

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission

For the Meeting of 2/26/2015

FROM: Julia Capasso, Associate Planner, via John Swiecki, Community Development Director

SUBJECT: **875 Humboldt Road;** Variance V-4-14, Use Permit UP-5-14 & Setback Exception Modification SE-2-14; Variance, Use Permit, and Setback Exception Modification to allow construction of a new home approximately 35 feet in height, where 30 feet is the maximum height permitted; to allow a 2 foot front yard setback where a setback of 4 feet, 2 inches is required; to provide 3 on-site parking spaces, where 4 spaces are required; and to allow construction of a stairway within the front yard setback approximately 24 feet, 3 inches in height, where 20 feet is the maximum height permitted; Jerry Kuhel, applicant; KMI Development, owner; APN 007-441-250

REQUEST: The applicant proposes construction of a new 4,236 sq ft single-family home with attached 754 sq ft secondary dwelling unit on a downslope, vacant lot of approximately 7,366 sq ft in size at 875 Humboldt Road. The proposal includes three on-site parking spaces (two covered), three off-street spaces on a private driveway within the public right-of-way, and two on-street parking spaces. The applicant's road improvement plans call for widening the abutting portion of Humboldt Road to 28 feet to accommodate a 20 foot travel lane and an additional 8 feet for parallel parking, as well as a sidewalk. In order to implement the project as designed, the following approvals are requested:

- A variance to allow the new home to maintain a 2 foot setback from the front property line and a maximum height of approximately 35 feet, 10 inches;
- A use permit to allow provision of one, compact on-site parking space to serve the secondary dwelling unit;
- Minor modification to a setback exception permit to allow a stairway 24 feet, 3 inches in height within the front yard setback.

RECOMMENDATION: Approve Variance V-4-14, Use Permit UP-5-14, & Setback Exception Modification SE-2-14, via adoption of Resolution V-4-14/UP-5-14/SE-2-14 with Exhibit A containing the conditions and findings of approval.

ENVIRONMENTAL DETERMINATION: Construction of new single-family homes is categorically exempt from the provisions of the California Environmental Quality Act per Section 15303(a) of the CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

APPLICABLE CODE SECTIONS: The height limit for structures in the R-1 zoning district on lots with 20% slope or greater is 30 feet, per BMC §17.06.040. Building height is defined in BMC §17.02.400. The findings required to grant a Variance to the height limit are contained in BMC §17.46.10. The front setback may be reduced to the average distance of the front outside wall of the single-family structures in the same block from the front lot line, per BMC §17.06.040.D.1. On lots with a slope of 15% or greater, garages are permitted to encroach anywhere within the front yard setback with certain provisions (setback exceptions) contained in BMC §17.32.070.A.3.a. Parking requirements for single-family homes and secondary dwelling units are located in BMC §17.34.010. BMC §17.34.115 provides for the modification of the parking regulations via approval of a Use Permit. Setback exceptions contained in BMC §17.32.070.A.1.e allow stairs to be constructed in the front yard setback provided they do not exceed 20 feet in height. BMC §17.43.030 provides development standards for secondary dwelling units.

ANALYSIS AND FINDINGS:

Height and Setback Variances: In order to grant the requested variances to the building height limit and front setback, the Planning Commission must find that, because of special circumstances applicable to the property, such as its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other properties in the vicinity and same zoning district. Approval of a variance must be subject to such conditions as necessary to ensure that the variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and same zoning district. The application **would meet** these findings.

A maximum building height of 30 feet is permitted for this lot with a 35% slope. Per BMC §17.02.400, building height is defined as the vertical distance above the lowest point of elevation of the finished grade between the building and a line five (5) feet from the building measured to the highest point of the coping of the flat roof. When the finished grade results from fill, the reference datum is taken from the natural grade. The section further states, "In the case of a stepped or terraced building, each segment of the building shall be separately measured and the height of the building shall be the maximum height of the highest segment."

While all but the rear segment of the building are less than 30 feet in height when measured vertically along the building wall from the finished grade, the highest segment of the building is 35 ft, 10 inches measured five feet from the building wall due to the steep drop in natural grade at the midpoint of the property (see staff's annotated elevations, attached). The proposed project complies with the other height limitations of 20 feet (structure only) and 30 feet (garage + living space below) provided in BMC §17.06.040 for structures within 15 feet of the property line.

The average front setback for lots in this block of Humboldt Road is 4 ft, 2 inches. While BMC §17.32.070.A.3.a allows garages to encroach anywhere within the front yard setback on lots with a slope of 15% or greater, this exception does not apply to living space. As

proposed, the garage will maintain a two foot setback from the front lot line at the southeast corner of the structure. The variance is required to allow the first and second levels located directly below the garage to encroach within the front yard setback. It should be noted that the encroachment is limited to the southeast portion of structure, due to skewed orientation of the front property line to the right-of-way; the remaining majority of the structure will comply with the front yard setback.

Special Circumstances Applicable to Subject Property: There is a 15-20 foot drop in grade, representing a 60-67% downslope, between the front lot line of the subject property and the improved portion of the Humboldt Road right-of-way. The subject property slopes downward at a 35% slope from the front lot line. Coupled with the required fill and widening of the Humboldt Road right-of-way, these significant grade changes create a unique obstacle to compliance with the 30 foot height limit without significantly limiting the floor area of the home that would otherwise be allowed by the development standards of the R-1 district. Further, the curved orientation of the front property line to the right-of-way limits the ability to wholly comply with the front yard setback limitations.

Privileges Enjoyed by Others in the Vicinity Deprived to Subject Property: Homes in the immediate vicinity of the subject property, including 459 and 461 Kings Road and 852 and 833 Humboldt Road, are typically two to three levels, terraced in relation to the natural topography. Without approval of the requested variance to the building height limit, the subject project would be deprived of the ability to build a home of similar scale and massing to those in the surrounding neighborhood and in compliance with the floor area and coverage requirements of the R-1 zoning district. Strict application of the building height limit and front setback requirements would result in a home of significantly lesser floor area than the maximum permitted by the R-1 district due to lot coverage limitations. The Planning Commission has approved variances to the building height limit at 852 Humboldt Road (V-1-05 and V-4-07) and at 462 and 466 Kings Road (V-3-11), which involved challenges to compliance with the height limit due to the slope and other unique circumstances of their respective lots.

Conditions Necessary to Prevent a Grant of Special Privilege: In order to prevent a grant of special privilege, staff has recommended a condition of approval to require that the plans submitted for building permit comply with the 10 ft east side setback and 6 ft west side setback as shown on the applicant's plans, exceeding the minimum required setbacks of 5 ft.

Use Permit: In order for the Planning Commission to grant the requested use permit to modify the parking regulations in order to accept one on-site, compact parking space and one off-street standard parking space where two standard, on-site parking spaces are required, the Commission must find that such approval would be consistent with the General Plan, would result in no detriment to persons or property in the neighborhood or to the City in general, that there is no need for strict enforcement due to present or anticipated traffic volume or site circulation, and that no on-street parking impacts would result. The application would meet these findings.

General/Specific Plan Consistency: The 1994 General Plan contains several programs that call for consideration of the impact of the parking regulations upon residential design and the streetscape:

Policy 56: Maintain as much on-street parking in residential Brisbane as can be accommodated safely.

Program 253a: Study the impacts of off-street parking requirements on residential and commercial site and structural design.

The draft 2015-2023 Housing Element, which was recommend by Planning Commission for City Council approval, contains recommendations for revisions to the parking requirements as follows:

Program H.I.1.b: Consider revision of the residential parking requirements so as to be based upon floor area and/or number of bedrooms, consistent for single-family dwellings, secondary dwelling units, duplexes and multi-family dwelling units.

Program H.I.1.c: Consider revision of the parking requirements for secondary dwelling units to encourage smaller, more affordable units. Once the revision is adopted, develop an outreach program to publicize the changes.

The draft Housing Element also includes proposed revisions to parking requirements that were previously reviewed and recommended for approval by the Planning Commission. These recommended revisions would require two off-street parking spaces for secondary dwelling units with more than one bedroom, which is consistent with the applicant's proposal.

Not Detrimental or Injurious to Neighborhood or City: The Planning Commission has found in the past that it is not detrimental to City neighborhoods to accept off-street parking (located at least partially within the public right-of-way) for secondary dwelling units. Past use permit approvals of this condition include 501-B Alvarado Street, 645 Humboldt Road, and 395 Alvarado Street. In this particular case, the applicant proposes three off-street parking spaces within the driveway area in the improved portion of the Humboldt Road right-of-way, two of which would serve the single-family dwelling and one that would serve the secondary dwelling unit. Though the proposed 30 ft curb cut would eliminate nearly two on-street parking spaces, the proposed improvements to the Humboldt Road right-of-way would benefit to the neighborhood in terms of enhancing safety for pedestrians and vehicles alike.

Strict Enforcement Not Required Due to Present/Future Traffic Volume/Circulation: As noted above, the proposed project will accommodate all required parking spaces for both the primary residence and secondary dwelling unit off-street within the proposed driveway. Widening the paved portion of the Humboldt Road to 20 feet, with an additional 8 feet to accommodate two standard parallel parking spaces, would ensure adequate capacity for existing and anticipated traffic volumes compared to existing substandard conditions.

No Interference with Traffic or On-Street Parking: As noted above, widening the paved portion of the Humboldt Road right-of-way would improve traffic circulation and safety. Though the proposed 30' curb cut would eliminate at least one existing on-street parking space, accommodating all required parking spaces off-street on the proposed driveway would likely mitigate the demand for on-street parking from property residents and potentially make the spaces available for use by other neighborhood residents.

Setback Exception Modification Permit: Per BMC §17.32.070, the required findings to grant the requested modification to the setback exception for stairs within the front setback are as follows:

- i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.

The proposal **would meet** this finding. The subject property's front lot line lies approximately fifteen feet below the existing paved travel lane of the Humboldt Road right-of-way. In order to widen the paved travel lane to 28 feet per BMC §12.24.010, the applicant will be required to fill this portion of the right-of-way. A retaining wall of approximately 20 feet, 9 inches will be required to adequately support the improved roadway. As secondary dwelling units are required by BMC §17.43.030 to have legal means of access compliant with street standards, there is no other feasible alternative means of access that could comply with the 20 foot height limit.

- ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.

The proposal **would meet** this finding. As noted above, the dramatic grade changes between the subject property and the adjacent right-of-way necessitate a taller structure than would otherwise be required.

- iii. The visual impacts of the modification have been minimized.

The proposal **would meet** this finding. The only portion of the stairway visible at street level would be the landing and required 42" safety railing, consistent with the California Building Standards Code. The proposed stairway is designed to provide access to the second dwelling unit from the improved right-of-way and driveway above with the least visual impact possible given the dramatic change in grade.

STAFF RECOMMENDATION:

Conditional approval of the project by adoption of draft Resolution V-4-14/UP-5-14/SE-2 subject to the findings and conditions of approval contained in Exhibit A.

ATTACHMENTS:

Summary of Project Data

Draft Resolution V-4-14/UP-5-14/SE-2-14 with recommended Findings and
Conditions of Approval
Aerial site map
Applicant's plans and photographs
Applicant's supporting statements
Plan elevations annotated by staff

**Summary of Project Data
875 Humboldt Road**

ADDRESS	875 Humboldt Ave.			
APN	007-441-250			
ZONING DISTRICT	R-1			
APPLICATION #	V-4-14, UP-5-14, & SE-2-14			
Project Description				
Construction of a new single-family home with attached secondary dwelling unit on a vacant, downslope lot with a 35% slope.				
Development Standard				
	Existing	Proposed	Min/Max	Status
Lot Area	7,366 SF	-	5,000 sf	Per survey
Lot Dimensions	Width = ~75' Depth = ~97.5'	-	Width = 50' Depth = 100'	Lot of record
Setbacks				
FY Setback	-	2' (garage/home); 0' (stairs)	Block avg = 4' 2"	VARIANCE and SETBACK EXCEPTION
East Side Setback	-	10'	5'	Complies with standard
West Side Setback	-	6'	5'	Complies with standard
Rear Setback	-	34' (house); 26' (deck)	10'	Complies with standard
Lot Coverage	-	39%	40%	Complies with standard
Floor Area	-	4,990 SF	5,303.5 SF	Complies with standard
Floor Area Ratio	-	0.68	0.72	Complies with standard
Building Height				
15' from front lot line	-	29' 9"	30' from finish grade	Complies with standard
Overall height	-	35' 10"	30' for lots with 20% slope or greater	VARIANCE
Garage	-	10' 5" above center line	15' above elevation of centerline); total height not to exceed 30'	Complies with standard
Articulation				
Rear outside wall	-	43%	30%	Complies with standard
Landscaping				
FYSB	-	-	15% of FYSB area	Compliant landscape plan required at BP.
RYSB	-	-	Rear of main structure screened	Compliant landscape plan required at BP.
Parking	-	8 (2 covered on-site; 1 uncovered on-site; 3 uncovered off-street; 2 on-street)	6 (2 covered on-site; 2 uncovered on-site; 2 on or off-street)	UP required; only 1 on-site space provided for SDU where 2 are required.

Draft
RESOLUTION V-4-14/UP-5-14/SE-2-14

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
APPROVING VARIANCE V-4-14, VARIANCE V-5-14, USE PERMIT UP-5-14 & SETBACK
EXCEPTION MODIFICATION SE-2-14
FOR A NEW SINGLE-FAMILY HOME

WHEREAS, Jerry Kuhel applied to the City of Brisbane for Variance, Use Permit, and Setback Exception Modification approval to construct a single-family dwelling at 875 Humboldt Road with a maximum height of 35 feet, 10 inches, set back two feet from the front lot line, and to provide three on-site parking spaces where four on-site spaces are required, and to construct an elevated access stairway within the front yard setback with a maximum height of 24 feet, 3 inches, such application being identified as V-4-14/UP-5-14/SE-2-14; 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 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) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested Variance, Use Permit, and Setback Exception Modification;

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-4-14, Use Permit UP-5-14, and Setback Exception Modification SE-2-14 is approved per the findings and conditions of approval attached herein as Exhibit A.

ADOPTED this 26th day of February, 2015, by the following vote:

AYES:
NOES:
ABSENT:

Karen Cunningham
Chairperson

ATTEST:

**DRAFT
EXHIBIT A**

Action Taken: Conditionally approved Variance V-4-14, Use Permit UP-5-14 & Setback Exception Modification SE-2-14 per the staff memorandum with attachments, via adoption of Resolution V-4-14/UP-5-14/SE-2-14.

Findings:

Variance V-4-14

1. The variance shall be subject to the conditions included herein to assure that the adjustment authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and within the R-1 zoning district in which the subject property is located.
2. Because of special circumstances applicable to subject property, specifically the 15-20 foot drop in grade between the front lot line of the subject property and the Humboldt Road right-of-way and the curved orientation of the front property line, 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, namely adjacent homes of similar scale and massing.

Use Permit UP-5-14

1. Conditional approval of Use Permit UP-5-14 is consistent with the 1994 General Plan adopted by the City Council on June 21, 1994, specifically General Plan Policy 56 and General Plan Program 253a, and with the Housing Element adopted January 18, 2011, specifically Policy H.I.1 and Programs H.I.1.b and H.I.1.c.
2. The establishment, maintenance, and operation of the use applied for, under the circumstances, will not be detrimental to the health, safety, morals, comfort, and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City, in that all required parking spaces will be accommodated off-street as detailed in the agenda report.
3. Strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site, in that the project will accommodate all required parking spaces for both the primary residence and secondary dwelling unit off-street within the proposed driveway. Widening the paved portion of the Humboldt Road to 20 feet, with an additional 8 feet to accommodate two standard parallel parking spaces, would ensure adequate capacity for existing and anticipated traffic volumes compared to existing substandard conditions.
4. The granting of the use permit will not result in the parking of vehicles on public streets in such manner as to interfere with the free flow of traffic on the streets or create or intensify a

shortage of on-street parking spaces, as all required parking spaces will be accommodated off-street on the proposed driveway.

Setback Exception Modification SE-2-14

1. The modification is necessary in order to gain access to the second dwelling unit on the property, as a retaining wall of approximately 20 feet, 9 inches will be required to adequately support the improved roadway and there is no other feasible alternative means of access that could comply with the 20 foot height limit and provide legal means of access to the second unit compliant with street standards.
2. The modification is necessary because of unusual or special circumstances relating to the configuration of the property, specifically the dramatic grade changes between the subject property and the adjacent right-of-way that necessitate a taller stairway structure than would otherwise be required.
3. The visual impacts of the modification have been minimized, in that the only portion of the stairway visible at street level would be the landing and a 42" safety railing, required by the California Building Standards Code.

DRAFT

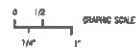
Conditions of Approval:

- A. The applicant shall obtain a building permit and a grading permit prior to proceeding with construction. Plans submitted for building permit shall substantially conform to plans on file in the City of Brisbane Planning Department dated received January 8, 2015, with the following modification:
 1. The plans shall identify the unimproved understory area located directly below the first level of the home as dedicated crawlspace that shall not be accessible from any other area of the home, with the exception of required access for maintenance and safety purposes.
 2. A landscape plan shall be submitted demonstrating compliance with the requirements of Brisbane Municipal Code §17.06.040.I, to the satisfaction of the Planning Director.
 3. The plans shall include drainage details as required by the City Engineer, including erosion control measures. The property owner shall be responsible for ongoing operation and maintenance of permanent structural stormwater controls.
- B. Prior to issuance of a building permit, the applicant shall record a Declaration of Lot Merger with the County of San Mateo to merge the underlying lots in compliance with BMC §16.12.070, subject to approval by the Planning Director.
- C. Prior to issuance of a building permit, the applicant shall obtain a Secondary Dwelling Unit Permit from the Planning Director.
- D. Prior to issuance of a building permit, the applicant shall obtain an encroachment permit from the Department of Public Works for all proposed construction activity and private improvements within the public right-of-way, including the driveway and stairway within the front yard. The City Engineer shall waive the maximum curb cut specified in Brisbane Municipal Code §12.24.015.
- E. Prior to issuance of a building permit, the applicant shall:
 1. Obtain an engineer's construction cost estimate, acceptable to the City Engineer, for the work shown on all grading and improvement plans.
 2. Provide the City a check in the amount of 25% of the construction cost estimate approved by the City Engineer. The City shall hold this dollar amount on deposit until such time as the City determines the improvements are to be completed, whether that determination is by conditioning another developer to complete the improvements, or the City elects to complete the improvements itself.
- F. All glass shall be nonreflective, and all exterior lighting shall be located so as not to cast glare upward or onto surrounding streets or properties.
- G. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer.

- H. 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.
- I. Prior to issuance of a building permit, the property owner shall enter into standard landscape maintenance agreements with the City.
- 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 Planning Director in conformance with all requirements of the Municipal Code.
- M. The Variance, Use Permit, and Setback Exception Modification approval shall expire two years from their 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.

875 Humboldt Road: Aerial Map





DRAWING INDEX

- A1 PLOT PLAN
- A1.1 SURVEY
- A2 FIRST FLOOR PLAN
- A3 SECOND FLOOR PLAN
- A4 THIRD FLOOR PLAN
- A5 ELEVATIONS

PROJECT DATA

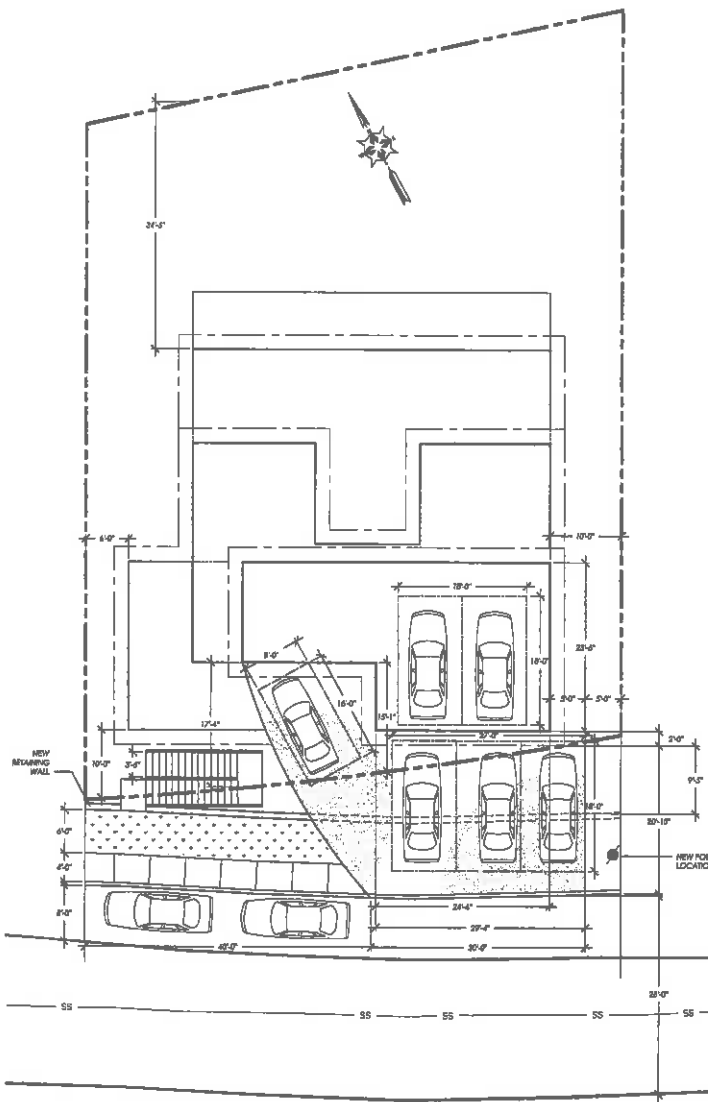
875 HUMBOLDT ROAD, BRISBANE, CA
 1 1/2 UNIT, 3 STORY WOOD STRUCTURE
 14741 02144-020
 OCCUPANCY GROUP: DWELLING Bldg., GARAGE U
 CONSTRUCTION TYPE: V-B RES 3P/2-1/2B/2B
 CO2 SQUARE FOOTAGE: 7334
 NEW STRUCTURE SQUARE FOOTAGE: 2864 (58 % OF LOT)
 NEW INTERIOR SQUARE FOOTAGE: 4778

PROJECT DESCRIPTION

CONSTRUCT NEW SINGLE FAMILY RESIDENCE WITH SECONDARY CRENDON SW

1.0 GENERAL NOTES:

- 1.01 THE ISSUANCE OF A BUILDING PERMIT SHALL NOT BE CONSIDERED AS A GUARANTEE THAT ALL CODE REQUIREMENTS ARE REFLECTED IN THE DOCUMENTS. THE GENERAL CONTRACTOR FOR THE PROJECT SHALL BE ULTIMATELY RESPONSIBLE FOR INSURING THAT THE FINISHED PRODUCT COMPLIES WITH ALL REGULATIONS, LAWS AND CODE REQUIREMENTS.
- 1.02 THESE PLANS ARE FOR THE GENERAL CONSTRUCTION PURPOSES ONLY. THEY ARE NOT EXHAUSTIVELY DETAILED NOR FULLY SPECIFIED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SELECT, VERIFY, REMOVE AND INSTALL ALL MATERIALS AND EQUIPMENT.
- 1.03 THESE WILL BE NO OBSERVATION BY THE DESIGNER DURING CONSTRUCTION. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE QUALITY CONTROL AND CONSTRUCTION STANDARDS FOR THE PROJECT.
- 1.04 ALL CONSTRUCTION WORK SHALL CONFORM TO THE 2010 EDITIONS OF THE CALIFORNIA RESIDENTIAL, BUILDING, MECHANICAL, ELECTRICAL, PLUMBING, FIRE, GREEN STANDARDS, AND ENERGY CODES, PLUS HEALTH AND SAFETY CODES AND ALL OTHER ORDINANCES ADOPTED BY THE GOVERNING AGENCIES.
- 1.05 THE GENERAL CONTRACTOR SHALL MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DOCUMENTS ON THE JOB SITE DURING ALL PHASES OF CONSTRUCTION FOR THE USE OF ALL TRADES AND SHALL PROVIDE ALL SUBCONTRACTORS WITH CURRENT CONSTRUCTION DOCUMENTS AS REQUIRED.
- 1.06 GENERAL CONTRACTOR TO VERIFY ALL MEASUREMENTS SHOWN ON THESE DRAWINGS PRIOR TO COMMENCING ANY WORK OR ORDERING ANY MATERIAL.
- 1.07 DO NOT SCALE THE DRAWINGS. DIMENSIONS SHOWN SHALL SUPERSEDE SCALE OF DRAWINGS. ANY DISCREPANCY IN DIMENSIONS OR CONFLICT IN PLANS OR FIELD CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF SAME DESIGN PRIOR TO COMMENCEMENT OF THE WORK IN THE AFFECTED AREA. IF WORK IS CONTINUED IN THE AFFECTED AREA WITHOUT INTERSECTION OR CLARIFICATION FROM THE DESIGNER, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY RESULTANT DEFECT, DAMAGE OR CHANGE REQUIRED.
- 1.08 AT JOB COMPLETION, PRIOR TO SUBMITTING THE REQUESTION FOR FINAL PAYMENT, THE GENERAL CONTRACTOR SHALL PROVIDE THE OWNER WITH A REQUIRED SET OF AS-BUILT DRAWINGS.
- 1.09 FIRE SPRINKLER SYSTEM TO BE ISSUED UNDER A SEPARATE PERMIT. SYSTEM TO BE DESIGNED BY A LICENSED CIVIL PLUMBING CONTRACTOR. GENERAL CONTRACTOR TO BE RESPONSIBLE FOR COORDINATING AND OBTAINING PERMIT.
- 1.10 MODIFY AS REST OF EXISTING CURB TO MEET MERRIANE STANDARD DEVIATION DETAIL.
- 1.11 LAG & BEAM RETAINING WALL.
- 1.12 COORDINATE ACTUAL LOCATIONS OF WATER METER AND SWEWER CLEAN-OUT WITH PUBLIC WORK DEPARTMENT.
- 1.13 SPECIAL INSPECTION REQUIRED FOR CONCRETE PER PLACEMENT AND BREAKAWALL BUILDING.
- 1.14 ROOF TRUSS CALCULATIONS TO BE DERIVED BY METAL PRODUCT ENGINEER TO REVIEW AND PROVIDE APPROVAL LETTER TO CITY OR PROVIDE A REVIEW STAMP STATING THAT THE TRUSSES AND LAY-OUT MEET CONFORM WITH THE DESIGN OF THE BUILDING.



CALGREEN REQUIREMENTS:

- 2.1 AUTOMATIC IRIGATION SYSTEMS CONTROLLERS INSTALLED AT THE TIME OF FINAL INSPECTION SHALL BE WEATHER-BASED (4.304.1)
- 2.2 PROTECT ANNUAL SPACES AROUND PIPES, ELECTRIC CABLES, CONDOLITS AT EXTERIOR WALL AGAINST PASSAGE OF RODENTS. (4.001.1)
- 2.3 COVER DUCT OPENINGS AND OTHER RELATED AIR DISTRIBUTION COMPONENT OPENINGS DURING CONSTRUCTION (4.004.1)
- 2.4 ADHESIVES, SEALANTS AND CAULKS SHALL BE COMPLIANT WITH VOC AND OTHER TOXIC COMPOUND LIMITS. (4.004.2.1)
- 2.5 PAINTER STAINS AND OTHER COATINGS SHALL BE COMPLIANT WITH VOC LIMITS. (4.004.2)
- 2.6 AEROSOL PAINTS AND COATINGS SHALL BE COMPLIANT WITH PRODUCT WEIGHTED AER LIMITS FOR VOC AND OTHER TOXIC COMPOUNDS. (4.004.3) VERIFICATION OF COMPLIANCE SHALL BE PROVIDED.
- 2.7 CARPET AND CARPET SYSTEMS SHALL BE COMPLIANT WITH VOC LIMITS. (4.004.3)
- 2.8 MINIMUM 3/8" OF FLOOR AREA RECEIVING RESILIENT FLOORING SHALL COMPLY WITH SECTION (4.004.4)
- 2.9 PARTICLE BOARD, MEDIUM DENSITY FIBERBOARD (MDF) AND HARDWOOD PLYWOOD USED IN INTERIOR FINISH SYSTEMS SHALL COMPLY WITH LOW FORMALDEHYDE EMISSIONS STANDARDS. (4.004.4)
- 3.10 INSTALL CAPILLARY BREAK AND VAPOR BARRIER AT SLAB ON GRADE FOUNDATIONS. (4.006.2)
- 3.11 CHECK MOISTURE CONTENT OF BUILDING MATERIALS USED IN WALL AND FLOORING BEFORE ENCLOSURE (4.003.3)
- 3.12 PROVIDE INSULATED LOUVERS/COVERS (MIN. R-4.2) WHICH CLOSE WHEN FAN IS OFF FOR THE WHOLE HOUSE EXHAUST FAN. (4.007.1)
- 3.13 CONTRACTOR TO SUBMIT CONSTRUCTION WASTE MANAGEMENT PLAN. DIVERT A MINIMUM OF 30 % OF THE CONSTRUCTION WASTE GENERATED AT THE SITE TO RECYCLE OR SALVAGE PER 4.001.1 PROVIDE THE FOLLOWING INFORMATION ON THE PLAN.
 - 3.13.1 IDENTIFY THE MATERIALS TO BE DIVERTED FROM DISPOSAL BY RECYCLING, REUSE ON THE PROJECT OR SALVAGE FOR FUTURE USE OR SALE.
 - 3.13.2 SPECIFY IF MATERIALS WILL BE SORTED ON SITE OR TAKEN FOR TRANSPORTATION TO A DIVERSION FACILITY, IDENTIFY DIVERSION FACILITY. SPECIFY THAT THE AMOUNT OF MATERIAL DIVERTED SHALL BE CALCULATED BY WEIGHT OR VOLUME.
 - 3.13.3 IDENTIFY CONSTRUCTION METHODS EMPLOYED TO REDUCE THE AMOUNT OF WASTE GENERATED.
 - 3.13.4 PROVIDE DOCUMENTATIONS SHOWING COMPLIANCE WITH THE ABOVE TO BUILDING DEPARTMENT.
- 3.14 REDUCE INDOOR WATER USE BY 20% USING WATER SAVING FIXTURES AS NOTED BELOW.
 - SHOWER HEAD 2 DPM @ 80 PSI - LAY FAUCETS 1.5 DPM @ 80 PSI - KITCHEN FAUCETS 1.8 DPM @ 80 PSI - WATER CLOSET 1.28 GAL PER FLUSH
- 3.15 DUCT SYSTEMS ARE SEED, DESIGNED AND EQUIPPED AS PER SECTION 4.007.2. HVAC SYSTEM INSTALLERS MUST BE TRAINED AND CERTIFIED. SPECIAL INSPECTION EMPLOYED BY THE ENFORCING AGENCY MUST BE QUALIFIED.
- 3.16 AT TIME OF FINAL INSPECTION, A MANUAL, COMPACT TAG, WEB-BASED REFERENCE OR OTHER MEDIA ACCEPTABLE TO THE ENFORCING AGENCY SHALL BE PLACED IN THE BUILDING
 - 1 - DIRECTIONS TO THE OWNER THAT THE MANUAL SHALL REMAIN WITH THE BUILDING THROUGHOUT THE LIFE OF THE STRUCTURE.
 - 2 - OPERATION AND MAINTENANCE INSTRUCTIONS FOR EQUIPMENT AND APPLIANCES, INCLUDING WATER SAVING DEVICES AND SYSTEMS, HVAC SYSTEMS, WATER HEATING SYSTEMS AND OTHER CHANGES, WEATHER-BASED CONTROLLERS WITHOUT INTEGRAL BURN SENSORS OR COMMUNICATION SYSTEMS THAT ACCOUNT FOR RAINFALL SHALL HAVE A SEPARATE WRIT OR WRITABLE INFORMATION FROM LOCAL UTILITY, WASTE AND WASTE RECOVERY PROVIDES AN METHODS TO FURTHER REDUCE RESOURCE CONSUMPTION.
 - 3 - EDUCATIONAL MATERIAL ON THE POSITIVE IMPACTS OF AN INTERIOR RELATIVE HUMIDITY BETWEEN 30 - 60 % AND WHAT METHODS AN OCCUPANT MAY USE TO MAINTAIN THAT RANGE.
 - 4 - INFORMATION ON HOW TO MAINTAIN WATER CONSERVATION AND CONTROLS WHICH CONSERVE WATER.
 - 7 - INSTRUCTIONS FOR MAINTAINING OUTLETS AND DOWNPOURERS AND THE IMPORTANCE OF DIVERTING WATER AT LEAST 5 FEET AWAY FROM THE FOUNDATION.
 - 8 - INFORMATION ON RESOURCES RELATING TO MAINTAINING GREEN BUILDING INCLUDING CHALLENGES, FINANCING, GRANTING AND BUILDING ETC.
 - 9 - INFORMATION ABOUT STATE SOLAR ENERGY AND INCENTIVE PROGRAMS THAT ARE AVAILABLE.
 - 10 - A COPY OF ALL SPECIAL INSPECTION VERIFICATIONS REQUIRED FOR PROJECT.
- 3.17 PROVIDE SURFACE WATER MANAGEMENT PLAN FOR PROPERTY DURING CONSTRUCTION. SURFACE WATER SHALL BE DIRECTED AWAY FROM BUILDING.
- 3.18 AUTOMATIC IRIGATION SYSTEM CONTROLLERS FOR LANDSCAPING PROVIDED BY THE STUDYER AND INSTALLED AT THE TIME OF FINAL INSPECTION SHALL COMPLY WITH THE FOLLOWING. (4.004.1) CONTROLLERS SHALL BE WEATHER OR SOIL MOISTURE BASED CONTROLLERS THAT AUTOMATICALLY ADJUST IRIGATION IN RESPONSE TO CHANGES IN PLANTS NEEDS AS THE WEATHER CHANGES. WEATHER-BASED CONTROLLERS WITHOUT INTEGRAL BURN SENSORS OR COMMUNICATION SYSTEMS THAT ACCOUNT FOR RAINFALL SHALL HAVE A SEPARATE WRIT OR WRITABLE SENSOR THAT CONNECTS OR COMMUNICATES WITH THE CONTROLLER.
- 3.19 OPENING IN BUILDING ENVELOPE SEPARATING CONDITIONED SPACE FROM UNCONDITIONED SPACE NEED TO ACCOMMODATE GAS, PLUMBING, ELECTRICAL LINES AND NECESSARY PENETRATIONS MUST BE SEALED IN COMPLIANCE WITH THE CA ENERGY CODE (4.001.1)
- 3.20 POLLUTION CONTROL NOTES:
 - 1 - AT THE TIME OF FOUNDATION INSTALLATION, OR DURING STORAGE ON THE CONSTRUCTION SITE AND UNTIL FINAL STARTUP OF THE HEATING AND COOLING EQUIPMENT, ALL DUCT AND OTHER RELATED AIR DISTRIBUTION COMPONENT OPENINGS SHALL BE COVERED (4.004.1)
 - 2 - ADHESIVES, SEALANTS AND CAULKS USED ON THE PROJECT SHALL MEET THE REQUIREMENTS OF THE FOLLOWING STANDARDS UNLESS MOORS STRONGER LOCAL OR REGIONAL AIR POLLUTION OR AIR QUALITY MANAGEMENT DISTRICT RULES ARE APPLICABLE. OR SECAOD RULE 11.58 VOC LIMITS AS SHOWN IN TABLE 4.004.1 OR 4.004.2 AS APPLICABLE. SUCH PRODUCTS SHALL ALSO COMPLY WITH RULE 11.60 PROHIBITION ON THE USE OF CERTAIN TOXIC COMPONENTS (COPOLYMERALS, STYRENE, DICHLORIDE, METHYLENE CHLORIDE, PEROXIDIC HYDROGEN, AND TRICHLOROETHYLENE), EXCEPT FOR AEROSOL PRODUCTS AS SPECIFIED IN SUBSECTION 8 BELOW.
 - 3 - ADHESIVES, ADHESIVE BONDING PRIMERS, ADHESIVE PRIMERS, SEALANTS, SEALANT PRIMERS AND CAULKS SHALL COMPLY WITH LOCAL OR REGIONAL AIR POLLUTION CONTROL OR AIR QUALITY MANAGEMENT DISTRICT RULES WHERE APPLICABLE. OR SECAOD RULE 11.58 VOC LIMITS AS SHOWN IN TABLE 4.004.1 OR 4.004.2 AS APPLICABLE. SUCH PRODUCTS SHALL ALSO COMPLY WITH RULE 11.60 PROHIBITION ON THE USE OF CERTAIN TOXIC COMPONENTS (COPOLYMERALS, STYRENE, DICHLORIDE, METHYLENE CHLORIDE, PEROXIDIC HYDROGEN, AND TRICHLOROETHYLENE), EXCEPT FOR AEROSOL PRODUCTS AS SPECIFIED IN SUBSECTION 8 BELOW.
 - 4 - ADHESIVES, ADHESIVE BONDING PRIMERS, ADHESIVE PRIMERS, SEALANTS, SEALANT PRIMERS AND CAULKS SHALL COMPLY WITH VOC LIMITS TABLE 1 OF THE AIRS ARCHITECTURAL SUGGESTED CONTROL MEASURES AS SHOWN IN TABLE 4.004.1 UNLESS THE MOORE STRONGER LOCAL LIMITS APPLY. THE VOC CONTENT LIMIT FOR COATINGS THAT DO NOT MEET THE DEFINITION FOR THE SPECIALTY COATINGS CATEGORIES LISTED IN TABLE 4.004.1 SHALL BE DETERMINED BY CLASSIFYING THE COATING AS FLAT, NON-FLAT, OR NON-FLAT-HIGH GLOSS COATING, BASED ON ITS GLOSS AS DEFINED IN SUBSECTIONS A.1, 4.36 AND 4.37 OF THE 2007 CA AIR RESOURCES BOARD, SUGGESTED CONTROL MEASURES, AND THE CORRESPONDING FLAT, NON-FLAT, OR NON-FLAT-HIGH GLOSS VOC LIMIT IN 4.004.1 SHALL COMPLY. (4.004.2)
 - 5 - AEROSOL PAINTS AND COATINGS SHALL MEET THE PRODUCT WEIGHTED AER LIMITS FOR VOC AND OTHER REQUIREMENTS, INCLUDING PROHIBITIONS ON THE USE OF CERTAIN TOXIC COMPONENTS AND COOLING DEFENSIBLES, SUCH AS HEAVY METALS, AND USE OF THE CA CODE OF REGULATIONS, TITLE 17 CHANGEMEN WITH SECTION 1008, AND IN AREAS UNDER THE JURISDICTION OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT ADDITIONALLY COMPLY WITH THE PERCENT VOC BY WEIGHT OF PRODUCT LIMITS OF REGULATION 6, RULE 49. (4.004.2.3)
 - 6 - ALL CARPET INSTALLED IN THE BUILDING INTERIOR SHALL MEET THE REQUIREMENTS OF THE CARPET AND RUG INSTITUTE GREEN LABEL PROGRAM (4.004.3.1) AND THE TESTING AND PRODUCT REQUIREMENTS OF ONE OF THE FOLLOWING: (4.004.3)
 1. CARPET AND RUG INSTITUTE GREEN LABEL BLUE PROGRAM
 2. CA DEPARTMENT OF PUBLIC HEALTH STANDARD PRACTICES FOR TESTING OF VOC'S (REGULATION 01303)
 3. DEPARTMENT OF GENERAL SERVICES, CA, GOLD SUSTAINABLE CARPET STANDARD
 4. GREENIC CERTIFICATION SYSTEMS INTERIOR ADVANTAGE GOLD
- 7 - ALL CARPET ADHESIVES SHALL MEET THE REQUIREMENTS OF TABLE 4.004.1 (4.004.3)
- 8 - WHERE RESILIENT FLOORING IS INSTALLED AT LEAST 80% OF THE FLOOR AREA RECEIVING RESILIENT FLOORING SHALL COMPLY WITH THE VOC EMISSION LIMITS DEFINED IN THE COLLABORATIVE FOR HIGH PERFORMANCE SCHOOLS (CHPS) LOW-EMITTING MATERIAL LIST OR CERTIFIED UNDER THE RESILIENT FLOOR COVERING INSTITUTE (RFC) FLOOR SCORE PROGRAM (4.004.4)
- 9 - HARDWOOD PLYWOOD, PARTICLE BOARD AND MEDIUM DENSITY FIBERBOARD CARBON FOOTPRINT WOOD PRODUCTS USED ON THE INTERIOR OR SUBROOF OF THE BUILDING SHALL MEET THE REQUIREMENTS FOR FORMALDEHYDE AS SPECIFIED IN AIRS AIR TOXIC CONTROL MEASURE FOR COMPOSITE WOOD (17 DCR 91.00 (a)(4)) OR IF REGIONS HIGHER DATES SPECIFIED IN THOSE SECTIONS AS SHOWN IN TABLE 4.004.1. DESCRIPTION OF COMPOSITE WOOD PRODUCTS: COMPOSITE WOOD PRODUCTS INCLUDE HARDWOOD PLYWOOD, PARTICLE BOARD AND MEDIUM DENSITY FIBERBOARD. COMPOSITE WOOD PRODUCTS DO NOT INCLUDE: STRUCTURAL PLYWOOD, STRUCTURAL PANELS, STRUCTURAL COMPOSITE PANELS, ORIENTED STRAND BOARD, GULIE LAMINATED TIMBER AS SPECIFIED IN STRUCTURAL GULIE LAMINATED TIMBER (JANIS A19.1, 1-0000) OR PRE-FABRICATED WOOD JOINTS. (4.004.5)
- 2.1 INTERIOR MOISTURE NOTES:
 - 1 - BUILDING MATERIALS WITH VISIBLE SIGNS OF WATER DAMAGE SHALL NOT BE INSTALLED. WALL AND FLOOR FRAMING SHALL NOT BE ENCLOSED WITH THE FRAMING MEMBERS EXCEED 1P % MOISTURE CONTENT. MOISTURE CONTENT SHALL BE VERIFIED IN COMPLIANCE WITH THE FOLLOWING: (4.001.2)
 - 2 - MOISTURE CONTENT READINGS SHALL BE DETERMINED WITH EITHER A PROBE-TYPE OR A CONTACT-TYPE MOISTURE METER.
 - 3 - MOISTURE CONTENT SHALL BE TAKEN AT LEAST 10" FROM THE GROUND SURFACE AND 18" OF EACH SIDE TO BE TAKEN.
 - 4 - AT LEAST THREE RANDOM MOISTURE READINGS SHALL BE PERFORMED ON WALL AND FLOOR FRAMING WITH DOCUMENTATION ACCEPTABLE TO THE ENFORCING AGENCY PROVIDED AT THE TIME OF APPROVAL TO ENCLOSE THE WALL AND FLOOR FRAMING.
- 3.22 INTERIOR AIR QUALITY NOTES: MECHANICAL EXHAUST FANS WHICH EXHAUST DIRECTLY FROM BATHROOMS SHALL COMPLY WITH THE FOLLOWING (AIR.1) FOR PURPOSES OF THIS SECTION -
 - 1 - BATHROOMS AS A ROOM WHICH CONTAINS A MECHANICAL EXHAUST FAN SHALL COMPLY WITH THE FOLLOWING: (4.001.2)
 - 1 - FANS SHALL BE ENERGY STAR COMPLIANT AND BE DUCTED TO TERMINATE OUTSIDE THE BUILDING
 - 2 - UNLESS FUNCTIONING AS A COMPONENT OF A WHOLE HOUSE VENTILATION SYSTEM, FANS MUST BE CONTROLLED BY A HUMIDISTAT WHICH SHALL BE READILY ACCESSIBLE.
 - 3 - HUMIDISTAT CONTROLS SHALL BE CAPABLE OF ADJUSTMENT BETWEEN A RELATIVE HUMIDITY RANGE OF 30 - 60 %.
- 3.23 AIR CONDITIONAL EQUIPMENT NOTES: WHOLE HOUSE FANS SHALL HAVE INSULATED LOUVERS OR COVERS WITH A MIN. INSULATION VALUE OF R-4.2 WHICH CLOSE WHEN THE FAN, HEATING AND AIR CONDITIONING SYSTEMS SHALL BE SEED, DESIGNED AND EQUIPPED SELECTED USING THE FOLLOWING METHODS: (4.007.2)
 - 1 - THE HEAT LOSS AND HEAT GAIN BE ESTABLISHED ACCORDING TO ACCA MANUAL - L, AIR-SEAL HANDBOOKS OR EQUIVALENT DESIGN SOFTWARE OR METHODS.
 - 2 - DUCT SYSTEMS ARE SEED ACCORDING TO ACCA 2004 MANUAL - S, AIR-SEAL HANDBOOKS OR EQUIVALENT DESIGN SOFTWARE OR METHODS.
 - 3 - SELECT HEATING AND COOLING EQUIPMENT ACCORDING TO ACCA 2004 MANUAL - S, OR EQUIVALENT DESIGN SOFTWARE OR METHODS.
 EXCEPTION: USE OF ALTERNATIVE DESIGN TEMPERATURES NECESSARY TO ENSURE THE SYSTEMS FUNCTIONS ARE ACCEPTABLE.

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PLOT PLAN

KMI DEVELOPER
 875 HUMBOLDT ROAD
 BRISBANE, CALIFORNIA

DRAWN BY: J. KUHEL
 DATE: 7-7-13

REVISED:

SCALE: 1/8" = 1'
 JOB# 14-369
 SHEET A-1
 OF 5 SHEETS

3.7.14

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FIRST FLOOR PLAN

KMI DEVELOPER
875 HUMBOLDT ROAD
BRISBANE, CALIFORNIA

APPROVED:

DRAWN BY: J. KUHEL

DATE 1-7-15

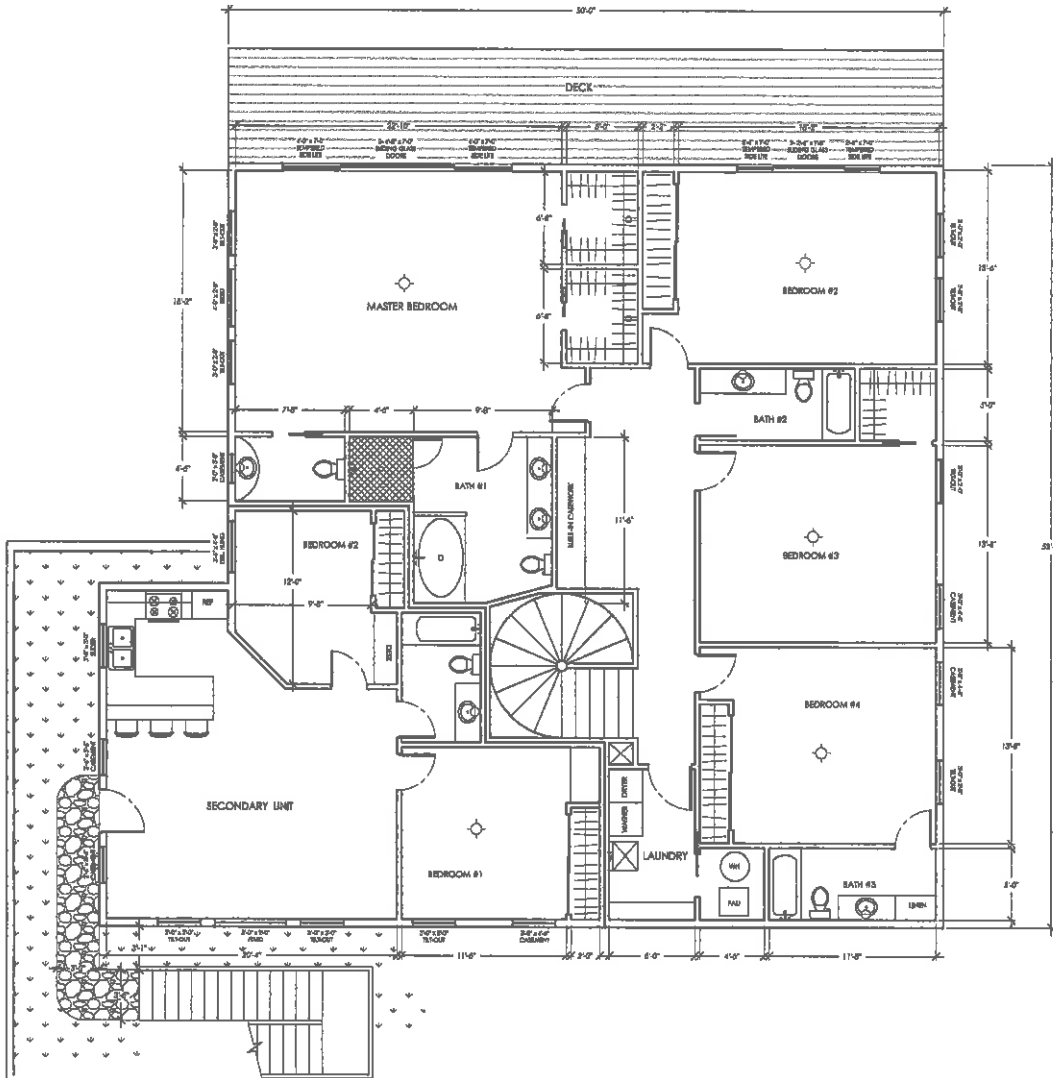
REVISED:

SCALE: AS NOTED

JOB# 14-369

SHT A2

OF 3 SHTS

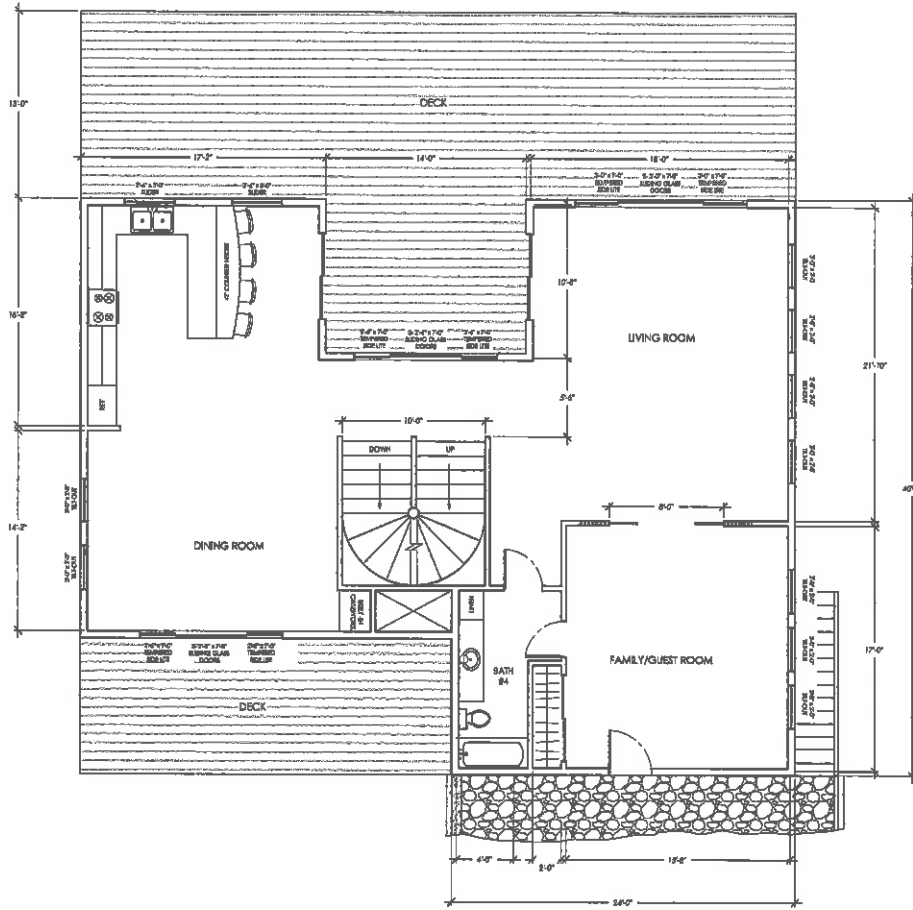


3.1.16.

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SECOND FLOOR PLAN



KMI DEVELOPER
875 HUMBOLDT ROAD
BRISBANE, CALIFORNIA

APPROVED:

DRAWN BY: J. KUHEL

DATE: 1-7-13

REVISED:

SCALE: 1/4" = 1'

JOB# 14-359

SHT A3

OF 5 SHTS

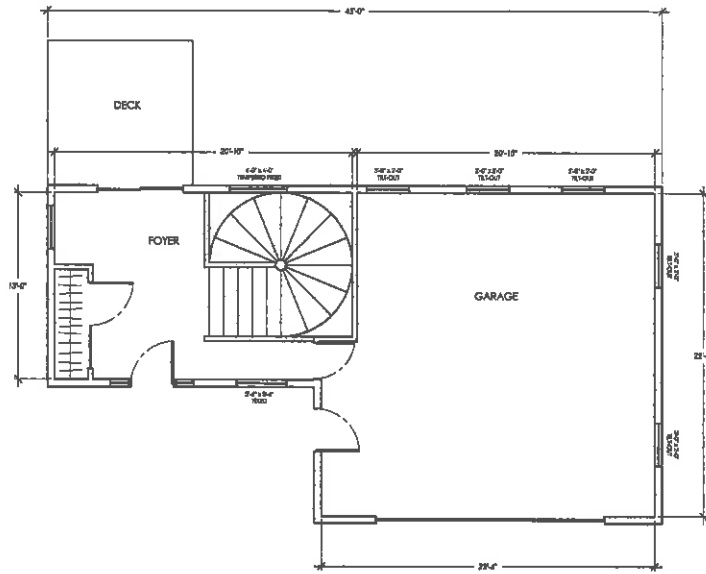
I.1.17

Kuhel
Design

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THIRD FLOOR PLAN



KMI DEVELOPER
875 HUMBOLDT ROAD
BRISBANE, CALIFORNIA

APPROVED:

DRAWN BY: J. KUHEL

DATE: 1-7-15

REVISED:

SCALE: 1/4" = 1'

JOB# 14-309

SHT A4

OF 5 SHEETS

I. 1.18.

Kuhel
Design

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ELEVATIONS

KMI DEVELOPER
875 HUMBOLDT ROAD
BRISBANE, CALIFORNIA

APPROVED:

DRAWN BY: J. KUHEL

DATE: 1-7-15

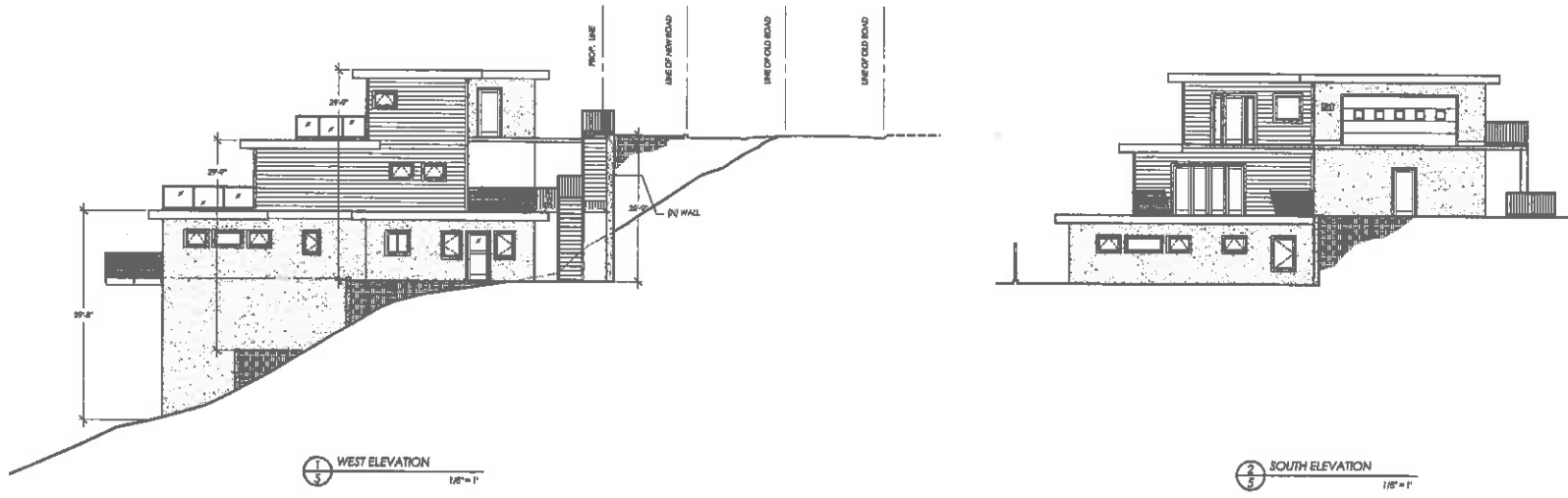
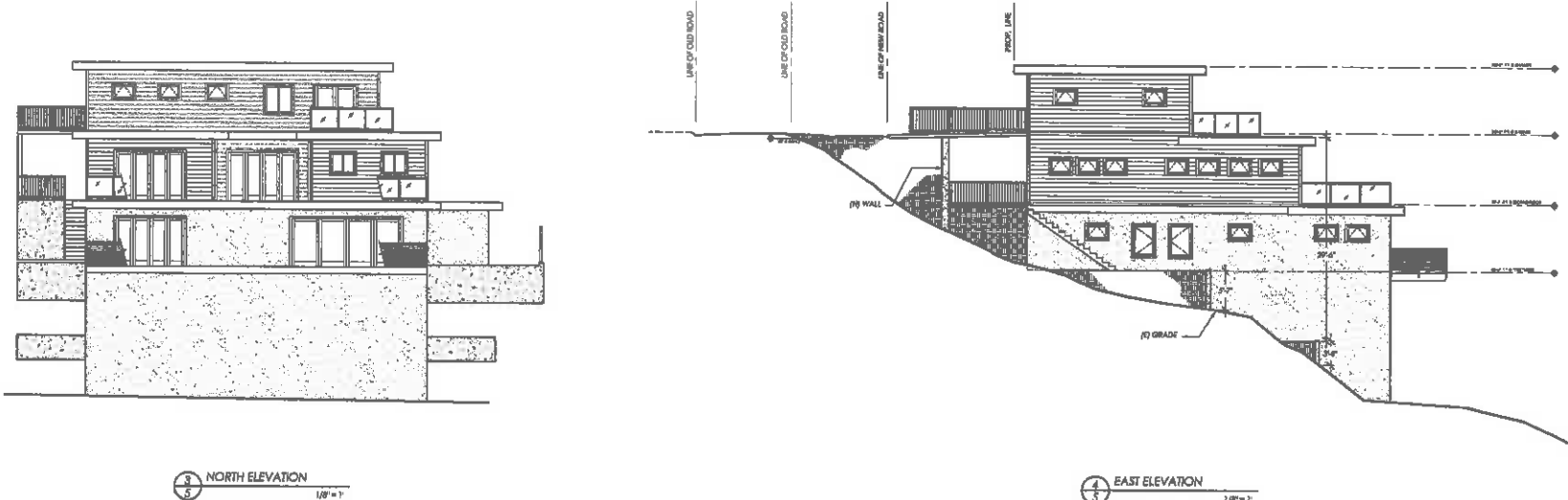
REVISED:

SCALE: AS NOTED

JOB# 14-369

SHT A5

OF 5 SHES



2.1.19



2.1.20.



Supporting statements for the approval of a parking use permit:

875 Humboldt Rd.

- 1) This property has a unique situation in that the property line is 20ft. from the new road so while there is limited space on site there is adequate space between the road and the property line. We have been working closely with the city engineer to provide the maximum off-street parking. The total new parking will be 3 on-site spaces, 2-3 off- street spaces and 2 on street spaces. I believe this is 2 spaces more than is required.
- 2) We are widening the road as per the requirement of the city engineer.
- 3) The city engineer has agreed to allow us to expand our curb cut from 18' to 30'. This will enable the home owners to have greater aprking off the street which will leave the 2 on-street parking for neighbors.
- 4) The approval of this use permit should have no adverse effect on the neighboring properties or the public in general.

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Supporting statements for the approval of a variance to the height restriction of the zoning code:

875 Humboldt Rd.

- 1) This property unique situation is the topography. At an about a 32% slope the property drops off very quickly. Compounded by the fact that the property line is 20ft. from the new road that we will be building, means that the existing grade at the east side of the property is 19' and on the west side 14' below the road surface. Partially exacerbating the situation is that the existing road is not entirely in the public right-of-way and as much as 10' over the line at some places, see survey. The one advantage to this is that it allows us to include additional parking in the right-of-way as shown in the parking use permit which is being applied for simultaneously.
- 2) With a 30 ft. height limit and the existing slope, it became apparent that it difficult to get even the garage to meet the code. We tried dropping the entire building but that only exacerbated other code restrictions. We therefore adopted the retaining walls. We have tried to minimize the height by keep the ceilings fairly low. 8' in garage and 8'-6" in living areas. We have also endeavored, for ascetic purposes, to terrace the structure as much as possible in relationship to the grade.
- 3) Without a variance it will be very difficult to build on this site as it would difficult even to build a garage that would meet the basic parking requirements.
- 4) We are currently planning to cover the walls hang plant or a living wall system. This will give the illusion of a raised grade.
- 5) This project is very similar in appearance and scale to the project @ 345 Kings Rd. which was approved in 2013 and is currently under construction. It is this property's unique relationship to the public right-of-way and the existing road surface that requires us to ask for this variance.

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Supporting statements for the approval of a minor modification for stairs in the front setback:

875 Humboldt Rd.

- 1) This purpose of this staircase is to provide a private entrance to the secondary dwelling on this property. Given the slope of this lot the house is as close as possible to the property line thus putting the staircase in the front setback.
- 2) Again, the slope make it necessary to put the house as close as possible to the property line thus putting the staircase in the front setback.
- 3) The majority if the staircase will be below the grade of the street. Only the guardrail will be visible from the street. The structure will have a very low visual impact.

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