

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission

For the Meeting of 9/11/14

FROM: Ken Johnson, Senior Planner, via John A. Swiecki, Community Development Director

SUBJECT: **645 Humboldt Road;** Use Permit UP-1-14; Use Permit to modify the parking requirements to allow for addition of an approximately 95 sq. ft. home office accessory structure under the existing parking deck, for an existing single family home with a secondary dwelling unit; to provide the existing five parking spaces (four standard and one compact), where six spaces are required.; Jerry Kuhel, applicant; Rafael Martinez, owner; APN 007-425-080.

Request: The applicant requests use permit approval to modify the parking standards for this site, in order to allow for construction of an approximately 95 sq. ft. accessory structure (home office). 645 Humboldt Road is developed with a single-family dwelling and a secondary dwelling unit. The secondary dwelling unit was approved in 1986 and following its approval the parking standards were modified by the City, rendering this site nonconforming for parking. It has 5 parking spaces whereas 6 are currently required (as detailed in the project description). Since the site includes two dwelling units and not just a single family residence, no expansion of floor area may be allowed unless either the parking is modified to accommodate the required 6 spaces, or a use permit is granted. The provision of a 400 sq. ft. expansion allowance that is otherwise afforded single family homes does not apply since the site has a secondary dwelling unit.

Recommendation: Conditionally approve Use Permit UP-1-14, per the staff memorandum with attachments, via adoption of Resolution UP-1-14 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: The addition of an accessory structure is categorically exempt from the provisions of the California Environmental Quality Act per Section 15301 of the State CEQA Guidelines; it falls within a class of projects which the State has determined not to have a significant effect on the environment. The exceptions to these categorical exemptions referenced in Section 15300.2 do not apply.

Applicable Code Sections: Brisbane Municipal Code Section 17.34.010 contains the parking requirements for single-family residences and secondary dwelling units. BMC Section 17.34.110 allows for a single family dwelling to be expanded by up to 400 sq. ft.; however, that provision specifies that the structure to be expanded constitutes the only dwelling unit on the site. BMC Section 17.34.115 allows the Planning Commission to modify these parking requirements. The applicable findings for such Use Permits are found in BMC Sections 17.34.115 and 17.40.060.

Background: This site was approved for a secondary dwelling unit (SDU) in 1986 and that unit was established in 1987. After the SDU was approved, the City modified the parking regulations rendering this site nonconforming for parking. A total of 6 spaces is currently required, including 2 garage spaces, plus 2 on- or off-street spaces for the single family home, plus 2 standard off-street spaces for the SDU. This nonconforming condition limits the owner's ability to add new floor area to the site, without either first bringing the parking into conformance with current code by adding a parking space or obtaining a use permit for parking. In 2002, the owner obtained a use permit for a similar proposal, via UP-17-02. That proposal was to add a 125 sq. ft. dressing room under the existing parking deck, which was associated with a hot tub. However, the applicant never constructed the dressing room and the permit expired in 2004. Then in 2013, the applicant was issued a stop work order for construction of the current home office space under the parking deck without a building permit. The applicant then submitted an application for a building permit and it was determined that a new use permit was required.

Analysis and Findings: To approve a use permit for modification of parking, the Planning Commission must determine whether the proposal meets the standard use permit findings along with those specifically applicable to modification of the parking provisions.

The standard use permit findings are contained in BMC Section 17.40.060 and the parking modification findings are contained in BMC Section 17.34.115. All of these findings are detailed in the attached resolution. The proposal meets all of the required findings for approval.

The Commission should note the findings from BMC Section 17.34.115 which specifically address modification of the parking provisions, are as follows:

"Strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site;" and

"The granting of the use permit will not result in the parking of vehicles on public streets in such manner as to interfere with the free flow of traffic on the streets or create or intensify a shortage of on-street parking spaces."

The proposal would not create any new traffic to the site or result in parking on the street. The use permit addresses parking for an existing single family home and the existing SDU, so there would be no new traffic from those existing uses. The accessory structure is proposed to be a home office and if this is intended for a home occupation, a separate home occupation permit will also be required, per BMC Chapter 17.44, which requires that no additional traffic be generated from it. Proposed condition of approval F also addresses parking demand for this potential use. Specifically, if the applicant were to use the accessory structure as an office for a home occupation, the home occupation provisions do not allow for the generation of additional traffic which could negatively impact the neighboring properties and condition F would prohibit a home occupation resulting in a need for off-site parking.

BMC Section 17.40.060 includes a finding which addresses the general welfare of the persons residing in the neighborhood. The granting of this application would not adversely affect those residents in the area since there would be no new traffic generation or parking demand.

Finally, it should be noted that, although the site plan shows only five parking spaces, a sixth space which may accommodate a subcompact car or motorcycles is located directly in front of the entrance to the home (see the site plan). Due to the size of that space, which is limited by a handrail, it could not officially be counted towards meeting the requirement, but is noteworthy in that it does provide additional parking capacity on the site for small vehicles. Also, the proposed parking, of five spaces, would be conforming with the Planning Commission's recommended revised parking ordinance, which is currently under review with the City Council's subcommittee.

Attachments:

- Draft Resolution with Findings
- Project Description
- Site Location Map/Aerial Photo
- Staff Photos of Existing Parking
- Applicants' Statement, Plans

draft
RESOLUTION UP-1-14

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING
USE PERMIT UP-1-14
TO MODIFY THE PARKING REGULATIONS
AT 645 HUMBOLDT ROAD

WHEREAS, Jerry Kuhel, the applicant, applied to the City of Brisbane for Use Permit approval to modify the parking regulations requiring a total of 6 parking spaces for the existing single family residence and secondary dwelling unit, to allow addition of an approximately 95 sq. ft. home office at 645 Humboldt Road, such application being identified as UP-1-14; and

WHEREAS, on September 11, 2014, the Planning Commission conducted a hearing of the applications, 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 applications, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the applications; 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 Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of September 11, 2014, did resolve as follows:

Use Permit Application UP-1-14 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this eleventh day of September, 2014, by the following vote:

AYES:
NOES:
ABSENT:

Karen Cunningham
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

draft
EXHIBIT A

Action Taken: Conditionally approve Use Permit UP-1-14, via adoption of Resolution UP-1-14.

Findings:

1. Strict enforcement of the parking regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site.
2. The granting of the use permit will not result in the parking of vehicles on public streets in such manner as to interfere with the free flow of traffic on the streets or create or intensify a shortage of on-street parking spaces.
3. In considering an application, the planning commission has considered and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.
4. The planning commission has determined that the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, nor will it be injurious or detrimental to property and improvements in the neighborhood nor to the general welfare of the city.

Conditions of Approval:

- A. The owner shall comply with all requirements for issuance of a Building Permit prior to completion of the structure.
- B. Prior to issuance of a building permit and subject to approval by the City Attorney, the property owner shall execute a declaration of restriction to be recorded, prohibiting the use of the accessory structure as a bedroom.
- C. The structure shall comply with the applicable setback requirements, including the requirement that no portion of that area within the front setback shall have a floor to ceiling height of 6 ft or greater, such that it would be considered floor area.
- D. The existing parking as detailed in the project description and as shown on the applicant's plans shall not be converted to other uses.
- E. Prior to final inspection of the accessory structure, the usability of the garage to park two standard-size vehicles shall be confirmed.

- F. Prior to use of either the accessory structure or other areas of the home for the purposes of a home occupation, a business license shall be obtained from the Finance Dept. and the use shall comply with all of the applicable performance standards detailed in BMC Section 17.44.040. Such use shall not result in the need for off-site parking.
- G. The required parking spaces shall not be used or converted to any other use that would impair their basic use as parking for motor vehicles per Brisbane Municipal Code Section 17.34.020.A.
- H. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- I. This Use Permit shall expire two years from their effective date (at the end of the 7 day appeal period) if a building permit has not yet been issued for the approved project.

Project Description

General Plan: Residential: 2 ½ -14 dwelling units per acre

Zoning: R-1 Residential District

Lot Area: 6,305+/- sq. ft.

Average Slope: 39+/- %

Building Coverage—

Permitted: 40% (2,522 sq. ft.)
 Existing: 24% (1,492+/- sq. ft.)
 Proposed: 25% (1,587 +/- sq ft)

Floor Area Ratio—

Permitted: 0.72 (4,539 sq. ft.)
 Existing: 0.46 (2,899 sq. ft.+/-, including garage space and a 471 sq ft SDU)
 Proposed: 0.47 (2,994 sq. ft. +/-)

Setbacks--

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Front—			
House/			
Accessory:	10 ft.	18 ft.	10 ft. (below parking deck)
Garage:	0 ft.	0 ft.	no change
West Side:	5 ft.	6 ft.	no change
East Side:	5 ft.	23 ft.	8 ft. 9 in
Rear:	10 ft.	24 ft.	no change

Height—

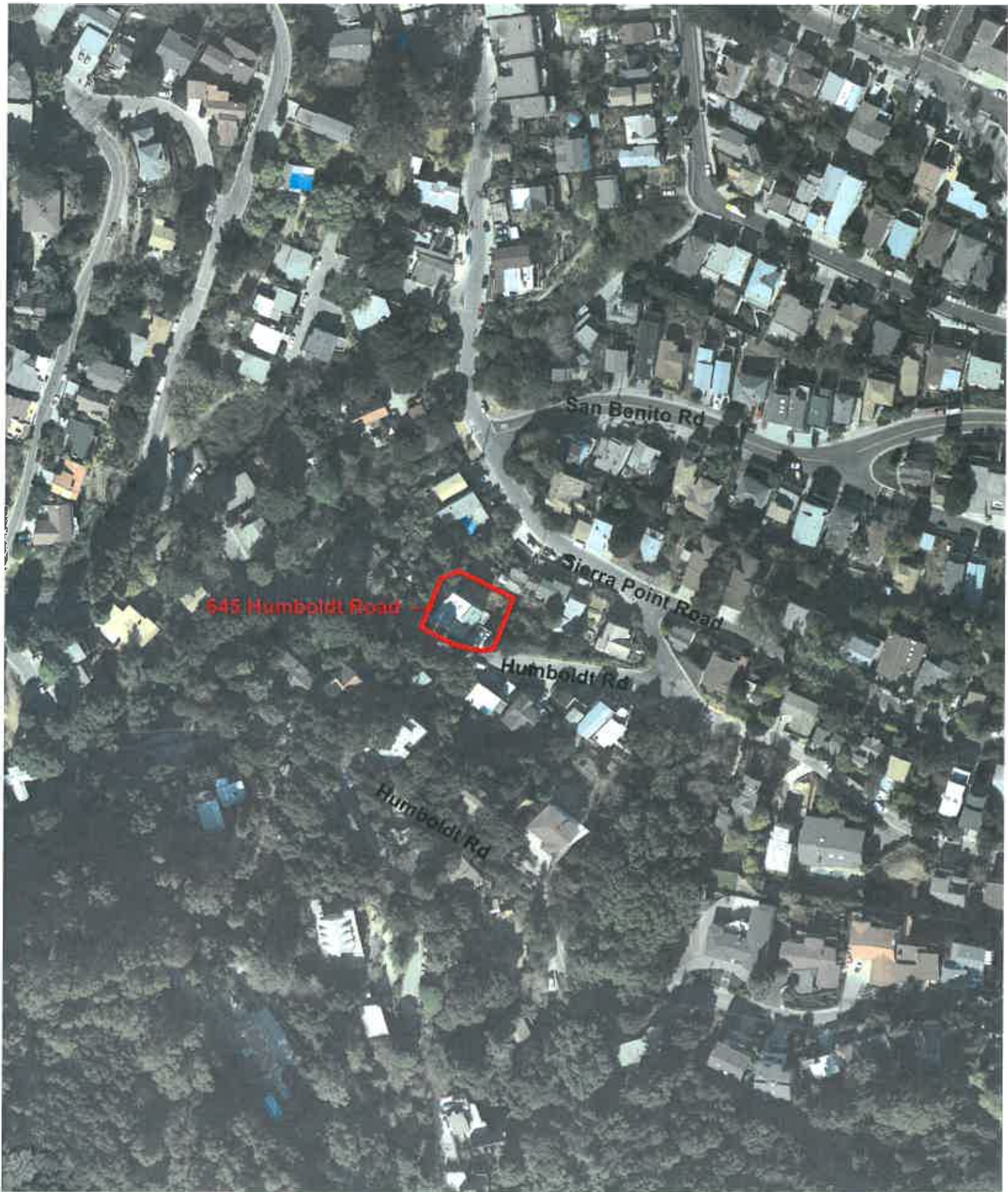
Permitted: 30 ft.
 Proposed: Accessory structure proposed below existing parking deck

Parking—

Required: A total of 6 spaces: 2 covered spaces plus 2 on/off-street spaces for the single family residence, plus 2 standard off-street spaces for the SDU

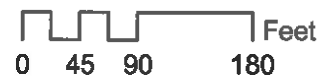
Existing/Proposed: A total of 5 spaces: 2 standard-size garage spaces plus 2 standard off-street space, plus 1 compact space (partially in the public right-of-way). Additionally, 1 subcompact space is located in front of the main entrance to the house.

Note: Standard spaces are at least 9 ft by 18 ft.
 Compact spaces are at least 8 ft by 16 ft.



**645 Humboldt Road
Site Location Map**

G.1.8.





G.1.9.



G. 1.10.



Accessory Structure
Proposed below deck

6.1.12

Access to Street
Existing/Proposed
Stop work order
Issued

6.1.15

To: City Of Brisbane
Date: 4-28-14
From: Jerry Kuhel
Re: Use Permit/ Parking Modification
Project Address: 645 Humboldt Rd.

Project Description:

Enclose a 15' x 16' area under existing parking structure to create a 100 sq ft office with additional storage that would be less than 6' in height.

Supporting Comments:

The granting of this use-permit would have no impact on the amount of traffic on Humboldt Rd. The site already has 4 full size and 2 compact parking space and would have no impact on the on-street packing. Since the office is underneath an existing structure, behind an existing deck and is not visible from the road, it should have no impact on neighboring properties or the public in general. The planning commission granted a use permit for parking modification on this property for a larger project several years ago that the homeowner chose not to pursue. We would hope that given that this is smaller project that a use-permit will be granted.

Please contact me with any questions or require additional support documents.

Jerry Kuhel
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