

# *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 states 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 Visitation 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:**

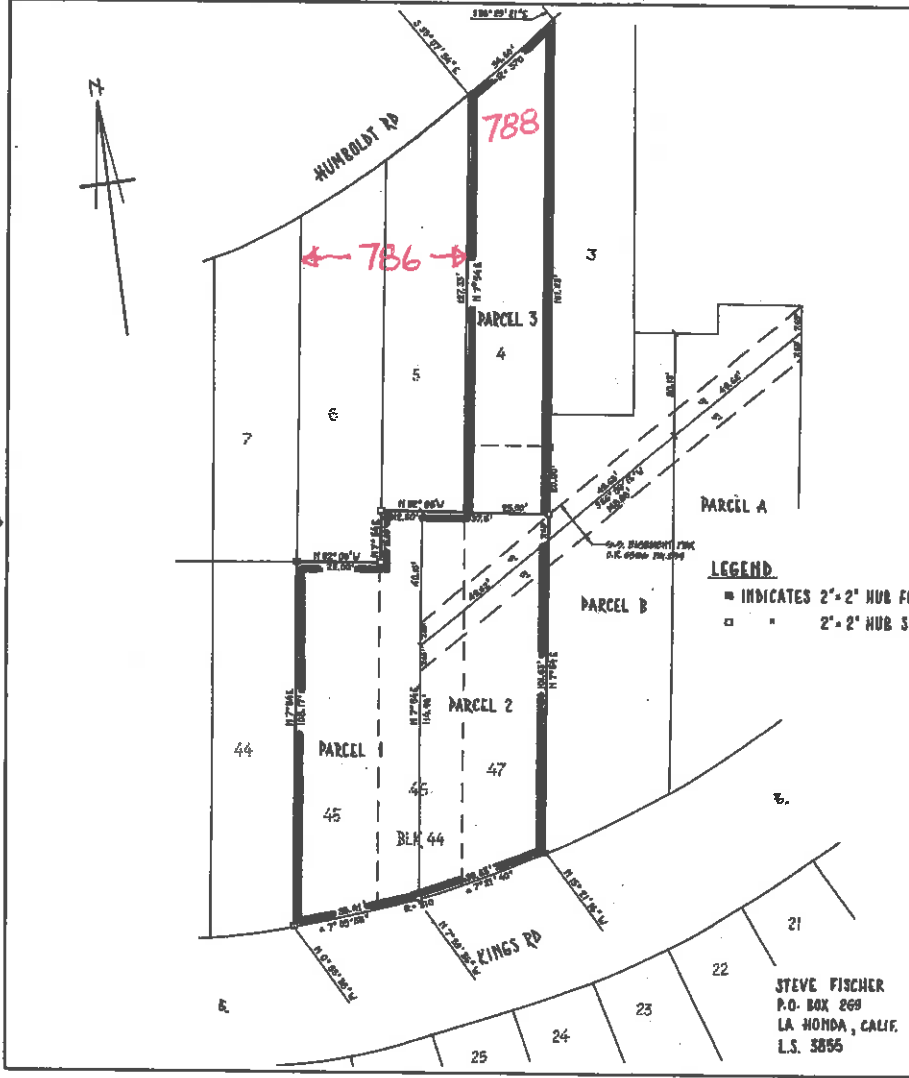
Lot Coverage	40% max.	2,428 sq ft	1,698 sq ft	2,000 sq ft	1,270 sq ft	2,000 sq ft	1,698 sq ft
Floor Area/ FAR	0.72 max.	4,370 sq ft	3,056 sq ft	3,600 sq ft	2,286 sq ft + 200 sq ft (garage allowance)	3,600 sq ft	3,056 sq ft
Side Setbacks	Required 10% of width (3 to 5 ft)	5 ft	3.7 ft	4.4 ft	3 ft	3.7 ft	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

G.1.9.



G.1.10.

VICINITY MAP



STEVE FISCHER  
 P.O. BOX 269  
 LA HONDA, CALIF.  
 L.S. 3855

CITY ENGINEER'S CERTIFICATE

THIS MAP HAS BEEN EXAMINED THIS 22<sup>ND</sup> DAY OF MAY, 1974, FOR CONFORMANCE WITH THE REQUIREMENTS OF SECTION 11576 OF THE SUBDIVISION MAP ACT.

SIGNED *James F. Smith*  
 CITY ENGINEER, CITY OF BRISBANE

SURVEYOR'S CERTIFICATE

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTIONS AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF RONALD G. OLSON & SIV S.E. OLSON ON APRIL 2, 1973. I HEREBY CERTIFY THAT IT CONFORMS TO THE APPROVED TENTATIVE MAP AND THE CONDITIONS OF APPROVAL THEREOF, THAT ALL PROVISIONS OF APPLICABLE STATE LAW AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

SIGNED AND SEALED *Stephen Fischer*  
 STEPHEN FISCHER, L.S. 3855

RECORDER'S CERTIFICATE

FILED THIS 29<sup>TH</sup> DAY OF MAY, 1974, AT BRISBANE BOOK 24 OF PARCEL MAPS AT PAGE 48 AT THE REQUEST OF R.G. OLSON  
 FILE NO. 46298AH

SIGNED *Marvin Church*  
 MARVIN CHURCH, COUNTY RECORDER  
 BY: *E.M. Green*  
 DEPUTY

BASIS OF BEARINGS

THE EASTERLY LINE OF LOT 47 BLOCK 44 AS SHOWN ON THE AMENDED MAP OF SUBDIVISIONS 1,2,3 CITY OF VISITACION, CALIFORNIA RECORDED IN VOL. 6 OF MAPS ON P.45 SAN MATEO COUNTY RECORDS

**PARCEL MAP**

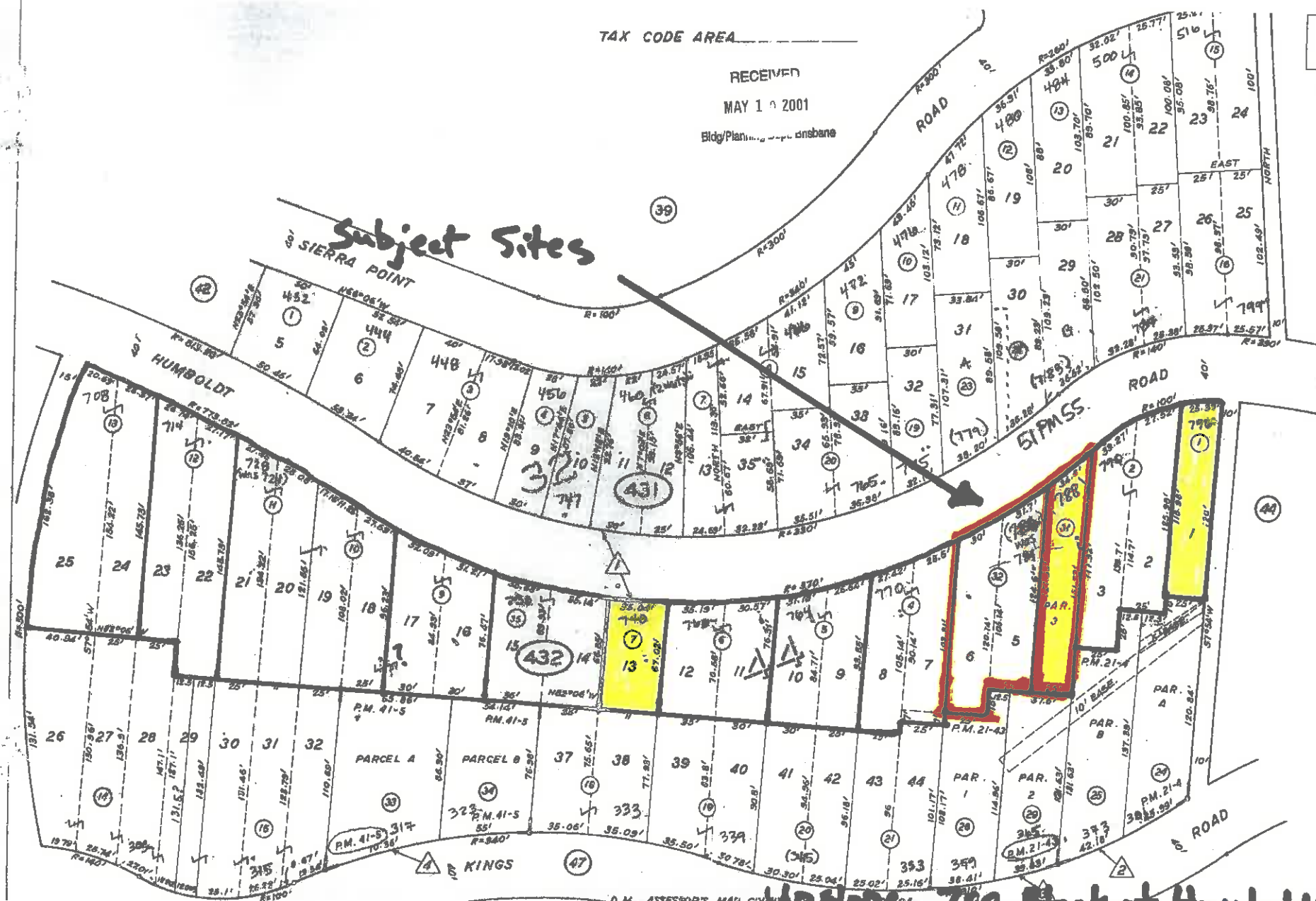
LOTS 4, 45, 46, & 47 BLOCK 44  
 AMENDED MAP OF SUBDIVISIONS 1,2,3  
 OF CITY OF VISITACION, CALIFORNIA CITY OF BRISBANE  
 SAN MATEO COUNTY  
 SCALE 1" = 20' APRIL, 1973

TAX CODE AREA

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MAY 10 2001  
Bldg/Planning Dept. - dmsbane

7-4  
MAY 9-

Subject Sites

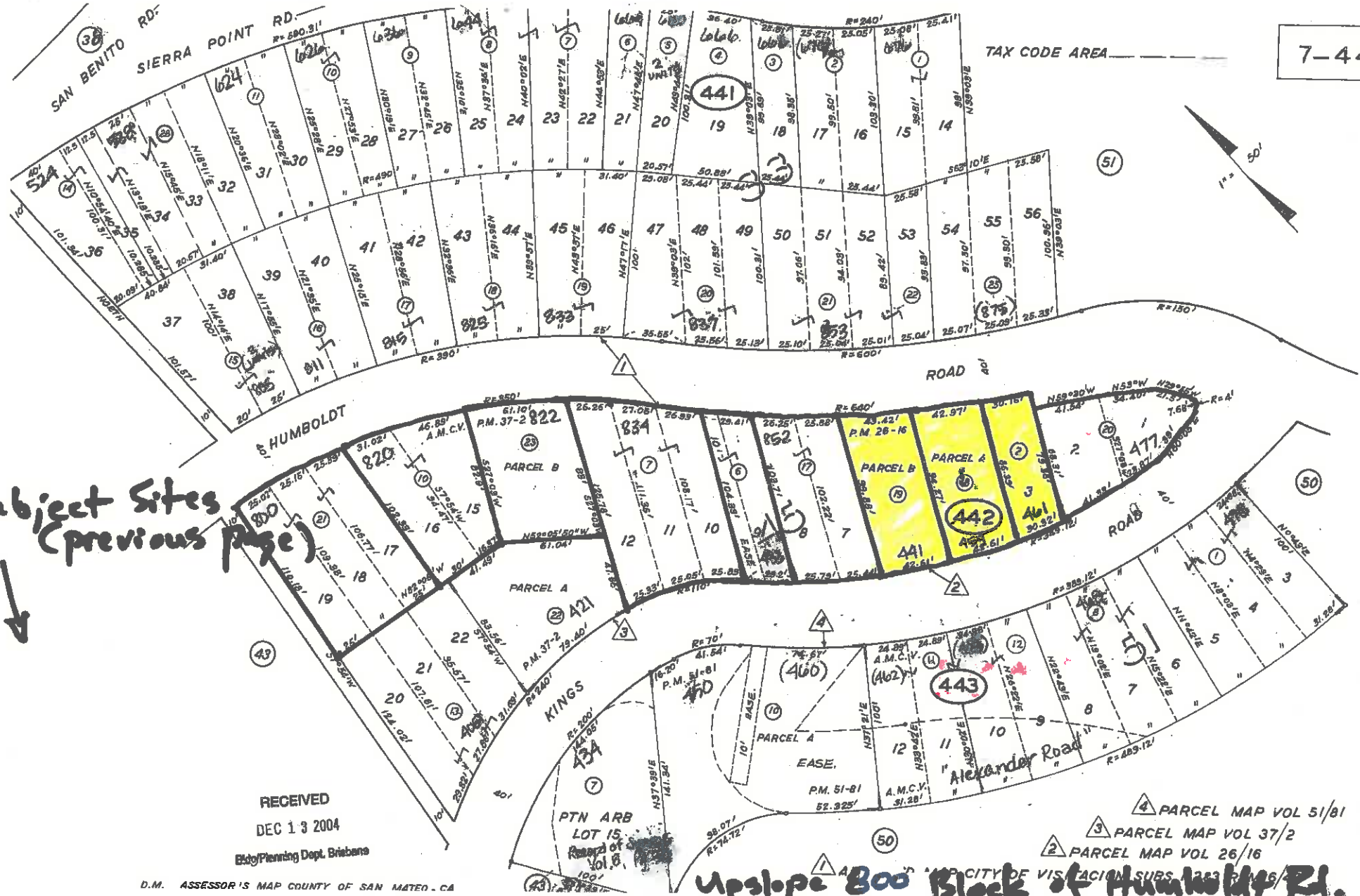


1. AMENDED MAP CITY OF VISITACION SUBS 1 2&3 RSM 6/45  
2. PARCEL MAP VOL 21/4

D.M. ASSESSOR'S MAP COOL

Up slope 700 Block of Humboldt  
Assessor's Parcel Book Page  
Highlighting Parcels w/ Non-Conforming  
widths

G.I.12.



Subject Sites  
(previous page)

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DEC 13 2004  
City Planning Dept. Briebens

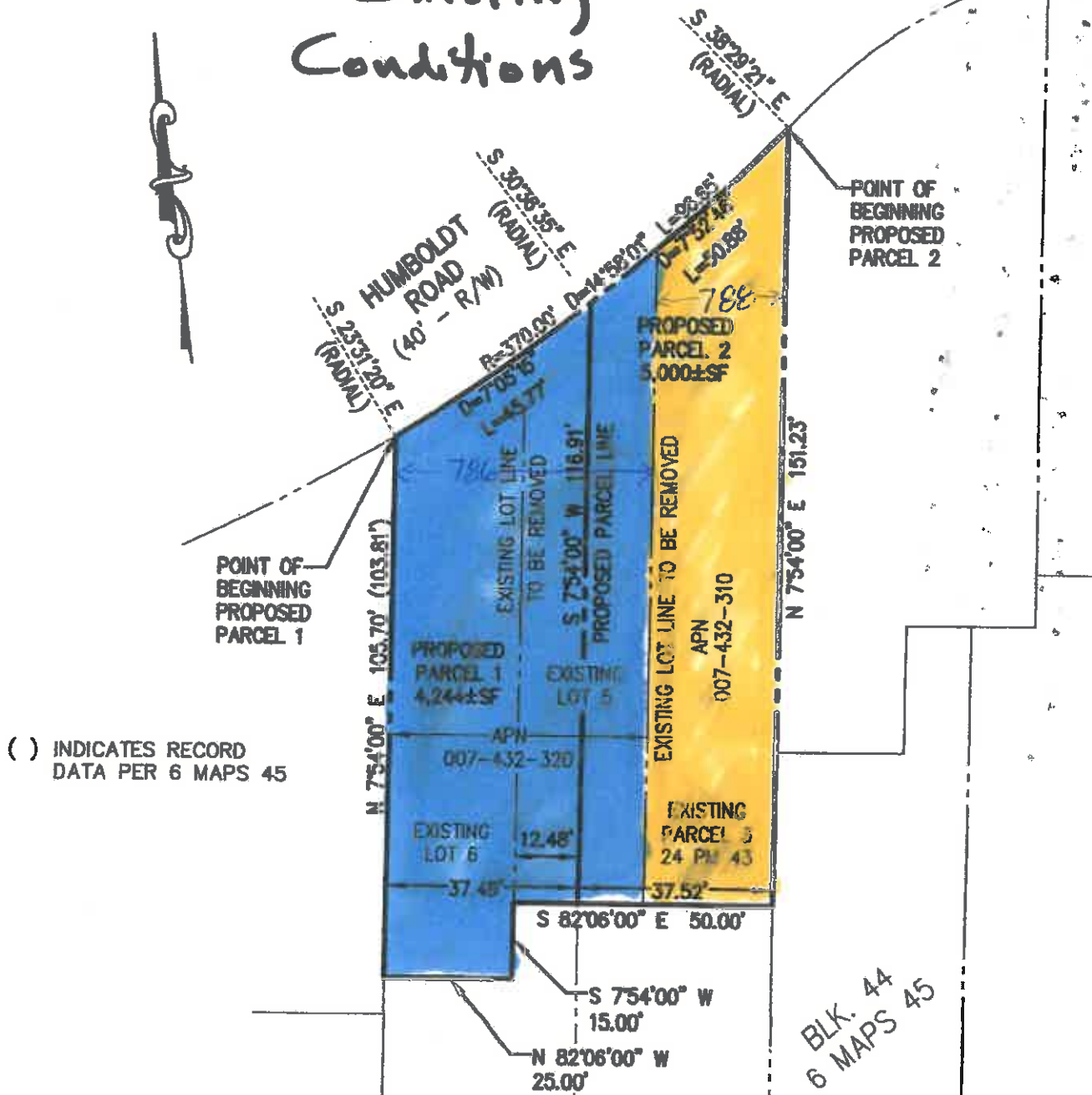
D.M. ASSESSOR'S MAP COUNTY OF SAN MATEO, CA

4 PARCEL MAP VOL 51/81  
3 PARCEL MAP VOL 37/2  
2 PARCEL MAP VOL 26/16

Upslope 800' Block of Humboldt Rd.  
Assessor's Parcel Book Page  
Highlighting Parcels w/ Non-Conforming widths

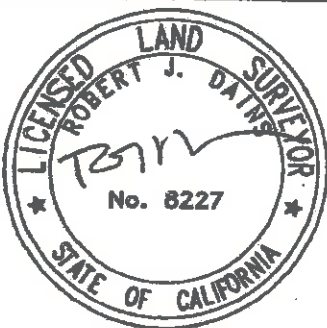
G-1.13

# A. Existing Conditions



( ) INDICATES RECORD DATA PER 6 MAPS 45

Note: Both lots are vacant



TITLE: PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR LOT LINE ADJUSTMENT PURPOSES - 784 HUMBOLDT ROAD  
 BRISBANE SAN MATEO COUNTY CALIFORNIA

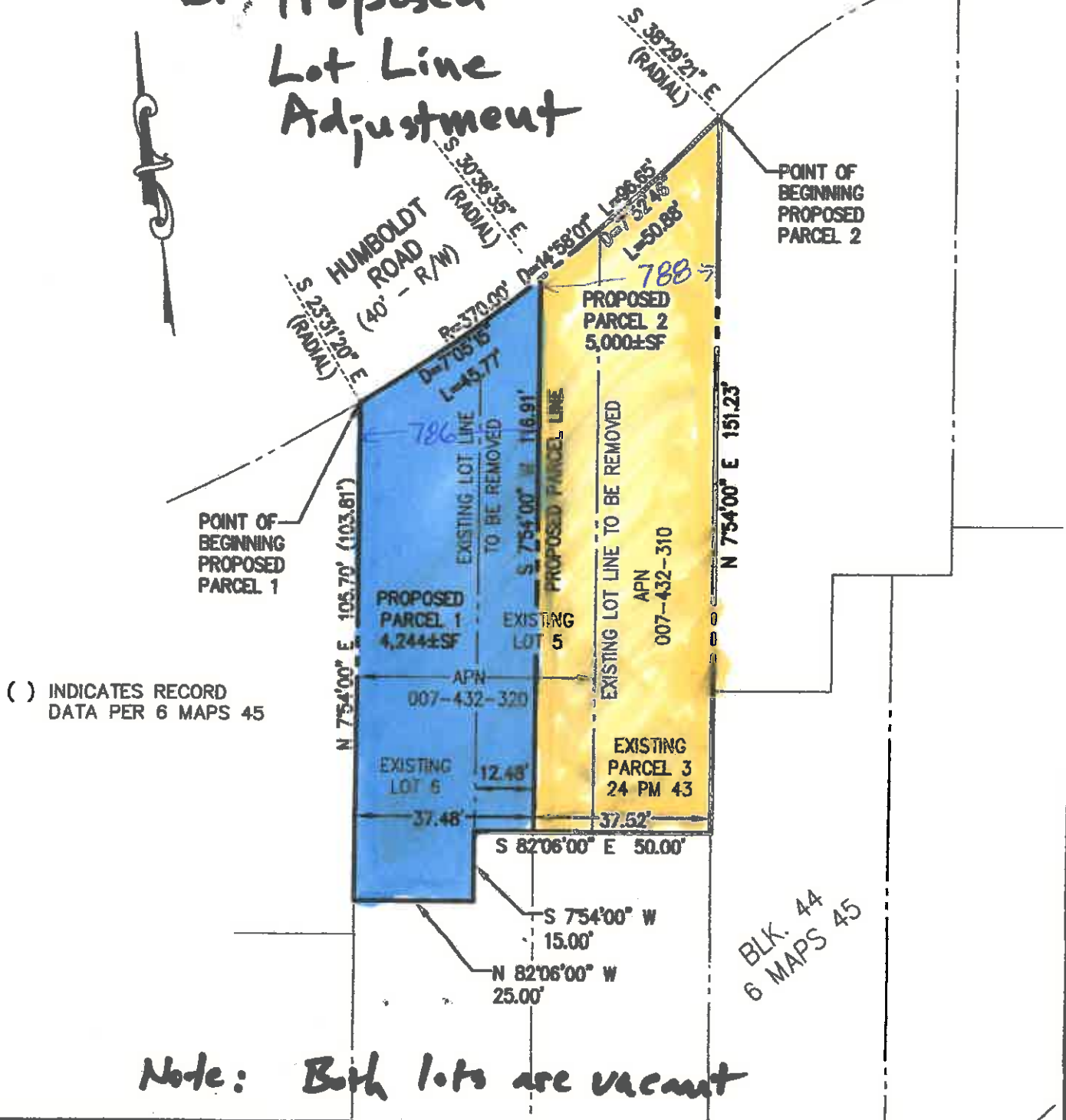
PLAT: RJD	SCALE: 1" = 30'	DATE: 12-02-14	JOB #: 502-14
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## DAINS LAND SURVEYING

rdains@dainslandsurveying.net  
 (650) 743-0831

G.1.14.

# B. Proposed Lot Line Adjustment



( ) INDICATES RECORD DATA PER 6 MAPS 45

Note: Both lots are vacant



TITLE: PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR LOT LINE ADJUSTMENT PURPOSES - 784 HUMBOLDT ROAD  
 BRISBANE SAN MATEO COUNTY CALIFORNIA

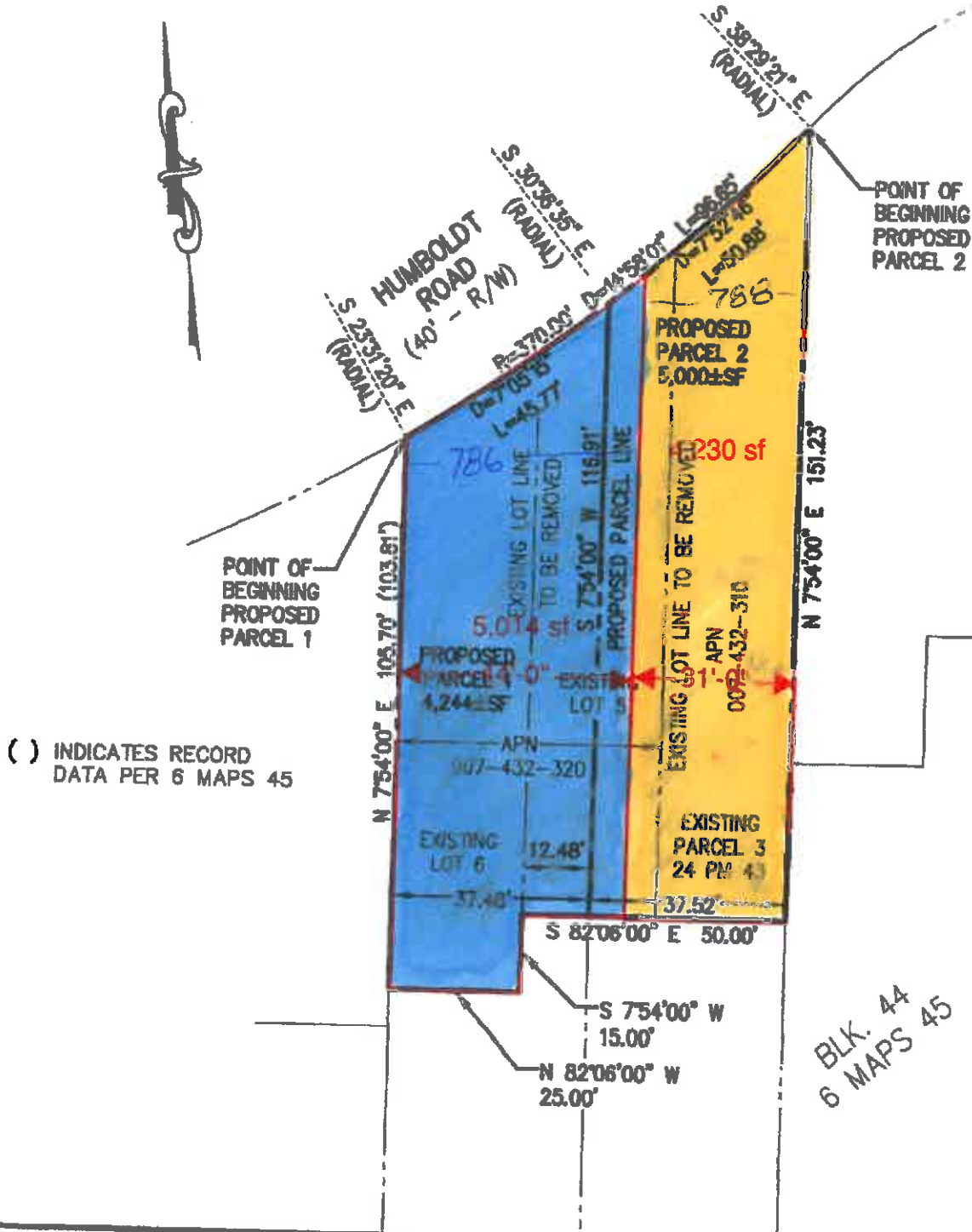
PLAT: RJD	SCALE: 1" = 30'	DATE: 12-02-14	JOB #: 502-14
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**DAINS LAND SURVEYING**

rdains@dainslandsurveying.net  
 (650) 743-0831

G.I.15.

# C. Staff Alternative



( ) INDICATES RECORD DATA PER 6 MAPS 45

BLK. 44  
6 MAPS 45



TITLE: PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR LOT LINE ADJUSTMENT PURPOSES - 784 HUMBOLDT ROAD  
BRISBANE SAN MATEO COUNTY CALIFORNIA

PLAT: R/D	SCALE: 1" = 30'	DATE: 12-02-14	JOB #: 502-14
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**DAINS LAND SURVEYING**

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(650) 743-0831

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City of Brisbane

## SUPPORTING STATEMENTS

**1. What special circumstances such as size, shape and topography of the property, or its surrounding locations apply to your site?**

The original subdivision of Brisbane favored lot dimensions with an average 25' width at the time of its creation. This historical practice created unusually long and narrow lots which were crammed together and sometimes very inaccessible because of steep uphill topography. This is the case with 788 Humboldt (788) and makes for less than ideal circumstances.

Modern development regulations did not exist at the time these lots were created, and as such, concerns regarding adequate parking, setbacks, tight access, articulation, height limits and large grading quantities were not matters of importance as they are today.

In terms of conforming to today's modern zoning ordinances, leaving 788 at its existing 25' lot width will result in less than optimal architectural design outcomes identified in the General Plan.

**2. How do these special circumstances impact your site when the Zoning Ordinance is applied to the site?**

These special circumstances when applying the zoning ordinance will require less parking for 788 Humboldt (1 covered space, and 1 on-site space vs 2 covered and 2 on-site spaces for a wider lot).

788 will also have a side yard setback of 3', which will create less spacial separation between buildings.

788's existing narrow lot width will result in a future home and monolithic structure with less opportunities for architectural articulation. There will be less visual balance between 788 and 786 Humboldt (786), because 786 will be much larger in size.

**3. What privileges enjoyed by other properties in the vicinity and same zoning district would you be deprived of when the Zoning Ordinance is applied to your site, given its special circumstances?**

The resulting parcels of the proposed lot line adjustment may not fully comply with the development regulations of the Zoning Ordinance, however by applying the Zoning Ordinance to require a public hearing and variance for the proposed lot line adjustment, 788 and 786 Humboldt are deprived the right to an administrative lot line adjustment as described in the code excerpt below:

**17.32.055 - Exceptions—Lot area, lot dimensions and lot lines** Lot Line Adjustment. In compliance with the procedures set forth in [Chapter 16.32](#) of [Title 16](#), Subdivisions, the planning director may approve a lot line adjustment that will not increase the degree of noncompliance or otherwise increase the discrepancy between existing conditions and the requirements of the Zoning Ordinance, even though the resulting parcels may not fully comply with the development regulations of the applicable zoning district.

The lots at 788 and 786, per the zoning code, are recognized as "Standard Sites", and it appears they should be entitled to a

“standard lot line adjustment”. Please see the code excerpt below that applies to 788 Humboldt which was created by parcel map:

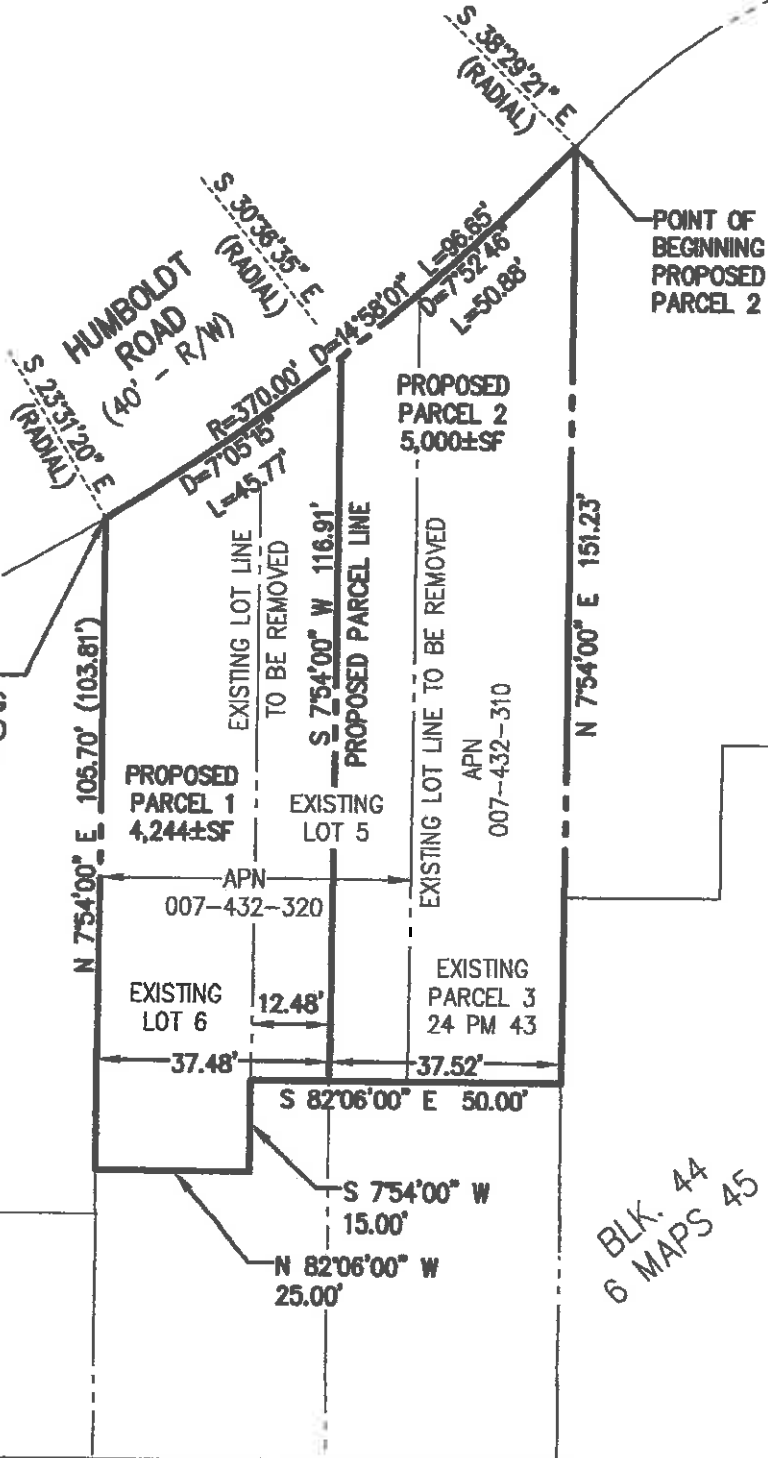
17.32.055, 4 – “Any substandard lot created through a parcel map, resubdivision or lot line adjustment approved by the city after October 27, 1969, shall be recognized as a standard site.”

786 Humboldt is a standard site by virtue of its size and shape, 788 Humboldt is a standard site by virtue of its recorded parcel map. It seems unfair not to apply the Zoning Code 17.32.055 allowing for lot line adjustment, because such an application would deny the privileges of access for development, architectural articulation and separation of space that other standard sites enjoy.

**4. What conditions of approval could be attached to the variance to assure that you comply with the intent of the Zoning Ordinance and to the other applicable regulations?**

Conditions of approval could reflect the following to increase conformity with current zoning regulations:

- Balanced lot sizes closer to the desired average of 5000 square feet for 786 and approximately 4300 sf for 788.
- A 33% increase in side setbacks for 788 Humboldt from 3’ to 4’ (786 could retain its 5’ setbacks).
- Additional parking could be required for 788 from 1 covered and 1 on-site space, to 2 covered spaces and 2 on-site spaces for both properties.



( ) INDICATES RECORD DATA PER 6 MAPS 45



TITLE: PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR LOT LINE  
 ADJUSTMENT PURPOSES - 784 HUMBOLDT ROAD  
 BRISBANE SAN MATEO COUNTY CALIFORNIA

PLAT: RJD	SCALE: 1" = 30'	DATE: 12-02-14	JOB #: 502-14
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