


City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 9/26/2017

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

SUBJECT: 100 Lake Street; R-1 Residential District; Grading Review EX-6-17 for 327 cubic yards of soil cut and 184 cubic yards of fill, with 143 cubic yards of soil export to accommodate construction of a new single-family home and detached accessory dwelling unit on a vacant 5,770 square-foot lot; Jerry Kuhel, Kuhel Design, applicant; Reynaldo J. Trust and Esau A. Jr. Trust, owner; APN 007-461-020.

REQUEST: The applicant has proposed construction of a new single-family home and detached accessory dwelling unit on a 5,770 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 327 cubic yards of soil cut and 184 cubic yards of fill, with 143 cubic yards of soil export from the site.

RECOMMENDATION: Recommend that the City Engineer issue Grading Permit EX-6-17, via adoption of Resolution EX-6-17 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, irregularly shaped lot at the corner of Lake Street and San Bruno Avenue. For zoning purposes, the Community Development Director has designated the San Bruno Avenue frontage as the front lot line, considering the lot's odd shape and minimum required setbacks of the R-1 zoning district. Subsequently, the property's slope measured per Brisbane Municipal Code Section 17.02.730 is 0%; however, it should be noted that the property line is located approximately four feet below the paved travel lane at Lake Street, and the lowest

point of the property is approximately 15 feet below the paved Lake Street travel lane. (See topographic survey included in applicant's plans, attached.)

The proposed project consists of construction of a new single-family home, including an attached two-car garage, on the wider, western portion of the property, and a detached accessory dwelling unit on the narrower, eastern portion of the property fronting San Bruno Avenue. The proposed grading plan calls for 327 cubic yards of soil cut and 184 cubic yards of fill, with 143 cubic yards of soil export from the site. The applicant's site plan, grading plan, and site grading sections are attached for the Commission's reference.

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 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 calls for a relatively balanced amount of soil cut (174 CY) and fill (184 CY), to create level pads for the house and yard in the flatter portions of the property, as well as a driveway from Lake Street for the main dwelling. (Note: the proposed accessory dwelling unit driveway would be a bridge design with no proposed cut or fill.) The balance of the proposed soil cut and majority of the soil export are attributed to the foundation and piers, as designed by the project engineer. Overall, the grading is minimized to the minimum necessary to accommodate the footprint of the proposed structures and outdoor living areas, preserving the natural topography of the site, particularly the steep north-south drop down from Lake Street.

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

The proposed grading plan would result in exposed low landscaping walls along the north side property lines (adjacent to 748 and 740 San Bruno Avenue), within the five-foot setback, ranging in height from one to two and a half feet from the lowest point of grade (measured from the adjacent properties). Slightly taller landscaping walls (up to three and a half feet) would be located in the northwest yard of the main dwelling to accommodate terraced planting areas stepping up the existing natural slope toward Lake Street.

An 11 foot, six inch tall retaining wall is proposed to retain the fill required for the main dwelling's driveway. The wall would not be readily visible from off-site due to its location below the finished grade of the street. Per BMC Section 17.32.050.B.1.c, retaining walls on a cut-slope may be allowed to exceed six feet in height within a required setback if they are not readily visible from off-site without additional 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 subject property has historically been vacant and undeveloped, per City records, and is currently planted with 11 trees, mostly fruit species with the exception of one pepper tree adjacent to the front lot line. All of these trees are proposed to be removed as they fall within the footprint of the proposed single-family dwelling and accessory structure, due to the lot's narrow width. Of the 11 trees to be removed from the property, seven trees are 30 inches or more in circumference measured two feet above grade, and are thus collectively considered protected under BMC Chapter 12.12. As protected trees, these trees are subject to replacement requirements.

Considering the lot's narrow width, as well as the relatively steep portion of the lot's Lake Street frontage, it is challenging to identify appropriate locations for replacement trees on the property itself. As an alternative, the applicant has proposed planting six arbutus "marina" replacement trees within the public right-of-way, in addition to evergreen shrubs to provide additional greening at the street level. The City Engineer has indicated general agreement with the proposed plantings within the right-of-way, subject to recordation of a standard landscape maintenance agreement to ensure the plantings are maintained by the property owner in healthy and attractive condition.

The landscape designer has indicated that it would be challenging to locate the seventh replacement tree on the property or within the right-of-way adjacent to the property lines, due to minimum spacing requirements between trees and necessity to maintain clear sight-lines at the corner of Lake Street and San Bruno Avenue. The applicant has offered to work with the City Engineer to identify an appropriate off-site location for the seventh replacement tree elsewhere along Lake Street or in another location within the vicinity of the property. This is addressed in Condition of Approval A.1.

- 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-6-17 with recommended Findings and Conditions of Approval
2. Aerial site map
3. Site photos
4. Applicant's plans annotated by staff

Draft
RESOLUTION EX-6-17

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING GRADING PERMIT EX-6-17
FOR A NEW SINGLE-FAMILY HOME AND DETACHED ACCESSORY DWELLING UNIT
AT 100 LAKE STREET

WHEREAS, Jerry Kuhel, of Kuhel Design, applied to the City of Brisbane for Grading Permit review for construction of a single-family dwelling and detached accessory dwelling unit that will require 327 cubic yards of soil cut and 184 cubic yards of fill, with 143 cubic yards of soil export from the site at 100 Lake Street, such application being identified as EX-6-17; and

WHEREAS, on September 26, 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 26, 2017 did resolve as follows:

City Engineer issuance of Grading Permit EX-6-17 is recommended by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this 26th day of September, 2017, by the following vote:

AYES:
NOES:
ABSENT:

Jameel Munir
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

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EXHIBIT A

Action Taken: Recommended City Engineer issuance of Grading Permit EX-6-17, per the staff memorandum with attachments, via adoption of Resolution EX-6-17.

Findings:

Grading Permit EX-6-17

- The grading is minimized to the minimum necessary to accommodate the footprint of the proposed structures and outdoor living areas, preserving the natural topography of the site, particularly the steep north-south drop down from Lake Street. The grading plan calls for a relatively balanced amount of soil cut (174 CY) and fill (184 CY), to create level pads for the house and yard in the flatter portions of the property, as well as a driveway from Lake Street for the main dwelling.
- The grading plan avoids large exposed retaining walls. The plan includes several low landscaping walls along the north side and rear property lines ranging from one to three and a half feet in height. An approximately 11 feet, six inches retaining wall supporting the new driveway for the main dwelling unit would be located below the finished grade of the street and would not be readily visible from off-site due to its location.
- 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 Lake Street 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 for this application EX-6-17, 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 to comply with the minimum front yard landscaping requirements. Replacement trees for the seven protected trees authorized for removal under this application shall be drought tolerant and appropriate in species and scale to the context of the site, and may be located within the public right-of-way adjacent to the property. Up to one replacement tree may be located elsewhere within the public right-of-way along Lake Street or in the vicinity of the property, the specific location of which shall be subject to approval by the City Engineer.
 2. Plans submitted for grading permit review shall be subject to standard review procedures 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, tree removal, 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 that address ongoing maintenance of both on-site landscaping and any off-site replacement trees.
- 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.
- E. Prior to issuance of a building permit, the applicant shall provide evidence to the City, to the satisfaction of the Community Development Director, that the proposed landscaping located within the recorded eight foot ingress/egress easement in the western portion of the property complies with the conditions of the recorded easement. Should the easement no longer be necessary to the benefitting party/parties, the applicant may provide evidence to the City that the easement has been legally terminated.

Other Conditions

- 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.

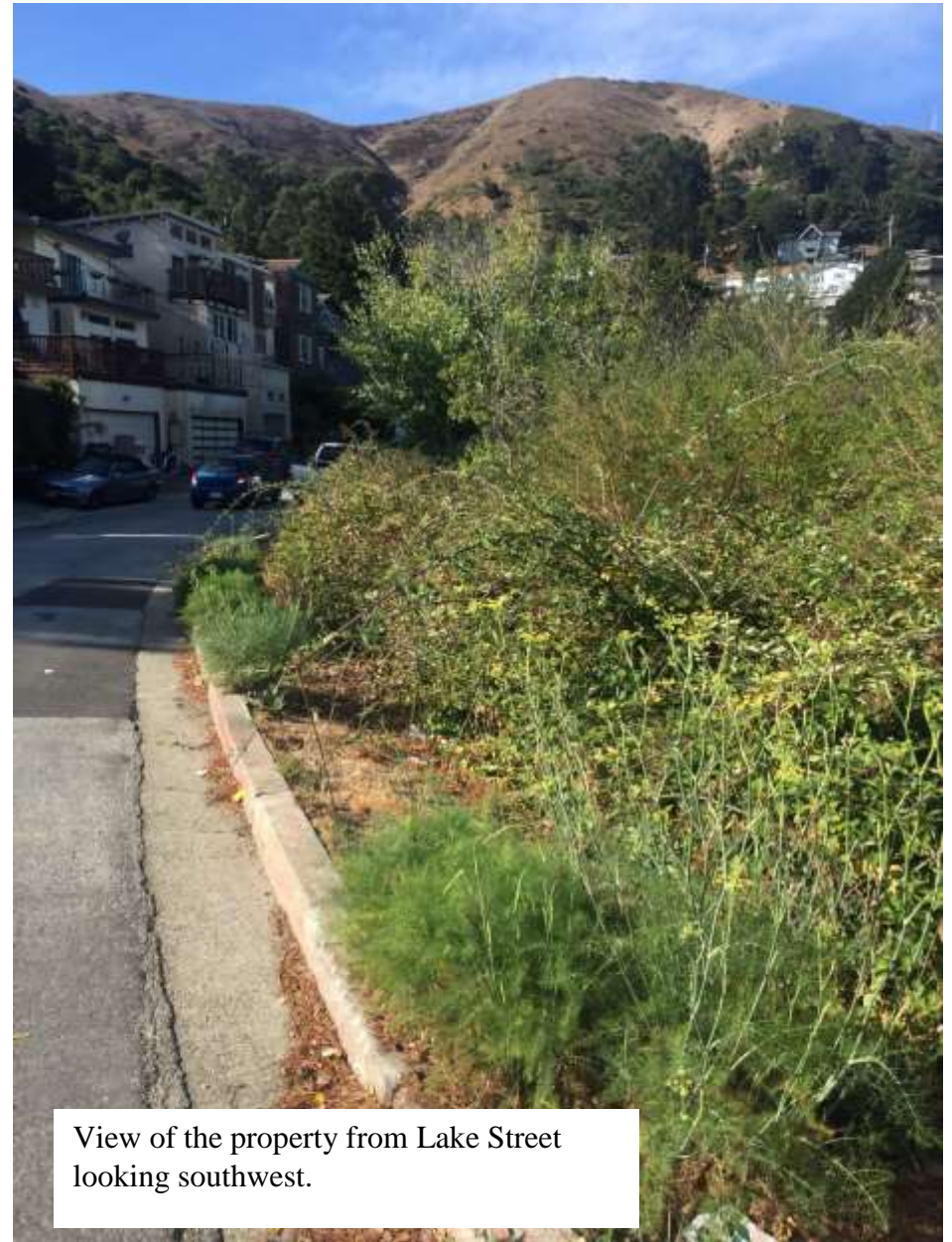
Aerial Site Map
100 Lake Street

Attachment 2



Site Photos
100 Lake Street

Attachment 3



View of the property from San Bruno Avenue looking southwest.

View of the property from Lake Street looking southwest.

Site Photos
100 Lake Street

Attachment 3



View of the property from Lake Street
looking southwest.



View of the property from Lake Street
looking northwest.

Site Photos
100 Lake Street

Attachment 3



View of the property from Lake Street looking northeast.



View within property looking west.



View within property looking southeast.