

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission

For the Meeting of 11/14/2017

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

SUBJECT: **805 Sierra Point Road; R-1 Residential District; EX-7-17;** Grading Review for 445 cubic yards of combined soil cut and fill, including 272 cubic yards of soil export, to accommodate construction of a new 3,723 square-foot single-family home with attached 966 square-foot accessory dwelling unit on a vacant 6,621 square-foot lot.; Mark B. Lee, applicant; JL Homeland Development Group LLC, owner; APN 007-522-200.

REQUEST: The applicant proposes construction of a new 4,689 sq ft home, including a 966 sq ft attached accessory dwelling unit (ADU), on a vacant 6,621 sq ft lot at 805 Sierra Point Road. The proposed three-story home would include an attached two-car garage at the lower level with two levels of living space above. Two uncovered parking spaces would be provided in an uncovered parking pad adjacent to the driveway.

The grading plan calls for a combined 445 cubic yards (CY) of soil cut and fill, including 272 CY of soil export from the site, triggering Planning Commission review of the grading plan.

The Commission should note that the applicant had applied for a Variance to the 28-foot height limit under a previous application (Variance V-1-17). That application has been withdrawn and the project has been redesigned to comply with the 28-foot height limit. The project redesign necessitated additional grading which in turn triggered this grading review application.

RECOMMENDATION: Recommend that the City Engineer issue the grading permit, via adoption of Resolution EX-7-17 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: Planning Commission review of grading plans involving more than 250 CY of soil cut and/or fill or export of more than 50 CY of soil from any site is required by BMC §17.32.220.

ANALYSIS AND FINDINGS:

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 359 CY of soil cut to accommodate the building pad for the home and a portion of the driveway and parking area in the steeper southeastern portion of the site (refer to Sheet C-1 of the applicant's plans, attached). Of the soil cut, approximately 87 CY would be utilized for fill in the relatively flatter northwest portion of the site within the driveway and parking pad areas (north side and front yards). The balance of the soil cut (272 CY) would be exported from the site.

The proposed grading is the minimum necessary to accommodate the footprint of the proposed structure, as well as the driveway and parking area to provide site access and required on-site parking on this lot with an approximately 20% northerly cross slope. The grading plan is designed such that the home will fit comfortably within the natural topography in the property's rear yard, adjacent to developed properties on Lake Street and Sierra Point Road.

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

The grading plan avoids large, exposed retaining walls, and all proposed walls are less than 6 feet in height as measured from the lowest point of adjacent grade. The plan includes low walls along the south and north side yards (adjacent to 807 Sierra Point Road and 207 Lake Street) ranging from 0.5-5 ft in height. Both walls would not exceed natural grade as seen from the adjoining properties to the north and south.

The grading plan also calls for an exposed retaining wall within the front yard to retain the parking pad and driveway, which would range from 2-5 ft in height measured from the downslope. The Brisbane Municipal Code allows walls up to 6 feet in height within required yards without screening; however, considering that this driveway retaining wall will be visible from Firth Park, screening plantings are recommended to soften this wall from public view. This recommendation is included in Condition of Approval A.1.

- 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.

Three protected trees (due to trunk circumference rather than species) have been removed from the site due to their location within the footprint of the driveway. Per Condition of Approval A.1,

it is recommended that these trees be replaced at a 1x1 ratio with drought-tolerant, non-invasive tree species appropriate to the context of the site, subject to Community Development Director approval. The Commission may also consider acceptance of a fee in-lieu of on-site replacement to fund tree plantings in the vicinity of the property, such as within Firth Park, subject to approval by the City Engineer. This option is recommended for two reasons: 1) to accommodate replacement tree species with larger canopies at maturity, which typically require more spacing to thrive in the long-term than may be accommodated on the site; and 2) to allow for additional screening of the site from Firth Park for both future residents of the home and park users. Both on-site replacement and in-lieu fees would be allowed for in Condition of Approval A.1 as currently drafted.

- 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. Summary of Project Data
2. Draft Resolution EX-7-17 with recommended Findings and Conditions of Approval
3. Aerial site map
4. Applicant's plans (annotated by staff)

**Summary of Project Data
805 Sierra Point Road**

ADDRESS	805 Sierra Point Road (NEW ADDRESS)			
APN	007-522-200			
ZONING DISTRICT	R-1			
APPLICATION #	Grading review for new single-family home			
Development Standard	Existing	Proposed	Min/Max	Status
Lot Area	6,621 SF	-	5,000 SF	Per stamped survey. LLA recorded in 2016.
Lot Slope	7%	n/c	n/a	28' ht limit
Lot Coverage	n/a	2,641.75 SF	2,648.4 SF or 40%	Complies with standard.
Floor Area	n/a	4,689 SF or 0.71 FAR	4,767 SF or 0.72 FAR	Complies with standard.
Setbacks				
N Side Lot Line	n/a	5' 11"	5'	Complies with standard.
S Side Lot Line	n/a	5'	5'	Complies with standard.
Rear Lot Line	n/a	15'	10'	Complies with standard.
Front Lot Line	n/a	17'	15'	Complies with standard. Note: Lake St frontage is front LL for purposes of calculating setbacks
Height	n/a	28'	28'	Complies with standard
Parking	n/a	2 covered, 2 uncovered	2 covered, 2 uncovered	Complies with standard.
Articulation	n/a	-	n/a	Building walls do not meet articulation threshold
Stormwater	n/a	Required at building permit	n/a	Required at building permit
Tree Removal	n/a	3 trees	n/a	Replacement trees required in landscaping plan at building permit
Landscaping	n/a	Required at building permit	15% of the front setback area	Required at building permit

Draft
RESOLUTION EX-7-17

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING GRADING REVIEW PERMIT EX-7-17
FOR A NEW SINGLE-FAMILY HOME AND ATTACHED ACCESSORY DWELLING UNIT
AT 805 SIERRA POINT ROAD

WHEREAS, Mark B. Lee applied to the City of Brisbane for Grading Permit review for construction of a single-family dwelling and attached accessory dwelling unit that will require 445 cubic yards of soil cut and fill, with 272 cubic yards of soil export from the site at 805 Sierra Point Road, such application being identified as EX-7-17; and

WHEREAS, on November 14, 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 November 14, 2017 did resolve as follows:

City Engineer issuance of Grading Permit EX-7-17 is recommended by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this 14th day of November, 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-7-17, per the staff memorandum with attachments, via adoption of Resolution EX-7-17.

Findings:

Grading Permit EX-7-17

- The 445 cubic yards of combined cut and fill is the minimum necessary to accommodate the footprint of the proposed structure, as well as the driveway and parking area to provide site access and required on-site parking on this lot with an approximately 20% northerly cross slope. The grading plan is designed such that the home will fit comfortably within the natural topography in the property's rear yard, adjacent to developed properties on Lake Street and Sierra Point Road, requiring only low exposed retaining walls adjacent to property lines.
- The grading plan avoids large exposed retaining walls. All proposed walls are less than 6 feet in height as measured from the lowest point of adjacent grade. The plan includes low landscaping walls ranging from 0.5-5 ft in height along the south and north side yards (adjacent to 807 Sierra Point Road and 207 Lake Street). Both walls would not exceed natural grade as seen from the adjoining properties to the north and south. The grading plan also calls for an exposed retaining wall within the front yard, supporting the parking pad and driveway, that would range from 2-5 feet in height.
- Three protected trees have been removed from the site and must be replaced at a 1x1 ratio with water conserving, non-invasive tree species appropriate to the context of the site, subject to Community Development Director approval at time of building permit. Subject to approval by the City Engineer, one or more of these trees may be planted within public lands in the immediate vicinity of the property.
- 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:

- 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-7-17, with the following additional requirements:
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 Community Development Director. The plan shall incorporate water-conserving, non-invasive landscaping to comply with the minimum 15% front yard landscaping requirements. The landscape plan shall identify screening plantings for the driveway/parking pad retaining wall in the front yard, which shall be drought-tolerant and non-invasive, subject to approval by the Community Development Director.

The landscape plan shall also identify replacement trees for the three previously removed protected trees on the property at a 1x1 ratio, that shall be drought-tolerant and appropriate in species and scale to the context of the site, subject to approval by the Community Development Director. Should the project's landscape designer determine that the replacement trees cannot be accommodated on the site due to spacing constraints, the replacement trees may be located off-site in the vicinity of the property within Firth Park or other publicly-owned property, 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.
 3. The project plans shall incorporate at least one site design measure from the Stormwater Checklist for Small Projects to comply with stormwater management requirements.
- 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, 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.
- D. Prior to issuance of the occupancy 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.
- E. Prior to issuance of the occupancy permit, the property owner shall apply for an Accessory Dwelling Unit Permit and shall record the Accessory Dwelling Unit Permit Agreement with the County of San Mateo.

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, 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 Community Development Director in conformance with all requirements of the Municipal Code.

Aerial Site Map
805 Sierra Point Road

Attachment 3

H.2.9

