



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

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**DATE:** January 10, 2023

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan D. Grogan, City Manager

**PREPARED BY:** Peter Gilli, Community and Economic Development Director

**SUBJECT:** Appeal of the Planning Commission Decision to Approve an Architectural Review Permit and a Use Permit to Allow a Residential Addition at 1261 Claremont Drive

### **BACKGROUND:**

The property owners of 1261 Claremont Drive made an application to the City in August of 2021 for an addition to a home they recently purchased. The proposed addition included a small ground floor addition to accommodate a new entryway and stairs to the second story and a new second story with two bedrooms and two bathrooms (one of which replaces an existing bedroom on the ground floor). An application to the City was required because of the size of the addition, pursuant to Section 12.200.070 of the San Bruno Municipal Code and because the addition adds more than fifty percent of floor area to the existing home, pursuant to SBMC Section 12.200.030 (B.1). For more than a year, the applicant has worked with staff, the Architectural Review Committee (ARC) and Planning Commission (PC) on project changes that resulted in PC approval of the project. Within ten days of the PC approval, staff received a timely appeal by the neighboring property owner, expressing concerns with the approved design. The City Council must review the proposal, hear the appeal, and to make a final decision. Below is a summary of key meetings and actions for this application:

- **August 19, 2021** – Initial project application submitted with a modern design theme.
- **September 16, 2021** – Staff informed the applicant the modern design was not consistent with the Residential Design Guidelines and recommended a redesign of the project. The applicant redesigned and resubmitted.
- **November 4, 2021** – ARC reviewed the project and made a recommendation for project modifications.
- **January 13, 2022** – The ARC reviewed revised project plans reflecting their recommendations from November 4, 2021. After providing specific design recommendations to the applicant and receiving public testimony, the ARC forwarded the Architectural Review Permit and the Use Permit to the PC.
- **February 15, 2022** – The PC reviewed the project and received public testimony on the project, including testimony from the appellant. Comments expressed by the neighboring property owner and other speakers expressed concerns about the size of the proposed home,

potential privacy concerns with second story windows and the accuracy of the shadow study. The PC considered all public comment and recommended changes to the plans with additional shadow study information, and continued the hearing to their March 15, 2022 meeting.

**- March 15, 2022** – The PC received additional shade/shadow information prepared by the project architect. The PC also received testimony and information regarding the project, including conceptual plans prepared by an architect hired by the neighboring property owner (and appellant) suggesting how the addition could be redesigned to place more of the mass of the addition over the south wing of the house. In addition, the neighbor provided additional shade/shadow information. The PC recommended that the applicant further redesign the project and apply the "daylight plane" included in the Residential Design Guidelines on the side property line, and then return to the ARC for review prior to a final PC review. A daylight plane is a zoning concept that calls for upper floors of a building to be stepped back further from the property line than lower floors to reduce visual mass. The City's guidelines define a 12' vertical line extending upward from the shared property line with a 45-degree angle projecting inward towards the proposed second story addition.

**- September 27, 2022** – The applicant submitted revisions to the plans which incorporated design concepts from the appellant's architect and direction from the PC. The daylight plane was incorporated and the second story setback next to the appellant's property was increased from 4'-3" to 8'-4". A second-floor deck was removed which further reduced privacy impacts on neighbors.

**- October 13, 2022** – The ARC reviewed the revised plans, and referred the plans to the full PC. The ARC provided direction to the owner and architect to make additional modifications to the plans, if feasible, to further reduce shade/shadow effects to the neighboring property.

**- October 24, 2022** – The applicant submitted revised plans for the addition. Modest changes to the plans include the addition of a small roof hip on the lower and upper floors at the back of the residence and the use of "clerestory" windows on the south side of the home that have high sill heights (5'-8" above the floor in this case) to further reduce privacy impacts to the adjoining property. In addition to the submittal of the plans, staff received three letters from the property owners which are included as Attachment 7. The architect and owner indicated to staff that further modifications would be challenging and increase construction costs. The architect also indicated that further increasing of the setback of the portion of the second story over the garage from the south side property line would create an awkward lopsided appearance for the portion of the addition over the garage if the side setback were increased more than the 8'-4" proposed.

**- November 29, 2022** – The PC held a special meeting to review the application. After considering testimony from the applicant's architect and the neighboring property owner (appellant) at 1251 Claremont Drive, the PC voted 5-1 to approve the project. The PC noted during their comments that the project complies with the Residential Guidelines and the applicant had substantially redesigned the project through the process. In addition, they noted that the property at 1251 Claremont Drive is currently shadowed by the existing residence and that any second story addition would have some additional effect on the adjoining property.

## DISCUSSION:

### ***Appeal***

On December 7, 2022, the adjoining property owner at 1251 Claremont Drive filed a timely appeal of the decision of the PC. The appeal expresses disagreement with the PC decision and is requesting further changes to the project plans to address shade/shadow and other impacts. This appeal is subject to final review by the City Council. The appeal letter provided as Attachment 3 states the following reasons for the appeal:

- Location of the addition on the north side near the property line.
- The addition will block much needed sun access.
- The addition is not an equitable solution, and the imposition is significant in terms of light, air and privacy.
- There is room to move the second story to the south wing.
- The first story could be expanded more.
- The size of the home will be larger than those in the neighborhood.
- The addition is not in the spirit of the *San Bruno Residential Design Guidelines* number 3.13.1 and 3.13.2.

A discussion of the project and the Commission's decision follows and addresses the points raised in the appeal.

### ***Project Description***

The proposed project includes a 69 square foot addition to the first floor and a new second floor addition of 1,124 square feet. The total proposed addition is 1,193 square feet which would increase the existing house from 1,857 square feet to 3,050 square feet. Square footage as calculated by the city for residential projects includes the garage. The proposed first floor would include an open concept expanded kitchen and family room which will remove one bedroom. The proposed second story addition would consist of two bedrooms and bathroom. The entire home would include four bedrooms and three bathrooms. The existing two-car garage will remain. The project utilizes materials which comply with the *San Bruno Residential Design Guidelines* and which are consistent with materials for homes in the neighborhood.

### ***Existing Conditions***

The subject lot measures 6,440 square feet and currently consists of a single-family home with an attached two-car garage. The subject property is located on the northwest corner of Claremont Drive and Fairmont Drive, in the Crestmoor Park No. 2 subdivision which was initially subdivided in 1955. The homes in the immediate vicinity were built between 1956 and 1957. The current home includes three bedrooms and two bathrooms with 1,857 square feet of gross floor area. The neighborhood that surrounds the subject property shares similar architectural building style, as they were developed at roughly the same time.

### ***Additional Information***

- **Previous additions or alterations:** There are no known previous additions for this property.
- **Code Enforcement:** There are no known Code Enforcement cases for this property.
- **Heritage trees:** There are no trees proposed to be removed for this project.

### Surrounding Land Uses

North: Plymouth Way – R-1 (Single Family Residential), single family homes

South: Fairmont Drive – R-1 (Single Family Residential), single family homes

East: Hampton Court – R-1 (Single Family Residential), single family homes & O (Open Space), Crestmoor Canyon

West: Glenview Drive – R-1 (Single Family Residential), single family homes

Table 1: Project Details Summary				
SITE CONDITIONS		ZONING REQUIREMENTS	EXISTING CONDITIONS	PROPOSED CONDITIONS
<b>Land Use (Zoning District)</b> <i>SBMC 12.96.060</i>		R-1, Single Family Residential		
<b>Lot Area</b>		6,440 square feet		
<b>Adjustment Factor</b> <i>SBMC 12.96.060(D.7)</i>		0.91		
<b>Adjusted Lot Area</b> <i>SBMC 12.96.060(D.7)</i>		5,861 square feet		
<b>Floor Area Ratio</b> <i>SBMC 12.96.060(D.7)</i>		.55 (For Adjusted Lot Area)	.32	.53
<b>Gross Floor Area</b> <i>SBMC 12.96.060(D.7)</i>		3,223 sq. ft.	1,857 sq. ft.	3,050 sq. ft.
<b>Lot Coverage</b> <i>SBMC 12.96.060(D.3)</i>		2,578 sq. ft. 80% of Gross Floor Area	1,857 sq. ft.	2,000 sq. ft.
<b>Impermeable Area</b> <i>SBMC 12.96.060(D.4)</i>		5,152 sq. ft. R-1: 80% of Lot Area	3,755 sq. ft.	4,065 sq. ft.
<b>Building Setbacks</b> <i>SBMC 12.96.060 (D.7)</i>	<b>Front</b>	15 ft. (to property line) / 20 ft. (garage to sidewalk)	17 ft. (to property line) / 23 ft. (garage to sidewalk)	17 ft. (to property line) / 23 ft. (garage to sidewalk)
	<b>Rear</b>	10 ft.	14 ft., 11 in.	14 ft., 11 in.
	<b>Right Side</b>	5 ft.	4 ft., 3 in.	4 ft., 1 in. 1 <sup>st</sup> fl. 8'- 4" 2 <sup>nd</sup> fl.
	<b>Left Side</b>	5 ft.	16'-2" ft.	16'-2" ft.
<b>Building Height</b> <i>SBMC 12.96.670(D.8)</i>		28 ft.	15 ft., 3 in.	24 ft., 7 in.
<b>Parking Spaces</b> <i>SBMC 12.100.030</i>		2 covered	2 covered	2 covered

Table 2: Square Footage Breakdown				
	First Floor	Second Floor	Garage	Total
<b>Existing Floor Area</b>	<b>1,450 sq. ft.</b>	<b>N/A</b>	<b>407 sq. ft.</b>	<b>1,857 sq. ft.</b>
<b>Proposed Additions</b>	<b>+ 69 sq. ft.</b>	<b>+ 1,124 sq. ft.</b>	<b>-</b>	<b>1,193 sq. ft.</b>
<b>Proposed Total Floor Area</b>	<b>1,519 sq. ft.</b>	<b>1,124 sq. ft.</b>	<b>407 sq. ft.</b>	<b>3,050 sq. ft.</b>

UP21-012: Increase the existing floor area by greater than fifty percent: Pursuant to Section 12.200.030, B2, the project requires a Use Permit because it proposes to increase the existing floor area of the home by greater than fifty percent. The proposed addition of 1,193 square feet to a home of 1,857 square feet is an increase of sixty-five percent. The Use Permit reviews and analyses if the proposed new construction would be compatible with the existing neighborhood character and scale.

AR21-013: Architectural Review Permit: Pursuant to the City's Municipal Code Section 12.200.070, an Architectural Review Permit is required for a residential addition that would increase the floor area by more than one thousand square feet and greater than three thousand square feet.

Despite the increase in floor area, the proposed additions do not exceed the maximum allowable floor area nor the maximum lot coverage. The proposed additions will maintain all current setbacks for the front, rear, and both sides. The proposed exterior materials include stucco and cement siding in both horizontal and vertical directions.

### ***San Bruno Residential Design Guidelines***

The *San Bruno Residential Design Guidelines* recommends any new second story construction to either meet the daylight plane requirement or to add façade articulation through step backs, roof overhangs or window treatments. By doing so, privacy concerns imposed to adjacent properties can be adequately mitigated. The proposed project has satisfied both requirements. The daylight plane requirement is met on all four sides of the home (only two are required). In addition, numerous façade articulations and architectural design elements have been provided, including variations in wall planes with step backs, insets, and pop-outs.

The primary concern expressed at the Planning Commission meeting on March 15, 2022 was the amount of mass of the addition and deck adjacent to the house to the north. To address the concerns of the Planning Commission, the following design changes were made:

- Slight reduction in total proposed floor area
- Stepping back of the entire second floor from the north property line to observe an 8'-4" setback (previous plans use the existing 4'-3" setback).
- Shifting of the mass of the second floor over the main house so that it does not extend all the way back on the north side to allow for reduced mass and less shadowing.
- Use of a 7'-9" high second floor side wall, for an overall height of 24'-7" (original height of the original design was 26'-11", last design reviewed was 25'-7"). The lowering of the

second story plus an additional floor on the ground level puts the addition more in proportion to the existing house.

- The scale and size of the windows has been modified to be in keeping of the scale of windows on houses in the neighborhood.
- Use of only clearstory windows on the north side elevation to address privacy concerns to the neighboring property owner.

Based on staff's analysis, the plans approved by the Planning Commission are in substantial conformance with the following residential design guidelines:

- **SBRDG 3.1 Neighborhood compatibility:** The revised plans break up the mass of the addition as seen from all four sides by breaking up of wall plans and breaking down the mass into smaller volumes. While a majority of the homes in the vicinity remain single-story, the addition is consistent with the examples given in the residential design guidelines.
- **SBRDG 3.4 Architectural style:** The redesigned project utilizes typical materials and forms of the ranch style homes in the neighborhood. Colors and details are considered to be acceptable contemporary updates to the ranch style.
- **SBRDG 3.5.2 Use roof types similar to those in the neighborhood:** The addition includes typical gable and hip roof forms which are consistent with the neighborhood. Multiple roof planes are used to create visual interest and break up the mass of the roof.
- **SBRDG 3.7 Entries:** The entry is recessed and under the roof eaves to be similar to the surrounding ranch-style homes.
- **SBRDG 3.8 Doors and windows:** The original project proposed several different styles of windows which were not consistent nor found throughout the surrounding homes. The revisions to the plans changed the front and side windows to be smaller and match with each other and be more in scale with the window sizes found on the existing house and in the neighborhood.
- **SBRDG 3.9 Materials and colors:** The use of horizontal and vertical siding, along with a composite roof and wood and stucco elements is consistent with materials used in the neighborhood.

The Planning Commission found that the revised plans address the previous areas of design inconsistency with the design guidelines, and the Planning Commission made the following findings in the Resolution approving the project:

***Use Permit Findings – SBMC Section 12.112.050.B***

**1. Will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. (SBMC 12.112.050.B.1)**

The project has been adequately reviewed and conditioned to ensure that the home will be constructed according to the California Building Code (CBC) and will not be detrimental to the health, safety and general welfare of the persons residing in the neighborhood.

**2. Will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city. (SBMC 12.112.050.B.2)**

The proposed new construction and materials are consistent with the existing structure and comply with the elements of the San Bruno Residential Design Guidelines and therefore the project will not be detrimental to property and improvement in the neighborhood or to the general welfare of the City.

**3. That the proposed development is consistent with the San Bruno General Plan. (SBMC 12.108.050.B.3)**

The San Bruno General Plan designates the property as a Low-Density Residential district and allows the establishment of a single-family residence. The development of a single-family dwelling is consistent with the General Plan designation.

***Architectural Review Permit Findings***

**1. That the proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood. (SBMC 12.108.040.D).**

In the Residential Design Guidelines and Municipal Code, there are no specific standards that defines the extent to which a proposed project will unreasonably restrict light or air on another property in the neighborhood. Residential Design Guideline 3.13.1 states that second story additions should minimize shadow impacts on adjacent properties and that second-floor volumes should be designed to minimize blocking sun access to living spaces and actively used outdoor areas on adjacent homes.

Some change in light access and shadowing can be expected to neighboring properties with the addition of a second story, which has historically always been allowed in San Bruno, since the City regulations strive to balance the rights and needs of property owners to improve their property with the rights of adjoining property owners. Some shadowing is expected on side yards and parts of neighboring structures. For the proposed addition, shadowing increases primarily on the property at 1251 Claremont Drive, with a more minor increase in morning shadowing to the property at 1181 Fairmont Drive. Shadow diagrams have been provided by the architect in the plan set which show existing shadowing from the existing one-story house (in orange) with shadows estimated for the second story (in green) and for the roof peak of the second story (in pink).

The neighboring home at 1251 Claremont Drive is built entirely to one side of its property with a larger than average side yard with a minimal rear yard. Due to the nature of the neighboring home being to the north of the proposed project and built with its side yard being the primary outdoor space, the addition will create additional shading in the side and front yard areas, with estimated shadow extensions shown on the revised plans submitted by the applicant. Shading to the property at 1251 Claremont will vary throughout the year, with shading maximums at the fall equinox and in the wintertime, since the sun angle is lower in the sky and due south of the property. The home does not have any solar panels that would be negatively impacted by the addition.

By nature of the orientation of the homes and the orientation of the outdoor space at 1251 Claremont Drive, shading would be unavoidable in any manner which a second story would be constructed at the proposed site, except if the addition was added only over the middle of the existing home. To try to reduce the impact, the applicant has:

- Lowered the overall height of the addition by one foot (24'-7" proposed, 28' permitted)
- Increased the side setback to 8'-4" for the second floor (a 4'-1" increase from the existing 4'-3" existing side setback)
- Has designed the addition to be fully under the daylight plane and
- Shifted the mass of the addition and bedroom/bath to reduce the length of the addition along the shared property line (35'-4" proposed, previous length 44'-5" plus deck).

As stated above, second stories are permitted, subject to application of the residential design guidelines, for all single-family residences in San Bruno. Historically, second story developments have been allowed throughout the city with the understanding that some shading patterns will change on adjacent properties. Shading studies are not required as part of the submittal of plans to the city and there is not an absolute standard in the residential design guidelines or the municipal code on what constitutes a shading impact.

The Planning Commission considered the information presented by the applicant and neighboring property owner at the meeting and determined that the finding regarding light and air can be made in the positive for the project. The decision was based on the fact that the applicant had redesigned the project to the extent feasible and had satisfied the daylight plane requirement. In addition, mass from the rear of the second story addition on the north side was removed and placed over the southern portion of the home.

For the second half of the finding, the Planning Commission found that the project will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood or impair the value thereof; and is consistent with the design and scale of the neighborhood.

**2. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood. (SBMC 12.108.040.G).**

Despite the home's proposed increase in size, the applicant has utilized elements to help the home fit into the character of the neighborhood. The project is well-designed, so it will not impair the desirability of investment or occupation in the neighborhood.

**3. That any proposed single-family or two-family dwelling conform to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time. (SBMC 12.108.040.I).**

The Planning Commission found that the proposed building conforms to the design principles of the *San Bruno Residential Design Guidelines*. The *San Bruno Residential Design Guidelines* recommends respecting the predominant materials and character of the neighborhood while designing homes with architectural identity and integrity. The applicant is proposing to utilize the similar materials as the existing single-family home to remain in conformance with the *San Bruno Residential Design Guidelines*.



This is the first appeal of an ARC and Planning Commission decision in several years. Normally, Planning Commission actions related to residential additions are not appealed. The appellant is requesting that the City Council deny the currently designed project or approve the project with additional design changes. The Planning Commission, in their decision, determined that the proposed project complied with the Residential Design Guidelines. If the City Council agrees with Planning Commission decision based on a review of the project and consideration of the findings and testimony at the meeting, the City Council should approve the project. If the City Council decides the project does not meet City regulations and guidelines, the City Council should affirm the appeal, overturn the Planning Commission action and either deny the project or that further design modifications be made to the project and refer the project back to the Planning Commission for a decision. Based on the information in the record, staff recommends the City Council deny the appeal and approve the project.

**FISCAL IMPACT:**

The appellant paid the required appeal fee for consideration of this appeal by the City Council.

**ENVIRONMENTAL IMPACT:**

This project qualifies for the California Environmental Quality Act (CEQA) Guidelines Exemption Class 1, Section 15301.e.(2) (A): Existing Facilities, where the addition will not result in an increase of more 10,000 square feet and the project is located in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan.

**RECOMMENDATION:**

Adopt the resolution approving an Architectural Review Permit and Conditional Use Permit for the Proposed Project located at 1261 Claremont Drive (APN: 019-014-040) (UP21-012 and AR21-013).

**ALTERNATIVES:**

1. Grant the appeal.
2. Request that the applicant make certain modifications to the project design and refer the project back to the Planning Commission for a decision.

**ATTACHMENTS:**

1. Resolution
2. November 29, 2022 Planning Commission Meeting Minutes
3. Appeal Letter
4. Site Location
5. Photographs
6. Project Plans
7. Letters from Property Owners

- 8. Correspondence from owner of 1251 Claremont
- 9. Correspondence from Project Architect