

# *City of Brisbane*

## *Report from the Planning Commission*

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission


**DATE:** January 9, 2014

**SUBJECT: 8 Thomas Avenue;** Appeal of the Planning Commission's Approval of Design Permit DP-1-13 and Grading Permit EX-1-13, for development of an approximately 5,110 square foot single family home with associated grading of approximately 1,850 cubic yards, on a Ridgeline Lot within the R-BA Brisbane Acres Zoning District; Mahn Quach, applicant/owner; APN 007-350-340.

This report, in response to the appeal of the Planning Commission's approval of the above referenced application, is hereby presented to the City Council as required by Brisbane Municipal Code Section 17.52.030.

The facts pertaining to the decision of the Planning Commission are as stated in the attached materials and testimony, which were submitted to the Planning Commission at and prior to its meetings of October 10<sup>th</sup> and November 14<sup>th</sup>, 2013.

The reasons for the Planning Commission's action are as stated in the attached Resolution DP-1-13/EX-1-13, including the findings, and as expressed in the attached minutes.

  
Carolyn Parker  
Planning Commission Chairperson

**Attachments:**

Resolution DP-1-13/EX-1-13

Planning Commission Minutes (Excerpts) for the Meetings of October 10<sup>th</sup> and November 14<sup>th</sup>, 2013

Planning Commission Agenda Reports for the October 10<sup>th</sup> and November 14<sup>th</sup>, 2013 Meetings

Letters to the Commission Provided prior to or at the Meetings of October 10<sup>th</sup> and November 14<sup>th</sup>, 2013

RESOLUTION DP-1-13/EX-1-13

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING DESIGN PERMIT DP-1-13 AND  
GRADING PERMIT EX-1-13  
FOR A SINGLE-FAMILY RESIDENCE  
AT 8 THOMAS AVENUE

WHEREAS, Mahn Quach, the applicant, applied to the City of Brisbane for Design Permit and Grading Permit approval of a single-family residence at 8 Thomas Avenue; and

WHEREAS, on October 10, 2013 and November 14, 2013 the Planning Commission conducted hearings of the application, 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, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, a Mitigated Negative Declaration was approved for the project on September 22, 2005 and the proposed redesign of the house is not a substantial change that would involve new significant environmental effects or substantially increase the severity of previously identified effects, consistent with State CEQA Guidelines Section 15162(a); and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Design Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of November 14, 2013, did resolve as follows:

Design Permit Application DP-1-13 is approved per the conditions of approval attached herein as Exhibit A.

City Engineer issuance of Grading Permit EX-1-13 is recommended by the Planning Commission to allow the house to be lowered into the hillside in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this fourteenth day of November, 2013, by the following vote:


AYES: Cunningham, Do, Munir and Parker

NOES: None

ABSENT: Reinhardt

  
CAROLYN PARKER  
Chairperson

ATTEST:



JOHN A SWIECKI, Community Development Director

## EXHIBIT A

**Action Taken:** Conditionally approve Design Permit DP-1-13 and Grading Permit EX-1-13 per the staff memorandum with attachments, via adoption of Resolution DP-1-13/EX-1-13.

### Findings:

- A. The building's placement, height, bulk and landscaping will preserve those public views of the San Bruno Mountain State and County Park as seen from the community park and from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines that are found to be of community-wide value.
- B. The proposed development is consistent with the General Plan, as detailed in the agenda report.
- C. The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.
- D. The orientation and location of buildings, structures, open spaces and other features integrate well with each other and maintain a compatible relationship to adjacent development.
- E. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.
- F. The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent practicable, given site constraints, to promote sustainable development and to address long term affordability.
- G. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking.
- H. The site provides open areas and landscaping to complement the buildings and structures. Landscaping is also used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping is generally water conserving and is appropriate to the location.
- I. The proposal takes reasonable measures to protect against external and internal noise.
- J. Consideration has been given to avoiding off-site glare from lighting and reflective building materials.
- K. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.

## **Conditions of Approval:**

### Prior to issuance of a Building Permit:

1. An application including detailed building plans, application forms and fees shall be submitted to the City for issuance of a Building Permit. The building shall be required to comply with all applicable state codes and applicable City of Brisbane Municipal Code provisions for new construction.
2. The plans submitted for a Building Permit approval shall meet all of the zoning district development regulations, including no more than 4,244 sq ft of lot coverage (25% lot coverage). It also shall not exceed the heights shown in this design permit application (maximum roof ridge height of 189.0 ft) and shall not extend into any required setback area, including that 20 ft HCP setback required along the exterior side and rear setbacks for habitat corridors.
3. An encroachment permit shall be obtained prior to any work within the public right-of-way.
4. Grading, paving and drainage plans, including details for any widening of the street per Brisbane Municipal Code Sections 12.24.010 & 15.08.140, shall be submitted for approval by the City Engineer prior to the issuance of a building permit. Drainage shall comply with the National Pollutant Discharge Elimination System (NPDES) permit issued by the San Francisco Bay Regional Water Control Board. The property owner(s) shall be responsible for ongoing operation and maintenance of any permanent structural stormwater controls.
5. Within the limits of prolongation of the 8 Thomas Avenue property lines, the applicant shall submit plans with the Building Permit application to create new or upgrade existing curb, gutter and sidewalk on both San Bruno and Thomas Avenues to current City and ADA standards as required by the City Engineer.
6. The final detailed landscaping plans shall be submitted for approval by the Community Development Director and plans shall be consistent with the Water Conservation in Landscaping Ordinance (BMC Section 15.70). The final landscape plans shall include that portion between the lot and the sidewalk, within the public right-of-way (ROW), along San Bruno Avenue. All landscaping within the public right-of-way shall also be subject to the approval of the City Engineer.
7. The design and specifications on the fence, paving materials, retaining wall and other landscape materials shall be provided as part of the final landscape plan, for Community Development Director approval. The fence surrounding the property shall be steel, with a height not exceeding 6 ft, with an open pattern to allow butterfly migration through.
8. The design specifications for the interior courtyard shall be subject to review and approval by the Community Development Director. It shall not include trees or other objects that would extend beyond the height of the roofline at maturity.

9. The property owner shall enter into a standard landscape maintenance agreements with the City for landscaping within both the public right-of-way and within the property, to the satisfaction of the City Attorney.
10. The applicant shall comply with all applicable state and City stormwater requirements prior to issuance and during the performance of the building permit, including but not limited to the following:
  - a. Consistent with the state's C.3.i stormwater provisions (individual single family home projects that create and/or replace 2,500 square feet or more of impervious surface) and as indicated in the stormwater form completed by the applicant and as shown in the plans, the project will:
    - Direct roof runoff onto vegetated areas.
    - Direct runoff from walkways and/or patios onto vegetated areas.
    - Construct walkways and patios with permeable surfaces.
  - b. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent using thermoplastic material or a plaque.
  - c. Air conditioning condensate shall drain to landscaping, or alternatively may be connected to the sanitary sewer system, subject approval by the City Engineer.
  - d. Any interior floor drains, shall be connected to the sanitary sewer system, subject to approval by the City Engineer.
  - e. Fire sprinkler test water shall be discharge to onsite vegetated areas, or, alternatively shall be discharged to the sanitary sewer system, subject to approval by the City Engineer.
  - f. No architectural copper shall be used for this project, except by prior Community Development Director approval to confirm that use and/or preparation of the materials is consistent with the state water board stormwater requirements and that the specific use of copper is consistent with the design permit.
10. Rain cisterns shall be located underground to eliminate their visual impacts.
11. Plans shall include sectional roll-up garage doors with automatic openers and with manual release mechanism.
12. Plans shall include automatic opener for the entry gate and the gate shall be located so that it does not prevent a standard sized vehicle from pulling completely off San Bruno Avenue (at least 18 ft from the right-of-way). The gate plans shall be subject to review and approval by the Fire Dept. to ensure that emergency access will be maintained.
13. If solar panels are to be installed they shall be installed to be low profile to the roof and located so as to minimize view impacts, subject to Community Development Director approval. At his discretion, the Community Development Director may refer a solar installation to the Planning Commission as a design permit revision.

14. Prior to the issuance of a Building Permit and subject to the approval of the City Attorney, the property owner shall execute an agreement including a covenant running with the land and enforceable by the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district.
15. Prior to issuance of a Building Permit the property owner shall execute a Declaration of Restrictions regarding the status of the interior courtyard.

During Construction:

16. Prior to commencing site activities a Site Activity Review permit shall be obtained from the County for work within the San Bruno Mountain HCP.
17. Prior to foundation construction, a surveyed plot plan and staking plan shall be submitted to the City Building and Planning Departments.
18. Grading shall not extend into the native landscape areas approved per the HCP Operating Program (beyond the east and south side of the originally proposed building footprint as described in the Initial Study and recommended for approval by the U.S. Fish & Wildlife Service).
19. The project shall comply with the stormwater Best Management Practices, as provided in the applicable state regulations and included in the applicant's stormwater checklist for Small Projects.
20. Any prehistoric Native American cultural resources found during the course of construction shall be conserved in accordance with State and Federal requirements (Appendix K of the State CEQA Guidelines).

Prior to Occupancy:

21. Prior to certificate of occupancy the applicant shall demonstrate conformance with all of the above design permit conditions of approval.
22. All landscaping shall be installed, including that proposed in the public right-of-way.
23. House numbers shall be affixed to the building at a location visible from the street and a size subject to approval by the Fire Dept.
24. Mail boxes shall be provided at a location and design subject to Community Development Director approval.

Other Conditions:

25. The conditions of approval for Habitat Conservation Plan Compliance HCP-1-05, approved on October 13, 2005, and the mitigation measures included in Environmental Review ER-1-05, approved on September 22, 2005, shall remain in effect.
26. The required garage parking spaces shall not be used or converted to any other use that would impair their basic use as parking for motor vehicles per Brisbane Municipal Code Section 17.34.020.A.
27. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
28. The permittee agrees 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.
29. This Design Permit shall expire two years from its effective date (at the end of the appeal period) if a Building Permit has not yet been issued for the approved project.