

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of February 13, 2020

**SUBJECT:** **Design Permit DP-2-19, Use Permit UP-6-19 and Grading Permit EX-2-19; 36-50 San Bruno Avenue;** NCRO-2 Neighborhood Commercial Retail Office Zoning District; Extend and Modify previously approved applications DP-1-17, UP-2-17, and EX-4-17 to develop a 9,505 square foot lot with a 3-story, mixed use, senior housing building, including 16, 1-bedroom units, 776 square feet of ground-floor commercial space and 14 ground-floor garage parking spaces, with 251 cubic yards of grading including 175 yards to be exported from the site; John Goldman/Goldman Architects, applicant; Horsepower Holdings Llc, owner.

**REQUEST:** The applicant requests a 3-year time extension of Design Permit DP-1-17 and the associated Use Permit UP-2-17 and Grading Permit EX-4-17, which was granted on October 26, 2017, for the construction of a new mixed-use building within the NCRO-2 Neighborhood Commercial zoning district.

The proposed building is three-stories and would contain sixteen (16) 1-bedroom senior apartments, ranging in size from 543 to 688 square feet, two ground floor retail spaces of 337 and 459 square feet, and fourteen (14) parking spaces located within the parking garage. The site is currently developed with a private, surface parking lot that formerly served the 23 Club, at 23 Visitacion Avenue, through a rear-yard pedestrian connection.

**RECOMMENDATION:** Approve a 3-year time extension with modifications to Design Permit DP-1-17, Use Permit UP-2-17 and Grading Review EX-4-17) via adoption of Resolution DP-2-19/UP-6-19/EX-2-19, containing the findings and conditions of approval.

**ENVIRONMENTAL DETERMINATION:** The proposal is an infill development project and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15332, as determined in 2017. There have been no significant changes to the project as it relates to CEQA since the project was approved in 2017. The exceptions to the categorical exemption referenced in Section 15300.2 do not apply.

**APPLICABLE CODE SECTIONS:** BMC Section 17.14.42.060.B allows for a design permit to be extended by the Planning Commission for a time period not to exceed 36 months, subject to the design permit findings. While the use permit and excavation review do not have expiration timeframes specified in the BMC, these permits run with the design permit for this site, so they are also included in the requested extension.

**BACKGROUND:** The design permit, use permit and grading review were approved by the Planning Commission in 2017 and the approval was upheld on appeal to City Council on

October 26, 2017. The effective date of the permit was October, 26, 2017, with a standard two year approval period. Per Brisbane Municipal Code Section 17.42.060.B, a one-time extension may be granted for up to 3 additional years. Before the design permit expiration date, the applicant filed for a time extension. In requesting their time extension, the applicant also proposed project modifications which are detailed below.

**PROPOSED MODIFICATIONS:** As noted above, the applicant proposes modifications with this time extension request. The project would still be for a 3-story structure with ground floor parking and two small commercial spaces with 2-floors of housing above. As originally approved, , it will be an age-restricted senior housing project with sixteen (16) 1-bedroom units and 14 parking spaces. The key modifications proposed in conjunction with the time extension include the following:

1. The architectural design has been modified. While the approved design was based on the art deco style, the revised design incorporates a stronger art deco theme. Design revisions include the addition of architectural pilasters extending from the base of the building to approximately 4 feet above the top edge (parapet) of the building. The building would also have greater articulation, with bay windows on the front and rear of the building, and varying the appearance of the building at the residential levels versus the ground floor. The building's front would also be offset by 2 feet at its middle, in the ground plane. These conditions are illustrated in the architect's plans provided in Attachment C (see floor plans on sheets A2.1, A2.2 and A2.3 and the building elevations on sheets A3.1 and A3.2.) The comparable sheets from 2017 are provided in Attachment E.
2. In 2017, a concession was granted in accordance with the state's density bonus law to allow a 1-foot rear yard setback where a 10 foot setback would otherwise be required. The building design has been modified so that rear yard setback will be 1 foot 4 inches from the lot line for a rear deck at the second level, while the rest of the building envelope along the rear side would have a greater setback from the rear lot line. The setbacks are outlined in the Project Description table, provided in Attachment B
3. The applicant has requested to utilize a second concession available under the state's density bonus law for the height of the building. The height of the building was previously proposed at 31 feet 3 inches to the parapet and 32 feet 3 inches to the top of the elevator enclosure. This current proposal shows the parapet at a height of 32 feet 10 inches and the pilasters extending as high as 37 feet. A roof deck would now be included and the height of the stairs and elevator enclosures to access the roof deck would be 38 feet 7 inches and 45 feet, respectively. Note that the roof deck area, stairs and elevator enclosures would all be setback from the front and rear edges of the building, so they would not be readily visible from the street, except from a distance. While a variance would normally be required for the height to exceed 35 feet in this zoning district, state density bonus law allows the applicant to obtain this height allowance as a concession instead of a variance. Further discussion on the state density bonus law is provided in the following section.

4. The change in building articulation of the building's envelope and enclosing the previously proposed second and third floor center courtyard would allow for modifications to the floor plans, including the following:
  - a. An increase in the floor area of the two ground floor retail spaces is proposed, to total 776 square feet, versus the previously approved 464 square feet. Note that a minimum of 600 square feet is the standard for this zoning district and the Commission had previously granted an exception for the lesser floor area.
  - b. The residential units would range from 543 to 688 square feet in floor area, versus the 426 to 545 square foot units previously approved. They would all remain as 1-bedroom, 1-bath units.
  - c. The center courtyard that was proposed at the second and third levels would become an enclosed common hallway, to access to the residential units. This would provide greater protection from the elements while the residents enter their individual units.
5. There are some minor modifications to the site work and landscaping concept plans, as follows:
  - a. At the ground floor the building would be set back farther from the lot lines in both the front and the rear, allowing for more landscaping. See the setbacks summary on the Project Description Table, Attachment B.
  - b. An approximately 9 foot 4 inch high arbor is proposed in the rear yard area, approximately 2 feet 6 inches from the rear lot line. While a 5 foot rear setback is normally required for arbors, this proposed setback would be in compliance with the rear setback concession of 1 foot 4 inches.
  - c. The grading would total 251 cubic yards, with 175 cubic yards of export, whereas the prior version included 185 cubic yards of total grading with 118 yards of export. The current grading plan would allow for a walkway directly from the garage to the southwest rear yard area which incorporates a seat-wall in that area, whereas under the previous proposal that area had limited accessibility.
6. The architect has provided a new materials/colors sample board to go with the updated architecture. A photo of the board is included as Attachment D and it will be available at the Commission meeting.

**State Law Concessions:** As indicated above, the modified project would include two concessions as allowed under the state's density bonus law, one for the height of building elements to be over 35 feet and one for the rear setback to be less than 10 feet. State density bonus law § 65915 (b) & (d) requires the City to grant up to two concessions to the development standards if requested. One concession is provided for projects where at least 10 percent of the total housing units for lower income units are provided and one concession where at least 5 percent of the housing units for very low income households are provided. That equates to 2 lower income units and 1 very low income unit for this 16 unit development. This proposal

meets the requirements for 2 concessions and the applicant is requesting both, whereas previously only the setback concession was requested.

**ANALYSIS AND FINDINGS:** The extension of the project timeframe with the proposed modifications would not affect the findings under which it was originally approved. These findings are included in the resolution to approve the requested extension/modification (see Attachment F).

As outlined above, the project would be a stronger example of the art deco style than originally proposed and would have greater building articulation on the front and rear sides. The increase in residential floor area sizes would not change the parking requirement, which would remain conforming with the Brisbane Municipal Code for senior housing. The sizes of the ground floor retail spaces would become conforming, at over 600 square feet in total, but would still be small at a total of 776 square feet for the two spaces. Off-street parking is not required for ground floor store front spaces in this the NCRO-2 district, so no additional parking would be required with this increase in storefront floor area. While the height of certain building elements would exceed the 35 foot limit, these may be permitted as a concession, consistent with the state's density bonus law. Also, given the nature and location of these elements, as architectural pilasters or being setback from the front and rear building edges for the roof deck and access elements, they would still meet the findings originally made by the Planning Commission, as provided in the attached resolution. Most notably the findings that, *"the design respects the intimate scale and vernacular character of the street"* and *"the proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project"*.

In brief, the project as modified, with the conditions of approval, complies with the required findings for the granting of the time extension. There are no new ordinances that would affect these planning applications. The project will be subject to the state and local building codes in effect at the time of submittal of the building permit application, including, but not limited to the local ordinances requiring building electrification, on site energy generation, electric vehicle charging spaces and the arts program fee.

To reference the materials provided 2017, including the Planning Commission and City Council agenda reports and minutes, please see Attachments G, H and I.

**ATTACHMENTS:**

- A. Aerial of Site Vicinity
- B. Table - Project Description
- C. 2020 – Architect's Project Description, Plans & Renderings
- D. 2020 – Sample Board Photo
- E. 2017 - Plans & Renderings (excerpts)
- F. Draft Resolution DP-2-19/UP-6-19/EX-2-19, with Findings & Conditions
- G. City Council Agenda Report and Minutes of October 26, 2017
- H. City Council Agenda Report and Minutes of October 12, 2017
- I. Planning Commission Agenda and Minutes of August 22, 2017

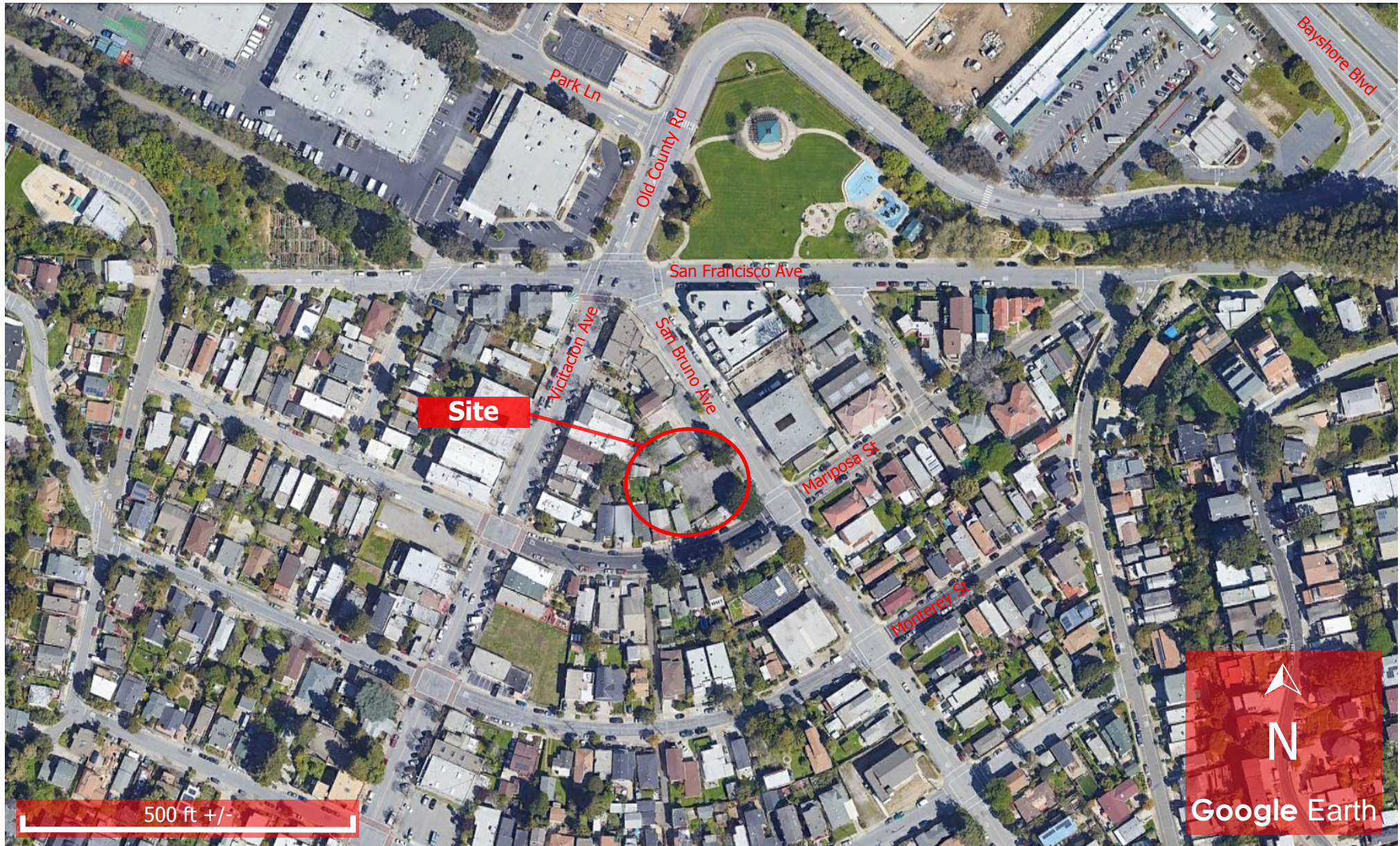
  
Ken Johnson Senior Planner

  
John A. Swiecki Community Development Director

# ATTACHMENT A

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36-50 San Bruno Avenue  
Aerial of Site Vicinity



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# ATTACHMENT B

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**Project Description**  
**36-50 San Bruno Avenue**

<b>Site Description</b>			
General Plan Designation:	Neighborhood Commercial/Retail/Office		
Zoning:	NCRO-2 Downtown Brisbane Neighborhood Commercial District		
Slope:	<5%		
Existing Development:	Vacant (Parking Lot)		
Lot Size	9,505 sq. ft. (subject to lot merger)		
<b>Development Standards</b>	<b>Maximums</b>	<b>2017 Approved</b>	<b>2019 Proposed Modifications</b>
Density:	Established by Use Permit	16 units (i.e.: 1 per 594 sq. ft.)	No Change
Lot Coverage:	90% (8,554 sq. ft.)	73% (6,913 sq. ft.)	72% (6859 sq. ft.)
Floor Area Ratio/Floor Areas:	NA	16 1-bedroom units (4 at 426 sq ft and 12 at 545 sq ft), or 515 sq ft average; plus garage space	16 1-bedroom units (543 sq ft to 12 at 688 sq ft), or 628 average; plus garage space
Height	35 ft., by design permit	31 ft 3 in. - to parapet 32 ft 3 in. - to top of elevator	32 ft 10 in - to parapet 35 ft - to roof deck rail 37 ft - to top of pilaster 38 ft 7 in – to top of stair enclosure 45 ft - to top of elevator enclosure
	<b>Minimums</b>	<b>Proposed</b>	
Lot Area:	2,500 sq. ft. (25 wide)	9,505 sq. ft. (+/- 90 ft. wide)	No Change
Fencing	8 ft. when adjacent to residential district	8 ft. for rear yard	No Change
Storefront	600 sq. ft., <b>except as approved by the Planning Commission.</b> Include “necessary” vents and chases for change of uses.	464 square feet Extra vents/chases not included ***	776 square feet No change
Passive Open Space (i.e.: patios, decks etc.)	60 sq. ft./residential unit	<b>Common:</b> 1835 sq. ft. for Rear Open Courtyard 1428 sq ft. Entry Court above garage <b>3,263 sq ft Total = 204 sq. ft. per unit</b>  [Plus 592 sq. ft. Landscaped Open Area (not included – not accessible)]	<b>Common:</b> 2362 sq. ft. for Rear Yard 1122 sq ft. Roof Deck <b>3436 sq ft Total = 217 sq. ft. per unit</b>  <b>Decks for Units 5 – 8:</b> Total 501 sq. ft.
Building Setbacks—	0 ft.	0 ft.	Varies:

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Front			1 foot 6 inches to 3 feet 8 inches at 1st floor 5 7/8 inches to 3 feet 6 inches at 2nd and 3rd floors
Sides	0 ft.	0 ft.	Varies: Down to 0 ft on all three levels
Rear	10 ft. (Reduction to 0 feet allowed per state density bonus law § 65915 (b) & (d) allowing for a concession)	Varies from 1 foot up to 18 ft 9 in. at the southern end of the rear setback area.)**	Varies: 3 feet 1 inches to 15 feet 5 inches at 1st floor 1 foot 4 inches to 14 feet 8 inches at 2nd floor deck 7 feet 3 inches to 22 feet 7 inches at 2nd floor 5 feet 8 inches to 22 feet 7 inches at 3rd floor
Arbor Setbacks-Sides	3 ft.	NA	6 feet 7 inches
Rear	5 ft	NA	2 feet 6 inches**
Recycling Area	Adequate enclosed space	Enclosed Space for shared bins, per SSF Scavenger recommendations.	No Change
Parking	14 off-street spaces total: 11 resident spaces and 3 guest spaces.  Note: A minimum of 0.67 garage spaces per unit (10.72 total) for 16 senior housing, plus guest spaces at a rate of 1 space per 5 units (3.2 total). Total required spaces are rounded to nearest whole number. Up to 50% of the required spaces may be compact.	14 off-street spaces total, plus estimated 3 on-street: 11 resident spaces and 3 guest spaces.  6 off-street spaces are to be compact (43%).	No Change
Grading	NA	185 cubic yards of grading, with 118 cubic yards of export.	251 cubic yards of grading, with 175 cubic yards of export.

Notes:

\*\*Per state density bonus law § 65915 (b) & (d) two concessions are allowed, reducing the development standard in exchange for the lower income and very low income housing units, as provided in the application.

\*\*\*Architect has indicated that the storefront spaces are too small to be food production spaces that would require additional vents or chases and such are not necessary.

# ATTACHMENT C

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AUG 14 2019

Comm. Dev. Dept. Brisbane

**Date:** 8-13-19**Project Address:** 36-50 San Bruno Ave., Brisbane CA**Re:** Project Description for senior housing at 36-50 San Bruno Ave.

The proposed project is a new 3 story building which includes 16 one-bedroom senior housing units, a parking garage, two commercial spaces and open space at the ground floor. Two units out of 16 are for low income residents and one unit is for very low income residents. Per the City's Inclusionary Housing Ordinance BMC Chapter 17.31, up to two (2) concessions may be granted when we provide low income housing. We would like to use the height and setback concessions.

Two floors of housing are above the ground floor. The proposed number of parking spaces in the project's garage are based on the Brisbane Code requirements for senior housing.

The two commercial spaces total 750 SF. Both are too small to accommodate a full service restaurant, so no hood will be required. These spaces are adequate for a small store or a coffee shop. Coffee shops do not require hoods.

The long façade along San Bruno Ave. is visually broken up into two primary facades with different bay window treatments. Each façade is then further visually delineated into a series of 18-foot wide facades, separated by pilasters of a different color. In this way, the long and low façade is given vertical proportions similar to that of the smaller residential buildings nearby. The style of the project is based on 1930's era buildings such as those found in downtown Brisbane.

The pattern of housing above commercial is found in nearby buildings. The height of the project is also similar to that of nearby multi-family residential buildings. The rear yard is adjacent to the rear yards of surrounding buildings and therefore maintains and expands the mid-block open space.

Placing buildings near the front property line and having rear yard open space maintains existing neighborhood development patterns.

The project is enhanced with diverse and drought tolerant plant species. At the rear yard and front area between the sidewalks, pavers with permeable joints are used to prevent water runoff into the storm drainage system.

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