no less than five thousand (5,000) square feet in area. Street right-of-way shall be provided in compliance with City standards.*

4. *No clustered development shall be allowed on any site less than forty thousand (40,000) square feet in area.*

B. A use permit granted by the City Council shall be required for all clustered developments pursuant to this Section. The use permit shall first be considered by the Planning Commission which shall make its recommendation to the City Council. In addition to the findings for issuance of a use permit prescribed by Section 17.40.060 of this Title, the approving authority shall find and determine that:

1. *The units in the clustered development will be sited, designed and constructed to avoid adverse effects upon environmentally sensitive areas both on and off site, such as disturbance of watercourses and hazardous geologic conditions;*
2. *The units in the clustered development will be sited adjacent to or relatively near existing infrastructure, and extension of such infrastructure to serve the clustered development will meet City standards, as determined by the Director of Public Works;*
3. *The clustered development will have adequate parking and vehicular circulation; and*
4. *The clustered development will be compatible with adjacent and nearby development and is designed to minimize its visual impact.*
5. *The use permit will be subject to such conditions as will assure that native vegetation is satisfactorily provided, improved and/or maintained within the area dedicated as conserved habitat.*

Applications for subdivision and any other permits or discretionary approvals, except for the design permit required by Section 17.12.055.C, shall be filed and processed concurrently with the application for the clustered development use permit.

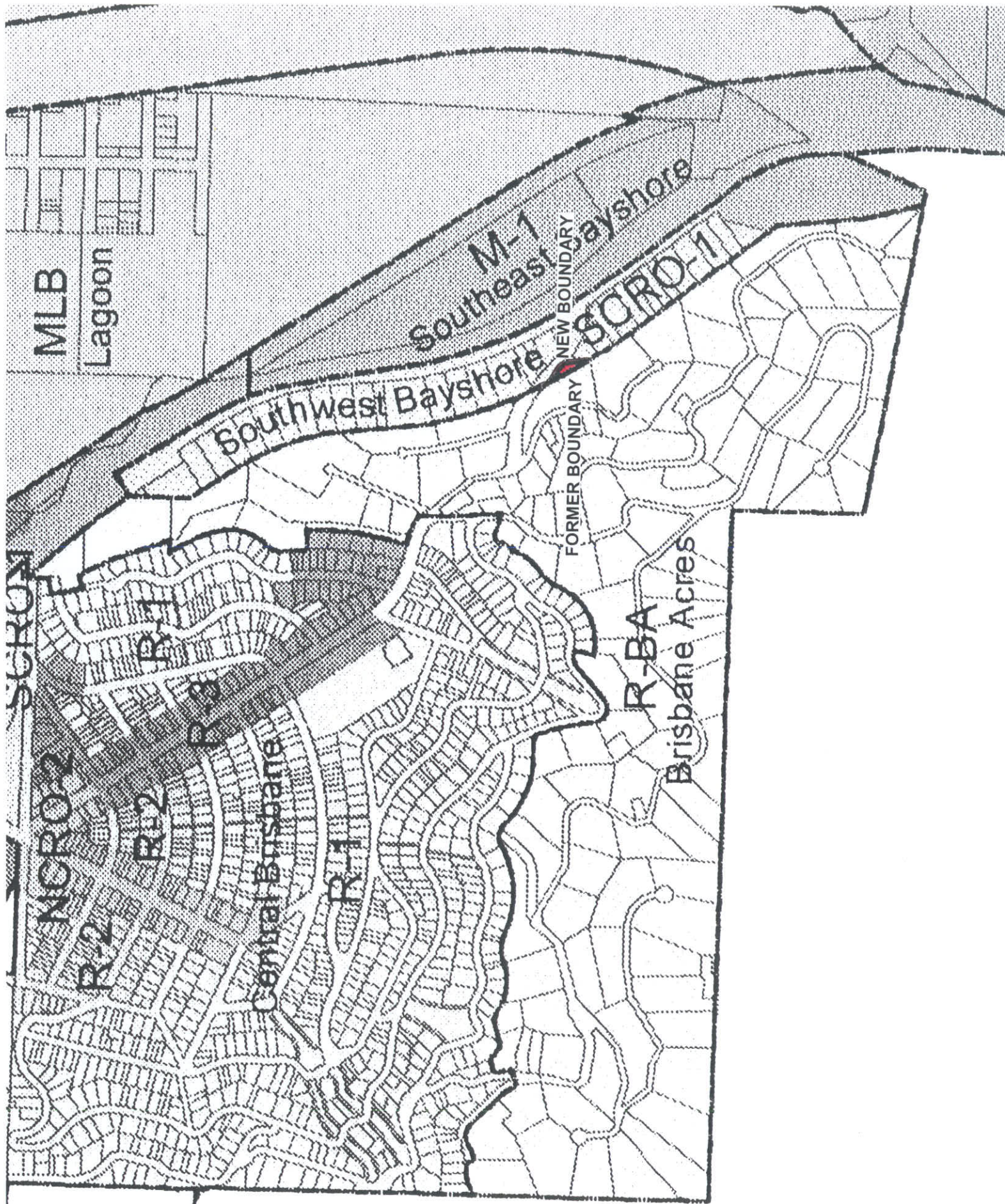
C. As a condition of approval of the use permit referred to in Section 17.12.055.B, a design permit shall be required for the units in any clustered development.

§17.12.060 Parking

All uses in the R-BA District shall comply with the parking regulations set forth in Chapter 17.34 of this Title.

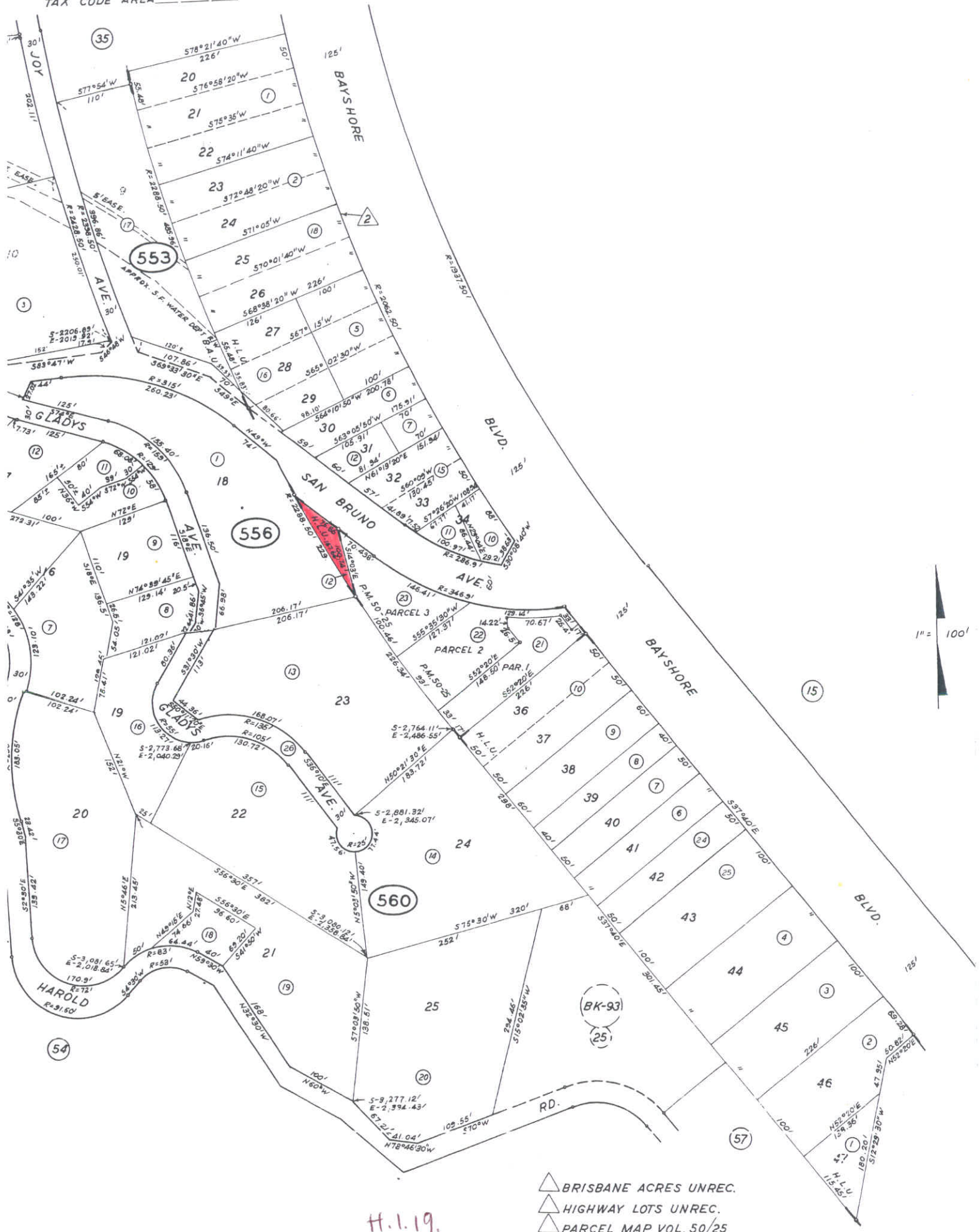
§17.12.070 Signs

All advertising signs in the R-BA District shall comply with the sign regulations set forth in Chapter 17.36 of this Chapter.



ons

H.I.18.



City of Brisbane
Open Space Plan

Figure 6
Brisbane Acres
Priorities Composite

Note: location of parcels on aerial photo is approximate
Areas shown between numbered parcels are not road easements or right-of-ways, but are private unrecorded parcels

Developed parcels
(wider outline)



Parcels with one or more significant resources (light texture)



City-owned parcels have lighter shading

Note: parcels with development on two or more sides are not prioritized



Scale in Feet



REVISED OPERATING PROGRAM FOR ADMINISTRATIVE PARCEL 2-03

Planning Area: Southeast Ridge (2)

Administrative Parcel: Brisbane Acres (03)

Location and description: Brisbane Acres is an area of 154 acres located above the existing town of Brisbane and consisting of steep slopes containing brush and grassland. It is bordered on the west by the transmission line, on the north by Brisbane, on the east by Bayshore Boulevard and on the south by the County Park and South Slope Parcels. It has been divided into two major management units: Unit 2-03-01 was chosen for its proximity to existing development, while Unit 2-03-02 is the area closest to the parklands and as such is considered the more sensitive of the two (See Figures 2-03 A-C).

As development comes forward for individual lots within Administrative Parcel 2-03, each lot is assigned a subsequent management unit number. Submanagement Units developed are shown in Figures 2-03-03 A to 2-03-09 A.

Ownership: The area consists of more than one hundred single lots which are owned by numerous individuals.

Project: The area is currently zoned for single family residences. Persons purchasing lots in Brisbane Acres had the intention of developing single family homes on them, however, because of the steep terrain many portions of Brisbane Acres are undevelopable (Figure 2-03 F).

Status: Management Units 2-03-01 and 2-03-02 are unplanned. Management Units 2-03-03, 2-03-04, 2-03-05, 2-03-08, 2-03-09 are planned for single family residences. Management Unit 2-03-06 is planned for a City operated Water Tank. Management Unit 2-03-07 is planned for a office/light industrial building.

Biological Issues: Many portions of Brisbane Acres is habitat for the both the Callippe and the Mission blue (See Figures 2-03 D-E). In addition, many range limit and endemic plants exist there, and the area is known habitat for the rare plant *Helianthella castanea*, although this plant was not found during the 1980-81 Biological Study.

Impact: Development of Brisbane Acres will destroy habitat now supporting the Callippe, Mission Blue and range limit/endemic plants, and habitat where a rare plant may occur.

HCP Objectives -- Specific Conservation Needs: Because steep slopes and limited access somewhat preclude the introduction of habitat enhancement measures, the approach of the HCP in this case will be to protect the interface between development and open space, mitigate development effects in and around developed areas, leave the open space untreated and protect the area from vandalism. If development proceeds in Brisbane Acres, the open space adjoining development areas will have to be protected by creating an interface between the two. This interface will initially be in the form of fencing to keep grading within prescribed boundaries and finally in the form of a fire break vegetation

surrounding development areas. Development impacts could be reduced by reclaiming cut and fill slopes with native species, including Callippe and Mission Blue host plants, and by using measures to control water runoff in order to prevent erosion. Where appropriate, host plant relocation and plan revision. may also be used to mitigate impact.

At this time it is recommended that the open space be left untreated and, if necessary, patrolled in order to control vandalism.

Operating Program for Management Units 2-03-01 and 2-03-02

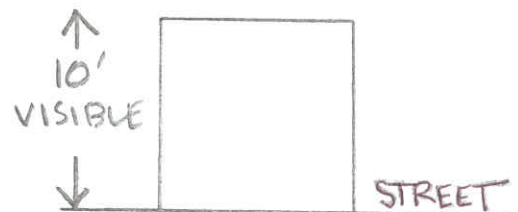
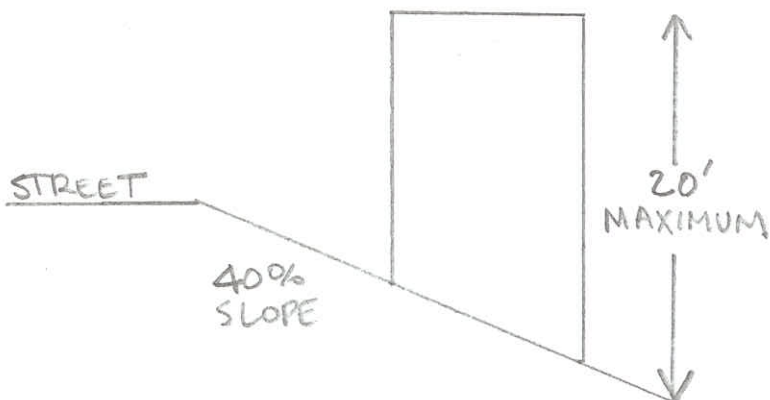
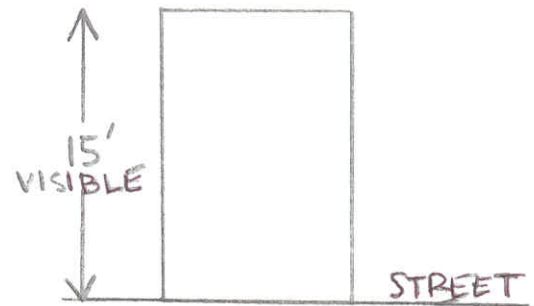
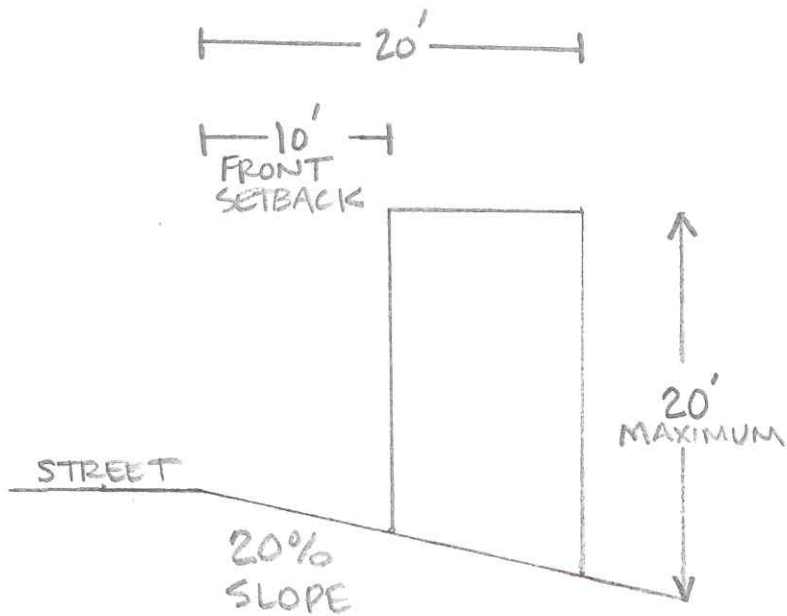
Obligations: Landowners have the following obligations:

1. Compliance with mitigation measures set forth in the Operating Program for Management Units 2-03-01 and 2-03-02..
2. Compliance with the Planning Assistance requirements set forth in the Operating Program for Management Units 2-03-01 and 2-03-02.
3. Participating in the regulatory provisions and Funding Program of this HCP.
4. Prior to any grading and/or development project and/or the removal or damage of or use of pesticides on vegetation in excess of 500 square feet in any calendar year in the Brisbane Acres:
 - (a) an environmental assessment must be prepared. Any such environmental assessment must describe the impacts on habitat of the Mission Blue and Callippe Silverspot and must discuss mitigation measures. Notice of development and/or grading proposals and copies of all environmental documents must be sent to the California State Department of Fish and Game, the U.S. Fish and Wildlife Service and the Plan Operator, and
 - (b) the Landowner must demonstrate that approval of the grading and/or development proposal is consistent with protecting 40% of the Brisbane Acres as Conserved Habitat. The Landowners may demonstrate consistency through the use of one or more of the following mitigation measures:
 - (i) dedication of habitat easements, open space in fee and/or transfer of allowed density to other parcels in the Brisbane Acres
 - (ii) acquisition of off-site parcels for dedication as permanent Conserved Habitat
 - (iii) clustering of development
 - (iv) imposition of landscaping restrictions on undeveloped portions of sites to retain natural vegetation
 - (v) voluntary merging of parcels to permit clustered development and habitat protection
 - (vi) grading plans which are designed to minimize habitat destruction
 - (vii) development siting standards to preserve broad corridors of natural habitat
 - (viii) reclamation plans for temporarily disturbed areas.
5. Require through C C & Rs that future owners observe general provisions regarding protection of Conserved Habitat
6. Submit the final grading plan used to obtain a grading permit and a revegetation plan to the Plan Operator for review. The plan shall provide for temporary fencing to protect all adjacent Conserved Habitat.

SCHEMATIC COMPARING 20' HEIGHT LIMIT WITHIN
FRONT 20' OF PROPERTIES WITH 20% VS. 40% SLOPE

SIDE VIEW

STREET VIEW

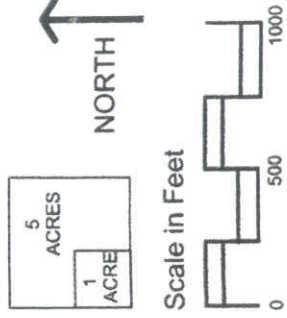
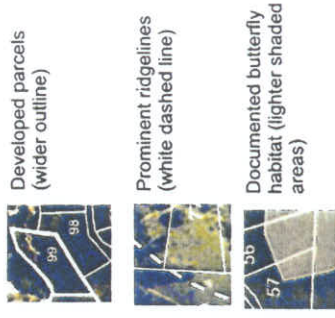


City of Brisbane Open Space Plan

Figure 4 Brisbane Acres Butterfly Habitat/ Ridgelines

Note: location of parcels on aerial photo is approximate

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Note: butterfly habitat areas are approximated based on ridgelines and grassland areas, documented butterfly sightings and host plant species. All areas of Brisbane Acres are contained in the HCP and are considered potential butterfly habitat