

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission

For the Meeting of 6/25/2020

**SUBJECT:** **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.

**REQUEST:** The applicant requests reconsideration of grading review for 357 cubic yards of soil cut and export from the subject property. The proposed excavation is required to accommodate additions to the existing single-family dwelling, including construction of a two-car garage, on a site with no on-site parking. The proposed excavation would also accommodate expansion of an existing shared driveway for ingress and egress for the subject property and adjoining property 334 Kings Road, and to allow a new on-grade access stairways for the main dwelling and proposed accessory dwelling unit (ADU).

**RECOMMENDATION:** Recommend the City Engineer issue the grading permit via adoption of Resolution EX-4-19 containing the findings and conditions of approval.

**ENVIRONMENTAL DETERMINATION:** The project is categorically exempt from the provisions of the California Environmental Quality Act per Section 15301(e) 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.

### **BACKGROUND:**

A grading application for this property was previously considered by the Planning Commission at the regular meeting of February 27, 2020. After closing the public hearing, the Planning Commission voted 4-0-1 (Commissioner Gomez absent) to deny the application (see attachment H for February 27 agenda report and meeting minutes). However, because no findings of denial were adopted, final action on the application was deferred to the next regular meeting.

Commission meetings in March and April were cancelled due to the Countywide shelter in place order. During that period, the applicant submitted a written request that the Commission reconsider its intent to deny the project and to allow for the reconsideration of a revised project

that addressed the Planning Commission's initial concerns. At its meeting of May 14, 2020, the Planning Commission considered and granted the applicant's request for reconsideration.

### Revised Project

The revised project plans are attached for the Commission's consideration (see Attachment A). The previous plans are provided in Attachment B for reference.

The applicant has made the following revisions to the project plans:

- **Reduced area of additions.** The revised plans show an overall reduction of approximately 300 sq ft in proposed additions to the main dwelling. At the ground floor, this specifically reduces the area of excavation by approximately 185 sq ft, as shown on Sheets A1.2 and C-2 (see Attachment A). This also eliminates the requirement to provide an additional two off-street parking spaces, as the proposed and past additions to the main dwelling (excluding the area of the ADU and covered parking) cumulatively total less than 400 sq ft, which requires no additional parking per BMC Section 17.34.050. Because four parking spaces are no longer required, the previously proposed two parking spaces in the public right-of-way have been eliminated.
- **Revised driveway design.** The revised plans propose a 29 ft curb cut, four feet less than the previously proposed 33 ft curb cut (see Sheets A1.2 and C-2, Attachment A). The revised plan also eliminates the previously proposed expansion of the driveway's existing western edge, removing the conflict with the nearby 28 inch coast live oak street tree which is no longer proposed for removal.
- **Added drainage details.** The revised grading plan includes drainage details showing how stormwater runoff and groundwater will be collected and routed to the City's storm drain system (note: due to its small scale, the project is not required to treat or retain stormwater on-site under the Municipal Regional Stormwater Permit). (See Sheet C-2, Attachment A, and Attachment D, E, F, and G.)

### Technical Studies

At the Commission's request, the applicant has also voluntarily provided a geotechnical investigation prepared by Michelucci and Associates that evaluates the project feasibility based on the site soils and geology (see Attachment G). The investigation includes recommendations on foundation and drainage design based on the site's geological conditions. The applicant's revised grading and drainage plan will be reviewed by the City Engineer at the time of building and grading permit review to ensure the proposed foundation and drainage design conforms to the recommendations of the geotechnical engineer.

The City Engineer has reviewed the grading and site plans and will require the geotechnical investigation and engineered grading plans to be submitted with the building and grading permit applications. The Building Department and Fire Departments have also reviewed the proposed plans and have imposed conditions of approval to be satisfied at building permit, per the conditions of approval contained in Resolution EX-4-19.

## ANALYSIS AND FINDINGS:

**Grading Permit review:** In 2003, the Planning Commission adopted guidelines for reviewing grading permit applications that contain findings for permit approval. The full text of these guidelines are attached for the Commission's reference in Attachment J. As the 2003 guidelines state, "Although the Municipal Code sets a 250 cubic yard threshold for Planning Commission review of Grading Permits, the fact that a project may include grading of more than 250 cubic yards alone **is not considered a significant or adverse impact**, in that a building alone can require that amount just to set it into the hillside without significantly changing the surround natural topography."

With the conditions of approval contained in the attached Resolution, the revised project **would meet** the guidelines for Commission approval.

- 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).

As evidenced by the applicant's revised 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 and ADU from the street. The grading plan is designed to 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 (maximum driveway grade of 20%). 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 is designed to avoid large exposed retaining walls (General Plan Policies 43 & 245).

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. Retaining wall design in the right-of-way is subject to the sole discretion of the City Engineer.

- 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.

The applicant's grading plan is designed to conserve existing street trees and does not propose removal of any trees on the subject property. The previously proposed driveway design and grading plan called for expansion of the existing driveway to the west, directly conflicting with an existing 28 inch coast live oak street tree. The revised design eliminates that previously proposed expansion and does not call for removal of this street tree.

While the revised design would eliminate the previously proposed conflict with adjacent street trees, Condition of Approval C recommends that the City Engineer consider requiring an arborist report to evaluate the project's potential impact to the long term health of adjacent street trees. Condition of Approval C further recommends that if the project is found to have significant impacts to the long-term health of adjacent street trees, the applicant should fund planting of replacement street trees reaching similar canopy height at maturity at a 3:1 ratio in the vicinity of the project.

- 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:**

- A. Applicant's revised plans
- B. Applicant's previous plans (extracted from February 27, 2020 agenda report)
- C. Draft Resolution EX-4-19 with recommended Findings and Conditions of Approval
- D. June 3, 2020 letter from the applicant regarding drainage design
- E. June 16, 2020 letter from the applicant regarding project changes
- F. June 17, 2020 letter from Michelucci and Associates
- G. 2018 Geotechnical Investigation prepared by Michelucci and Associates
- H. February 27, 2020 agenda report and meeting minutes
- I. May 14, 2020 agenda report and meeting minutes
- J. 2003 Guidelines for Planning Commission grading review
- K. Written correspondence received from Prem Lall

  
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