

City of Brisbane

Planning Commission Agenda Report

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

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

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

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

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

Other potential changes to R-BA District regulations discussed involve the height regulations and ridgeline development provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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