


City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 9/12/2017

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

SUBJECT: **670 Sierra Point Road;** R-1 Residential District; Grading Review EX-5-17 for 778 cubic yards of soil cut and export to accommodate construction of a new single-family home on a vacant 4,986 square-foot lot with a 35% slope; Jerry Kuhel, Kuhel Design, applicant; Michael Glynn, owner; APN 007-441-020.

REQUEST: The applicant has proposed construction of a new single-family home on a 4,986 square-foot vacant lot in the R-1 zoning district. Planning Commission review of the grading plan is required per BMC 17.32.220 as the proposed grading plan calls for 778 cubic yards of soil cut and export from the site.

RECOMMENDATION: Recommend that the City Engineer issue Grading Permit EX-5-17, via adoption of Resolution EX-5-17 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 permit 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.

ANALYSIS AND FINDINGS:

Project Description

The subject property is a vacant lot with a 35% upslope from Sierra Point Road. The front lot line is located approximately 3-6 feet behind the edge of the existing rolled curb and travel lane. Similarly to other vacant, upslope properties in the City's developed hillside neighborhoods, the topography rises steeply from the improved portion of the public right-of-way the front lot line. In this case, the existing grade at the front lot line of the subject property is approximately 2-6 feet higher than the grade at street level.

The property was formerly developed with a small cottage, for which the City issued a demolition permit in 2006. A small graded pad is visible on the site in the vicinity of the former cottage. No garage or on-site parking was provided for the cottage, which was accessed only by stairs from the public right-of-way.

The proposed project would redevelop the site with a new single-family home, including a two-car garage with a 0-foot setback from the front lot line, as permitted by BMC Section 17.32.070.A.3.a. To accommodate the additional two required off-street parking spaces, the applicant proposes a graded parking pad adjacent to the garage adjacent to the east property line. The footprint of the excavation is shown on Sheet A8 of the applicant's plans, as annotated by staff (see Attachment 4), and includes the footprint of the home, the proposed parking pad adjacent to the garage, and a terraced area in the rear yard upslope of the rear building wall. (Note: the applicant did not provide full floor plans for the project. Compliance with the development standards of the R-1 District will be required and verified at building permit plan check.)

Grading Permit review: In 2003, the Planning Commission adopted guidelines for reviewing grading permit applications that contain findings for permit approval, as described below. With the suggested conditions of approval contained in the attached Resolution, the application **would meet** these findings.

- 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 applicant's proposed grading plan is largely driven by the on-site parking requirements applicable to this project, of two covered spaces (located within the proposed two-car garage) and two off-street spaces. The applicant's proposed solution would utilize the entire frontage of lot for on-site parking. Though this development pattern is not inconsistent with upslope properties in the 600-block of Sierra Point Road, it would result in the elimination of two on-street parking spaces in the public right-of-way, and require a large exposed retaining wall along the east side property line in the vicinity of an existing multi-trunk redwood tree (see discussion of this retaining wall and tree in the following two bullet points).

The structure could be pushed back from the front lot line to accommodate a driveway for two off-street spaces, preserving one on-street space and potentially avoiding impacts to the redwood trees on the neighboring property; however, the volume of soil cut would not be significantly less than the applicant's proposal. The Planning Commission may wish to consider recommending that the City Engineer review alternative on-site parking configuration options with the applicant prior to finalizing the grading plan and issuing the grading permit. This recommendation has been included in the conditions of approval in the attached Resolution (Condition B) for the Commission's consideration.

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

The proposed grading program would result in several exposed retaining walls. The most visible wall would be located along the east side property line (adjacent to 676 Sierra Point Road) within the five-foot setback, which would range in height from two to 12 feet adjacent to the parking pad and home, when measured from the lowest point of finish grade at the interior of the subject lot. The wall would continue upslope with an exposed height of approximately four feet adjacent to three terraced pads upslope of the rear building wall. The upper two terraced pads would be retained by 2-4 foot exposed retaining walls across the length of the property. At the west side property line (adjacent to 668 Sierra Point Road), the first terraced pad would be retained by an approximately eight-foot high retaining wall within the side setback, measured to finish grade at the interior of the lot.

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. For this project, that includes the retaining wall along the east side property line adjacent to the parking pad, and the retaining wall along the west side property line adjacent to the first terraced pad behind the building. Conditions of approval A.1 and A.2 in the attached resolution requires that the landscaping plan submitted with the building permit include vegetative screening for these walls such that no more than six feet of the wall (horizontally) is visible. This condition would apply to any additional walls identified after the project undergoes grading permit review by the City Engineer.

- 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.

While not specified in the project plans, the project will likely impact a protected redwood tree fairy ring located on the adjacent property at 676 Sierra Point Road, approximately 2' 8" from the shared property line. The trees are protected as a group per BMC Section 12.020 as they are three or more in number, of the same species, with trunk circumferences of at least 30 inches measured two feet above grade. While no arborist report was provided by the applicant to verify potential project impacts to the trees, it is likely that the proposed parking pad excavation would impact a portion of the trees' root zones.

As addressed in the previous discussion of the proposed grading plan, it is recommended that the applicant work with the City Engineer to consider alternative on-site parking locations and potentially avoid excavation in the area of these trees. Should the off-street uncovered parking be located in the presently proposed location, condition of approval C would require the applicant to provide a report from a certified arborist evaluating the project impacts to those trees and minimize impacts to the trees per the arborist's recommendations. Should the report find that removal of the trees is required, condition C would require the applicant to work with the adjacent property owner to reach an agreement regarding the trees' removal and replacement.

- 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:

1. Draft Resolution EX-5-17 with recommended Findings and Conditions of Approval
2. Aerial site map
3. Site photos
4. Applicant's plans annotated by staff

Draft
RESOLUTION EX-5-17

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING GRADING PERMIT EX-5-17
FOR A NEW SINGLE-FAMILY HOME
AT 670 SIERRA POINT ROAD

WHEREAS, Jerry Kuhel, of Kuhel Design, applied to the City of Brisbane for Grading Permit review for construction of a single-family dwelling that will require 778 cubic yards of soil cut and export from the site at 670 Sierra Point Road, such application being identified as EX-5-17; and

WHEREAS, on September 12, 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 September 12, 2017 did resolve as follows:

City Engineer issuance of Grading Permit EX-5-17 is recommended by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this 12th day of September, 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-5-17, per the staff memorandum with attachments, via adoption of Resolution EX-5-17.

Findings:

Grading Permit EX-5-17

- As indicated by the applicant's grading plan and sections, the proposed excavation is limited to the footprint of the home and required off-street parking, and would allow the structure to step up with the natural topography.
- The proposed grading would result in two exposed retaining walls along at the east and west side property lines that in some places will measure more than six feet in height from the lowest point of adjacent grade, measured from the interior of the site. With the conditions of approval, the visual impact of these walls would be minimized with vegetative screening.
- The conditions of approval require that the applicant submit an arborist report prepared by a certified arborist to evaluate and minimize potential project impacts to protected redwood trees on the adjacent property at 676 Sierra Point Road whose root zones are located roughly within the footprint of the proposed grading. Should the report find that removal of the trees is required, the conditions of approval would require the applicant to work with the adjacent property owner to reach an agreement regarding the trees' removal and replacement consistent with BMC Section 12.12.050.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

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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. The project plans shall comply with all development standards of the R-1 District. 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. A landscape plan shall be submitted demonstrating compliance with the requirements of Brisbane Municipal Code §17.06.040.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 structure in the rear yard and comply with the minimum front yard landscaping requirements.
 - 2. All exposed retaining walls exceeding six feet in exposed height from grade in the west and east yard setbacks shall be either planted with screening plantings such that no more than six (6) feet of the height of the retaining wall will remain visible, or varying treatment and materials at six foot horizontal intervals may be incorporated into the wall design. The chosen screening method shall be subject to review and approval by the Planning Director.
 - 3. Plans submitted for grading permit review shall be subject to standard review procedures by the Department of Public Works.
- B. Prior to finalizing the grading plan and grading permit issuance, it is recommended that the applicant review alternative on-site parking configurations with the City Engineer to consider preserving one on-street space and potentially avoid grading adjacent to the redwood trees on the neighboring property.
- C. Prior to building permit issuance, the applicant shall submit a report prepared by a certified arborist evaluating the project's potential impacts to the protected redwood trees located on the adjacent property at 676 Sierra Point Road, and the project plans shall incorporate any recommendations contained in that report related to protecting those trees throughout project construction. Should the report find that the proposed project would require removal of those redwood trees, the applicant shall work with the adjacent property owner to develop an agreement regarding the trees' removal and replacement.
- D. 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.
- E. Prior to issuance of a building permit, the property owner shall enter into standard landscape maintenance agreements with the City.
- F. 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.

- G. Prior to issuance of a building permit, the applicant shall execute a Declaration of Lot Merger to merge the two underlying subdivision lots, subject to a separate application and fee processed by the Community Development Department.

Other Conditions

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

Attachment 2



Site Photos
670 Sierra Point Road

Attachment 3



View of the property from Sierra Point Road looking south.



View of the property from Sierra Point Road looking southeast.



View of the redwood trees on 676 Sierra Point Road.