Thursday, September 16, 2021 at 7:30 PM • Virtual Meeting

This virtual meeting is compliant with the Governor's Executive Order N-08-21 issued on June 11, 2021 allowing for deviation of teleconference rules required by the Brown Act. Consistent with the Order, this virtual meeting provides a safe environment for staff, Planning Commissioners, and the public while allowing for public participation. The public may address the Commission using exclusively remote public comment options which are detailed below.

The Commission may take action on any item listed in the agenda.

The Planning Commission Meeting will be an exclusively virtual meeting. Members of the public may view the meeting by logging into the Zoom webinar listed below or on Comcast Channel 27 and the City's YouTube channel at www.youtube.com/Brisbaneca. The agenda materials may be viewed online at www.brisbaneca.org/meetings.

Join Zoom Webinar: www.brisbaneca.org/webinar-pc

Meeting ID: 970 0458 3387

Passcode: 215153

TO ADDRESS THE COMMISSION:

Members of the public are encouraged to submit written comments before the meeting to the project planner. See posted public notices at https://www.brisbaneca.org/cd/page/public-notices for planner contact information. For items that are not public hearings, refer to the staff report for planner contact information. Members of the public who join the live Zoom webinar may address the Commission in the meeting when called upon by the Chairperson. Please use the "Chat" box in Zoom to alert staff that you want to address the Commission.

Members of the public watching the meeting on YouTube or Channel 27 may email or text comments **prior to the start of the particular agenda item** to the below email and text line:

Email: rmiller@brisbaneca.org

Text: 650-223-5549

A call-in number is also available for those watching the meeting on YouTube or Channel 27 for oral communications and public hearing items:

Phone Number: +1 (669) 900-9128

Meeting ID: 970 0458 3387.

After entering the meeting ID and pressing #, simply press # a second time to enter the meeting waiting room. No participant code is required. Please wait to call until the Chairperson and/or staff announces that the phone line is open. When you are let into the meeting, press *6 on

your phone to unmute yourself before addressing the Commission. To avoid feedback, please turn off the volume of the meeting broadcast on your TV or computer. You will still be able to hear the Commissioners through your phone.

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the Community Development Department at (415) 508-2120 in advance of the meeting. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Commissioners: Funke, Gomez, Gooding, Patel, and Sayasane

CALL TO ORDER

ROLL CALL

ADOPTION OF AGENDA

CONSENT CALENDAR

Please Note: Items listed here as Consent Calendar Items are considered routine and will be acted upon collectively by one motion adopting the Planning Department's recommendation unless a member of the public, the Commission, or its staff asks to remove an item to discuss it. Prior to the motion, the Chairperson will ask if anyone wishes to remove an item from the Consent Calendar.

A. Approval of draft meeting minutes of July 22, 2021

ORAL COMMUNICATIONS (Limited to a total of 15 minutes)

WRITTEN COMMUNICATIONS

OLD BUSINESS

None

NEW BUSINESS

- B. PUBLIC HEARING: 296 San Benito Road; Grading Review 2021-EX-3; R-1
 Residential; Grading Review for approximately 365 cubic yards of excavation to be exported off site, to allow for construction of a new 1,609 square foot single-family home, including a 2 car garage, and a 376 square foot attached accessory dwelling unit, to replace the existing single-family home. The subject property is an approximately 2,300 square foot lot with an 11% slope.; James Chow Trotter, applicant; Paul & Glenda Jimenez, owner.
- C. General Plan Conformity 2021-GPC-1; General Plan Northeast Ridge Subarea; General Plan conformity review of the Toll CA XIX, LP (Toll Brothers) disposition of approximately 136 acres of certain real property at the northern side of the Northeast Ridge Subarea, Parcels B and C to San Mateo County for dedication to Open Space, and Parcel F to the City as an existing improved emergency vehicle access ("EVA").

PRESENTATION

D. Sustainable Accessory Dwelling Unit (ADU) Construction; Presentation by Barbara Ebel and Greg Anderson on their experience as owner/builders designing and constructing a sustainable ADU. (Limited to 20 minutes, plus Q&A)

ITEMS INITIATED BY STAFF

ITEMS INITIATED BY THE COMMISSION

ADJOURNMENT

E. Cancellation of the regular meeting of September 23, 2021 and adjournment to the regular meeting of October 14, 2021

APPEALS PROCESS

Anyone may appeal the action of the Planning Commission to the City Council. Except where specified otherwise, appeals shall be filed with the City Clerk not later than 15 calendar days following the Planning Commission's decision. Exceptions to the 15 day filing period include the following: appeals shall be filed with the City Clerk within 6 calendar days of the Planning Commission's action for use permits and variances and 10 calendar days for tentative maps and advertising sign applications. An application form and fee is required to make a formal appeal. For additional information, please contact the City Clerk at 415-508-2110.

INTERNET & OTHER ACCESS

Agendas and adopted minutes for meetings of the Planning Commission are posted on the Internet at: www.brisbaneca.org/meetings. Meetings are broadcast live on Comcast Channel 27 and by streaming video on the City's YouTube channel (www.youtube.com/Brisbaneca). Meeting video archives are available on the City's YouTube channel. Rebroadcasts on Channel 27 are during weeks following the meetings, on Fridays at 5 pm and Sundays at 1 pm. For a DVD copy, please contact the Community Development Department.

NOTICE OF DISCLOSURE

Written information or comments that may include a person's name, address, email address, etc. submitted to the City, Planning Commission, and/or City staff are public records under the California Public Records Act, are subject to disclosure and may appear on the City's website.

File Attachments for Item:

A. 7-22-21 Draft Meeting Minutes

BRISBANE PLANNING COMMISSION Action Minutes of July 22, 2021 Virtual Regular Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Gooding, Patel, and Sayasane.

Absent: Commissioners Funke, Gomez

Staff Present: Director Swiecki, Senior Planner Johnson, and Associate Planner Robbins

ADOPTION OF AGENDA

Commissioner Patel moved to adopt the agenda. Commissioner Sayasane seconded the motion and it was approved 3-0.

CONSENT CALENDAR

Commissioner Sayasane moved to adopt the consent calendar (agenda item A). Commissioner Patel seconded the motion and it was approved 3-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Chairperson Gooding acknowledged one written communication from Dana Dillworth in opposition of agenda item B.

NEW BUSINESS

B. **PUBLIC HEARING: 800-1800 Sierra Point Parkway; Sign Program Modification SR-1-20**; SP-CRO Sierra Point Commercial District; Sign program modification to "The Shore at Sierra Point Sign Program" (SR-7-19) for the Healthpeak Biotechnology Research and Development Campus; Kevin Norman, DES Architects + Engineers, Inc., Applicant; Scott Bohn, Healthpeak Properties, owner.

Senior Planner Johnson gave the staff presentation and answered questions from the Commission regarding anticipated increases in light pollution, performance standards meant to reduce glare and public nuisances, and how the City would enforce the sign program performance standards and conditions of approval to ensure individual signs comply with the sign program.

Brisbane Planning Commission Minutes July 22, 2021 Page 2

Kevin Norman, applicant, addressed the Commission in support of the application, and explained how complaints of light pollution from the City and/or residents would be addressed.

Senior Planner Johnson read the written correspondence from Dana Dillworth into the record.

With no others wishing to address the Commission, Commissioner Sayasane moved to close the public hearing. Commissioner Patel seconded the motion and it was approved 3-0.

After deliberation, Commissioner Sayasane moved to approve the application via adoption of Resolution SR-1-20. Commissioner Patel seconded the motion and it was approved 5-0. Chairperson Gooding read the appeals procedure.

C. **PUBLIC HEARING: Zoning Text Amendment RZ-1-21**; Various zoning districts; Zoning text amendments to Title 17 of the Brisbane Municipal Code to allow large family daycare homes by-right in residential zoning districts, consistent with State law; City of Brisbane, applicant; Citywide.

Associate Planner Robbins gave the staff presentation and answered questions from the Commission pertaining to the reason why the amendments are necessary and if they comply with State law.

Barbara Ebel, Brisbane resident, asked Associate Planner Robbins to identify any differences between the draft ordinance and State law and he provided the requested clarification.

With no others wishing to address the Commission, Commissioner Sayasane moved to close the public hearing. Commissioner Patel seconded the motion and it was approved 3-0.

After deliberation, Commissioner Patel moved to recommend City Council adoption of the draft ordinance by adopting Resolution RZ-1-21. Commissioner Sayasane seconded the motion and it was approved 3-0.

ITEMS INITIATED BY STAFF

Director Swiecki reported that the City Council received presentations on hybrid public meetings, the development of objective design and development standards (ODDS) for new residential development, and the Quarry redevelopment project at their July 15, 2021 meeting. He also announced Senior Planner Ayres and Associate Planner Robbins will each be going on parental leave, coming back late fall and early winter.

ITEMS INITIATED BY THE COMMISSION

There were none.

ADJOURNMENT

Item A.

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With the cancelation of the August 12, 2021 meeting, Chairperson Gooding declared the meeting adjourned to the next regular meeting of August 26, 2021. The meeting adjourned at 8:20 p.m.

Attest:

John A. Swiecki, Community Development Director

John Swiscki

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 http://www.brisbaneca.org/meetings, or on DVD (by request only) at City Hall.

File Attachments for Item:

B. PUBLIC HEARING: 296 San Benito Road; Grading Review 2021-EX-3; R-1 Residential; Grading Review for approximately 365 cubic yards of excavation to be exported off site, to allow for construction of a new 1,609 square foot single-family home, including a 2 car garage, and a 376 square foot attached accessory dwelling unit, to replace the existing single-family home. The subject property is an approximately 2,300 square foot lot with an 11% slope.; James Chow Trotter, applicant; Paul & Glenda Jimenez, owner.

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).

2021-EX-3 Sept. 16, 2021 Meeting

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

John Swiecki, Community Development Director

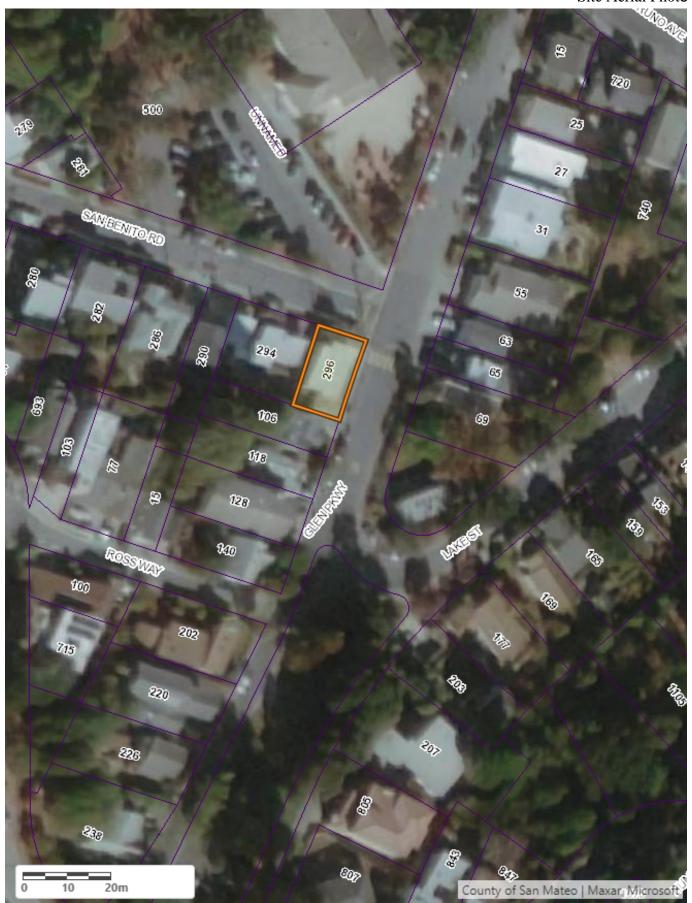
/ for

ATTACHMENT A

Item B.

296 San Benito Road

Site Aerial Photo



ATTACHMENT B

Item B.

296 San Benito Road

Property photos



ATTACHMENT C

Key Project Data

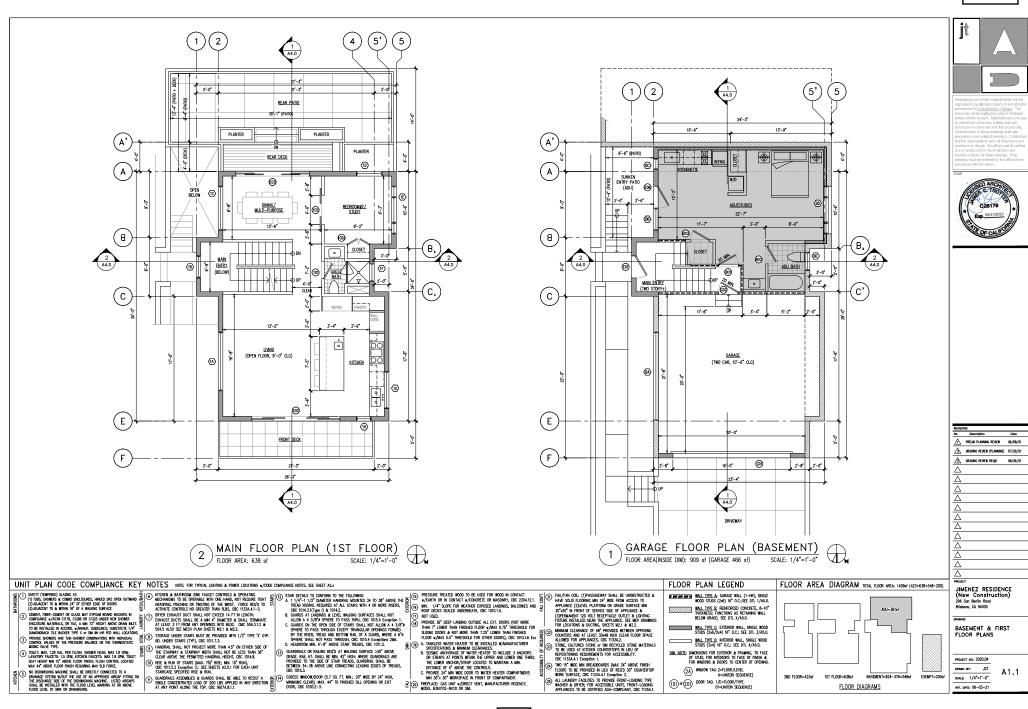
Development	Min/Max	Existing**	Proposed**	Notes
Standard				
Lot Area	5,000	2,300	-	Recognized as conforming
Lot Slope	-	11%	-	
Lot Coverage*	40% (920 sq ft)	49%	40%	
Floor Area Ratio	0.72	0.49	0.61	Entire ADU and 200 sq ft of
(FAR)*				garage space are exempt from FAR calculation
Floor Area - SFR	-	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	1 off street	2 off street	Proposed parking meets and
	least 1 covered)	uncovered	covered+	exceeds the minimums. There
		+ on-street	2 partially off-street+ on street	are no maximum standards

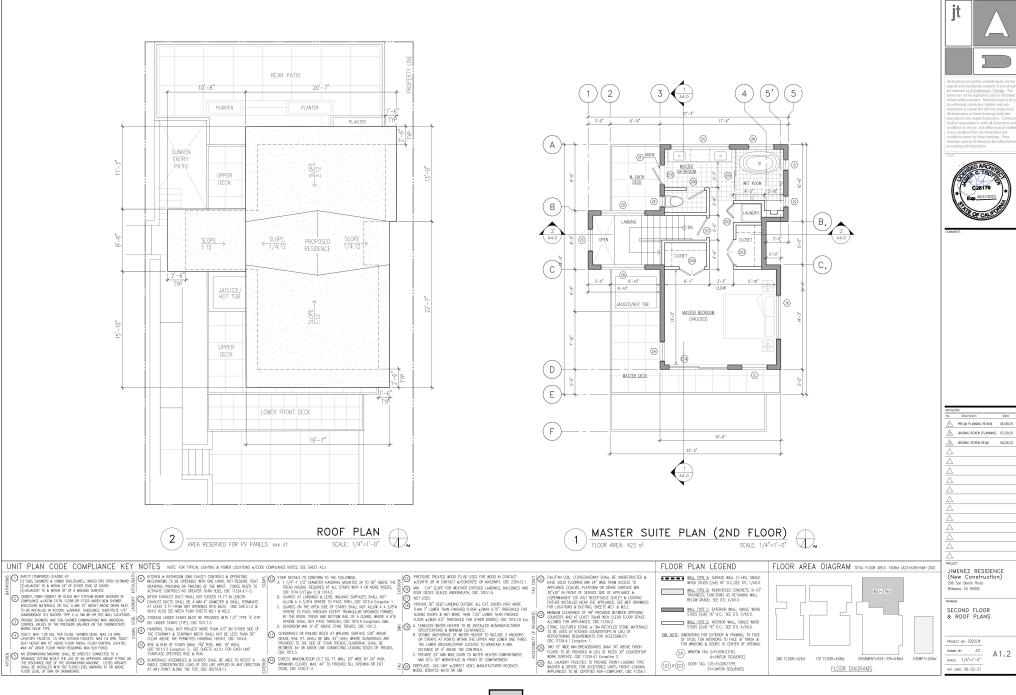
^{*}Lot coverage and floor area ratio are calculated relative to the lot area of 2,300 sq ft. Maximum floor areas for Single Family Residence (SFR) and Garage are tied to the FAR maximum.

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

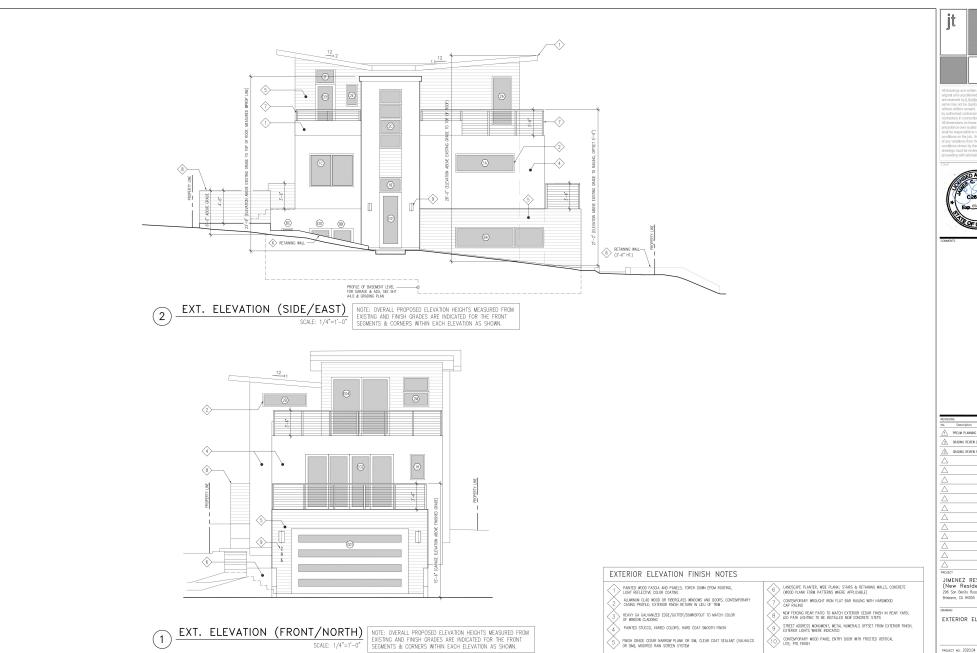














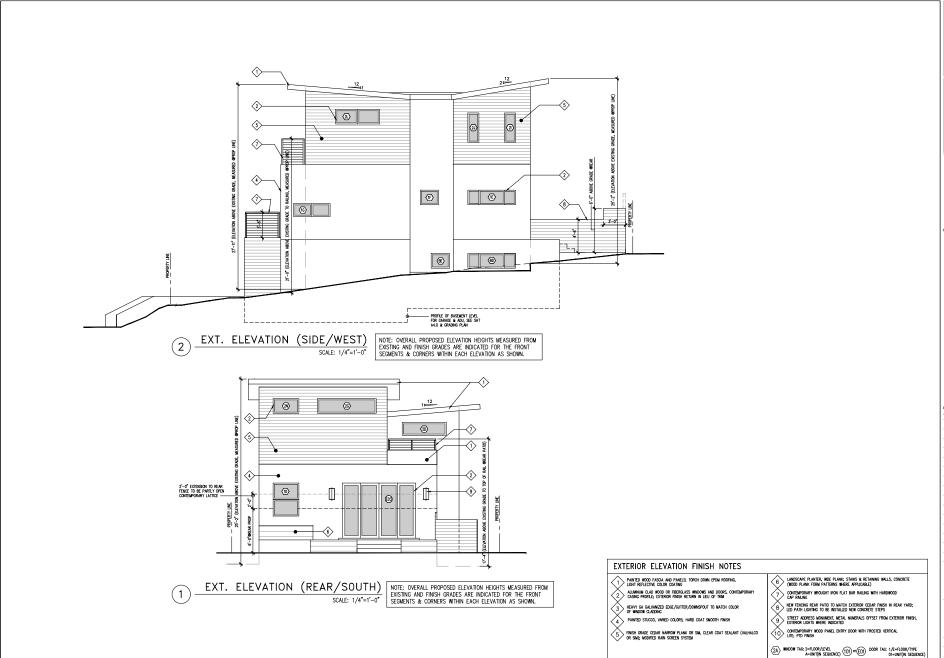
↑ PRELIM PLANNING REVIEW 06/08/21 A CRADING REVIEW (PLANNING) 07/29/21

JIMENEZ RESIDENCE (New Residence) 296 San Benito Road Brisbane, CA 94005

EXTERIOR ELEVATIONS

РИОЛЕСТ NO: 2020.04 CRAWN BY: JCT SCALE: 1/4"=1"-0" A3.1 INIT. DATE: 06-03-21

(ZA) WNDOW TAG: 2=FLOOR/LEVEL (ID1) or (EQ1) DOOR TAG: 1/E=FLOOR/TYPE O1=UNIT(IN SEQUENCE)



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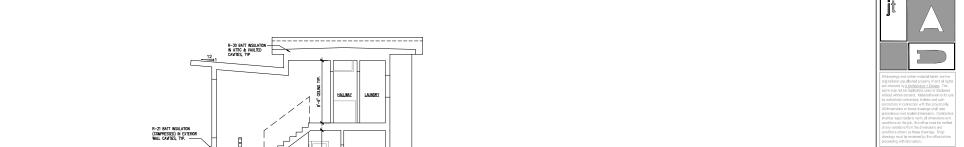
EXTERIOR ELEVATIONS

PROJECT NO: 2020.04

CRIAIN 87: JCT

SCALD 1/4"-1"-0"

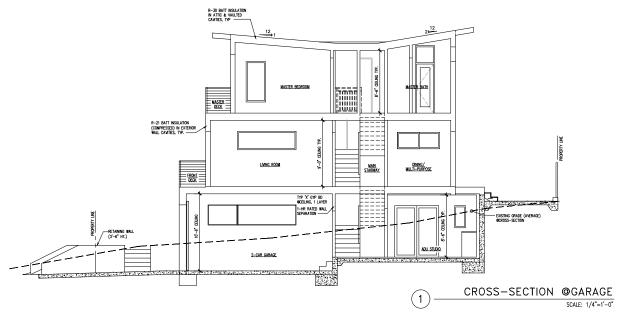
INT. DATE: 06-03-21





COMMENTS

2 CROSS-SECTION @MAIN ENTRY
SCALE: 1/4"=1"-0"



GUEST BATH

ADU BATHROOM

EXISTING GRADE OCROSS-SECTION

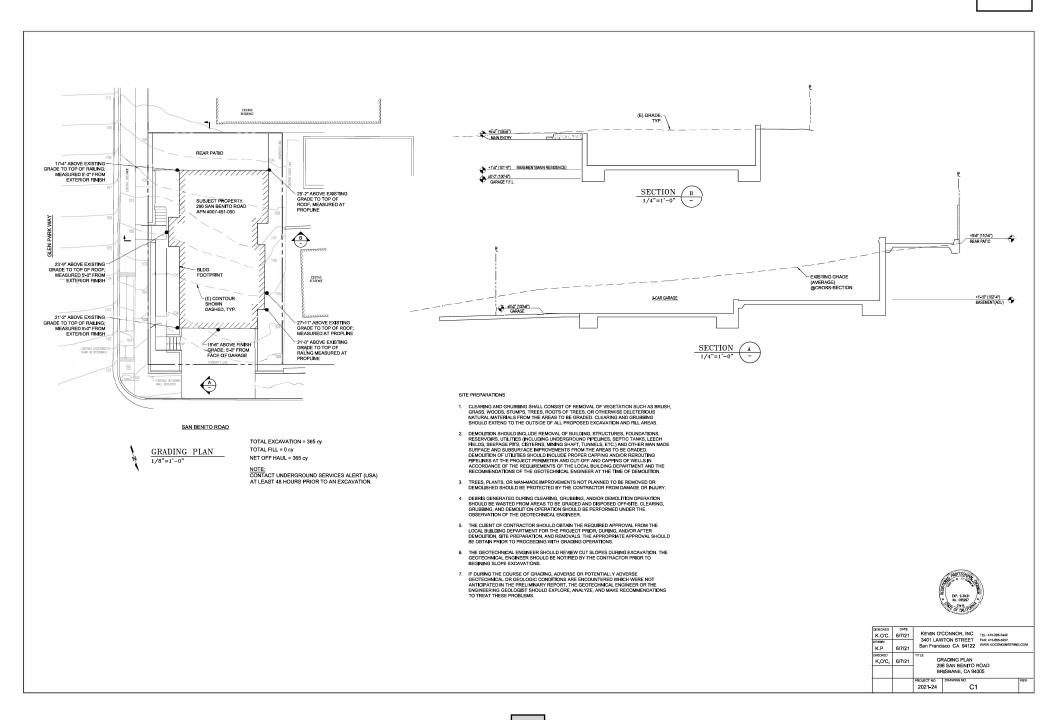
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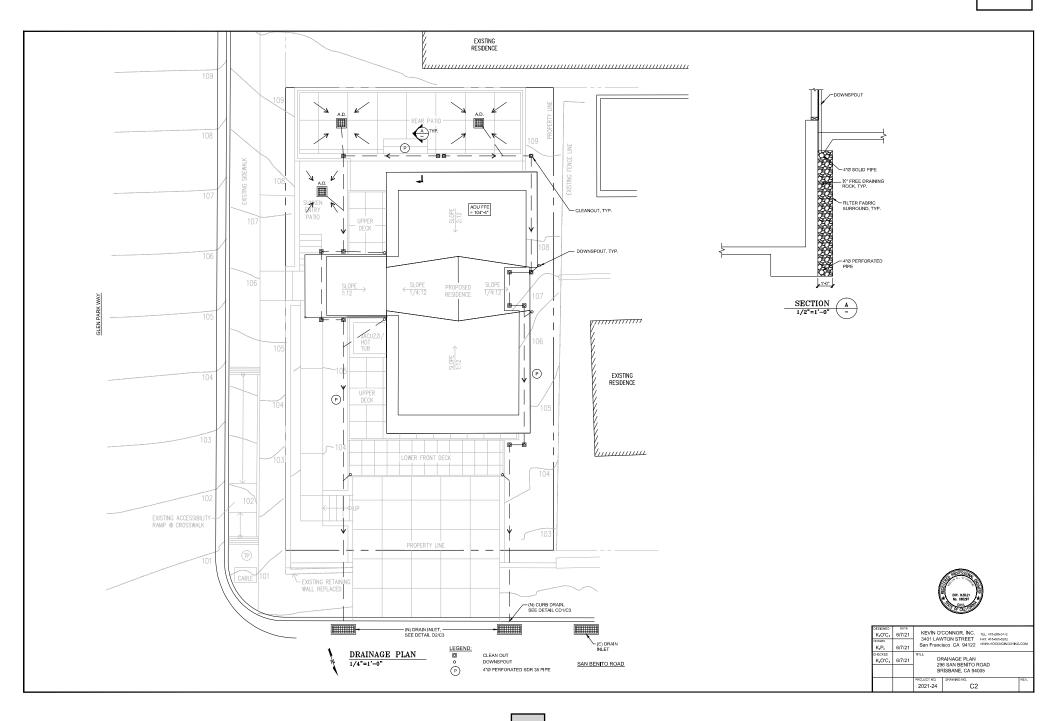
JIMENEZ RESIDENCE (New Residence) 296 San Benito Road Brisbane, CA 94005

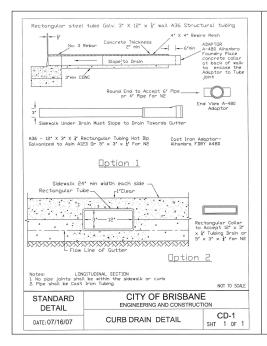
CROSS-SECTIONS

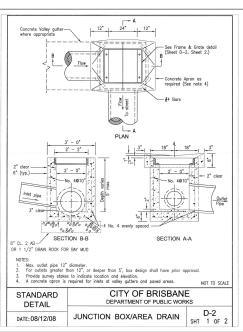
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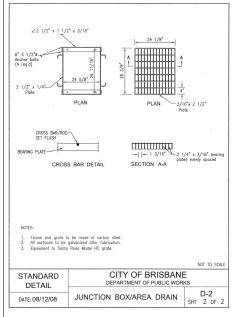
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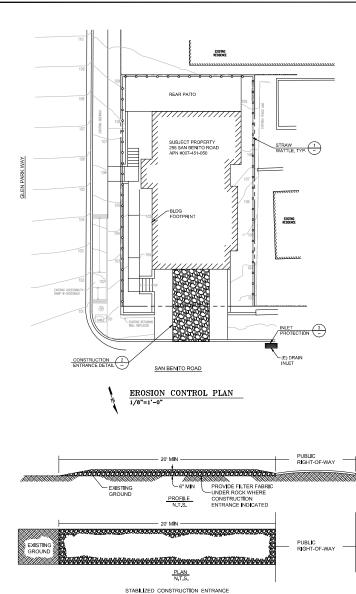








K.O'C.	6/7/21	KEVIN O'CONNOR, INC. 16L: 415-286-3442 3401 LAWTON STREET FAX: 415-686-3282 San Francisco CA 94122 WWW.KOCEMONEERING.CO			
K.P.	6/7/21				.COM
K.O'C.	6/7/21	DRAINAGE PLAN 296 SAN BENITO ROAD			
			RISBANE, CA 94		
		2021-24	C3	i	REV



TYP. DETAIL 2

NTS

EROSION CONTROL NOTES

1. STABILIZE ALL DENUDED AREAS WITH EROSION CONTROL BLANKETING, INSTALL AND MAINTAIN ALL TEMPORARY EROSION AND SEDIMENT CONTROLS CONTINUOUSLY BETWEEN OCTOBER 15TH AND APRIL 15TH OF EACH YEAR, UNTIL PERMANENT EROSION CONTROL HAVE BEEN ESTABLISHED

2. STORE, HANDLE, AND DISPOSE OF CONSTRUCTION MATERIALS AND WASTES PROPERLY, SO AS TO PREVENT THEIR CONTACT WITH STORMWATER.

3. CONTROL AND PREVENT THE DISCHARGE OF ALL POTENTIAL POLLUTANTS, INCLUDING PAVEMENT CUTTING WASTES, PAINTS, CONCRETE, PETROLEUM PRODUCTS, CHEMICALS, WASHWATER OR SEDIMENTS, AND NON-STORMWATER DISCHARGES TO STORM DRAINS AND WATERCOURSE.

4. USE SEDIMENT CONTROLS OR FILTRATION TO REMOVE SEDIMENT WHEN DEWATERING SITE AND OBTAIN ALL NECESSARY PERMITS.

5. AVOID CLEANING, FUELING OR MAINTAINING VEHICLES ON-SITE, EXCEPT IN A DESIGNATED AREA WHERE WASHWATER IS CONTAINED AND TREATED.

6. DELINEATE WITH FIELD MARKERS CLEARING LIMITS, EASEMENTS, SETBACKS, SENSITIVE OR CRITICAL AREAS, BUFFER ZONES, TREES AND DRAINAGE COURSES.

7. PROTECT ADJACENT PROPERTIES AND UNDISTURBED AREAS FROM CONSTRUCTION IMPACTS USING VEGETATIVE BUFFER STRIPS, SEDIMENT BARRIERS OR FILTERS, DIKES, MULCHING, OR OTHER MEASURES AS APPOPRIATE.

8. PERFORM CLEARING AND EARTHWORK MOVING ACTIVITIES ONLY DURING DRY WEATHER. 9. LIMIT AND TIME APPLICATIONS OF PESTICIDES AND FERTILIZERS TO PREVENT POLLUTED RUNOFF.

10. LIMIT CONSTRUCTION ACCESS ROUTES AND STABILIZE DESIGNATED ACCESS POINTS.

11. AVOID TRACKING DIRT OR OTHER MATERIALS OFF-SITE; CLEAN OFF-SITE PAVED AREAS AND SIDEWALKS USING DRY SWEEPING METHODS.

12. THE CONTRACTOR SHALL TRAIN AND PROVIDE INSTRUCTION TO ALL EMPLOYEES AND SUBCONTRACTORS REGARDING THE CONSTRUCTION BMP's

13. FOR CONSTRUCTION DURING DRY SEASON ALL EXPOSED SURFACES SHALL BE WETTED PERIODICALLY TO PREVENT SIGNIFICANT DUST.

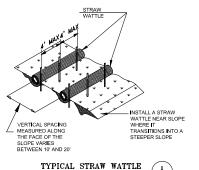
14. ALL STOCKPILED SOIL SHALL BE COVERED DURING PERIODS OF RAIN.

15. SEDIMENT SHALL NOT BE TRACKED OFFSITE AND CITY STREET SHALL BE SWEPT AT PUBLIC WORKS INSPECTOR'S DISCRETION TO THE SATISFACTION OF THE CITY ENGINEER.

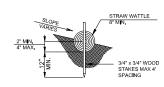
16. STRAW WATTLE TO BE USED FOR STABILIZATION OF SOIL SURFACES ONLY.

17. JUTE NETTING NOT TO BE USED FOR STABILIZATION OF SOIL SURFACES. 18. CONCRETE WASHOUT TO BE LEGALLY DISPOSED OFF-STE.

19. PLACE PORT-A-POTTY NEAR STABILIZED SITE ENTRANCE, BEHIND THE CURB AND AWAY FROM GUTTERS, STORM DRAIN INLETS, AND WATER BODIES.

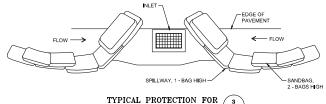


INSTALLATION



NOTE: INSTALL STRAW WATTLE ALONG A LEVEL CONTOUR, U.O.N.

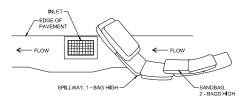
STRAW WATTLE DETAIL (1A



INLET ON SUMP

- 1. INTENDED FOR SHORT-TERM USE.

- USE TO INHIBIT NON-STORM WATER FLOR.
 ALLOW FOR PROPER MAINTENACINE AND CLEANUP.
 BAGS MUST BE REMOVED A PETER ADJACENT OPERATION IS COMPLETED.
 NOT APPLICABLE IN AREAS WITH HIGH SILTS AND CLAYS WITHOUT FILTER FABRIC.



TYPICAL PROTECTION FOR OAN NTS -INLET ON GRADE



K.O'C.	6/7/21		CONNOR, INC.	TEL: 415-286-3442 FAX: 415-665-6262	
K.P.	6/7/21		isco CA 94122	WWW.KOCENGINEERI	NG.COM
K.O'C.	6/7/21	EROSION CONTROL PLAN 296 SAN BENITO ROAD BRISBANE, CA 94005			
		2021-24	C4		REV.



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
- ☐ 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.
- ☐ 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.

- ☐ 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
- ☐ Clean or replace portable toilets, and inspect them frequently for
- 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 & Spill Control

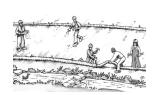


- ☐ Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage.
- Perform major maintenance, repair jobs, and vehicle and equipment washing off site
- ☐ If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and over a 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
- ☐ 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.
- ☐ 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

Paving/Asphalt Work



- Avoid paving and seal coating in wet weather or when rain is forecast, to prevent materials that have not cured from contacting stormwater runoff.
- ☐ Cover storm drain inlets and manholes when applying seal coat, tack coat, slurry seal, fog seal, etc.
- ☐ Collect and recycle or appropriately dispose of excess abrasive gravel or sand Do NOT sweep or wash it into gutters.
- ☐ Do not use water to wash down fresh asphalt concrete pavement.

Sawcutting & Asphalt/Concrete Removal

- ☐ Protect nearby storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or gravel bags to keep slurry 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!).
- ☐ If sawcut slurry enters a catch basin, clean it up immediately.

Concrete, Grout & Mortar Application

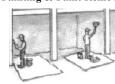


- ☐ Store concrete, grout, and mortar away from storm drains or waterways, and on pallets under cover to protect them from rain, runoff, and wind.
- ☐ Wash out concrete equipment/trucks offsite or in a designated washout area, where the water will flow into a temporary waste nit and in a manner that will prevent leaching into the underlying soil or onto surrounding areas. Let concrete harden and dispose of as
- ☐ When washing exposed aggregate, prevent washwater from entering storm drains. Block any inlets and vacuum gutters, hose washwater onto dirt areas, or drain onto a bermed surface to be pumped and disposed of properly



- ☐ Protect stockpiled landscaping materials from wind and rain by storing them under tarps all year-round
- ☐ 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

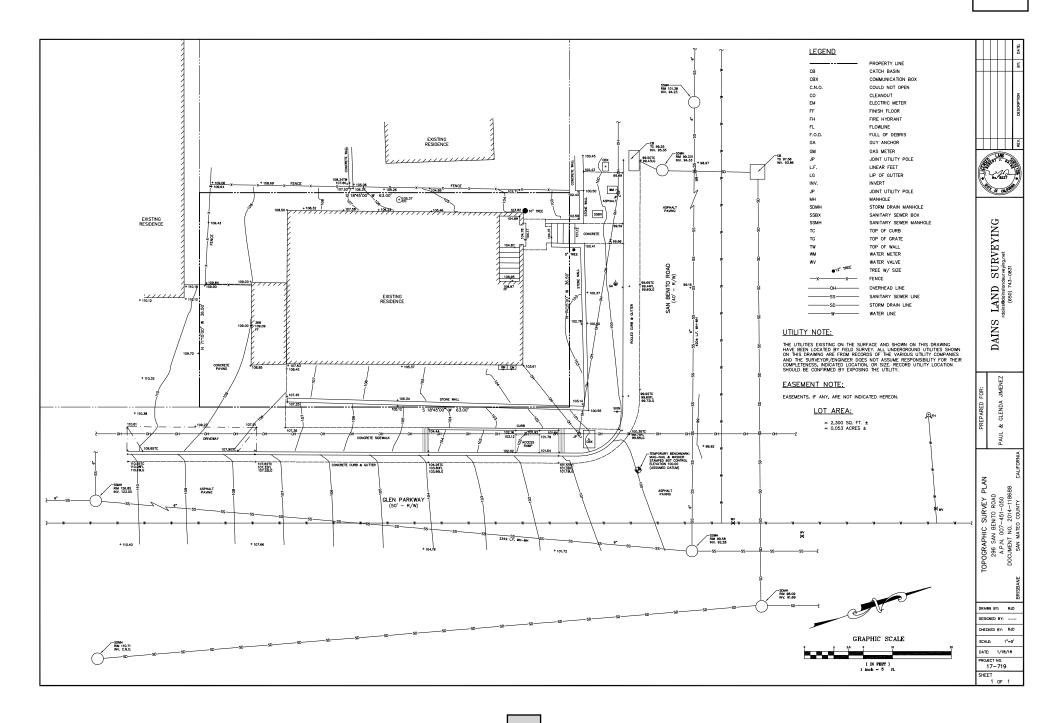
- □ Never clean brushes or rinse paint containers into a street, gutter, storm drain, or stream
- ☐ For water-based paints, paint out brushes to the extent possible, and rinse into a drain that goes to the sanitary sewer. Never pour paint down a storm drain
- ☐ For oil-based paints, paint out brushes 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.

Dewatering



- ☐ 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!



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:	
ATTEST:	DOUGLAS GOODING Chairperson

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.

File Attachments for Item:

C. General Plan Conformity 2021-GPC-1; General Plan Northeast Ridge Subarea; General Plan conformity review of the Toll CA XIX, LP (Toll Brothers) disposition of approximately 136 acres of certain real property at the northern side of the Northeast Ridge Subarea, Parcels B and C to San Mateo County for dedication to Open Space, and Parcel F to the City as an existing improved emergency vehicle access ("EVA").

City of Brisbane Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 09/16/2021

SUBJECT: General Plan Conformity 2021-GPC-1; General Plan Northeast Ridge Subarea;

General Plan conformity review of the Toll CA XIX, LP (Toll Brothers) disposition of approximately 136 acres of certain real property at the northern side of the Northeast Ridge Subarea, Parcels B and C to San Mateo County for dedication to Open Space, and Parcel F to the City as an existing improved emergency vehicle access ("EVA").

REQUEST: That the Planning Commission adopt the attached General Plan conformity resolution, declaring that the Toll Brothers disposition of their property to the County of San Mateo and to the City of Brisbane is in conformance with the City's General Plan.

RECOMMENDATION: Adopt General Plan Conformity Resolution 2021-GPC-1. (Attachment A)

ENVIRONMENTAL DETERMINATION: The proposed resolution is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15301 and 15307 of the CEQA Guidelines. The exceptions provided in Section 15300.2 do not apply. This activity involves a report concerning the potential transfer of property and consistency with the General Plan, to allow the County to accept the land dedication for preservation of endangered butterfly habitat and the City to accept land dedication recognizing its authority over ongoing maintenance of an existing EVA.

APPLICABLE CODE SECTIONS: As required in the State Government Code Section <u>65402(a)</u>, the Planning Commission must make the finding that the subject property conforms to the General Plan prior to transfer to the County of San Mateo and the City of Brisbane.

Background:

State Government Code Section 65402(a) requires that prior to the conveyance of real property to or from a government agency, the local planning agency must first make the finding that the location, extent and purpose of such conveyance is in conformance with the General Plan.

The subject Toll Brothers-owned property (Northeast Ridge Parcels B, C and F, collectively APN 005-510-999) are located between the Northeast Ridge (NER) housing development and Guadalupe Canyon Parkway and comprises approximately 136 acres.

The 499 housing units at the NER were developed in phases from the 1990's to 2015, beginning with Viewpoint at the Ridge and ending with Landmark at the Ridge, via City-approved planned development permits.

Additionally, the NER is within the San Bruno Mountain Habitat Conservation Plan (HCP) which was established by the U.S. Fish and Wildlife Service (then U.S. Fish and Game) for the protection of endangered butterfly species. In order to allow for the development of housing at the NER and comply with U.S. Fish and Wildlife Service (USFWS) requirements with respect to endangered species under the USFWS permit PRT 2-9818 and subsequent amendments. One of the development conditions of approval was to dedicate the subject Parcels B and C as open space, to help enhance and maintain butterfly habitat.

In order to perfect the dedication of lands to open space, these lands were to be transferred from the private landowner to the County of San Mateo, as the Plan Operator for the HCP.

Additionally, between Parcels B and C lies a narrow strip of land, Parcel F, which contains the emergency vehicle access from Guadalupe Canyon Parkway to Landmark at the Ridge. This EVA was completed at the same time as development of the homes at Landmark at the Ridge, consistent with the Planned Development permit.

A General Plan Land Use Map and an annotated Assessor's Parcel Map showing the lands included in this proposed transfer from Toll Brothers to the County and City are shown in Attachments B and C.

Discussion:

Since the subject area is within the City's General Plan area, per Government Code Section 65402(a), the disposition of real property to or from a public entity must be submitted to, and reported on, by the Planning Commission with regards to conformity with the General Plan. The subsequent transaction would be done to comply with the NER development conditions of approval, which were stipulated by the City as part of the planned development permit, which was also accomplished in agreement with the U.S. Fish and Wildlife Service and the County.

The transfer of Parcels B and C to the County for designation and maintenance as open space, and for protection of endangered butterfly species, is consistent with the current General Plan designation of Northeast Ridge Open Space (see General Plan Land Use map, Attachment B). Additionally this is consistent with General Plan policies and programs, as follows:

Chapter VII Open Space

- Policy 90 "On an ongoing basis, aggressively seek opportunities to preserve open space."
- Policy 91 "Explore the widest range of options for preserving open space lands, including acquisition, dedication, and exactions on development projects."
- Program 91b: "In conjunction with all new development and the redevelopment of existing uses, where appropriate, require dedication of lands with habitat or other natural resource value to remain as open space and/or in-lieu fees for open space acquisition."

The transfer of Parcel F to the City as an EVA is consistent with its land use designation of Northeast Ridge Planned Development-Residential. It serves as an emergency vehicle access

between the Landmark at the Ridge housing development and Guadalupe Canyon Parkway. It is also consistent with the following General Plan policy:

Chapter VI Transportation and Circulation

 Policy C.12 "Maintain and improve local residential streets to accommodate safe access for emergency vehicles and evacuation routes for residents."

In closing, the finding of General Plan conformance would serve as one of the final steps in completion of the previously imposed planned development conditions of approval for establishment of open space and recognize the City as the authority over the ongoing maintenance of the EVA.

ATTACHMENTS:

- A. Draft General Plan Conformity Resolution 2021-GPC-1
- B. General Plan Map, with Site Location

C. Assessor's Parcel Map -Annotated to Show Subject Parcels

/ for

John Swiecki, Community Development Director

Ken Johnson, Senior Planner

ATTACHMENT A DRAFT RESOLUTION 2021-GPC-1 WITH EXHIBIT A, SCHEMATIC MAP SHOWING AREA TO BE CONVEYED FROM TOLL BROTHERS TO THE COUNTY OF SAN MATEO

DRAFT **RESOLUTION 2021-GPC-1**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE FINDING THE DISPOSITION OF CERTAIN REAL PROPERTY FROM TOLL CA XIX, LP (TOLL BROTHERS) TO THE COUNTY OF SAN MATEO CONFORMS TO THE CITY'S GENERAL PLAN

- **WHEREAS**, Toll Brothers is the owner of the real property bearing Assessor's Parcel Number 005-510-999 (comprised of "Parcel B", "Parcel C" and "Parcel F"), schematically shown on Exhibit A; and
- WHEREAS, the Northeast Ridge (NER) planned development permit conditions of approval required disposition of Parcel B and Parcel C to the County of San Mateo for dedication to Open Space for the enhancement and protection of endangered butterfly species, consistent with the San Bruno Mountain Habitat Conservation Plan (HCP) and the U.S. Fish and Wildlife Service permit PRT 2-9818 and subsequent amendments; and
- WHEREAS, the NER included establishment of an emergency access road (EVA) connecting Landmark at the Ridge to Guadalupe Canyon Parkway; and
- WHEREAS, San Mateo County would accept ownership Parcel B and Parcel C for dedication to open spaces from Toll Brothers, Inc, subject to County's approval of terms; and
- **WHEREAS**, City of Brisbane would accept Parcel F from Toll Brothers, Inc. as an EVA, subject to City's approval of terms; and
- WHEREAS, California Government Code, Section 65402(a) requires that before the transfer of lands from Toll Brothers, Inc. to a public entity (County or City) such disposition is to be submitted to, and reported on by, the Planning Commission as to conformity with the City's General Plan; and
- WHEREAS, the Planning Commission has considered the agenda report and supporting documents concerning the proposed disposition of City property; and
- **WHEREAS**, such disposition is consistent with the City of Brisbane's General Plan, specifically with the land use element which designates Parcels B and C as Open Space and Policies 90 and 91 and Program 91b in that this land use and these policies refer to establishing and preserving open space.
- **WHEREAS**, such disposition is consistent with the City of Brisbane's General Plan, specifically with the land use element which designates Parcel F as Planned Development-Residential, which the EVA serves, and Policy C.12; and
- **WHEREAS,** the proposed action is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15301 and 15307 of the CEQA Guidelines. The exceptions provided in Section 15300.2 do not apply.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds, in accordance with Government Code section 65402(a), that the location, purpose, and extent of the above-described disposition of real property between the Toll Brothers, Inc. and the County of San Mateo County and between Toll Brothers, Inc and the City of Brisbane conform to the Brisbane General Plan.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Commission of the City of Brisbane during the Regular Meeting of the Planning Commission on the sixteenth day of September 2021, by the following vote to wit:

AYES: NOES: ABSENT:	
ATTEST:	DOUGLAS GOODING Chairperson
JOHN A. SWIECKI, Community I	Development Director

Planned Development - PD - Residential Permitted



General Plan Land Use Diagram

City of Brisbane **Beatty Baylands** Northwest Bayshore C/P-U Residential **Public Facilities and Parks** Permitted 1 - Ballpark 2 - Lipman Middle School Parcel F Parcel B 3 - Bayshore Blvd Fire Station 4 - Community Park Guadalupe Parcel C 5 - Walkway 6 - Park and Ride Lot Hills 7 - Fisherman's Park **Baylands** PD-SC/R/O Landmark 8 - Plug Preserve at the 9 - Walkway PD 10 - Skatepark & Basketball Courts Residential R 6.23 Ridge 11 - Library & Park **Northeast Ridge** Prohibited 12 - Community Center 13 - Walkway 14 - Brisbane Elementary School 15 - San Bruno Avenue Fire Station Site 1 PFP 16 - Firth Park R 6.23 17 - Fishing Pier 18 - Linear Park **Crocker Park** Quarry PFP Bayfront Lagoon PD-TC os Central Brisbane 18 **Brisbane Acres** M/L/B 0 0.25 Sierra Point 0.5 Marina Miles SPC/R/O PFP Commercial / Retail / Office Designations Neighborhood Commercial/Retail/Office - NC/R/O **Baylands** Subregional Commercial/Retail/Office - SC/R/O Sierra Point Commercial/Retail/Office - SPC/R/O Planned Development - PD - Residential Prohibited

Other Commercial

Planned Development - Subregional Commercial/Retail/Office - PD - SC/R/O

