

# *City of Brisbane*

## *Zoning Administrator Agenda Report*

**TO:** Zoning Administrator For the Meeting of 9/28/2017

**FROM:** Julia Capasso, Associate Planner 

**SUBJECT:** 394 Alvarado Street; R-1 Residential District; Setback Exception Modification SE-1-17 to allow a detached 120 square foot accessory structure, measuring 11 feet in height above grade, to be located approximately nine feet from the rear lot line; Hermann and Helga Gerdes, applicants/owners; APN 007-334-220.

**Request:** The applicant requests approval of a Setback Exception Modification to legalize an existing accessory structure that encroaches one foot into the required 10-foot rear setback. Under Brisbane Municipal Code (BMC) Section 17.32.070.A.2.a, small accessory structures may encroach up to five feet within a rear setback so long as the encroaching portion of the structure is no more than eight feet in height. The encroaching portion of the structure in this particular case is 11 feet in height from grade. The Zoning Administrator may approve modifications to this exception in regards to the height of the structure subject to making three affirmative findings, as discussed under the analysis section below.

**Recommendation:** Conditionally approve Setback Exception Modification SE-1-17, subject to the attached findings and conditions of approval.

**Environmental Determination:** New accessory structures are categorically exempt from the provisions of the California Environmental Quality Act per Section 15303(a) of the State CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

**Applicable Code Sections:** Setbacks for structures from property lines in the R-1 Residential District are addressed in BMC Section 17.06.040. Exceptions to setback requirements and modifications thereof by the Zoning Administrator for small accessory structures is addressed in BMC Section 17.32.070.A.2.a.

**Analysis and Findings:** The Zoning Administrator may grant modifications to a Setback Exception for a small accessory structure exceeding eight feet in height within the rear setback if the following findings can be made:

1. The modification will not result in overbuilding the site or result in the removal of significant greenscape.

The property is developed with a two-story single-family home of approximately 1,300 sq ft in floor area (0.28 FAR) and 1,500 sq ft (33%) of lot coverage, within the allowable limits of the R-1 Residential District. The accessory structure would add 120 sq ft of floor area and approximately 131 sq ft of lot coverage, resulting in an overall FAR of 0.31 and 35% lot coverage, also well within the allowable limits of the District. The height of the structure, at 11 feet from grade, would be well below the maximum permitted height of 30 feet applicable to the site as a whole. The majority of the site (67%) would remain uncovered by structures and would be occupied by either landscaping or uncovered decks and patios.

As such, the modification to allow the accessory structure to exceed eight feet in height within the rear setback area would not result in overbuilding of the site or removal of significant greenscape.

2. The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.

The structure would maintain a five foot setback from side property lines, in excess of the minimum 4 ft, 7 5/8 inch setback from the side property lines. The structure would encroach approximately one foot into the rear setback, which is permitted via the setback exception provisions for accessory structures provided in BMC Section 17.32.070. Additionally, the nearest structure to the rear property line (271 Klamath Street) is over 50 feet from the accessory structure. As such, the structure is not expected to result in significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.

3. The accessory structure is designed to be compatible with the primary dwelling(s) on the site.

The accessory structure has been finished with matching siding and similar paint color so as to complement the existing main dwelling on the site, as demonstrated in the attached photos.

**Attachments:**

1. Recommended Findings and Conditions of Approval
2. Applicant's Plans
3. Photos of structure

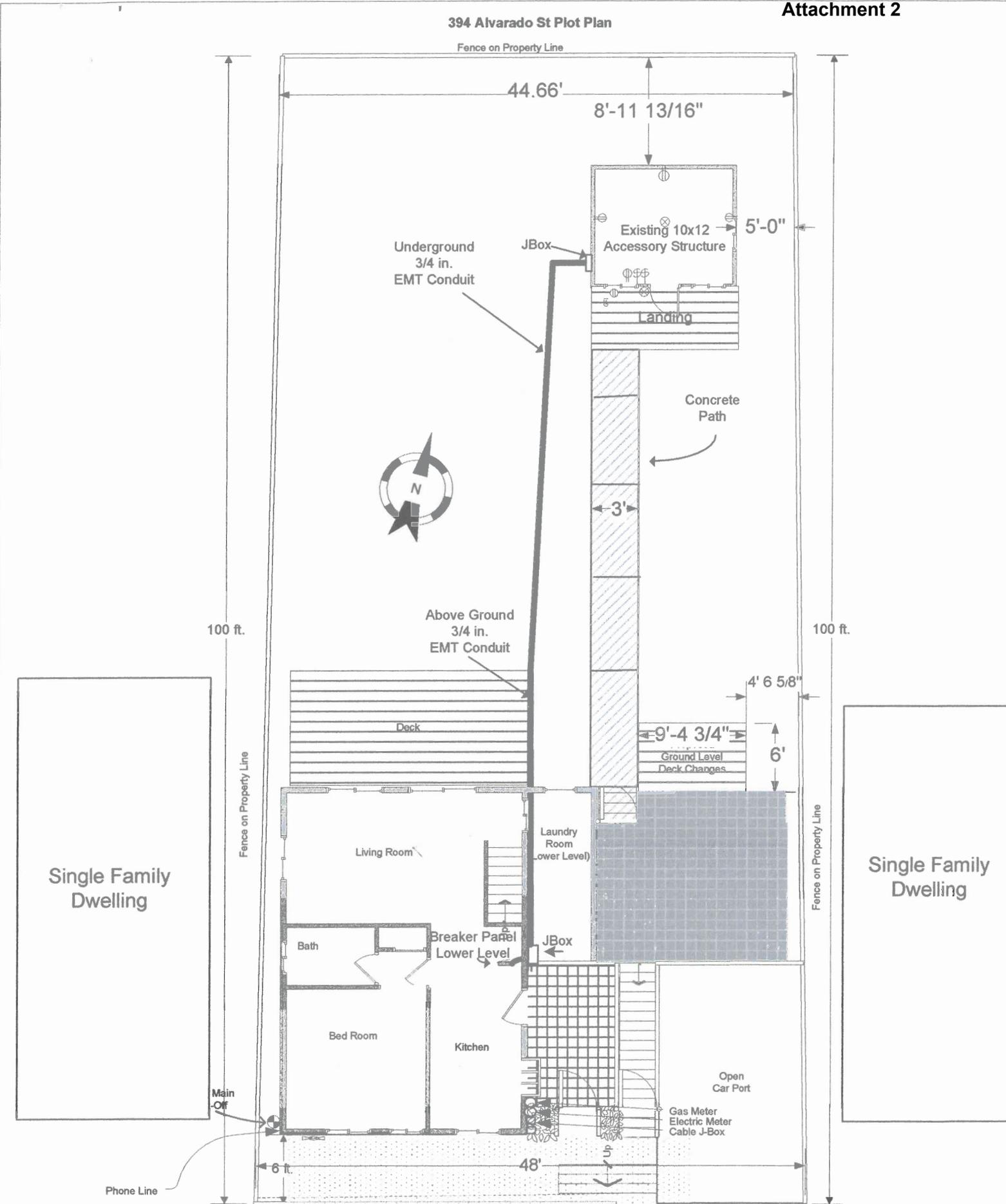
**SETBACK EXCEPTION MODIFICATION SE-1-17  
394 Alvarado Street**

**Recommended Findings:**

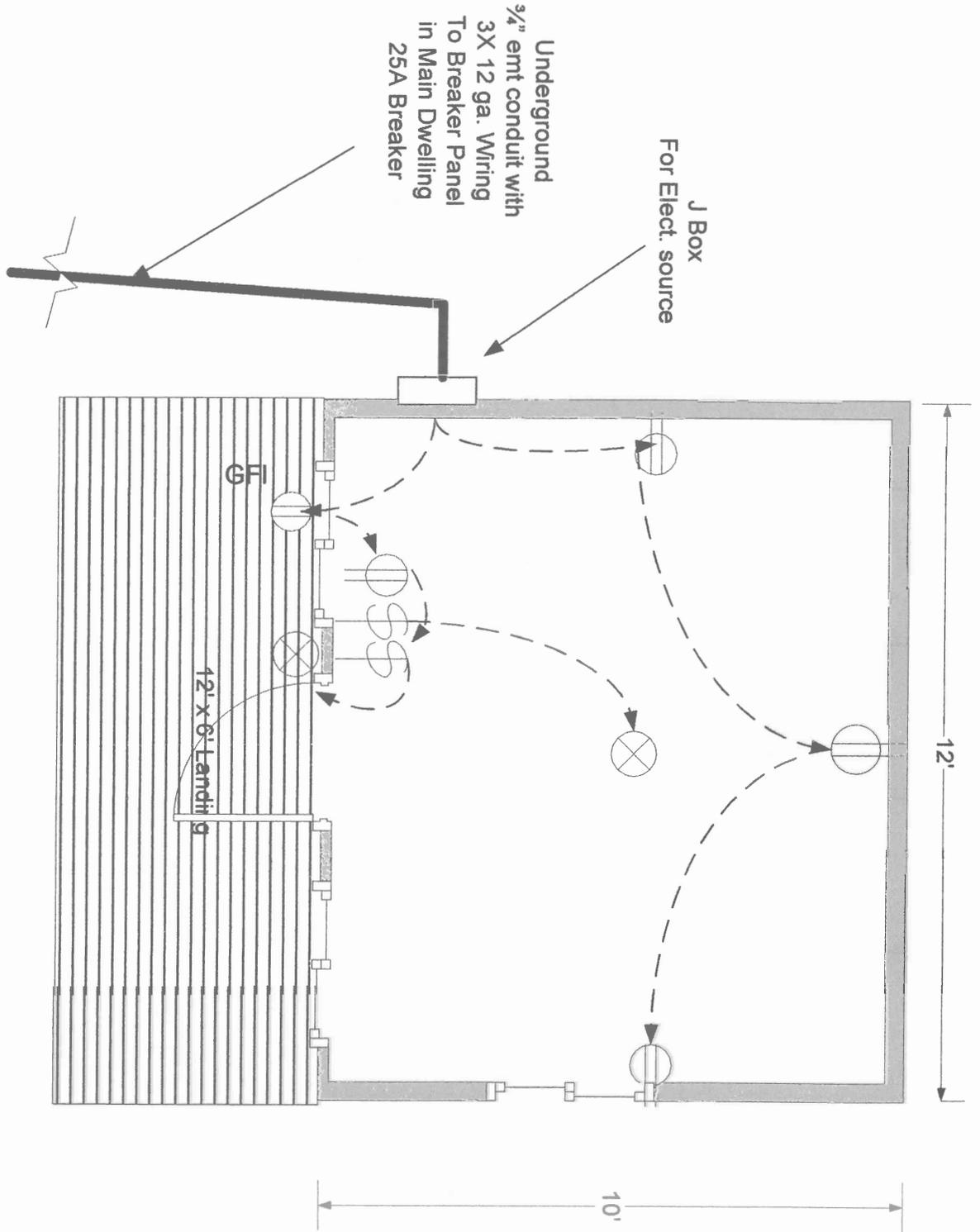
1. The modification will not result in overbuilding the site or result in the removal of significant greenscape, in that its construction would result in an overall FAR of 0.31 and 35% lot coverage for the property, within the allowable limits of the R-1 District. The height of the structure, at 11 feet from grade, would be well below the maximum permitted height of 30 feet applicable to the site. The majority of the site (67%) would remain uncovered by structures and would be occupied by either landscaping or uncovered decks and patios.
2. The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare, in that it would maintain a five ft setback from side property lines, in excess of the minimum 4 ft, 7 5/8 inch setback from the side property lines. The structure's one ft encroachment into the rear setback is permitted via the setback exception provisions for accessory structures provided in BMC Section 17.32.070. Additionally, the nearest structure to the rear property line (271 Klamath Street) is over 50 feet from the accessory structure.
3. The accessory structure is designed to be compatible with the primary dwelling(s) on the site, in that it has been finished with matching siding and similar paint color so as to complement the existing main dwelling on the site, as demonstrated in the attached photos.

**Conditions of Approval:**

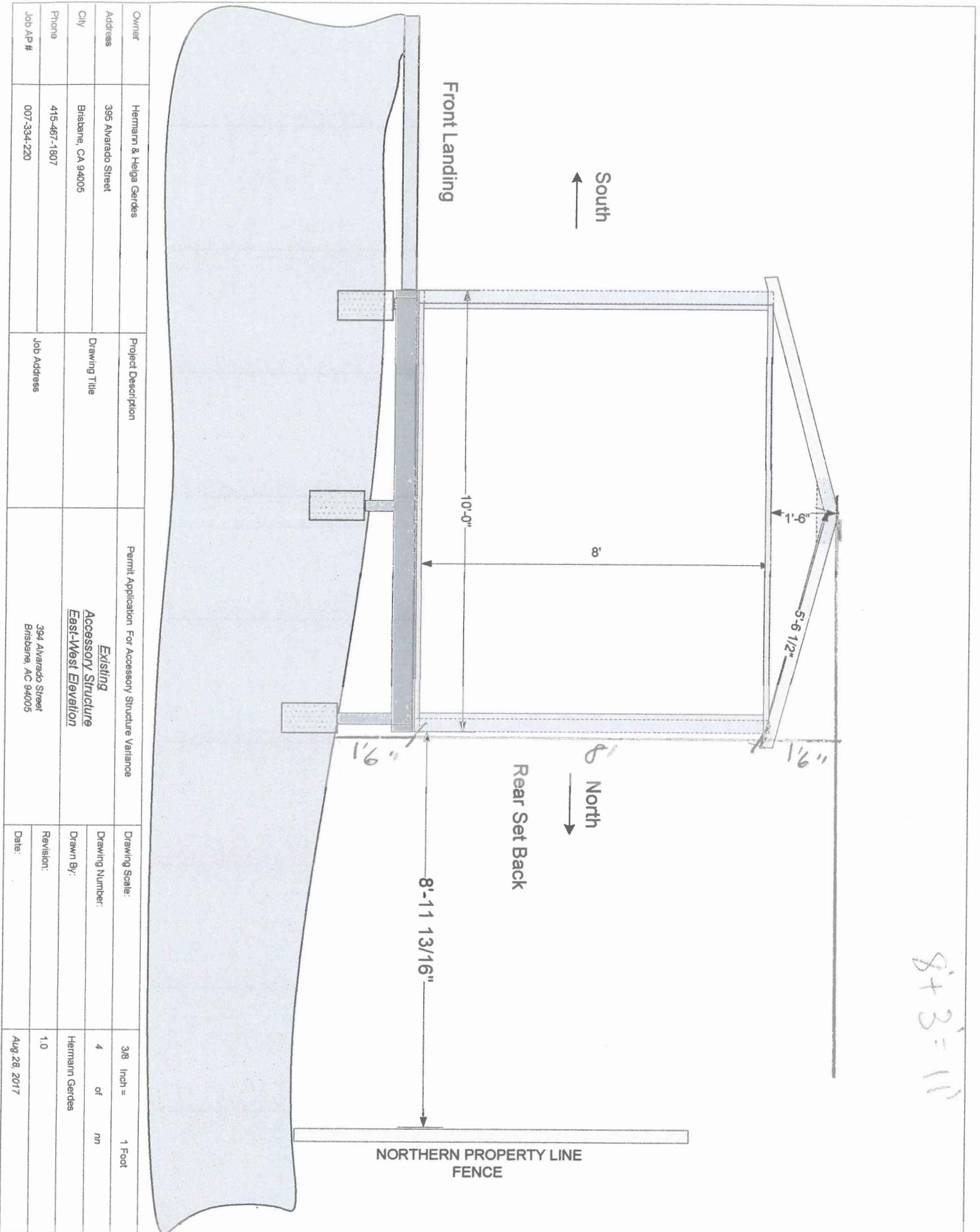
- A. A Building Permit shall be obtained from the City of Brisbane.
- B. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- C. This Setback Exception Modification Permit shall expire two years from its effective date (at the end of the appeal period) if a Building Permit has not been issued for the approved project or if the Building Permit, once issued, is allowed to expire prior to final inspection.



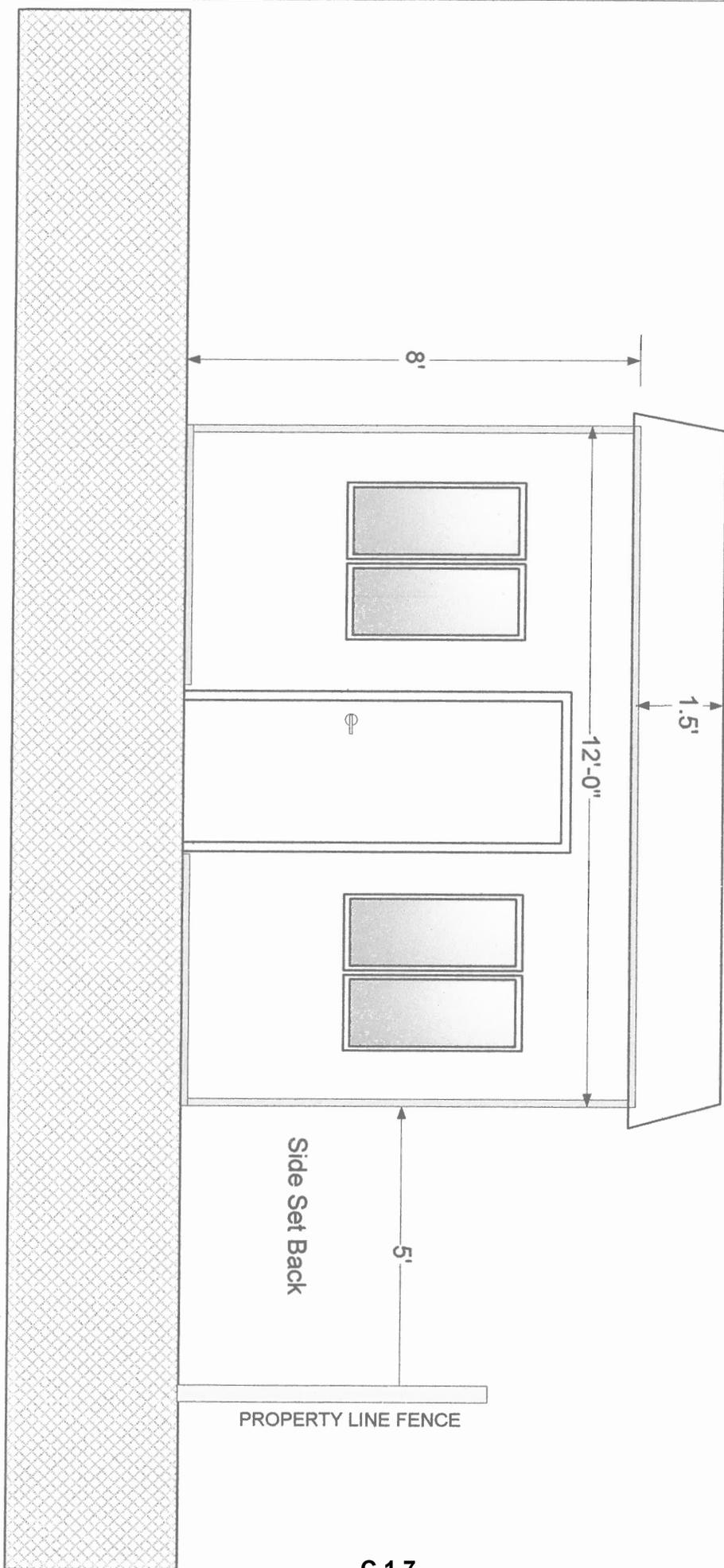
Owner	Hermann & Helga Gerdes	Project Description	Permit Application For Deck and Shed Changes	Drawing Scale:	3/32 Inch = 1 Foot
Address	395 Alvarado Street	Drawing Title	Plot Plan Of Property	Drawing Number:	1 of nn
City	Brisbane, CA 94005	Job Address	394 Alvarado Street Brisbane, AC 94005	Drawn By:	H. Gerdes
Phone	415-467-1807			Revision:	2.0
Job AP #	007-334-220			Date:	Aug. 23, 2017



Owner	Herrmann & Helga Gerdes	Project Description	Permit Application For Accessory Structure Variance	Drawing Scale:	3/8 Inch = 1 Foot
Address	395 Alvarado Street	Drawing Title	<b>Existing Accessory Structure Electrical Details</b>	Drawing Number:	3 of 11
City	Brisbane, CA 94005	Job Address	394 Alvarado Street Brisbane, AC 94005	Drawn By:	Herrmann Gerdes
Phone	415-467-1807			Revision:	1.0
Job AP #	007-334-220			Date:	Aug.28, 2017



Owner	Hermann & Helga Gerdes	Project Description	Permit Application For Accessory Structure Variance	Drawing Scale:	3/8 Inch = 1 Foot
Address	395 Alvarado Street	Drawing Title	<i>Existing</i> Accessory Structure <i>East-West Elevation</i>	Drawing Number:	4 of 11
City	Brisbane, CA 94005	Job Address	394 Alvarado Street Brisbane, AC 94005	Drawn By:	Hermann Gerdes
Phone	415-467-1807			Revision:	1.0
Job AP #	007-334-220			Date:	Aug 28 2017



C.1.7

Owner	Hermann & Helga Gerdes	Project Description	Permit Application For Accessory Structure Variance	Drawing Scale:	3/8 Inch = 1 Foot
Address	395 Alvarado Street	Drawing Title	<u>Existing</u> <u>Accessory Structure</u> <u>North Elevation</u>	Drawing Number:	5 of 11
City	Brisbane, CA 94005	Job Address	394 Alvarado Street Brisbane, AC 94005	Drawn By:	Hermann Gerdes
Phone	415-487-1807			Revision:	1.0
Job AP #	007-334-220			Date:	Aug 28, 2017



Front / 394 Alvarado St



