

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: **255 Mendocino Street; R-1 Residential District; EX-9-17;** Grading Review for 245 cubic yards of combined soil cut and fill, including 185 cubic yards of soil export, to accommodate construction of a new 3,722 square-foot single-family home on a 5,230 square-foot lot.; Adam Bittle, applicant; Christopher J Wirowek Tr and Emily A Wirowek Tr, owners; APN 007-332-290.

REQUEST: The applicant proposes demolition of an existing single-family home and detached garage and construction of a new 3,722 sq ft single-family home with attached two-car garage on a 5,230 sq ft lot at 255 Mendocino Street. The new home would include an attached two-car garage at the lower level with two levels of living space above. One uncovered parking space would be provided in a parking pad adjacent to the driveway and one space would be provided within the public right-of-way adjacent to the front property line.

The grading plan calls for a combined 245 cubic yards (CY) of soil cut and fill, and 185 CY of soil export from the site, triggering Planning Commission review of the grading plan.

RECOMMENDATION: Recommend that the City Engineer issue the grading permit, via adoption of Resolution EX-9-17 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).

As demonstrated in the topographic and boundary survey (attached), the subject property is a relatively flat lot with a gentle, southerly slope toward the rear of the property. Overall, there is an approximately five ft rise in elevation from the front to the rear lot line. The applicant's proposed grading plan calls for 215 cubic yards of soil cut to accommodate a level building pad for the home, eliminating the need for entry stairs and accommodating an elevator element for accessibility purposes. The applicant has provided site sections illustrating the proposed cut across the property on Sheet A.1.1.1, attached for reference. The grading plan calls for 30 CY of the soil cut to be redistributed across the site, while the remaining 185 CY will be exported from the site.

The grading plan is designed such that the home will fit comfortably within the natural topography, and will also provide a slightly lower building profile as seen from adjacent properties.

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

Considering the relatively shallow depth of the proposed cut, the grading plan will avoid large, exposed retaining walls. No new retaining walls are proposed as the applicant proposes utilizing and repairing existing retaining walls at the rear of the property, which will be less than four feet in height.

- 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.

Earlier in 2017, the City issued a tree removal permit for the subject property to remove four protected trees from the subject property (one Bay Laurel, one Acacia, one Fig, and one Plum). Per the conditions of the tree removal permit, three new replacement trees are required to be incorporated into the final landscape plan for this project. The replacement species selected are to be drought tolerant, non-invasive and appropriate scale and form to the context of the site. This is also reflected in Condition of Approval A.1 of Resolution EX-9-17, attached.

- 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-9-17 with recommended Findings and Conditions of Approval
3. Aerial site map
4. Applicant's plans

**Summary of Project Data
255 Mendocino Street**

ADDRESS	255 Mendocino Street			
APN	007-332-290			
ZONING DISTRICT	R-1			
APPLICATION #	Grading Review EX-9-17			
Development Standard	Existing	Proposed	Min/Max	Status
Lot Area	5,230 SF	-	5,000 SF	Per survey
Lot Slope	< 20%	-	-	28' height limit
Lot Coverage	-	2092 SF or 40%	2,092 SF or 40%	Complies with standard.
Floor Area	-	3722 SF or 0.71 FAR	3,765 SF or 0.72 FAR	Complies with standard.
Setbacks				
W Side Lot Line	-	5'	4' 7"	Complies with standard.
E Side Lot Line	-	5'	4' 7"	Complies with standard.
Rear Lot Line	-	10'	10'	Complies with standard.
Front Lot Line	-	9' 11 1/4"	9' 11 1/4"	Complies with standard. Block average
Height	-	24' 6"	28'	Complies with standard.
15' from front lot line	-	15' 4"	20'	Complies with standard.
Parking	-	2 in garage, 1 in driveway, 1 along property frontage (subject to CE approval)	2 covered, 2 uncovered	Complies with standard.
Landscaping		Req'd prior to BP	15% of FYSB; conceptual landscape plan reqd	Conceptual landscape plan reqd showing 3 replacement trees.
Grading	-	185 CY export	50 CY export = PC review	PC review

Draft
RESOLUTION EX-9-17

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING GRADING REVIEW PERMIT EX-9-17
FOR A NEW SINGLE-FAMILY HOME AT 255 MENDOCINO STREET

WHEREAS, Adam Bittle applied to the City of Brisbane for Grading Permit review for construction of a single-family dwelling that will require 245 cubic yards of soil cut and fill, with 185 cubic yards of soil export from the site at 255 Mendocino Street, such application being identified as EX-9-17; 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-9-17 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

DRAFT
EXHIBIT A

Action Taken: Recommended City Engineer issuance of Grading Permit EX-9-17, per the staff memorandum with attachments, via adoption of Resolution EX-9-17.

Findings:

Grading Permit EX-9-17

- The grading plan will accommodate the home comfortably within the natural topography, and will provide a slightly lower building profile as seen from adjacent properties. The grading plan calls for 215 cubic yards of soil cut to accommodate a level building pad for the home, eliminating the need for entry stairs and accommodating an elevator element for accessibility purposes.
- The grading plan does not propose any new retaining walls. Existing walls less than four feet in height at the rear property line shall be maintained and repaired as necessary prior to and following grading operations.
- Four protected trees have been previously removed from the site under a Tree Removal Permit. Per the conditions of the Permit, three replacement trees are required to be incorporated into the final landscaping plan.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

DRAFT

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-9-17, 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 also identify three replacement trees on the site that are drought tolerant, non-invasive and appropriate in scale and form to the context of the site, subject to approval by the Community Development Director.
 - 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.

Other Conditions

- E. 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.
- F. Water, sanitary sewer service, and storm drainage details shall be subject to approval by the City Engineer.
- G. 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.
- H. 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.

- I. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.

Aerial Site Map
255 Mendocino Street

Attachment 3

