


# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 3/9/2017

**FROM:** Julia Capasso, Associate Planner, via  John Swiecki, Community Development Director

**SUBJECT:** **219 Tulare Street;** R-3 Residential District; Grading Review EX-1-17 for 421 cubic yards of soil cut to accommodate construction of a new single-family home on a vacant 3,000 square-foot, upslope lot; Fred Herring, Herring and Worley Inc., applicant; Theresa Ruiz Fong Trust, owner; APN 007-361-210.

**REQUEST:** The applicant has proposed construction of a new single-family home on a 3,000 square-foot vacant lot in the R-3 zoning district. The project plans, attached for the Commission's reference, comply with all development regulations of the R-3 zoning district, including FAR, building height, setbacks, and lot coverage. Per BMC §17.10.050, single-family homes in the R-3 district are exempt from Design Permit requirements.

Planning Commission review of the grading plan is required per BMC §17.32.220. The proposed grading plan calls for 421 cubic yards (CY) of soil to be excavated and exported from the site.

**RECOMMENDATION:** Recommend that the City Engineer issue Grading Permit EX-1-17, via adoption of Resolution EX-1-17 with Exhibit A containing the conditions and findings of approval.

**ENVIRONMENTAL DETERMINATION:** Construction of new single-family homes is categorically exempt from the provisions of the California Environmental Quality Act per Section 15303(a) of the CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

**APPLICABLE CODE SECTIONS:** Grading review by the Planning Commission is required for projects involving site grading of 250 CY or more or 50 CY of soil export per BMC §15.01.081.A and BMC §17.32.220. R-3 zoning district regulations are located in BMC Chapter 17.10.

### **ANALYSIS AND FINDINGS:**

**Grading Permit review:** In 2003, the Planning Commission adopted guidelines and findings for reviewing grading applications based on policies in the General Plan addressing grading and hillside development. The application **would meet** these findings. It should be noted that

technical grading issues such as soil stability, erosion control, and site drainage are under the purview of the City Engineer.

- The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography (General Plan Policies 43, 245 & 312 and Program 18a).

The subject property is a vacant lot with an existing 36% slope upward from Tulare Street. The lot is substandard in width, at 30 feet, but standard in depth at 100 feet. The right-of-way extends approximately 18 feet east beyond the existing paved roadway to the property's front lot line (see Sheet C-1 of applicant's plans, attached). The applicant's plans call for excavation of approximately 31 cubic yards within the right-of-way (note: this is not included in the grading and excavation under the Planning Commission's purview). The grading plan calls for 421 cubic yards of soil excavation and export from the subject property.

Considering the unique challenges posed by the lot's narrow width, steep slope, and relationship to the public right-of-way, the proposed excavation is limited to the footprint of the home and is the minimum necessary to accommodate the new structure within the surrounding natural topography. The grading program would allow the new home to be set within the hillside, with upper stories stepping up the slope such that no part of the exposed structure would exceed two stories above finish grade. This design technique will minimize the visual impact of the structure when viewed from adjacent properties.

- The proposed grading is designed to avoid large exposed retaining walls (General Plan Policies 43 & 245).

The grading plan calls for an exposed retaining wall ranging in height from one to six feet above adjacent grade along the north and south walls of the structure, at the three-foot side setback (see grading plan, Sheet C-2, and elevations on Sheets 1 and 2). BMC §17.32.050 requires vegetative screening or wall treatments for retaining walls over six feet in height only if they are located within a setback area. However, condition of approval A.2 is recommended to require screening plantings of the north and south side retaining walls considering the length of the wall.

The grading plan calls for an exposed retaining wall within the public right-of-way adjacent to the driveway that ranges in height from 4 to 10 feet above the finished driveway grade, and a 9 foot wall adjacent to the entry stairs within the public right-of-way. The construction and materials of these walls within the public right-of-way are subject to review and approval by the City Engineer. However, condition of approval A.3 is recommended to encourage the City Engineer to require screening of the walls proposed within the public right-of-way to reduce the visual impact to neighboring properties.

- The proposed grading is designed to conserve existing street trees (as defined by BMC Section 12.12.020), any California Bay, Laurel, Coast Live Oak or California Buckeye trees, and three or more trees of any other species having a circumference of at least 30 inches measured 24 inches above natural grade.

No trees are identified for removal in the submitted grading plans. Should it become necessary to remove a tree during construction, the applicant will need to apply for a tree removal permit as stipulated by BMC §12.12.040.

- The proposed grading complies with the terms of the San Bruno Mountain Area Habitat Conservation Plan Agreement and Section 10(a) Permit, if and as applicable (General Plan Policy 119 and Program 83b).

This finding does not apply as the subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

**ATTACHMENTS:**

Project data table

Site photos

Aerial site map

Draft Resolution EX-1-17 with recommended Findings and Conditions of Approval

Applicant's plans

### Project Data

<b>ADDRESS</b>	219 Tulare Street			
<b>APN</b>	007-361-210			
<b>ZONING DISTRICT</b>	R-3 Residential			
<b>APPLICATION #</b>	EX-1-17			
<b>Development Standard</b>	<b>Existing</b>	<b>Proposed</b>	<b>Min/Max</b>	<b>Status</b>
<b>Lot Area</b>	3,000 SF	-	5,000 SF	Lot of record.
<b>Lot Slope</b>	36%	46%	-	30' height limit
<b>Lot Coverage</b>	n/a	1076 SF or 36%	60%	Complies with standard.
<b>Setbacks</b>				
<b>N Side Lot Line</b>	n/a	3'	3'	Per survey. Complies with standard.
<b>S Side Lot Line</b>	n/a	3'	3'	Complies with standard.
<b>Rear Lot Line</b>	n/a	39'	10'	Complies with standard.
<b>Front Lot Line</b>	n/a	10'	10'	Complies with standard.
<b>Floor Area</b>	n/a	1396 SF or 0.46 FAR	2,160 SF or 0.72 FAR	Complies with standard.
<b>Height</b>	n/a	24'	30'	Complies with standard.
<b>Garage</b>	n/a	14' 2"	15' above street centerline	Complies with standard.
<b>Within 15' of front lot line</b>		20'	20'	Complies with standard.
<b>Parking</b>	n/a	2 (1 covered, 1 in driveway off-street)	2 (1 covered)	Complies with standard.
<b>Landscaping</b>	n/a	77 SF of natural area shown in FYSB	15% of 300 SF FYSB or 45 SF	Complies with standard. Conceptual landscape plan at bldg permit.
<b>Articulation</b>	n/a	n/a	n/a	N/a. Front and rear outside walls less than 20' x 20'
<b>Trees</b>	n/a	none		No trees TBR per applicant's grading plan.

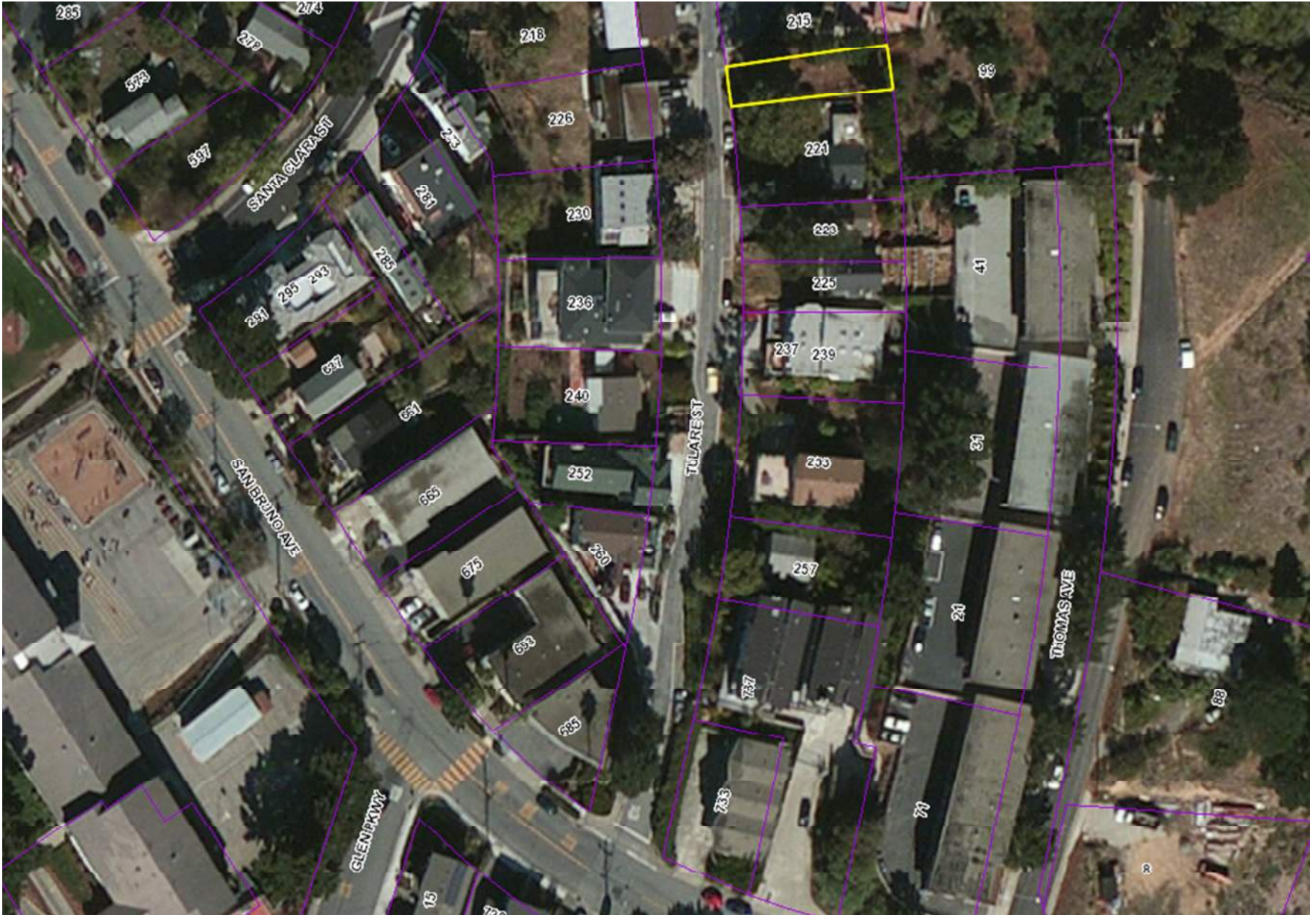


**Street view southeast on Tulare St.**



**Street view east on Tulare St.**

Aerial Site Map  
219 Tulare Street



Draft  
RESOLUTION EX-1-17

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING GRADING REVIEW EX-1-17  
FOR A NEW SINGLE-FAMILY HOME  
AT 219 TULARE STREET

WHEREAS, Fred Herring, of Herring and Worley Inc., applied to the City of Brisbane for Grading Permit review for construction of a single-family dwelling at 219 Tulare Street that will require 421 cubic yards of soil excavation and export from the site, such application being identified as EX-1-17; and

WHEREAS, on March 9, 2017, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, 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 staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15303(a) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested Grading Permit review;

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of March 9, 2017 did resolve as follows:

City Engineer issuance of Grading Permit EX-1-17 is recommended by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this 9<sup>th</sup> day of March, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
TuongVan Do  
Chairperson

ATTEST:

\_\_\_\_\_  
JOHN A. SWIECKI, Community Development Director



DRAFT  
**EXHIBIT A**

**Action Taken:** Recommended City Engineer issuance of Grading Permit EX-1-17, per the staff memorandum with attachments, via adoption of Resolution EX-1-17.

**Findings:**

**Grading Permit EX-1-17**

- As demonstrated by the applicant's grading plan and sections, the proposed excavation is limited to the footprint of the driveway and the home. The grading plan preserves the natural topographic contours adjacent to the structure and allows the structure fit within the hillside.
- The proposed grading would not result in any exposed retaining walls on-site that exceed 6 feet in exposed height from adjacent grade. The grading plan calls for an exposed retaining wall within the public right-of-way adjacent to the driveway that ranges in height from 4 to 10 feet above the finished driveway grade, and a 9 foot wall adjacent to the entry stairs within the public right-of-way. The construction and materials of these walls within the public right-of-way are subject to review and approval by the City Engineer.
- Per the submitted project plans, the proposed grading will not result in the removal of existing street trees, any California Bay, Laurel, Coast Live Oak or California Buckeye trees, or three or more trees of any other species having a circumference of at least 30 inches measured 24 inches above natural grade.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

## DRAFT

### **Conditions of Approval:**

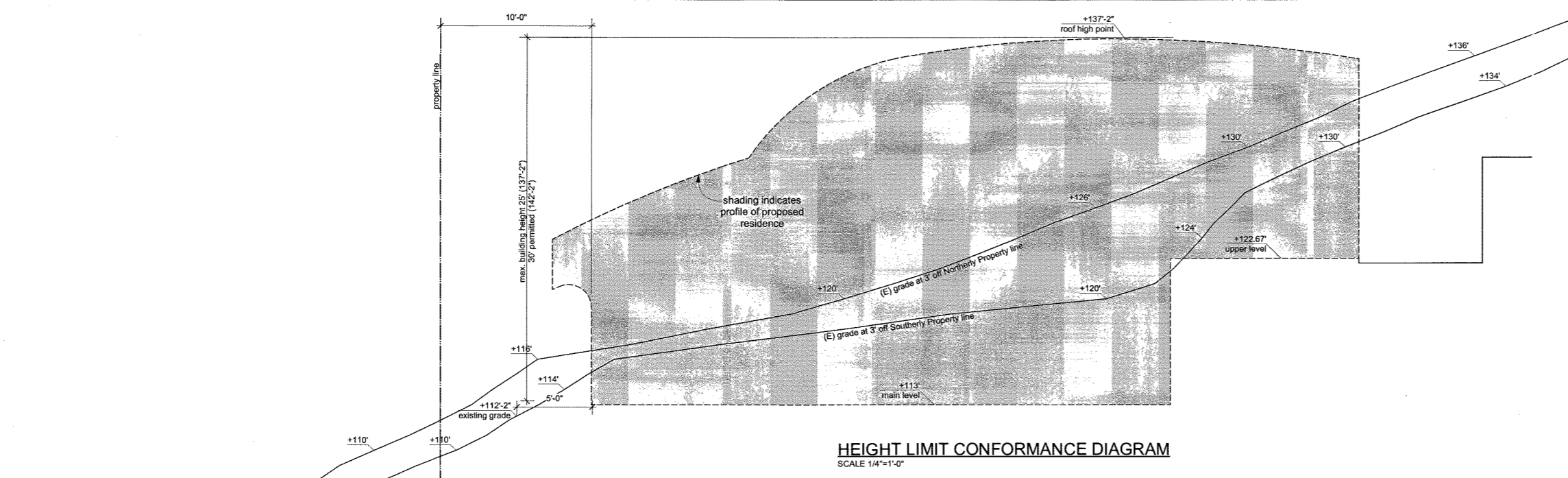
#### Prior to Issuance of a Building Permit

- A. The applicant shall obtain a building permit and a grading permit prior to proceeding with construction. Plans submitted for the building and grading permits shall substantially conform to plans on file in the City of Brisbane Planning Department, with the following modifications:
  1. Building plans shall include a shoring plan.
  2. A conceptual landscape plan shall be submitted demonstrating compliance with the requirements of Brisbane Municipal Code §17.10.040.I, to the satisfaction of the Planning Director. The plan shall incorporate water-conserving, non-invasive landscaping of sufficient size at maturity to provide screening of the north and south side retaining walls, and to provide the minimum front yard landscaping area.
  3. The City Engineer is recommended to consider requiring screening plantings and/or textured materials and treatments for all exposed retaining walls within the public right-of-way, such that no more than six (6) feet of the height of the retaining wall will remain visible, or require varying treatment and materials at six (6) foot horizontal intervals. If screening plantings are chosen, they should be included in the conceptual landscape plan.
  4. Plans submitted for grading permit review shall be subject to standard review procedures and conditions required by the Department of Public Works.
- B. Prior to issuance of a building permit, the applicant shall obtain an encroachment permit from the Department of Public Works for all proposed construction activity and private improvements within the public right-of-way.
- C. Prior to issuance of a building permit, the property owner shall enter into standard landscape maintenance agreements with the City.
- D. Prior to issuance of a building permit, an agreement shall be recorded between the owner and the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district.

#### Other Conditions

- E. During grading and house construction, no staging of equipment or obstruction of the existing paved travel way will be permitted, with the exception that two (2) consecutive 8-hour work days that may be used to create construction staging outside of the paved street or as determined by the City Engineer.
- 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. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer.

- H. Drawings depicting all work completed and proposed shall be provided to the satisfaction of the City. Exposure of covered work may also be required to demonstrate compliance with building code requirements.
- I. The permittees agree to indemnify, defend and hold the City and its officers, officials, boards, commissions, employees and volunteers harmless from and against any claim, action or proceeding brought by any third party to attack, set aside modify or annul the approval, permit or other entitlement given to the applicant, or any of the proceedings, acts, or determinations taken, done or made prior to the granting of such approval, permit, or entitlement.
- J. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- K. The grading permit review shall expire two years from its effective date (at the end of the appeal period) if a building permit has not been issued for the approved project or if the building permit, once issued, is allowed to expire prior to final inspection.



**HEIGHT LIMIT CONFORMANCE DIAGRAM**  
SCALE 1/4"=1'-0"

**DRAWING INDEX:**

- Cover Photo of architectural model
- C-1. Site Survey, Project Data, Drawing Index
- C-2. Grading Plan, Site Sections
- C-2.1. Photo of Site M Illustrating Proposed Grading
- 1. Ground Floor Plan, South Elevation
- 2. Main Floor Plan, North, East, West Elevation
- 3. Upper Floor Plan, Longitudinal Building Section
- 4. Window & door schedule, Window & door diagrams
- 5. Roof Plan, Building Cross Section
- 6. Foundation Plan, Details, Notes
- 5.1. Details
- 7. Main Floor Framing Plan, Details, Notes
- 8. Upper Floor Framing Plan, Details, Notes
- 9. Roof Framing Plan, Roof Beam Profiles
- 9.1. Details

**PROJECT DATA:**

Property: 219 Tulare Street  
Brisbane, 94005 CA.  
APN: 007-361-210  
Lot area: 3000 $\pm$   
Average lot width: 30'  
Permitted floor area: .72 x 3000 = 2160 $\pm$  > 1396 proposed  
Permitted coverage: .40 x 3000 = 1200 $\pm$  > 1086 proposed  
Max. building height: 25' < 30' permitted  
Setbacks:  
Front (West) to garage 0'  
to living 10'  
Side (South) 3'  
Rear (East) 39'  
Side (North) 3'  
Occupancy: U/R-3  
Building Type: V b  
Tree removals: None proposed

**GRADING QUANTITIES:**

Required improvements within public right-of-way 31 cu. yd.

**Grading of property to be improved**

Driveway & Entry stair	45
Garage & Lower Floor	226
Main Floor	80
Upper Floor	43
Upper Terrace	27
Total Cut:	421 cu. yd.

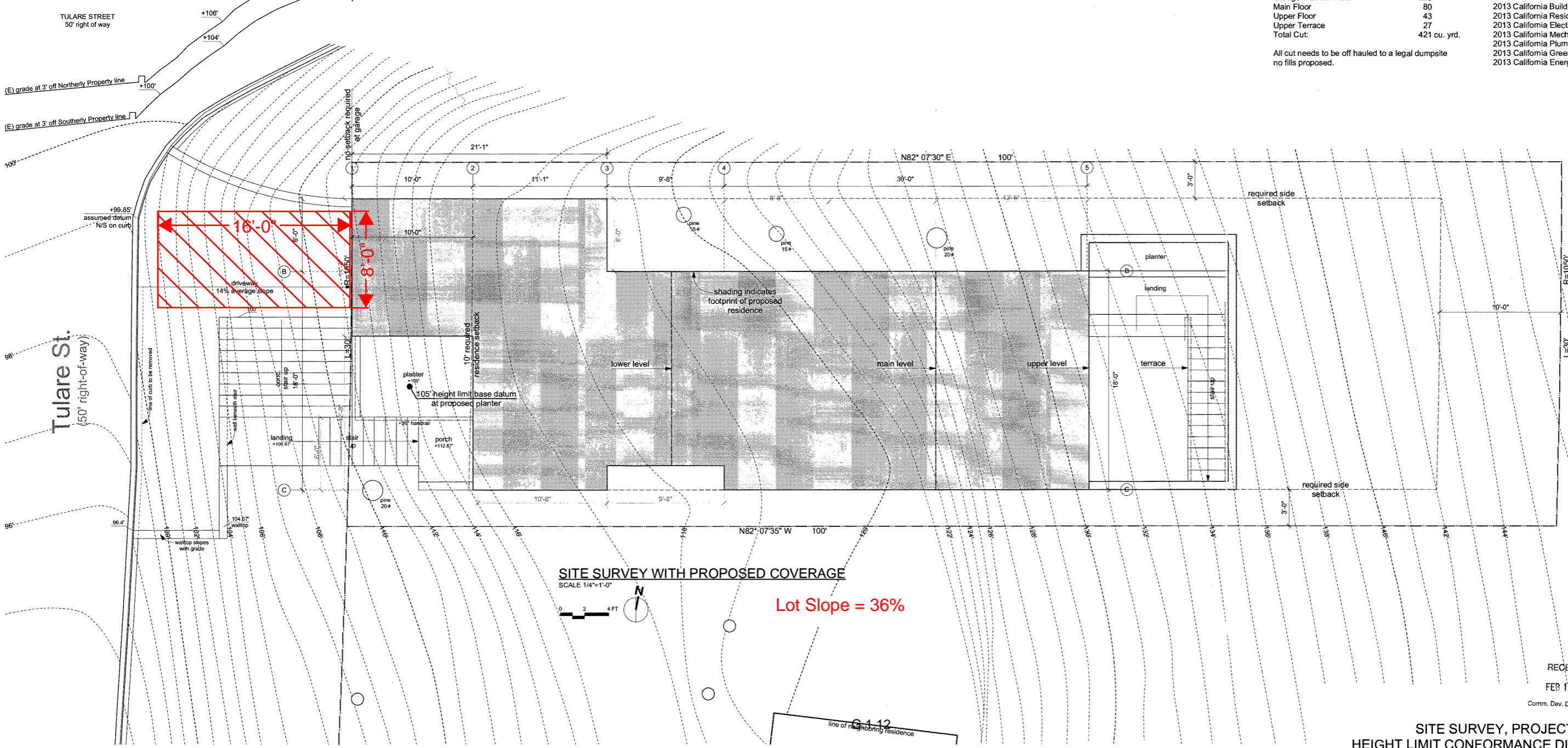
All cut needs to be off hauled to a legal dumpsite no fills proposed.

**FIRE PROTECTION:**

Structure to be protected with automatic fire sprinkler system compliant with NFPA 13D.

**APPLICABLE CODES:**

- 2013 California Building Code
- 2013 California Residential Code
- 2013 California Electrical Code
- 2013 California Mechanical Code
- 2013 California Plumbing Code
- 2013 California Green Building Standards Code
- 2013 California Energy Code



**SITE SURVEY WITH PROPOSED COVERAGE**  
SCALE 1/4"=1'-0"

Lot Slope = 36%

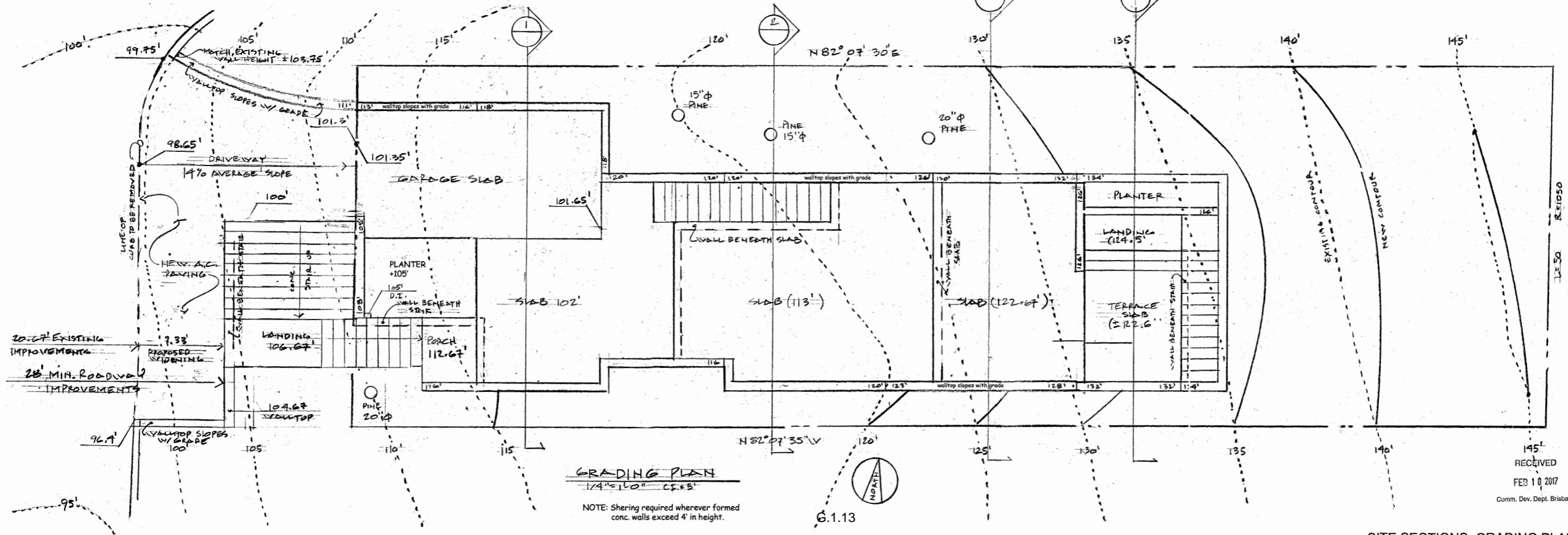
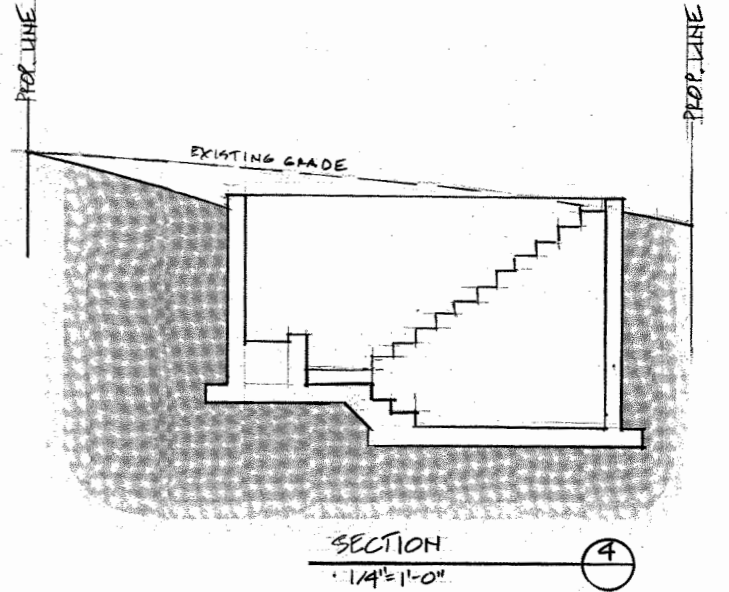
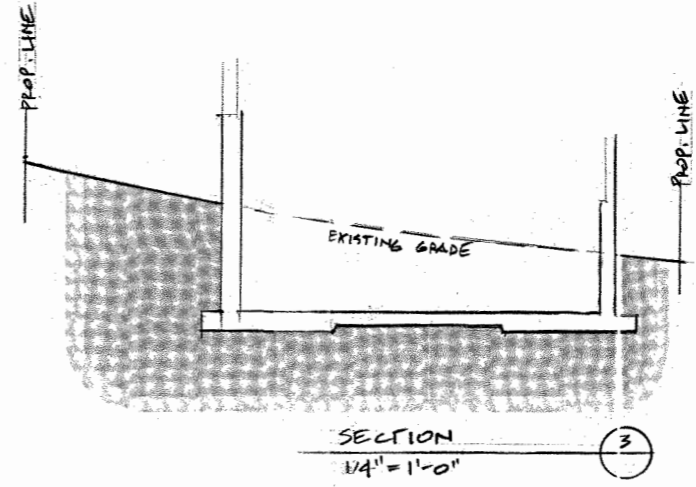
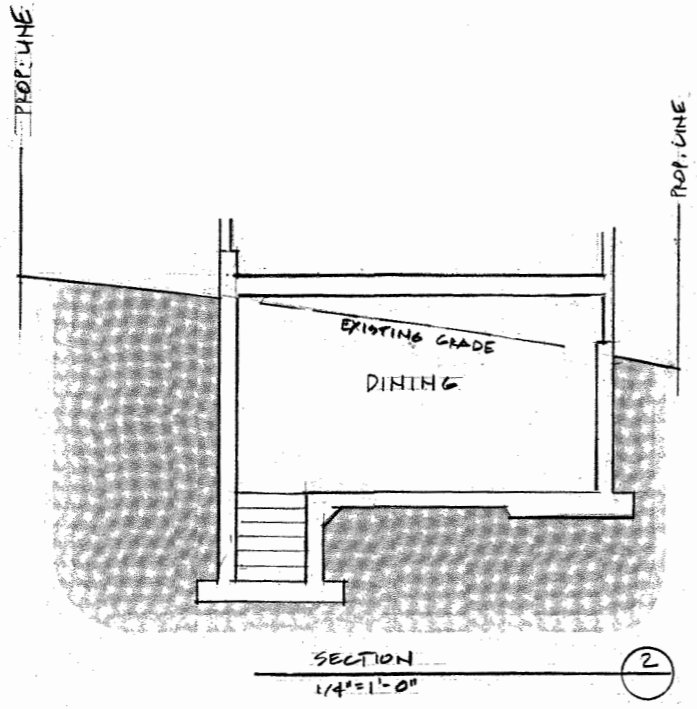
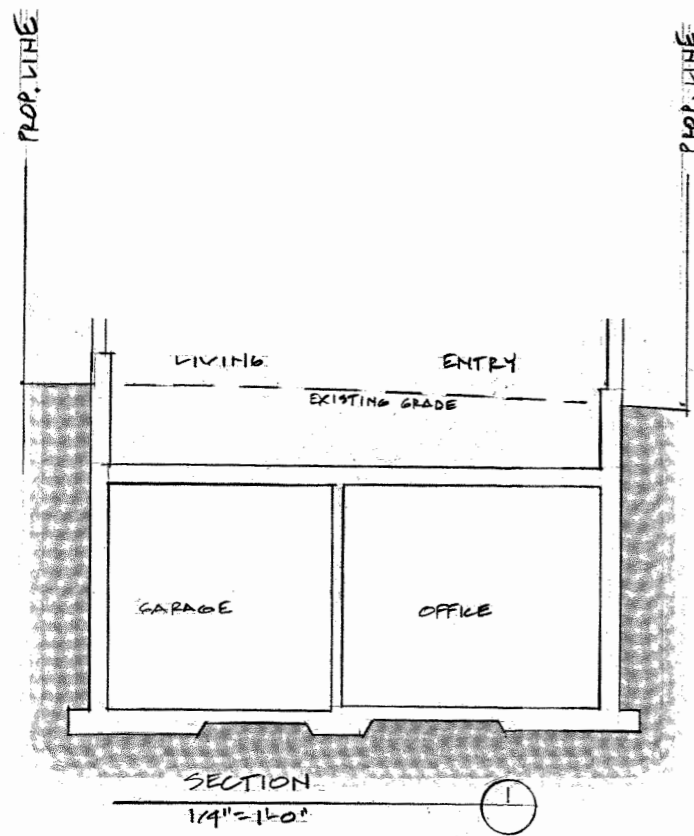


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**SITE SURVEY, PROJECT DATA,  
HEIGHT LIMIT CONFORMANCE DIAGRAM**  
SCALE 1/4"=1'-0"



**GRADING PLAN**  
1/4" = 1'-0" C.S. & S.

NOTE: Shoring required wherever formed conc. walls exceed 4' in height.

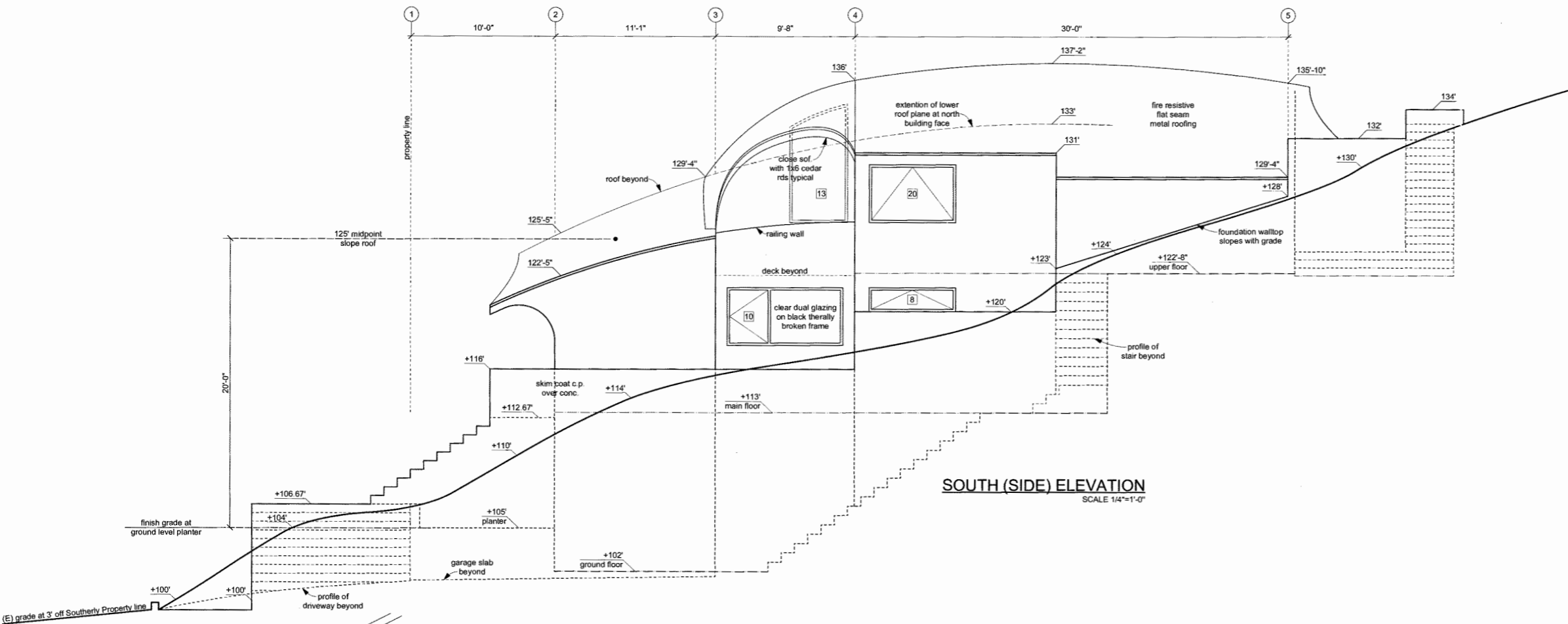
G.1.13



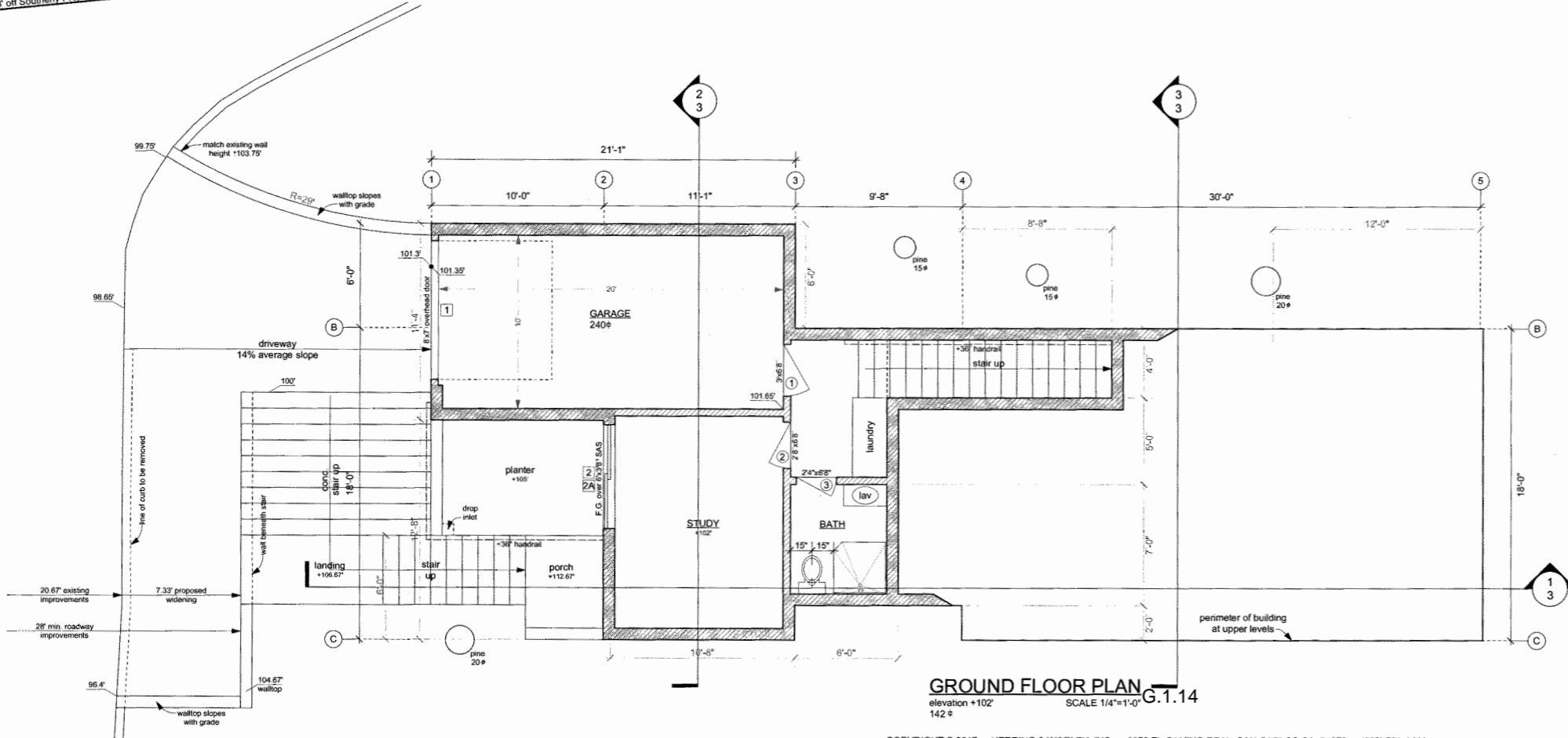
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**SOUTH (SIDE) ELEVATION**  
SCALE 1/4"=1'-0"



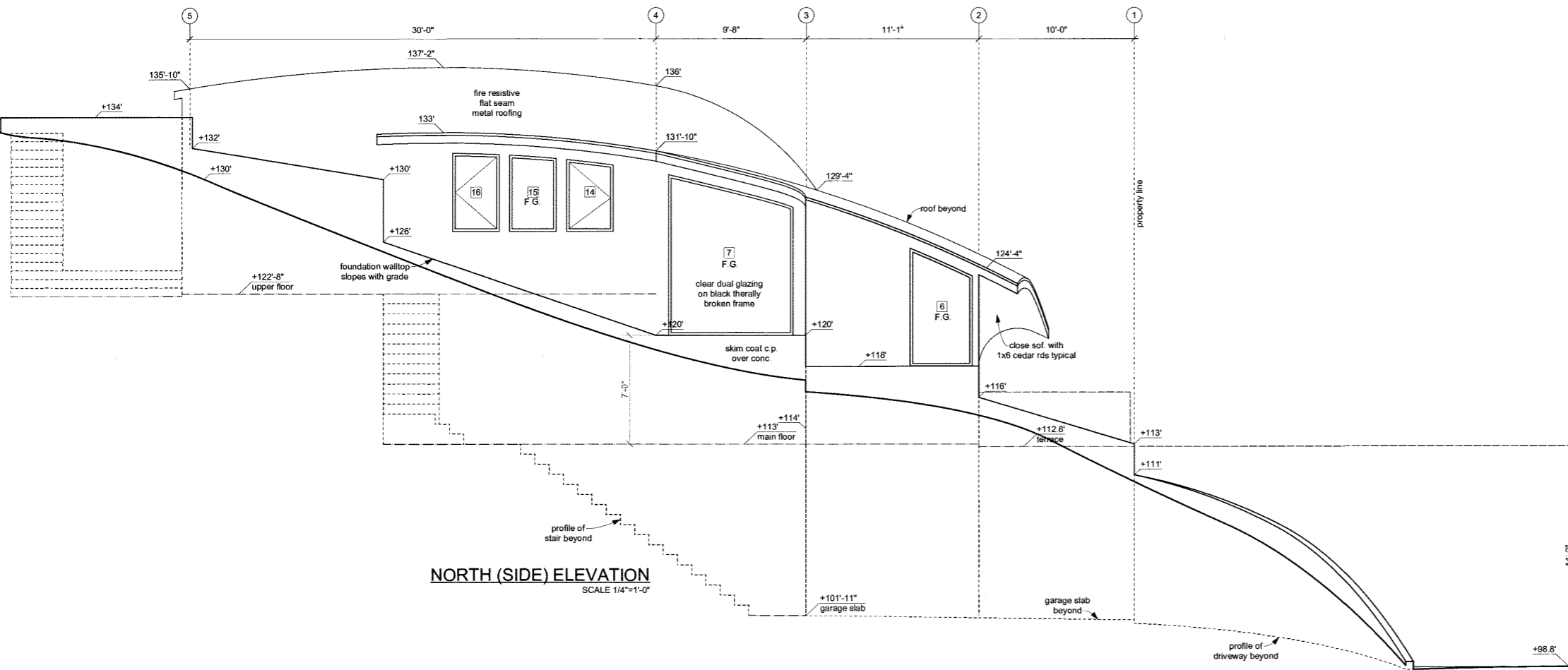
**GROUND FLOOR PLAN G.1.14**  
elevation +102  
142 sq ft  
SCALE 1/4"=1'-0"



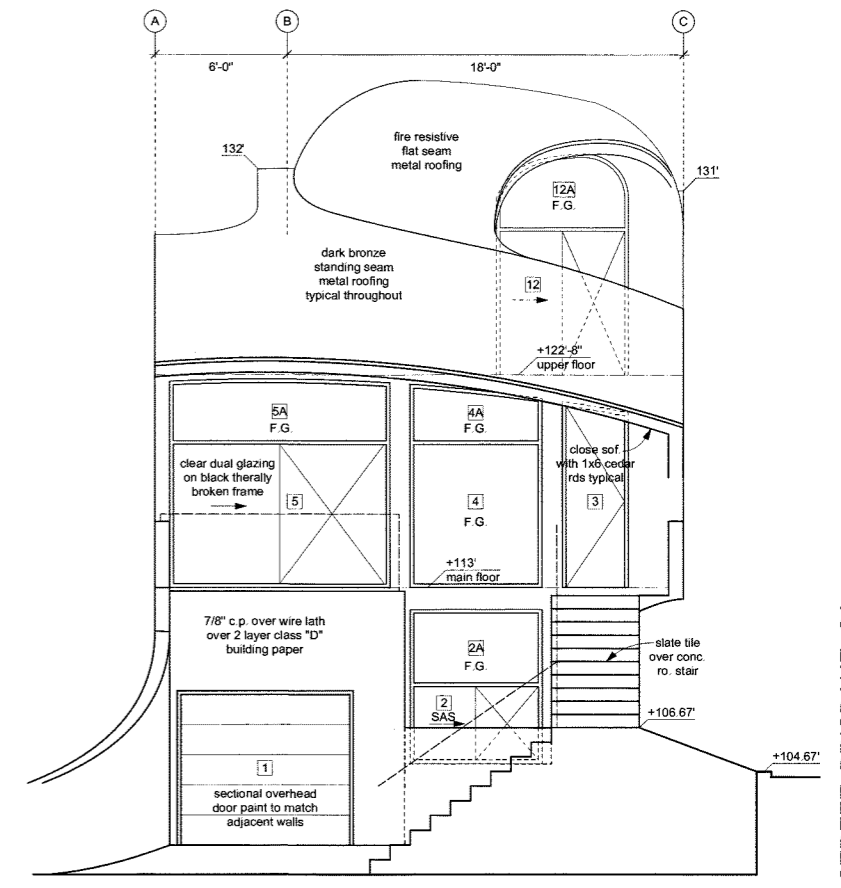
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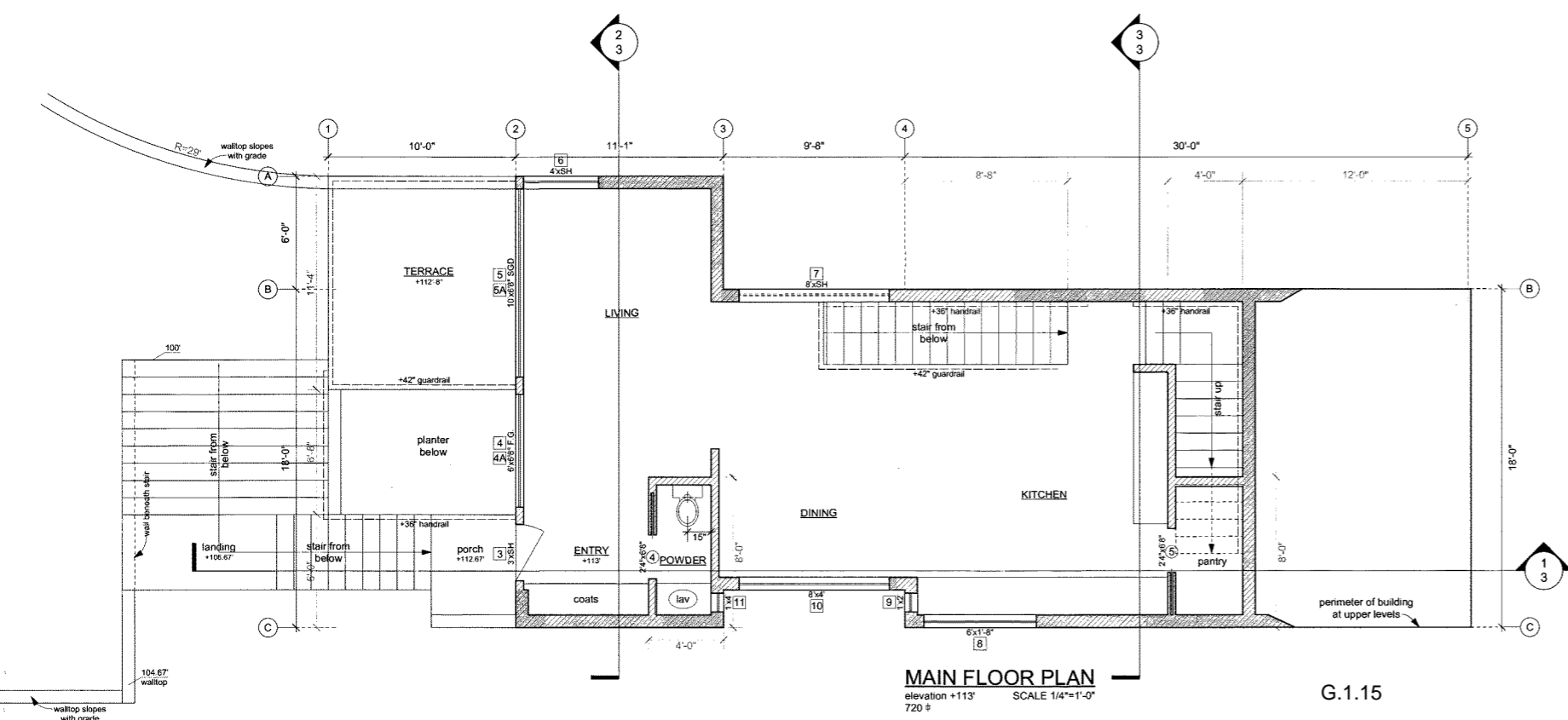
**SOUTH (SIDE) ELEVATION  
GROUND FLOOR PLAN**  
SCALE 1/4"=1'-0"



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

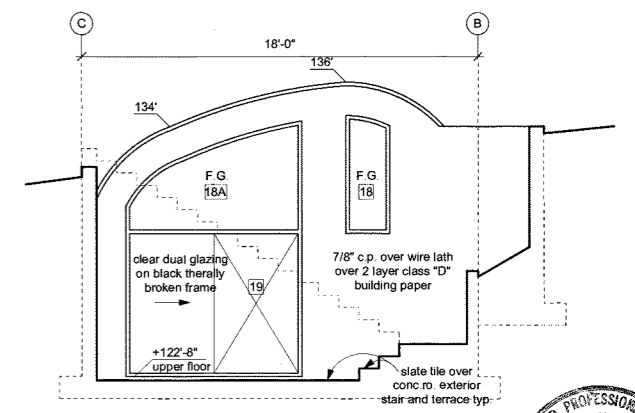


**WEST (FRONT) ELEVATION**  
SCALE 1/4"=1'-0"



**MAIN FLOOR PLAN**  
elevation +113'  
SCALE 1/4"=1'-0"  
720 ±

G.1.15

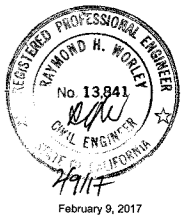


**EAST (REAR) ELEVATION**  
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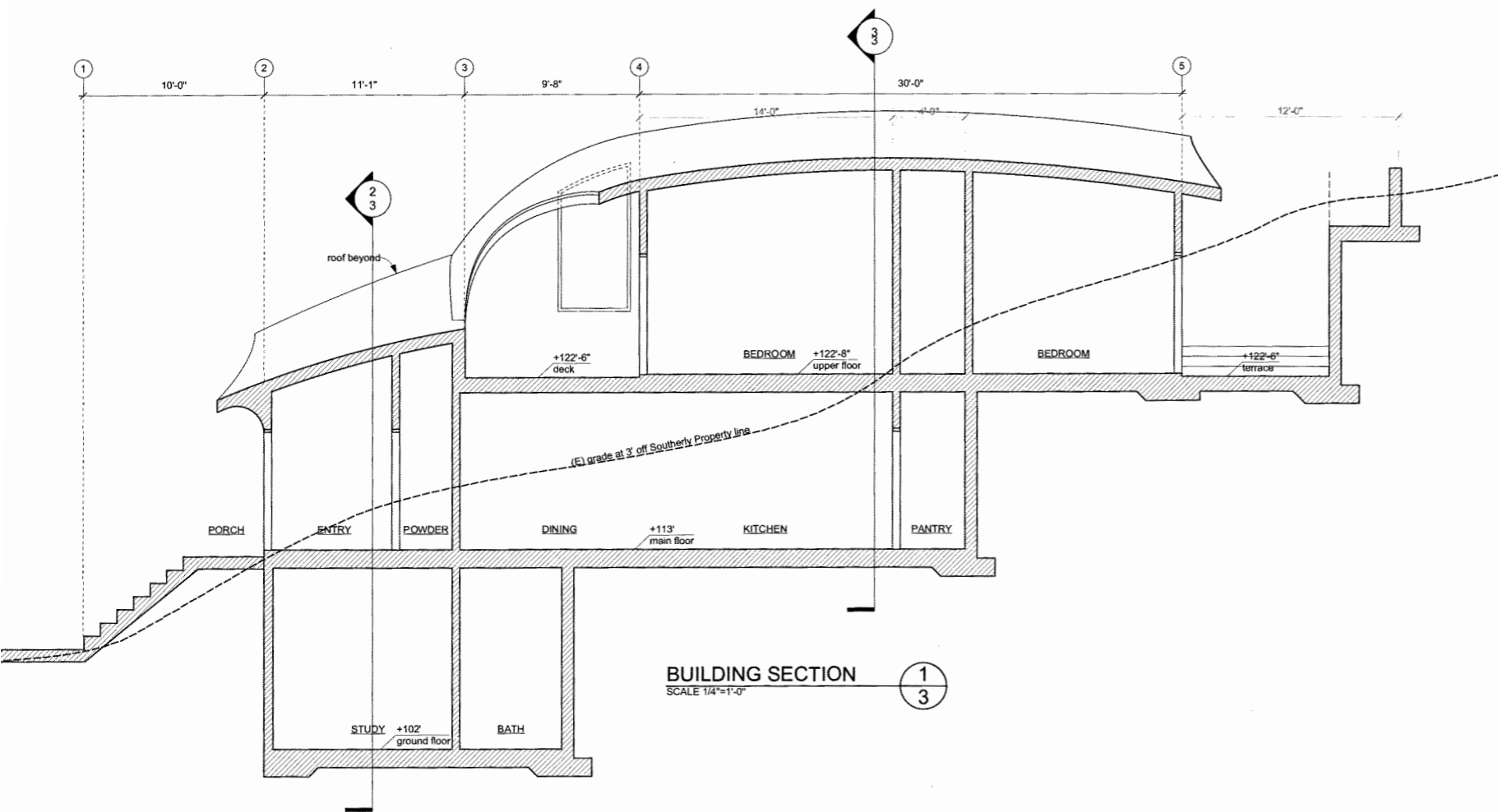
**MAIN FLOOR PLAN**  
**NORTH (SIDE) ELEVATION**  
**EAST (REAR) ELEVATION**  
**WEST (FRONT) ELEVATION**  
SCALE 1/4"=1'-0"



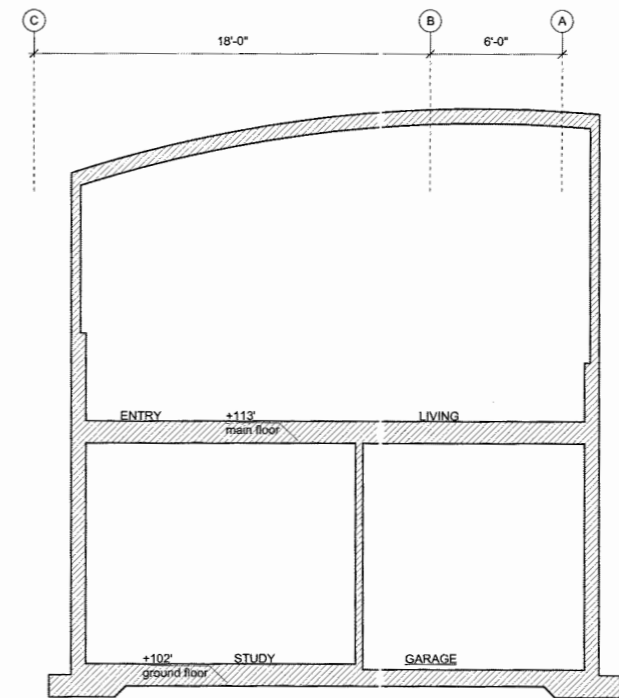
February 9, 2017

**2**

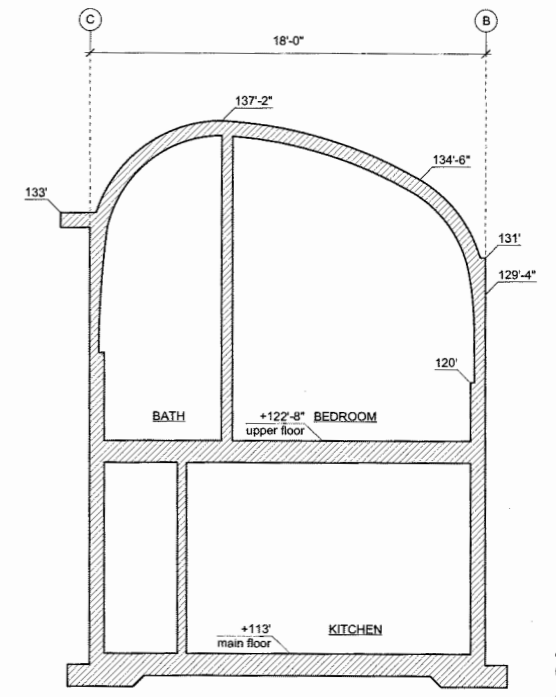
219 TULARE STREET, BRISBANE, CA.



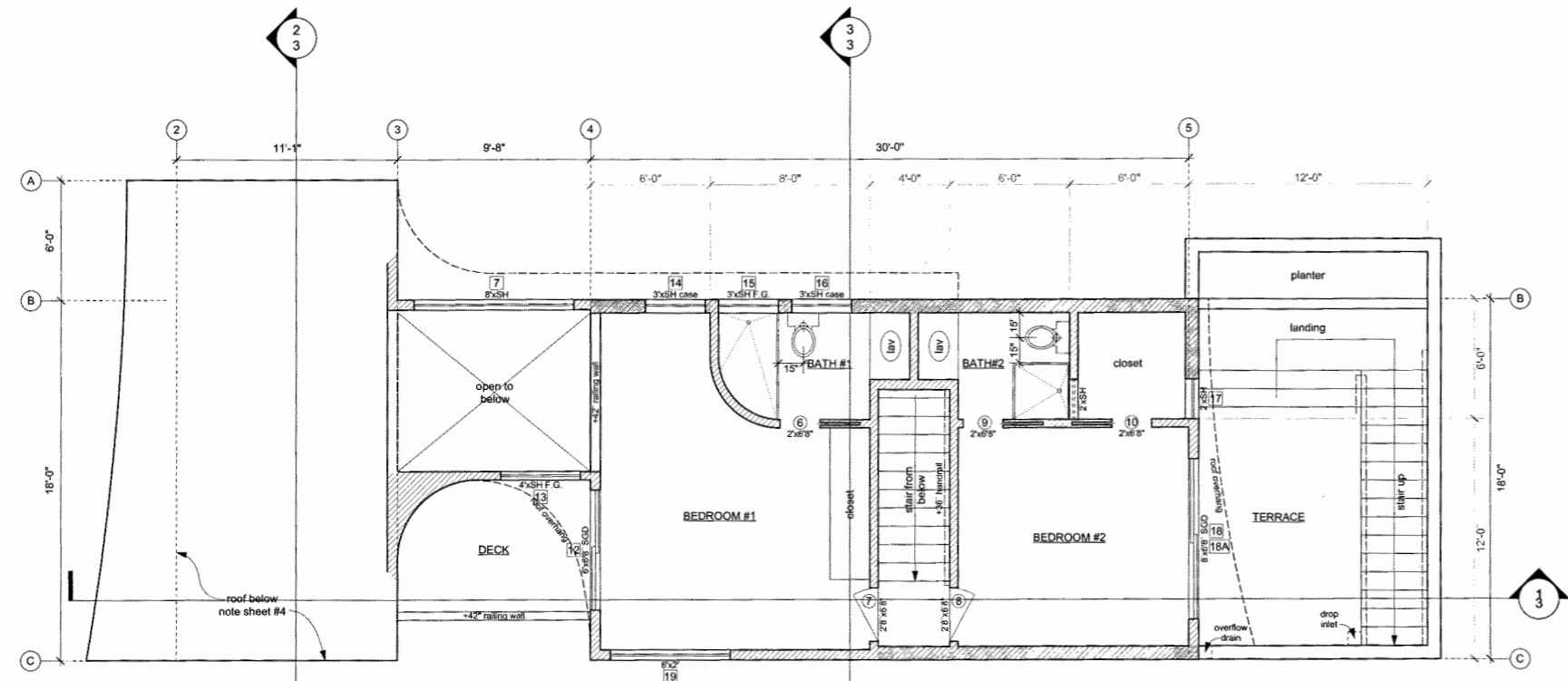
**BUILDING SECTION 1**  
SCALE 1/4"=1'-0"



**BUILDING SECTION 2**  
SCALE 1/4"=1'-0"



**BUILDING SECTION 3**  
SCALE 1/4"=1'-0"

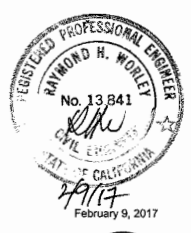


**UPPER FLOOR PLAN**  
elevation +121'-8"  
534  
SCALE 1/4"=1'-0"

G.1.16

219 TULARE STREET, BRISBANE, CA.

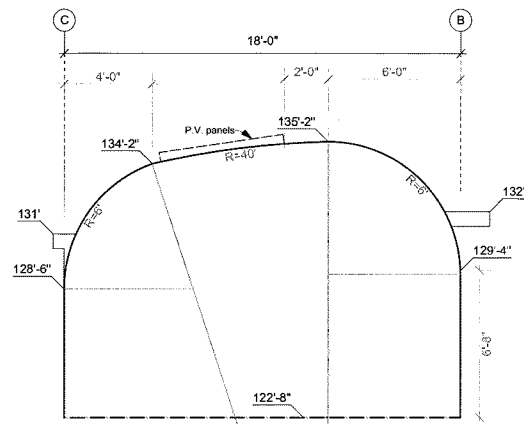
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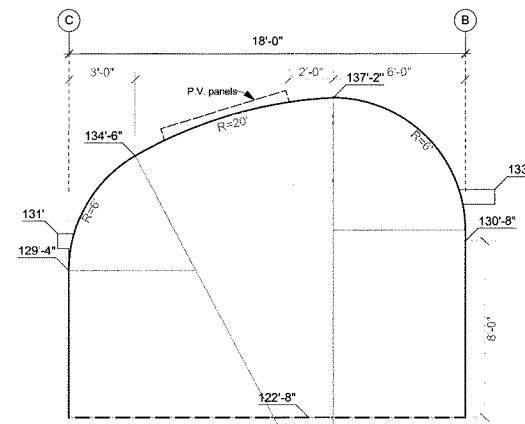
**UPPER FLOOR PLAN  
CROSS BUILDING SECTIONS  
LONGITUDINAL BUILDING SECTION**  
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**3**

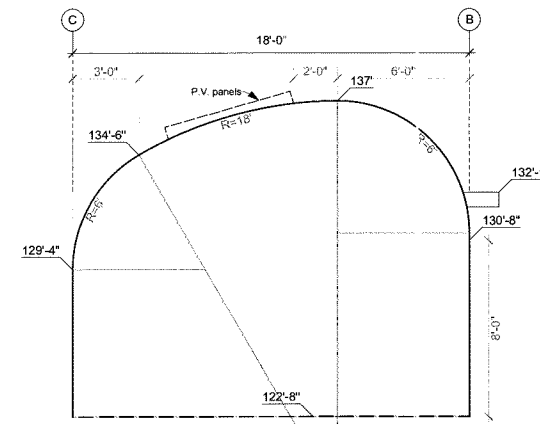




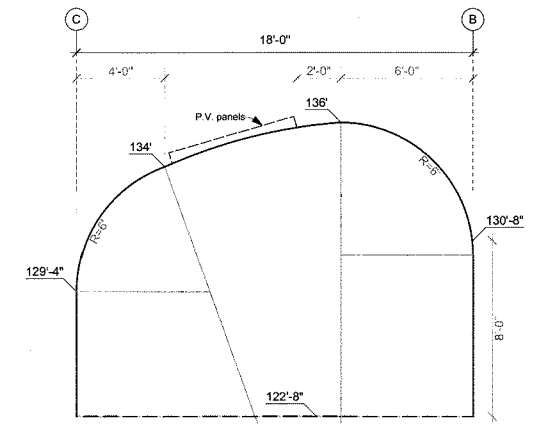
**ROOF PROFILE AT REF. LINE#4**  
SCALE 1/4"=1'-0"



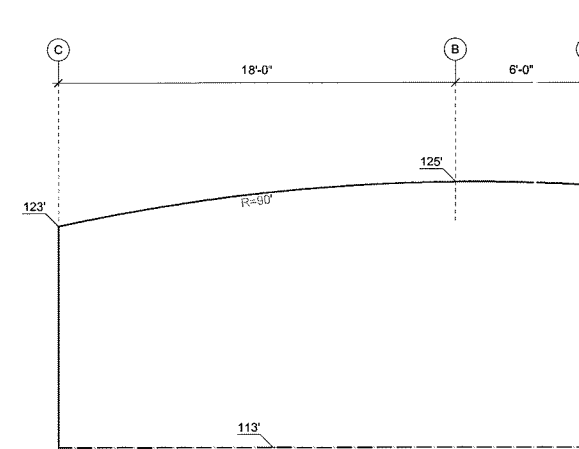
**ROOF PROFILE AT REF. LINE#4 +14'**  
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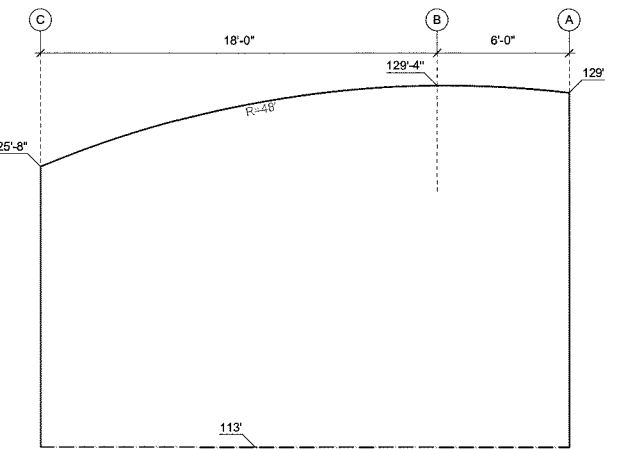
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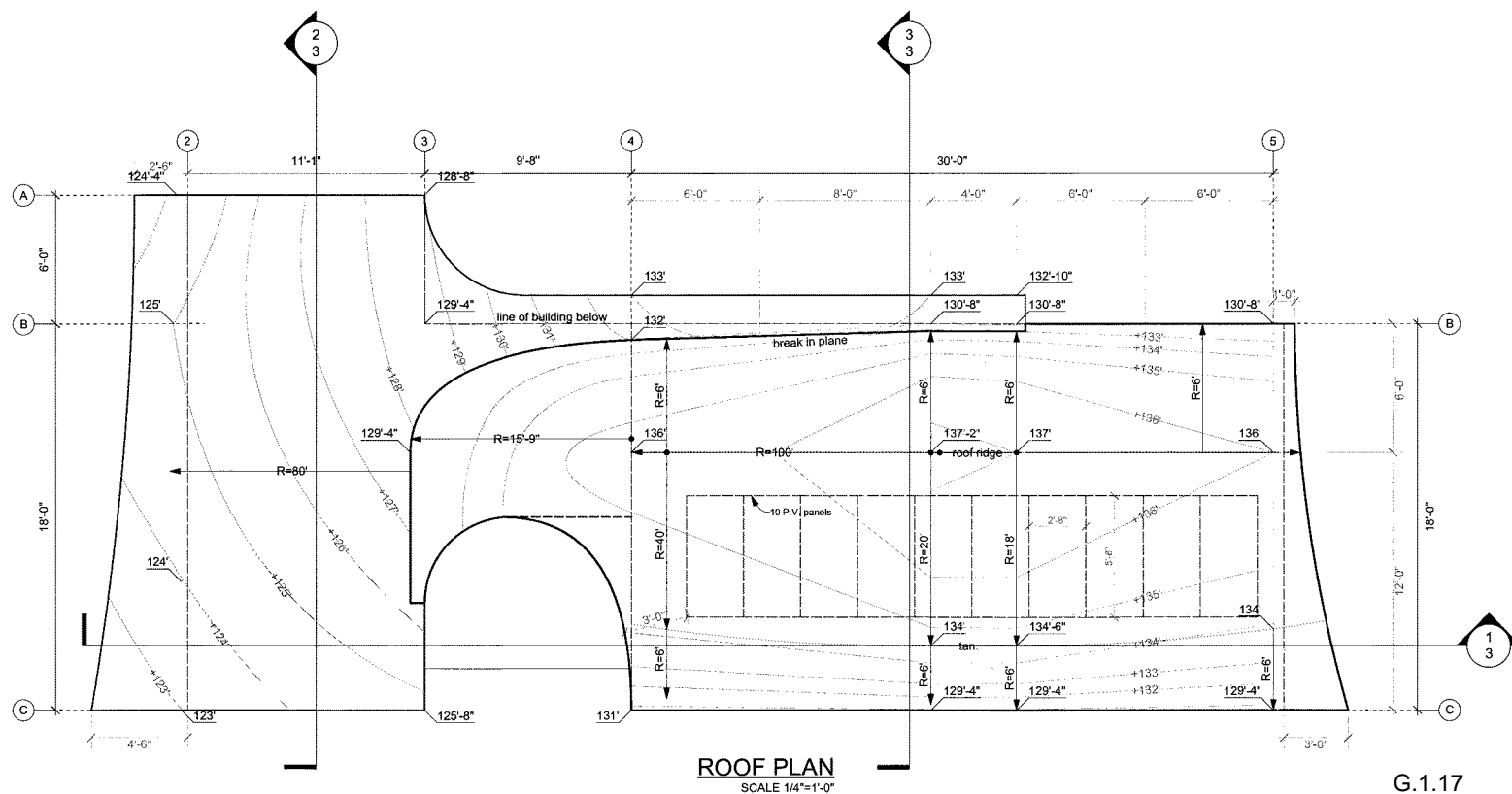
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**ROOF PROFILE AT REF. LINE#2**  
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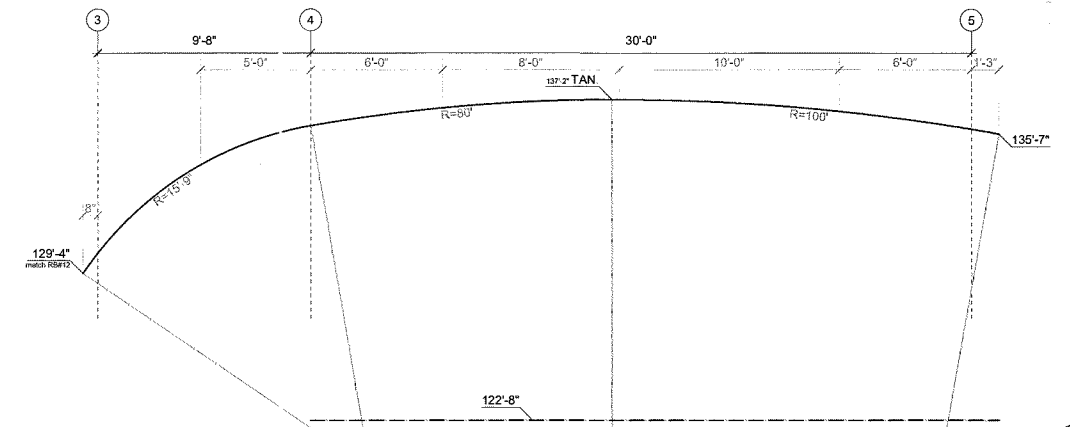


**ROOF PROFILE AT REF. LINE#3**  
SCALE 1/4"=1'-0"



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

G.1.17



**ROOF PROFILE AT REF. LINE#B+6'**  
SCALE 1/4"=1'-0"



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**ROOF PLAN & ROOF PROFILE SECTIONS**  
SCALE 1/4"=1'-0"