

## CITY OF BRISBANE

### SETBACK EXCEPTION MODIFICATION APPLICATION INFORMATION

SUBMITTAL REQUIREMENTS: For the Planning Commission or Zoning Administrator to thoroughly review a proposal, certain information is required from you, the applicant. You should be aware that incomplete applications will not be scheduled for public hearing.

- [ ] SIGNATURE OF THE LEGAL OWNER OF THE PROPERTY either on the application or on a separate written document authorizing the "APPLICANT" to submit the application on the owner's behalf. The "APPLICANT" should be knowledgeable and accessible workdays by phone.
  
- [ ] SITE PLANS & ARCHITECTURAL PLANS--Two (2) full-size legible copies and one (1) reduced, legible and reproducible copy (8 1/2" X 11" or 11" X 17") of completely dimensioned, scaled plans, with bar scale, showing:
  - [ ] Site development plans showing—
    - [ ] Existing and/or proposed structures;
    - [ ] Accurately dimensioned property lines, adjacent properties (structures and their uses), streets, easements, and a small scaled vicinity map;
    - [ ] Existing and proposed topography of the property, with changes in slope shown at 5 ft. intervals;
    - [ ] Existing trees by size (circumference measured 24 inches above grade) and type, if affected by the proposal.
  
  - [ ] Elevations (front/rear/side views) of the proposed structure and any adjoining structures (with the existing/proposed grades indicated).

Note: Plans submitted as part of an application are retained by the City of Brisbane.

- [ ] SUPPORTING STATEMENTS--Completed "Supporting Statements" form
  
- [ ] PHOTOGRAPHS of the subject location and its surroundings to clarify your proposal.
  
- [ ] FEES—See Line P61a of the current Master Fee Schedule for residential properties, see Line P61b for all other properties.

Please make a check or money order payable to the "City of Brisbane".

Note: Planning fees are non-refundable.

**CODE REFERENCES.** Please refer to Brisbane Municipal Code Section 17.32.070.A.1.(c.) & (e.) and 17.32.070.A.2.(a.) & (b.) for the circumstances under which a setback exception modification may be granted. Refer to the development regulations for the applicable zoning district to determine the standard required setbacks.

**NOTIFICATION OF MEETINGS AND HEARINGS.** You will receive confirmation of the date of the public hearing by mail via copies of the agenda and staff report. Copies are also available at the Planning Department before noon on the Friday before the hearing and on the City's website at [www.brisbaneca.org](http://www.brisbaneca.org) under "CITY GOVERNMENT"—"ALL MEETINGS". Please call if you have not received a copy prior to the meeting. Applicants should attend all hearings to present their case and respond to any questions or comments.

**NOTIFICATION OF ACTION.** You will be notified by mail or email within one week following the hearing of the action taken. Please contact the Community Development Department if you do not receive such notification.

**APPEALS.** Anyone may appeal the action of the Zoning Administrator to the Planning Commission or the action of the Planning Commission to the City Council not later than 15 calendar days after the date the action was taken. An application form and fee (see Line P47 of the current Master Fee Schedule) is required to make a formal appeal.

**FOR FURTHER INFORMATION, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT, CITY OF BRISBANE, 50 PARK PLACE, BRISBANE, CA 94005, 415-508-2120. THE COMMUNITY DEVELOPMENT DEPARTMENT IS OPEN 8 A.M - 5 P.M. MONDAYS, TUESDAYS & THURSDAYS, 8 A.M. – 8 P.M. WEDNESDAYS AND 8 A.M. - 1 P.M. FRIDAYS. TO ENSURE SOMEONE WILL BE AVAILABLE TO HELP YOU, YOU MAY CALL AHEAD TO MAKE AN APPOINTMENT.**

**SUPPORTING STATEMENTS**

**FINDINGS REQUIRED TO GRANT A SETBACK EXCEPTION MODIFICATION**

Brisbane Municipal Code Section 17.32.070.A.1.(c.) & (e.): Decks, balconies, stairs, ramps, landings.

- (1) The modification is necessary in order to gain access to the property or to the dwelling unit on the property.
- (2) The modification is necessary because of unusual or special circumstances relating to the configuration of the property.
- (3) The visual impacts of the modification have been minimized.

How is the proposed projection from a building at this specific location necessary in order to in order to gain access to your property or to the dwelling unit on the property?

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What unusual or special circumstances relating to your property make it necessary for you to install this projection from a building at this specific location?

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How will the visual impacts of the proposed projection from a building (in terms of size, height, location, color, materials, landscaping, etc.) be minimized?

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**SUPPORTING STATEMENTS**

**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?

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

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

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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.)?

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BRISBANE MUNICIPAL CODE EXCERPTS

**§17.32.070 Exceptions – Setback requirements**

A. Notwithstanding any other provision of this Title, certain structures or portions thereof may extend into a front, rear or side setback area to the extent permitted by the following chart:

<b>1. PROJECTIONS FROM A BUILDING</b>		
	<b>(c) Supported decks, cantilevered decks and balconies</b>	
	Front Setback Area:	May extend 5 feet from the building into the front setback area, but no closer than 5 feet from the front lot line. Decks may be located atop a garage or carport approved under Section 17.32.070(A)(3)(a) and may extend to the front of the garage, but the railings of such deck may not exceed 15 feet in height above the elevation of the center of the adjacent street or 4 feet from the surface of the deck, whichever is less, while at the same time maintaining the minimum railing height required by the Building Code.
	Rear Setback Area:	May extend 5 feet from the building into the rear setback area, but no closer than 5 feet from the rear lot line. This exception shall not apply to the NCRO District.
	Side Setback Area:	No exception permitted.
	<p><u>Modifications:</u> The Planning Commission may approve a modification to the foregoing exceptions if there are not more than two units on the site and the Planning Commission is able to make all of the following findings:</p> <p>(1) The modification is necessary in order to gain access to the property or to the dwelling unit on the property.</p> <p>(2) The modification is necessary because of unusual or special circumstances relating to the configuration of the Property.</p> <p>(3) The visual impacts of the modification have been minimized.</p>	
	<b>(d) Deck railings within setback areas</b>	
	Front Setback Area:	May not be higher than 4 feet from the surface of the deck.
	Rear Setback Area:	May not be higher than 4 feet from the surface of the deck.
	Side Setback Area:	No exception permitted

	(e) <b>Stairs, ramps and landings</b> <i>(that are open and uncovered and serve buildings with no more than two units)</i>	
	Front Setback Area:	No more than one set of stairs per dwelling unit may extend from the building into the front setback area. Each set of stairs must lead to the front entrance of the unit. The height of the stairway within the front setback area shall not exceed 20 feet. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the front setback area.
	Rear Setback Area:	No more than one set of stairs per dwelling unit may extend from the building into the rear setback area, but no closer than 5 feet from the rear lot line. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the rear setback area.
	Side Setback Area:	No more than one set of stairs per dwelling unit may extend from the building into the side setback area, but no closer than 3 feet from the side lot line. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the side setback area.
	<p><b>Modifications:</b> The Planning Commission may approve a modification to the foregoing exceptions for stairs, ramps and landings if there are not more than two units on the site and the Planning Commission is able to make all of the following findings:</p> <ol style="list-style-type: none"> <li>(1) The modification is necessary in order to gain access to the property or to the dwelling unit on the property.</li> <li>(2) The modification is necessary because of unusual or special circumstances relating to the configuration of the Property.</li> <li>(3) The visual impacts of the modification have been minimized.</li> </ol> <p>The Planning Commission may also approve a modification to the foregoing exceptions as part of a design permit being granted for three or more units on the site, if the Commission is able to make all of the findings listed above.</p>	

<b>2. SMALL FREE-STANDING STRUCTURES</b>		
	(a) <b>Small accessory buildings and roofed structures</b> <i>(such as gazebos, greenhouses, garden and utility sheds)</i>	
	Front Setback Area:	No exception permitted.
	Rear Setback Area:	May be placed at any location within the rear setback area which is not less than 5 feet from the rear lot line or 3 feet from the interior side lot line, provided the building or structure, or portion thereof, within the rear setback area does not exceed 8 feet in height and does not have a floor area in excess of 120 square feet.
	Side Setback Area:	May be placed at any location within the interior side setback area which is not less than 3 feet from the interior side lot line, provided the building or structure, or portion thereof, within the interior side setback area does not exceed 8 feet in height and does not have a floor area in excess of 120 square feet. No exception is permitted for an exterior side setback area.
	<p><u>Modifications:</u> The Zoning Administrator may approve a modification to the foregoing exceptions for small accessory buildings and roofed structures, following the conduct of a hearing with 10 days notice thereof being given to the owners of all adjacent properties, if the Zoning Administrator is able to make all of the following findings:</p> <ol style="list-style-type: none"> <li>(1) The modification will not result in overbuilding the site or result in the removal of significant greenscape.</li> <li>(2) The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.</li> <li>(3) The accessory structure is designed to be compatible with the primary dwelling(s) on the site.</li> </ol> <p>A building permit shall be required to construct or install any accessory structure for which a modification has been granted under this subsection.</p>	

	(b) <b>Unroofed and openwork roofed garden structures</b> ( <i>such as arbors, porticos, trellises and lath houses</i> )	
	Front Setback Area:	May not exceed 8 feet in height or cover more than 15% of the front setback area.
	Rear Setback Area:	May be placed at any location within the rear setback area which is not less than 5 feet from the rear lot line, provided the structure, or portion thereof, within the rear setback area does not exceed 8 feet in height and does not cover more than 15% of the rear setback area.
	Side Setback Area:	May be placed at any location within the side setback area which is not less than 3 feet from the side lot line, provided the structure, or portion thereof, within the side setback area does not exceed 8 feet in height and does not cover more than 15% of the side setback area.
	<p><b>Modifications:</b> The Zoning Administrator may approve a modification to the foregoing exceptions for unroofed and openwork roofed garden structures, following the conduct of a hearing with 10 days notice thereof being given to the owners of all adjacent properties, if the Zoning Administrator is able to make all of the following findings:</p> <ol style="list-style-type: none"> <li>(1) The modification will not result in overbuilding the site or result in the removal of significant greenscape.</li> <li>(2) The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.</li> <li>(3) The accessory structure is designed to be compatible with the primary dwelling(s) on the site.</li> </ol>	

B. The exceptions set forth in Subsection 17.32.070(A) above shall not be construed to include chimney boxes, swimming pools and spas, exposed plumbing, or mechanical equipment such as heating and air conditioning units or pool pumps, and no exceptions to the setback requirements shall be permitted for any of these structures.