

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 5/26/2016

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

SUBJECT: 212 Santa Clara Street; Grading Review EX-1-16 for 1,100 cubic yards of combined soil cut and fill to accommodate construction of a new single-family home on a vacant 6,195 square-foot lot; Derek Vinh, ICE Design Inc., applicant; Allan Yuen, May Yuen, and Jeffen Mok, owners; APN 007-341-080.

REQUEST: The applicant has proposed construction of a new single-family home with attached secondary dwelling unit on a 6,195 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 724 cubic yards of soil cut and 376 cubic yards of soil fill for a total of 1,100 cubic yards (CY) of grading and 348 CY soil export from the site.

RECOMMENDATION: Recommend that the City Engineer issue Grading Permit EX-1-16, via adoption of Resolution EX-1-16 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:

Grading Permit review: In 2003, the Planning Commission adopted guidelines for reviewing grading permit applications that contain findings for permit approval, as described below. 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 subject property is a vacant lot with a 44% downslope. The front lot line is located at angle to the public right-of-way, resulting in an unusually shaped lot that is wider than it is deep. Similarly to other vacant, downslope properties in the City's developed hillside neighborhoods, the topography within the public right-of-way drops significantly from the edge of the paved roadway to the front property line.

Considering the unique challenges posed by the lot's shape, topography, and relationship to the public right-of-way, the proposed excavation is limited to the footprint of the home and is the minimum necessary to accommodate the new structure within the surrounding natural topography. The proposed fill is limited to the front (easterly) portion of the property adjacent to the street to accommodate on-site parking and driveway access with positive drainage. The grading program would allow the new home to be set into the hillside with lower stories stepping down (westerly), such that no part of the exposed structure would exceed two stories above finish grade. This design strategy will mitigate the visual impact of the structure when viewed from adjacent properties.

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

The proposed grading program would require an exposed retaining wall at the north side of the home adjacent to the mid-level patio, of approximately 6 ft, 9 inches in height located outside of the five-foot setback. 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. Should additional walls be identified after the project undergoes grading permit review by the City Engineer, a condition of approval is recommended to require any walls located within any setback area exceeding six feet in height from grade be either screened with vegetation or treated with varying materials to reduce the visual impact to neighboring properties.

- 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 project will not require removal of any street trees or any protected trees as defined in BMC Chapter 12.12. The project plans call for removal of five unprotected trees on the site, including two pine trees, two acacia trees, and one peach tree. A final landscaping plan, subject to review and approval by the Planning Director, will include screening trees in the rear yard, per the R-1 zoning district regulations, as well as front yard landscaping (at least 15% of the front yard setback area). A condition of approval is recommended to require Planning Director approval of the final landscape plan prior to building permit issuance.

EX-1-16

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- 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:

Draft Resolution EX-1-16 with recommended Findings and Conditions of Approval

Aerial site map

Applicant's plans

Draft
RESOLUTION EX-1-16

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING GRADING PERMIT EX-1-16
FOR A NEW SINGLE-FAMILY HOME
AT 212 SANTA CLARA STREET

WHEREAS, Derek Vinh, of ICE Design Inc., applied to the City of Brisbane for Grading Permit review for construction of a single-family dwelling that will require 1,100 cubic yards of site grading including 348 cubic yards of soil export from the site at 212 Santa Clara Street, such application being identified as EX-1-16; and

WHEREAS, on May 26, 2016, 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 May 26, 2016 did resolve as follows:

City Engineer issuance of Grading Permit EX-1-16 is recommended by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this 26th day of May, 2016, by the following vote:

AYES:
NOES:
ABSENT:

TuongVan Do
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

DRAFT
EXHIBIT A

Action Taken: Recommended City Engineer issuance of Grading Permit EX-1-16, per the staff memorandum with attachments, via adoption of Resolution EX-1-16.

Findings:

Grading Permit EX-1-16

- As indicated by the applicant's grading plan and sections, the proposed excavation is limited to the footprint of the home to allow the structure to step down with the natural topography. The proposed fill is limited to the front yard of the home to accommodate the required on-site parking and site access from the public right-of-way.
- The proposed grading would result in an exposed retaining wall at the north side of the home, of approximately seven feet in exposed height from grade, adjacent to the mid-level patio and outside of the required five-foot side yard setback.
- Per the submitted project plans, the proposed grading will not result in the removal of existing street trees, any California Bay, Laurel, Coast Live Oak or California Buckeye trees, or 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 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. 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 north and side 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 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.
- E. Prior to issuance of a building permit, the applicant shall obtain a Secondary Dwelling Unit Permit from the Planning Director.

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.
- K. The Variance permit approval 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.

Aerial Site Map
212 Santa Clara Street

