

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 3/22/12

FROM: Ken Johnson, Associate Planner, via John Swiecki, Community Development Director

SUBJECT: **480 Monterey Street;** Reconsideration of the Planning Commission's decision on Setback Exception Modification SE-2-11; to allow construction of an accessory structure within the side and rear setbacks, modifying the setback exception distance to the rear property line from 5 feet to approximately 3 feet and the setback exception height from 8 feet to approximately 8 feet 6 inches within the north side and rear setback areas; Alison Wilson, applicant/owner; APN 007-213-090

Background: On February 9, 2012 the Planning Commission conditionally approved Setback Exception Modification SE-2-11. Subsequently, on February 23rd the Commission voted to reconsider their decision and to reopen the public hearing on March 8th. As required to reopen the public hearing, a 10-day public notice was provided to property owners within 300 ft and at the City's posting locations. At the request of the applicant, the public hearing was continued to March 22nd.

Following the public hearing the Planning Commission may approve or deny the application. Findings for either approval or denial will need to be made, per Brisbane Municipal Code BMC Section 17.32.070.A.2.a.i, as detailed in the February 9th agenda report (see attached).

Attachments:

Planning Commission Agenda Report, February 9, 2012

City of Brisbane Planning Commission Agenda Report

TO: Planning Commission
For the Meeting of 2/9/12

FROM: Ken Johnson, Associate Planner, via John Swiecki, Community Development Director

SUBJECT: 480 Monterey Street; Setback Exception Modification SE-2-11; to allow for construction of an accessory structure within the side and rear setbacks, modifying the setback exception distance to the rear property line from 5 feet to approximately 3 feet and the setback exception height from 8 feet to approximately 8 feet 6 inches within the north side and rear setback areas; Alison Wilson, applicant/owner; APN 007-213-090

Request: The applicant requests modification to the setback exceptions for an approximately 324 sq. ft. accessory structure. The accessory structure has been partially constructed. The request is to allow for construction to be completed on this accessory structure within the side and rear setbacks, modifying the setback exception distance to the rear property line from 5 feet to approximately 3 feet and the setback exception height from 8 feet to approximately 8 feet 6 inches within the north side and rear setback areas.

The structure is proposed to be used for storage of gardening equipment and as a children's play area.

Recommendation: Conditionally approve Setback Exception Modification SE-2-11, via adoption of Resolution SE-2-11 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: Accessory structures are categorically exempt from the provisions of the California Environmental Quality Act per Section 15303(a) & (e), for single family homes and accessory structures, of the State CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

Applicable Code Sections: Brisbane Municipal Code (BMC) Section 17.32.070.A.2.a allows for small accessory structures within the rear and side setbacks with certain provisions (setback exceptions). If the setback exceptions are proposed to be exceeded, BMC Section 17.32.070.A.2 allows for zoning administrator approval of modification of these setback exceptions, based on certain findings outlined below. The zoning administrator may also refer items to the Planning Commission, as is the case with this application.

As defined in BMC Section 17.02.755.B, "Accessory structure" means a structure detached from the principal structure located on the same site, the use of which is subordinate and incidental to, and customarily associated with, the principal structure or the principal use of the site and which does not contain sleeping quarters."

The standard setbacks for this lot are 5 ft. from the side lot lines (based on a 50 ft lot width) and 10 ft from the rear lot line, per BMC Section 17.08.040.D. The exceptions as detailed in BMC Section 17.32.070.A.2.a allow for an accessory structure to be placed within the rear setback, but not closer than 5 feet from the rear lot line, not over 8 feet in height within the setback area and not more than 120 sq ft. in floor area within the setback area. Similarly accessory structures are allowed within the side setback, but no closer than 3 feet from the side lot line, not over 8 feet in height within the setback area and not more than 120 sq ft in floor area within the setback area.

Analysis and Findings:

The accessory structure is a partially constructed building with approximately 299 sq ft of floor area (based on the applicant's plans) and is located approximately 3 ft 10 inches from the rear lot line, with the eave extending to approximately 3 ft from the rear lot line. The side setback is compliant with the 3 ft limit for accessory structures, at approximately 3 ft 3 inches (or approximately 3 ft 1 in. including the fascia) from the side lot line. The floor area within the side and rear setbacks is compliant with the limit of 120 sq ft of floor area, since it is approximately 117 sq ft of floor area. The remaining 182 sq ft of floor area is deeper into the lot and outside the setback areas. The roof is flat and its height of 8 ft 6 in. exceeds the limit allowed of 8 ft. within the side and rear setback areas. Outside the setback areas a height of 28 ft. would be allowed for structures on this lot.

Based on the plans provided, the floor area of the structure is approximately 299 sq ft, as measured from the inside face of the exterior walls (per BMC Section 17.02.315). The lot coverage is approximately 331 sq ft, as measured from the outside face of the exterior walls (per BMC Section 17.02.495). The existing lot coverage (excluding an existing covered lanai, since it is proposed to be removed) is 1,325 sq ft. Including the proposed structure the total lot coverage would be 1,656 sq ft (1,325 sq ft + 331 sq ft), which at 33 percent is under the maximum lot coverage of 50 percent (or 2,500 sq ft). The total floor area is estimated at a high of 2,949 sq ft, which yields a floor area ratio of 0.59 (This is indicated as a high estimate since it does not factor exterior wall thicknesses or that area of the first floor, for this 2 story house, that was reported by the applicant as not containing floor area but is not shown in detail on the plans). This high estimate is under the maximum of 0.72. A summary table of project data is attached.

Although the structure is proposed to have electrical power and an exterior water bib, no sleeping or bathroom facilities have been proposed. To qualify under the setback exception rules, the accessory structure is not to include sleeping quarters. Additionally, should the owner seek to convert this structure to include sleeping quarters, separate discretionary planning permits would be required and the building would be required to be brought up to current Building Code for such a use. A condition requiring execution of a Declaration of

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Restrictions has been included to indicate that this structure is not to be converted to include sleeping quarters.

As indicated above, the structure has been partially constructed. In order for the structure to be completed this modification to the setback exceptions is required as well as a building permit. Setback exceptions may be approved by the Zoning Administrator, following a public hearing, however since this building was started without the required permits and the neighbors have expressed themselves regarding the project, both in favor and opposed, this matter has been brought before the Planning Commission. Correspondence from the neighbors regarding the project is attached.

Three specific findings are required to grant this requested modification to setback exceptions, per BMC Section 17.32.070-A.2.a.i, ii and iii. These findings are as follows:

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

The proposal will not result in overbuilding the site and will not result in removal of significant greenscape. Both the proposed lot coverage (33 percent) and floor area ratio (less than 0.59) are well below the maximums of 50 percent and 0.72 respectively, which are allowed for this site. The applicant has reported that the only vegetation that existed prior to undertaking this project were weeds and no landscaping has been removed.

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

Staff concludes that the proposal will not create any significant adverse impacts upon adjacent properties. The structure, although 6 inches over the maximum setback exception height of 8 ft., has a flat roof, so much of it is screened from view by the existing fences or plantings. The north side fence is approximately 4.5 feet above the top of the structure since it is located on top of a retaining wall. Along the rear setback (east side) the applicant has planted bamboo, contained within a planter, which will help screen views from that side. The proposed uses for the structure are yard equipment storage and for a children's play area, which are typical uses for this zoning district and should not create significant noise impacts upon adjacent properties. The windows will face the interior of the property and should not produce a glare to neighboring properties. A condition of approval has also been recommended that any metal flashings are to be painted to match the structure and roofing materials are to have a gravel layer or planted roof top so as to not create a glare, also no mechanical equipment is to be placed on the rooftop, which could be unsightly and create noise and glare. Any vent or other similar rooftop appurtenances are subject to review and approval by the Planning Director.

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

The accessory structure is a simple design that is in keeping with the design of the primary dwelling at the site. Staff has a recommended condition that the accessory structure is to be painted to match the color of the primary dwelling.

A condition of approval is also included that the applicant is to obtain a building permit and if required a grading permit. The Deputy Building Official has included specific requirements along with this condition and others may be necessary once more detailed plans are provided to the Building Department.

Attachments:

- Summary of Project Data
- Draft Resolution SE-2-11 with recommended Findings and Conditions of Approval
- Applicant's Plans and Photographs
- Correspondence from Neighbors

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Summary of Project Data
480 Monterey Street

Zoning	R-2 Residential	
Lot Area	5,000 sq ft	
Lot Coverage	Maximum 50% (2,500 sq ft)	Existing 30% (1,520 sq ft) +/-
Total for All Structures		33% (1,656 sq ft) +/-
Primary Structure		No Change
Existing Lanai		To be removed
Proposed Accessory Structure		331 sq ft +/-
Floor Area	Maximum 3,600 sq ft	Existing < 2,845 sq ft +/-**
Total for All Structures		< 2,949 sq ft +/-**
Primary Structure		No change
Existing Lanai		To be removed
Proposed Accessory Structure		299 sq ft +/-
Floor area allowed within setback for Accessory Structures	120 sq ft*	117 sq ft +/-
Floor Area Ratio	0.72	< 0.57
Setbacks	Minimum 5 ft	Existing -
North Side		
Rear	10 ft	-
Setback Exceptions for Accessory Structure	North Side 3 ft*	3 ft 3 inches for wall 3 ft 1 inch for fascia +/-
Rear	5 ft*	3 ft 10 inches for wall 3 ft for eave +/-
Height of Accessory Structure	Maximum 28 ft	Existing -
-Interior area of the lot (i.e. outside the setbacks)		8 feet 6 inches
Height of Accessory Structure	-For the portion within side or rear setbacks 8 ft*	8 feet 6 inches

Notes:
* Modification to Setback Exceptions may be permitted, per BMC Section 17.32.070.A.2, by the Zoning Administrator following a public hearing, or matters may be referred to the Planning Commission.

** For this 2 story house, a portion of the first floor has been reported as unfinished and would not count as floor area. Therefore, the floor area of the first floor would be less than the second floor. For the purposes of this application the lot coverage, shown of the applicant's drawings, was doubled as a high estimate of floor area.

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Draft
RESOLUTION SE-2-11

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING SETBACK EXCEPTION MODIFICATION SE-2-11
FOR AN ACCESSORY STRUCTURE
WITHIN THE NORTH SIDE AND REAR SETBACKS

WHEREAS, Alison Wilson applied to the City of Brisbane for Modification of Setback Exception, for an Accessory Structure in the rear yard at 480 Monterey Street, to be located approximately 3 feet 3 inches from the north side lot line and approximately 3 feet from the rear lot line and being approximately 8 feet 6 inches in height within the north side and rear setback area, such application being identified as SE-2-11; and

WHEREAS, the proposed structure exceeds the setback exceptions for accessory structures, being approximately 3 feet from the rear lot line (with a setback exception of 5 feet) and approximately 8 feet 6 inches in height (with a setback exception height of 8 feet) within the north side and rear setbacks; and

WHEREAS, on February 9, 2012, 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 February 9, 2012 did resolve as follows:

Setback Exception Modification SE-2-11 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this ninth day of February, 2012, by the following vote:

AYES:
NOES:
ABSENT:

ATTEST:

Jameel Munit
Chairperson

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EXHIBIT A

Action Taken: Conditionally approved Setback Exception Modification SE-2-11 per the staff memorandum with attachments, via adoption of Resolution SE-2-11.

Findings:

- i. The modification will not result in overbuilding the site or result in the removal of significant greenscape.
- ii. The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.
- iii. The accessory structure is designed to be compatible with the primary dwelling(s) on the site.

Conditions of Approval:

Prior to Building Permit Issuance:

- A. Prior to issuance of a building permit an execution of a Declaration of Restrictions will be required to be recorded with the County to indicate that, as an accessory structure, the structure is not to be converted to include sleeping quarters.

Building Permit Application or During Construction:

- B. The applicant shall obtain a building permit and, if applicable, a grading permit prior to proceeding with construction. 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.
- C. As required by the Building Department, the eave at the rear property line will be required to be 1 hour fire protected. A continuous perimeter foundation will be required for this structure which needs to be 12 in. wide by 12 in deep, with top and bottom #4 rebars. Other building permit requirements may be imposed once detailed plans are provided for a building permit application.
- D. Any metal flashings are to be painted to match or blend in with the structure.
- E. The roof is to be topped with a gravel layer so as to not create a glare, or it may be constructed as a green (planted) roof subject to Planning Director and Building Department review and approval.
- F. No mechanical equipment is to be placed on the rooftop. Any rooftop venting or other rooftop appurtenances are subject to review and approval by the Planning Director.
- G. The accessory structure is to be painted to match the color of the primary dwelling.

Prior to Final Sign-off of the Building Permit:

- H. As indicated in the applicant's plans, the covered lanai, or roofed portion of it, is to be removed prior to final sign-off of the building permit for the Accessory Structure. The

applicant is to provide plans for this work to the Building Department and it is to be completed under a demolition permit, if required.

Modifications & Time Limits:

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

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CITY OF BRISBANE
PLANNING APPLICATION
 PLEASE TYPE OR PRINT CLEARLY

FILE NUMBER: SE-2-11
 DATE RECEIVED: 11/22/11
 FEE: 4469
 RECEIPT NO.: 1910

- Use Permit
 - Variance
 - Exception
 - Sign Review
 - Design Permit
 - Environmental Review
 - Tentative Map
 - Final Map
 - Certificate of Compliance
 - Lot Line Adjustment
 - Planned Development
 - Specific Plan
 - Zoning Amendment
 - General Plan Amendment
- Project Address: 480 Monterey St Assessor's Parcel Number: 001-213-070
 Zoning District: F-2 Habitat Conservation Plan: Yes/No Flood Zone: Yes/No

Requested Action: Setback exemption modification

Applicant Name: Alison Wilson Phone: 415 467 8716
 Address: 480 Monterey St Fax: _____
 City: BRISBANE State: CA Zip: 94005
 Property Owner Name: Robert & Alison Wilson Phone: 415 505 0349
 Address: _____ Fax: _____
 City: _____ State: _____ Zip: _____

I hereby certify that I am the Owner of the subject property and that I approve of the action requested herein.
 Signature of Owner: Alison Wilson Date: Nov 22 2011

To be notified of staff recommendations, public meetings/hearings and actions taken, the proper persons should be listed as Applicant and Owner (Planning Commission agendas are also posted on the City's website at www.ci.brisbane.ca.us under "City Administration"). Please notify the City of any changes of ownership or address. **The Applicant is requested to attend all public meetings/hearings for the application.**
 Please refer to the appropriate Application Checklist for the complete application submittal requirements, which are available at Brisbane City Hall, 50 Park Place, Brisbane, CA 94003 (415-508-2120).

APPLICANT'S STATEMENT

HAZARDOUS WASTE AND SUBSTANCES STATEMENT: Per California Government Code Section 65962.5(f), before the City accepts as complete an application for any development project, the applicant shall consult the State's lists of hazardous waste facilities subject to corrective action, land designated as hazardous waste property or border zone property, hazardous waste disposals on public land, sites listed pursuant to Section 25356 of the Health and Safety Code, hazardous waste disposals included in the Abandoned Site Assessment Program, underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code, solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic Substances Control, sites subject to cease and desist orders pursuant to Section 13301 of the Water Code and cleanup or abatement orders issued pursuant to Section 13304 of the Water Code, that concern the discharge of wastes that are hazardous materials, and solid waste disposal facilities from which there is a known migration of hazardous waste [compiled per Government Code Sections 65962.5(a), (b), (c) & (d) and available from the California Secretary for Environmental Protection per Government Code Section 65962.5(e)] and shall submit a signed statement to the City indicating whether the project and any alternatives are located on a site that is included on any of the lists compiled pursuant to this section and shall specify any list. If the site is included on a list, and the list is not specified on the statement, the City shall notify the applicant pursuant to Section 65943.

Please check one of the following:

The development project and any alternatives proposed in this application are NOT contained on the lists compiled pursuant to Section 65962.5 of the California Government Code.

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the California Government Code.

If the development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the California Government Code, specify the following:

List pursuant to Section 65962.5 of the Government Code: _____

Regulatory identification number: _____

Date of list: _____

The applicant's name, address, phone number, site address, and the site Assessor's Parcel Number have been provided on the attached City of Brisbane Planning Application form.

DEVELOPMENT PERMIT STATEMENT: Per California Government Code Section 65943 (a), for an application to be considered complete, it must include a statement that it is an application for a development permit.

Please check the following:

The attached City of Brisbane Planning Application form and accompanying application materials is an application for a development permit per Section 65943(a) of the California Government Code.

Alison Wilson
 APPLICANT'S SIGNATURE

11/22/2011
 DATE

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G.T.D

FINDINGS REQUIRED TO GRANT A SETBACK EXCEPTION MODIFICATION

Brisbane Municipal Code Section 17.32.070-A.2.(a.) & (b.): Gazebos, greenhouses, garden and utility sheds, arbors, porticos, trellises, lath houses, etc.

- (1) The modification will not result in overbuilding the site or result in the 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.
- (3) The accessory structure is designed to be compatible with the primary dwelling(s) on the site.

How much of the site (in terms of square footage and percentage of lot area) will the proposed accessory structure occupy? How much of the site is already occupied by structures?

Total lot size is 5000 SQft. 24% is covered by the house. 7% is covered by the deck. The proposed shed would cover 334 SQft and total would come to 38% of lot covered.

How many trees and shrubs and how much other landscaping will be removed to accommodate the proposed accessory structure?

There is currently no trees, or shrubs in the area, all have been cleared as weeds. The area is void of any materials other than dirt, no demo required. Additionally we have ADDED bay area native plants to the walls, and fence perimeter.

How will the accessory structure be designed so as not to adversely impact the surrounding properties in terms of privacy, noise or glare?

The perimeter fence of the yard has been refurbished, and bamboo hedge installed. Green practice will be incorporated into the roof of the shed, w/ a grass roof layer. There are no windows facing the neighbors property. No metallic or shiny surfaces are to be incorporated, only wood and green products. There is no proposed occupation of shed, so no noise is to be generated.

How will the accessory structure be designed to be compatible with the main dwelling(s) on the site (in terms of size, height, location, color, materials, landscaping, etc.)?

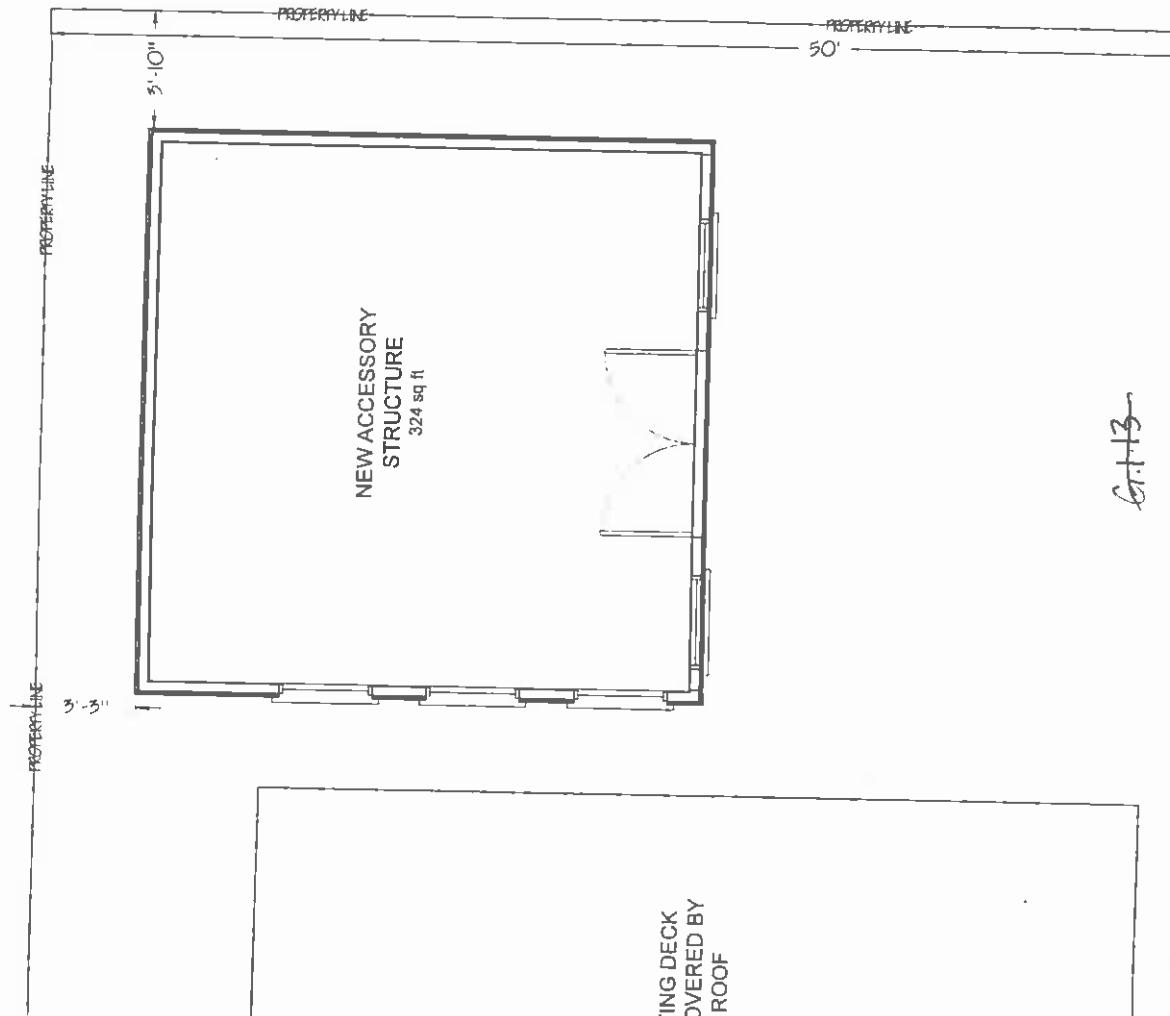
The shed design is similar to the shape of the house, a rectangle. Landscaping has been done to the yard, to incorporate a wooden garden shed. Plants and Hardscape are being installed to mimic the materials incorporated, and tie in greenscape. Also the roof of shed is green, reducing its carbon footprint greatly. Overall the shed is designed to blend into the natural surroundings.

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General Notes

- 1) Site plan
This site plan is for 480 Monterey St. in Brisbane, CA.
This scaled drawing accurately reflects the lot coverage of the site.
- 2. Lot Coverage and floor area:
480 Monterey is a 50' x 100' lot totaling 5000 sq ft.
The existing covered structures and proposed accessory structure will bring the entire lot coverage to 1,649 sq. ft.
This proposed coverage is less than 33% of the lot coverage and well below the allowable 50% lot coverage allowed in this R-2 zoning district, per Brisbane Municipal Code Sections 17.08.CAO.E and F.
- 3. Scaled Elevations
Scaled Elevations of the proposed accessory structure and a detailed floorplan are on the following page, page 2, of these plans.
- 4. Heights
The overall height of the structure is noted on the Elevation drawing on the following page. The overall height is 8'6" above grade. This is also the same height on the portion of the structure that is within the setback area.
- 5. Uses
The proposed use of this structure is to be a children's play area and a storage area for gardening equipment. The proposed structure is intended to have electrical outlets and lighting and that is indicated on the floorplan on the following page.
- 6. Roofing
The roof of the structure is intended to be a typical "torch-on waterproof roofing membrane."
The addition of the accessory structure in the NE rear corner of the lot does not result in the overbuilding of the site, nor does it result in the removal of any significant greenery.
The height of the structure is less than 9' off grade. This is well below the top of the fence to the North side of the structure, therefore eliminating any adverse impacts in terms of privacy, noise, and glare with the neighboring properties. The location of the structure in the rear corner of the lot maintains the privacy of the neighborhood.
The accessory structure is designed to be compatible with the primary dwelling on the site in its use as a play area and storage area.

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General Notes

1. **Site Plan**
The site plan is to be prepared in accordance with the provisions of the Uniform Building Code (UBC) and the provisions of the California Building Code (CBC).
2. **Site Plan**
The site plan is to be prepared in accordance with the provisions of the Uniform Building Code (UBC) and the provisions of the California Building Code (CBC).
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The site plan is to be prepared in accordance with the provisions of the Uniform Building Code (UBC) and the provisions of the California Building Code (CBC).
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The site plan is to be prepared in accordance with the provisions of the Uniform Building Code (UBC) and the provisions of the California Building Code (CBC).
6. **Site Plan**
The site plan is to be prepared in accordance with the provisions of the Uniform Building Code (UBC) and the provisions of the California Building Code (CBC).

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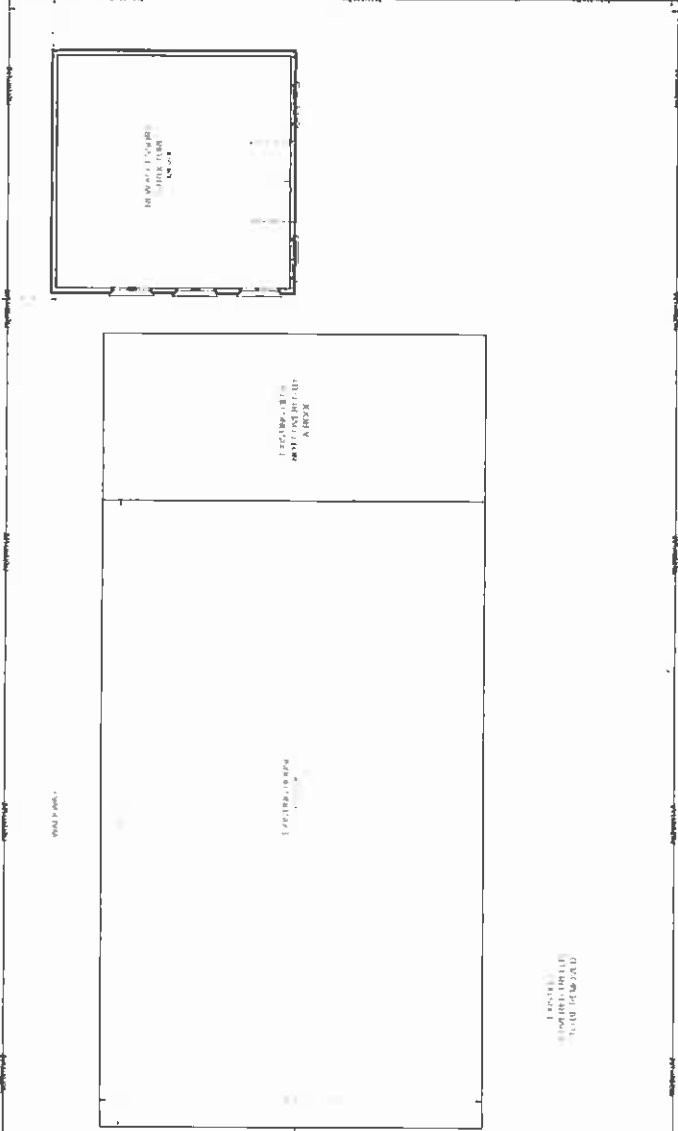
Comm. Dev. Dept. Brisbane

No.	Revised	Date	By

Site Plan for Setback
Exception Modification
Application

Alison Wilson
480 Monterey St.
Brisbane, CA 94005

Site Plan
Jan 18, 2002
7/4" = 1'



SITE PLAN

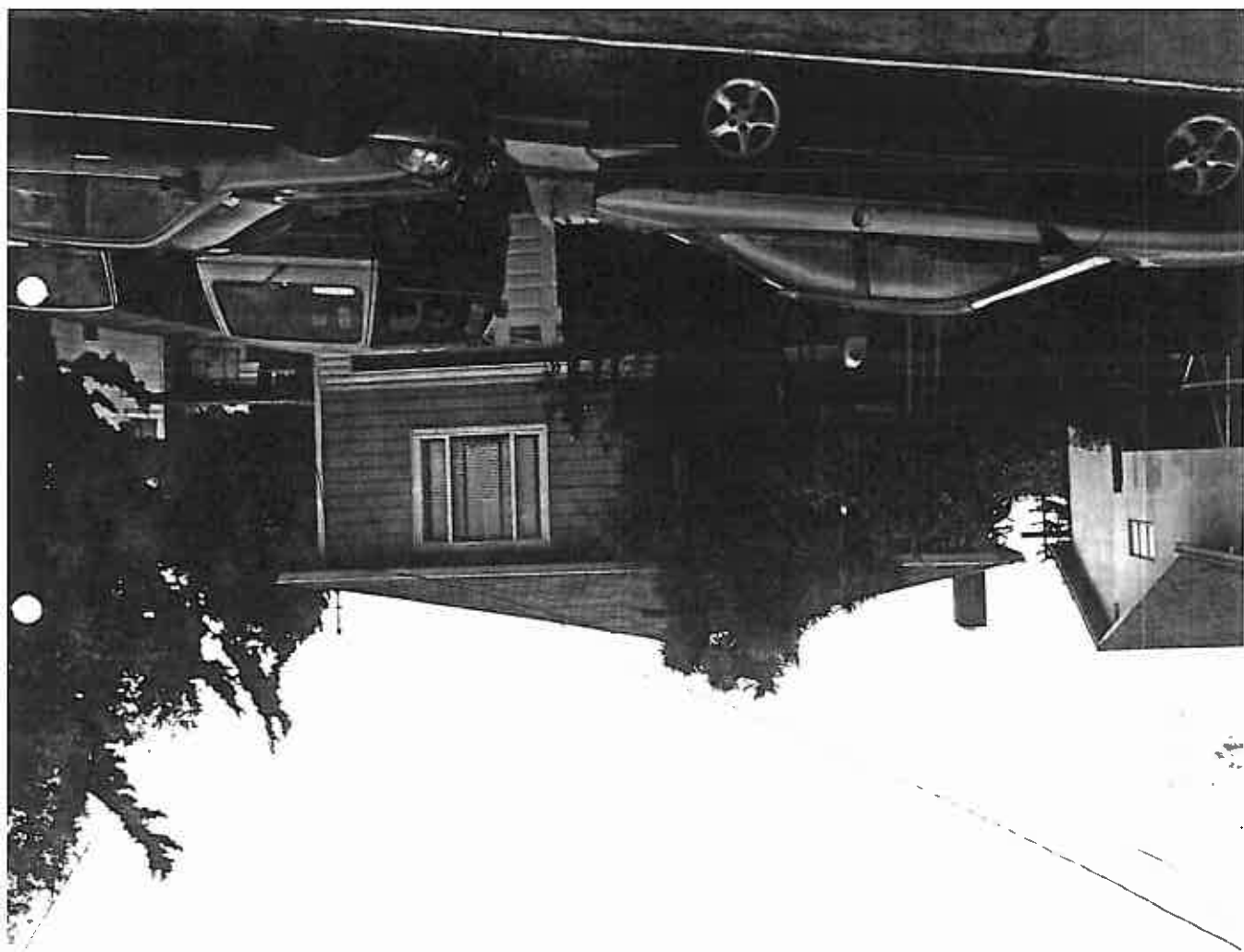


Specific Notes
Total Lot Area: 15,000 sq. ft.
Proposed Addition: 1,000 sq. ft.
Proposed Addition: 1,000 sq. ft.
Total Proposed Lot Coverage: 10.0%

MONTEREY STREET

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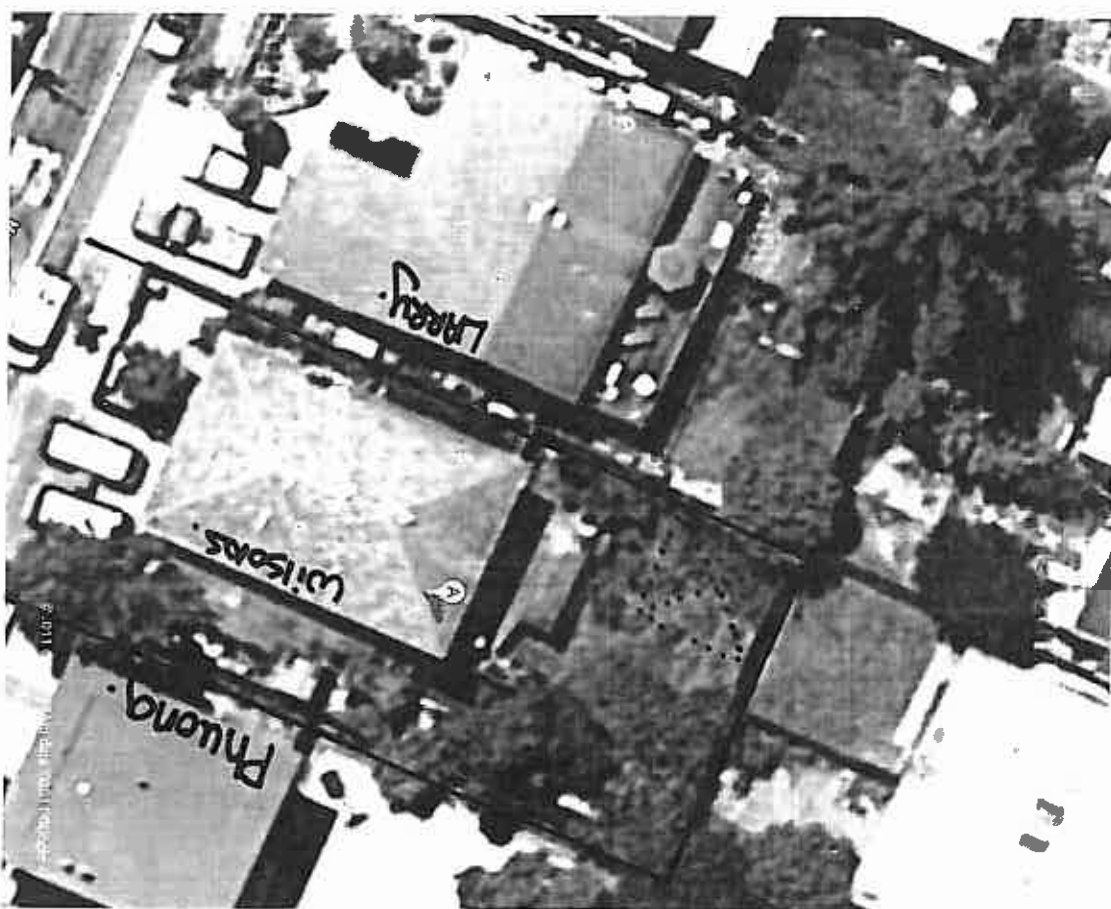
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11/20/11

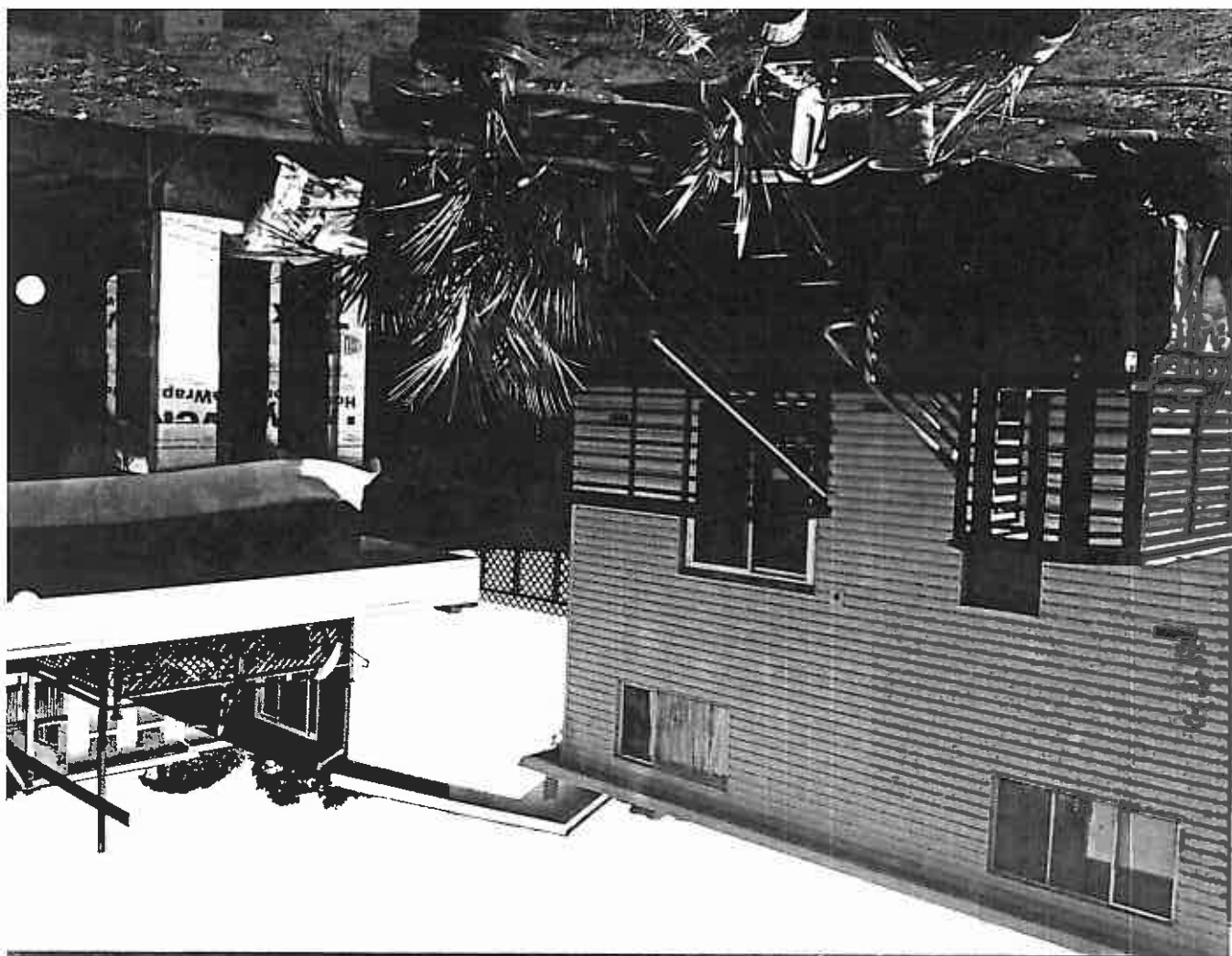
480 Montgomery ST - Google Maps

To see all the details that are visible on the screen, use the "Print" link next to the map.



maps.google.com

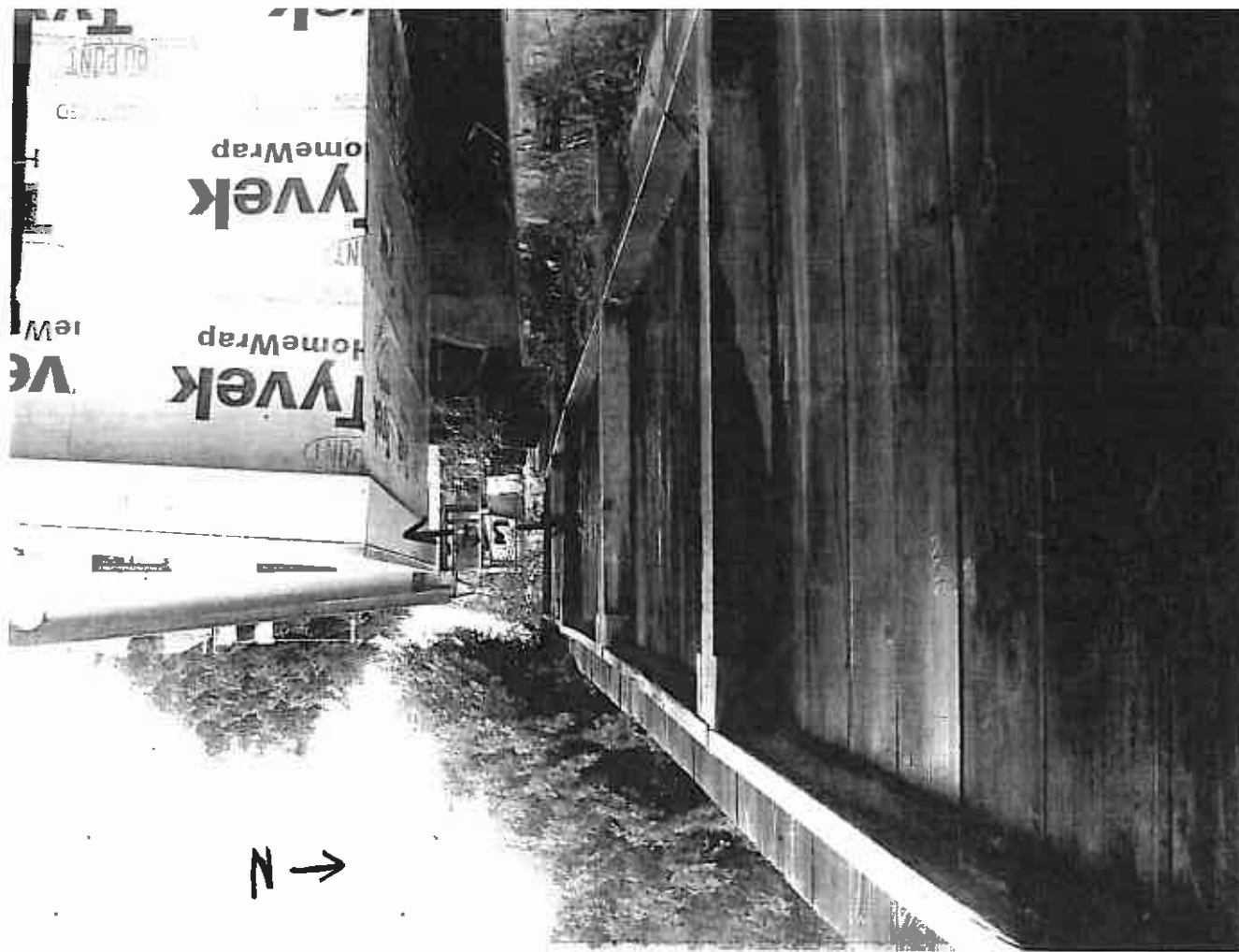
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To: Whom It May Concern
Date: November 17, 2011
From: Larry Golden
484 Monterey Street
Brisbane, CA 94005

My Name is Larry Golden I reside at 484 Monterey St. My property is directly next to the Wilsons house on the upper slope.

I have no objection to their construction of a shed directly below my retaining wall that towers over their backyard. My backyards retaining wall ends 10ft above their grade, and my fence another 6ft above that. Their shed in no way impacts the views I have from my property, from the main house or out on my deck. I have no concerns as to any loss of privacy or glare, and can assure those who are interested that the shed is not an eyesore and as far as I am concerned is a compliment to and with their house and backyard.

This letter is to notify the Planning Commission, Zoning Commission and all relevant parties to my non objection and complete support of improvements and structures in the backyard of 480 Monterey St.

I hereby state that the structure does not negatively impact in my property in terms of loss of privacy, noise, or glare. Furthermore, the structure and all landscaping done at 480 Monterey Street improve the greenscape and effectively enhances the quality of life for any onlookers from our backyard onto the property at 480 Monterey Street.

This signed letter serves as testimony to the above statement.
Respectfully,

Larry Golden



November 21, 2011

Email sent by Jerry Kuhel to John Swiecki

Subject: 480 Monterey St.

Hi John,

Karen Lundin, the owner of 433/435 Mariposa St., which is the property directly behind 480 Monterey, informed me today that you are meeting with the Wilson's tomorrow morning to discuss this project. She and several neighbors asked me to provide a brief outline of their objections to the illegal structure being built.

Their main objections are:

1. The structure is not only projects past the 10ft setback line but is also within the 5ft setback
2. The structure is well over 8ft in height.
3. Does the structure meet the lot coverage/FAR codes?
4. Approving this as a modification to current code would set a precedent for what could be built within the setback.
5. Approving this as a modification to current code would set a precedent for people who build without a permit, ie: "Just build what you want and get it approved after."
6. "This is not a case of just not understanding what could be built without a permit. The owner of the property works at city hall. The contractor has built several houses in town. Both of these parties knew better and chose to either ignore the code or didn't even bother looking up what was required."
7. "Approving this would show favoritism to city workers."
8. "The building could have met planning code by moving it 5ft closer to the house. There was plenty of room."
9. "What is this building? Does it have plumbing and electricity? It isn't a garden shed. It's bigger than the garden."

For my part numbers 3, 4 & 5 are my main concern. Please keep me inform on the status of the project.

Thank You

Jerry Kuhel

Kuhel Design
425 Mariposa St.
Brisbane, CA 94005
415-508-1750

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To: Whom It may Concern

From: Residents of Monterey and Mariposa St's.

Concerning: Setback Exemption Modification

All parties who signed these documents are:

- Property owner(s) on the blocks of Monterey, Mariposa or Solano St.
- Have been briefed on the circumstances surrounding proposed setback exemption modification for the Wilsons backyard Shed as well as all applicable building codes.
- Are not concerned about setting a precedent in the neighborhood building on the setback areas.
- Understand, Support and wish to exemplify this in writing.

This document was drafted to clarify the above bulletins, and all local concerns about the Wilsons setback exemption modification application. Furthermore to quell any misunderstanding about how the local property owners feel about the proposed modification, in relation to setting precedence.

Sincerely Residents at:

Dana CAINE at 1850 MONTEREY Date 11-21-11 Signature *Dana Caine*
 Rich Koe at 492 MONTEREY Date 11/21 Signature *Rich Koe*
 [Signature] at 45 Eder Date 11/21 Signature *[Signature]*
 [Signature] at 435 Mariposa Date 11/21 Signature *[Signature]*
 [Signature] at 417 Mariposa Date 11/21 Signature *[Signature]*
 [Signature] at 401 Mariposa Date 11/21 Signature *[Signature]*
 Lena Rudolph at 351 Mariposa Date 11/21 Signature *[Signature]*
 Francine BRAMNER at 343 Mariposa Date 11/21 Signature *[Signature]*
 Spring Gordon at 176 Visitation Date 11/21 Signature *[Signature]*
 Phileas Phoenix at 466 MONTEREY Date 11/22 Signature *[Signature]*

6-1-26

6-1-27

F.2.16

TO: The Planning Commission
 FROM: Dana Dillworth
 RE: SE-2-11 Setback Modification 007-213-090
 For meeting dated 2/9/12

Dear Planning Commissioners,

I am in receipt of the Public Notice on this matter. The notice doesn't mention the size of the accessory structure being proposed. I have no issue with the setback being reduced by two feet if the neighbors don't object, but the purpose of the setbacks is for fire protection access. If the ancillary structure is a size which could be livable (like 10x10, or 100 square feet, whatever the city has determined livable,) then the applicant should be required to make those outer walls fire-safe, fireproof as has been required of other citizens asking for the same consideration.

Thank you,
 Dana Dillworth

RECEIVED
 JLR
 COMM. DEV. DEPT. BUSBY