

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission

For the Meeting of 2/26/15

FROM: Ken Johnson, Senior Planner, via John A. Swiecki, Community Development Director

SUBJECT: **786 Humboldt Road;** Variance V-3-14; Variance to allow for a lot line adjustment between the existing, buildable vacant lots, of 786 and 788 Humboldt Road, to reduce the lot width of 786 Humboldt Road to approximately 37.5 feet, where 50 feet would otherwise be required, and to reduce the lot area to 4,244 sq. ft., where 5,000 sq. ft. would be required; Dave Bostrom, applicant/owner; APN 007-432-320.

BACKGROUND: This application was continued from the Planning Commission meeting of January 22, 2015 due to a lack of a quorum and so no public hearing has yet been held. Please refer to the agenda report of January 22nd for details on the project.

Please also note that correspondence has been received regarding the proposal and is included as attachments, here-in. Any other forthcoming correspondence, submitted prior to or during the public hearing, will also be provided to the Commission for consideration and entered into the record.

Attachments:

Draft Resolution with Findings and Conditions of Approval
Agenda Report of 1/22/2015
Letter from Wayne Hendryx dated 2/17/2015
Letter from Rosemarie Wilberg dated 1/22/2015
Letter from Michael Barnes dated 1/21/2015

RESOLUTION V-3-14

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING VARIANCE V-3-14
TO ALLOW FOR A LOT LINE ADJUSTMENT
FOR THE LOT WIDTH TO BE LESS THAN 50 FEET
AT 786 HUMBOLDT ROAD

WHEREAS, Dave Bostrom, the applicant, applied to the City of Brisbane for approval of a variance to allow for a lot line adjustment between 786 and 788 Humboldt Road, to reduce the lot width of 786 Humboldt Road to approximately 37.5 feet, where 50 feet would otherwise be required, and the lot area to approximately 4,244 sq ft where 5,000 sq ft would otherwise be required, thus enlarging the lot width and area for 788 Humboldt Road and reducing its existing non-conformities; and

WHEREAS, on February 26, 2015, the Planning Commission conducted a hearing 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, including an alternative presented by staff which would reduce the lot width to approximately 44 ft and maintain the lot width at no less than 5,000 sq ft; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; and

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of February 26, 2015, did resolve as follows:

Variance V-3-14 is approved, per staff's alternative plan, per the findings and conditions attached herein as Exhibit A.

ADOPTED this twenty-sixth day of February, 2015, by the following vote:

AYES:

NOES:

ABSENT:

Karen Cunningham
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Conditionally approved Variance V-3-14 per the staff memorandum with attachments, via adoption of Resolution V-3-14.

Findings:

1. The variance is subject to such conditions as will assure that the adjustment hereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located in that this property and the adjacent non-conforming property have been established as legal, buildable sites for a single family home on each, and the proposal would not alter the density of development allowed for the district.
2. That because of special circumstances applicable to the subject property, specifically the existing narrow vacant adjacent lot at the adjacent 788 Humboldt Road lot, limiting the space between the potential future single family homes which may be developed at each site, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, in that the majority of homes enjoy greater space between the adjacent structures than would otherwise be allowed by right with the development of said adjacent lot.

Conditions of Approval:

- A. The owner(s) of the properties shall complete their application for a lot line adjustment to perfect the variance. The lot line adjustment shall comply with the following:
 - i. A revised, surveyed plot plan showing that the minimum lot size at 786 Humboldt of 5,000 sq. ft. is to be maintained, consistent with the R-1 Residential District development regulations.
 - ii. The lot width for 786 Humboldt Road may be reduced to approximately 44 ft., with the 788 Humboldt Road width increasing to approximately 31 ft., so long as the minimum of 5,000 sq. ft. is maintained for 786 Humboldt Road.
 - iii. The application for a lot line adjustment shall meet all of the applicable requirements set forth by the City, including that the final configurations of the lots shall be established by a licensed surveyor, subject Planning Director approval, and to be recorded with the County.
- B. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- C. This Variance shall expire two years from its effective date (at the end of the appeal period) if a Lot Line Adjustment has not been issued for the approved project.

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 1/22/15

FROM: Ken Johnson, Senior Planner, via John A. Swiecki, Community Development Director

SUBJECT: **786 Humboldt Road;** Variance V-3-14; Variance to allow for a lot line adjustment between the existing, buildable vacant lots, of 786 and 788 Humboldt Road, to reduce the lot width of 786 Humboldt Road to approximately 37.5 feet, where 50 feet would otherwise be required, and to reduce the lot area to 4,244 sq. ft., where 5,000 sq. ft. would be required; Dave Bostrom, applicant/owner; APN 007-432-320.

REQUEST: The applicant requests a variance to the lot width and lot area standards to allow for a lot line adjustment between 786 and 788 Humboldt Road, to reduce the lot width of 786 Humboldt Road to approximately 37.5 feet (ft.), where 50 ft. would otherwise be required and to reduce the lot area to 4,244 square feet (sq. ft.), where 5,000 sq. ft. would be required. The purpose is to equalize the width of these two lots to allow the width of 788 Humboldt Road to be enlarged from its current width of 25 ft. to approximately 37.7 ft. and increase the lot area of this substandard sized lot.

RECOMMENDATION: Approval of Variance V-3-14, with a reduction in the lot width to approximately 44 ft, such that the lot area shall not be reduced to less than 5,000 sq. ft., per the agenda report, via adoption of Resolution V-3-14 with Exhibit A containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: Minor lot line adjustments and variances not resulting in the creation of any new parcel are categorically exempt from the provisions of the California Environmental Quality Act per Section 15305(a) of the State CEQA Guidelines. The exceptions to these categorical exemptions referenced in Section 15300.2 do not apply.

APPLICABLE CODE SECTIONS: Brisbane Municipal Code (BMC) Section 17.46.010 and 17.46.040 allows for the Planning Commission to grant variances when the certain findings (or circumstances) apply as detailed in BMC Section 17.46.010. These findings are provided in the analysis and findings section below. If the Planning Commission grants the variance request, it would later be perfected through a lot line adjustment, per BMC Chapter 16.32 and in accordance with California Government Code Section 66412(d), subject to approval by the Planning Director.

BMC Sections 17.06.040.A & C set the minimum lot area of 5,000 sq. ft. and width of 50 ft.

BMC Section 17.32.055.A.4 provides that, any substandard lot created through a parcel map, resubdivision or lot line adjustment approved by the city after October 27, 1969, shall be recognized as a standard site.

BACKGROUND

The following provides a brief background of the subject site, 786 Humboldt Road and the adjacent site 788 Humboldt Road, both of which would be subject to the lot line adjustment, which would be required following approval of the requested variance:

- The 1908 City of Visitacion Subdivision map created three lots that make up the subject sites and each were at least 25 ft. wide by 100 ft. deep. These lots were each of conforming size for development of a single family home at that time. These are Lots 4, 5 and 6 of the Subdivision Block 44.
- In 1932, a house was built primarily on Lot 5. Although no survey was on file for this structure, it appeared that it was built partially onto Lots 4 and 6 as well. The house address was 784 Humboldt Road.
- In 1969, the City adopted an ordinance establishing the standard lot size as 5,000 sq. ft. within this the R-1 zoning district. As an exception, single family dwellings may be erected on substandard lots of less than 5000 sq. ft. if the lot was not in common ownership with contiguous property. Whereas contiguous substandard lots owned in common may be subject to merger. The ordinance (BMC Section 17.32.055.A.4) also established that any substandard lot created through a parcel map approved by the city after October 27, 1969, shall be recognized as a standard site.
- In April 1973, a parcel map was recorded with San Mateo County (see attached parcel map), as approved by the City, recognizing Lot 4 and part of Lot 47 to the rear as a separate buildable parcel, so that parcel was then recognized as a separate buildable lot. It was designated on the parcel map as "Parcel 3" and was assigned the Assessor's Parcel Number (APN) 007-432-310. The reasoning for establishing this as a separate parcel from Lots 5 and 6 was not evident in the City's file record, but the parcel map was tied to Parcels 1 and 2 which were established on Kings Road, to the rear of Parcel 3.
- Since Lots 5 and 6 were in common ownership in 1969 and individually were less than 5,000 sq. ft., together they are recognized by the City as a single buildable lot and are identified as Assessor's Parcel Number (APN) 007-432-320. This parcel is conforming with the current minimum development standards of 50 ft. wide, 100 feet deep and 5,000 sq ft.
- In August 2014, the City issued a building permit for the demolition of the existing single family home at 784 Humboldt Road and the home was subsequently demolished.

- In September 2014, the City received an application from the owner of the two properties to establish two new addresses for the two vacant lots of 786 and 788 Humboldt Road. This request was granted based on the fact that there are two lots of record, identified as APN 007-432-310 and APN 007-432-320
- In December 2014, the City received an application for a lot line adjustment and this variance application followed later in December 2014.

For reference, parcel book pages are provided, for the segment of Humboldt Road between Kings Road and Costaños Canyon, with the parcels with non-conforming widths highlighted for this same upslope side of the street. Including 788 Humboldt, there are 6 lots with non-conforming widths out of a total of 23, or 26 percent. Only 796 Humboldt Road and the subject site, 788 Humboldt Road, have lot widths of 25 ft. and 796 Humboldt Road is situated adjacent to the public right of way path, providing space on one side. The remaining 4 lots range from approximately 30 ft., to 42 ft. in width.

ANALYSIS AND FINDINGS:

The 1973 recorded parcel map for 788 Humboldt Road established it as a separate legal parcel, recognized as separate from 786 Humboldt Road. The owner's demolition of the pre-existing home in 2014 allowed for future construction of a new single family home on each of these lots. New development on either property will be subject to all applicable City zoning ordinances and state building codes. For the key applicable zoning development standards see the attached project description.

The existing width of 788 Humboldt Road is 25 ft. and 786 Humboldt Road is 50 ft. As indicated, the proposal is to make each of these widths approximately 37.5 ft., in an effort to equalize the lot widths and provide for more reasonable space for potential future development of these sites with single family homes and to allow for more space relative to adjacent development.

The non-conformity of the lot size would essentially be exchanged between the two lots. Instead of 786 Humboldt Road being conforming, over the 5,000 sq. ft. minimum, 788 Humboldt Road would be at the 5,000 sq. ft. minimum. The reason for this proposed trade in non-conformity between the two lots is apparently due to the uneven shape of the front and rear lot lines, while trying to achieve equal widths between the two lots.

While it may be reasonable to equalize the width of the sites, staff has provided an alternative, and while it would still require a variance for the lot width on 786 Humboldt Road, it would not reduce the lot size below the minimum of 5,000 sq. ft. for 786 Humboldt Road. Therefore, it would maintain a higher level of conformity with City requirements than the applicant's proposal. The staff alternative is recommended for approval, with conditions of approval, and the findings reflect this alternative.

Note that, in the applicant’s statement they have indicated a willingness to consider a lot line adjustment alternative that would keep 786 Humboldt Road at or above 5,000 sq. ft. in area, which is consistent with the staff alternative.

Recommended Alternative: Through the granting of the variance, the width of 786 Humboldt Road may be reduced by approximately 6 ft. to 44 ft. and 788 Humboldt Road may be increased by the same amount to 31 ft., such that the lot area for 786 Humboldt Road would be kept at or above the minimum area of 5,000 sq. ft. The lot widths of 44 ft. and 31 ft. are approximate, based on staff’s calculation and the exact lot widths would be subject to approval of a surveyed plan showing that the minimum lot size of 5,000 sq. ft. is maintained on 786 Humboldt Road. This would be subject to Planning Director approval through the lot line adjustment application, to comply with the conditions of the variance. The result for 788 Humboldt Road would be that it would become more conforming in terms of both the lot width of 31 ft. instead of 25 ft. and the lot area of 4,244 sq ft instead of 3,175 sq ft.

The following table provides a comparison of the existing configuration of the lots, the applicant’s proposal and staff’s alternative, with the items shown in red requiring approval of a variance.

| Development Standards: Minimums | 786 Humboldt Road | | | 788 Humboldt Road | | |
|------------------------------------|----------------------------|----------------------|-------------------|----------------------------|----------------------|-------------------|
| | Existing Lot Configuration | Applicant’s Proposal | Staff Alternative | Existing Lot Configuration | Applicant’s Proposal | Staff Alternative |
| Lot Area: 5,000 sq. ft. | 6,069 sq. ft. | 4,244 sq. ft. | 5,000 sq. ft. | 3,175 sq. ft. | 5,000 sq. ft. | 4,244 sq. ft. |
| Lot Width: 50 ft. | 50 ft. | 37.48 ft. | 44 ft. | 25 ft. | 37.52 ft. | 31 ft. |

A project description table is also provided as an attachment, with a comparison of these development standards, along with the potential impacts to the future development, in terms of floor areas, side setbacks and parking.

The findings, or circumstances that may be found to apply, per BMC Section 17.46.010, are as follows:

- A. *“That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located”*

The application with staff’s proposed change and the conditions of approval meets this finding. There is no special privilege that would result with the granting of this application. It would result in a lot line being adjusted, such that 786 Humboldt Road, at 44 ft. in width, would be less than the current 50 ft. lot width requirement. This nonconforming condition would be essentially in exchange for a reduction in the non-conforming lot width for 788 Humboldt Road, enlarging it from 25 ft. to 31 ft.

At the time of the original subdivision, the lot widths were allowed to be 25 ft. wide. At this current time the City would not allow establishment of new lots to be less than the standard of 50 by 100 ft., however, these lots were already recognized as individual home sites through the parcel map in 1973 and the approval of the requested variance would not provide for any increased housing density, nor would it allow for an overall increase in building floor area or lot coverage between the two lots since there is no net loss or gain in acreage. The variance would simply allow for more balanced lots than currently exist, in terms of their width and size.

B. "That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification."

The application with staff's proposed change and the conditions of approval meets this finding. Due to the previously established narrow lot width of 25 ft. on the adjacent 788 Humboldt Road site and the steepness of the topography for these lots, estimated at 25 to 30 %, there is not a reasonable width to provide flexibility in the architectural design. Since that lot is only 25 ft. wide, the bulk of the future home would likely extend deep into the lot, as compared with a wider lot. So the impact on the 786 Humboldt Road property, and likewise the impact on the neighboring property at 790 Humboldt Road, would be a lack of space and a sense of crowding.

Although increasing the lot width of 788 Humboldt Road to 31 ft. would only increase the required setback by 0.1 ft. over the current minimum of 3 ft., the 6 ft. increase in lot width would allow for greater flexibility in the architectural design of that home to take into account the site specific concerns that may arise when developing on a steep site, especially grading to step the home up the hill within a narrow footprint. While this would result in a narrowing of 786 Humboldt Road to 44 ft. wide, this width would remain wide enough to provide for design flexibility as well, and is consistent with several of the other non-conforming lots on this block of Humboldt Road. In this case, the home at 788 Humboldt Road could be as wide as 24.8 ft., instead of 19 ft, an increase of almost 6 ft, which could lessen the need to step the home as far up the slope. The home at 786 Humboldt Road could be as wide as 35.2 ft, while maintaining the minimum 4.4 ft side setbacks.

It should also be noted that by allowing for an increased width on 788 Humboldt Road, under the current parking requirements, the parking requirement would be increased by 1 garage space versus a 25 ft. wide lot. So while the potential gross, combined floor area for the two home sites would not increase, the required parking for the two sites would increase from 6 to 7 spaces.

Additionally, since the 788 Humboldt Road site is less than 3,700 sq. ft. in area, there is an existing floor area exception to exclude up to 200 ft. of garage space from the floor area calculation. So an added benefit of the variance/lot line adjustment, would be a reduction in the gross floor area that may be developed on the two sites. This can marginally reduce the impacts of development.

Finally, for the Planning Commission's reference, based on the City's records the existing home at 790 Humboldt Road, adjacent to 788 Humboldt Road has a side setback of approximately 5 ft. 10 in. and on the other side, adjacent to 786 Humboldt Road, the side setback for the home at 770 Humboldt Road is approximately 16 ft.

In summary, the overall result of the variance and lot line adjustment would be to introduce a non-conforming lot width to 786 Humboldt Road, while helping to alleviate some of the potential future development impacts of the adjacent 788 Humboldt Road and reducing its existing non-conforming lot width and increasing the lot area of this substandard sized lot.

This application was routed to the Fire, Public Works and Building Depts. No concerns were raised by the any of the departments.

Attachments:

- Draft Resolution with Findings and Conditions of Approval
- Project Summary
- Vicinity Map
- Recorded Parcel Map
- Assessor's Parcel Book Pages for this Humboldt Road block
- Annotated Site Plans
- Applicant's Statement and Proposed Site Plan

RESOLUTION V-3-14

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING VARIANCE V-3-14
TO ALLOW FOR A LOT LINE ADJUSTMENT
FOR THE LOT WIDTH TO BE LESS THAN 50 FEET
AT 786 HUMBOLDT ROAD

WHEREAS, Dave Bostrom, the applicant, applied to the City of Brisbane for approval of a variance to allow for a lot line adjustment between 786 and 788 Humboldt Road, to reduce the lot width of 786 Humboldt Road to approximately 37.5 feet, where 50 feet would otherwise be required, and the lot area to approximately 4,244 sq ft where 5,000 sq ft would otherwise be required, thus enlarging the lot width and area for 788 Humboldt Road and reducing its existing non-conformities; and

WHEREAS, on January 22, 2015, the Planning Commission conducted a hearing 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, including an alternative presented by staff which would reduce the lot width to approximately 44 ft and maintain the lot width at no less than 5,000 sq ft; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; and

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of January 22, 2015, did resolve as follows:

Variance V-3-14 is approved, per staff's alternative plan, per the findings and conditions attached herein as Exhibit A.

ADOPTED this twenty second day of January, 2015, by the following vote:

AYES:

NOES:

ABSENT:

Karen Cunningham
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Conditionally approved Variance V-3-14 per the staff memorandum with attachments, via adoption of Resolution V-3-14.

Findings:

1. The variance is subject to such conditions as will assure that the adjustment hereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located in that this property and the adjacent non-conforming property have been established as legal, buildable sites for a single family home on each, and the proposal would not alter the density of development allowed for the district.
2. That because of special circumstances applicable to the subject property, specifically the existing narrow vacant adjacent lot at the adjacent 788 Humboldt Road lot, limiting the space between the potential future single family homes which may be developed at each site, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, in that the majority of homes enjoy greater space between the adjacent structures than would otherwise be allowed by right with the development of said adjacent lot.

Conditions of Approval:

- A. The owner(s) of the properties shall complete their application for a lot line adjustment to perfect the variance. The lot line adjustment shall comply with the following:
 - i. A revised, surveyed plot plan showing that the minimum lot size at 786 Humboldt of 5,000 sq. ft. is to be maintained, consistent with the R-1 Residential District development regulations.
 - ii. The lot width for 786 Humboldt Road may be reduced to approximately 44 ft., with the 788 Humboldt Road width increasing to approximately 31 ft., so long as the minimum of 5,000 sq. ft. is maintained for 786 Humboldt Road.
 - iii. The application for a lot line adjustment shall meet all of the applicable requirements set forth by the City, including that the final configurations of the lots shall be established by a licensed surveyor, subject Planning Director approval, and to be recorded with the County.
- B. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- C. This Variance shall expire two years from its effective date (at the end of the appeal period) if a Lot Line Adjustment has not been issued for the approved project.

**Project Description
Variance for Lot Line Adjustment
786 & 788 Humboldt Road**

| Development Standards: Description | Required | 786 Humboldt Road | | | 788 Humboldt Road | | |
|---------------------------------------|---------------|-------------------------------|-------------------------|----------------------|-------------------------------|-------------------------|----------------------|
| | | Existing Lot Configuration | Applicant's Proposal | Staff Alternative | Existing Lot Configuration | Applicant's Proposal | Staff Alternative |
| Lot Area | 5,000 sq. ft. | 6,069 sq ft | 4,244 sq ft | 5,000 sq ft | 3,175 sq ft | 5,000 sq ft | 4,244 sq ft |
| Lot Width | 50 ft. | 50 ft | 37.48 ft | 44 ft | 25 ft | 37.52 ft | 31 ft |

POTENTIAL DEVELOPMENT - MAXIMUMS:

| | | | | | | | |
|--------------------|---|--|--|--|--|---|--|
| Lot Coverage | 40% max. | 2,428 sq ft | 1,698 sq ft | 2,000 sq ft | 1,270 sq ft | 2,000 sq ft | 1,698 sq ft |
| Floor Area/ FAR | 0.72 max. | 4,370 sq ft | 3,056 sq ft | 3,600 sq ft | 2,286 sq ft + 200 sq ft (garage allowance) | 3,600 sq ft | 3,056 sq ft |
| Side Setbacks | Required 10% of width (3 to 5 ft) | 5 ft | 3.7 ft | 4.4 ft | 3 ft | 3.7 ft | 3.1 ft |
| | Applicant Proposed Condition | 5 ft | | | | | |
| | Staff Proposed Condition | | | | 5 ft | | 3.5 ft |
| Parking | Based on site frontage or width | Frontage ≥ 37.5 ft: 2 garage or carport spaces + 2 on- or off- street spaces | Frontage ≥ 37.5 ft: 2 garage or carport spaces + 2 on- or off-street spaces | Frontage ≥ 37.5 ft: 2 garage or carport spaces + 2 on- or off-street spaces | 25 ft lot: 2 off street wide spaces (1 of which shall be in a garage or carport) | Frontage ≥ 37.5 ft: 2 garage or carport spaces + 2 on- or off-street spaces | Frontage ≥ 37.5 ft: 2 garage or carport spaces + 2 on- or off-street spaces |
| | Proposed by PC – Subcommittee Review (Not Yet Approved) | >1,800 sq ft on ≥ 37.5 ft wide lot: 2 covered spaces + 2 on- or off- street spaces | >1,800 sq ft on < 37.5 ft wide lot: 2 covered spaces + 1 on- or off-street spaces | >1,800 sq ft on ≥ 37.5 ft wide lot: 2 covered spaces + 2 on- or off-street spaces | >1,800 sq ft on < 37.5 ft wide lot: 2 covered spaces + 1 on- or off-street spaces | >1,800 sq ft on ≥ 37.5 ft wide lot: 2 garage or carport spaces + 2 on- or off-street spaces | >1,800 sq ft on < 37.5 ft wide lot: 2 covered spaces + 1 on- or off-street spaces |

February 17, 2015

RECEIVED

FEB 17 2015

Comm. Dev. Dept. Brisbane

The City of Brisbane
Planning Commission & Building Department
50 Park Place
Brisbane, CA 94005

RE: **788 & 786** Humboldt Road, Brisbane, CA 94005

City of Brisbane, Planning Commission and Building Department:

I am Wayne Hendryx, and I live at 790 Humboldt Road, here in Brisbane. I have lived in my home since 1988, and I have been a property and business owner in Brisbane since 1972. I am on a family vacation from Feb 20th, thru Feb 27th, and so this letter is regarding the proposed, for profit, Development next door to my house, at **788** and **786** Humboldt Road, Brisbane.

I want to thank the Council, and the City for the opportunity to “VOICE” my opinion on a ‘for profit’ project not only in my neighborhood but right on my Setbacks and property line.

My house was built in 1964, and the original survey shows the old house across all three lots of a very nice building site. My house conforms to current Setback regulations, and I would ask that any and all proposals maintain the same or greater Setbacks my house was requires to go by = Min 5’ from property line. With a 75’ wide building site, the Setbacks could be even more gracious, with room for air, light, and trees.

I have outlined what I consider valid points for all our consideration and ask that you please read my entire letter into this discussion and record onto the public record.

My Points Are:

1. This property is now and has been a single family parcel; It has had one home built upon all three lots for about one hundred years and continues to be a fine single family building site and does not need one single variance for anything, parking setbacks, nothing.
2. I have a question for our esteemed council, and the Building dept. in early 2009 an owner of a property on 242 Monterey Street was refused a demolition permit because he didn’t have approved set of plans submitted My questions is; Where are the approved set of plans for this property? And if none, why were the current, for profit, owners granted this very same demo permit?
3. I don’t want a single variance granted on this property or project. We have very good regulations in place now and there is no reason to invalidate or compromise any of them on a fine lot like this at 75’ x 100’.
4. Regarding the 25’ “parcel”; in 1973 a for profit contractor, Ron Olsen, was re-aligning several parcels on Kings Road and somehow snagged this lot’s separation. Soon after, he dug the huge hole right on the edge of our property line and was run off by Betty Shott, the owner-builder of my home, but by then, the damage was done. From then until now, this really steep slice into the natural contour has continually eroded my foundation. I have taken steps to protect my foundation, but I ask the current and any future owners to restore stability, called “Co-Terminus Support,” and

H.1.13

restore the original grade, which can be readily seen across the front of the existing 75' parcel in question.

5. RE: Dividing up the site; this stretch of Humboldt Road has predominately 50' building sites and I hope this council will be persuaded to maintain and encourage this existing precedents.
6. Building on a 25' parcel/lot; I know of at least two precedents refusing this permission; 1. Herb Arcero, Owner of exactly the same type of parcel(s), directly across the street from this parcel in question, has repeatedly been refused permits to build on the 25' portion. He was told, by the building dept., since he owns the three lots, he can and should build on all 3; And, 2. Rick Howle, an honorable Police officer here in Brisbane for... ever, and now still doing consulting work for our City, was twice refused a building permit on a 25' lot he owns, adjacent, and separate to a home he owns on Sierra Point. The reason was the same – He owns the adjacent parcel. So here are at least two precedents for maintaining the integrity of a very lovely building site and our neighborhood.
7. 25' cont.; Building on such a narrow lot presents many challenges – adequate parking spaces, enough storage for toys, surfboards, motorcycles, camping gear, bicycles, garbage cans etc.... Most 25' lots have their garbage cans out front, cause – where else? And I remember that is one of our city regulations. So all this means more cars on a VERY crowded street, where we can ONLY park on one side of the street now, a very common problem here, which could be eased by maintaining the existing 75' building site.

At the last meeting, which I attended, the applicant for the parcel map change and associated variances was not even present. Is he here now? (If not, Why not?)

At the last meeting, a fellow, with his wife and two kids, introduced himself as my new neighbor. We talked for a little while and he said he is a contractor and wants to build 2 houses, sell one, and live in the other, I drove by his equipment yard and boy-o-boy this man is a very serious contractor, indeed. Lots and lots of heavy equipment, so excavating will NOT be a problem.

The sign on the lots state "Sale Pending," so the new fella apparently does not own the site, yet. So it sounds like his offer is contingent on this re-alignment and division, and selling and making money.

And one has to wonder – is there any guarantee he will indeed actually live here? I think this is a reasonable question. This is already a nice single-family building site.

There are a few parcels just below me, 4 lots wide, with nice homes, big yards, fruit trees, parking, all the lovely rural aspects that drew every one of us here to love and appreciate Brisbane and it is up to us to perpetuate these values and resist every attempt to cram in every inch possible, so another developer can wring out extra money by paving every square inch of dirt.

It's up to us – Let's make our Grandkids proud.

Thank you,

Wayne Hendryx

Wayne Hendryx | 790 Humboldt Road Brisbane, CA 94005 | 831-332-8448 ph

H.1.14.

January 22, 2015

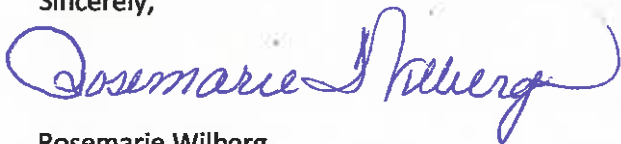
Mr. John A. Swiecki,
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

Re: Variance V-3-14

Dear Sir:

With regard to the public hearing being held tonight at 7:30 at Brisbane City Hall regarding Dave Bostrom and the request for a lot line adjustment between existing vacant lots 786 and 788 Humboldt Road, I wish to state that I live at 770 Humboldt Road, directly next door to these lots, and I vehemently oppose this variance.

Sincerely,



Rosemarie Wilberg

H-1.15.

Johnson, Kenneth

From: Michael Barnes <mgb5@mindspring.com>
Sent: Wednesday, January 21, 2015 11:28 PM
To: Swiecki, John; Johnson, Kenneth; Capasso, Julia; Taylor, Trisha; Spediacci, Sheri
Cc: Follien
Subject: Planning Commission - Variance V-3-14

Dear Planning Commission,

I may be unable to attend your meeting of January 22, so would like to provide this written testimony regarding Variance V-3-14

Based on the unique and unusual topography and configuration of the 786 Humboldt Road lot, I support the granting of a lot line variance.

While not strictly part of the variance, a beneficial side effect of approving the lot line adjustment would be increasing the width of the 788 Humboldt lot. Our first Brisbane home was built on a 25 foot wide lot, and we found it challenging to live in a house that narrow.

We currently live in one of three consecutive, identical homes built by local developer Ed Schwinderlauf. I look forward to the new property owners similarly building new housing for those who wish to live in our neighborhood and town.

Michael Barnes
815 Humboldt Road
Brisbane