

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 5/28/2020

**SUBJECT:** **Setback Exception Modification SE-1-20; 285 Santa Clara Street;** R-1 Residential Zoning District; to allow construction of the entry stairway and landing within the side setback; Jerry Kuhel, applicant; Martin Walker, owner.

**REQUEST:** The applicant requests modification the setback exceptions to allow the landing of proposed elevated stairway providing exclusive access to the front door of the existing single-family dwelling to extend nine inches into the required three-foot side setback along the northern property line.

**RECOMMENDATION:** Conditionally approve Setback Exception Modification SE-1-20, via adoption of Resolution SE-1-20 with Exhibit A containing the findings and conditions of approval.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt per State CEQA Guidelines Section 15305(a). This project falls within a class of projects which the State has determined not to have a significant effect on the environment. The exceptions to this categorical exemption referenced in Section 15300.2 of the CEQA Guidelines do not apply.

**APPLICABLE CODE SECTIONS:** Brisbane Municipal Code (BMC) Section [17.32.070.A.2.e](#) allows for stairs, ramps, and landings to be within the side setback with certain provisions (setback exceptions). If the proposed setbacks are less than permitted by exception, the section allows for Planning Commission approval of modification of said setback exceptions based on certain findings outlined below.

### **ANALYSIS AND FINDINGS:**

The subject property is located in the R-1 Residential District on a lot that is less than thirty (30) feet wide. Per BMC Section 17.06.040.D, the side setback for this lot is three feet. BMC Section 17.32.070.A.2.e permits stairs on-grade constructed of noncombustible materials to be located anywhere in the side setback.

The proposed entry stairs are located along the northern side property line and lead to the subject property's main entrance on the second floor. As shown on the applicant's site plan (see Attachment D), only the landing at the top of the stairs will project into the three foot side setback. The stairs leading to that landing will either be on grade or set back three feet from the property line.

The on-grade stairs stretch approximately 15 feet from the front of the house towards the rear. A new steel staircase, set back three feet from the side property line, begins where the on-grade stairs end and extends roughly another five feet to a height of about three and a half feet. The staircase

terminates with a small landing at the second-floor front door of the subject property. This landing encroaches 9 inches into the required 3-foot side setback.

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

- i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.

The proposal complies with this finding. The proposed stairway is to provide access from the public right of way to the front door of the only dwelling at the subject property. Presently, there is no stairway from the front door to street level and entry to the home is provided through either the garage or the back door at the rear of the property, accessed via a narrow walkway along southern property line. The landing of the proposed stairway is the only portion of the elevated stairway that extends into the required side setback and does so in part because the subject property's main entry is positioned at a 45-degree angle and minimum building code requirements for landings demand such a configuration.

- ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.

The project complies with this finding. The subject property is twenty-five feet wide and the main entry is located at a 45-degree angle along the northern property line. The narrow lot width and orientation of the front door are limiting factors for potential alternative designs. The proposal seeks to minimize any protrusion into the required side setback in that only the landing extends into the setback area. In order to comply with building code requirements for landings and maintain a three-foot setback, the existing home would need to be altered to locate the front door farther away from the property line or orient the door at a different angle.

- iii. The visual impacts of the modification have been minimized.

The proposal complies with this finding. The proposed stairway is mostly on grade, and the elevated portion of the stairway is a simple and attractive design of steel construction that extends at most approximately four feet above grade. Views of the staircase and landing will be screened from the adjacent property by an existing fence approximately eight feet tall along the northern property line. The landing does not exceed the minimum size requirements of the building code.

**ATTACHMENTS:**

- A. Draft Resolution SE-1-20 with recommended Findings and Conditions of Approval
- B. Aerial vicinity map
- C. Applicant's statement of findings
- D. Applicant's Plans and Photographs

  
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Jeremiah Robbins, Associate Planner

  
\_\_\_\_\_  
John Swiecki, Community Development Director

**ATTACHMENT A  
DRAFT RESOLUTION SE-1-20 WITH  
FINDINGS AND CONDITIONS OF APPROVAL**

Draft  
RESOLUTION SE-1-20

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING SETBACK EXCEPTION MODIFICATION SE-1-20  
FOR A NEW ENTRY STAIRWAY AND LANDING WITHIN THE NORTHERN SIDE  
SETBACK AT 285 SANTA CLARA STREET

WHEREAS, Jerry Kuhel applied to the City of Brisbane for a Setback Exception Modification for a new entry stairway and landing in the north side yard of 285 Santa Clara Street, such application being identified as SE-1-20; and

WHEREAS, a portion of the proposed stairway landing exceeds the setback exceptions for stairs, ramps, and landings, being approximately two feet, three inches from the northern side lot line (with a setback exception of three feet permitted by BMC Section 17.32.070.A.1.e); and

WHEREAS, on May 28, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, 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 15305 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 May 28, 2020 did resolve as follows:

Setback Exception Modification SE-1-20 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twenty-eighth day of May, 2020, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
PAMALA SAYASANE  
Chairperson

ATTEST:

\_\_\_\_\_  
JOHN SWIECKI, Community Development Director

**EXHIBIT A**

**ACTION TAKEN:** Conditionally approved Setback Exception Modification SE-1-20 per the staff memorandum with attachments, via adoption of Resolution SE-1-20.

**FINDINGS:**

- i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.
- ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.
- iii. The visual impacts of the modification have been minimized.

**CONDITIONS OF APPROVAL:****Building Permit Application or During Construction:**

- A. 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.
- B. As required by the Building Department, the guardrail for the metal staircase and landing shall be solid for the first 30 inches above the stairs and landing. Other building permit requirements may be imposed once detailed plans are provided for a building permit application.

**Modifications & Time Limits:**

- C. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
- D. 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.

**ATTACHMENT B  
AERIAL VICINITY MAP**



# Aerial Vicinity Map 285 Santa Clara Street, Brisbane



**ATTACHMENT C**  
**APPLICANT'S STATEMENT OF FINDINGS**



**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?

THIS IS THE MAIN ENTRANCE TO THE STRUCTURE  
THE STAIRS WERE REMOVED MANY YEARS AGO AND  
ARE JUST REPLACING THEM NOW. CURRENT ACCESS TO  
THE HOME IS THROUGH THE GARAGE DOOR.

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?

THE FRONT ENTRANCE TO THE STRUCTURE IS AT ANGLE  
MAKING IT NECESSARY FOR THE MINIMUM LANDING  
SIZE TO PROJECT INTO SIDE SETBACK

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

THE PROPOSED STAIRS ARE THE MINIMUM SIZE TO  
MEET BUILDING CODE.

**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?

N/A THERE IS NO ACCESSORY STRUCTURE  
THIS IS THE PRIMARY ENTRANCE

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

NONE

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

NO IMPACT

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.)?

STAIRS WILL BE COMPATIBLE WITH EXISTING  
STRUCTURE

**ATTACHMENT D**  
**APPLICANT'S PLANS AND PHOTOGRAPHS**

**Kuhel  
Design**

415-508-1750  
kuheldesign@sbcglobal.net

PLOT PLAN

**WALKER RESIDENCE  
285 SANTA CLARA STREET  
BRISBANE, CALIFORNIA**  
APPROVED:

DRAWN: J. KUHEL

DATE: 2-10-20

REVISED: 2-11-20

SCALE: AS NOTED

JOB# 19-447

SHT A1

OF SHTS

**PROJECT DATA**

285 SANTA CLARA ST. BRISBANE, CA  
(E) SINGLE FAMILY 2 STORY WOOD STRUCTURE  
APN: 007-362-120  
OCCUPANCY GROUP: DWELLING R-3, GARAGE U  
CONSTRUCTION TYPE: VB  
LOT SQUARE FOOTAGE: 2825

**PROJECT DESCRIPTION**

NEW STEEL STAIRCASE FOR FRONT DOOR ACCESS AND  
CONCRETE STAIRS ON GRADE ON EAST SIDE OF STRUCTURE

**DRAWING INDEX**

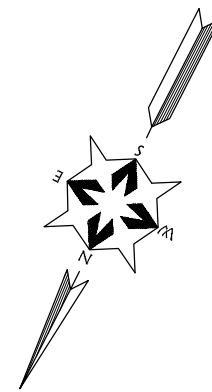
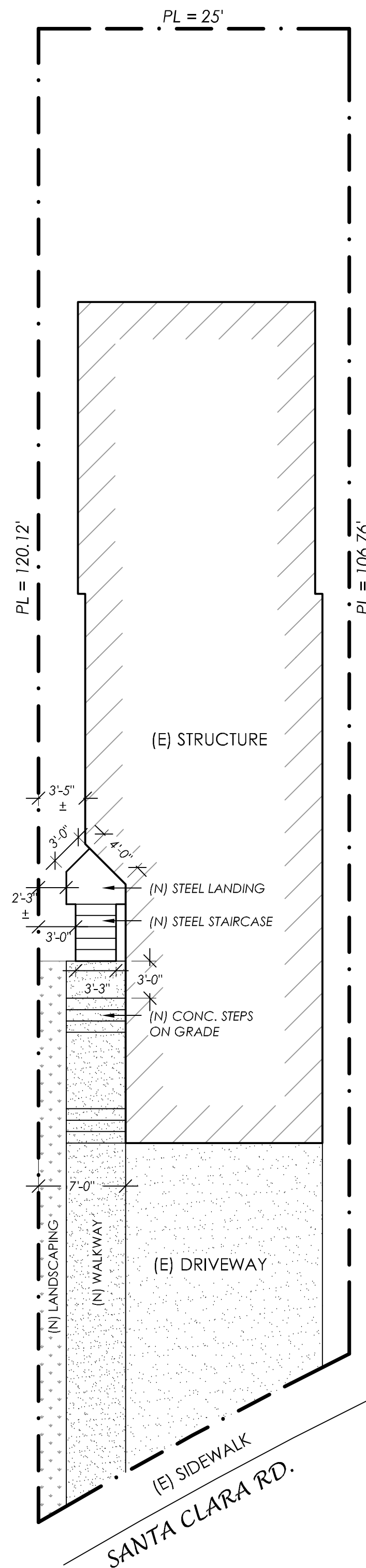
- A1 PLOT PLANS
- A2 ELEVATIONS

**APPLICABLE CODES:**

- 2019 CALIFORNIA BUILDING CODE
- 2019 CALIFORNIA RESIDENTIAL CODE
- 2019 CALIFORNIA ELECTRICAL CODE
- 2019 CALIFORNIA PLUMBING CODE
- 2019 CALIFORNIA MECHANICAL CODE
- 2019 CALIFORNIA FIRE CODE
- 2019 CALIFORNIA ENERGY CODE
- 2019 CALIFORNIA GREEN BUILDING STANDARDS

**GENERAL NOTES:**

1. THE ISSUANCE OF A BUILDING PERMIT SHALL NOT BE CONSTRUED AS A GUARANTEE THAT ALL CODE REQUIREMENTS ARE REFLECTED IN THE DOCUMENTS. THE GENERAL CONTRACTOR FOR THE PROJECT SHALL BE ULTIMATELY RESPONSIBLE FOR INSURING THAT THE FINISHED PRODUCT COMPLIES WITH ALL REGULATIONS, LAWS AND CODE REQUIREMENTS.
2. THESE PLANS ARE FOR THE GENERAL CONSTRUCTION PURPOSES ONLY. THEY ARE NOT EXHAUSTIVELY DETAILED NOR FULLY SPECIFIED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SELECT, VERIFY, RESOLVE AND INSTALL ALL MATERIALS AND EQUIPMENT.
3. THERE WILL BE NO OBSERVATION BY THE DESIGNER DURING CONSTRUCTION. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE QUALITY CONTROL AND CONSTRUCTION STANDARDS FOR THE PROJECT.
4. THE GENERAL CONTRACTOR SHALL MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DOCUMENTS ON THE JOB SITE DURING ALL PHASES OF CONSTRUCTION FOR THE USE OF ALL TRADES AND SHALL PROVIDE ALL SUBCONTRACTORS WITH CURRENT CONSTRUCTION DOCUMENTS AS REQUIRED.
5. GENERAL CONTRACTOR TO VERIFY ALL MEASUREMENTS SHOWN ON THESE DRAWINGS PRIOR TO COMMENCING ANY WORK OR ORDERING ANY MATERIAL.
6. DO NOT SCALE THE DRAWINGS. DIMENSIONS SHOWN SHALL SUPERCEDE SCALE OF DRAWINGS. ANY DISCREPANCY IN DIMENSIONS OR CONFLICT IN PLANS OR FIELD CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF KUHEL DESIGN PRIOR TO CONTINUANCE OF THE WORK IN THE AFFECTED AREA. IF WORK IS CONTINUED IN THE AFFECTED AREA WITHOUT INSTRUCTION OR CLARIFICATION BY KUHEL DESIGN, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY RESULTANT DEFECT, DAMAGE OR CHANGE REQUIRED.
7. ALL CONSTRUCTION DETAILS FOR THE STEEL STAIRCASE TO BE PROVIDED BY THE MANUFACTURER AND TO COMPLY WITH ALL CURRENT BUILDING CODES.



1 PLOT PLAN  
1  
1/8" = 1'

Kuhel Design

415-508-1750  
kuheldesign@sbcglobal.net

ELEVATIONS

WALKER RESIDENCE  
285 SANTA CLARA STREET  
BRISBANE, CALIFORNIA  
APPROVED:

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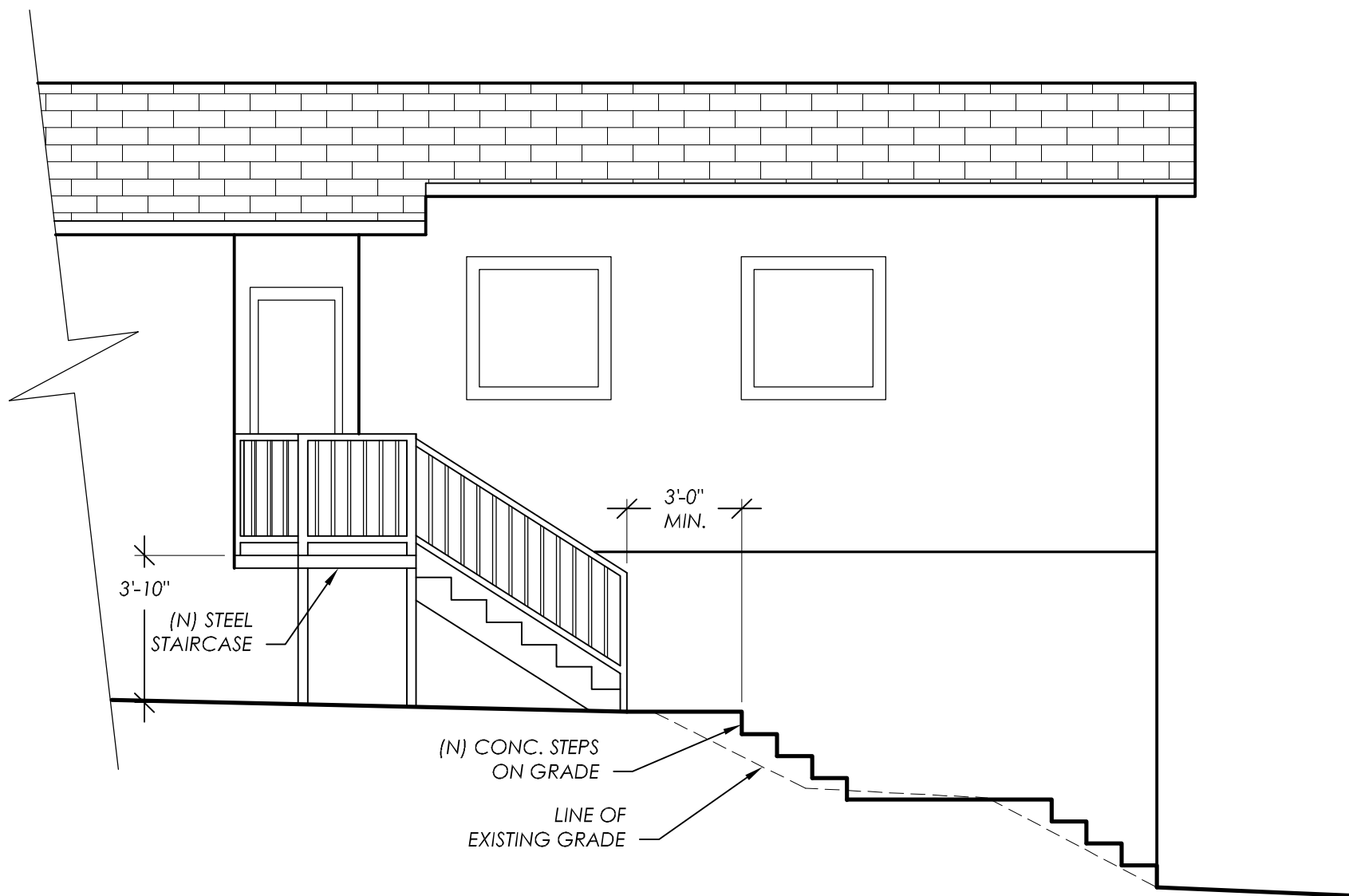
REVISED:

SCALE: AS NOTED

JOB# 19-447

SHT A2

OF SHTS



1 EAST ELEVATION  
2 1/4" = 1'



2 NORTH ELEVATION  
2 1/4" = 1'







