City of Brisbane Planning Commission Agenda Report

TO: Planning Commission

For the Meeting of 9/16/2021

SUBJECT: Grading Review 2021-EX-3; 296 San Benito Road; R-1 Residential District; Grading Review for approximately 365 cubic yards of soil cut and export to accommodate a new 1,061 square foot single-family dwelling, with a 376 square foot accessory dwelling unit, and 548 square foot basement level garage, replacing the existing dwelling, on a 2,300 square-foot lot with a 11% slope; James Chow Trotter, applicant; Paul and Glenda Jimenez, owners.

REQUEST: Recommend the City Engineer issue the grading permit to allow demolition of the existing single-family home and construction of a new home, including an attached garage, and an attached accessory dwelling unit.

RECOMMENDATION: Conditionally approve Grading Permit 2021-EX-3, via adoption of Resolution 2021-EX-3 containing the findings and conditions of approval (Attachment E).

ENVIRONMENTAL DETERMINATION: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15301(l) and 15303(a) - this proposal falls within a class of projects that consists demolition and removal and construction of a single-family residence. The exceptions to these categorical exemptions 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 of soil or more, or 50 CY of soil export per Brisbane Municipal Code (BMC) \$15.01.081(A) and BMC \$17.32.220.

BACKGROUND:

Existing Conditions

The 2,300 square-foot property is developed with an existing approximately 1,131 square-foot single-family dwelling, built in 1932, that has nonconforming parking, without a garage. The property has both a nonconforming width and depth, at 36.5 feet by 63 feet, where 50 feet by 100 feet is the current standard. The site is a corner lot and the public right-of-way for San Benito Road is 40 feet wide, the front of the lot, and Glen Park Way is 50 feet wide, and on both sides the lot is set back from the street improvements, as shown on the Topographic Survey Plan (included at the end of Attachment D).

2021-EX-3 Sept. 16, 2021 Meeting

The lot has an approximately 11% upslope, as measured from the front to the rear lot lines. The front being the San Benito Road side. Note that this does not take into account the 3 foot retaining wall at the site frontage, since the wall is off site, within the public right-of-way.

The site contains one Olive tree.

Project Description

The proposed project would replace the existing approximately 1,131 square foot home with a new two-bedroom 1,061 square-foot, two-story home, above a 548 square foot basement-level garage and basement level 376 square foot, studio accessory dwelling unit (ADU).

The proposed plan would accommodate 2 full size garage spaces, which meets the parking requirement. Additionally, the design would allow for two compact cars in tandem in the driveway, partially extending into the public right-of-way. Two existing street parking spaces on the Glen Park Way side would also remain. The driveway at the rear of the existing house, on the Glen Park Way side, would be removed and replaced with a new driveway at the front, on the San Benito Road side.

The applicant's plans also call for removal of the on-site Olive tree.

See the architectural drawings for further details on the project design (Attachment D)

The proposal complies with all applicable development standards. A table of key project data is provided as Attachment C.

The applicant's grading plan proposes excavation of 365 cubic yards of soil, to be exported from the site, to accommodate the driveway, garage and ADU.

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 suggested conditions of approval contained in the attached resolution (Attachment E), the application **would meet** these findings. The findings are shown in italics, as follows:

• The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography.

The design meets this finding.

The subject property features an approximately 11% upslope from the front to the rear of the property. As indicated by the applicant's conceptual grading plan and site plan, 365 cubic yards of

2021-EX-3 Sept 16, 2021 Meeting

soil cut and export from the site is the minimum necessary to accommodate the new home in compliance with the parking requirements of BMC Chapter 17.34 and the development standards of the R-1 Residential District.

For lots of less than a 20 % slope, the building height limit is 28 feet, versus 30 feet for steeper lots. To keep the property within the height limit while allowing for garage parking and living space that are within the development regulations, excavation is needed. The driveway would be constructed within the cut area to meet with the roadway. Also, both the garage and ADU would be within the cut area to be partially below grade, so this modestly-sized house would be nestled into the lot and thereby meets the 28 foot height requirement. Interior room heights range from 8 feet 6 inches and 9 feet in the living spaces, to 10 feet 6 inches inside the garage. The grading cut would allow the garage to be entered at nearly the street level, which would make it more functional, versus a steep driveway approach.

Note also that the structure would be stepped up towards the rear, at the ADU level, to help reduce the amount of grading towards the back of the site.

• The proposed grading is designed to avoid large exposed retaining walls.

The design meets this finding. There are existing rock retaining walls along the property perimeter, with the highest segments being on the downslope side, along San Benito Road. These are approximately 3 feet in height. On the west side of the driveway, the wall would remain. On the east side, the wall would be reconstructed to approximately the same height, but moved back towards the house by approximately one foot. The wall would be up to 3 feet 6 inches in height along the new driveway edge. Both of the front walls are within the public right-of-way and are subject to City Engineer final approval through the subsequently required grading, building and encroachment permits. A short wall would also be constructed at the rear of the site to provide a level patio area. The wall would be approximately 1 to 2 feet in height and is shown with the fence atop it. Per the fence and wall regulations, the combined height of the fence and wall may not exceed 8 feet.

• 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. Where removal of existing trees is necessary, planting of appropriate replacement trees is provided.

This finding does not apply. There are no existing street trees or protected species on site or in the right-of-way adjacent to the site. As an aside, while the Olive tree has been proposed for removal, the design would retain landscape areas for new planting, including the minimum 15 percent of the front setback area being landscaped. Staff will review the landscape plans as part of the building permit application.

• 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).

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This finding does not apply, as the subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

In closing, this grading review application has been reviewed by the City Engineer/Department of Public Works, Building Department and North County Fire Authority and there were no exceptions or comments. Redevelopment of the property will be subject to further review by all three departments through the building permit application, following this grading review. Additionally, the project will be subject to approval of a grading permit and encroachment permit by the City Engineer.

ATTACHMENTS:

- A. Site Location Map/Aerial
- B. Site Photos
- C. Key Project Data Table
- D. Architect's Plans
- E. Draft Resolution 2021-EX-3

Ken Johnson, Senior Planner

/ for

John Swiecki, Community Development Director

ATTACHMENT A

296 San Benito Road

Site Aerial Photo



ATTACHMENT B

296 San Benito Road

Property photos



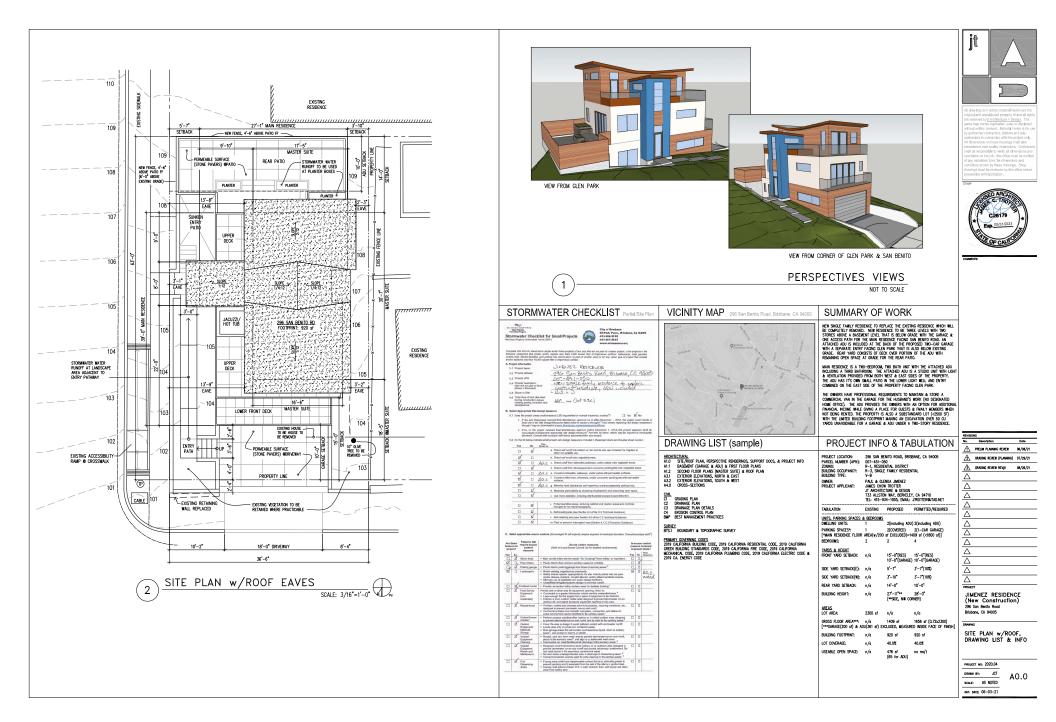
ATTACHMENT C

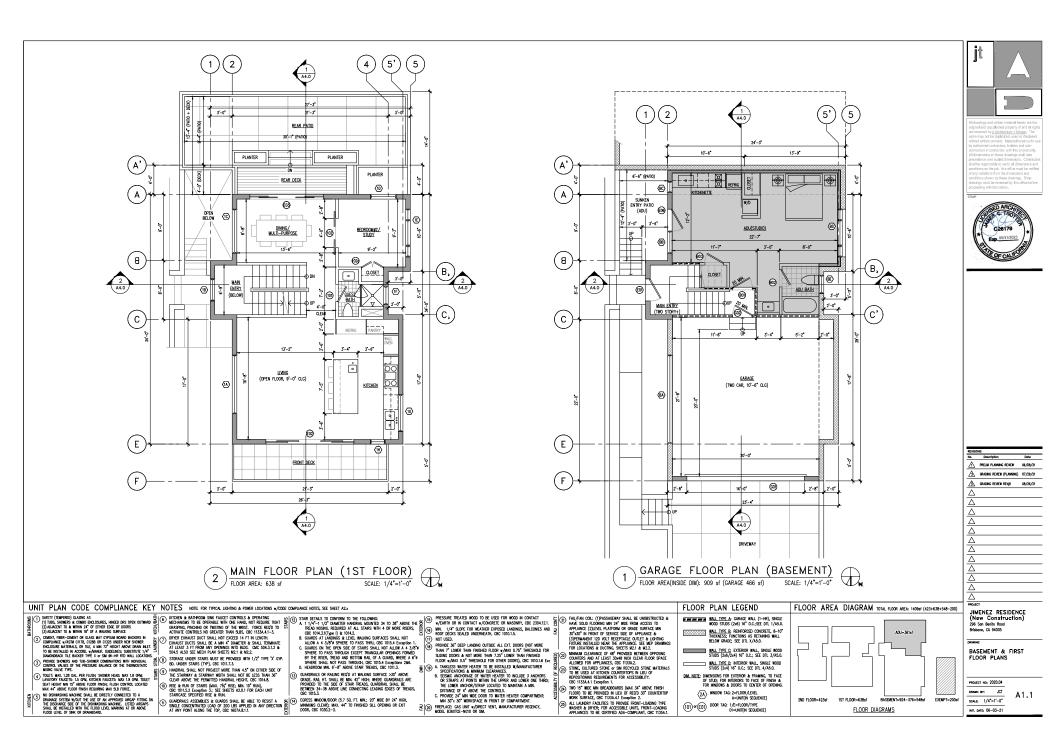
Key Project Data								
Development Standard	Min/Max	Existing**	Proposed**	Notes				
Lot Area	5,000	2,300	-	Recognized as conforming				
Lot Slope	-	11%	-					
Lot Coverage*	40% (920 sq ft)	49%	40%					
Floor Area Ratio (FAR)*	0.72	0.49	0.61	Entire ADU and 200 sq ft of garage space are exempt from FAR calculation				
Floor Area - SFR	-	1,131 sq ft	1,061 sq ft					
Floor Area - Garage	-	0 sq ft	548 sq ft					
Floor Area - ADU	1,000 sq ft	0 sq ft	376 sq ft					
Height	28 ft	Single story- height undetermin ed	28 ft	Height of 28 ft is listed for the highest building segment. The building height steps down to the front, to 21 ft 2 inches and less.				
Parking	2 off street (at least 1 covered)	1 off street uncovered + on-street	2 off street covered+ 2 partially off-street+ on street	Proposed parking meets and exceeds the minimums. There are no maximum standards				

*Lot coverage and floor area ratio are calculated relative to the lot area of 2,300 sq ft. Maximum floor areas for Single Family Residence (SFR) and Garage are tied to the FAR maximum.

**Existing development standards that are nonconforming are shown in red. Proposed development would result in conformance with all development standards, as shown in green.

ATTACHMENT D





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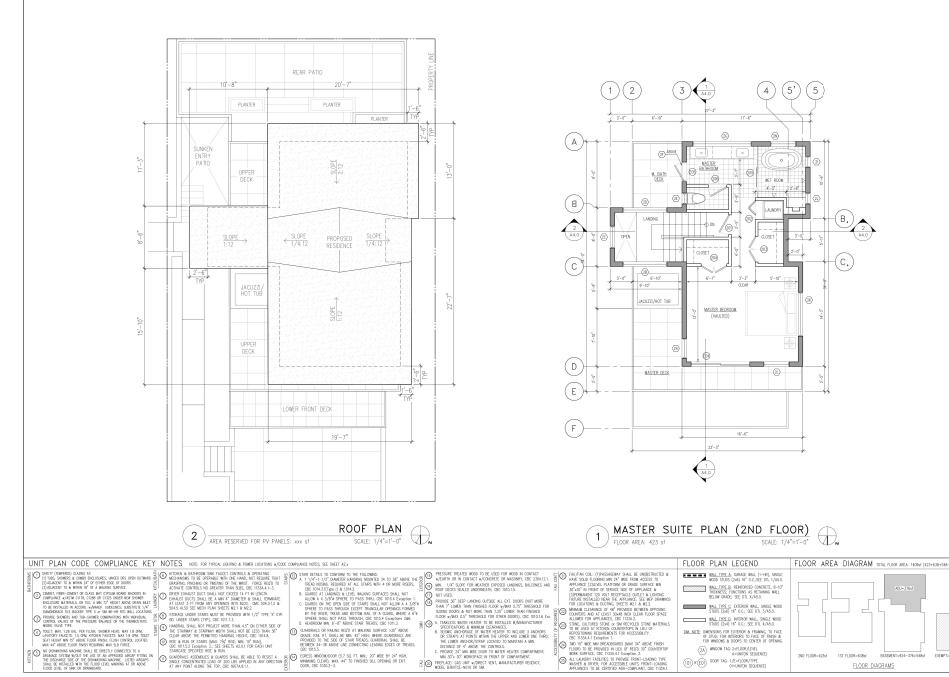


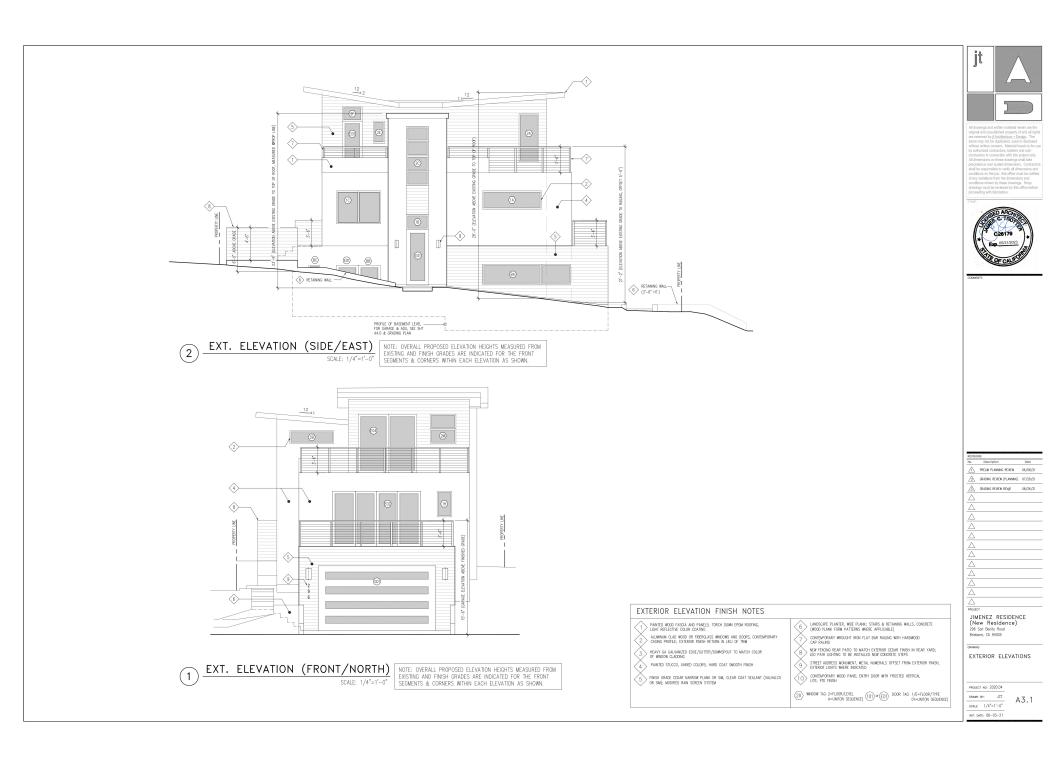
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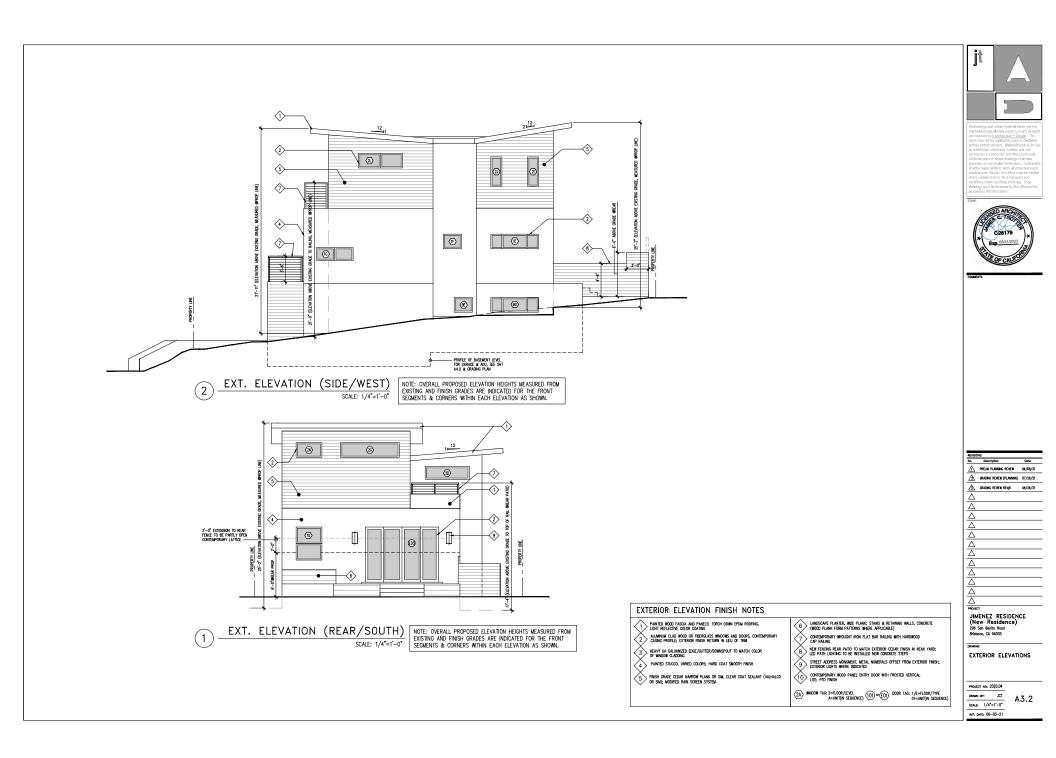
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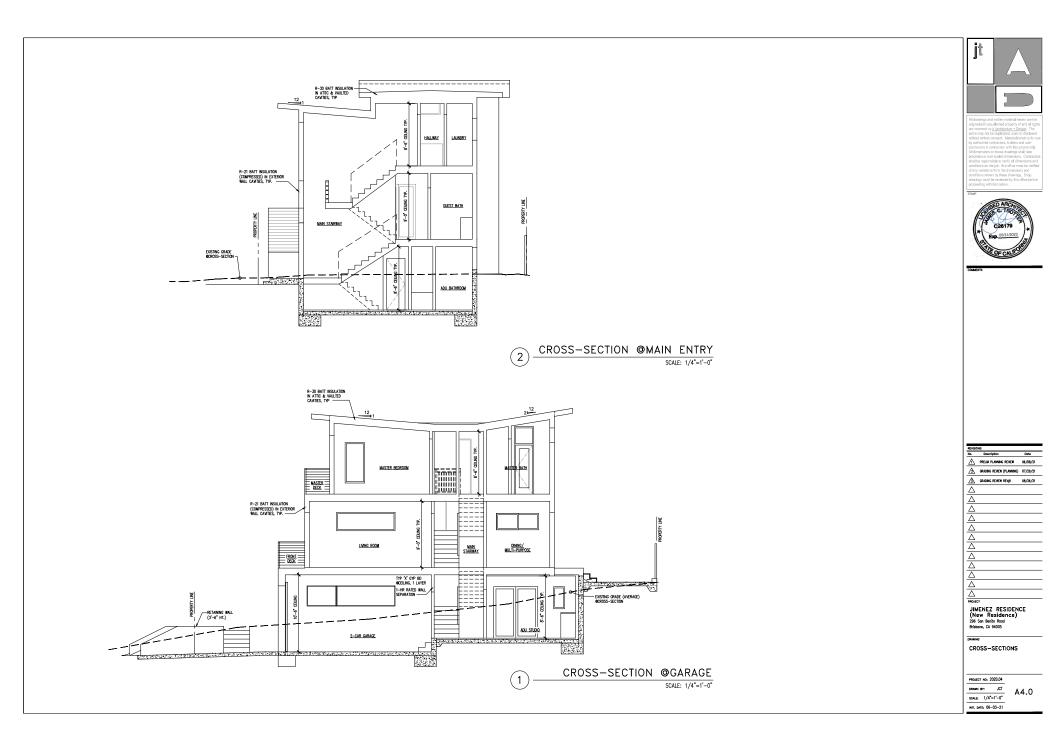
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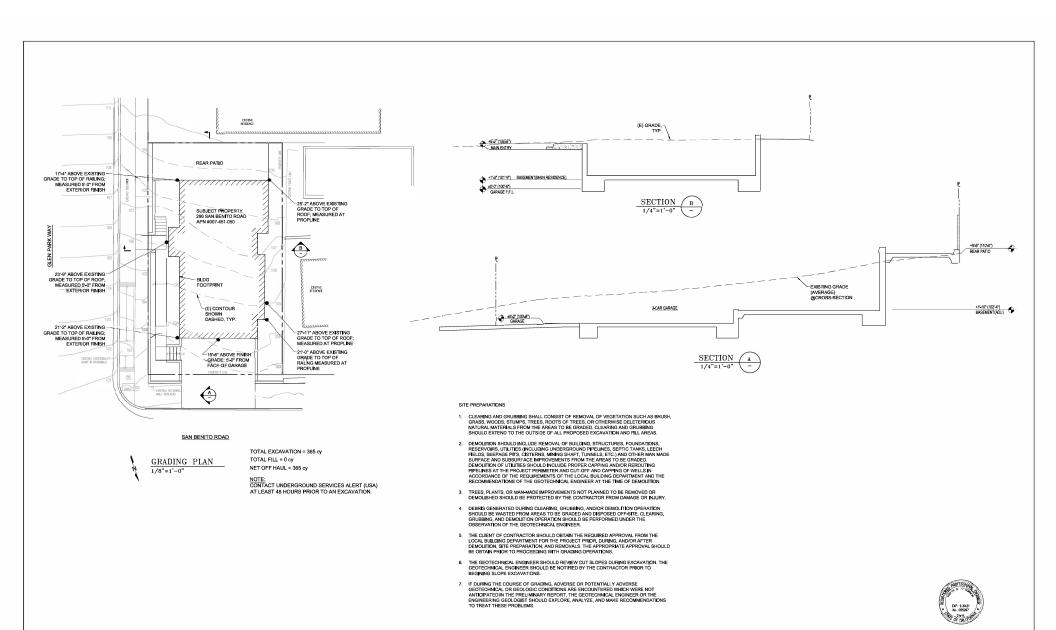
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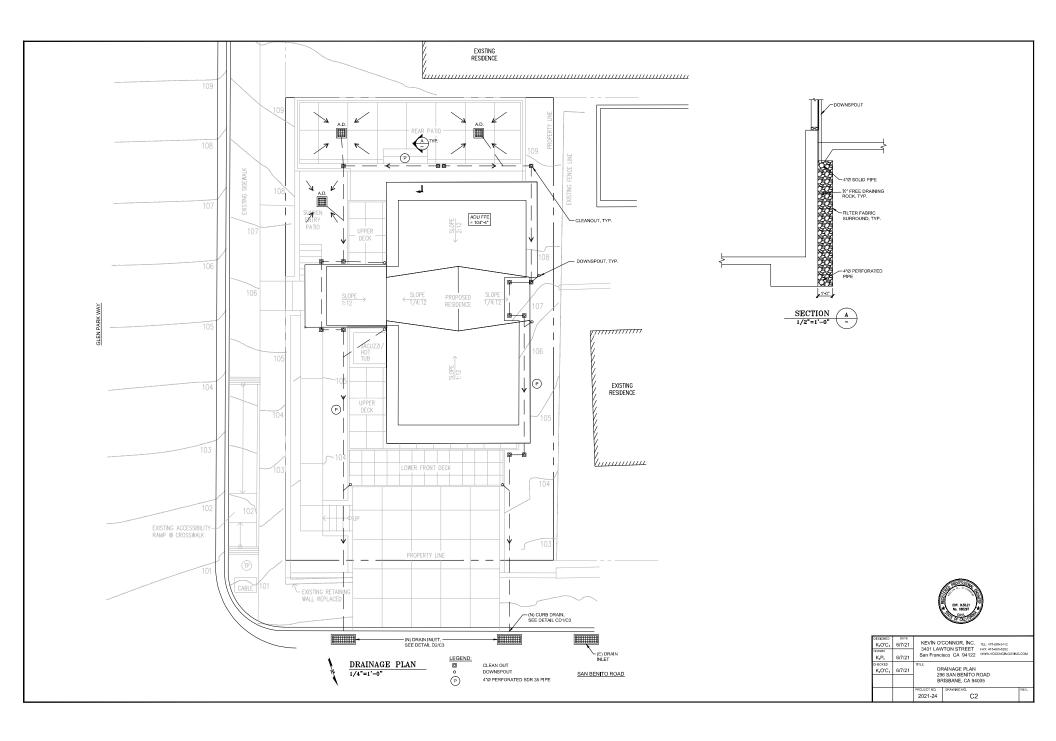


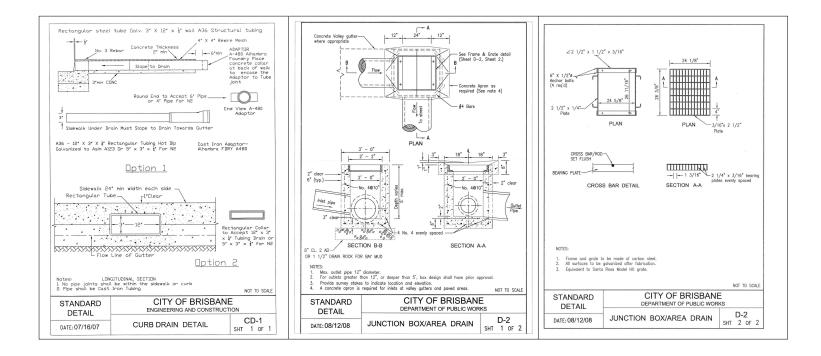






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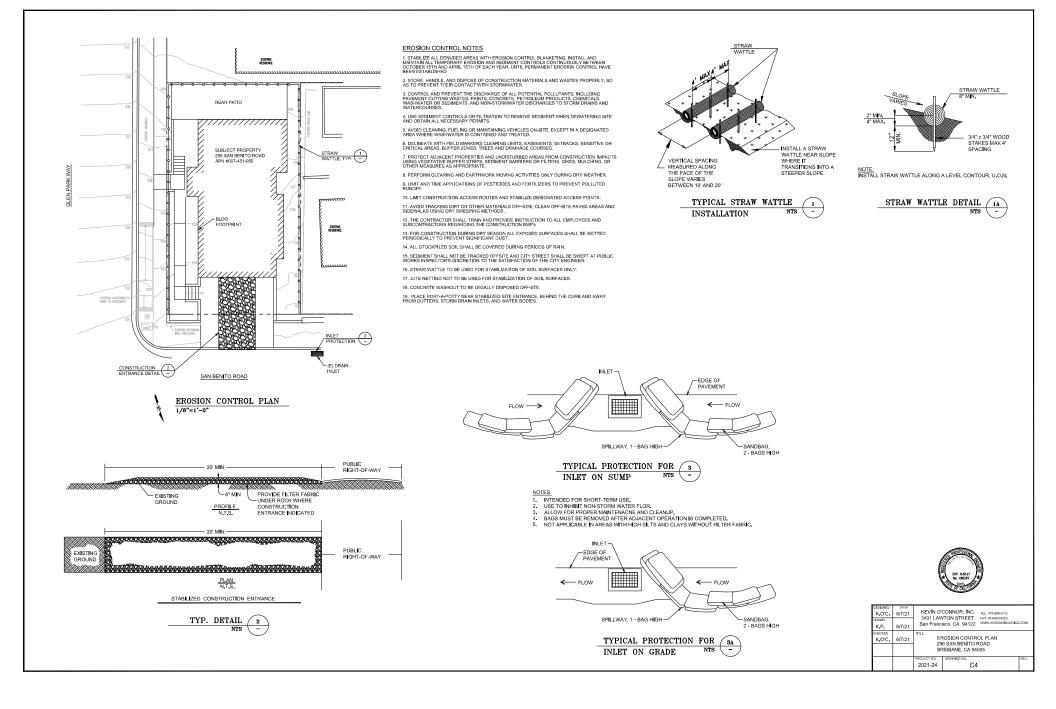
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Construction Best Management Practices (BMPs)

Construction projects are required to implement the stormwater best management practices (BMP) on this page, as they apply to your project, all year long.

Materials & Waste Management



Non-Hazardous Materials

- Berm and cover stockpiles of sand, dirt or other construction material with tarps when rain is forecast or if not actively being used within 14 days
- Use (but don't overuse) reclaimed water for dust control.

Hazardous Materials

- Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state and federal regulations.
- □ Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecast.
- General Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- Arrange for appropriate disposal of all hazardous wastes.

Waste Management

- Cover waste disposal containers securely with tarps at the end of every work day and during wet weather
- Check waste disposal containers frequently for leaks and to make sure they are not overfilled. Never hose down a dumpster on the construction site
- Clean or replace portable toilets, and inspect them frequently for leaks and spills.
- Dispose of all wastes and debris properly. Recycle materials and wastes that can be recycled (such as asphalt, concrete, aggregate base materials, wood, gyp board, pipe, etc.)
- Dispose of liquid residues from paints, thinners, solvents, glues, and cleaning fluids as hazardous waste.

Construction Entrances and Perimeter

- Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking. Never hose down streets to clean up tracking.



Equipment Management &

Maintenance and Parking

- Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage. Derform major maintenance, repair jobs, and vehicle
- and equipment washing off site.
- □ If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and over a drip pan or drop cloths big enough to collect fluids. Recycle or dispose of fluids as hazardous waste.
- □ If vehicle or equipment cleaning must be done onsite, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains or surface waters
- Do not clean vehicle or equipment onsite using soaps, solvents, degreasers, or steam cleaning equipment

Spill Prevention and Control

- □ Keep spill cleanup materials (e.g., rags, absorbents and cat litter) available at the construction site at all times.
- □ Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
- Clean up spills or leaks immediately and dispose of cleanup materials properly.
- Do not hose down surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags).
- Sweep up spilled dry materials immediately. Do not try to wash them away with water, or bury them.
- Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- D Report significant spills immediately. You are required by law to report all significant releases of hazardous materials, including oil. To report a spill: 1) Dial 911 or your local emergency response number, 2) Call the Governor's Office of Emergency Services Warning Center, (800) 852-7550 (24 hours).



Earthmoving

- Schedule grading and excavation work during dry weather.
- Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established.
- Remove existing vegetation only when absolutely necessary, and seed or plant vegetation for erosion control on slopes or where construction is not immediately planned
- Prevent sediment from migrating offsite and protect storm drain inlets, gutters, ditches, and drainage courses by installing and maintaining appropriate BMPs, such as fiber rolls, silt fences, sediment basins, gravel bags, berms, etc.
- Keen excavated soil on site and transfer it to dump trucks on site, not in the streets.

Contaminated Soils

- □ If any of the following conditions are observed, test for contamination and contact the Regional Water Quality Control Board:
- Unusual soil conditions, discoloration, or odor
- Abandoned underground tanks.
- Abandoned wells
 - Buried barrels, debris, or trash



Avoid paving and seal coating in wet

weather or when rain is forecast, to

from contacting stormwater runoff.

seal, fog seal, etc.

prevent materials that have not cured

Concrete, Grout & Mortar



□ Store concrete, grout, and mortar away from storm drains or waterways, and on pallets under cover to protect them from rain, runoff, and wind.

Let concrete harden and dispose of as

prevent washwater from entering storm

gutters, hose washwater onto dirt areas, or

drain onto a bermed surface to be numped

Landscaping

drains. Block any inlets and vacuum

□ When washing exposed aggregate,

and disposed of properly

□ Wash out concrete equipment/trucks Cover storm drain inlets and manholes offsite or in a designated washout when applying seal coat, tack coat, slurry area, where the water will flow into a temporary waste nit and in a manner Collect and recycle or appropriately that will prevent leaching into the dispose of excess abrasive gravel or sand underlying soil or onto surrounding areas. Do NOT sweep or wash it into gutters.

garbage

Do not use water to wash down fresh asphalt concrete pavement.

Sawcutting & Asphalt/Concrete Removal

- saw cutting. Use filter fabric, catch basin inlet filters, or gravel bags to keep slurry
- □ If sawcut slurry enters a catch basin, clean it up immediately.



- Stack bagged material on pallets and under cover.
- Discontinue application of any erodible landscape material within 2 days before a forecast rain event or during wet weather.



Painting & Paint Removal

Painting Cleanup and Removal

- Never clean brushes or rinse paint containers into a street, gutter, storm drain, or stream
- General For water-based paints, paint out brushes to the extent possible, and rinse into a drain that goes to the sanitary sewer. Never pour paint down a storm drain
- For oil-based paints, paint out brushes to the extent possible and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids as hazardous waste.
- Paint chips and dust from non-hazardous dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- Chemical paint stripping residue and chips and dust from marine paints or paints containing lead, mercury, or tributyltin must be disposed of as hazardous waste. Lead based paint removal requires a statecertified contractor.

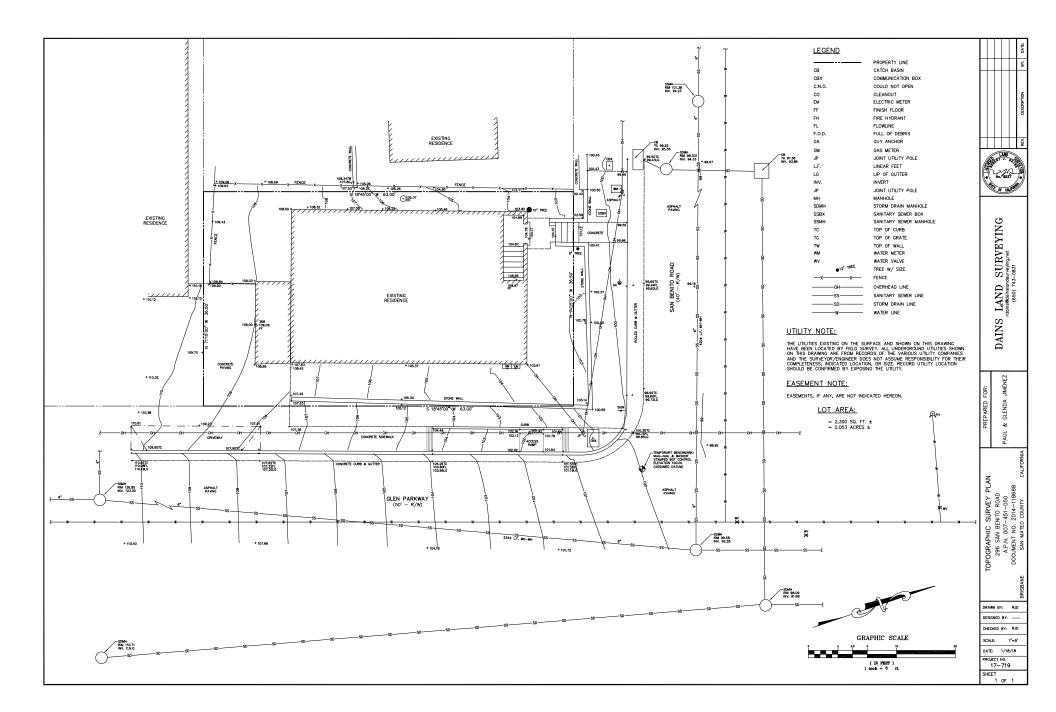


- Discharges of groundwater or captured runoff from dewatering operations must be properly managed and disposed. When possible send dewatering discharge to landscaped area or sanitary sewer. If discharging to the sanitary sewer call your local wastewater treatment plant.
- Divert run-on water from offsite away from all disturbed areas.
- □ When dewatering, notify and obtain approval from the local municipality before discharging water to a street gutter or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- □ In areas of known or suspected contamination, call your local agency to determine whether the ground water must be tested. Pumped groundwater may need to be collected and hauled off-site for treatment and proper disposal.

Storm drain polluters may be liable for fines of up to \$10,000 per day!



- Protect nearby storm drain inlets when
- out of the storm drain system. □ Shovel, abosorb, or vacuum saw-cut
- slurry and dispose of all waste as soon as you are finished in one location or at
- the end of each work day (whichever is sooner!).



ATTACHMENT E

Draft -RESOLUTION 2021-EX-3 A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE CONDITIONALLY APPROVING GRADING REVIEW 2021-EX-3 FOR A NEW SINGLE-FAMILY HOME WITH AN ACCESSORY DWELLING UNIT AND ATTACHED GARAGE AT 296 SAN BENITO ROAD

WHEREAS, James Chow Trotter applied to the City of Brisbane for a Grading Permit review, on behalf of Paul and Glenda Jimenez, for construction of a new single-family dwelling, with an accessory dwelling unit and two car garage at 296 San Benito Road that will require 365 cubic yards of soil export from the site, such application being identified as Grading Permit 2021-EX-3; and

WHEREAS, on September 16, 2021, 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) and Section 15301(l) of the State CEQA Guidelines and the exceptions to these categorical exemptions referenced in Section 15300.2 do not apply; 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 16, 2021 did resolve as follows: Grading Permit 2021-EX-3 is approved by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A, which recommends that the City Engineer approve the proposed grading for this site.

ADOPTED this 16th day of September, 2021, by the following vote:

AYES: NOES: ABSENT:

> DOUGLAS GOODING Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

DRAFT **EXHIBIT A**

Action Taken: Recommended City Engineer issuance of a grading permit, per the staff memorandum with attachments, via adoption of Resolution 2021-EX-3.

Grading Permit 2021-EX-3 Findings:

- 1. The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography.
- 2. The proposed grading is designed to avoid large exposed retaining walls.
- 3. There being one on-site Olive tree and no other trees along the street frontage or on-site, the following finding is not applicable. 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. Where removal of existing trees is necessary, planting of appropriate replacement trees is provided.
- 4. Since the site is not within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan, the following finding is not applicable. 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).

Conditions of Approval:

Prior to Issuance of a Building Permit

- A. The applicant shall obtain a building permit, grading permit, and encroachment 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 this application 2021-EX-3 in the City of Brisbane Community Development Department.
- B. Any fences to be constructed on site shall comply with the requirements provided in BMC Section 17.32.050 Fences, Hedges and Walls
- C. Prior to issuance of a building permit, the property owner shall enter into a standard landscape maintenance agreement with the City.
- D. A certificate of compliance is required for this lot, via separate application form and fee.
- E. 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.

Other Conditions

F. Prior to pouring foundation, a licensed land surveyor or civil engineer authorized to conduct surveying activates shall submit a staking certification letter to the City confirming that the proposed building location and pad elevations match the submitted site plan and grading plans.

- G. Fire sprinklers are required and may be a deferred submittal, to the satisfaction of North County Fire Authority.
- H. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer.
- I. The project is subject to infrastructure improvement requirements per BMC Chapter 17.01 and construction details shall be subject to approval by the City Engineer.
- J. 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.
- K. 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.
- L. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Brisbane Municipal Code.