

City of Brisbane

Zoning Administrator Agenda Report

TO: John A. Swiecki, Zoning Administrator For the Meeting of 12/1/14

FROM: Ken Johnson, Senior Planner

SUBJECT: 144 Santa Clara Street; Accessibility Improvement Permit AIP-1-14, to Allow an Elevator which would exceed the 40% lot coverage and at 23 ft 8 in would be over the 20 ft height limit within the 15 ft front setback area; Gary Meyer, applicant; Nancy Fellom, owner; APN 007-243-050.

Request: The applicant requests approval of an Accessibility Improvement Permit for exceptions to the lot coverage limit of 40% and the height limit of 20 ft, within the 15 ft front setback area, to allow for a new elevator to connect the existing street/garage level with the lower level main floor of the home, on a downslope lot.

Recommendation: Conditionally approve Accessibility Improvement Permit AIP-1-14 memorandum, subject to the attached findings and conditions of approval.

Environmental Determination: Additions to existing structures are categorically exempt from the provisions of the California Environmental Quality Act per Section 15301(e) 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 17.32.060 and allows for exceptions to the height limit for accessibility improvements such as elevators. However, this section does not address lot coverage. BMC Section 17.32.080 provides an overarching modification or exception provision to the development regulations set forth in Title 17, if the special needs for a person having a disability cannot be met through these other BMC sections.

The Zoning Administrator may approve such exceptions based on the findings provided in BMC Section 17.32.080.

Analysis and Findings: The Zoning Administrator may grant an Accessibility Improvement Permit for this proposed elevator based on the following findings:

A. *“The accommodation is necessary to meet special needs for a person having a disability and cannot be addressed through the exceptions under Sections 17.32.060 and 17.32.070”*

The applicant has stated that the owner has a disability which requires an elevator for the owner to gain access to levels of the existing home and these needs cannot be met through the above referenced BMC sections.

The lot coverage limit is not covered in BMC Sections 17.32.060 or 17.32.070 and although the coverage for the elevator is only another 30 sq ft, the lot coverage of 42% is already over the limit, so an exception to the lot coverage limit is necessary, as allowed per BMC Section 17.32.080. Given the steep topography and existing layout of the home, an elevator may not reasonably be integrated within the existing envelop of the home, nor is a ramp a viable option given the site's space constraints.

Regarding the height, except for garages, the height limit for structures is 20 ft from finish grade within 15 ft of the front lot line. Further interior to the lot the height limit is 30 ft for lots such as this with slopes over 20%. The setback for this house is set by the average setback for this block at 8.1 ft, which this proposal meets, but the height would be 23 ft 8 inches in the area between 8.1 and 15 ft from the front lot line. The need for the height to be over the limit of 20 ft is due to the steep topography of the site and the existing elevations of the garage level and main level of the house.

B. "Any visual impacts of the accommodation will be minimized."

The visual impacts will be minimized. The proposed elevator tower is designed to integrate well with the existing structure and will closely match with the height of the existing garage to which it's to be attached. Its size is also minimal in terms of its coverage, being only 30 sq. ft. and will fit inside the area of the existing exterior stairway. Since the lot is down-sloping, only the top portion would be readily visible from Santa Clara Street.

C. "The accommodation will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise or glare."

The elevator tower mechanicals will be completely enclosed, which will minimize any noise during operation. The windows and doors are proposed to face to the back (inward to the existing home) and to the front of the property and not to face side neighboring property, so there are no anticipated impacts on adjacent properties in terms of privacy or glare.

D. "Any construction resulting from the accommodation will be done in a sound and workmanlike manner, in compliance with all applicable provisions of the building and fire codes."

The applicant will be required to obtain a building permit and comply with current building codes for construction.

Attachments:

Recommended Findings and Conditions of Approval
Project Description

Applicant's Supporting Statements and Plans

ACCESSIBILITY IMPROVEMENT PERMIT AIP-1-14

Recommended Findings:

1. The accommodation is necessary to meet special needs for a person having a disability and cannot be addressed through the exceptions under Sections 17.32.060 and 17.32.070
2. Any visual impacts of the accommodation will be minimized.
3. The accommodation will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise or glare.
4. Construction resulting from the accommodation will be done in a sound and workmanlike manner, in compliance with all applicable provisions of the building and fire codes.

Conditions of Approval:

- A. A Building Permit shall be obtained from the City of Brisbane.
- B. The elevator shall be maintained per manufacturer's specifications, for on-going safe operation and so-as not to produce noise impacts on adjacent properties.
- C. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- D. This Accessibility Improvement Permit 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.

PROJECT DESCRIPTION

	Required	Existing	Proposed	Notes
Lot Size	-	4,933 sq ft*	-	
Floor Area	3,551 sq ft max	3,010 sq ft	3,040 sq ft	
Floor Area Ratio	0.72 max	0.61	0.616	
Lot Coverage	40% max	42.2%+/-	42.8%+/-	Proposed to exceed maximum
Front Setback	8.1 ft. per block average	20 ft house	8.17 ft. elevator	Garage setback is approximately 2.5 ft, per exception
Side Setback (south)	5 ft.	5 ft	N/C	Elevator setback to be 20 ft +/-
Height within 15 ft of front Lot Line	20 ft. from finish grade.	NA	23 ft. 8 in. from finish grade	Proposed to exceed maximum

Note: County GIS shows the lot area as 4,950 sq ft.

ACCESSIBILITY IMPROVEMENT PERMIT APPLICATION — SUPPORTING STATEMENTS

1. The front portion of the lot in question is extremely steep, descending approximately 14' and 23 steps from the street/garage level down to the main entry of the house. A ramp to facilitate an accessible path of travel would not be a viable option given the amount of drop that must be accommodated, making an elevator the only viable option. The proposed location is the natural location, easily connecting the street level to the entry level with the minimum elevational profile and the minimum disturbance to the owner's house. Other locations, such as within the garage or within the current footprint of the house are prohibitive as they would require either the elimination of a parking space or the construction of a bridge to span the gap between the street elevation and an area above the existing house. When complete, the elevator will provide an accessible path of travel from both the garage parking spaces and on-site parking spaces in front of the garage.
2. Visual impacts are minimized by making the elevator shaft footprint no larger than necessary to accommodate the elevator and no taller than necessary to accommodate the elevator equipment and provide adequate roof slope for drainage. The elevator shaft is no taller than the garage to which it is attached and finishes on the exterior of the elevator shaft have been selected to match the existing finishes and blend in as much as possible.
3. No windows will be located on the side of the elevator shaft facing the adjacent property and all equipment will be contained in the structure, thus the addition is not expected to have any adverse impact on adjacent properties in terms of loss of privacy, noise, or glare.
4. The elevator shaft addition will be constructed to meet all California and local building and fire codes.

PROPOSED
ELEVATOR
ADDITION

EXISTING 23 STEPS
DOWN TO FRONT ENTRY
(EXISTING RAILINGS
OMITTED FOR CLARITY)



PERSPECTIVE VIEW SHOWING STEEPNESS OF TOPOGRAPHY