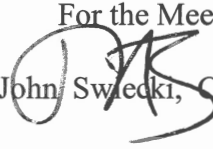


City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 8/8/2017

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

SUBJECT: **786 Humboldt Road;** R-1 Residential District; Grading Review EX-3-17; Grading Review for 905 cubic yards of soil export to accommodate construction of a new single-family home on a vacant 4,265 square-foot lot with a 28% slope; Derek Vinh, ICE Design Inc., applicant; Zhihui Yang and Feng Yi He, owners; APN 007-432-370.

REQUEST: The applicant has proposed construction of a new 2,979 sq ft single-family home on a 4,265 square-foot vacant lot in the R-1 zoning district. The project plans, attached for the Commission's reference, comply with all development regulations of the R-1 zoning district, including FAR, building height, setbacks, and lot coverage.

Planning Commission review of the grading plan is required per BMC §17.32.220. The proposed grading plan calls for 905 cubic yards (CY) of soil to be exported from the site.

RECOMMENDATION: Recommend that the City Engineer issue Grading Permit EX-3-17, via adoption of Resolution EX-3-17 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-1 zoning district regulations are located in BMC Chapter 17.06.

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 28% slope upward from Humboldt Road situated between a lot developed with a single-family home to the west (770 Humboldt Road) and a vacant lot to the east (788 Humboldt Road). The lot is substandard in regards to lot area and lot width, at 37 ft, 4 inches, but standard in depth at 118 ft, 7 inches. Though the lot size and width are substandard, it is a lot of record and is buildable under the Zoning Ordinance. The Planning Commission approved a Variance application in 2015 to adjust the lot line between the subject property and 788 Humboldt Road. A Variance was required as the adjustment reduced the width of 788 Humboldt Road to a substandard width.

The applicant's topographic survey (attached with applicant's plans) illustrate existing conditions of the property and its relation to the Humboldt Road right-of-way. As shown in the survey, no curb cut currently exists on the property. Additionally, the Humboldt Road right-of-way extends approximately seven to nine feet south beyond the existing paved roadway to the property's front lot line. The property is elevated four to six feet above the paved travel way due to the natural topography of the hillside.

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 driveway and is the minimum necessary to accommodate the new structure and required off-street parking within the natural topography of the site. The grading plan (Sheet C-102 of the applicant's plans, attached) 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.

Including the excavation within the right-of-way, the applicant's grading plan calls for 905 cubic yards of soil export from the subject property.

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

The applicant's grading plan (Sheet C-102) proposes a retaining wall along the east property line that would range between 12 ft, 9 inches at the tallest segment in the middle of the property to 8 ft at the front portion of the property, measured from the downslope (interior) side of the wall at finish grade. Because the tallest portions of the wall are situated within the middle portion of the property, the east retaining wall will not be readily visible from off-site. Additionally, the height of this wall will not exceed two ft. above adjacent grade directly to the east (from 788 Humboldt Road).

The grading plan also calls for a retaining wall in the front, west side setback, the top of which would measure approximately 9 ft. above the finished driveway grade but would not extend above the adjacent grade to the west (770 Humboldt Road).

BMC §17.32.050 allows retaining walls located within any required setback to exceed six ft. in height only if vegetative screening or wall treatments are provided. Condition of Approval A.2 requires both the east and west side retaining walls to be planted with screening vegetation on the downslope side to provide the necessary screening.

- 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.

The submitted grading and landscaping plans call for removal of one Bay tree with a trunk circumference of 37.7 inches located in the front yard, and two small fruit trees in the rear yard. The Bay tree is located roughly in the middle of the front yard, approximately 2 ft., 7 inches from the front lot line within the footprint of the proposed driveway. Considering the minimum setbacks required for the structure and minimum driveway width required to accommodate the mandatory off-street parking, removal of the Bay tree cannot feasibly be avoided. Condition of Approval A.2 requires that this tree be replaced with a suitable tree elsewhere on the property, to be identified by the landscaping plan submitted with the building permit application and subject to approval by the Community Development Director.

- 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-3-17 with recommended Findings and Conditions of Approval
- Applicant's plans

Project Data

ADDRESS	786 Humboldt Rd			
APN	007-432-370			
ZONING DISTRICT	R-1			
APPLICATION #	Grading Review EX-3-17; 905 CY export for new SFD on upslope lot			
Development Standard	Existing	Proposed	Min/Max	Status
Lot Area	4,265 SF			Lot of record.
Lot Slope	28%			30' height limit
Setbacks				
W Side Lot Line	n/a	5'	3' 9"	Complies with standard
E Side Lot Line	n/a	5'	3' 9"	Complies with standard
Rear Lot Line	n/a	12' 3"	10'	Complies with standard
Front Lot Line	n/a	Home: 14' Roof deck (2nd level): 8' 11"	10'	Complies with standard.
Height	n/a		30'	
15' from front lot line	n/a	10' 8"	20'	Complies with standard.
Retaining walls in setbacks	n/a	Front portion of west retaining wall: 10' Rear portion of east retaining wall: 11'-9' 4" (measured from finish grade at subject property)	6'; over 6' may be allowed with screening vegetation or varying materials at 6' horizontal intervals	Condition of approval: Require screening vegetation to be planted on downslope side (subject property) to screen exposed retaining walls.
Parking	n/a	2 covered, 2 uncovered in driveway	2 covered, 2 on or off-street	Complies with standard.
Tree Removal	n/a	Removal of one Bay (12" diameter)	n/a	Condition of approval: Arborist report required at BP to confirm species. Tree must be replaced at 1x1 ratio in landscaping plan at BP if protected

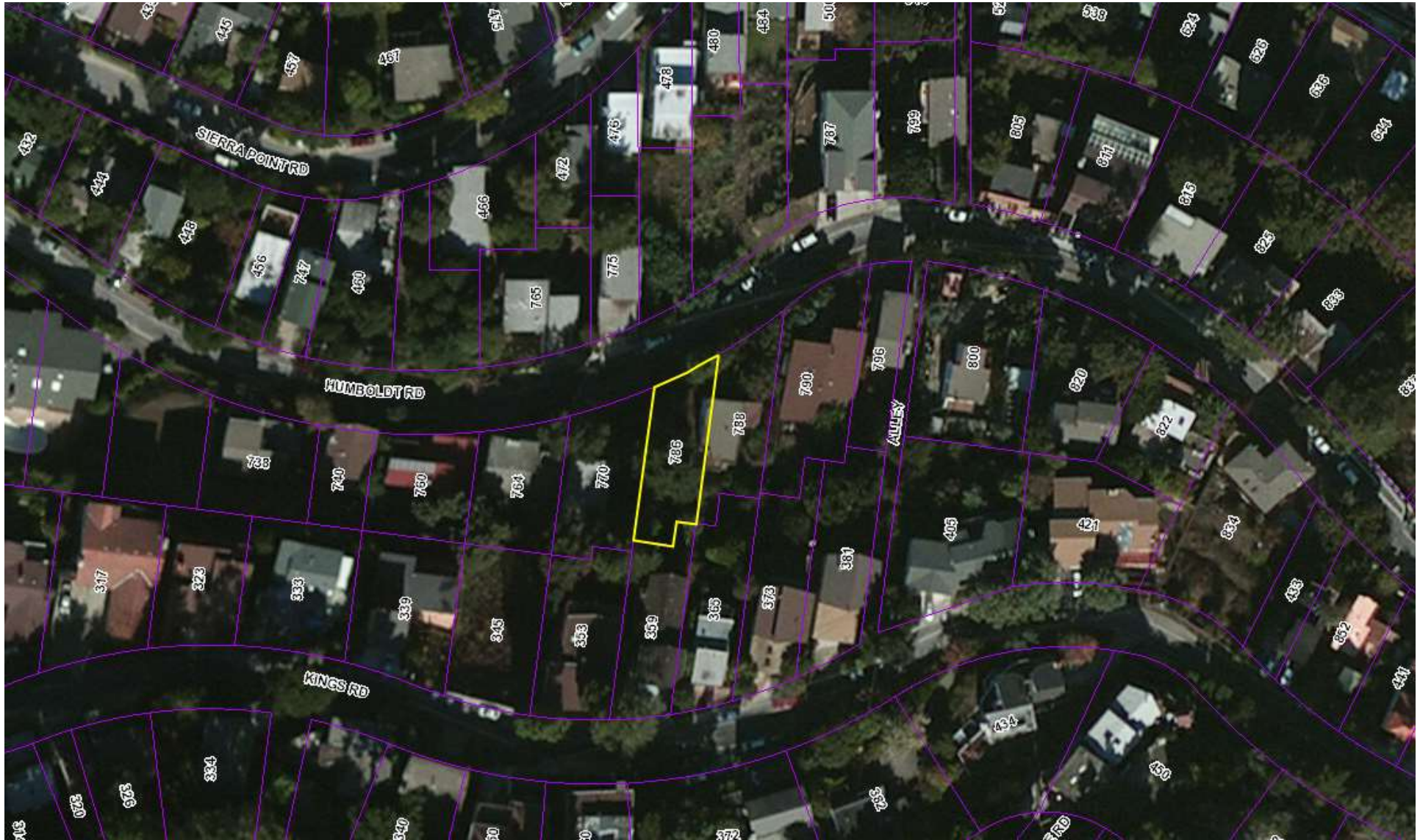


View southeast from Humboldt Road



View southwest from Humboldt Road (Bay tree in upper left corner)

Aerial Site Map
786 Humboldt Road



Draft
RESOLUTION EX-3-17

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING GRADING REVIEW EX-3-17
FOR A NEW SINGLE-FAMILY HOME
AT 786 HUMBOLDT ROAD

WHEREAS, Derek Vinh, of ICE Design Inc., applied to the City of Brisbane for Grading Permit review for construction of a single-family dwelling at 786 Humboldt Road that will require 905 cubic yards of soil export from the site, such application being identified as EX-3-17; and

WHEREAS, on August 8, 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 August 8, 2017 did resolve as follows:

City Engineer issuance of Grading Permit EX-3-17 is recommended by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this 8th day of August, 2017, by the following vote:

AYES:
NOES:
ABSENT:

Jameel Munir
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

DRAFT
EXHIBIT A

Action Taken: Recommended City Engineer issuance of Grading Permit EX-3-17, per the staff memorandum with attachments, via adoption of Resolution EX-3-17.

Findings:

Grading Permit EX-3-17

- The applicant's grading plan and sections demonstrate that the proposed excavation is the minimum necessary to accommodate the footprint of the driveway and the new single-family home, considering the distance of the front lot line from the improved portion of the right-of-way and the elevation of the subject property above the paved roadway. The grading plan preserves the natural topographic contours adjacent to the structure and allows the structure fit within the steep hillside.
- The proposed grading plan would result in exposed retaining walls within the west and east side setbacks ranging from 12 ft., 9 inches to 8 ft., measured from the lowest adjacent finished grades in the interior of the site. Condition of approval A.2 requires screening plantings to be installed on the downslope side of both the east and west side retaining walls to provide screening, such that no more than six feet of the walls are exposed, consistent with the provision of BMC Section 17.32.050.B.1.b permitting walls over six feet in height to be located within setback areas.
- Per the submitted project plans, the proposed grading would result in the removal of a Bay tree with a trunk circumference of approximately 37 inches located within the front yard. Condition of approval A.2 requires a suitable replacement tree be identified in the landscaping plan submitted with the building permit application, subject to approval by the Community Development Director.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

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EX-3-17 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 and with the development standards of the R-1 Residential District, in addition to the following:
 1. Building plans shall include an engineered shoring plan showing support of site and protection of neighboring properties.
 2. A 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 east and west side retaining walls such that no more than six feet of the retaining walls are exposed, and to provide the minimum front yard landscaping area. The landscape plan shall also confirm the species of the existing Bay tree proposed to be removed from the front yard, and shall identify the species and location of a replacement tree to the satisfaction of the Community Development Director.
 3. Plans submitted for grading permit review shall be subject to standard review procedures and conditions required by the Department of Public Works, including conditions for street improvements as may be determined by the City Engineer.
 4. The topographic and boundary survey submitted with the building permit application shall state the lot size.
- 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 construction, staging of equipment or obstruction of the existing paved roadway shall be subject to prior authorization of the City Engineer.
- F. During construction, fire safety shall be practiced consistent with Chapter 33 of the 2016 California Fire Code.
- G. Fire sprinklers shall be installed per NFPA 13D.
- H. A fire flow of 1500 GPM for 2 hours is required.
- I. 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.

- J. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer.
- K. 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.
- L. 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.
- M. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- N. 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.