



MEMORANDUM

DATE: 1/22/2015
TO: Planning Commission *JAS*
FROM: Julia Capasso, Associate Planner, via John Swiecki, Community Development Director
SUBJECT: Resolution SE-1-14, 223 Tulare Street

Background

At the January 8, 2015 regular meeting of the Planning Commission, the Commission voted unanimously to approve Setback Exception Modification SE-1-14, to allow construction of a 172 square-foot deck approximately 8 inches from the rear lot line (with a setback exception of 5 feet) and covering 52% of the rear setback area (with a setback exception of 15%), subject to the Commission's recommended conditions of approval.

In light of this vote of approval, the Commission directed staff to prepare a revised resolution that reflected the Commission's findings and incorporated an additional condition of approval to require screening between the deck and the adjacent property at 225 Tulare Street. Staff has prepared the attached revised Resolution SE-1-14 for the Commission's consideration.

Recommendation

That the Planning Commission approve attached Resolution SE-1-14.

Attachments:

1. Resolution SE-1-14

Draft
RESOLUTION SE-1-14

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
APPROVING SETBACK EXCEPTION MODIFICATION SE-1-14
FOR AN ACCESSORY STRUCTURE
WITHIN THE REAR YARD SETBACK

WHEREAS, Jerry Kuhel applied to the City of Brisbane for Modification of Setback Exception, for a 172 square-foot deck in the rear yard at 223 Tulare Street, to be located approximately 5 feet from the south side lot line and approximately 8 inches from the rear lot line, such application being identified as SE-1-14; and

WHEREAS, the proposed structure exceeds the setback exceptions for accessory structures, being approximately 8 inches from the rear lot line (with a setback exception of 5 feet) within rear setback and covering 52% of the rear setback area (with a setback exception of 15%); and

WHEREAS, on January 8, 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 15311 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 Setback Exception Modification.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of January 8, 2015 did resolve as follows:

Setback Exception Modification SE-1-14 is approved per the findings and conditions of approval attached herein as Exhibit A.

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

AYES:
NOES:
ABSENT:

Karen Cunningham
Chairperson

ATTEST:

DRAFT
EXHIBIT A

Action Taken: Conditionally approve Setback Exception Modification SE-1-14 per the staff memorandum with attachments, via adoption of Resolution SE-1-14.

Findings:

- i. The modification will not result in overbuilding the site or result in the removal of significant greenscape, as the rear setback area is currently not landscaped and the majority of the rear yard between the home and the deck would remain vegetated.
- ii. The modification will not result in significant adverse noise, privacy, or glare impacts to adjacent properties, subject to installation of screening to obscure views of the adjacent property at 225 Tulare Street as required by condition of approval B.2.
- iii. The design of the accessory structure is compatible with the primary dwelling on the site, being a rectangular, natural wood deck that is complementary in scale and appearance to the primary dwelling.

Conditions of Approval:

Building Permit Application or During Construction:

- A. The applicant shall obtain a building permit and, if applicable, a grading permit prior to proceeding with construction. The building permit application shall include the lower deck and stairs included in the stop work order issued on July 30, 2010.
- B. Plans submitted for building permit shall substantially conform to plans on file in the City of Brisbane Planning Department dated November 21, 2014, with the following modification:
 1. Guard rails shall be installed in compliance with Section R312 of the 2013 California Residential Building Code.
 2. Fire-resistant vegetative or lattice screening shall be installed to obscure views of the adjacent property at 225 Tulare Street from the deck. Screening materials and placement shall be subject to approval by the Planning Director.
- C. 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.
- D. As required by the Building Department, the project must comply with Table 302.1(1) of the 2013 California Residential Building Code. No projections from the rear supporting element (wall) are permitted.
- E. Exterior finishes and materials of the accessory structure shall be compatible with that of the primary dwelling.

Modifications & Time Limits:

- F. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.

- G. This Setback Exception Modification 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.