




# MEMORANDUM

DATE: March 12, 2015  
TO: Planning Commission   
FROM: Ken Johnson, Senior Planner, via John Swiecki, Community Development Director  
SUBJECT: Resolution V-3-14, 786 Humboldt Road

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## Background

At the February 27, 2015 regular meeting of the Planning Commission, the Commission voted unanimously to approve Variance V-3-14, to allow for a lot line adjustment between 786 and 788 Humboldt Road, which would result in 786 Humboldt Road having a non-conforming width of 37.48 ft and non-conforming lot area of 4,244 sq ft.

In light of this vote of approval, the Commission directed staff to prepare a revised resolution that reflected the Commission's findings and conditions. Staff has prepared the attached revised Resolution V-3-14 for the Commission's consideration.

## Recommendation

That the Planning Commission approve attached Resolution V-3-14.

## Attachments:

1. Resolution V-3-14

D.I.I.

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 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 plans and photographs, 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; 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 February 26, 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 twelfth day of March, 2015, by the following vote:

AYES: Commissioners Do, Munir and Parker  
ABSTAIN: Commissioners Cunningham and Reinhardt

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Tuong Van Do  
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 steep topography, the narrow vacant adjacent lot and the narrow side setbacks for that adjacent lot at 788 Humboldt Road as currently configured, thereby 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 other homes in the vicinity 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. The lot widths for 786 and 788 Humboldt Road may be reduced to each be approximately 37.5 ft., with the lot size for 786 Humboldt Road being reduced to approximately 4,244 sq ft and the lot size for 788 Humboldt Road being increased to 5,000 sq ft, as per the applicant's proposal.
  - ii. 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. The approval of this application is for the lot line configuration only and confers no special privileges for future development; but future development is to be consistent with the applicable R-1 zoning district development standards and parking standards for each lot, per Brisbane Municipal Code Sections 17.06.040 & 050.
- C. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- D. 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.