

DRAFT
BRISBANE PLANNING COMMISSION
Action Minutes of June 25, 2020
Virtual Regular Meeting

CALL TO ORDER

Chairperson Sayasane called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Commissioners, Gomez, Gooding, Mackin, Patel and Sayasane.
Absent: None.
Staff Present: Community Development Director Swiecki, Senior Planner Ayres, Associate Planner Robbins

ADOPTION OF AGENDA

Commissioner Patel moved adoption of the agenda. Commissioner Mackin seconded the motion and it was approved 5-0.

CONSENT CALENDAR

Commissioner Gooding moved adoption of the consent calendar (agenda item A). Commissioner Patel seconded the motion and it was approved 5-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

There were no written communications.

NEW BUSINESS

- B. PUBLIC HEARING: Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Reconsideration of Grading Review application for approximately 357 cubic yards of soil cut and export to accommodate a new driveway and additions, including a two-car attached garage, for an existing single-family dwelling; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

Senior Planner Ayres gave the staff report. She answered questions regarding the elimination of the previously proposed on-street parking spaces, the proposed condition of approval to recommend the City Engineer require an arborist report regarding the project's potential impact to tree roots versus requiring such a report, and use of the public right of way for accessing the subject property.

Chairperson Sayasane opened the meeting to public comment.

Abraham Zavala, the applicant, and John Petroff, the project geologist engineer, addressed the Commission. Mr. Zavala described the project changes. Mr. Petroff explained the borings completed found bedrock fairly close to the surface, as reported in the geotechnical report.

Chairperson Sayasane asked Mr. Petroff if he was aware of complaints from neighboring properties regarding erosion.

Mr. Petroff stated he was not aware of such complaints and reiterated the findings of the test borings relative to low erosion potential.

Commissioner Gooding asked Mr. Petroff if he was aware of slides on Kings Road in other areas.

Mr. Petroff stated he was aware of “blow outs” of the hillside along Kings Road in Brisbane, but could not verify their exact location.

Commissioner Gooding asked Mr. Petroff whether slides were likely on the subject property from the proposed project.

Mr. Petroff stated based on his site observations and soil conditions, the soil conditions were very favorable for the proposed development and the proposed project would enhance the stability of the site and drainage of the site with the installation of retaining walls with integrated drainage. He did not observe any areas on the site that resembled a minor or major erosion or sliding.

Commissioner Gooding asked if there would be more or less water coming off the site with the proposed project.

Mr. Petroff stated he was not a hydrologist and could not address the volume of water runoff from the site, but reiterated that the project would enhance site drainage compared to existing conditions.

Commissioner Mackin asked how much water would be handled by the four inch perforated perimeter pipe and asked how he arrived at that recommendation. She asked how other drains on the property would tie into the four inch pipe.

Mr. Petroff said the solid pipe system would service any downspouts or area drains, and the perforated pipe would handle the subdrain water coming from below the ground surface. There would be two active drainages that could be combined in the same trench and route water around the house and discharge into the storm drain system at the street.

Commissioner Mackin asked how the drains were sized and what calculations were used.

Mr. Zavala said he prepared the calculations for the drain sizing based on the precipitation coming from the roof and retaining wall per California Building Code requirements. The existing drainage system for the existing system has to be improved as well because the current downspouts drain directly onto the ground near the foundation, so the project would improve existing drainage as well. A four inch perforated pipe is typical, but the City Engineer may require modifications.

Mr. Petroff said the key player in a sub drain isn't the pipe, but the trench itself in directing the water.

Commissioner Mackin said the geotechnical report found that the existing foundation was affected by existing settlement and portions of the existing foundation may need to be underpinned or replaced and asked if that will be addressed.

Mr. Zavala said that would be addressed in the building permit application.

Commissioner Mackin said the geotechnical report requires the geotechnical engineer to be on-site during construction.

Mr. Zavala said it is typical for the existing property foundation to be underpinned. In this case only one side is affected.

Commissioner Mackin asked what caused the existing residence to be four inches out of level and foundation settlement.

Mr. Zavala said a house of this age commonly has an undersized foundation.

Mr. Petroff said foundation construction for older homes was to a different standard and less sophisticated than current foundation design. Current foundation designs avoid settlement. In their geotechnical report they found some fill along the front of the house and the foundation is less than a foot deep in that location. He said the report's recommendations for underpinning and shoring up the existing home during construction are all typical recommendations. The geotechnical engineer will be on-site during construction and will be able to consult with the contractor and project engineer throughout the entire project to ensure its safety.

Michelle Salmon, Brisbane resident, shared her concerns with impacts to street trees, including excavation near the roots. She also was concerned with fracturing the sandstone bedrock. She said it was not a stable land mass. She said the Council's recent budget included funding for the City's stormwater drainage system which costs would continue to escalate as long as stormwater runoff was filtered into the storm drain system. She said they should correct the existing foundation problem before they excavate. She said the project was a flip. She said a hydrologist should be consulted and answers should be locked down before issuing any approvals.

Prem Lall, Brisbane resident, said he was very concerned with Mr. Zavala and Mr. Petroff's statements regarding observing site conditions during construction "on the fly." He said if they do things "on the fly" and flip the house, the subsequent owner and downslope properties would be impacted. He said the engineers didn't seem to know what they were doing. He asked where the four inch pipe came from and once it is clogged with dirt what will happen?

With no one else coming forward to address the Commission, Commissioner Mackin moved to close the public hearing. Commissioner Patel seconded the motion and it was approved 5-0.

Commissioner Mackin shared her concerns with the impacts to street trees and the stability of the existing foundation. She said it has not been demonstrated to her that the project will be safe for downslope and next door neighbors.

Director Swiecki stated that Ms. Salmon texted him to ask the Chair if she could address the Commission again.

The Chair agreed and welcomed Ms. Salmon to address the Commission.

Ms. Salmon asked the Commission to make sure anything they approve is locked tight. She said a nine inch clearance for the tree was not adequate.

Commissioner Gooding asked if they could require an arborist report to be prepared, and if the report finds the project will damage the trees, could that stop the project?

Director Swiecki stated the normal sequence would be to require an arborist report prior the building permit being issued that would evaluate impacts to the street trees. He noted the Municipal Code allows for street trees to be removed and replaced. The Municipal Code doesn't prohibit the project from proceeding if street tree removal is required. He stated the City Engineer is authorized to make decisions regarding street tree removal and replacement due to project construction, and staff would not speculate as to the City Engineer's decision in this case.

Director Swiecki advised the Commission that safety of a grading plan and safety of a construction project are subject to the purview of a licensed engineer. He cautioned the Commission about making assertions or conclusions regarding design safety and suitability unless they are professionally licensed to do so.

Commissioner Gooding stated he did not believe they had adequate advice from licensed professionals that the Commission needed to approve the project.

Chairperson Sayasane asked if they could require a hydrology report.

Director Swiecki stated the Commission could review a hydrology report or geotechnical report, but there was no basis in state law for the Commission to judge or dispute the conclusions of any such reports. He stated such reports would be for information only.

Commissioner Patel moved to deny the permit based on the finding that the application 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; and removal and replacement of the trees would not be appropriate for this project due to the role they play in slope stabilization. Commissioner Gooding seconded the motion and the motion was approved 5-0.

Chairperson Sayasane read the appeals procedure.

ITEMS INITIATED BY STAFF

Director Swiecki stated the City Council continued the ADU draft ordinance the Commission approved in May to the fall and approved, on an emergency basis and with minor alterations, the STR ordinance.

ITEMS INITIATED BY THE COMMISSION

There were none.

ADJOURNMENT

Commissioner Gooding moved to adjourn to the regular meeting of Thursday, July 9, 2020. Commissioner Gomez seconded the motion and it was approved 5-0. The meeting adjourned at 9:15 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at www.youtube.com/BrisbaneCA, on the City's website at www.brisbaneca.org, or on DVD (by request only) at City Hall.