

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 6/10/10

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

SUBJECT: 661 San Bruno Avenue; Design Permit DP-1-10, Use Permit UP-9-10, Variance V-3-10 and Fence Exception FD-1-10; Renewal of Previous Approvals for Four-Unit Multi-Family Dwelling Exceeding Height Limit to Accommodate Van-Accessible Garage Parking Space with Reduced Parking Lot Aisle Width, and 8 Ft. Tall Solid Wood Fence on North Property Line at Garage; Melvin Johnson, applicant/owner; APN 007-362-090

REQUEST: The proposal is to replace an existing single-family residence with a 4-unit multi-family dwelling on a 6,874 sq. ft. parcel located in the R-3 District. The units will all contain 2 bedrooms, and range from 788 sq. ft. to 1,110 sq. ft. in floor area. The "L"-shaped building will vary from 1 to 3 stories in height. Six covered parking spaces will be provided. Multi-family dwellings are subject to Design Permit approval.

To accommodate a required van-accessible parking space, the clearance in the garage must be at least 8 ft., 2 in. This results in the height of the building exceeding the 28 ft. limit, for which a Variance is required.

Given the extent of grading necessary to accommodate the proposed parking under the building, an 8-to-14-in. thick retaining wall is required 15 in. from the south side property line. Because this will, impinge upon the width of the driveway available for maneuvering cars, a Use Permit is requested to reduce the 26 ft. aisle width required for standard-size parking spaces to 25 ft., 1 in. for 1 parking space and 25 ft., 7 in. for 2 spaces.

As a previous condition of approval of the project, the Planning Commission required an 8 ft. tall solid wood fence along the northern property line to act as a sound barrier and to screen the adjacent trash enclosure and utility meters. Because this exceeds the 6 ft. height limit for fences within required setbacks, approval of a Fence Height Exception is required.

Plans were submitted in compliance with the Commission's conditions of approval, but due to the state of the current economy, issuance of the Building Permit was delayed, and the Planning Commission's previous approvals of Design Permit DP-1-09, Use Permit UP-9-09, Variance V-1-09 and Fence Exception FD-1-09 have expired. Renewal of those approvals is now requested.

Note that the Use Permit and Tentative Parcel Map applications that were submitted to allow the four units to be condominiums remain incomplete, pending final approval of the dimensions of the air space within each of the proposed condominium units.

RECOMMENDATION: Conditionally approve Design Permit DP-1-10, Use Permit UP-9-10, Variance V-3-10 and Fence Exception FD-1-10, per the agenda report with attachments, via adoption of Resolution DP-1-10/UP-9-10/V-3-10/FD-1-10 with Exhibit A containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: Demolition of existing structures is categorically exempt from the provisions of the California Environmental Quality Act per Section 15301(l)(1) of the State CEQA Guidelines. Construction of a 4-unit multi-family residential structure with a fence is categorically exempt from the provisions of the California Environmental Quality Act per Sections 15303(b) & (e) of the State CEQA Guidelines. The exceptions to these categorical exemption referenced in Section 15300.2 do not apply.

APPLICABLE CODE SECTIONS: The findings required to approve a Design Permit are contained in Brisbane Municipal Code Section 17.42.040. BMC Section 17.34.130 establishes the design requirements for parking spaces and their access aisles. BMC Section 17.34.115 provides for modification of the parking regulations via approval of a Use Permit. The height limit for sites with a slope of less than 20% is 28 ft. in the R-3 District, per Brisbane Municipal Code Section 17.10.040.G.1.a. The findings required for the granting of a Variance to the height limit are contained in BMC Section 17.46.010. Exceptions to the 6 ft. height limit for fences, hedges and walls within required setbacks may be permitted by the Planning Commission per Brisbane Municipal Code Section 17.32.050.B.

BACKGROUND: On January 27, 2005, the Planning Commission approved the construction of a 4-unit multi-family building, replacing an existing single-family residence and detached garage on a 6,874 sq. ft. site in the R-3 District, via Design Permit DP-4-05. During the time that plans were being prepared for Building Permit submittal, the California Building Code was revised to require that buildings with at least 4 condominium units be designed so as to be accessible for persons with disabilities. The plans were then revised to provide an elevator and reconfigure two of the units. In order to provide the required van-accessible parking space, the clearance in the garage had to be increased from the standard 7 ft. to at least 8 ft., 2 in., which increased the height of the building 1 ft., 2 ½ in. over the 28 ft. height limit. A Variance to exceed the height limit was approved by the Planning Commission on February 22, 2007. Based upon this case, amendment to the General Use Regulations has been recommended to provide a process to approve height exceptions for accessibility improvements similar to that for setback exceptions per BMC Section 17.32.070.A.1.f.

In approving Grading Permit Review EX-5-04 with the Design Permit, the Planning Commission acknowledged that the project would require over 700 cubic yards of cut, mostly to accommodate the proposed parking under the building. As the result of the structural calculations prepared

with the Building Permit plans, it was determined that additional shoring and thickness were needed for the retaining wall along the south property line adjoining the existing 8-unit building next door. Because the retaining wall would impinge upon the space available for maneuvering and parking cars on the site, an aisle width of 25 ft., 1 in. for one space and 25 ft., 7 in. for 2 spaces was proposed instead of the 26 ft. standard width. Use Permit UP-3-07 to modify these parking regulations was also approved by the Planning Commission on February 22, 2007.

Due to the delays caused by these complications, a Building Permit could not be obtained for the project prior to the expiration of Design Permit DP-4-04. An extension of that Design Permit was approved with the Variance and Use Permit on February 22, 2007. Additional extensions were approved on May 14, 2009, along with the Fence Height Exception previously required as a condition of approval of the Use Permit and Variance. Those approvals expired May 30, 2010.

ANALYSIS AND FINDINGS: The findings for Design Permit, Use Permit, Variance and Fence Exception approval differ but overlap in some cases.

Design Permit— To approve a Design Permit, the Planning Commission must make the findings required by Brisbane Municipal Code Section 17.42.040. These are the same findings as were made to originally approve the project in 2005 and to extend that approval in 2007.

General Plan Consistency. The proposed development must be consistent with the General Plan and any applicable specific plan. The proposed multi-family residential use is consistent with the General Plan's Residential: 15-30 Dwelling Units per Acre land use designation for the site. Per General Plan Program 140b, the project is designed so that all units are provided with some cross ventilation. Consistent with the General Plan's subarea policies for Central Brisbane, the project would retain open areas around the building per Policy 258.

Balance and Harmony. The Municipal Code requires that the proposal maintain a balance of scale, form and proportion; use design components that are harmonious and materials and colors that complement the project; and integrate well with elements of the site plan and of surrounding areas.

The front of the proposed building will be 1 to 2 stories in height. It will then rise over the shared garage to a height of 3 stories with covered balconies at the southwest corner. While the front half of the building will run along the north side of the property, the rear half will run across the width of the site. Due to the slope of the land rising toward the rear, the garage will not extend the full length of the building, and the back quarter of the building will be only 1 story tall. An elevator tower will be located at the northeast corner of the building.

Through the use of a various siding materials, changing rooflines and building articulation, each of the 4 units can be clearly distinguished from the exterior of the building. Continuity will be maintained with gray/brown ("Weatheredwood") composition shingles and taupe framing for the windows and brackets under the eaves. Most of the building exterior will be finished with soft-

gray cement plaster. Khaki horizontal wood siding will be used on portions of the lower two levels around the parking court and front of the building, wrapping around the northwest corner at the main entry stairway. The subtle color scheme will be completed with the use of goldenrod stucco on the garage columns, which will have Craftsman-style detailing to go with the rest of the building.

Compatibility with Adjacent Development. The orientation and location of buildings, structures, open spaces and other features maintain a compatible relationship to adjacent development. The building is located so that the uncovered access to the parking provides an open area between this building and the 3-story building to the south. The 1-to-2 story front and rear segments of the building and the 2-story entry corridor help relate to the 2-story building to the north (the 3-story segment of the building is set back almost 10 ft. from the side property line). A large, landscaped rear yard is proposed, which backs on to a number of surrounding properties on Santa Clara and Tulare Streets.

Compatibility with Adjacent Uses. Where a proposal abuts or is in close proximity to uses other than that proposed, the Municipal Code requires that the proposal take into account its effect on and maintain the quality of the other land uses. The site is located between an 8-unit building on a 4,768+/- sq. ft. lot at 665 San Bruno Avenue and a single-family residence on a 5,000 sq. ft. lot at 637 San Bruno Avenue. Toward the rear are a single-family house (285 Santa Clara Street) and a single-family house with a secondary dwelling unit (281-283 Santa Clara Street) in the R-1 District, and a duplex (236-238 Tulare Street) and a single-family residence (240 Tulare Street) in the R-3 District. As noted above, the building and its side and rear yards have been designed to provide some separation from adjoining properties.

Minimized Topographical and Visual Impacts. For hillside development, the Municipal Code requires that the proposal respect the topography of the site and be designed to minimize its visual impact, preserving any significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park.

The site has an average slope of 14%; although, it rises more steeply toward the rear. There is also a slight cross-slope toward the front of the property and change in grade between this site and that to the south. The proposed grading is mainly to accommodate the 6-car garage. Excavating the parking lowers the height of the building relative to natural grade, helping to minimize its visual impact. Additional grading is proposed to provide a terraced outdoor common area in the back yard. The site is not located within public view corridors for the Bay, Lagoon or Mountain. The Planning Commission reviewed the proposed grading in terms of General Plan consistency as part of the original Design Permit approval and recommended that the City Engineer issue the requested Grading Permit.

Adequate Traffic Circulation and Parking. The Municipal Code requires that the site plan minimize the effects of traffic on abutting streets and within the project boundaries, 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 internal circulation and off-street parking facilities that are adequately surfaced, landscaped and lit.

San Bruno Avenue's width accommodates two lanes of traffic with parking on both sides of the street. The proposed parking facilities are designed to accommodate on-site turnaround, so that vehicles will not be backing into the street. Three parking spaces will be designated as compact, due to maneuverability constraints. To allow traffic to enter and exit the site simultaneously, the existing driveway will be widened, requiring removal and replacement of an existing street tree. Enough curb length between the new driveway and that at 637 San Bruno Avenue should remain to continue to accommodate two on-street parking spaces.

The north side of the garage will be open and landscaped (see below for a discussion of the required fence to screen the garage from the adjoining property). Exterior lighting will be designed so as not to cast glare upward or onto adjoining properties. Pedestrian access from the street will be provided by concrete walkways. For a discussion of the adequacy of the proposed parking, please see below.

Facilities for Alternative Transit Modes. Regarding alternatives to automobile travel, the site is already serviced by the shuttle bus route and sidewalks. The requirement for a bike rack is not necessary for a project of this size, particularly if the units have sufficient private storage area, for example, under the individual stairways near unit entries.

Functional and Appropriate Landscaping. The Commission must find that the site provides open areas and landscaping to complement the buildings and structures. Landscaping must also be used to separate and screen service and storage areas, break up expanses of paved area and define to the location, with attention given to habitat protection and wildland fire hazard as appropriate.

Areas of lawn encircled by a variety of trees and shrubs are proposed at the front and rear of the property. Because the site is somewhat shaded, a stringent xeriscape is not necessary. The site does not adjoin the jurisdiction of the San Bruno Mountain Area Habitat Conservation Plan or any wildland fire hazard areas. Nonetheless, staff recommends that the proposed Purple Fountain Grass be replaced with a noninvasive species.

Five existing fruit and acacia trees are proposed to be removed, but these do not fall within the restrictions of BMC Section 12.12.020, because none is a California Bay, Laurel, Coast Live Oak or California Buckeye tree, and less than three of the trees have a circumference of at least 30 inches measured 24 inches above natural grade. More than enough trees are included in the proposed landscape plans to replace those removed.

Noise Protection. The Municipal Code requires that the proposal take reasonable measures to protect against external and internal noise. Because San Bruno Avenue is considered a traffic noise corridor, an acoustical analysis report was required. The Environmental Noise Study

prepared by Shen Milsom Wilke Integrated Communications Technology and Acoustic Consulting confirmed that the proposed design will limit exterior noise to 45 dB in any habitable room per California Noise Insulation Standards.

Glare Control. The Municipal Code requires that consideration be given to avoiding offsite glare from lighting and reflective building materials. The proposed exterior lighting fixtures are designed to mute the light, so as not to cast glare upward or onto adjoining properties. No reflective glass or other similar building materials are proposed.

Screening of Exterior Appurtenances. The Municipal Code requires that attention be given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment. The trash enclosure and utility meters will be tucked into the side of the building, screened from the adjoining property by an 8 ft. tall fence (see below). No rooftop mechanical equipment is proposed.

Appropriate and Effective Signage. The finding regarding signage is not applicable to this project.

Employee Outdoor Space. The finding regarding outdoor space for employees is not applicable to this project.

The current condominium development standards (BMC Section 17.30.030.C) require that the outdoor common area, exclusive of all structures and with a slope of not more than 10%, average at least 750 sq. ft. per unit for horizontal condominiums (townhouses), at least 500 sq. ft. per unit for vertical condominiums (flats) in structures averaging 2 stories or less, at least 400 sq. ft. per unit for vertical condominium structures averaging between 2 and 3 stories, and at least 300 sq. ft. per unit for vertical condominium structures averaging 3 stories or more.

The Planning Commission has preliminarily recommended that these standards be revised to require an average of 400 sq. ft. of outdoor areas for active or passive recreational use per all condominium units. Such areas would include decks, patios, lawns with a slope not exceeding 10%, and landscaped areas accessed with walkways that do not serve as the required means of egress, and would not be limited to those for use in common, but would include those dedicated to private use.

The proposed project provides a total of approximately 1,681 sq. ft. of lawns and landscaping in the front and rear yards that are accessed by meandering paths. The rear yard will be terraced so as not to exceed 10% slope and will feature a trellis. This averages 420.25 sq. ft. per unit, not including the private balconies for Unit #1.

Use Permit—The thickness of the proposed retaining wall and the shoring for the adjoining property to the south reduce the width of the aisle accessing the parking spaces to less than the 26 ft. requirement for standard-size parking spaces. For 1 space, this width will become 25 ft., 1 in.,

and for 2 other spaces, it will be 25 ft., 7 in. Half of the 6 spaces will remain compact, for which only a 20 ft. aisle width is required.

The findings required to allow a 5 to 11 in. reduction in aisle width are that the approval would be consistent with the General Plan, that it would result in no detriment to persons or property in the neighborhood or to the City in general, that there is no need for strict enforcement due to present or anticipated traffic volume or site circulation, and no on-street parking impacts would result.

General/Specific Plan Consistency: The Use Permit to modify the parking regulations must be consistent with the General Plan. General Plan Policy 149 and Program 22c acknowledge the interrelationships between the parking requirements and engineered grading.

Not Detrimental or Injurious to Neighborhood or City: The second required finding is that approval of the Use Permit would result in no detriment to persons or property in the neighborhood or to the City in general. A previous survey of 157 jurisdictions within the state found that over a third would accept the minimum maneuvering area proposed (43 ft., 1 in.). Included among these was the City of Millbrae, where only a 24 ft. wide aisle was required (total maneuvering area = 42 ft.). This is 2 ft. less than required by the City of Brisbane and 1 ft., 1 in. to 1 ft., 7 in. less than what was proposed.

Brisbane's standards are based upon the turning radius of an 18 ft. long, 6.5 ft. wide vehicle. A previous review of full size and SUV models found that vehicle lengths ranged from 14.892 to 18.45 ft., with an average of approximately 16.351 ft. Thus, it would appear that a typical standard-size vehicle would still be able to access the parking spaces and turn around on site with an aisle width of 25 ft., 1 in., as is proposed.

Strict Enforcement Not Required Due to Present/Future Traffic Volume/Circulation: It must also be found that strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site. Consistent with the current parking requirement of 1.5 garage spaces per 2-bedroom unit, 6 garage spaces are proposed. The Planning Commission has recommended that this requirement be changed to 2 on-site parking spaces (including 1 covered) per dwelling unit not exceeding 1,800 sq. ft., plus 1 guest parking space per each 4 units. These changes have yet to be adopted by the City Council. Based upon the size of the proposed units (Unit #1: 1,110 sq. ft., Unit #2: 892 sq. ft., Unit #3: 1,045 sq. ft., Unit #4: 788 sq. ft.), the recommended requirement would be 8 on-site parking spaces (4 of them covered) plus 1 guest parking space. In that two of the units are half the size of the recommended 1,800 sq. ft. threshold, staff would suggest that 1 parking space might be sufficient for each, and the demand for guest parking could be met by the 2 existing on-street parking spaces.

No Interference with Traffic or On-Street Parking: Finally, it must be found that the granting of the Use Permit will not result in the parking of vehicles on public streets in such a manner as to

interfere with the free flow of traffic on the streets or to create or intensify a shortage of on-street parking spaces. San Bruno Avenue is wide enough to accommodate two lanes of traffic with parking on both sides of the street. To allow traffic to enter and exit the site simultaneously, the existing driveway will be widened. Enough curb length between the new driveway and that at 637 San Bruno Avenue should remain to continue to accommodate the two existing on-street parking spaces.

Variance--In order to grant the Variance for the building to exceed the 28 ft. height limit to provide clearance in the garage to accommodate a van accessible for persons with disabilities as required for buildings with at least 4 condominium units, 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.

Special Circumstances Applicable to Subject Property: The site has a cross slope rising from its northwest corner to its southeast corner. The driveway to the garage spaces under the building will be located on the upslope (south) side of the property, away from the single-family house to the north at 637 San Bruno Avenue. Because building height is measured from finished grade on cut slopes, the height of this building measured on its south side (29 ft., 2 ½ in. according to submitted Section A) is taller than the height on the north side (28 ft. according to the submitted North Elevation).

Privileges Enjoyed by Others in the Vicinity Deprived to Subject Property: The applicant proposes to construct a three-story building with 8 ft. 1 in. high ceilings and a pitched roof, so as to avoid the typical box-design found among multi-family buildings along San Bruno Avenue (an exception being the shed-roofed condominium complex at 737 San Bruno Avenue, which is 31 ft. tall). The 28 ft. height limit makes this very difficult, as was apparent when this project was first approved without the accessible-van parking. Increasing the clearance in the garage to 8 ft. 2 in. for a van-accessible parking space required by the California Building Code makes it impossible to comply with the height limit. Because this requirement does not apply to projects of 3 or fewer condominium units, the triplex recently built at the corner of San Bruno Avenue and Santa Clara Street did not have to provide a higher garage ceiling and did not require a Variance.

Conditions Necessary to Prevent a Grant of Special Privilege: To address this finding, the Planning Commission adopted Condition of Approval A, "The plans submitted for a building permit shall include a section showing the declivity of the mansard roof segment over Unit #3 as being no more than 29 ft., 2 ½ in. above the elevation of the driveway below it." To show compliance, the applicant submitted Section A (attached).

Fence Height Exception: Four findings are required for the approval of exceptions to the fence regulations:

- (1) The exception is necessary by reason of unusual or special circumstances or conditions relating to the property in order to gain full use and enjoyment of the property.
- (2) The proposed fence, hedge or wall will not create a safety hazard for pedestrians or vehicular traffic.
- (3) The appearance of the fence, hedge or wall is compatible with the design and appearance of the existing buildings and structures in the neighboring area.
- (4) The fence, hedge or wall does not dominate the site or overwhelm the adjacent properties.

Unusual/Special Circumstances/Conditions. The property is located adjacent to a single-family residence. In order to fit 18 ft. long standard-size vehicles with a 26 ft. wide maneuvering aisle on this sloped 50 ft. wide site, a portion of the garage under the building was proposed to be open along the north side, adjacent to the neighboring house (see above, regarding additional constraints in meeting these standards). To address the neighboring property owner's concerns about noise and fumes from the garage, the Planning Commission required that an 8 ft. tall solid wood fence be constructed along the northern property line, where 6 ft. would normally be the height limit.

No Pedestrian/Vehicular Traffic Hazard. The proposed 8 ft. tall fence would end at the corner of the proposed building, 15 ft. from the front property line. Given its proposed distance from the street and any driveway, the fence would have no impact upon sight distance for vehicles entering or exiting the site.

Design Compatibility. The 8 ft. tall fence will have solid redwood siding facing the proposed building, which will also have wood siding.

Not Dominating or Overwhelming. Given the location of the proposed fence outside front setback, it would not appear to dominate the site. The adjoining property owner specifically requested an 8 ft. solid wood fence (see attached 2/22/07 Planning Commission minutes), so it can be assumed that the fence would not be considered to overwhelm the adjacent property.

Attachments:

Draft Resolution with Findings and Conditions of Approval
Project Description
Applicant's 2/7/07 Statement
Applicant's Site Plan, Elevations, Floor Plans, Fence Details & Landscape Plans
Topographic Map & Boundary Survey

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Applicant's Original Streetscape, Material Descriptions & Color Samples
Site and Vicinity Photographs
1/27/05, 2/22/07 & 5/14/09 Planning Commission Minutes (excerpts)
FD-1-09/DP-1-09/UP-9-09/V-1-09 Conditions of Approval

draft
RESOLUTION DP-1-10/UP-9-10/V-3-10/FD-1-10

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING DESIGN PERMIT DP-1-10, USE PERMIT UP-9-10,
VARIANCE V-3-10 AND FENCE EXCEPTION FD-1-10
FOR A FOUR-UNIT DWELLING
AT 661 SAN BRUNO AVENUE

WHEREAS, Melvin Johnson, the applicant, applied to the City of Brisbane for Design Permit approval for a four-unit multi-family dwelling, Use Permit approval for a parking aisle less than the standard width, Variance approval to exceed the 28 ft. height limit, and Fence Exception approval for an 8 ft. tall fence at 661 San Bruno Avenue, such applications being identified as Design Permit DP-1-10, Use Permit UP-9-10, Variance V-3-10 and Fence Exception FD-1-10; and

WHEREAS, on June 10, 2010, the Planning Commission conducted a public hearing of the applications, 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 agenda report relating to said applications, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the applications; 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 applications.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of June 10, 2010, did resolve as follows:

Design Permit DP-1-10, Use Permit UP-9-10, Variance V-3-10 and Fence
Exception FD-1-10 are approved per the conditions of approval attached herein as
Exhibit A.

ADOPTED this tenth day of June, 2010, by the following vote:

AYES:
NOES:
ABSENT:

JAMEEL MUNIR
Chairman

ATTEST:

JOHN SWIECKI, Interim Community Development Director

EXHIBIT A

Action Taken: Conditionally approve Design Permit DP-1-10, Use Permit UP-9-10, Variance V-3-107 and Fence Exception FD-1-10 per the agenda report with attachments, via adoption of Resolution DP-1-10/UP-9-10/V-3-10/FD-1-10.

Findings:

Design Permit DP-1-10

1. The proposed development is consistent with the General Plan and any applicable specific plan, specifically the Residential: 15-30 Dwelling Units per Acre land use designation, Policy 258 and Program 140b.
2. The proposal maintains a balance of scale, form and proportion, uses design components that are harmonious and materials and colors that complement the project, and integrates well with elements of the site plan and of surrounding areas, in that the building will vary in height from 1 to 2 stories at the front and rear, up to 3 stories in the middle, and in that various siding materials, changing rooflines, building articulation and architectural detailing are used.
3. The orientation and location of buildings, structures, open spaces and other features maintain a compatible relationship to adjacent development, by locating the 1-to-2-story segments of the building adjacent to the 2-story house to the north, by separating the 3-story element from the neighboring 3-story apartment building to the south by the open portion of the parking area, and by providing a large, landscaped rear yard which backs on to a number of surrounding 1-to-2-unit buildings.
4. Where a proposal abuts or is in close proximity to uses other than that proposed, the plan takes into account its effect on and maintains the quality of the other land uses, in that the driveway is located on the opposite side of the building from the single-family residence to the north, and in that large yards are provided between the building and the one-to-two-unit buildings toward the rear.
5. For hillside development, the proposal respects the topography of the site and is designed to minimize its visual impact, in that grading is proposed to provide parking below the building, reducing its apparent height, and in that the project will not affect any significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park.
6. 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; and parking facilities are adequately surfaced, landscaped and lit; as detailed in the agenda report.
7. The proposal encourages alternatives to travel by automobile, through existing facilities for pedestrians and access to public transit.

8. The site provides open areas and landscaping to complement the buildings and structures, as detailed in the agenda report.
9. The proposal takes reasonable measures to protect against external and internal noise, as noted in the Environmental Noise Study prepared by Shen Milsom Wilke Integrated Communications Technology and Acoustic Consulting, dated August 17, 2005, as amended October 13, 2005.
10. Consideration has been given to avoiding offsite glare from lighting and reflective building materials, given the proposed lighting fixtures and exterior building materials.
11. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment, in that the utility meters and trash enclosure will be tucked into the side of the building and will be screened from the adjoining property by a 8 ft. tall fence.
12. The finding regarding signage is not applicable to this project.
13. The finding regarding outdoor space for employees is not applicable to this project.

Use Permit UP-9-10

1. Approval of the use permit is consistent with the 1994 General Plan adopted by the City Council on June 21, 1994, specifically 1994 General Plan Program 22c and Policy 149.
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, in that sufficient parking aisle width will be provided to accommodate most current-model full-size and SUV models, as evidenced by the parking requirements of over a third of 157 jurisdictions surveyed statewide.
3. Strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site, in that sufficient parking is required to comply with current requirements.
4. The granting of the use permit will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets or to create or intensify a shortage of on-street parking spaces, in that existing on-street parking will be preserved while widening the existing driveway curb cut.

Variance V-1-09

1. The variance shall be subject to the following conditions to assure that the adjustment hereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.
2. Because of special circumstances applicable to subject property, specifically its cross slope, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, namely a three-story building with a pitched roof similar to that at 737 San Bruno Avenue, with sufficient garage clearance to provide required accessibility for persons with disabilities.

Fence Exception FD-1-09

1. The exception is necessary by reason of unusual or special circumstances or conditions relating to the property in order to gain full use and enjoyment of the property, in that the proposed garage is open on the north side, adjacent to an existing single-family residence, so as to accommodate standard-size parking spaces with adequate maneuvering aisle width.
2. The proposed fence will not create a safety hazard for pedestrians or vehicular traffic, given its distance from the street, sidewalk and driveways.
3. The appearance of the fence is compatible with the design and appearance of the existing buildings and structures in the neighboring area, in that redwood siding is proposed, similar to that for the building.
4. The fence does not dominate the site or overwhelm the adjacent properties, given its location in the side setback, rather than in the front setback.

Conditions of Approval:

- A. The plans submitted for a building permit shall include a section showing the declivity of the mansard roof segment over Unit #3 as being no more than 29 ft., 2 ½ in. above the elevation of the driveway below it.
- B. An 8 ft. tall solid wood fence shall be provided along the northern property line to act as a sound barrier and to screen the adjacent trash enclosure and utility meters.
- C. Per Brisbane Municipal Code Section 17.32.050.B, the surface of retaining walls more than 6 ft. in exposed height shall be treated with coloring and texture to visually divide the height of the retaining wall into horizontal sections of no more than 6 ft. to the satisfaction of the Community Development Director, as shown on Sheet 1 of the

submitted plans.

- D. Any arbor shall be located at least 10 ft. from the rear property line and 5 ft. from the side property line, unless it is no more than 8 ft. in height, in which case it may be located 5 ft. from the rear property line and 3 ft. from the side property line.
- E. The proposed design shall limit exterior noise to 45 dB in any habitable room per California Code of Regulations, Title 24, Appendix Chapter 35 (California Noise Insulation Standards), as confirmed by the Environmental Noise Study prepared by Shen Milsom Wilke Integrated Communications Technology and Acoustic Consulting, dated August 17, 2005, as amended October 13, 2005.
- F. All glass shall be nonreflective, and all exterior lighting shall be located so as not to cast glare upward or onto surrounding streets or properties.
- G. The property owner shall comply with the terms of the landscape maintenance agreement recorded as Document No. 2006-160821. In addition, the landscape plans shall be revised to replace the Purple Fountain Grass (*Pennisetum setaceum 'Rubrum'*) with a noninvasive species.
- H. The property owner shall comply with the agreement including a covenant running with the land and enforceable by the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district recorded as Document No. 2006-160820.
- I. Demolition of the existing structure shall comply with applicable provisions of BMC Chapter 15.75, Recycling and Diversion of Debris from Construction and Demolition (Ordinance No. 493).
- J. A minimum distance of 40 ft. (pan to pan) shall be maintained between the driveway at 637 San Bruno Avenue and the proposed two-way driveway at 661 San Bruno Avenue. The existing street tree shall be replaced to the satisfaction of the City Engineer.
- K. The recommendations of the geotechnical study prepared by PGSoils Inc., dated April 2005, shall be incorporated into the project per California Building Code Section 1804, and the geotechnical consultant shall oversee construction to certify that any recommendations have been properly implemented.
- L. Prior to issuance of a building permit, the applicant shall obtain a grading permit from the City Engineer per Brisbane Municipal Code Chapter 15.01.
- M. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer. A minimum 5 ft. separation shall be provided between water and sanitary sewer services. The cleanout shall be provided at the property line per BMC

Sections 13.04.420.B and 13.04.420.G. All site drainage collection shall be subject to the approval of the City Engineer. The property owner(s) shall be responsible for ongoing operation and maintenance of permanent structural stormwater controls.

- N. Prior to construction, all Best Management Practice improvements necessary to prevent stormwater pollution per NPDES shall be in place and shall be maintained thereafter to the satisfaction of the Public Works Department.
1. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent, using methods approved by the City's NPDES Coordinator.
 2. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains.
 3. Interior level parking garage floor drains shall be connected to the sanitary sewer system. The applicant shall contact the City for specific connection and discharge requirements.
 4. Landscape irrigation and runoff shall be minimized. The use of fertilizers and pesticides that can contribute to stormwater pollution shall be minimized.
 5. Building foundation vents shall be covered with screens.
 6. The trash enclosure shall be roofed as shown on Sheet 7 of the submitted plans. The area shall be designed to prevent storm water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by wind or runoff during waste removal.
 7. Provisions shall be made in the project design and construction to allow for the discharge of fire sprinkler test water to the sanitary sewer or to a landscaped area, as approved by the City Engineer.
 8. Condensate from any air conditioning units shall be directed to landscaped areas or connected to the sanitary sewer system, as approved by the City Engineer.
 9. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
- O. Each unit shall be served by a separate water meter.
- P. Sewer lateral design details shall be to the satisfaction of the City Engineer.
- Q. Facilities for future underground utility service shall be installed in the building per BMC Section 17.32.030.C.2. Prior to issuance of a building permit, the developer shall contact

SBC and Comcast Cable regarding including telephone, CATV and Internet cable in any joint underground trench.

- R. The project shall comply with the requirements of the current California Fire Code, California Building Code, Brisbane Municipal Code and California Code of Regulations Title 19.
- S. Smoke detectors shall be hardwired, interconnected and with battery backup within each unit, as required by the North County Fire Authority. A yearly fire code permit and confirmation that the smoke detectors are working shall be required.
- T. Secondary exiting from all bedrooms shall meet the requirements of the California Building Code. The plans submitted for building permit approval shall clearly show an operable window, with net open dimensions which meet the requirements for emergency escape or rescue, for each sleeping room.
- U. The roof shall be of Class A or B non-wood, as required by the North County Fire Authority.
- V. The required fire suppression sprinkler system and monitoring shall be installed in accordance with the requirements of the North County Fire Authority, per separate plan/permit approval. The City water main tap in for the underground fire main required to supply the system shall be subject to Public Works Department approval. Fire flows shall comply with the requirements of California Fire Code.
- W. The required fire alarm system shall be installed to the satisfaction of the North County Fire Authority, per separate plan/permit approval.
- X. Fire-resistive occupancy separation shall be provided between the garages and the dwellings and understory areas in accordance with California Building Code requirements.
- Y. The locations of fire extinguishers shall be subject to North County Fire Authority approval.
- Z. Building address shall be visible from the street (numbers to be 4 in. minimum in height), internally or externally illuminated, and of contrasting colors to the satisfaction of the North County Fire Authority.
- AA. The required 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.

- BB. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- CC. Prior to any sale of the units as condominiums, Use Permit Application UP-16-04 and Tentative Parcel Map Application TPM-2-04 shall be completed by the applicant and approved by the Planning Commission.
- DD. The Design Permit, Use Permit, Variance and Fence Exception shall expire two years from their effective date (at the end of the appeal period), if a building permit has not yet been issued for the approved project and construction commenced per Brisbane Municipal Code Section 17.42.060(a).

Project Description:

General Plan:	Residential (15-30 Dwelling Units Per Acre) Land Use Designation	
Zoning:	R-3 Residential District	
Lot Area:	6,874 sq. ft. (per Kavanagh Engineering survey)	
Slope:	14%	
Building Coverage--		
Maximum:	60% (4,124 sq. ft.)	
Approved/Proposed:	47% (3,233 sq. ft.)	
Floor Area Ratio—		
Maximum:	0.72 (4,949 sq. ft.)	
Approved/Proposed:	0.70 (Unit #1: 1,110 sq. ft. + Unit #2: 892 sq. ft. + Unit #3: 1,045 sq. ft. + Unit #4: 788 sq. ft. + 474 sq. ft. common circulation area + 72 sq. ft. private covered balconies + 136 machine room + 1,914 sq. ft. garage - [4 x 400 sq. ft. garage exemption] = 4,831 sq. ft. total)	
Setbacks--	Required	Approved/Proposed
Front:	15 ft.	15 ft.
North Side:	5 ft.	5 ft.
South Side:	5 ft.	5 ft.
Rear:	10 ft.	11 ft.
Height--		
Maximum:	28 ft.	
Approved/Proposed:	29 ft., 2 ½ in.	
Parking--		
Required:	6 garage spaces (1.5 garages per 2-bedroom unit)	
Approved/Proposed:	6 garage spaces (including 3 compact and 1 van-accessible)	

INTRODUCTION

The Four Unit Condominium located at 661 San Bruno Avenue has been a very difficult design project due to the upslope nature of the lot. Our solution, which was presented to the Planning Commission, was approved and received very positive statements from the Commission and the Planning Department. At the request of the Planning Department the project was submitted to the Building Department for determination on accessibility. A decision was made that the project did not need to conform with the accessibility requirements as an exception was available. We proceeded with the structural drawings. Due to the complexity of the project along with revisions due to structural and civil considerations, much time was consumed with the structural and civil drawings. Some time later however, due to an emergency change in the California Building Code, the accessibility exception we used was removed.

Our submittal to the Building Department for the plan check process occurred after removal of the exception and subsequently we were notified by the Building Department that the project must now comply with the accessibility requirements. We have since then worked with the planning and building department to revise the drawings. Those revisions are complete and are presented in the project before you. Following is an explanation of those changes. We do not anticipate any further changes.

REVISIONS AS A RESULT OF CALIFORNIA BUILDING CODE (CBC) CHANGES AFTER PLANNING COMMISSION APPROVAL

- Revision of parking layout to accommodate (1) accessible van parking space
- Revision for greater ceiling height to accommodate accessible van parking:
- An increase in the maximum height of 28'-0" to 29'-2 1/2" due to need for extra height as required by van accessibility requirements
- Revision to units 3 & 4 for accessibility
- Revision to add an elevator for accessibility

REVISIONS AS A RESULT OF STRUCTURAL CALCULATIONS AND THE REQUIRED RETAINING WALLS

The retaining walls along the south property line have restricted the available parking stall depth and backup for parking stalls 2,3 and 6 due to shoring and the thickness of the retaining wall required.

Parking and backup depth available at Wall A (47'-0" in length)

Parking Stall #2 and #3.

Width of lot	50'-0"
setback along north wall	- 4'-6"
parking stall	- 18'-0"
backup required	- 26'-0"
retaining wall at south wall	- 1'-11"
	- 0'-5"

We are therefore requesting a reduction in the required parking space and backup depth from 44'-0" to 43'-7" which equals a reduction of 5" at WALL A

RECEIVED

FEB 07 2007

Comm. Dev. Dept. Brisbane

G.I.20

Parking and backup depth available at Wall B (16'-0" in length)
Parking Stall # 6

Width of lot	50'-0"
setback along north wall	- 4'-6"
parking stall	- 18'-0"
backup required	- 26'-0"
retaining wall at south wall	- 2'-5"
	- 0'-11"

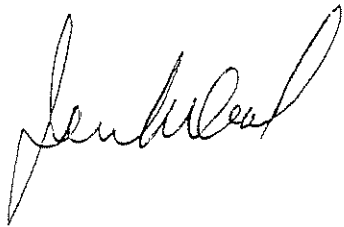
We are therefore requesting a reduction in the required parking space and backup depth from 44'-0" to 43'-1" or an 11" reduction at WALL B

Parking stalls with adequate parking stall and backup depth.

Parking Stalls 1, 4 and 5 comply with the required parking and backup depth due to their small car designation.

Thank you

Jerry Deal
Principal
JD & Associates



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FEB 07 2007

Comm. Dev. Dept. Brisbane

G.1.21.

VARIANCE (REDUCED VEHICLE BACKUP)

SUPPORTING STATEMENTS

What special circumstances, such as size, shape or topography of the property, or its location or surrounds, apply to your site?

Because of the slope of the lot (upward from the street) it is not possible to develop the property without cutting into the existing hill and providing the required retaining walls.

How do the special circumstances impact your site when the Zoning Ordinance is applied to the site?

The required parking space and backup depth along with the required side setback does not allow enough room for the required retaining walls.

What privileges enjoyed by other properties in the vicinity and same zoning district would you be deprived of when the Zoning Ordinance is applied to your site, give its special circumstances?

Properties that do not have to contend with this type of grade are obviously at an advantage

What conditions of approval could be attached to the variance to assure that you comply with the intent of the Zoning Ordinance and other applicable regulations?

Willing to accept conditions imposed by the Planning Department or Planning Commission.

VARIANCE (INCREASED BUILDING HEIGHT)

SUPPORTING STATEMENTS

What special circumstances, such as size, shape or topography of the property, or its location or surrounds, apply to your site?

The project was approved by the Planning Commission and a preliminary approval from the plan checker associated with the Building Department to proceed without conforming to accessibility requirements by using an allowable exception in the CBC. Due to the difficulty of the site a considerable amount of time was spent on structural and civil drawings and requirements. Without our knowledge the CBC was changed and the exception we used was removed. The loss of this exception meant the building had to conform to the accessibility requirements. Therefore an accessible van parking space was required with the subsequent increase of the garage headroom also being required.

Due to the slope of the lot the maximum height allowed is less than a flat lot.

How do the special circumstances impact your site when the Zoning Ordinance is applied to the site?

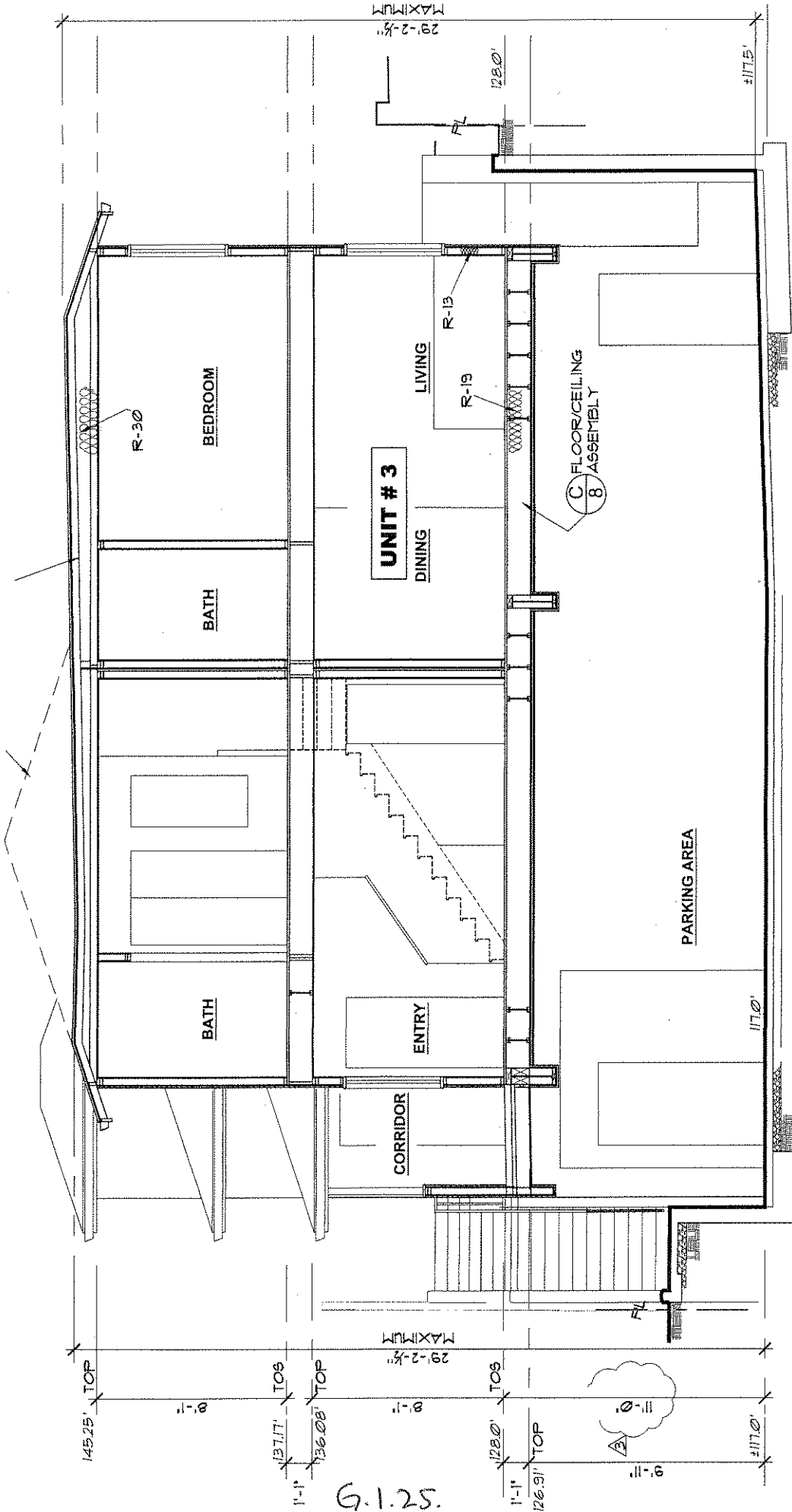
There is less height allowable due to the slope of the lot and the way the maximum height is calculated.

What privileges enjoyed by other properties in the vicinity and same zoning district would you be deprived of when the Zoning Ordinance is applied to your site, give its special circumstances?

Properties that do not have to contend with this type of grade are obviously at an advantage.

What conditions of approval could be attached to the variance to assure that you comply with the intent of the Zoning Ordinance and other applicable regulations?

Willing to accept conditions imposed by the Planning Department or Planning Commission.

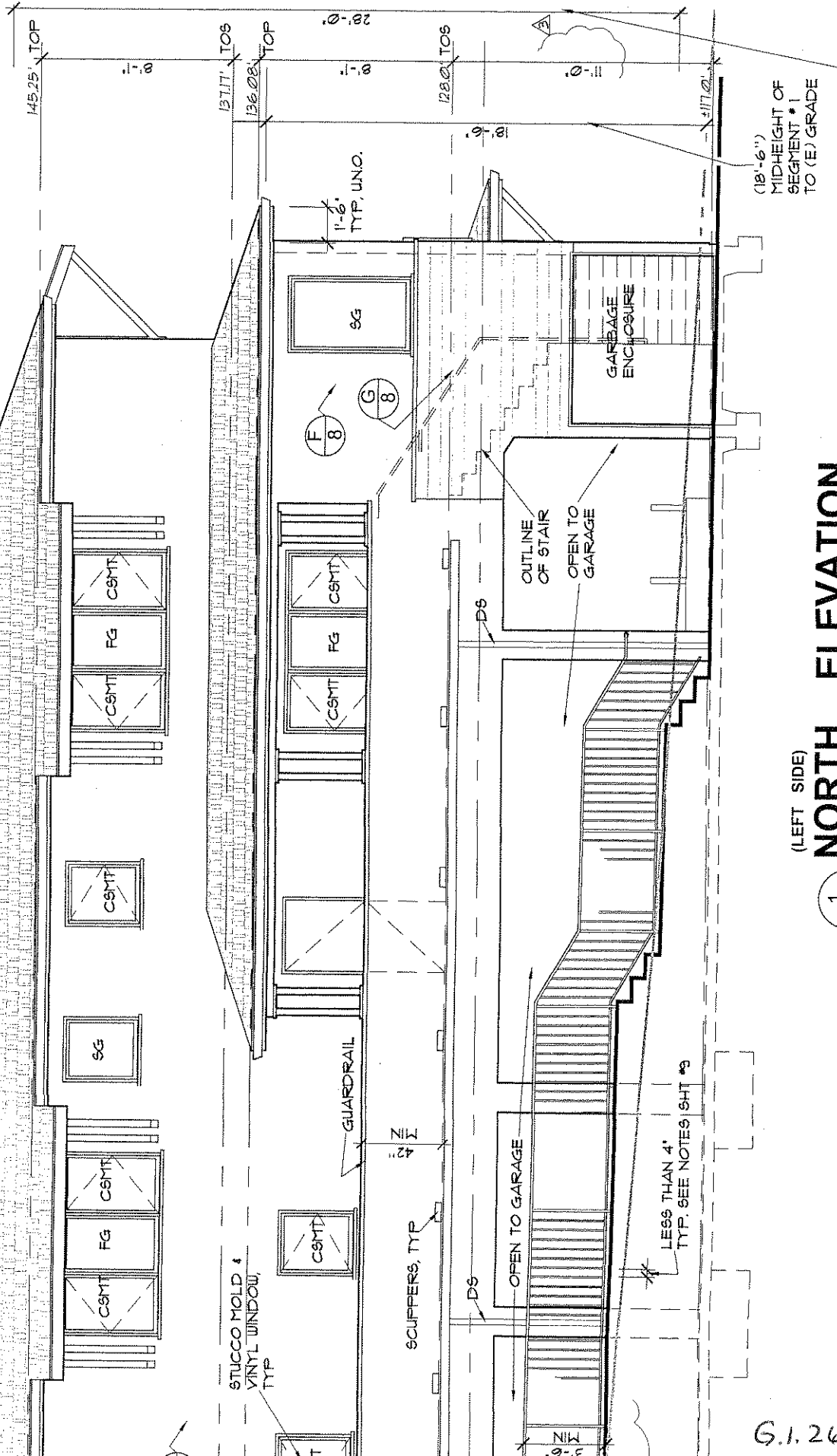


SECTION



COMPOSITION SHINGLES
ROOFING

12
4

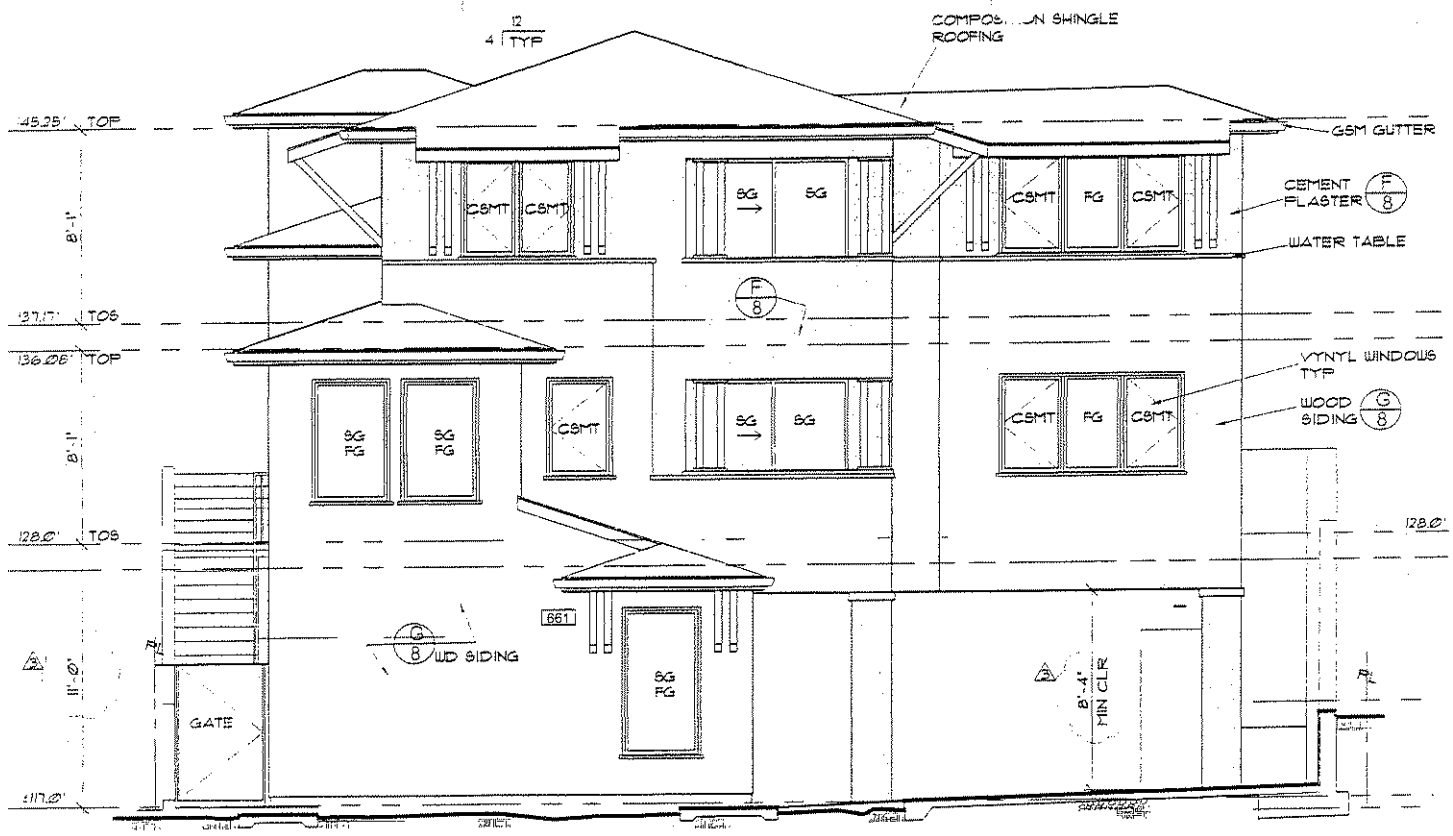


(LEFT SIDE)

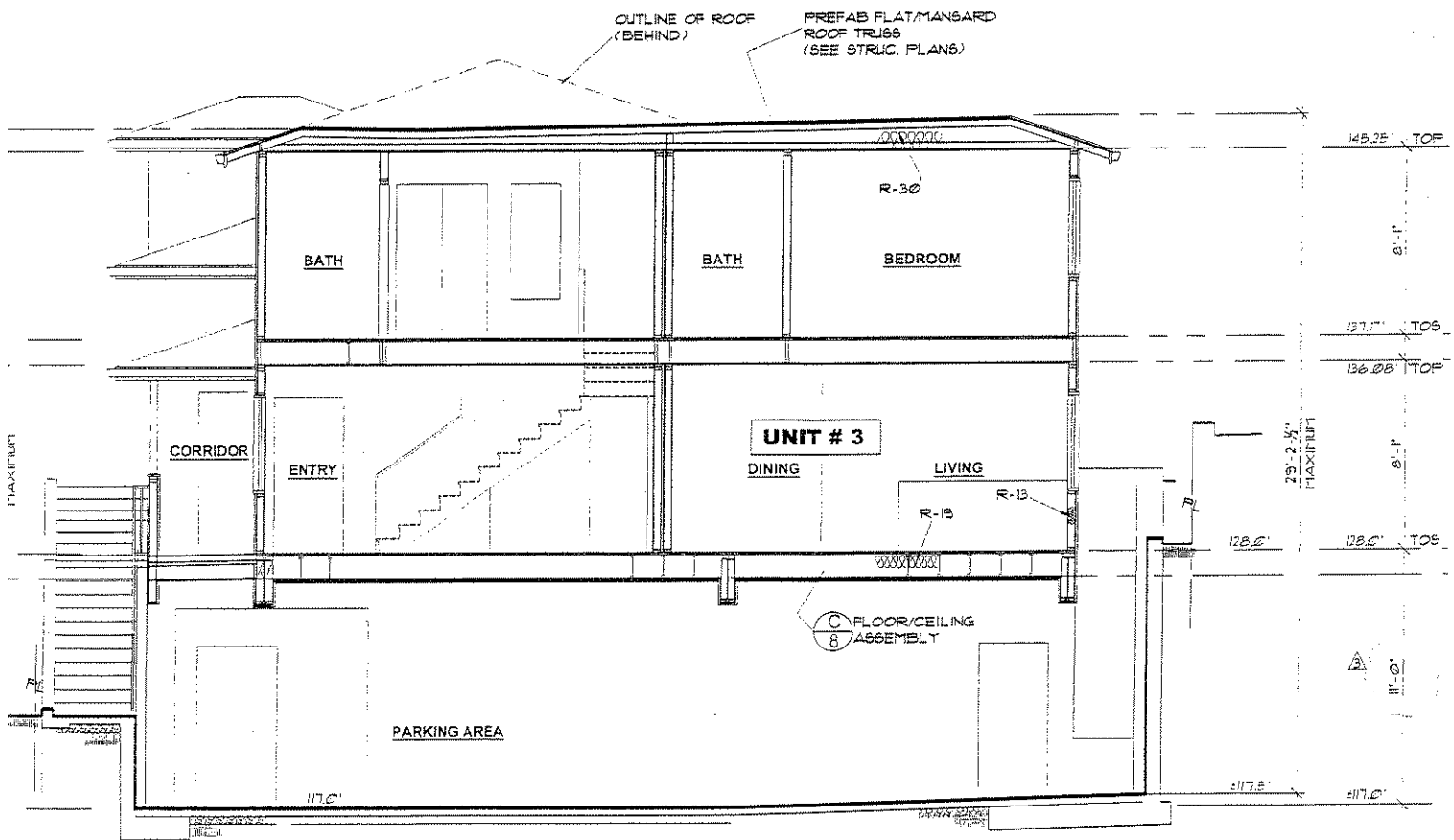
NORTH ELEVATION

DETAIL

1

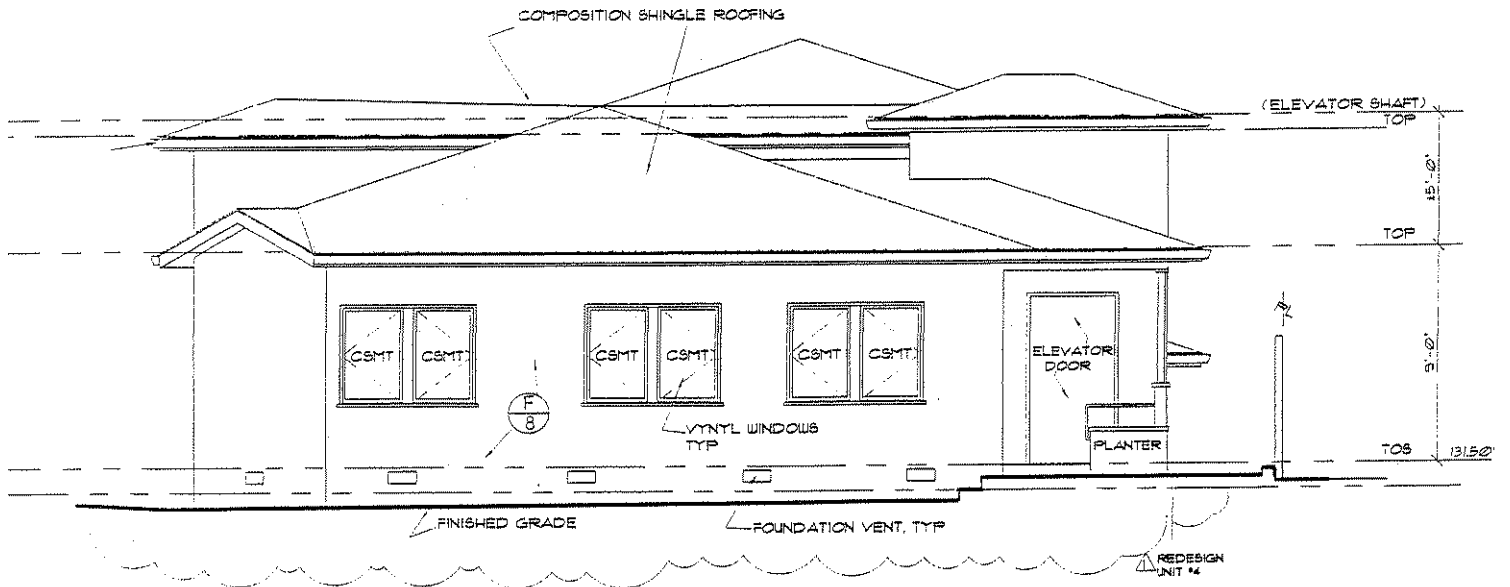


(FRONT)
WEST ELEVATION
 SCALE 1/4" = 1' - 0"

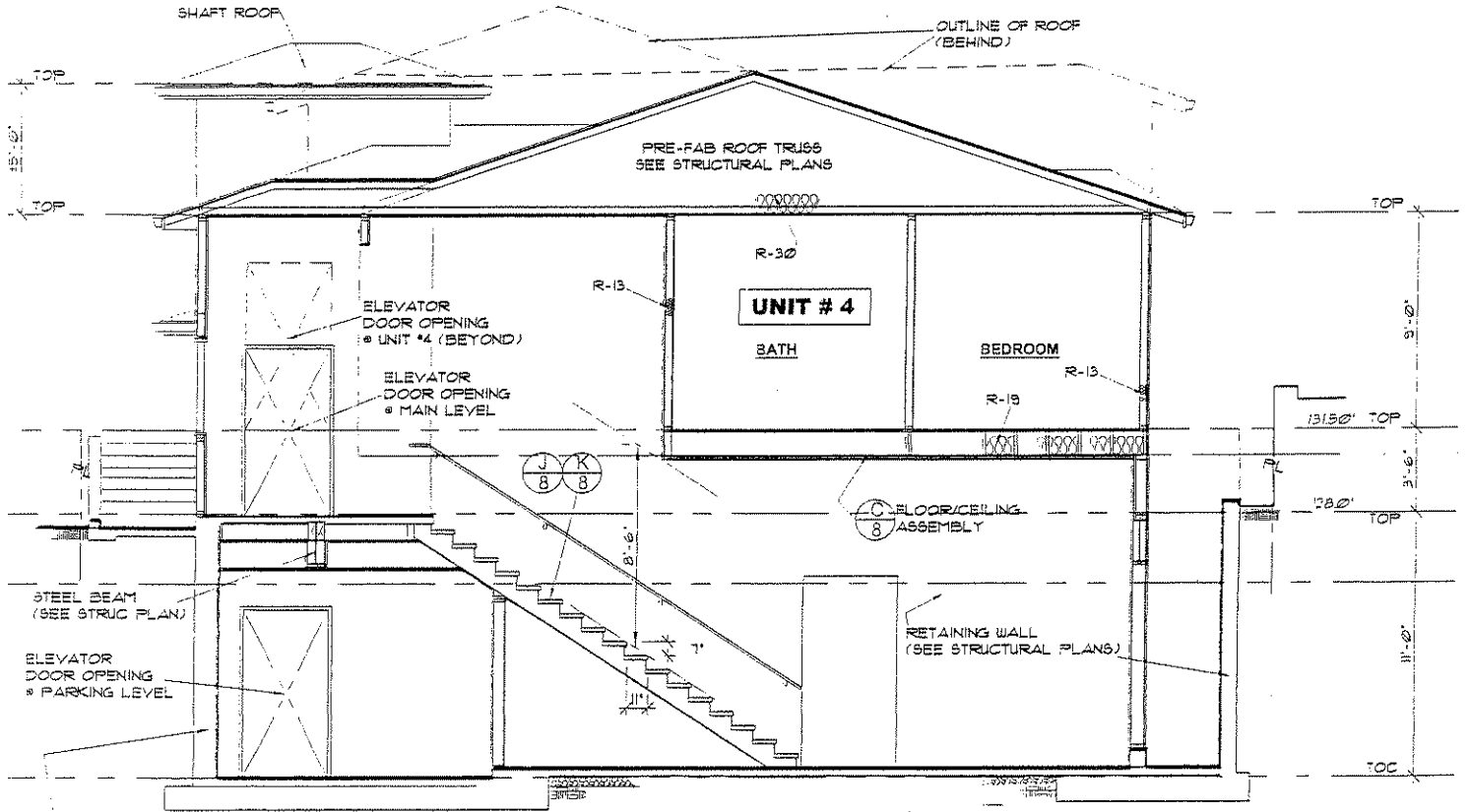


SECTION A-A
 SCALE 1/4" = 1' - 0"

6.1.27

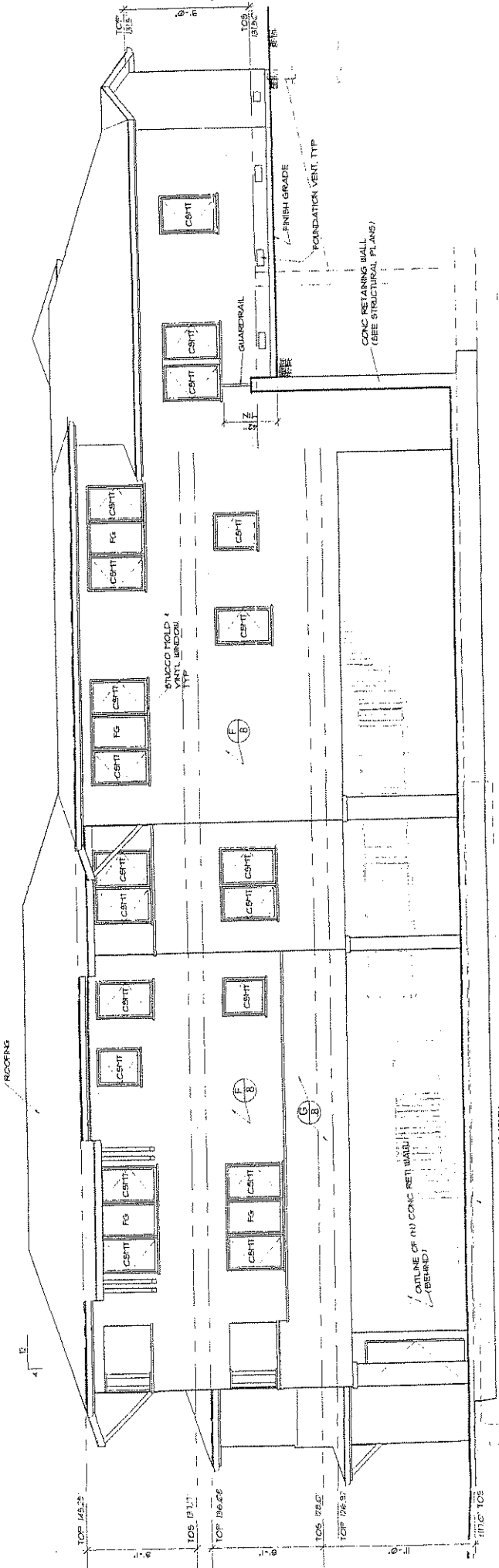


(REAR)
2 EAST ELEVATION
 SCALE 1/4" = 1' - 0"



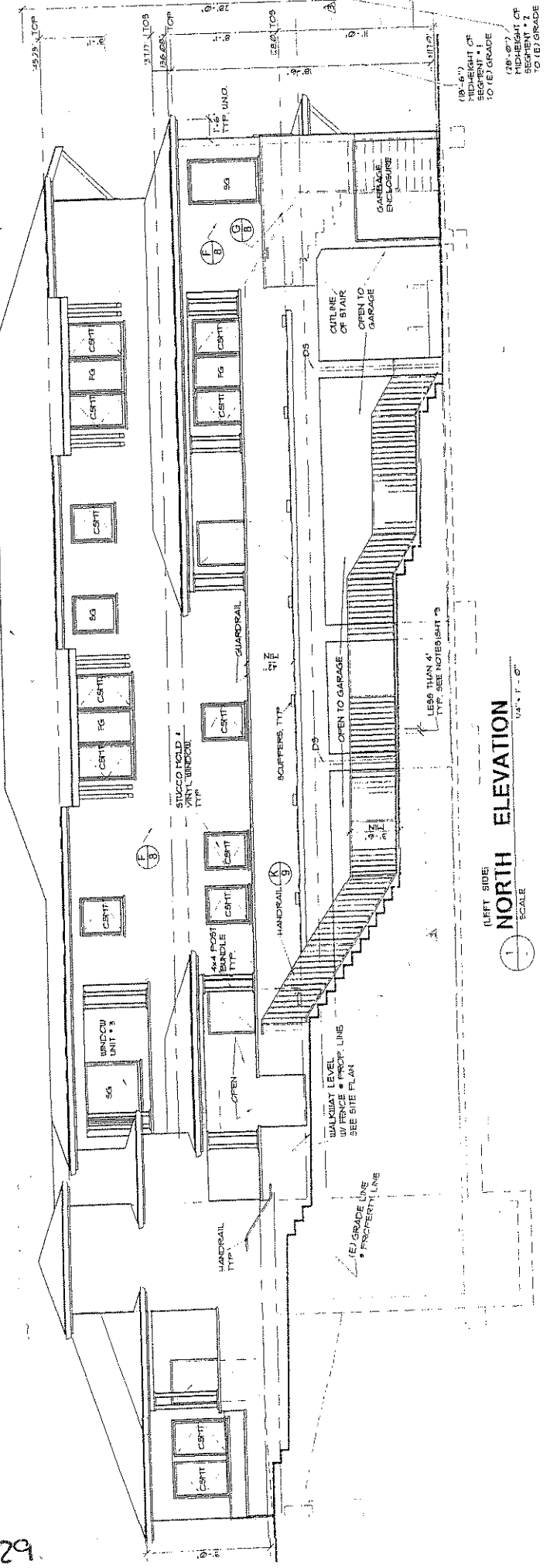
B SECTION
 SCALE 1/4" = 1' - 0"

G.11.28



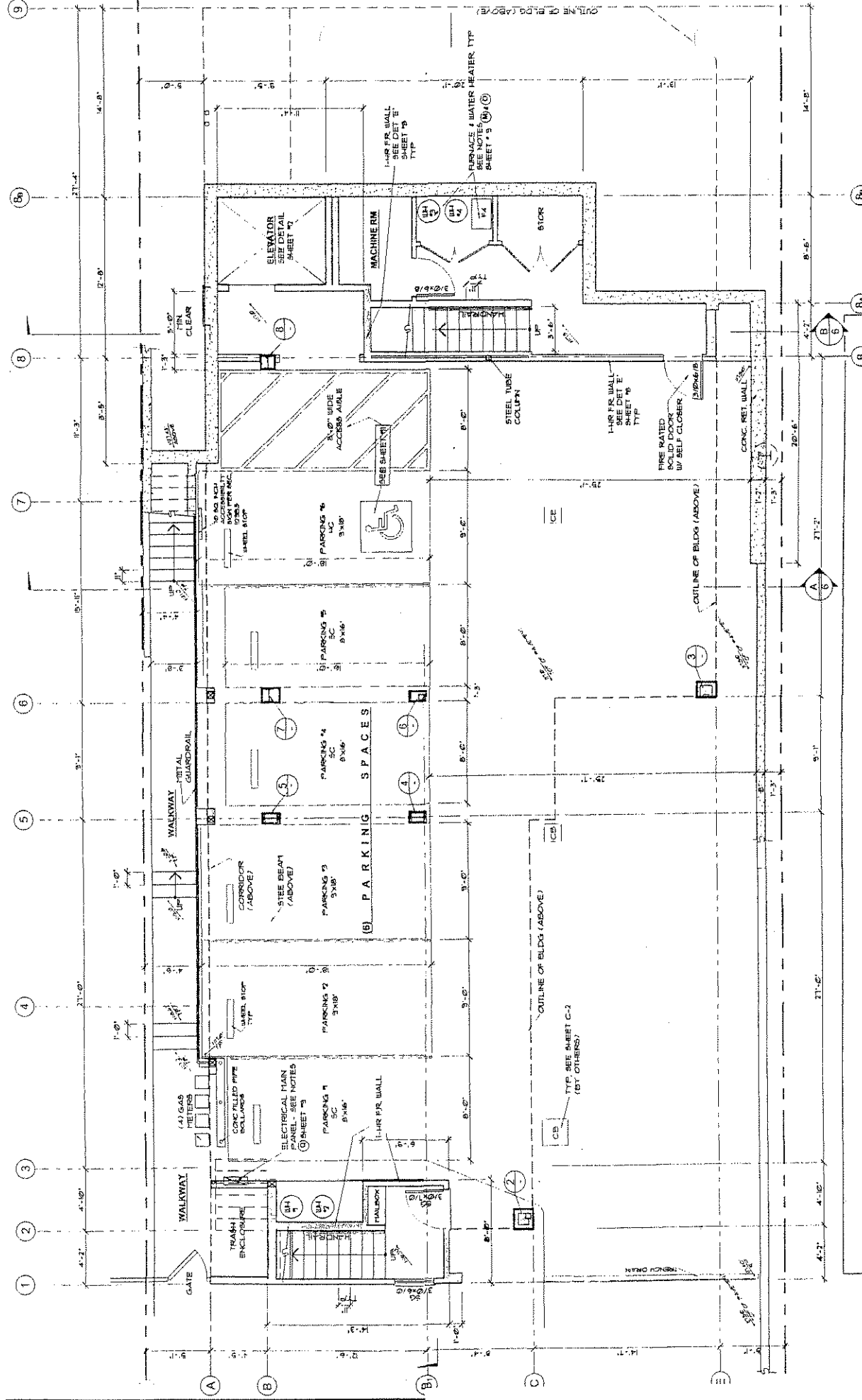
(RIGHT SIDE)
SOUTH ELEVATION
 1/4" = 1' - 0"
 SCALE

6.1.29.



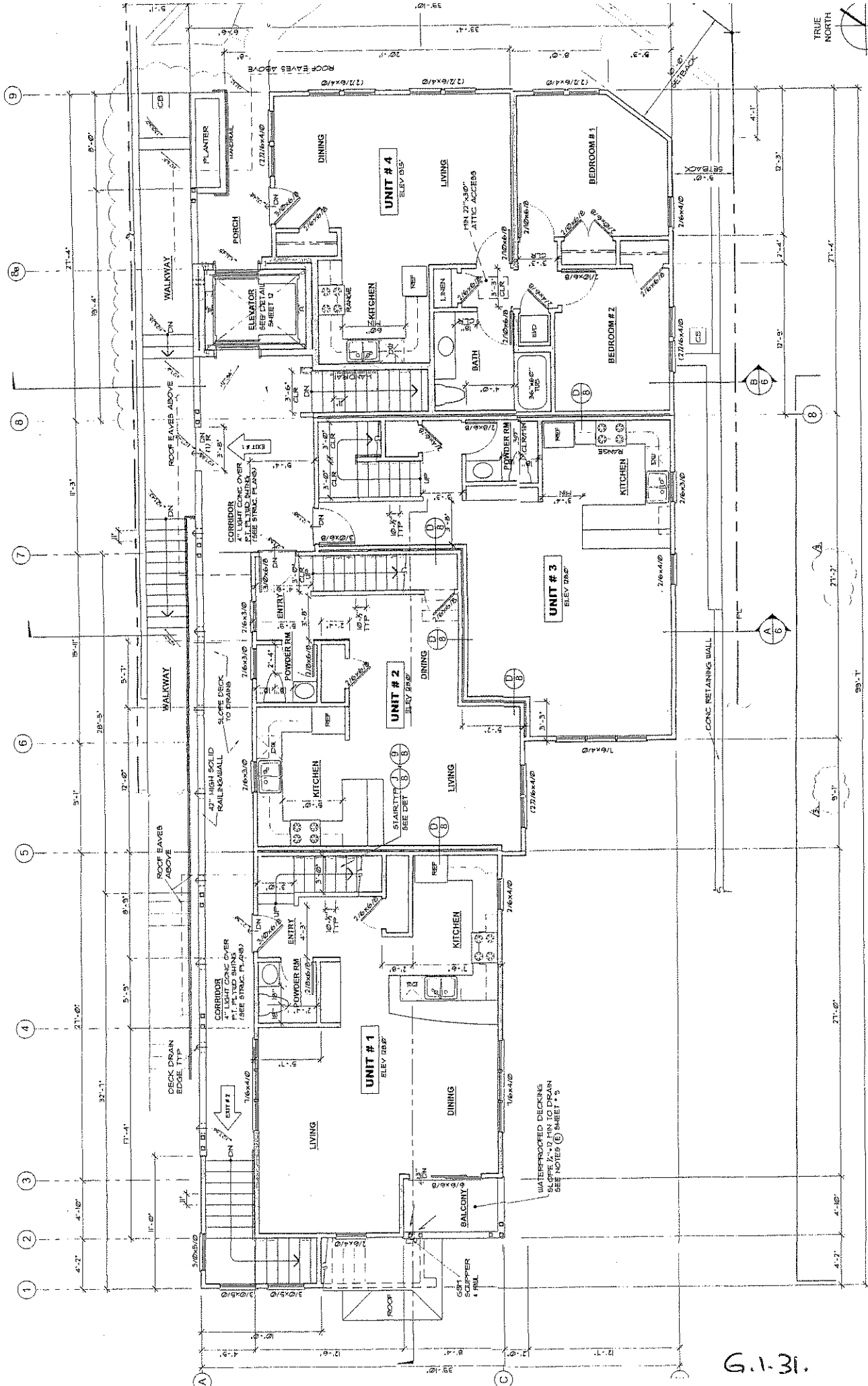
(LEFT SIDE)
NORTH ELEVATION
 1/4" = 1' - 0"
 SCALE

(19'-6")
 HEIGHT OF
 SEGMENT * 1
 TO (E) GRADE
 (19'-0")
 HEIGHT OF
 SEGMENT * 2
 TO (E) GRADE



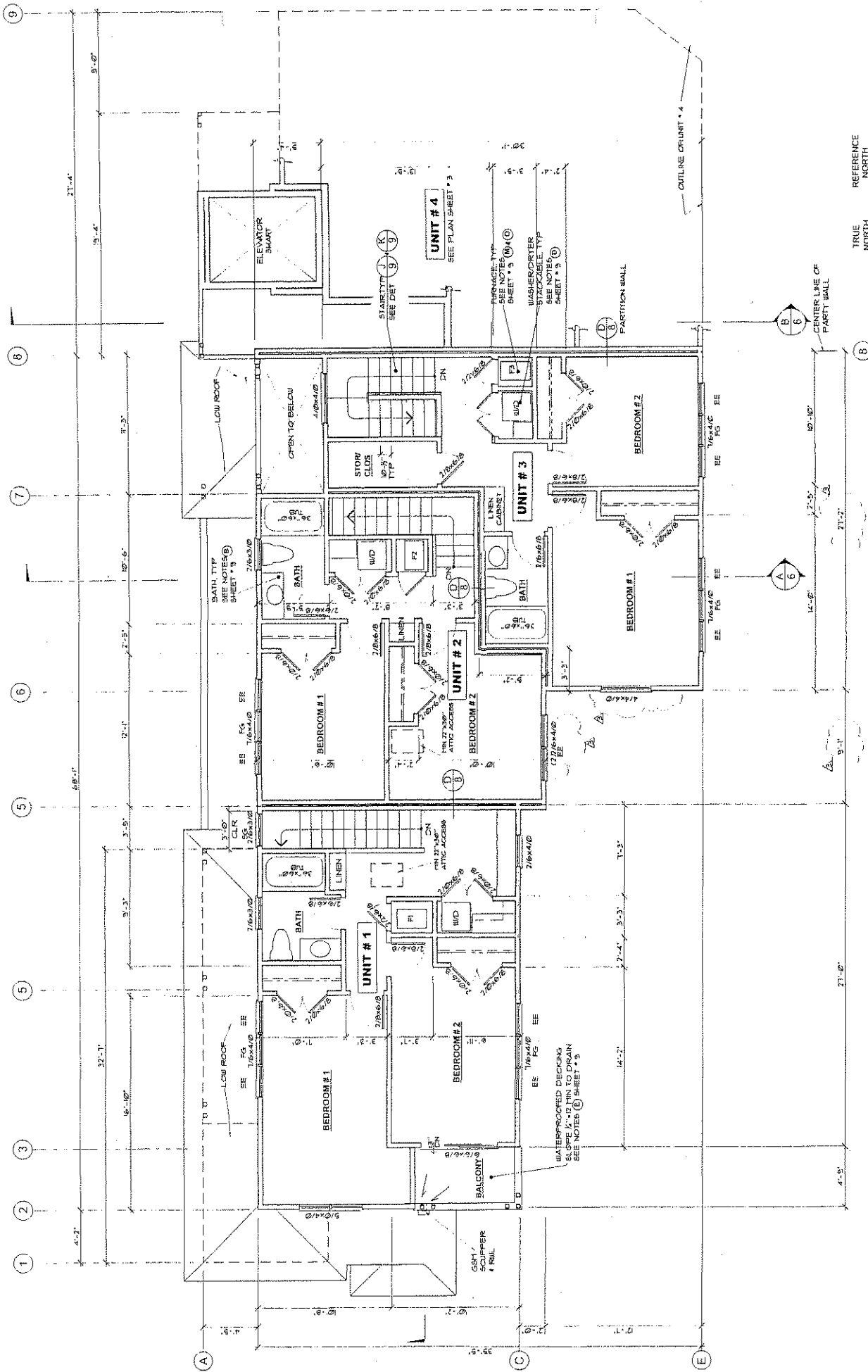
FIRST FLOOR (PARKING LEVEL) PLAN
 1/4" = 1'-0"

G.1.30.



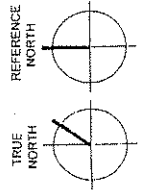
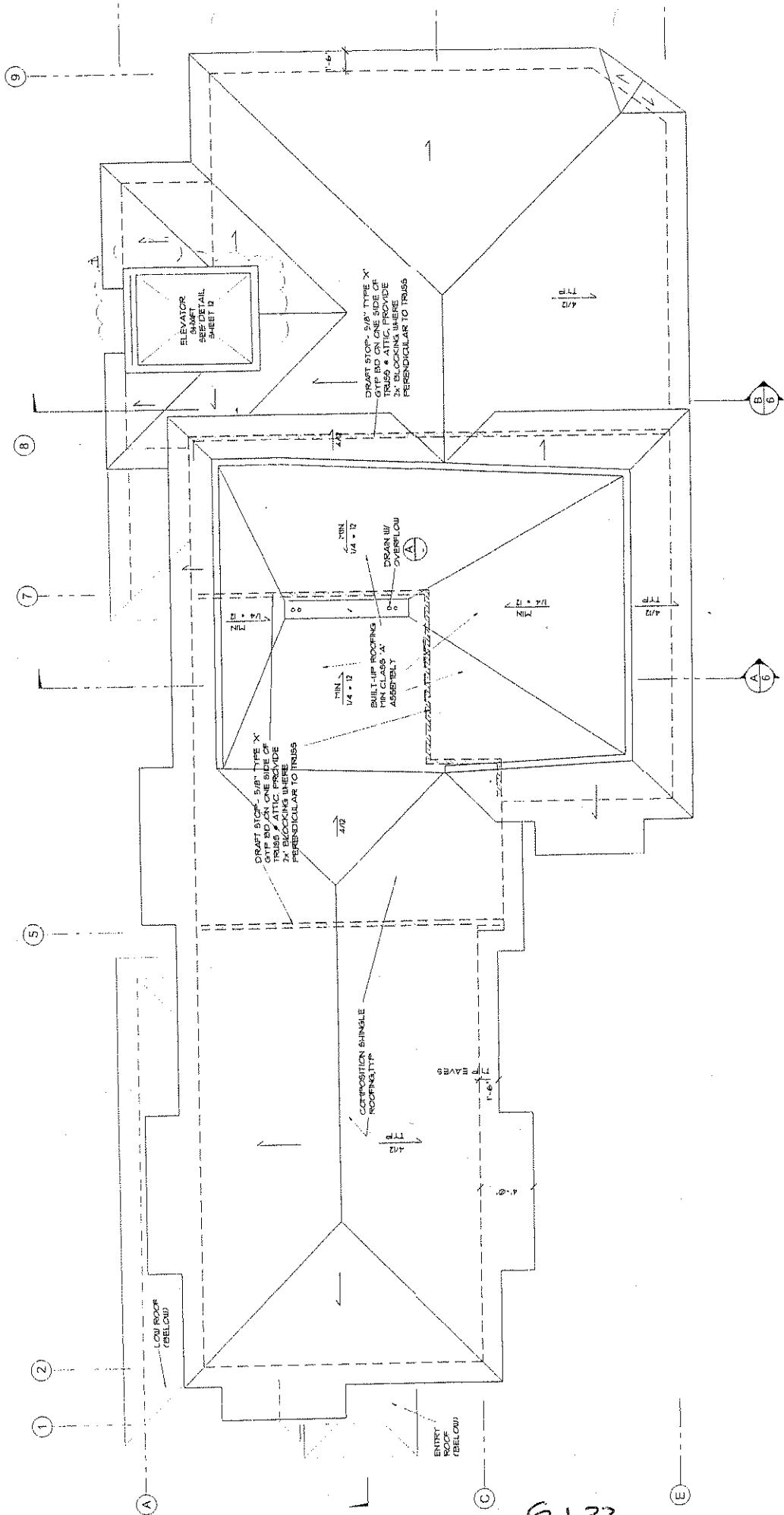
1 SECOND FLOOR PLAN
SCALE 1/4" = 1' - 0"

G.1.31.



1 THIRD FLOOR PLAN
SCALE 1/4" = 1'-0"

G.1.32.



1 ROOF PLAN
SCALE 1/4" = 1' - 0"

G.1.33

PLANT LIST

Project: Four Unit Condo

SYMBOL	SCIENTIFIC NAME	COMMON NAME	PURCHASE SIZE	QTY.	NOTES
BP	TREES	Pyra calleryana 'Arctostart'	24" box	1	Deciduous, 30 tall, 15 wide
		Arctostart	18 gallon	1	
		Broadleaf Pear	24" box	3	Deciduous, 25-30 tall, purple flower
RB	Curtis Forest Peach	Redbud	18 gallon	1	Deciduous, 25-30 tall, purple flower
		Columnar Red Maple	18 gallon	7	Deciduous, pyramidal form, 10' wide x 30' tall, good fall color, purple foliage
A	Acer rubrum 'Counwood'	Columnar Smoke Tree	18 gallon	1	Deciduous 15' tall, 10' wide, purple foliage
+	Calceolaria 'Royal Purple'	Magical Beauty	18 gallon	10	Evergreen, tree form, 20' tall, 6' wide, single trunk
C	Besophyllis x 'Wonic'	Endless Heartburn	18 gallon	1	Evergreen, grass 15' - 20' tall
ML	Lemon, Citrus Meyeri	Meyer Lemon	18 gallon	1	

SYMBOL	SCIENTIFIC NAME	COMMON NAME	PURCHASE SIZE	QTY.	NOTES
dp	VINES	Dwarf Flumbago	6" pot	27	1' tall
		Soliva	4" pot	37	Purple flower, 14" tall
	VINES	Verbeno 'Tipton'	4" pot	20	Pink flower, 3' high, 10" spread
		Flax flower	6" pot	10	Evergreen grass with 8" tall
•••	VINES	Sedum spectabile	1 gallon	14	Evergreen succulent, 1-1/2' tall and wide, copper-red flower
		Passiflora abnormis	1 gallon	2	Vine, green/purple flower
★	FEZES	Fezace	(full)		

TREE REMOVAL SCHEDULE

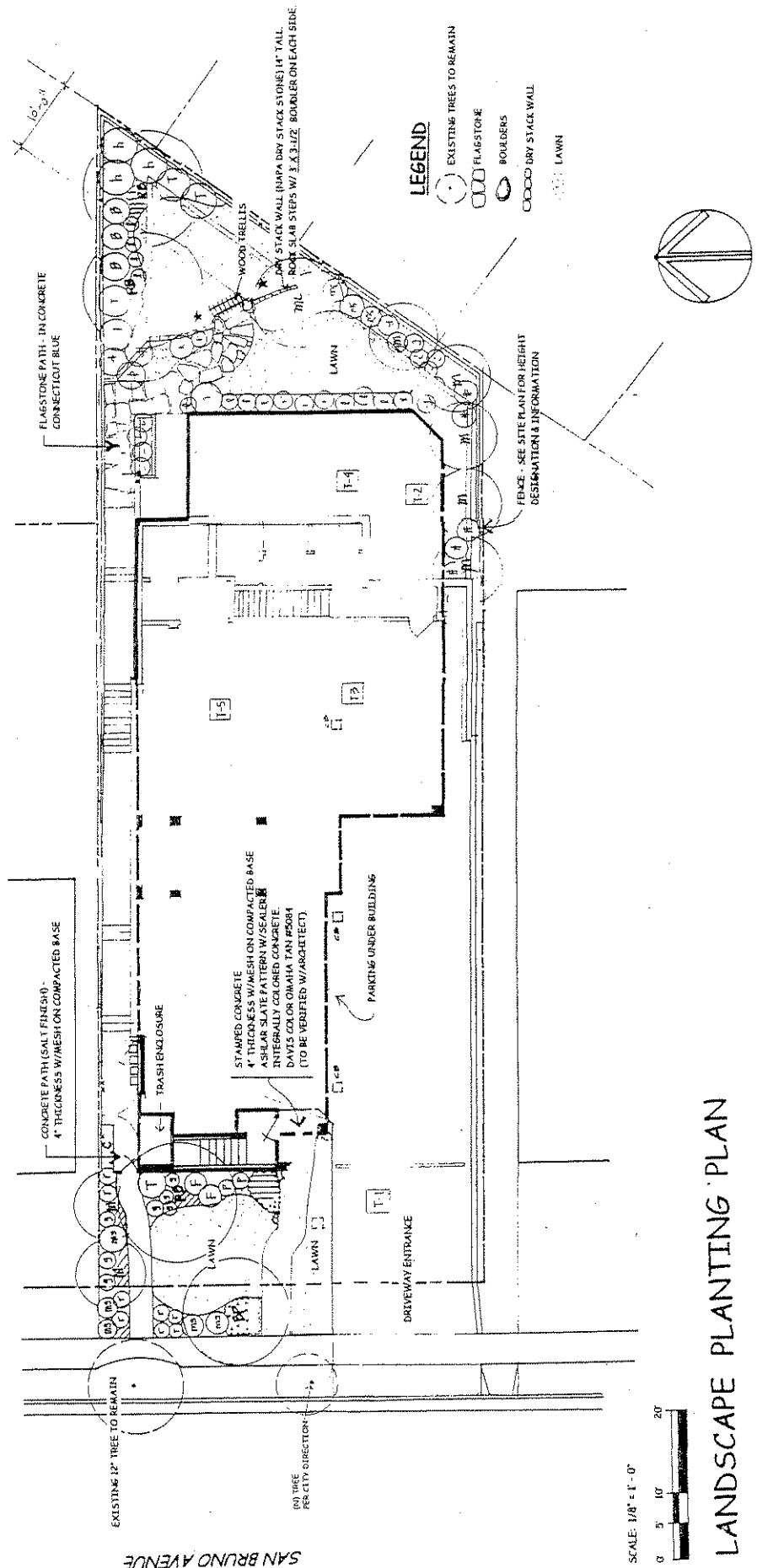
Information obtained from Landscape Flexions (11/1/04)

Tree to be removed	Size	Labelled as
Juniper	12"	T-1
Apple	8"	T-2
Apple	7"	T-3
Apple	10"	T-4
Laport	8"	T-5

GENERAL NOTES

- This drawing is representative only and will be verified on site by the contractor prior to bidding.
- Low areas to receive 2" thick recycled plastic edging.
- All planting areas to receive 2" thick mini bark mulch.
- All new elements and dimensions are as shown or as approved by the contractor.
- Landscaping features and plants are shown at approximate locations.

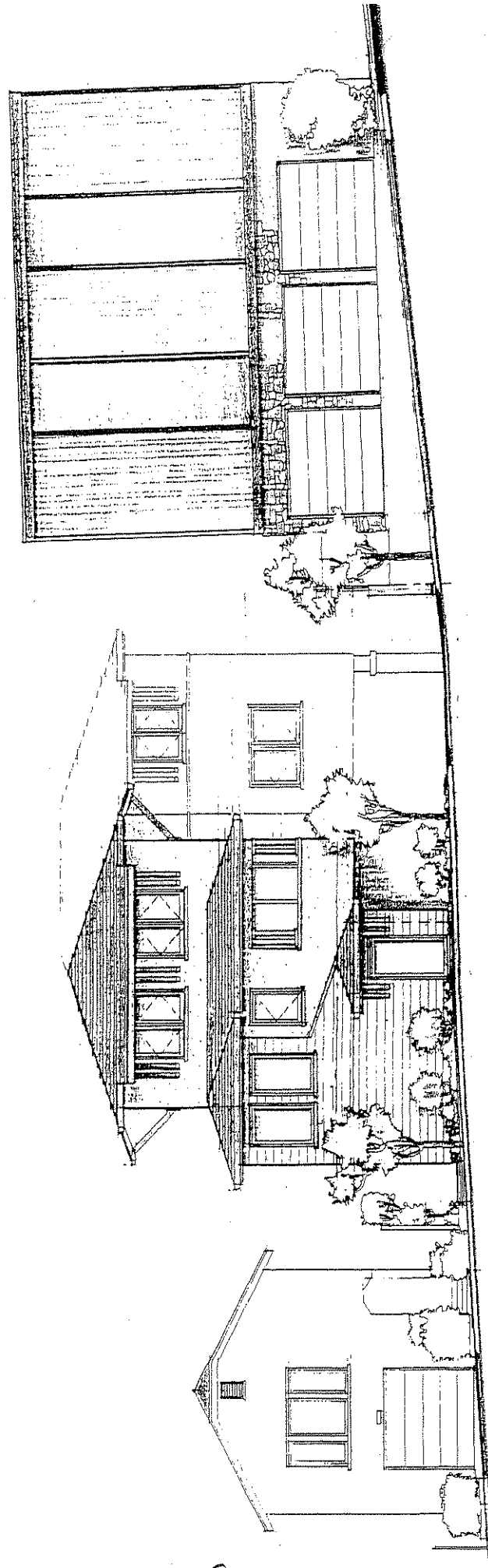
SYMBOL	SCIENTIFIC NAME	COMMON NAME	PURCHASE SIZE	QTY.	NOTES
Q	Nerium oleander 'Mareeze'	Oleander	5 gallon	5	Evergreen, white flower, 8' tall
P	Persea caroliniana	Purple Fraxinam	5 gallon	13	Deciduous, waxy, 4' tall
B	Buddleia lindleyi 'Black Knight'	Grass	5 gallon	3	Sum. Evergreen, purple flower, 2' tall
K	Angucostylis floridus 'Big Red'	Butterfly Bush	5 gallon	3	Evergreen, upright foliage, 4' tall
F	Phormium tenax 'Sundowner'	Sundowner New Zealand Flax	1 gallon	5	Upright growing, white flower, 4' tall
r	Rosa 'Tara'	Teaberry Rose	1 gallon	5	White flower, 4' tall
d	Delphinium elatum	Yellow Fox Glove	1 gallon	3	5' tall, Magenta and Blue flower, 4' tall
h	Dobsonia vesicosa 'Saratoga'	Purple Day lily	3 gallon	3	Evergreen, plant 6' high for internal hedge, Green 10' tall
l	Lorodendron augustifolium	English Lorodendron	1 gallon	8	Evergreen, 2' tall, purple flower
mx	Sida lanceolata	Mexican Sage	5 gallon	9	Evergreen 4' tall, fragrant
g	Geranium 'Varicolor'	Everblooming	1 gallon	19	Evergreen 4' tall, fragrant
f	Fatsia japonica	Japanese Aralia	(full)	7	Green 4' - 5' tall
t	Thoucaulium arvense	Princess Flower	3 gallon	6	5' tall, white, purple (fall)
l	Hemerocallis - Day Lilly	Black-eyed Stella	1 gallon	9	Yellow w/ red eye, 3' tall
		Rocks City	1 gallon	8	Orange, 3' tall
		Prairie Blue Eyes	1 gallon	8	Lorodendron, 3' tall



LANDSCAPE PLANTING PLAN

G.1.34.

STREETSCAPE



637
SAN BRUNO AVE

661
SAN BRUNO AVE
PROPOSED LIGHT CONDENSERS
(ORIGINAL VERSION)
2004

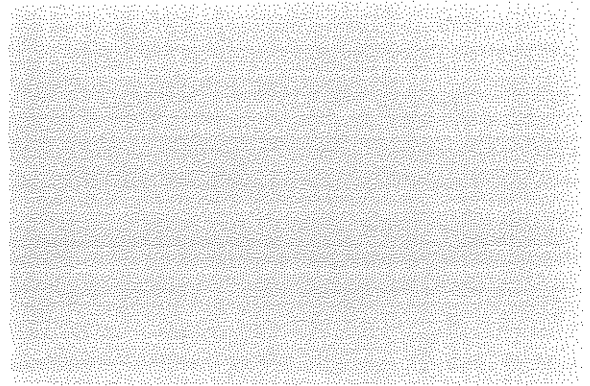
665
SAN BRUNO AVE

G.1.37

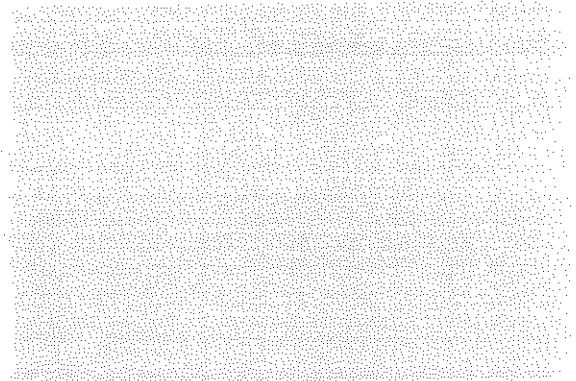
MATERIALS AND COLORS

Composition Shingles CERTAINTEED
Weathered wood with 50 year warranty

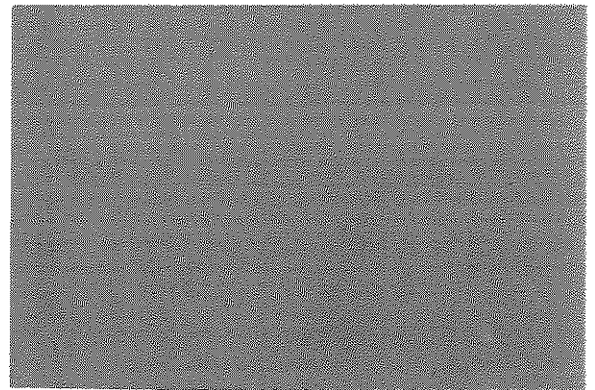
Galvanized metal gutters KELLY-MOORE K-38-2
Cement Plaster -body KELLY-MOORE K-38-2
Guardrails KELLY-MOORE K-38-2



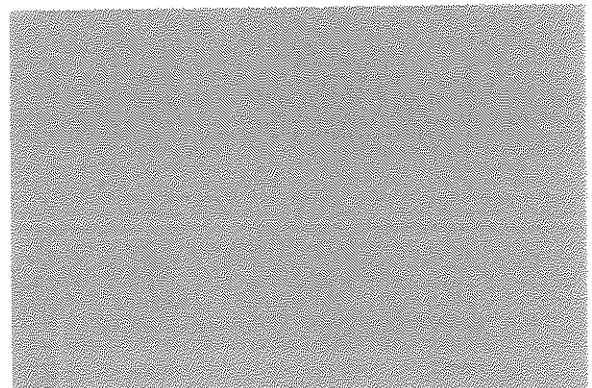
Wood Siding KELLY-MOORE K-33-2

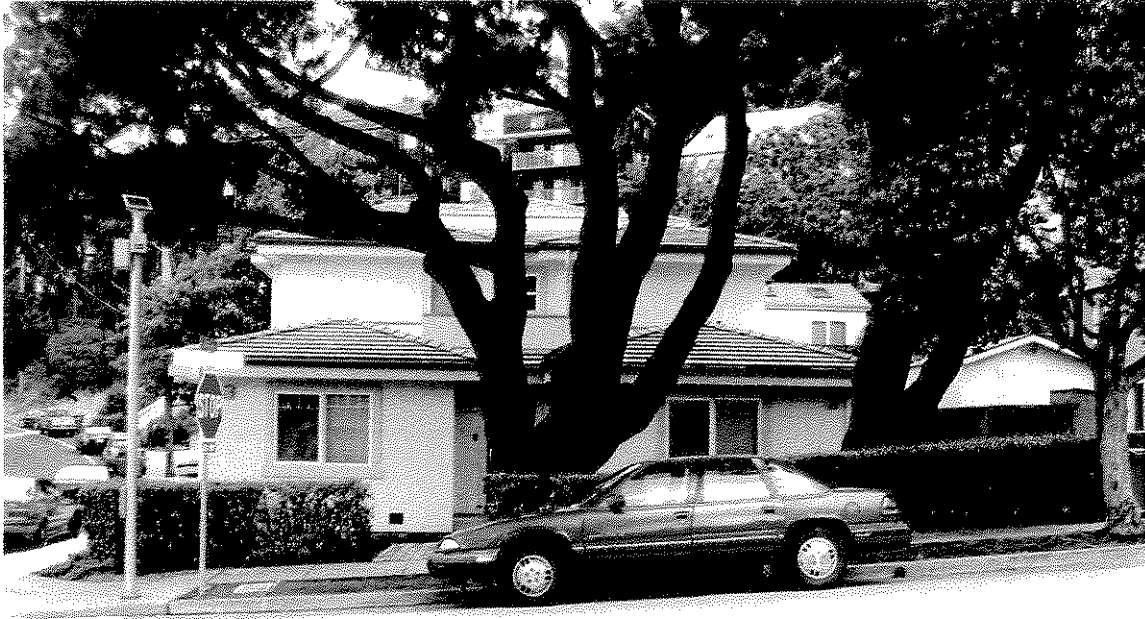


Window and Door Frames KELLY-MOORE K-40-3
Brackets under Eaves KELLY-MOORE K-40-3
Stucco Columns – top KELLY-MOORE K-40-3
Wood Columns KELLY-MOORE K-40-3



Stucco Columns – base KELLY-MOORE K-34-3





291-293-295 Santa Clara St.



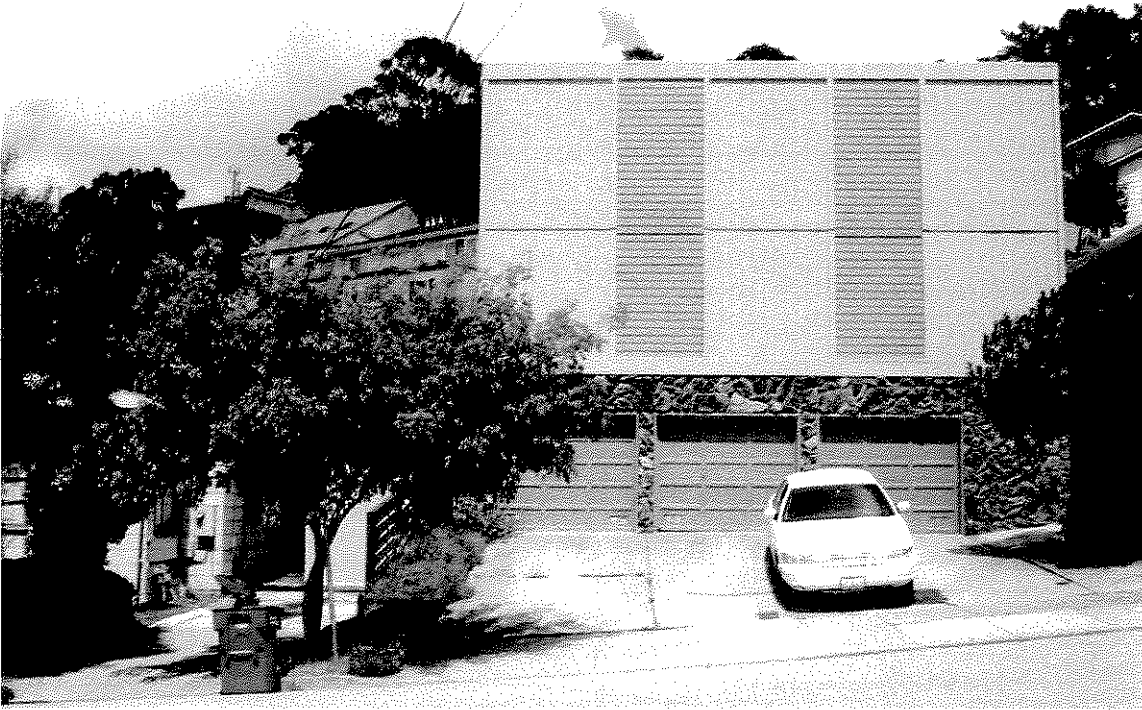
637 San Bruno Ave.

6.1.39.



661 San Bruno Ave.

G.1.40.



665 & 675 San Bruno Ave.

G.I.41.

PHOTO # 7



Rear View

G.1.42.

excerpt
BRISBANE PLANNING COMMISSION
Minutes of January 27, 2005
Regular Meeting

has preliminarily recommended that the requirement be changed to a flat requirement of 400 square feet of outdoor area for active or passive recreational use per unit, with which the project will comply.

2. **PUBLIC HEARING: 661 San Bruno Avenue; Design Permit DP-4-04 & Grading Permit EX-5-04, design permit for four-unit multi-family dwelling with grading involving approximately 723 cubic yards of cut;**
Jerry Deal, JD & Associates, applicant; Steve Johnson, owner; APN 007-362-090

Senior Planner Tune drew attention to the required findings for approval and analysis in the staff report. He said staff recommends conditional approval of the design permit and issuance of the grading permit.

Commissioner Lentz commented that he was surprised this matter was being recommended for a public hearing and approval at the same meeting. Senior Planner Tune responded that staff routinely makes recommendations for actions on projects that are not subject to initial study public hearings.

Chairman Kerwin opened the public hearing and invited comments from the applicant.

Jerry Deal, JD & Associates, applicant, noted his project was simple, consistent with current zoning requirements, and compatible with its neighbors.

Commissioner Lentz commented that he liked the craftsman-style design, and he commended Mr. Deal.

Dennis Busse, 443 Mendocino Street, said he owned the building next door to the applicant's. He noted the property on the opposite side of his own will soon be developed with three condos. He stated that parking in the area is frequently a problem, and he clarified that parking is really not available on both sides of San Bruno Avenue, at least on the 600 block, due to the elementary school.

Mr. Busse expressed concern about health impacts from demolition and removal of harmful materials like asbestos. He urged the City to look into these issues.

Mr. Busse commented that the project appears to call for a carport rather than a covered garage, because there are no walls surrounding the area. He noted sound is likely to be a problem, with loud radios and other noise disturbing neighbors.

Mr. Busse recommended requiring the carport to be enclosed on one end. He expressed concern about noise, exhaust fumes, and appearances of the proposed carport.

Mr. Busse stated that 661 Mendocino Street has had an ongoing sewer problem. He said the sewer in the easement on the east side of the property has overflowed onto his property at least five times. He noted in response to complaints, the City surveyed the line with a robot, and the video showed extensive infiltration by roots and other blockages. Mr. Busse recommended requiring this applicant to

Senior Planner Tune said this applicant proposes replacing the existing house and garage with a new four-plex atop a six-car garage on an almost 7,000-square-foot site. The units will all have two bedrooms and range from about 750 to 1,100 square feet in area; the front of the building will be one to two stories in height, the structure will rise over the garage to a total height of three stories, and step back to one story at the rear. Senior Planner Tune noted the building will also step in height from side to side.

Senior Planner Tune said the proposal calls for an L-shaped building in soft, gray cement plaster and khaki-colored horizontal wood siding with craftsman-style detailing. Gray-brown composition shingles will be used on the varying roofline, which includes a mansard roof that could accommodate solar panels. All units are designed to provide cross-ventilation.

Senior Planner Tune reported that just over 700 cubic yards of cut will be required to grade out the garage and terrace the large back yard. The six-car garage complies with the City's current parking requirements; the driveway is designed to accommodate on-site turnaround. Staff recommends that the curb cut be widened to allow simultaneous entering and exiting while maintaining room along the remaining curb for two on-street parking spaces. Senior Planner Tune noted this will require replacement of an existing street tree.

Senior Planner Tune said the proposed landscaping features several areas of lawn encircled by shrubs, with a hedge along the north side and trees, arbor, and seating wall at the rear.

Senior Planner Tune stated that the project as proposed is condominiums, and the required use permit and tentative parcel map applications will be considered at a later meeting. He noted the current condominium development standards require from 300 to 750 square feet of outdoor common area per unit, depending upon the type of unit. In this case, while the units are not stacked atop one another, neither do they fit the typical townhouse mold, for which the greatest amount of outdoor common area is currently requirement. Senior Planner Tune said the Commission

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replace the sewer as a condition of this project; he expressed his opinion that the project presents an ideal time to address this problem.

Commissioner Hawawini asked the applicant to respond to Mr. Busse's comments.

Mr. Deal stated that the applicant would love to enclose the garage, but the zoning code would not permit the added walls to encroach into the required setbacks.

Mr. Deal said the applicant plans to connect his project to the City's sewer system, but the costs of any upgrades to the existing private line would need to be apportioned fairly.

Mr. Busse clarified that the sewer he mentioned was a private sewer coming down from Tulare Street and across the property along an easement to the east. He said the sewer pipe is visible on the ground. Mr. Busse stated his property has been flooded by that sewer at least five times in twenty years. He added that the latest incident was about six months ago.

Chairman Kerwin commented that Mr. Busse was talking about one of the few private sewers left in Brisbane. Unfortunately, as the old lines deteriorate, downhill owners bear the brunt of flooding and uncontrolled sewage. Chairman Kerwin noted the City has no ability to correct the problems because the sewers are private. He recommended working with uphill owners, complaining to the Health Department to get immediate action, and contacting City Engineer Breault so the City can approach the one remaining homeowner on the private sewer and enlist his support in the work.

Paul Bouscal, 532 Alvarado Street, expressed his opinion that new construction involving excavation of foundations would be an ideal time to replace the old sewer pipes. He suggested requiring the applicant to address the problems now so they do not have to be dealt with in the future. He noted it might be possible to redirect the old line somehow.

Chairman Kerwin noted the City has no ability to get the uphill owner to participate in the repair, so fixing problems down below will not solve future problems. He added that uphill owners may not even be aware of the impacts on downhill owners.

Senior Planner Tune clarified that given the width of the lot, it would not be possible to accommodate a wall on one side while maintaining the required setback. He said the landscaping plans call for a solid wood fence and a hedge to provide a buffer for the adjoining property.

There were no other members of the public who wished to address the Planning Commission on this matter.

Commissioner Hawawini made a motion, seconded by Commissioner Lentz, to close the public hearing. The motion was unanimously approved, and the public hearing was closed.

Commissioner Lentz said his concerns had to do more with the idea of converting small homes across from the school into large, multi-family buildings. He expressed his opinion that this trend detracts from the character of the town.

Commissioner Lentz acknowledged Mr. Busse's concerns about parking. Senior Planner Tune said that San Bruno Avenue meets the City's minimum 36-foot width for a street with parking on both sides. He noted the information in the staff report pertained to street width rather than availability of on-street parking.

Commissioner Jameel moved to conditionally approve the design permit and grading permit as proposed. The motion was seconded by Commissioner Lentz and unanimously approved.

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excerpt
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Minutes of February 22, 2007
Regular Meeting

turning radius requirement for an 18-foot-long vehicle, while most SUV's and large cars average just over 16 feet. He concluded that the proposed parking spaces should be adequate.

Senior Planner Tune said no significant changes in design have taken place since the original design approval. He concluded that staff recommends conditional approval of the variance, use permit, and design permit extension with the conditions detailed in the staff report.

Chairman Hunter requested clarification regarding some of the photographs provided in the staff report, and Senior Planner Tune responded.

Chairman Hunter opened the public hearing and invited comments from the applicant.

Jerry Deal, applicant, noted this project was affected by a change in the California Building Code that required a van-accessible parking space, resulting in an increase in the building's height. He clarified that the height problem pertains to the measurement at the middle of the building, not the front or rear, and a flat roof would make little difference. He requested a slight decrease in the maneuvering area for the garage to offset the greater width of the retaining wall. Mr. Deal asked the Planning Commission to extend the design permit and approve the project as proposed.

Chairman Hunter asked if garage parking spaces would be assigned. Mr. Deal said he was willing to consider that if it would be helpful. He added that the units are moderate in size and the proposed parking should be adequate.

Dennis Busse, Brisbane resident, pointed out the location of his house on Page G.-49. He said he liked the design, but had concerns about noise and fumes from cars in the garage. He recommended requiring the applicant to install a solid 8-foot fence to serve as a buffer between the two buildings. Mr. Busse added that he would prefer not to have a view of parked cars. He noted the City should consider the comfort of the surrounding neighbors, and he requested a better barrier wall.

Mr. Deal said he had no problem with an 8-foot fence along the property line.

Senior Planner Tune suggested continuing this item to specifically notice and consider a fence height exception. Chairman Hunter confirmed that fencing was part of the proposed project. He suggested requiring an 8-foot fence as a condition of approval. Senior Planner Tune confirmed a condition of approval

1. **PUBLIC HEARING: 661 San Bruno Avenue; Variance V-2-07 & Use Permit UP-3-07; Variance to allow building to exceed 28-ft. height limit to accommodate van-accessible parking space in garage, use permit to decrease required parking lot aisle width due to retaining wall location, and extension of Design Permit DP-4-04 for four-unit multi-family dwelling; Jerry Deal, JD & Associates, applicant; Steve Johnson, owner; APN 007-362-090**

Senior Planner Tune said the Planning Commission approved a design permit two years ago for a four-unit building over a six-car garage to replace the existing house and garage on an approximately 6,900-square-foot lot in the R-3 district. During construction, the California Building Code changed to require buildings with at least four condominium units to be designed to be accessible to persons with disabilities. The applicant revised the plans to provide an elevator and reconfigure two units. The clearance in the garage was increased to provide the required van-accessible parking, which then increased the height of the building 1 foot, 2.5 inches beyond the 28-foot height limit, necessitating a variance.

Senior Planner Tune advised that based on the structural calculations, additional shoring and thickness were needed for the retaining wall on the south side, which resulted in the requirement for a use permit, because the retaining wall will now impinge upon the area available on the site for cars to maneuver in and out of the parking spaces.

Senior Planner Tune noted that because of the delays caused by these complications, the applicant was not able to obtain a building permit prior to expiration of the design permit, so extension of that original design permit approval is also required.

Senior Planner Tune drew attention to the staff report for a discussion of the findings required for the variance, use permit, and design permit extension. With respect to the height limit, he noted that because of the cross-slope, the height of the building measured from the finished grade of the driveway on the south side is higher than what would be apparent from the north side. Without the variance, the building would be to be redesigned with a flat roof.

Senior Planner Tune stated that the requested modification of the parking regulations is not significant and would meet the standard for over a third of the other jurisdictions within the state. He said Brisbane's standard is based on the

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BRISBANE PLANNING COMMISSION
Minutes of May 14, 2009
Regular Meeting
excerpt

was another option. He added that the applicant had been advised earlier to consider ways to reduce the impacts of the garage on the neighboring property.

Mr. Deal expressed a willingness to accept a condition of approval requiring an 8-foot fence.

Mr. Busse clarified that the problem was not just the height of the fence, but the materials. He recommended solid wood to provide better soundproofing.

Mr. Deal said the proposal calls for a standard wood fence with alternating wood slats. He acknowledged that the boards will shrink a bit, creating some gaps. Chairman Hunter asked what material would create a better sound barrier, and Mr. Deal replied that a stucco wall would be more effective. He added that there will be landscaping along the fence.

At 11:00 p.m., Commissioner Jameel moved to continue the meeting until 11:30 p.m. The motion was seconded by Commissioner Maturro and unanimously approved.

Commissioners agreed an 8-foot fence would be the best solution. They encouraged the applicant to work with staff and the neighbor to agree on the design.

Senior Planner Tune proposed having the applicant come back with a fence height exception application so the Planning Commission can approve the fence.

Nolan Johnson, co-owner, said he had no problem providing a solid, 8-foot fence. He requested that the Commission approve the project with that condition.

There being no other members of the public who wished to address the Planning Commission on this matter, Commissioner Jameel made a motion, seconded by Commissioner Maturro, to close the public hearing. The motion was unanimously approved and the public hearing was closed.

Commissioner Maturro moved to conditionally approve the variance and use permit as proposed, with an additional condition regarding the fence height exception. The motion was seconded by Commissioner Jameel and unanimously approved.

1. **PUBLIC HEARING: 661 San Bruno Avenue; Fence Exception FD-1-09, Design Permit DP-1-09, Use Permit UP-9-09 & Variance V-1-09; fence height exception for 8 ft. solid wood fence on north property line at garage; extension of previously approved Design Permit DP-4-04, Use Permit UP-3-07 and Variance V-2-07 for four-unit multi-family dwelling exceeding height limit to accommodate van-accessible garage parking space with reduced parking lot aisle width; J. Deal Associates, applicant; Steve Johnson, owner; APN 007-362-090**

Senior Planner Tune noted that the Planning Commission approved a design permit four years ago for a four-unit building over a six-car garage to replace the existing house and garage on this almost 7,000-square foot site in the R-3 district. The approved two-bedroom units ranged in size from 750 to 1,100 square feet, and the building was designed to step back from the front and sides. Due to subsequent changes in the building code, the height of the garage was increased to accommodate an accessible van, causing the building to exceed the 28-foot height limit by 1 foot, 2 1/2 inches, and requiring the retaining wall for the garage parking aisle to be narrowed to less than the City's standard. Senior Planner Tune stated that the Planning Commission approved a height limit variance and use permit for a parking modification two years ago, with the condition that an 8-foot-tall solid wood fence be built to screen the garage and trash enclosure from the building next door. He added that the fence exception was required because the fence exceeded the 6-foot height limit.

Senior Planner Tune explained that the permits lapsed because construction was delayed due to the downturn in the economy, so the applicant is requesting renewal of those permits. He drew attention to the conditions detailed in the staff report and recommended approval.

Commissioner Lentz asked if any of the plans had changed since the Planning Commission approved the original permits. Senior Planner Tune said the only difference is that the applicant provided details for the 8-foot-tall fence within the side setback.

Chairperson Maturro opened the public hearing and invited comments from the applicant. Melvin Johnson, property owner, requested an extension of the fence exception, design permit, use permit, and variance.

Commissioner Lentz said he understood the applicant was not ready to begin construction, and he questioned whether it would be better to request permits when the applicant was ready. Mr. Johnson confirmed that the applicant was not yet ready to start construction. He indicated that the permits need to be extended in order to preserve the

applicant's right to build the project as proposed. Senior Planner Tune added that if the permits are not extended, the applicant would have to reapply later, lengthening the processing time.

Commissioner Hunter asked how long the permits would remain in effect. Senior Planner Tune responded that the applicant would have one year to obtain a building permit, and construction would need to start within six months after that.

Commissioner Hunter noted that when the Planning Commission first heard about the projects, one of the neighbors requested a higher fence. Mr. Johnson expressed willingness to construct the 8-foot fence as requested.

Louise Busse, one of the owners of the neighboring property, said that when this project came before the Planning Commission, she objected to having open carports because of noise impacts and exhaust fumes. She commented that a solid wall would eliminate these problems, and she asked that her comments be included in the record.

Dennis Busse, the other owner of the neighboring property, indicated that the applicant had been very cooperative in agreeing to build an 8-foot wall to minimize impacts on the adjoining property. Referring to the aerial diagram in the meeting packet, he recommended replacing the wheel chocks shown with bollards to prevent cars from going past the parking area.

Commissioner Hunter pointed out that the plans call for a metal guardrail, and the north elevation shows a solid barrier where the stairway ascends.

Mr. Busse advised that a common sewer pipe runs along the property boundary. He reported that his house has been flooded five times due to pipe blockages, and he recommended having this problem fixed in conjunction with this project.

Chairperson Maturo asked the applicant to clarify the parking barriers. Steve Johnson, property owner, said he believed the guardrail was intended to address this issue.

Commissioner Hunter observed that the stairway will also help minimize sound impacts.

There being no other members of the public who wished to address the Planning Commission on this matter, Commissioner Hunter moved, seconded by Commissioner Lentz, to close the public hearing. The motion was unanimously approved and the public hearing was closed.

Commissioner Hunter stated that he had no objections to the proposed project, and noted that the applicant is proposing features such as a solid fence and a guardrail to address the sound and safety impacts.

Commissioner Parker indicated that she was not a member of the Commission when this application was first presented. She asked the applicant if any changes had been made to the sewer system since then. Mr. Johnson replied that no changes had been made.

Commissioner Hunter moved to conditionally approve the fence exception, design permit, use permit, and variance as proposed. The motion was seconded by Commissioner Lentz and unanimously approved.

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- A. The plans submitted for a building permit shall include a section showing the decline of the mansard roof segment over Unit #3 as being no more than 29 ft., 2 1/2 in. above the elevation of the driveway below it.
- B. An 8 ft. tall solid wood fence shall be provided along the northern property line to act as a sound barrier and to screen the adjacent trash enclosure and utility meters.
- C. Per Brisbane Municipal Code Section 17.32.050.B, the surface of retaining walls more than 6 ft. in exposed height shall be treated with coloring and texture to visually divide the height of the retaining wall into horizontal sections of no more than 6 ft. to the satisfaction of the Community Development Director, as shown on Sheet 1 of the submitted plans.
- D. Any arbor shall be located at least 10 ft. from the rear property line and 5 ft. from the side property line.
- E. The proposed design shall limit exterior noise to 45 dB in any habitable room per California Code of Regulations, Title 24, Appendix Chapter 35 (California Noise Insulation Standards), as confirmed by the Environmental Noise Study prepared by Shen Milson Witke Integrated Communications Technology and Acoustic Consulting, dated August 17, 2005, as amended October 13, 2005.
- F. All glass shall be nonreflective, and all exterior lighting shall be located so as not to cast glare upward or onto surrounding streets or properties.
- G. The property owner shall comply with the terms of the landscape maintenance agreement recorded as Document No. 2006-160821. In addition, the landscape plans shall be revised to replace the Purple Fountain Grass (*Pennisetum setaceum 'Rubrum'*) with a noninvasive species.
- H. The property owner shall comply with the agreement including a covenant running with the land and enforceable by the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district recorded as Document No. 2006-160820.
- I. Demolition of the existing structures shall comply with applicable provisions of BMC Chapter 15.75, Recycling and Diversion of Debris from Construction and Demolition (Ordinance No. 493).
- J. A minimum distance of 40 ft. (pan to pan) shall be maintained between the driveway at 637 San Bruno Avenue and the proposed two-way driveway at 661 San Bruno Avenue. The existing street tree shall be replaced to the satisfaction of the City Engineer.

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- K. The recommendations of the geotechnical study prepared by PGSoils Inc., dated April 2005, shall be incorporated into the project per California Building Code Section 1804, and the geotechnical consultant shall oversee construction to certify that any recommendations have been properly implemented.
- L. Prior to issuance of a building permit, the applicant shall obtain a grading permit from the City Engineer per Brisbane Municipal Code Chapter 15.01.
- M. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer. A minimum 5 ft. separation shall be provided between water and sanitary sewer services. The cleanout shall be provided at the property line per BMC Sections 13.04.420.B and 13.04.420.G. All site drainage collection shall be subject to the approval of the City Engineer. The property owner(s) shall be responsible for ongoing operation and maintenance of permanent structural stormwater controls.
- N. Prior to construction, all Best Management Practice improvements necessary to prevent stormwater pollution per NPDES shall be in place and shall be maintained thereafter to the satisfaction of the Public Works Department.
 1. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent, using methods approved by the City's NPDES Coordinator.
 2. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains.
 3. Interior level parking garage floor drains shall be connected to the sanitary sewer system. The applicant shall contact the City for specific connection and discharge requirements.
 4. Landscape irrigation and runoff shall be minimized. The use of fertilizers and pesticides that can contribute to stormwater pollution shall be minimized.
 5. Building foundation vents shall be covered with screens.
 6. The trash enclosure shall be roofed as shown on Sheet 7 of the submitted plans. The area shall be designed to prevent storm water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by wind or runoff during waste removal.
 7. Provisions shall be made in the project design and construction to allow for the discharge of fire sprinkler test water to the sanitary sewer or to a landscaped area, as approved by the City Engineer.

- 8. Condensate from any air conditioning units shall be directed to landscaped areas or connected to the sanitary sewer system, as approved by the City Engineer.
- 9. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
- O. Each unit shall be served by a separate water meter.
- P. Sewer lateral design details shall be to the satisfaction of the City Engineer.
- Q. Facilities for future underground utility service shall be installed in the building per BMC Section 17.32.030.C.2. Prior to issuance of a building permit, the developer shall contact SBC and Comcast Cable regarding including telephone, CATV and Internet cable in any joint underground trench.
- R. The project shall comply with the requirements of the current California Fire Code, California Building Code, Brisbane Municipal Code and California Code of Regulations Title 19.
- S. Smoke detectors shall be hardwired, interconnected and with battery backup within each unit, as required by the North County Fire Authority. A yearly fire code permit and confirmation that the smoke detectors are working shall be required.
- T. Secondary exiting from all bedrooms shall meet the requirements of the California Building Code. The plans submitted for building permit approval shall clearly show an operable window, with net open dimensions which meet the requirements for emergency escape or rescue, for each sleeping room.
- U. The roof shall be of Class A or B non-wood, as required by the North County Fire Authority.
- V. The required fire suppression sprinkler system and monitoring shall be installed in accordance with the requirements of the North County Fire Authority, per separate plan/permit approval. The City water main tap in for the underground fire main required to supply the system shall be subject to Public Works Department approval. Fire flows shall comply with the requirements of California Fire Code.
- W. The required fire alarm system shall be installed to the satisfaction of the North County Fire Authority, per separate plan/permit approval.
- X. Fire-resistive occupancy separation shall be provided between the garages and the dwellings and understorey areas in accordance with California Building Code requirements.

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- Y. The locations of fire extinguishers shall be subject to North County Fire Authority approval.
- Z. Building address shall be visible from the street (numbers to be 4 in. minimum in height), internally or externally illuminated, and of contrasting colors to the satisfaction of the North County Fire Authority.
- A.A. The required 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.
- BB. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- CC. Prior to any sale of the units as condominiums, Use Permit Application UP-16-04 and Tentative Parcel Map Application TPM-2-04 shall be completed by the applicant and approved by the Planning Commission.
- DD. The Fence Exception, Design Permit, Use Permit and Variance shall expire one year from their effective date (at the end of the appeal period) if a building permit has not yet been issued for the approved project and construction commenced per Brisbane Municipal Code Section 17.42.060(a).