

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 5/14/2020

SUBJECT: **Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square-foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

SUPPLEMENTAL REPORT:

The Planning Commission held a public hearing on this application on February 27, 2020. After closing the public hearing, the Planning Commission voted to deny the application primarily due to the project impacts to a mature Coast live oak street tree, among other concerns with hydrology impacts and street improvement design. However, because no findings of denial were prepared or adopted at the time of the Planning Commission's action, the Planning Commission's vote was not legally binding. Per the City Attorney, in order for the Planning Commission action to be effective, the Commission would need to adopt a revised resolution containing the findings of denial. A revised resolution containing findings of denial is attached for the Commission's reference.

However, during the Commission's recess due to the Countywide Shelter in Place order, the applicant revised the project in response to the Commission's concerns regarding impacts to the mature street trees (see attached letter from Mr. Zavala) and requests the Planning Commission reconsider the application. The applicant's revised plans are not attached to this report and would be subject to review at a public hearing should the Commission vote to reconsider the application.

The motion to grant reconsideration must be made by a Commissioner who voted to deny the application at the February 27, 2020 public hearing. All Commissioners except for Commissioner Gomez, who was absent, voted in favor of denial at the February 27 hearing. The application would then be scheduled for a future public hearing and a public hearing notice would be mailed to neighbors per standard procedure.

RECOMMENDATION: That the Commission grant the applicant's request for reconsideration of the application and for the application to be scheduled for a future public hearing.

If the Commission wishes to deny the applicant's request, the Commission may adopt the attached resolution, containing findings of denial .

ATTACHMENTS:

EX-4-19
May 14, 2020 Meeting
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- A. Draft Resolution EX-4-19 with Findings Denial
- B. Request from the applicant for reconsideration of revised project
- ~~C. February 27, 2020 Planning Commission staff report~~
- ~~D. February 27, 2020 Planning Commission draft minutes (included in the agenda packet)~~



Julia Ayres, Senior Planner



John Swiecki, Community Development Director

Draft
RESOLUTION EX-4-19

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
DENYING GRADING PERMIT 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 will 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, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15301(e) 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 14, 2020 did resolve as follows:

Grading Permit review EX-4-19 is denied without prejudice, and City Engineer issuance of the grading permit as proposed is not recommended.

ADOPTED this 14th day of May, 2020, by the following vote:

AYES:
NOES:
ABSENT:

Pamala Sayasane
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

DRAFT
EXHIBIT A

Action Taken: Denial without prejudice of Grading Permit Review EX-4-19, per the February 27, 2020 and May 14, 2020 staff memorandums with attachments, via adoption of Resolution EX-4-19.

Findings:

Grading Permit EX-4-19

- As indicated by the applicant's grading plan and site plan, the proposed excavation is limited to the footprint of the additions and necessary site access from the street, and is the minimum necessary to allow the site to conform to the parking requirements of the R-1 Residential District and design standards contained in Chapter 17.34 of the Municipal Code.
- The proposed grading would result in one exposed retaining wall of approximately nine feet in height within a portion of the front setback, extending into the public right-of-way.
- The proposed grading is not designed to conserve existing street trees (as defined by BMC Section 12.12.020), and specifically would require removal of a mature Coast live oak street tree and potentially impact the health of a second mature Coast live oak street tree.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.



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March 10, 2020

Community Development Department
City of Brisbane
50 Park Place, Brisbane, CA 94005

Subject: 338 Kings Road, Brisbane, CA 94005

Dear Planning Commission,

I am requesting consideration of the proposed denial of the application for the property that is the subject of this letter. We filed revised plans, which address concerns regarding the tree impact and driveway width.

Sincerely,

Abraham Zavala

Abraham Zavala, P.E.
RCE 60620 Exp. 12/31/20

BRISBANE PLANNING COMMISSION
Action Minutes of May 14, 2020
Virtual 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 Gomez moved adoption of the agenda. Commissioner Patel seconded the motion and it was approved 5-0.

CONSENT CALENDAR

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

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged two written communications, one regarding walkable streets and the other regarding item C.

OLD BUSINESS

- C. **Grading Review EX-4-19; 338 Kings Road; R-1 Residential District; Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner. (Administrative note: no findings of denial regarding this item were adopted during the previous meeting of February 27, 2020; therefore, final action on this item was continued to this meeting.)**

Senior Planner Ayres gave the staff presentation.

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The Planning Commission discussed with staff their concerns with their purview of authority when reviewing grading permits, particularly with potential impact to site hydrology.

At the request of staff, the meeting was recessed for 5 minutes to address technical issues associated with the call-in public access to the meeting.

Chairperson Sayasane brought the meeting back to order and the recognized members of the public wishing to address the Commission.

Prem Lall, Brisbane resident, spoke against the project.

There were no other members of the public wishing to address the Commission.

After some discussion, Commissioner Mackin made a motion to deny the applicant's request for reconsideration and adopt findings of denial for the project, but later withdrew the motion.

Following further discussion, Commissioner Patel moved to grant the applicant's request to reconsider the application at a future public hearing. Commissioner Gooding seconded the motion and the motion was approved 5-0.

NEW BUSINESS

D. Zoning Text Amendment RZ-1-20; Various zoning districts; Zoning text amendments to update the existing accessory dwelling unit (ADU) regulations in the zoning ordinance to comply with updated State regulations, and to increase the existing floor area ratio (FAR) exception of 200 square feet to 400 square feet for covered parking on substandard lots; City of Brisbane, applicant.

Associate Planner Robbins gave the staff presentation.

The Planning Commission identified concerns about potential implications of increasing the FAR covered parking exception in conjunction with the required, limitations on ADU parking requirements in State legislation.

Chairperson Sayasane opened the public hearing.

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

Following deliberation, Commissioner Mackin moved to recommend City Council adoption of the draft ordinance by adopting Resolution RZ-1-20. Commissioner Gooding seconded the motion and the motion was approved 5-0.

Chairperson Sayasane read the appeals process of Planning Commission actions.

ITEMS INITIATED BY STAFF