

Reso EX-4-19

RESOLUTION EX-4-19

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
DENYING GRADING REVIEW EX-4-19
FOR DRIVEWAY AND SITE ACCESS IMPROVEMENTS AND ADDITIONS TO
AN EXISTING SINGLE-FAMILY DWELLING AT 338 KINGS ROAD

WHEREAS, Abraham Zavala applied to the City of Brisbane for Grading Permit review to construct additions, including a two-car garage and attached accessory dwelling unit, to an existing single-family dwelling with no off-street parking that would require approximately 330 cubic yards of soil excavation and export from the site at 338 Kings Road, such application being identified as EX-4-19; and

WHEREAS, on February 27, 2020, 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 closed the public hearing and came to a consensus to deny the project based on its impacts to mature street trees in the vicinity of the project, potential hydrology impacts, and changes to the public right-of-way, and deferred adoption of findings of denial to the next regular Planning Commission meeting; and

WHEREAS, on March 10, 2020, the applicant submitted a written request to the Planning Commission to reconsider their intended denial of the application due to revisions to the project plans and work scope to address many of the concerns voiced by the Planning Commission at their February 27, 2020 meeting; and

WHEREAS, due to the San Mateo County Health Officer's Shelter in Place Order in effect as of March 16, 2020 (most recently amended June 4, 2020 via Order No. C19-5f), the Planning Commission cancelled all scheduled meetings in March and April of 2020; and

WHEREAS, at the next regular meeting of May 14, 2020 held virtually via teleconference in compliance with the Governor's Order N-29-20, the Planning Commission considered the applicant's request for reconsideration of a revised application and voted unanimously to grant the request and schedule the application for review at a future public hearing; and

WHEREAS, on June 25, 2020, the Planning Commission conducted a hearing of the revised 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

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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 June 25, 2020 did resolve as follows:

City Engineer issuance of Grading Permit EX-4-19 is not recommended by the Planning Commission.

ADOPTED this 25th day of June, 2020, by the following vote:

AYES: Gomez, Gooding, Mackin, Patel, Sayasane

NOES: None

ABSENT: None

Pamala Sayasane
PAMALA SAYASANE
Chairperson

ATTEST:

John Swiecki
JOHN A. SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Denial of Grading Review EX-4-19, via adoption of Resolution EX-4-19.

Findings of Denial:

Grading Permit EX-4-19

- As evidenced by the applicant's grading plan and site plan, the proposed excavation is limited to the footprint of the additions, required driveway widening, and pedestrian access stairway to allow access to the house from the street. ~~The grading plan design would allow the new building addition to sit within the hillside without significantly altering the surrounding topography. The location and volume of the proposed excavation is the minimum necessary to allow the site to conform to the parking requirements of the R-1 Residential District and to the driveway design standards contained in Chapter 17.34 of the Municipal Code. The proposed excavation is also the minimum necessary to allow safe egress and ingress for the adjoining property at 334 Kings Road and is compliant with the recorded vehicular access easement benefitting 334 Kings Road.~~
- The proposed grading would result in one exposed retaining wall of approximately eight feet in height within a portion of the front setback, extending into the public right-of-way, in conjunction with a new on-grade stairway to provide access from the street to the main dwelling. ~~With the conditions of approval, the visual impact of this wall would be minimized with vegetative screening or application of varying finish materials or textures to break up the massing of the wall, at the applicant's option at building permit. Additionally, the conditions of approval recommend that the City Engineer consider requiring other new retaining walls within the public right-of-way to be similarly treated or screened, subject to the discretion of the City Engineer.~~
- The applicant's grading plan ~~is designed to conserve existing street trees and does not propose removal of any trees on the property~~ does not demonstrate it would preserve adjacent coast live oak street trees. Potential conflicts with the trees root system due to excavation and trenching for underground drainage during construction, and the proximity of the trees to cars exiting the proposed garage are of concern. Removal and replacement of the trees would not be appropriate for this project due to the role they play in slope stabilization. ~~The conditions of approval recommend that the City Engineer require an arborist report to evaluate the project's potential impact to the long term health of this street tree, and further recommend that if the project is found to have significant impacts to the long term health of the tree that would require its removal that the applicant contribute funds for replacement street trees reaching similar canopy height at maturity to be planted at a 3:1 ratio.~~
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan