

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission JMS For the Meeting of 7/14/11

FROM: Tim Tune, Senior Planner, via John Swiecki, Community Development Director

SUBJECT: **STUDY SESSION:** Implementation of Housing Element Programs H.B.3.b, H.B.3.i, H.I.1.b & H.I.1.c, Regarding Parking Requirements

REQUEST: Amendments to the Zoning Ordinance's parking requirements are preliminarily proposed to implement the following 2007-2014 Housing Element Programs--

Program H.I.1.b Revise the residential parking requirements so as to be based upon floor area and/or number of bedrooms, consistent for single-family dwellings, secondary dwelling units, duplexes and multi-family dwelling units.

Program H.I.1.c Consider revising the parking requirements for secondary dwelling units to encourage smaller, more affordable units.

Program H.B.3.b To encourage housing for seniors, reduce the parking requirements for units designed and dedicated for use by elderly persons.

Program H.B.3.c Encourage housing units designed for persons with disabilities by reducing parking requirements for those units.

Program H.B.3.i Include emergency shelters as a permitted use in the Southwest Bayshore R-SWB district, not subject to discretionary action or to any development or management standards that would not apply to other allowed uses within the zone, except as provided by Government Code Section 65583(a)(4)(A).

Other potential issues to consider include--

- How should the ordinance address structures that will become nonconforming as the result of adoption of new requirements?
- Should on-street parking no longer be administratively recognized as meeting any of the required parking for single-family residences?
- Should new minimum garage dimensions and setbacks be adopted?

- Should shared driveways be encouraged?
- When should guest parking be required?
- Should the parking requirements for other uses be updated at this time?
- What other provisions of the parking ordinance need clarification?

This first study session is intended to address the issues raised by the Housing Element programs listed above. Extensive background material is provided, but it is not expected that the Commission will have thoroughly reviewed the attachments prior to this study session. The other items listed above will be discussed at follow-up sessions to be scheduled for subsequent meetings.

RECOMMENDATION: Provide direction to staff to prepare a draft ordinance for recommendation to the City Council.

BACKGROUND: The 1994 General Plan contains the following program:

Program 22c: Review the residential parking requirements in the Zoning Ordinance to determine their effect on the height, mass and scale of structures and grading implications and whether amendments to the Code should be considered.

Expanding upon this, the 1999-2006 Housing Element included the following program:

Program H4a(1): Process zoning ordinance amendments to tie the parking requirements to unit size for all dwelling units, including secondary dwelling units.

Other programs in the 1999-2006 Housing Element addressed reduced parking requirements for units designed and dedicated for use by persons with disabilities and the elderly.

To implement Program H4a(1), the Planning Commission in 2004 recommended that the parking requirements be revised to require 2 spaces (including 1 covered inside a garage or carport) for all units no more than 1,800 sq. ft. in floor area, 3 spaces (including 1 covered) for 1,800-2,700 sq. ft. units, 4 spaces (including 2 covered) for 2,701-3,600 sq. ft. units, 5 spaces (including 2 covered) for 3,601-4,500 sq. ft. units, and 6 spaces (including 2 covered) for units over 4,500 sq. ft. in floor area (see attached comparison with the existing requirements).

Draft Ordinance No. 490 was presented to the City Council as recommended by the Planning Commission (see attached Minutes). After continued discussion, the Council reached consensus at its meeting on October 18, 2004, that the parking requirements should be linked to the size of

residential structures. In addition, the Council agreed that on-street parking spaces should not count toward meeting the City's parking requirements. Apparently due to concerns regarding the number of existing houses that would be deemed "nonconforming structures" under the new ordinance, though, it was tabled indefinitely.

Since then, the Planning Commission has approved at least 9 Use Permits to modify the parking regulations for specific projects, utilizing the ratios it had recommended earlier, but recognizing on-street parking in some instances (see attached table). In all cases, the recommended ratio based upon floor area was found to an appropriate alternative to the current parking requirement based upon lot frontage.

In January of this year, the 2007-2014 Housing Element was adopted by the City Council, including a variation of Program H4a(1), along with a number of related programs, listed above (these programs supplement the related policies and programs adopted in the 1994 General Plan, see attached).

STAFF ANALYSIS: The intent of Housing Element Programs H.I.1.b and H.I.1.c is to provide a consistent basis for determining required parking for dwelling units in proportion to unit size, following the already adopted floor area ratio for the R Districts. This approach will encourage smaller homes by relating required parking to floor area, rather than lot frontage. It would discourage very large houses by requiring more parking than the current maximum of 2 covered spaces plus 2 on/off-street spaces.

Housing Element Programs H.B.3.b, H.B.3.c and H.B.3.i recognize, though, that there are specific types of dwellings—housing for seniors and persons with disabilities and emergency shelters—for which special parking requirements are appropriate.

Given these changes to the Zoning Ordinance's parking requirements, staff suggests that the other portions of Brisbane Municipal Code Chapter 17.34 as they relate to residential parking be reviewed, using the Planning Commission's previously recommended draft ordinance as a starting point.

Parking Requirements for Single-Family and Multi-Family Units--The current parking regulations use two entirely different standards to determine the required number of spaces for residential uses. For single-family dwellings, lot frontage is used as the basis, while the parking required for multi-family units is based upon the number of bedrooms. Neither approach has proven entirely satisfactory.

In response to concern that new houses were "overbuilding" their small lots, the City Council in 2002 adopted floor area ratio standards to relate the total size of a house to the size of its lot. The parking requirements recommended by the Planning Commission in 2004 continued that

approach by relating the number of required parking spaces to the size of the house, based upon the current parking requirement for a single-family home on a 25 ft. wide, 100 ft. deep lot.

Based upon the City's maximum 0.72 ft. floor area ratio and the long-standing standard of 2 spaces for a 25-ft. lot, the Planning Commission recommended that the minimum requirement be 2 spaces for up to 1,800 sq. ft. of floor area (0.72 x 2,500 sq. ft.), with an additional space (up to a maximum of 6) for each additional 900 sq. ft. of floor area (see Section 17.34.020.A of the attached "redline" version of the 2004 recommended parking ordinance amendments and the attached "Comparison" chart). The number of parking spaces required per unit would be the same for single-family homes, secondary dwelling units, duplexes, multi-family dwellings, group homes, mobilehomes and condominiums, regardless of whether they are rented or owner-occupied.

Currently, 1 of the 2 spaces required for a single-family dwelling on a 25-ft. lot must be covered within a garage or carport (see BMC Section 17.02.175), with 2 covered spaces being required for larger lots. Following this practice, the 2004 recommended ordinance would require one of the first 2 required spaces to be covered. If 3 or more spaces were required, the third would also have to be covered. No more than 2 covered spaces would be required per unit, regardless of the total number of spaces required. Note that this would change the current requirement that all of the parking spaces for duplex and multiple-family units containing 1 or more bedrooms be "garage" spaces (defined by BMC Section 17.02.340 as being "enclosed on three (3) or more sides"). No covered parking is currently required for studio multi-family units or secondary dwelling units (see below).

Parking Counts--One test of the recommended ratio based upon floor area that staff conducted was to actually count the number of parked cars generated by a residential development of a known size in terms of floor area and number of bedrooms. Altamar at the Ridge consists of 214 units. The units range in size from 1,070 to 1,663 sq. ft., totaling 291,662 sq. ft. of living space and averaging 1,363 sq. ft. per unit. At approximately 7:15 p.m. on Wednesday, January 15, 2003, staff found 277 vehicles parked in the development, occupying 52% of the total spaces available (529). This is a higher rate than found in an earlier survey at approximately 7:00 p.m. on Wednesday, July 24, 2002 ($233/529 = 44\%$). It was also higher than found in later studies at approximately 7:00 p.m. on Wednesday, April 14, 2004 ($234/529 = 44\%$) and at approximately 7:15 p.m. on Wednesday, June 15, 2011 ($276/529 = 52\%$). At the highest parking occupancy rate, the ratio would be 1 parked vehicle per 1,053 sq. ft. of floor area.

Applying the 2004 recommended ratio to the units at Altamar would produce the following results:

<u>Type of Unit</u>	<u>Unit Size (Sq. Ft.)</u>	<u>Number of Units</u>	<u>Recommended Spaces Per Unit</u>	<u>Total Spaces</u>
2-bedroom	1,070	51	2	102
2-bedroom	1,243	42	2	84
1-bedroom + den	1,280	21	2	42
2-bedroom + den	1,520	29	2	58
3-bedroom	1,520	29	2	58
2-bedroom + den	1,663	42	2	84
GRAND TOTAL				428

The 428 total number of spaces that would be required at a ratio of 2 per 1,800 sq. ft. of floor area for each unit would be more than enough to meet the actual demand found in the four counts at Altamar (233-277 parked vehicles).

In comparison, at the current required rate of 1.5 spaces per 1-to-2-bedroom unit and 2 spaces per 3-bedroom unit, the grand total would be 356.

Vehicle Ownership Rates--Another way in which the proposed parking ratio was evaluated was to check it against known vehicle ownership rates per household and average house size. Car ownership per household data is available for Brisbane from the 1990 and 2000 U.S. Censuses (more current information is not yet available from the 2010 U.S. Census). According to the 1990 U.S. Census, all but 99 of the 1,300 total number of households in Brisbane had at least one car. Of the 1,687 employed persons in Brisbane 16 years or older, 1,283 (76.1%) drove alone to work and 238 (14.1%) carpooled. Of those who carpooled, 180 were in a 2-person carpool and the remainder were in larger carpools. Assuming that at least half of those persons in the 2-person carpools owned a car, the total number of cars owned by Brisbane residents who worked would be 1,373. This would translate into an ownership rate of at least 0.8 cars per employed person 16 years or older. At that time, 2,460 Brisbane residents out of a total of 2,952 were 16 years or older. If the same ownership rate were applied to the entire population 16 years or older (employed or not), excluding the at least 99 persons in households without cars, there would have been 1,889 vehicles owned by local residents, amounting to 1.45 per household. This would be quite an assumption, since it would probably exaggerate ownership rates for those who were at the upper and lower ends of the range of ages covered, particularly since those 65 years or older were specifically known to have a lower car ownership rate. For example, of the 99 households in Brisbane without any vehicles, 33% were headed by a householder at least 65 years old, while only 10% of the total households in Brisbane were headed by a householder at

least that old. This exaggeration might compensate, though, for the lack of data on the number of persons owning multiple vehicles.

According to the 1990 U.S. Census, the average housing unit in Brisbane had 4.57 rooms, including 2.01 bedrooms. While there was no information on the average size of housing units in Brisbane, the nationwide median home at that time contained 5.4 rooms, including 2.6 bedrooms, and 1,688 sq. ft. Extrapolating from these figures, the average housing unit in Brisbane was 1,305-1,428.5 sq. ft. At 1.45 vehicles per unit, this would translate to 1 vehicle per 900-985 sq. ft.

Data regarding vehicle ownership in Brisbane from the 2000 U.S. Census generally corroborates the conclusions drawn from the 1990 U.S. Census. In 2000, 72 households out of a total of 1,614 had no vehicles available, 621 had 1 vehicle, 701 had 2 vehicles and 220 had 3 or more. This translates into a total of at least 2,683 vehicles and an average of at least 1.66 vehicles per household. According to the 2000 U.S. Census, of the 2,079 employed persons in Brisbane 16 years or older, 1,498 drove alone to work (72.1%, down from 76.1% in 1990) and 273 carpooled (13.1%, down from 14.1% in 1990; additional details regarding carpool size are not available). Assuming that at least half of those persons in the 2-person carpools owned a car, the total number of cars owned by Brisbane residents who worked would be 1,635. This would translate into an ownership rate of at least 0.8 cars per employed person 16 years or older (the same as in 1990). In 2000, an estimated 3,031 Brisbane residents out of a total of 3,597 were 16 years or older (based upon extrapolation from data released to date that 3,065 were 15 years or older, 184 were 10 to 14 years old, and 160 were 15 to 19 years old). If the same ownership rate were applied to the entire population 16 years or older (employed or not), there would have been 2,425 vehicles owned by local residents, amounting to 0.67 vehicles per person (of any age) or 1.5 per household.

According to the U.S. Census, the median number of rooms per unit in Brisbane was 4.4 in 2000. While there was no information on the average size of housing units in Brisbane, the nationwide median home in 1990, as noted above, contained 5.4 rooms and 1,688 sq. ft. Extrapolating from these figures, the median housing unit in Brisbane in 1990 was approximately 1,305-1,428.5 sq. ft. According to the 2000 U.S. Census, 1,388 units were built before 1990. According to City records, 277 units were issued Certificates of Occupancy in Brisbane from 1990 through March 2000 (the 2000 U.S. Census counted 430 units, including the unoccupied units at The Ridge). These 277 units contained an estimated total of 482,707 gross sq. ft. of floor area. Thus, the average housing unit built in Brisbane from 1990 to the time of the 2000 U.S. Census was 1,743 sq. ft. The weighted average floor area per housing unit in Brisbane at the time of 2000 U.S. Census would then be estimated to be 1,378-1,481 sq. ft. With at least 1.66 vehicles per household, this would translate to 1 vehicle per 830-892 sq. ft.

Other Cities' Standards--A third way in which the ratio was evaluated was to see how other cities calculate their residential parking requirements, for purposes of comparison. Sausalito is frequently cited as having hillside topography and limited on-street parking similar to Brisbane.

The City of Sausalito requires 2 off-street parking spaces for each single-family dwelling and each multi-family dwelling with two or more bedrooms. For multi-family dwellings with one or fewer bedrooms, 1.5 spaces are required per unit. The City of Sausalito does not specify that any of its required parking must be covered. It does not recognize on-street parking as meeting any of its requirements.

Another hillside city with narrow streets is Orinda. The City of Orinda requires 2 covered and 2 off-street spaces for each new single-family residence and for each existing residence for which the number of bedrooms is proposed to be increased. For multi-family units, the requirements are 1 covered space per studio, 1 ½ covered spaces per 1-bedroom unit and 2 covered spaces per 2-bedroom or larger unit, with ¼ guest parking space per unit.

A third city sometimes cited for comparison to Brisbane is Laguna Beach. The City of Laguna Beach requires 2 covered spaces per single-family or duplex dwelling unit, with an additional uncovered space required for units with 3,600 sq. ft. or more of floor area. For multi-family units, the parking requirement is typically based upon the number of bedrooms: 1 ½ spaces per studio or 1-bedroom unit and 2 spaces for each 2-bedroom or larger unit, with 1 guest parking space for each 4 units. The City of Laguna Beach also requires that streets less than 26-28 ft. be widened to provide at least 1 on-street parking space per 50 ft. of residential lot frontage.

A review of 241 jurisdictions in California found 9 that use floor area to calculate the parking required for single-family residences:

Capitola	0-2,000 sq. ft. = 3 spaces
	2,000-2,600 sq. ft. = 4 spaces
	[1 space per 600-666 sq. ft.]
Corte Madera	0-4,000 sq. ft. = 2 spaces
	>4,000 sq. ft. = 3 spaces
	[1 space per 2,000 sq. ft.]
El Monte	0-1,200 sq. ft. = 2 spaces
	1,201-1,500 sq. ft. = 3 spaces
	1 additional space for each additional 300 sq. ft. [1 space per 300-500-600 sq. ft.]
Glendale	0-3,499 sq. ft. = 2 spaces
	3,500-5,999 sq. ft. = 3 spaces
	6,000-7,999 sq. ft. = 4 spaces
	8,000+ sq. ft. = 5 spaces [1 space per 1,750-2,000 sq. ft.]
Los Banos	0-1,000 sq. ft. = 1 space
	>1,000 sq. ft. = 2 spaces
	[1 space per 1,000 sq. ft.]

Mammoth Lakes	0-3,000 sq. ft. = 3 spaces >3,000 sq. ft. = 4 spaces [1 space per 1,000 sq. ft.]
Manhattan Beach	0-3,600 sq. ft. = 3 spaces >3,600 sq. ft. = 4 spaces [1 space per 1,200 sq. ft.]
Monterey	0-3,699 sq. ft. = 1 space 3,700+ sq. ft. = 2 spaces [1 space per 3,700 sq. ft.]
Monterey Park	0-2,999 sq. ft. = 2 spaces 3,000+ sq. ft. = 3 spaces [1 space per 1,500 sq. ft.]

Although no pattern is readily evident from this list, the average requirement is 1 space per approximately 1,486 sq. ft.

Floor Area vs. Bedrooms--A more intuitive approach to analyzing the proposed parking standard would be based upon the general assumption that parking demand can be related to the number of bedrooms per unit. After all, that is the City of Brisbane's current basis for its multi-family residential parking requirements. Parking requirements based upon the number of bedrooms can be compared with the 2004 recommended standard based upon square footage to see how the differing standards stack up.

For example, the two-bedroom units at Altamar range from 1,070 to 1,280 sq. ft., including those 1-bedroom units offered with a room that could be designed as either an additional bedroom or a den/office. Three-bedroom units, including those 2-bedroom units offered with a room that could be designed as either an additional bedroom or a den/office, are 1,520 sq. ft.

For units in the Central Brisbane, Brisbane Acres and Southwest Bayshore subareas, staff had found the size (before and after) of remodeled and newly built units (see attached chart) to average as follows:

<u>Type of Unit</u>	<u>Number</u>	<u>Size in Square Feet</u>		
		<u>Average</u>	<u>Median</u>	<u>Range</u>
1-bedroom	18	843	794-800	502-1,654
2-bedroom	28	1,280	1,200-1,241	670-2,870
3-bedroom	27	2,054	2,114	1,061-3,300
4-bedroom	10	2,105	1,891-2,069	1,053-3,943
5-bedroom	3	3,488	3,573	3,204-3,688

To be more representative of the types of units being created, either through remodeling or new construction, the original size of the remodeled units could be deleted from this chart. In that case, the average size of a 1-bedroom unit would be 793 sq. ft.; 2-bedroom unit, 1,430 sq. ft.; 3-bedroom unit, 2,086 sq. ft.; 4-bedroom unit, 2,222 sq. ft.; and 5-bedroom unit, 3,488 sq. ft.

Adopted parking standards based upon the number of bedrooms vary widely throughout the state. The City of Brisbane's current parking requirement for multi-family residential units is 1 space per studio unit, 1.5 spaces per 1-to-2-bedroom unit and 2 spaces per 3-bedroom or larger unit. An analysis of 160 jurisdictions in California that based their multi-family residential parking requirement upon the number of bedrooms found the following:

	<u>Studio</u>	<u>1-Bedroom</u>	<u>2-Bedroom</u>	<u>3-Bedroom</u>
<u>Mode</u>	1.5 spaces	1.5-2 spaces	2-2.25 spaces	2-2.5 spaces
<u>Average</u>	1.77 spaces	1.87 spaces	2.14 spaces	2.33 spaces

These figures could lend themselves to a simpler ratio of 1.75 spaces for studio units, 2 spaces for 1-bedroom units, 2.25 spaces for 2-bedroom units and 2.5 spaces for 3-bedroom units. This could also be converted into a formula of 1.75 spaces per unit plus 0.25 spaces for each bedroom in each unit.

Applying these different standards to typical units in Brisbane produces the following results:

ALTAMAR AT THE RIDGE

<u>Type/Size of Unit</u>	<u>Parking Standard</u>		
	<u>Current City of Brisbane</u>	<u>Statewide Average</u>	<u>2004 Draft Ordinance</u>
2-Bedroom = 1,070 sq. ft.	1.5 spaces	2.25 spaces	2 spaces
2-Bedroom = 1,243 sq. ft.	1.5 spaces	2.25 spaces	2 spaces
1-Bedroom + Den = 1,280 sq. ft.	1.5 spaces	2-2.25 spaces	2 spaces
2-Bedroom + Den = 1,520 sq. ft.	1.5-2 spaces	2.25-2.5 spaces	2 spaces
3-Bedroom = 1,520 sq. ft.	2 spaces	2.5 spaces	2 spaces
2-Bedroom + Den = 1,663 sq. ft.	1.5-2 spaces	2.25-2.5 spaces	2 spaces

CENTRAL BRISBANE, BRISBANE ACRES & SOUTHWEST BAYSHORE
 (NEW & REMODELED UNITS ONLY)

<u>Type/Size of Unit</u>	<u>Parking Standard</u>		
	<u>Current City of Brisbane</u>	<u>Statewide Average</u>	<u>2004 Draft Ordinance</u>
1-Bedroom = 793 sq. ft.	1.5 spaces	2 spaces	2 spaces
2-Bedroom = 1,430 sq. ft.	1.5 spaces	2.25 spaces	2 spaces
3-Bedroom = 2,086 sq. ft.	2 spaces	2.5 spaces	3 spaces
4-Bedroom = 2,222 sq. ft.	2 spaces	2.75 spaces	3 spaces
5-Bedroom = 3,488 sq. ft.	2 spaces	3 spaces	4 spaces

Thus, it can be seen that the 2004 recommended standard based upon square footage would require more parking than the City of Brisbane’s current standard based upon the number of bedrooms in most cases. The recommended standard would require as much as or less than the statewide average for smaller units (in terms of square footage), but would require more parking for larger units (regardless of the number of bedrooms). In terms of ease of application, the recommended standard has two advantages over the bedroom-based standards: there would be no question as to the requirement for “1-bedroom + den” type units, and no fractional requirements would result.

The variation in the potential number of bedrooms at Altamar, noted above, is indicative of one of the reasons the 1999-2006 Housing Element established a new direction in determining required parking. Typically, the presence of a closet has been one of the factors in identifying bedrooms. That is not to say that a den without a closet could not actually be used as a bedroom, or that every room with a closet will be used as a bedroom. And all of this is based upon the assumption that each bedroom generates additional parking demand, which may or may not be the case in individual instances. As we have seen in reviewing past Census data, there are various factors that may come into play in terms of vehicle ownership, which in turn relate directly to actual parking demand.

The 2007-2014 Housing Element called for a second look at bedroom-based parking standards, because the State uses number of bedrooms as the basis for its parking standards in regards to secondary dwelling units and concessions for density bonus units. For secondary dwelling units, the State standard is a maximum of 1 off-street space per unit or per bedroom [California Government Code Section 65852.2(e)]. For projects qualifying for a density bonus under State law, the developer may request that the parking requirements, including handicapped and guest parking, not exceed 1 on-site space per studio or one-bedroom unit, 2 on-site spaces for two-to-three-bedroom units, and 2½ on-site spaces per four-plus-bedroom unit. Fractional requirements would be rounded up. The parking may be in-tandem and need not be covered. It

would appear that this is the parking the State would expect to be sufficient for units affordable to lower income households.

PARKING STANDARDS					
	Studio	1-BR	2-BR	3-BR	4+-BR
Brisbane Municipal Code Section 17.34.010:					
SDU	2 ^{a b}	2 ^{a b}	2 ^{a b}	2 ^{a b}	2 ^{a b}
Duplex/MFDU	1	1.5 ^{ac}	1.5 ^{ac}	2 ^{ac}	2 ^{ac}
California Government Code Section 65852.2(e):					
SDU	1	1	2	3	4
California Government Code Section 65915(p)(1):					
Density Bonus	1 ^a	1 ^a	2 ^a	2 ^a	2.5 ^a

BR = Bedroom

SDU = Secondary Dwelling Unit

MFDU = Multi-Family Dwelling Unit (triplex or larger)

^a Required to be on-site (all others may be off-street)

^b Required to standard size (typically, 50% of all others may be compact)

^c Required to be covered and enclosed on 3 sides (all others may be uncovered)

Note that the State specifies parking standards only in terms of maximum requirements for these types of below-market-rate dwelling units with the intent of helping assure their affordability. Thus, it may be possible to reconcile the square footage approach previously recommended by the Planning Commission with the per-bedroom standards adopted by the State, if only at the low end of floor area scale. For example, an alternative parking requirement for small units, including secondary dwelling units, would be 1 parking space for studio and 1-bedroom units not exceeding a specified amount of floor area (see below).

Secondary Dwelling Units--The current parking requirement for secondary dwelling units is unique for residential uses, in that it relates to neither lot frontage (the basis for single-family dwellings) nor number of bedrooms (the basis for multi-family units). Instead, all secondary dwelling units are required to have two standard-size parking spaces located on site, regardless of unit size. The spaces need not be covered, but per BMC Section 17.34.020.C, they should be capable of being accessed independently from the parking for the primary dwelling unit.

Government Code Section 65852.2(e) states that parking requirements for secondary dwelling units shall not exceed 1 space per unit or per bedroom; although, additional parking may be required "provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings." Using this exception by citing the limited capacity for on-

street parking on its narrow streets, the City has required more parking for secondary dwelling units than for equivalently sized duplex units.

The 2007-2014 Housing Element (pages IV-2 & IV-3) identified the City's parking requirements as a constraint to development of secondary dwelling units. The Planning Commission has recognized this in granting Use Permits to modify the parking regulations for single-family dwellings with secondary dwelling units at 455 Alvarado Street (UP-7-07), 340 Kings Road (UP-12-09) and 110 Solano Street (UP-6-10).

To resolve this matter, staff suggests that the 2004 recommended ordinance be revised to include a unit size for which only 1 parking space would be required. If the previously recommended ratios were to be followed, the maximum floor area for such units would be no more than 900 sq. ft. (half the 1,800 sq. ft. limit for units for which two parking spaces are required). Consistent with the State standard, staff suggests that this would be limited to studio and 1-bedroom units only. Two-bedroom units (which have averaged 771 sq. ft. for the secondary units approved to date per the attached list) would have to provide 2 parking spaces, even if they were less than 900 sq. ft. in floor area.

<u>Uses:</u>	<u>Parking Requirements:</u>												
Single-family dwellings; Secondary dwelling units; Duplexes; Multiple family dwellings; Mobilehome park units; Group care homes	Parking spaces based upon floor area per unit, according to the following chart: <table border="0" data-bbox="748 1234 1406 1472"> <thead> <tr> <th data-bbox="748 1234 1003 1266"><u>Unit Floor Area:</u></th> <th data-bbox="1036 1234 1239 1266"><u>Parking Spaces:</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="748 1287 1003 1318"><=1,800 sq. ft.</td> <td data-bbox="1036 1287 1406 1318">2 spaces including 1 covered</td> </tr> <tr> <td data-bbox="748 1325 1003 1356">1,801-2,700 sq. ft.</td> <td data-bbox="1036 1325 1406 1356">3 spaces including 1 covered</td> </tr> <tr> <td data-bbox="748 1362 1003 1394">2,701-3,600 sq. ft.</td> <td data-bbox="1036 1362 1406 1394">4 spaces including 2 covered</td> </tr> <tr> <td data-bbox="748 1400 1003 1432">3,601-4,500 sq. ft.</td> <td data-bbox="1036 1400 1406 1432">5 spaces including 2 covered</td> </tr> <tr> <td data-bbox="748 1438 1003 1470">4,501+ sq. ft.</td> <td data-bbox="1036 1438 1406 1470">6 spaces including 2 covered</td> </tr> </tbody> </table> <p data-bbox="748 1507 1406 1906"><i>Only 1 standard-size space shall be required for units not exceeding 900 sq. ft. and with no more than one room at least seventy (70) square feet in area and not less than seven (7) feet in any plan dimension and located along an exterior wall, other than a living room, a kitchen, a dining room in proximity to the kitchen, bathrooms, and a laundry room. For secondary dwelling units exceeding 900 sq. ft. or with more than one room as described above, the second required space need not be covered.</i></p>	<u>Unit Floor Area:</u>	<u>Parking Spaces:</u>	<=1,800 sq. ft.	2 spaces including 1 covered	1,801-2,700 sq. ft.	3 spaces including 1 covered	2,701-3,600 sq. ft.	4 spaces including 2 covered	3,601-4,500 sq. ft.	5 spaces including 2 covered	4,501+ sq. ft.	6 spaces including 2 covered
<u>Unit Floor Area:</u>	<u>Parking Spaces:</u>												
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4,501+ sq. ft.	6 spaces including 2 covered												

This change would have reduced the parking requirement for half of the secondary dwelling units approved to date. Per Housing Element Program H.I.1.b, this standard would apply to duplex and multi-family dwelling units, as well as secondary dwelling units.

Note that the exception does not actually use the term “bedroom,” so as to avoid arguments over whether or not a room is actually intended to be used for sleeping. The approach suggested by staff, instead, obliquely addresses bedrooms through a process of elimination. As a result, for the purposes of determining required parking, dens, game rooms, home offices, libraries and similar rooms may be lumped in with bedrooms. Because this exception only applies to units not exceeding 900 sq. ft., it appears less likely that such rooms would be provided for a one-bedroom unit. In unusual cases, a request to modify the exception could be heard by the Planning Commission through application for a Use Permit per BMC Section 17.34.115 (renumbered as Section 17.34.050.1 in the attached redline ordinance).

To avoid imposing a new constraint upon secondary dwelling units, staff suggests that an exception to the requirement for 1 covered space be provided for secondary dwelling units over 900 sq. ft. in area (BMC Section 17.43.030.D restricts secondary dwelling units to no more than 1,000 sq. ft. in floor area).

Housing for Seniors and Persons with Disabilities—Currently, there are 3 ways in which the required parking could be reduced for housing for seniors and persons with disabilities. The Planning Commission could approve a Use Permit to modify the parking regulations per BMC Section 17.34.115, the Zoning Administrator could approve an Accessibility Improvement Permit per BMC Section 17.32.080, or the Planning Commission could grant an incentive/concession for a qualifying density bonus project per BMC Section 17.31.060.

To avoid having to go through any special planning permit process, Housing Element Programs H.B.3.b and H.B.3.c call for amendment of the parking regulations to reduce the parking required for units designed and dedicated for use by seniors and persons with disabilities.

For units designed and dedicated for use by persons with disabilities, subject to restrictions approved by the City and recorded with the County, a 1-space reduction per dedicated unit was recommended in 2004 as a separate parking standard (Section 17.34.050.C in the attached “redline” version). For other units occupied by persons with disabilities but not specifically designed and dedicated for such use, the 2004 recommended ordinance would provide for a specific class of Accessibility Improvement Permits to adjust the parking requirements (see Section 17.34.050). Such adjustments would be granted by the Zoning Administrator on a case-by-case basis as appropriate to meet the needs of the particular occupant. Given the more recent amendments of the Municipal Code regarding Accessibility Improvement Permits, staff suggests that the adopted findings in BMC Section 17.32.080 be incorporated into the previously recommended findings in draft Section 17.34.050.D:

17.34.050 Exemptions, exceptions and modifications.

D. For a residential unit occupied by a person with a disability, the Zoning Administrator shall have authority to grant an Accessibility Improvement Permit authorizing a modification to any of the parking requirements prescribed by this Chapter, following the conduct of a hearing with 10 days notice thereof being given to the owners of all adjacent properties. The Zoning Administrator may issue the Accessibility Improvement Permit if he or she finds and determines that:

1. The modification is necessary to meet special needs for ~~accessibility of~~ a person having a ~~physical handicap disability which impairs his or her ability to access or utilize the property;~~

2. The modification will not create any significant adverse impacts upon adjacent properties;

3. *Any construction resulting from the modification will be done in a sound and workmanlike manner, in compliance with all applicable provisions of the building and fire codes;*

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

5. ~~4.~~ The granting of the modification 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.

For housing developments dedicated for occupancy by seniors, the 2004 recommended ordinance (Section 17.34.050.E) would reduce by 1/3 the parking that would otherwise be required based upon unit size, so that it would be 67% of the standard. This was based, in part, upon the finding by the Non-Profit Housing Association of Northern California that households in the Bay Area with all members aged 62 or older owned 31% fewer cars than households with no seniors. In addition, according to the 1990 U.S. Census, 19% of households in Brisbane where the head of householder was at least 65 years old had no vehicle; that percentage decreased to 5% in the 2000 Census (2010 data is not yet available).

The American Planning Association's 2002 "Parking Standards" study of a sampling of jurisdictions nationwide lists a number of different requirements for senior housing. Of the 3 jurisdictions for which the parking standards are listed in the study for both senior housing and multi-family housing, the average requirement for senior housing units is 45% of the standard for multi-family units.

PARKING SPACES PER UNIT

<u>Jurisdiction</u>	<u>Senior Housing Units</u>	<u>Multi-Family Residential Units</u>	<u>Ratio</u>
Burlington, VT	0.2		
Arlington, MA	0.4		
Kearney, NE	0.5		
Fairfield, CT	0.6		
Santa Clarita, CA	0.625*	1.75	0.357
Middleburg, VA	0.67		
Alameda, CA	0.75		
Glenville, NY	0.8		
Columbia, MO	1		
Mesa, AZ	1		
Ormond Beach, FL	1.05*		
Provo, UT	1.25*		
Glenville, NY	1.25	2.5	0.5
Yavapai Co., AZ	1.5		
Jefferson Co., KY	1.5	3	0.5
Harlingen, TX	2		

*including guest spaces

As a test, this recommended approach could be applied to the City's Visitacion Garden Apartments senior housing complex, which consists of 12 one-bedroom units (+/-574 to +/-670 sq. ft.) and 2 two-bedroom units (+/-708 sq. ft. each). At 2 spaces per unit per the 2004 recommended ordinance, the 14 units would require 28 spaces. With 1 guest parking space per 4 units as also recommended in 2004, an additional 3 spaces would be required. A one-third reduction would have resulted in a requirement for 21 spaces. That is the same number of spaces that would be required for any multi-family dwelling development under the currently adopted standard of 1.5 garages per 1-to-2-bedroom unit. If, as suggested by staff, only 1 space were required per 1-bedroom unit not exceeding 900 sq. ft, the total (including guest parking) would be 19. A one-third reduction would result in a requirement for 13 spaces. This is very close to the 14 parking spaces (8 covered plus 6 uncovered) that were actually provided on the site.

COMPARISON OF POTENTIAL PARKING REQUIREMENTS FOR
 VISITACION GARDEN APARTMENTS

	<u>Units</u>	<u>Current Parking Requirement</u>	<u>2004 Draft Requirement</u>	<u>Suggested Revised Requirement</u>	<u>Actually Provided</u>
1-BR ≤900 sf	12	18	24	12	12
2-Bedroom	2	3	4	4	2
Guest		0	3	3	10 on street
Total	14	21	31	19	14 + 10
1/3 Reduction		n/a	21	13	n/a

As noted above, the on-site parking provided was less than what the current ordinance would require. As a project developed on City property, the complex was exempt from the City's parking requirements. Note that none of these calculations take the 1,200+/- sq. ft. office or 750+/- sq. ft. activities room into account. Some of the project's parking demand apparently was assumed to be met by the 10 on-street parking spaces available at the site's frontages on Visitacion and San Francisco Avenues. Some of the difference may also be accounted for by the fact that this senior housing complex contains only affordable housing units (4 very-low-income, 2 low-income and 8 moderate-income), for which further reductions in the parking requirements were considered suitable (see below). For private senior housing developments intended for households with one or more members who are 62 years of age or older (California Civil Code Sections 51.2 & 51.3; California Government Code Section 12900 et seq., including Section 12955.9 in particular), such further reductions could be considered as the "additional incentives" required for projects that comply with the State's density bonus law (California Government Code Sections 65915 and 65915.5).

The 2004 recommended ordinance included two specific sections (17.34.050.E & F) regarding parking reductions as the "additional incentives" that may be granted to senior housing proposals and below-market-rate housing proposals that comply with the State's density bonus law. The City's affordable housing ordinance (BMC Chapter 17.31) adopted in 2009 to comply with State law addresses such "modifications of zoning code requirements" in BMC Section 17.31.060.B.1. To be eligible, a proposal must meet the requirements listed in BMC Section 17.31.060.A (also see BMC Sections 17.31.020.Y & 17.31.050).

Emergency Shelters--Per Government Code Section 65583(a)(4)(ii), the City shall adopt an off-street parking standard for emergency shelters "...based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or

commercial uses within the same zone.” An emergency shelter provides temporary housing (for no longer than 6 months per person) with minimal supportive services for persons who are homeless, victims of domestic violence, individuals and households made temporarily homeless due to natural disasters (e.g., fires, earthquakes, etc.), or other persons requiring temporary housing. Employees, volunteers and visitors generate demand for parking, as well as residents [according to “Zoning in the Wake of SB2” by Baird + Driskell Community Planning (May 2010), “Most homeless families will have a car while most homeless individuals will not”].

Currently, emergency shelter parking requirements are not included in the Municipal Code, and none were included in the 2004 recommended ordinance. A review of other municipalities finds that among the few that have adopted standards so far, there is a fairly broad range, tied either to floor area or number of beds. For example:

South San Francisco:	1 parking space per 200 sq. ft. of floor area
Millbrae:	1 parking space per 4 beds
Santa Monica:	1 parking space per 10 beds

“Zoning in the Wake of SB2” states:

“The rule of thumb that Shelter Network [the largest provider of homeless shelter and supportive services on the San Francisco Peninsula] uses is one car per family or .35 cars per individual bed, plus one parking spot per staff member on duty when residents are there (but less if on major a transit route). This standard was confirmed with several other organizations and agencies. But this varies significantly between jurisdictions and client populations. Homeless shelters that serve the chronically homeless or the mentally ill will have lower parking needs. As a comparison, available parking spaces for various emergency shelters are summarized below:

- Crossroads (Oakland), 0.55 acres, 125 residents, 47 employees, 17 parking spaces
- Family Emergency Center, (San Rafael), 0.25 acres, 52 beds, 16 spaces
- Mill Street Shelter (San Rafael) 0.33 acres, 40 beds, 10 spaces
- Safe Harbor (S. San Francisco), 90 beds, 24 spaces (parking lot is full at night)”

The “demonstrated need” for emergency shelters in Brisbane is limited. The 2007 San Mateo County Homeless Census and Survey, conducted on the night of January 30, 2007, identified 11 single adults as homeless within Brisbane. Of these, 4 were found living in vehicles, with the remainder observed on the streets (a ratio of 0.36 vehicles per homeless adult). Accordingly, it appears that a 12-bed facility would be adequate to serve the entire homeless population in Brisbane at any one time. Staff estimates that the individual living space and common areas would total approximately 100 to 150 sq. ft. per person. A 12-bed facility would be approximately 1,200 to 1,800 sq ft, similar in the size to a modest single-family home.

Using the 0.35 parking spaces per bed ratio recommended by the Shelter Network, a 12-bed facility would require 4.2 parking spaces (not including employee parking). Assuming a 12-bed facility is 1,500 sq. ft., this translates to 1 space per 357 sq. ft. While that ratio is higher than the 1 space per 900 sq. ft. recommended for residential uses, it is still less than the City's parking standard of 1 space per 300 sq. ft. for administrative office and retail uses. Accordingly, staff recommends the following parking requirement:

<u>Uses:</u>	<u>Parking Requirements:</u>
<i>Emergency shelters</i>	<i>0.35 space per bed plus 1 space per staff member on the largest shift.</i>

Other Issues—Beyond the concerns addressed in the Housing Element, the 2004 ordinance recommended by the Planning Commission also proposed a number of other significant changes to the parking regulations. These included no longer recognizing on-street parking as meeting the parking requirements for single-family residences, revising various standards for garages, and adopting new requirements for guest parking. Such changes would have the potential to render a number of existing residential buildings nonconforming. The next study session will consider the implications of nonconforming status and review the impacts of these additional changes that were recommended to the parking regulations.

ATTACHMENTS:

- “Redline” Version of Parking Ordinance Amendments Recommended by the Planning Commission in 2004
- City Council Minutes for the Meetings of September 7 & 20 and October 4 & 18, 2004
- Comparison of Existing and Recommended Single-Family Residential Parking Requirements
- Use Permits to Modify Parking Regulations Following Draft Ordinance No. 490
- 1994 General Plan Policies and Programs Regarding Parking
- Approved Secondary Dwelling Units
- New and Remodeled Residential Buildings (5/13/04)

"REDLINE" VERSION OF PARKING ORDINANCE AMENDMENTS
RECOMMENDED BY THE PLANNING COMMISSION
IN 2004

Proposed changes in the current Municipal Code are indicated ~~by striking through~~ the existing language to be deleted and putting the new language *in italics*. Further description of the changes is shown in **CAPITAL LETTERS**. The further revisions suggested in the agenda report for the 7/14/11 Planning Commission meeting are shown in **blue** (additional changes suggested by staff will follow with the subsequent study sessions). Note that the amendments adding Sections 17.34.085 and 17.34.095 that were adopted in 2011 per Ordinance No. 556 are included in this version of the recommended ordinance.

THE FOLLOWING REVISIONS RELATE TO PROPOSED SECTION 17.34.050.H (NOTE THAT WITH THE 2005 ADOPTION OF BMC SECTION 12.24.010.E PROHIBITING PRIVATE STREETS, IT MAY APPROPRIATE TO ELIMINATE SECTIONS 17.02.750.A & B AND REVISE SECTION 17.02.750 TO REPLACE "providing" WITH "that is owned and maintained by the city, the county, the state, or any other governmental agency and that provides"):

17.02.220 Driveway. "Driveway" means a private roadway which provides access to off-street parking or loading spaces on a single site, *unless otherwise approved by the planning commission*, the use of which is limited to persons residing or working on the site and their invitees, licensees and business visitors.

17.02.750 Street. "Street" means a right-of-way for motor vehicles providing a means of access to two (2) or more sites, *excluding a driveway approved by the planning commission to be shared in common by more than one site.*

A. "Public street" means a street owned and maintained by the city, the county, the state, or any other governmental agency, including streets which have been regularly maintained or improved by the city.

B. "Private street" means a street in private ownership approved by the city for motor vehicle travel by the owners of the street and persons having express or implied permission from the owners to use such street.

THE FOLLOWING IS A REVISION TO SECTION 17.06.040 OF THE R-1 RESIDENTIAL DISTRICT:

- D. Setbacks. The minimum required setbacks for any lot shall be as follows:
1. Front setback: fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. *Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.*
 2. Side setback: five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is

greater. *Notwithstanding the foregoing, the minimum side setback for garages or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.*

3. Rear Setback: ten (10) feet

THE FOLLOWING IS A REVISION TO SECTION 17.08.040 OF THE R-2 RESIDENTIAL DISTRICT:

- D. Setbacks. The minimum required setbacks for any lot shall be as follows:
 1. Front setback: fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, duplexes or multiple-family dwellings, or any combination thereof, the minimum front setback for single-family dwellings may be the average distance of the front outside wall of the residential structures from the front lot line, if less than fifteen (15) feet. *Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.*
 2. Side Setbacks: Side setbacks shall be five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. *Notwithstanding the foregoing, the minimum side setback for garages or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.*
 3. Rear Setback: ten (10) feet.

THE FOLLOWING IS A REVISION TO SECTION 17.10.040 OF THE R-3 RESIDENTIAL DISTRICT:

- D. Setbacks. The minimum required setbacks for any lot shall be as follows:
 1. Front Setback: fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, duplexes or multiple-family dwellings, or any combination thereof, the minimum front setback for single-family dwellings may be the average distance of the front outside wall of the residential structures from the front lot line, if less than fifteen (15) feet. *Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.*
 2. Side Setbacks: Side setbacks shall be five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. *Notwithstanding the foregoing, the minimum side setback for garages or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.*
 3. Rear Setback: ten (10) feet.

Chapter 17.34 OFF-STREET PARKING

Sections:

- 17.34.010 *Purposes of chapter.*
- 17.34.020 **Minimum requirements.**
- ~~17.34.020 **Garages and carports**~~
- 17.34.030 *Use restrictions. Hillside lot improvement plans.*
- 17.34.040 *Design standards. On-site parking requirements.*
- 17.34.050 *Exemptions, exceptions and modifications. Joint use of parking facilities.*
- ~~17.34.060 C-2 or H-1 district requirements.~~
- ~~17.34.070 **Surfacing.**~~
- ~~17.34.080 **Handicapped parking.**~~
- ~~17.34.090 **Compact cars.**~~
- ~~17.34.100 **Parking lot landscaping.**~~
- ~~17.34.110 **Exemption for minor expansion of single family dwelling.**~~
- ~~17.34.120 **Driveway grades.**~~
- ~~17.34.130 **Tables.**~~

17.34.010 Purposes of Chapter.

In addition to the objectives set forth in Section 17.01.030, the off-street parking requirements are included in the Zoning Ordinance to achieve the following purposes:

- A. To provide for adequate off-street parking facilities by establishing clear relationships between building size and the off-street parking required, consistent with existing neighborhood standards, so as to minimize the parking impacts of development upon surrounding properties.*
- B. To encourage housing designed for residents with special needs, including persons with disabilities.*
- C. To facilitate the maintenance and improvement of the existing building stock.*
- D. To provide for parking lot landscaping and permeable paving alternatives to reduce air and stormwater pollution.*
- E. To minimize dependence on automobile travel by encouraging transportation alternatives in project design where appropriate.*
- F. To implement and promote the goals and policies of the General Plan so as to guide and manage development in the city in accordance with such plan.*

17.34.020 Minimum requirements.

A. The following minimum off-street parking requirements shall apply to all buildings erected, new uses commenced, and to the area of extended uses commenced after the effective date of this Chapter. For any use not specifically mentioned in this Chapter, the planning commission shall determine the amount of parking required. All *off-street parking* facilities shall be on-site unless specified differently in this Chapter or as permitted under Title 12 of this Code:

<u>Uses:</u>	<u>Parking Requirements:</u>						
Single-family homes dwellings; Secondary dwelling units; Duplexes; Multiple family dwellings; Mobilehome park units; Group care homes	2 garages or carports per living unit plus two on-street or off-street parking spaces for lots of 37.5 feet frontage or greater and one such space for lots less than 37.5 feet in frontage Parking spaces based upon floor area per unit, according to the following chart:						
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u>Unit Floor Area:</u></td> <td style="text-align: center;"><u>Parking Spaces:</u></td> </tr> <tr> <td style="text-align: center;"><=1,800 sq. ft.</td> <td style="text-align: center;">2 spaces including 1 covered</td> </tr> <tr> <td style="text-align: center;">1,801-2,700 sq. ft.</td> <td style="text-align: center;">3 spaces including 1 covered</td> </tr> </table>	<u>Unit Floor Area:</u>	<u>Parking Spaces:</u>	<=1,800 sq. ft.	2 spaces including 1 covered	1,801-2,700 sq. ft.	3 spaces including 1 covered
<u>Unit Floor Area:</u>	<u>Parking Spaces:</u>						
<=1,800 sq. ft.	2 spaces including 1 covered						
1,801-2,700 sq. ft.	3 spaces including 1 covered						

<p>Single-family homes on 25-foot lots</p> <p>Secondary dwelling units</p> <p>Duplex or multiple family dwelling units</p> <p>— 0 — bedroom — or — bachelor apartments</p> <p>— 1 and 2 bedroom units</p> <p>— Over 2 bedrooms</p>	<p><i>2,701-3,600 sq. ft. 4 spaces including 2 covered</i></p> <p><i>3,601-4,500 sq. ft. 5 spaces including 2 covered</i></p> <p><i>4,501+ sq. ft. 6 spaces including 2 covered</i></p> <p><i>Only 1 standard-size space shall be required for units not exceeding 900 sq. ft. and with no more than one room at least seventy (70) square feet in area and not less than seven (7) feet in any plan dimension and located along an exterior wall, other than a living room, a kitchen, a dining room in proximity to the kitchen, bathrooms, and a laundry room. For secondary dwelling units exceeding 900 sq. ft. or with more than one room as described above, the second required space need not be covered.</i></p> <p><i>Additional guest parking spaces shall be provided for all developments of 4 or more units, including residential subdivisions of 4 or more single-family residences, at the rate of 1 parking space for every 4 units, with no parking spaces required for any fractional remainders.</i></p> <p>2 off street parking spaces one (1) of which shall be in a garage or carport</p> <p>2 standard on site parking spaces</p> <p>1 off street parking space.</p> <p>1 1/2 garage per living unit</p> <p>2 garages per living unit.</p>
<p><i>Emergency shelters</i></p>	<p><i>0.35 space per bed plus 1 space per staff member on the largest shift.</i></p>
<p>Hotels</p>	<p>As determined by use permit.</p>
<p>Motels</p> <p>Trailer courts</p> <p>Rooming — — houses — — and boardinghouses</p>	<p>1 space per unit, plus applicable requirements for eating, drinking and assembly space.</p> <p>1 parking space per unit.</p> <p>1 parking space per adult guest</p>
<p><i>Cultural facilities - except theatres</i></p> <p><i>Cultural facilities - theatres</i></p> <p>Churches, lodges, clubs,</p>	<p><i>1 space for each 300 square feet of floor area.</i></p> <p><i>1 space for each 4 audience seats</i></p> <p>1 parking space for each 4 person capacity, but not less</p>

community centers, chapels	than one space for each 15 square feet of the largest meeting hall
Commercial recreation	<p><i>3 spaces per ball court; 2.5 spaces per batting cage; 4 spaces per lane for bowling alleys; 2 spaces per tee for golf courses; 20 spaces per playing field; 2 spaces per shooting range; 2 spaces per horse stall for stables; 1 space per 100 square feet of water area for swimming pools.</i></p> <p><i>For commercial recreation uses that do not fall within the above categories, 1 parking space shall be required for every 4 fixed seats for spectators, 1 parking space per each 200 square feet of floor area used for indoor commercial recreation, and 1 parking space per each 1,000 square feet of site area used for outdoor commercial recreation.</i></p>
Marina	<i>1 space per 0.75 berths.</i>
Meeting halls	<i>1 space for each 50 square feet of floor area, except that the floor area of any meeting hall not exceeding 750 square feet and ancillary to an office use shall be included with the floor area of the office in calculating the parking requirements for the office use.</i>
Places of worship	<i>1 space for each 50 square feet of floor area of the largest assembly room, plus 1 space for each 300 square feet of the remaining floor area of the building.</i>
Schools - public private or commercial	1 space for each classroom and office.
Hospitals	1 space per bed plus 1 space for each 2 employees on the largest shift.
Financial services	1 space for each 200 square feet of gross floor area.
Administrative office	1 space for each 300 square feet of gross floor area.
Professional office	1 space for each 250 square feet of gross floor area.
Retail stores, restaurants, bars, offices	1 space for each 300 square feet of gross floor area.
Service stations	2 spaces for each working bay plus 1 space for each employee on the largest shift.

Bowling alley, billiard parlor	5 spaces per lane; 2 spaces per table, plus 1 space for each employee on the largest shift
Warehousing, wholesale stores, manufacturing, industrial uses, highway commercial uses	Minimum of 2 spaces for every 3 employees on the largest shift, but not less than 1 space for each 1,000 square feet of gross floor area. Parking may be off-site within 300 feet upon approval of the planning commission.
Convalescent hospitals, sanitariums, rest homes	1 space for each 7 beds plus 1 space for each 2 employees on the largest shift.

B. The minimum off-street parking requirements shall be calculated according to the following:

1. All references to square feet shall be in regards to floor area as defined in Chapter 17.02. The floor area of garages and carports shall not be included in measuring floor area to calculate the parking requirements, except for any floor area exceeding 400 square feet within a garage exclusively for the use of a single residential unit.

2. When more than one use subject to the parking requirements occupies a site, the requirements for each use shall be calculated separately.

3. The floor area occupied by accessory uses, such as hallways, bathrooms, breakrooms, utility rooms and storage closets, shall be included in the calculation of the parking requirements for the associated primary use. Accessory structures not exceeding 200 square feet in floor area shall be excluded from the calculation.

4. When application of the parking requirements results in a fractional number, all fractions shall be rounded up from 0.5 to the next whole number, except when specified otherwise. No parking shall be required for uses for which the requirement is less than 0.5 space.

17.34.020 Garages and carports 17.34.030 Use restrictions.

A. Required parking spaces, whether in a garage, carport or open area. ~~Garages and carports~~ shall not be used or converted for any other use that would impair their basic use as storage for motor vehicles.

B. ~~Garages or carports shall not be located closer than twenty (20) feet to the far side of an improved street.~~

~~C. All off-street parking spaces, whether in a garage, carport or open area, shall be so located as to be accessible and usable for the parking of motor vehicles. Except as provided in subsection E of Section 17.32.070, garage or carport openings shall be located not less than twenty (20) feet from the property line facing the opening.~~

C. The required parking for each unit of a residential use shall be independently accessible from that required for any other unit. The property owner shall assign each unit the exclusive use of at least one covered standard-size parking space. If tandem parking is provided, the two spaces in tandem shall be assigned together.

D. Guest parking spaces shall be posted by the property owner as available for 72-hour maximum use by the guests only of all residential units for which they are required.

A PORTION OF THE FOLLOWING SECTION WAS MOVED TO BMC SECTION 15.12.075:

~~17.34.030 Hillside lot improvement plans.~~

~~_____ A. On any hillside lot which is on an unimproved street or on a street on which, in the opinion of the city engineer, additional or future street improvements can be anticipated, the following information shall be provided for any application for a building permit:~~

~~_____ 1. A precise plot plan showing existing topography, boundary, house, finished grades and utility services;~~

~~_____ 2. A street improvement plan prepared by a registered civil engineer, showing grades and dimensions, and indicating that the driveway will function properly, and adequately tie into the existing roadbed, based on the vertical and horizontal alignment as approved by the city engineer;~~

~~_____ 3. Prior to the issuance of the occupancy permit, the civil engineer responsible for the street plan shall certify as to the "as-built" plan. Prior to beginning any construction, the applicant for a building permit shall submit a certification by a registered engineer or licensed land surveyor that the property corners have been set.~~

~~_____ B. When, in the opinion of the city engineer, proposed parking facilities are unusable or present a potentially unsafe condition, the plans shall not be approved.~~

THE FOLLOWING SECTION HAS BEEN MOVED TO SECTION 17.34.020:

~~**17.34.040 On-site parking requirements.**~~

~~Parking required in any district must be on-site except as provided in this chapter. (Ord. 324 §5(part), 1987; Ord. 298 §7.1 (F), 1984).~~

THE FOLLOWING SECTION IS REPLACED BY SECTION 17.34.020.B.4:

~~**17.34.050 Joint use of parking facilities.**~~

~~Joint use of parking facilities will be allowed under the following conditions:~~

~~A. Where there is no conflict at time of use;~~

~~B. When there is sufficient parking for all uses.~~

SINCE THE C-2 & H-1 DISTRICTS NO LONGER EXIST (SEE SECTION 17.34.050.B REGARDING THE NCRO-2 DISTRICT), THE FOLLOWING SECTION HAS BEEN DELETED:

~~**17.34.060 C-2 or H-1 district requirements.** Parking required in any C-2 or H-1 district may be reduced below the stated requirements in any portion of such district included within a public parking district or assessment district for financing off-street parking facilities in proportion to the amount of assessment on each property owner. Cost of each parking space provided by the district shall be computed by dividing the number of such spaces into the total of the assessment levied against the property within the district. The assessment against individual property shall be divided by this cost per space, to determine the nearest whole number by which the parking requirements on the property may be reduced.~~

THIS SECTION IS MOVED FROM SECTION 17.34.130:

17.34.040 Design standards.

A. Tables. Parking facilities shall comply with the design requirements standards as set forth in Table 1, applicable to standard size vehicles, and Table 2, applicable to ~~small-size compact vehicles, which appear immediately following this chapter and are incorporated herein by reference and made a part hereof.~~ section. Variations to these tables may be approved by the city engineer, consistent with professionally accepted standards, where no more than two forward turning movements would be necessary to enter or exit any parking space.

17.34.070 B Surfacing and striping.

1. Any off-street parking area shall be surfaced with a minimum of five (5) inches of imported base material and a double application of asphalt and gravel to the city engineer's approval,

so as to provide a durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulated within the area and shall be so arranged and marked as to provide for safe loading and unloading and parking of vehicles.

2. *Parking spaces shall be striped in compliance with the design standards in this chapter, except that parking spaces for residential uses of no more than 2 units need not be striped. Plans for striping or restriping of required parking spaces shall be submitted for approval by the Community Development Department in compliance with these standards prior to any work done.*

3. *Permeable paving alternatives for parking spaces and low-traffic driveways may be approved by the City Engineer to reduce the discharge of pollutants into storm sewers, in which case the means of delineating the parking spaces shall be subject to the approval of the Community Development Department.*

~~17.34.090~~ C. Compact cars. *Up to fifty percent (50%) of the required parking spaces may be designed for small-sized vehicles compact. Compact parking spaces shall be labeled as such on the pavement, except for residential uses of not more than 2 units.*

~~17.34.080~~ D. Handicapped parking. *Parking designated as accessible by persons with disabilities shall be provided as required by State law. Parking spaces specifically designed, located and reserved for vehicles licensed by the state for use by the handicapped shall be provided in each parking facility of twenty-five (25) or more spaces according to the following schedule:*

Total Spaces Required	Minimum Number of Handicapped Spaces Required
1 — 24	0
25 — 99	1
100 — 199	2
200 or greater	4

E. Parallel parking. *Parallel parking spaces shall be subject to the following standards: Spaces that are accessible from at least one end shall be eight (8) feet wide by twenty (20) feet long. Spaces located between other spaces or any obstruction shall be eight (8) feet wide by twenty-four (24) feet long. An additional one (1) foot width shall be provided where the parking space would be located next to any obstruction more than six (6) inches tall.*

F. Tandem parking. *Tandem parking where no more than one parking space need be vacant to access another parking space shall be recognized as meeting the parking requirements for residential uses, as long as the parking spaces for each unit are accessible independently from those for any other unit.*

G. Obstructed parking spaces.

1. *Any parking space next to a wall or similar obstruction shall have 1 ft. of additional width to provide clearance between a vehicle and the obstruction.*

2. *No washing machines, driers, water heaters, work benches, support posts and similar obstructions could be located within the area of any required 9 ft. by 18 ft. standard parking space or 8 ft. by 16 ft. compact parking space. No doors shall be designed to swing open into the area of any required parking space.*

H. Garage design.

1. *Garages enclosing required parking spaces shall comply with the following:*

<u>Garage Type</u>	<u>Minimum Width</u>	<u>Minimum Depth</u>
Single-car garage	10 ft.	20 ft.
Two-car garage		
On lots < 27 ft. wide	18 ft.	20 ft.
All other sites	20 ft.	20 ft.
2-in-tandem garage	10 ft.	40 ft.

2. All garage doors shall be of a roll-up sectional design and shall be equipped with automatic garage door openers, except in those cases subject to an exemption for minor expansion of a single-family dwelling or where it can be demonstrated to the City Engineer's satisfaction that an alternative garage door type can be operated with an eighteen (18) foot long vehicle stopped in the driveway without blocking lanes of traffic or a required sidewalk, or where the Building Official determines that it is not structurally feasible to retrofit an existing garage.

~~17.34.120~~ I. Driveway grades. Driveway grades shall not exceed twenty percent (20%) unless approved by the city engineer. Driveway grades shall not exceed fifteen percent (15%) where required per BMC Sections 15.44.100 & 15.44.110.

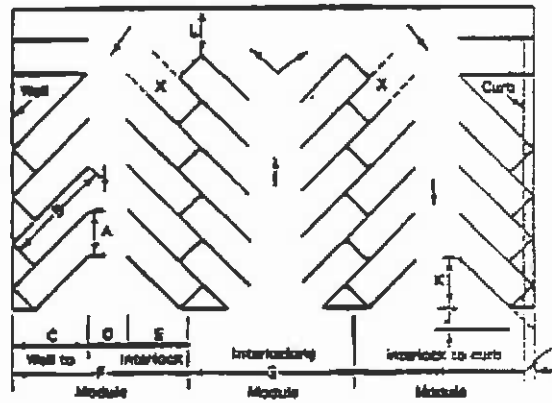
J. On-site turnaround. Off-street parking facilities shall be designed to provide on-site turnaround capability, except that the parking spaces for a single-family residence, secondary dwelling unit or duplex may be designed to back into a non-arterial street. On-site turnaround capability shall be designed so as not to conflict with required parking spaces, including any recognized tandem spaces.

~~17.34.100~~ K. Parking lot landscaping. ~~Parking lots shall be landscaped with~~ For any open parking area containing ten (10) or more parking spaces subject to design permit approval, landscape plans shall be submitted to provide trees, shrubs and ground cover, as appropriate according to approved design permit. The landscape plans shall provide at least one tree for every ten (10) parking spaces, which may be planted in diamond-shaped tree-wells or parkway strips, located so as to break up expanses of paved area. The landscape plans shall incorporate vegetated drainage swale features, as determined feasible by the city engineer.

L. Bumper overhangs. Off-street parking facilities may be designed to accommodate bumper overhangs of not more than two and one-half (2 ½) feet length for standard size parking spaces and two (2) feet for compact parking spaces. Bumper overhangs shall not block any required pedestrian accessway. Wheelstops, curbs and landscaping within the area of any bumper overhang shall not exceed five (5) inches in height above the pavement.

Table 1

Design Requirements for Standard Sized Vehicles



X = Stall not accessible in certain layouts
Parking layout dimensions (in ft) for 9-ft stalls
at various angles

Dimension	On Diagram	FEET Parking Angle			
		45°	60°	75°	90°
Stall width, parallel to aisle	A	12.7	10.4	9.3	9.0
Stall length of line	B	25.0	22.0	20.0	18
Stall depth to wall	C	17.5	19.0	19.5	18
Aisle width between stall lines	D	12.0	16.0	23.0	26.0
Stall depth to interlock	E	15.3	17.5	18.8	18.5
Module, wall to interlock	F	44.8	52.5	61.3	63.0
Module, interlocking	G	42.6	51.0	61.0	63.0
Module, interlock to curb face	H	42.8	50.2	58.8	60.5
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.3	2.7	0.5	0.0
Setback	K	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	14.0	14.0	14.0	14.0
Cross aisle, two-way	L	24.0	24.0	24.0	24.0

**Table 2
Design Requirements for Small Sized Vehicles**

Parking Dimensions, FEET					
Parking Angle	Stall Width	Aisle Length Per Stall	Depth of Stalls at Right Angle to Aisle	Aisle Width	Wall to Wall Module
45°	8.0	10.5	17.0	11.0	45.0
60°	8.0	8.7	17.7	14.0	49.4
75°	8.0	7.8	17.3	17.4	52.0
90°	8.0	7.5	16.0	20.0	52.0

17.34.050 Exemptions, exceptions and modifications.

~~17.34.110 Exemption for minor expansion of single family dwelling.~~

A. An existing single-family dwelling which does not have parking facilities that conform with the requirements of this chapter may be expanded by a cumulative total of not more than four hundred (400) square feet without the need to bring the parking facilities into conformance or to obtain a use permit under Section ~~17.34.115~~ **17.34.050H** of this chapter, subject to the following restrictions and requirements:

1. The structure to be expanded shall constitute the principal structure and the only dwelling unit located on the site *or mobilehome park space*.

2. The square footage permitted by this section shall be reduced by the square footage of any prior expansion of the same structure that was made since January 1, 1986, regardless of whether an exception, use permit, variance, or other approval was granted for such prior expansion.

3. The square footage permitted by this section shall be reduced by the square footage of any prior permitted expansion of the same structure which resulted in the loss of required parking spaces, such as the conversion of a garage to living area.

4. *The square footage permitted by this Section shall be reduced by the amount necessary so that the resulting total floor area will not require an additional parking space under Section 17.34.020.*

5. The expansion shall not result in the loss of any existing off-street parking spaces, or the conversion of a covered parking space to an uncovered parking space, or otherwise increase the nonconformity of the existing parking facilities.

~~5. 6.~~ The proposed development shall comply with the requirements of Section 17.01.060 of this title, unless: ~~(1)-(a)~~ the structure to be expanded is located upon a lot of record, and ~~(2)~~ *(b)* a public street abutting such lot of record provides the principal means of access to that lot.

~~B. 7.~~ In determining the cumulative size of prior or proposed expansions of an existing single-family dwelling *or mobilehome*, the square footage of any newly created garage or carport shall not be counted as part of the four hundred (400) square foot limitation.

B. Storefront uses in the NCRO-2 District shall be exempt from the requirements of this Chapter.

C. For residential units designed and dedicated for use by persons with disabilities, subject to restrictions approved by the City and recorded with the County of San Mateo, the minimum parking requirement shall be reduced by 1 parking space (either covered or uncovered at the discretion of the applicant) per dedicated unit.

D. For a residential unit occupied by a person with a disability, the Zoning Administrator shall have authority to grant an Accessibility Improvement Permit authorizing a modification to any of the parking requirements prescribed by this Chapter, following the conduct of a hearing with 10 days notice thereof being given to the owners of all adjacent properties. The Zoning Administrator may issue the Accessibility Improvement Permit if he or she finds and determines that:

1. The modification is necessary to meet special needs for ~~accessibility~~ of a person having a ~~physical handicap~~ disability which ~~impairs his or her ability to access or utilize the property~~;

2. The modification will not create any significant adverse impacts upon adjacent properties;

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

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

5. ~~4.~~ The granting of the modification 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.

E. For residential units designed and dedicated for use by households with one or more members who are 62 years of age or older, subject to restrictions approved by the City and recorded with the County of San Mateo, the minimum parking requirement shall be two-thirds (67%) of the standard requirement based upon unit size as set forth in Section 17.34.020. This minimum parking requirement may be further reduced as an "additional incentive" required for projects that comply with the California "density bonus" law (California Government Code Sections 65915 and 65915.5).

F. For residential units dedicated to be affordable to households with very-low, low, or moderate incomes, subject to restrictions approved by the City and recorded with the County of San Mateo, the minimum parking requirement may be reduced as an "additional incentive" required for projects that comply with the California "density bonus" law (California Government Code Sections 65915 and 65915.5). This reduction shall be in addition to any exception that may be applicable under Sections 17.34.050.C or 17.34.050.D. Affordable housing projects that do not qualify for a density bonus and additional incentives may obtain a reduction in the minimum parking requirement through application for a modification under Section 17.34.050.I.

G. Off-street parking facilities within the public right-of-way may be approved by the city engineer only for single-family residences, secondary dwelling units and duplexes, subject to the following requirements:

1. The parking space shall not be located within a portion of the right-of-way required for street widening to comply with Section 12.24.010.B.1.

2. The parking space shall not block any portion of a required sidewalk.

3. The parking space shall be located so as to minimize its impact upon any existing on-street parking.

4. Standard-size spaces perpendicular to the street shall be located so as to have twenty-six (26) feet of clearance in which to back into the street and turn forward. Compact spaces shall be located so as to have twenty (20) feet of such clearance. The required clearance shall not conflict with any designated on-street parking spaces on the opposite side of the street.

5. Parking spaces shall not be located so that more than one space must be vacant in order to access another space.

H. Driveways shared in common between more than one building site may be approved by the planning commission, subject to the following requirements:

1. All properties sharing the driveway shall have frontage on a public street.

2. The number of properties sharing the common driveway and the length of the common driveway shall be subject to planning commission approval.

3. *The location of houses sharing the common driveway shall be subject to planning commission approval, consistent with applicable standards set forth in this Zoning Ordinance or elsewhere in the Brisbane Municipal Code.*

4. *A common driveway shall be 18 feet wide, except where a 20 foot width is required under any applicable provisions of this Code for Fire Department emergency access vehicles.*

5. *A common driveway shall have a turnaround or second access point to the street.*

6. *The maximum slope permitted for shared driveways shall not exceed 20%, except where a 15% slope is required under any applicable provisions of this Code for Fire Department emergency access vehicles.*

7. *The height, location and appearance of any retaining walls for the common driveway, not within the public right-of-way, shall be subject to the approval of the planning commission.*

8. *Reciprocal access easements and maintenance agreements shall be recorded prior to issuance of any permits for shared driveways. The agreement shall specify that the shared driveway is not to be used for parking within the minimum required width for lanes of traffic. The process for maintaining the driveway and any associated landscaping shall be addressed, including how costs shall be apportioned. Landscape maintenance agreements shall also be included if street trees and other plantings in the public right-of-way are required as a condition for approval of common driveways.*

~~17.34.115 Modifications to parking regulations.~~ I. The planning commission shall have authority to grant a use permit authorizing a modification to any of the parking regulations prescribed by this Chapter. The provisions of Chapter 17.40 of this Title shall govern the filing and processing of the application for a use permit pursuant to this Section; provided, however, that in addition to the findings required for the granting of a use permit, as set forth in Section 17.40.060, no use permit shall be granted for a modification to a parking regulation unless the planning commission also finds and determines that:

~~A. 1.~~ Strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site; and

~~B. 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. *Full compliance with the parking requirements is not reasonably feasible due to existing structural or site constraints. This finding shall not be required for residential units dedicated to be affordable to households with very-low, low, or moderate incomes or designed and dedicated for use by households with one or more members who are 62 years of age or older, subject to restrictions approved by the City and recorded with the County of San Mateo.*

J. *The planning commission shall have authority to grant a parking variance for nonresidential development to allow required parking to be located off-site. The provisions of Chapter 17.46 of this Title shall govern the filing and processing of the application for a variance pursuant to this Section; provided, however, that instead of the findings required for the granting of a variance, as set forth in Section 17.46.010, no such parking variance shall be granted unless the planning commission finds and determines that:*

1. *The variance would be an incentive to, and a benefit for, the nonresidential development; and*

2. *The variance will facilitate access to the nonresidential development by patrons of public transit facilities.*

Section 17.38.080. Alteration or expansion of nonconforming structures.

A. A nonconforming structure shall not be altered, enlarged, or expanded so as to increase the degree of noncompliance or otherwise increase the discrepancy between existing conditions and the requirements of this Title.

B. Structural alterations may be permitted when necessary to comply with the requirements of law.

C. The prohibitions of this Section shall not apply to any alteration, enlargement or expansion for which a variance is granted pursuant to Chapter 17.46 *or a use permit is granted pursuant to Chapter 17.34* of this Title.

Section 17.34.085. Parking for Designated for Clean Air Vehicles. Parking spaces designated for low-emitting, fuel-efficient and carpool/van pool vehicles, as defined in Section 5.102 of the California Green Building Standards Code, shall be provided for newly constructed non-residential buildings according to the following schedule:

TOTAL NUMBER OF PARKING SPACES	NUMBER OF REQUIRED SPACES
0-9	0
10-25	1
26-50	3
51-75	6
76-100	8
101-150	11
151-200	16
201 and over	At least 8 percent of total

The designated spaces shall be marked "CLEAN AIR VEHICLE" with stall-striping paint, such that the lower edge of the last word aligns with the end of the stall striping so it will be visible beneath a parked vehicle.

Section 17.34.095. Bicycle Parking. Short-term and long-term parking for bicycles shall be provided for newly-constructed non-residential buildings as follows:

A. Short Term Parking. One or more permanently anchored bicycle racks shall be provided within 200 feet of the visitors' entrance and readily visible to passers-by. The required bicycle parking capacity shall be set as follows:

1. 1 bike rack space per 10,000 sq. ft. of retail floor area;
2. 1 bike rack space per 150,000 sq. ft. of office floor area;
3. Other non-residential uses: five percent (5%) of visitor motorized vehicle parking capacity.
4. Any fractional result shall be rounded up.
5. For all non-residential buildings, the minimum capacity shall be for two bicycles.

B. Long Term Parking. Permanently anchored bike racks inside covered, lockable enclosures or bicycle rooms or permanently anchored bicycle lockers shall be provided at convenient locations from the street. The required bicycle parking capacity shall be set as follows:

1. 1 space per 20,000 sq. ft. of warehouse floor area;
2. 1 space per 6,000 sq. ft. of retail floor area;
3. 1 space per 6,000 sq. ft. of office floor area;
4. Other non-residential uses: five percent (5%) of motorized vehicle parking capacity.
5. Any fractional result shall be rounded up.
6. For all non-residential buildings, the minimum capacity shall be for one bicycle.

PUBLIC HEARING

- A. Consider introduction of Ordinance 490 regarding street standards; standards for curb cuts and driveways; street improvement plans; definitions of driveway and street; R-1, R-2 & R-3 District setbacks for garages and carports; and off-street parking**

Senior Planner Tune noted the Planning Commission has been working on issues of parking and access since 1987, and in the past two years alone, the Commission held nine study sessions and three public hearings on these issues. The proposed ordinance would make a number of changes to the current off-street parking regulations and street standards, including changes in three major areas: applying a square footage approach, similar to floor area ratio, to parking for all types of residential units; not counting off-street parking to meet parking requirements for single-family residences with more than 25 feet of street frontage, except with City Engineer and/or Planning Commission approval; and a process for creating new private streets and roadways to provide access. Mr. Tune explained the rationale for each of these three major changes.

Mr. Tune said the City Engineer is proposing two possible options in response to the street widening issue considered by the City Council last month. One option would be to require people wishing to build houses on substandard streets to widen the street in front of their lots, or elsewhere on the street as recommended by the City Engineer. A second option would be to levy development impact fees to pay for improvements to the areas most needed.

Mr. Tune noted the City Attorney identified an issue that is not addressed in the new ordinance, how the new parking regulations should apply to projects currently in the processing pipeline. Mr. Toppel recommends revising the ordinance to exempt projects already approved by the Planning Commission or which have submitted complete building applications prior to the effective date of the ordinance.

MPT Panza drew attention to Section 12.24.010C, on Page 2 of the proposed ordinance. He noted the language refers to "standards set forth in Subsections B and C." Mayor Barnes said the revised version attached to the staff report refers to "Subsections A and B."

MPT Panza noted Page 12 indicates that hotels require a use permit, but motels do not. Mr. Tune responded that Ordinance 490 addresses residential requirements. He said the language regarding hotels and motels comes from the existing ordinance and is not proposed to be changed.

MPT Panza asked for an explanation of Subparagraph 4 of Section 17.34.050. Mr. Tune said there is currently a 400 square foot exemption for additions to any single-family residence. Under the new standard, adding 400 square feet could increase the area to the point where an

additional parking space would be required. Mr. Tune noted the Planning Commission's intent was to give precedence to the new parking standards based on square footage and limit the 400 square foot exemption to whatever would fit before reaching the threshold where a new space would be required.

Referring to Paragraph G of Section 17.34.050, pertaining to off-street parking within the right-of-way, MPT Panza said he was confused by what was meant by the 26 feet of clearance in Subparagraph 4. Mr. Tune clarified that the purpose was to require 26 feet of clearance behind the parking space and the other side of the street or the next parking space. He added that the current design standards require 26 feet of aisle width to allow cars to back up and maneuver, and Subparagraph 4 applies that same standard to streets and driveways. MPT Panza recommended clarifying the language to express that intent.

MPT Panza asked how the shared driveway requirements in Paragraph H would apply to landlocked parcels. Mr. Tune said shared driveways for landlocked parcels are addressed in the requirements for private streets. MPT Panza suggested clarifying that distinction.

MPT Panza questioned the meaning of the findings necessary for a parking variance for nonresidential development in Paragraph J. Mr. Tune explained that Paragraph J is taken directly from state law. He noted the language has no bearing on residential parking regulations.

CM Johnson asked what the General Plan says about private streets. Mr. Tune responded that the General Plan has a number of policies and programs regarding private streets. He said there are policies discouraging private streets and favoring bringing private roadways to public street standards. CM Johnson commented that some of the new regulations appear contrary to those policies. Mr. Tune noted that the density transfer concept required a re-examination of certain policies. He said the City also has a concern about assuming maintenance for private streets.

CM Johnson asked how the staff enforces conditions of approval. Mr. Tune responded that the City has the greatest enforcement ability during the first building permit phase. After that, enforcement depends in large part on whether complaints are received. If conditions are imposed as mitigation measures under CEQA, the staff is required to track compliance and report back to the Planning Commission.

CM Johnson noted the staff report indicates that making the standard size of a garage 20 feet by 20 feet will result in many nonconforming garages in Brisbane. Mr. Tune said the Planning Commission's intent was to set a standard sufficient to ensure that all new garages will be large enough to be used as garages.

CM Johnson asked Mr. Tune to review and explain the chart showing the design requirements for parking spaces. Mr. Tune said the charts reflect current standards, and no changes are being proposed. He noted the letters in the chart refer to the diagram on the previous page.

CM Johnson noted the proposed ordinance indicates the City Engineer would determine whether a driveway parking space can count toward meeting parking requirements if the driveway is located within the 40-foot right-of-way. She noted many houses in central Brisbane probably have driveways in the right-of-way. Mr. Tune explained that the purpose of that provision is to allow the City Engineer an opportunity to review each situation on a case-by-case basis to determine if the City would ever want to widen the street. CM Johnson pointed out that street widening is probably not feasible in many parts of Brisbane where houses encroach in the 40-foot right-of-way. She suggested it might be prudent to determine in advance where those places are.

Regarding street widening, CM Johnson recommended developing standards for cases where the City Engineer determines that road widening in front of an applicant's property is not feasible and should take place farther down the block instead. She also proposed extending the notice period to other property owners from 10 days to 30 days. City Engineer/Public Works Director Breault said his two recommended options were not part of the proposed ordinance. Mr. Tune added that the staff recommends codifying those options in Chapter 15, the building code section, rather than in the zoning ordinance.

CM Johnson suggested referring those two options to the Planning Commission for their review anyway.

CM Bologoff expressed concern about the impact of the proposed new requirements on existing houses. Mr. Tune acknowledged that the new requirements would be more restrictive. He said nonconforming parking would not be an issue unless a homeowner proposed an addition exceeding 400 square feet.

CM Bologoff drew attention to Item 3 at the top of Page 2. He asked if the 60,000 pounds should be specified as laden weight. Mr. Breault responded that 60,000 pounds was adequate for describing the design standard for the road. He noted there were few vehicles that fit into that category.

Referring to Item 4 at the top of Page 2, CM Bologoff observed "angle of attack" should be changed to "angle of approach."

CM Bologoff asked for an explanation of Item B1 in Section 17.01.060. Mr. Tune said that language came from the adopted ordinance and was not being changed.

MPT Panza asked if the proposed parking regulations would also apply to the R-BA District. He noted the ordinance refers to R-1, R-2, and R-3. Mr. Tune explained that the change for proposed the R-3 District deals with setback averaging, a provision that was never applied to the R-BA District.

MPT Panza noted there are provisions in the ordinance defining garage design, but not carport design. He asked about the difference in the definitions. Mr. Tune said garages are defined as covered structures with three sides. MPT Panza pointed out that Section H on Page 16 requires roll-up doors, and he asked how that provision would be interpreted. Mr. Tune responded that garages with doors must have roll-up doors, but doors are not necessarily required.

CM Johnson asked Mr. Toppel if the City had any way to require people building houses on new streets to pay for street maintenance. Mr. Toppel responded that assessment districts and CC&R's are common ways for addressing maintenance of private streets, but not public streets. He said public streets are usually viewed as a community-wide obligation.

CM Johnson expressed concern about City liability for failing to enforce maintenance conditions pertaining to private streets. Mr. Toppel noted that although the City has a right to enforce CC&R's, the City would not be responsible for maintaining private streets. He added that the City incurs no liability for failure to enforce an ordinance or a CC&R; rather, they can be viewed as optional tools.

Mayor Barnes invited comments from members of the public.

Clarke Conway, 261 Kings Road, expressed his opinion that proposed Ordinance 490 was heading in the wrong direction. He observed that the ordinance seems contrary to the previous City ordinance allowing people to build garages 8 feet into the public right-of-way. He said he understood the intent of the ordinance, but its adoption will result in even more nonconforming houses and parking arrangements in Brisbane. Mr. Conway estimated that 50 to 60 percent of Brisbane could become nonconforming with respect to parking, a situation that could adversely affect property values.

Mr. Conway pointed out that there are many sections of Brisbane that will never be conforming, and it is unrealistic to adopt an ordinance imposing standards that cannot be met. He urged the City Council to take another look at the ordinance and consider the impact of its provisions.

Mr. Conway said only two Planning Commissioners voted in favor of the ordinance, one voted no, and the other two were not present at the meeting when the ordinance was approved. He questioned whether the ordinance represented the opinion of the Planning Commission.

Mr. Toppel clarified that the rules proposed in Ordinance 490 will apply prospectively only to new development, and nothing needs to be done to correct existing nonconforming residences. He emphasized the distinction between nonconformity and illegality. Mr. Toppel stated that the intent of the ordinance is to impose standards for new construction. He disagreed with Mr. Conway's contention that adopting the ordinance will affect property values.

Mr. Toppel suggested that the Council consider adding language saying that an addition to an

existing home does not trigger a need to enlarge a substandard, nonconforming garage to meet the new garage size standard.

Mr. Toppel agreed with Mr. Conway that the staff should look at the ramifications of the new parking requirements on existing conditions in town so the impacts of the ordinance can be considered.

CM Bologoff said he was concerned about adopting an ordinance that will increase nonconformity.

Rich Johnson, 77 Ross Way, stated he saw both good and bad points about the proposed ordinance. He acknowledged that parking has been a problem in Brisbane for a long time, and he expressed his opinion that the new parking requirements were too onerous. Mr. Johnson also questioned whether the requirements should be applied universally to all residential districts. He noted the proposed ordinance would require more parking spaces for four 1,000-square-foot apartment or condominium units than are currently required, and also more spaces for a 2,800-square-foot single-family house.

Elisa Riche Johnson, 1228 Cortez, Burlingame, commented that previous speakers mentioned the blighted conditions in downtown Brisbane, and the new parking requirements will impose an extra burden that will discourage people wanting to construct new buildings in Brisbane.

Clarke Conway, 261 Kings Road, asked if homeowners were obligated to disclose nonconformities when they sell their properties. Mr. Toppel stated that homeowners have a statutory duty to disclose code violations. He said that if structures were legally created in the first place, they are not code violations. Examples of code violations would be structures built without a building permit or structures or uses contrary to the zoning ordinance.

An unidentified woman in the audience clarified that for the past seventeen years, the law has required owners of properties to disclose legal nonconforming structures and uses. She added that nonconformities affect property value.

Mr. Conway observed that some new commercial buildings have been constructed in downtown Brisbane that do not have any designated parking spaces except public parking. He again urged the Council to take a close look at the ramifications of adopting Ordinance 490.

CM Johnson asked Mr. Tune to clarify what the current parking requirements would be for four 1,000-square-foot apartment or condominium units and for a 2,800-square-foot single-family house. Mr. Tune said the City currently has two different standards for residential uses; for single-family houses, the parking standards are based on the amount of lot frontage, and for multi-family uses, parking standards are based on the number of bedrooms. Applying these standards has been difficult for the staff because of fractional spaces and arguments over what

constitutes a bedroom. For these reasons, the Planning Commission recommends going to a uniform standard based upon floor area.

Mr. Tune noted the proposed ordinance does not apply to downtown retail uses. He said current regulations exempt storefronts from on-site parking requirements.

Mayor Barnes proposed bringing the ordinance back for further discussion at the next meeting.

CM Bologoff made a motion, seconded by MPT Panza, to continue this matter to the September 20 meeting. The motion was carried unanimously by all present.

At 11:15 p.m., CM Bologoff made a motion, seconded by CM Johnson, to continue the meeting until 11:30 p.m. The motion was carried unanimously by all present.

~~OLD BUSINESS (Continued)~~

- ~~B. **Redevelopment Agency**
Consider ratifying agreement with Union Pacific Railroad for purchase of Park & Ride site~~

~~Agency Board Member Bologoff made a motion, seconded by Agency Board Member Johnson, to ratify the agreement. The motion was carried unanimously by all present.~~

~~NEW BUSINESS~~

- ~~A. **Redevelopment Agency**
Consider authorizing the Mayor to execute a contract with Rosenow Spevacek Group, Inc. for preparation of a Five-Year Implementation Plan and Ten-Year Affordable Housing compliance Plan and approve a supplemental appropriation of \$6,000~~

~~Agency Board Member Johnson made a motion, seconded by Agency Board Member Panza, to approve the contract and supplemental appropriation as proposed. The motion was carried unanimously by all present.~~

- ~~B. **Consider adoption of Resolution No. 2004-39 concerning organization and operation of the Traffic Advisory Committee**~~

~~CM Johnson suggested adding to the bylaws that any recommendations made by the Traffic Advisory Committee must be brought to the City Council within some reasonable period of time. She also recommended clarifying appeal rights and timelines.~~

~~Deputy Fire Chief Ciucci thanked the City Council for supporting Brisbane's fire prevention efforts. He noted each year, communities across the nation commemorate the anniversary of the Great Chicago Fire of 1871 by proclaiming October as Fire Prevention Month. He said this year's theme is testing smoke alarms. He urged citizens to install smoke alarms, test them regularly, and develop and plan home fire drills.~~

Mayor Barnes read a proclamation declaring October as Fire Prevention Month.

D. San Mateo County Library Service Award in appreciation to Clay Holstine, who, since March 2000, has been serving as Library Operations Committee Chair

~~Mayor Barnes presented a certificate of appreciation to City Manager Holstine for serving as Library Operations Committee Chair since March, 2000. He congratulated Mr. Holstine for the recognition.~~

PUBLIC HEARING

A. Consider introduction of Ordinance 490 regarding street standards; standards for curb cuts and driveways; street improvement plans; definitions of driveway and street; R-1, R-2 & R-3 District setbacks for garages and carports; and off-street parking (Continued from September 7, 2004)

Senior Planner Tune noted the staff presented an overview of Ordinance 490 at the last meeting. He recommended that the City Council break the subject into smaller topics for discussion, beginning with residential parking requirements at this meeting, and dealing with parking in the public right-of-way and street improvements at the next meeting.

Mr. Tune said the proposed ordinance applies a consistent parking standard to all residential uses based upon square footage. He noted the intent of the ordinance is to place the burden of providing additional parking on new houses and existing houses that are being expanded, rather than burdening existing houses with nonconforming parking that rely on street parking.

Mr. Tune noted that at the last meeting, a complaint was made about how the proposed ordinance would affect multi-family buildings, for which the parking requirements are now based on the number of bedrooms. He stated that the new standard would increase the parking requirements for all but the largest units. An alternative would be to require one parking space for residences not larger than 900 square feet.

Mr. Tune said another concern raised at the last meeting was that the new ordinance would result in more nonconformities in Brisbane. He pointed out that the City Council has already amended

the zoning ordinance to allow houses with nonconforming parking to be maintained, repaired, and even replaced, as long as the existing number of parking spaces remains the same. The proposed ordinance provides that parking exceptions for expansion of nonconforming houses can be approved through a use permit. In addition, the parking regulations currently allow any single-family house to be expanded by 400 square feet without having to comply with parking regulations or obtaining a use permit. Mr. Tune noted the proposed ordinance would limit the exempt square footage, depending upon the number of parking spaces that would otherwise be required; he suggested that the Council might want to delete the limitation from the ordinance.

Mr. Tune stated that more nonconformities could result from adopting larger garage width and depth standards to make garages more usable. In response, the Council could revise the ordinance so it applies only to new garages, or the new standard can be eliminated entirely.

In response to the question asked at the last meeting about how many units could share a driveway, Mr. Tune cited General Plan Policy 76, which allows only sites fronting on public streets to share a driveway, but places no limit on the number of units sharing a driveway. Before the current definition of driveway was adopted in 1998, the City allowed as many as four homes to share a driveway.

Mr. Tune noted another question the Council needs to decide is when the new ordinance should be applied to projects that are currently underway. He suggested possible cut-off points might be projects that have not yet been approved by the Planning Commission, projects that have not yet received a building permit, or projects for which complete applications have been submitted.

Mr. Tune requested direction from the Council as to revisions to the proposed ordinance. He recommended continuing the public hearing to the October 4 meeting.

Mayor Barnes suggested that the Council focus its discussion at this meeting on parking requirements and defer consideration of shared driveways and streets to the next meeting. CM Johnson said she supported that approach. She requested that Councilmembers be notified in advance of which topics will be considered so they can better prepare.

Councilmembers agreed to focus on parking issues at this meeting.

CM Johnson asked if there had been problems in the past when the City required only one parking space per unit. Mr. Tune said the only units for which only one space has been allowed in the past have been studio units. He added that he was not aware of any studio projects since he joined the staff.

MPT Panza asked if there are any differences in how legal nonconforming units are treated in the Municipal Code with respect to different issues. Mr. Tune said the Municipal Code has a separate chapter dealing with nonconforming uses, structures, and facilities. In addition, the

parking ordinance itself contains a provision allowing any single-family house with non-conforming parking to expand up to 400 square feet without having to comply with parking requirements. Mr. Tune pointed out that this is a greater exception than would otherwise be allowed. He stated that nonconforming parking imposes no greater burden on a property owner.

CM Richardson asked if her house with a two-car garage and two driveway parking spaces would become nonconforming by virtue of this ordinance. Mr. Tune explained that the new parking requirement is based on the square footage of the house rather than the amount of lot frontage, which is the current approach. He drew attention to the chart on Page 3 of the staff report showing the number of parking spaces currently required and the number required under Ordinance 490 for houses of different sizes. Mr. Tune said that if CM Richardson's house is no larger than 3,600 square feet, her parking requirement would remain the same, two covered spaces and two off-street spaces.

Mayor Barnes asked what percentage of houses in Brisbane are currently nonconforming. Mr. Tune said houses built before 1969 are likely to have nonconforming parking. He noted the staff looked at a sample of houses, and determined that 18 of 68, or about 25 percent, would become nonconforming as a result of Ordinance 490.

Mayor Barnes clarified that his question was not limited to parking nonconformities. He asked if the staff had any idea how many existing houses were nonconforming with respect to setbacks, heights, and other features. Mr. Tune responded that he had no idea. He said any house built on a 25-foot lot, which is the norm in Brisbane, would be considered substandard. He guessed that Brisbane probably has as many nonconforming houses as conforming houses.

Mr. Tune noted the City Council lowered the height limit a number of years ago, and that created another class of nonconforming houses. He observed that every time the City updates the zoning ordinance, there is a potential for more houses to become nonconforming. He added that the significance of the nonconformity depends on what the property owner intends to do with the property; if there are no plans to expand the house, it would make little difference in terms of the zoning ordinance.

Referring to Section 17.34.050.A.2 on Page 15 of the staff report, Mayor Barnes asked where the date of January 1, 1986 came from. Mr. Tune said he was not sure. He noted there had been a 100-square-foot exemption previously, so the date might reflect that point in time.

CM Johnson drew attention to the second paragraph on Page 5 of the staff report, talking about the houses the staff looked at to determine compliance. She said she was surprised that 26 percent did not comply. She noted that not allowing street parking to count toward the requirement may have skewed those results. CM Johnson asked if there had been any complaints regarding use of street parking spaces. Mr. Tune responded that in most neighborhoods, people arrive at informal arrangements regarding who parks where, and problems tend to occur only

when someone new comes in and disrupts those arrangements.

CM Johnson asked whether the ordinance states the City Engineer can deny use of driveway parking in cases where streets could be widened in the future. She recommended adding a provision allowing automatic appeals to the Council in those cases. Mr. Tune suggested addressing this issue at the next meeting when driveways are discussed in more detail.

CM Bologoff drew attention to Section 17.38.080.A on Page 17, regarding expansion of nonconforming structures. He asked whether the City had changed that provision to grandfather in nonconforming houses. Mr. Tune said the language comes from the current ordinance. He drew attention to Paragraph C on the following page, exempting projects for which a use permit is granted. He noted the use permit process gives the City the ability to grant exceptions to the parking requirements for houses that are nonconforming in terms of parking. He also pointed out that an expansion of less than 400 square feet would not trigger the parking requirements.

CM Bologoff asked if there was any way to grandfather in certain types of nonconformities Ordinance 490 does not create any more. Mr. Tune responded that as he mentioned previously, the Council could consider not applying the new width and depth standards for garages retroactively. He drew attention to Section 17.34.040.H. on Page 13 of the red-lined ordinance.

Dana Dillworth, 41 Humboldt Road, asked about the extent of notification given to Brisbane property owners. She noted proposed Ordinance 490 affects people in the R-1, R-2, and R-3 districts, and many properties will become nonconforming as a result of the new requirements. Ms. Dillworth expressed her opinion that nearly everyone in Brisbane should have received notice of the proposed change. She said she owns property that has a street frontage greater than 50 feet, but because of a diagonal cut, the shape of the lot is irregular. She expressed concern about how the ordinance will affect people who own irregular lots.

Ms. Dillworth observed that the ordinance appears to be another form of white-lining. She said she understood the City was in the process of white-lining a number of streets in town because of safety, but she questioned the fairness of this practice. Ms. Dillworth asked if the Municipal Code contains a definition of what constitutes a "legal nonconformity." She questioned what impact the proposed ordinance will have on residents.

Mayor Barnes asked the staff to respond to Ms. Dillworth's question about notification. Mr. Tune said the ordinance applies Citywide, so notices were not sent to individual property owners. Instead, the standard notification process was followed, with notices posted in all the standard places.

City Attorney Toppel clarified that regulations of general application do not require notices to each property owner. He noted this matter has been pending before the Planning Commission for quite some time and has been listed on many of their agendas.

Mr. Toppel stated that the Municipal Code defines "legal nonconformity" as something that was legally created, but, because of a subsequent change in regulations, became nonconforming. He noted legal nonconformities are treated differently than illegal nonconformities, or things that were done without a permit or not following proper subdivision procedures. He added that the ordinance does not require nonconformities to be corrected unless the owner wants to expand or alter the property.

Mr. Toppel explained that the ordinance provides a use permit procedure for property owners who seek exceptions. He pointed out that use permits are much easier to obtain than variances.

Mayor Barnes clarified that the ordinance allows legally nonconforming structures that are destroyed by some catastrophe to be rebuilt to their previous condition. Mr. Tune confirmed that the current ordinance allows such rebuilding.

Mayor Barnes noted the proposed ordinance bases parking requirements on the size of the house rather than street frontage. Mr. Tune observed that depending on the size of Ms. Dillworth's house, the new ordinance may require less parking than what is currently required. He invited anyone interested to come to the Planning Department for an explanation of how the ordinance would apply to a particular property.

Referring to the table on Page 3 of the staff report, CM Johnson pointed out that the proposed ordinance actually results in fewer parking spaces required for some houses. She noted that if more parking is required for larger homes, people may think twice about building a large home. CM Johnson observed that this is consistent with the intent many people in town have expressed.

Mr. Tune commented that the ordinance also encourages people to build smaller homes on smaller lots.

Clarke Conway, 261 Kings Road, commented that in his case, the proposed ordinance would make his property nonconforming. Mr. Conway asked for an explanation of front yard setback averaging. Mr. Tune said there are two exceptions to the standard 15-foot front setback in the existing ordinance: if the setbacks on that block average less, and if the property slope is very steep. In Mr. Conway's case, he noted, the front setback would be reduced to 10 feet because of the slope, and an exception would allow the garage or carport to be built right to the front property line. Mr. Tune added that in cases where building to the property line creates a traffic hazard, the City Engineer has discretion to deny a zero setback.

Mr. Conway noted that if a 20-foot-deep garage is built 6 feet away from the roadway and within the 10-foot front setback, it will become nonconforming if Ordinance 490 goes into effect.

Mr. Tune said issues regarding parking within the public right-of-way will be discussed in more

detail at the next meeting. He noted the City Engineer will be involved in discussing that topic.

Mr. Conway drew attention to General Plan Program H8a, calling for studying hillside development to see if costs can be reduced through use of innovative design and grading practices. He said the City Council passed ordinances a few years ago that allow people to build 8 feet into the right-of-way on sloped parcels. He pointed out that this ordinance would make all of those situations nonconforming. Mr. Conway expressed concern about adopting regulations that will make a major portion of the town nonconforming. He noted future councils may decide to eliminate the "blight" and redevelop central Brisbane, which would change the character of the town. He urged the Council not to adopt Ordinance 490.

Mr. Conway asked how large CM Richardson's house was, and CM Richardson estimated her house was about 1,800 square feet. Mr. Conway pointed out that if CM Richardson wanted to enlarge her house, it would become nonconforming because it would not meet the new parking requirement.

Mr. Conway said that by requiring use permits, the ordinance will create more red tape and bureaucracy, making it more difficult for people to upgrade their houses. He expressed his opinion that Ordinance 490 is anti-Brisbane.

John Christopher Burr, 221 Kings Road, noted the real problem in Brisbane lies with the City, not the citizens. He said the City has put roads in the wrong places, allowed narrow roads, and has tolerated inadequate parking. He expressed his opinion that the proposed regulations are appropriate for a new subdivision, but not for an existing subdivision. Mr. Burr recommended using tax revenues to pay for upgrading and widening streets, rather than siphoning them off for redevelopment. He stated the City Council needs to address these issues so citizens do not have to bear the burden of past mistakes made by the City.

Mr. Burr objected to using language developed by land use planners and people in other cities who do not understand the needs of Brisbane. He recommended forming a citizens committee to draft language appropriate for Brisbane.

Mr. Burr agreed with the comments made by Mr. Conway. He urged the City not to make it more difficult for people to upgrade their homes.

Mr. Burr asked how many Councilmembers will have nonconforming houses as a result of the ordinance. He said Brisbane has unique problems that should be addressed by the City, not the citizens.

Mr. Burr asked if the City conducted an initial study and environmental impact report (EIR) to assess the effects of the proposed new regulations. He urged the City to follow the law. He also recommended strengthening the notice requirements and sending individual notices to everyone

whose property will be affected.

Mr. Burr asked how the City intends to monitor density bonuses to make sure the uses for which exceptions are allowed are maintained over time.

Mr. Burr suggested declaring all existing uses to be conforming as built. He noted this would establish a clean slate, and then the City can focus on avoiding problems in the future. He again urged the City not to burden citizens with regulations that are supposed to correct problems caused by the City.

Ron Colonna, 81 Paul Avenue, concurred with previous speakers. He recommended notifying all affected property owners. He objected to legislating for legislation's sake, and instead urged the City to work to reduce the burden of laws and regulations, not to increase them. Mr. Colonna pointed out that the proposed ordinance will entail unnecessary excavation and retaining walls for projects that should be simple home additions.

Mr. Colonna questioned the purpose of the proposed ordinance. He said that if elected officials spend their time making new regulations and rules, people will be less inclined to offer input and participate in civic affairs. He urged the City to do away with unnecessary legislation.

Rich Johnson, 77 Ross Way, observed that the proposed parking regulations seem arbitrary. He questioned whether the same standards should be applied to higher-density R-3 districts as to R-1 districts. He noted multi-family districts typically have wider streets and more parking than single-family neighborhoods, and the new rules will be particularly onerous for property owners in the R-3 districts. Mr. Johnson suggested fine-tuning the ordinance to take into account some of the basic differences in conditions in various districts.

Mr. Johnson expressed his opinion that the new regulations should not apply to projects for which applications and plans have already been submitted.

Mayor Barnes asked Mr. Johnson if he had suggestions as to what regulations would be reasonable for R-3 districts. Mr. Johnson said the revision effectively doubles the parking requirement for a four-unit building of 4,000 square feet; he noted it would be virtually impossible to provide eight off-street parking spaces. He asked the Council to take this into consideration.

MPT Panza said the last page of the staff report indicates that the City Attorney is recommending that the new parking regulations apply to projects that have not obtained Planning Commission approval prior to the effective date of the ordinance. For projects that do not require Planning Commission approval, the City Attorney recommends that the regulations not apply to projects for which building permits have been issued. Mr. Johnson supported that approach. He still encouraged the City Council to consider making distinctions between the different residential districts in Brisbane.

Clarke Conway, 261 Kings Road, cautioned that if the City Council passes Ordinance 490 as written, there will be a referendum, and possibly a recall.

CM Johnson asked about the source for the language in the ordinance. Mr. Tune said the language is based on the 0.72 floor area ratio previously adopted by the City Council. He noted the staff applied that standard mathematically to derive the square footage thresholds. Mr. Tune stated he was not aware of any other cities using this specific standard. He added that the staff looked at what other California cities were doing to determine what a reasonable ratio might be between parking and square footage.

CM Johnson asked how many meetings the Planning Commission held regarding the parking regulations. Mr. Tune estimated there were about ten meetings and study sessions.

CM Johnson noted the staff report recites a number of programs from the General Plan Housing Element. Mr. Tune said the key principle was that expressed in Program H4a(1), "Process zoning ordinance amendments to tie the parking requirements to unit size for all dwelling units, including secondary dwelling units." He explained that the idea was to have an objective and uniform standard that could be applied everywhere in town.

CM Johnson observed that people who live in small houses usually have two cars, so one parking space per unit is insufficient. Mr. Tune said the Planning Commission recommended a minimum of two spaces for all units up to 1,800 square feet. In order to address the need for additional parking in multi-family units, the ordinance requires one additional guest parking space for every four units.

CM Johnson asked Mr. Tune to respond to Mr. Conway's point about the new garage size standard. Mr. Tune said he would need to look at the situation in more detail before venturing an opinion.

CM Bologoff noted Page 5 of the staff report talks about hotels and motels, and he asked whether there were applicable standards. Mr. Tune replied that the current zoning ordinance has no standard for hotels, and parking requirements are determined by use permit. However, there are standards for motels. Mr. Tune recommended dealing with those standards in the future when commercial parking requirements are considered. He noted Ordinance 490 would make no changes in the existing standards.

CM Bologoff asked City Attorney Toppel to comment on the ramifications of adopting an ordinance that will result in greater nonconformities throughout Brisbane. Mr. Toppel said the best approach would probably be to identify specific features that could be made exempt. He noted the proposed ordinance reflects two main concepts: the idea of not counting public streets as private parking, and basing parking requirements on the size of a structure. He commented

that it would be more difficult to try to create a wholesale exemption.

Mayor Barnes suggested revisiting this topic at the next meeting. He said he had a number of questions for the staff regarding the legal implications of being nonconforming, disclosure requirements, how many houses in Brisbane are already nonconforming, and the City's role in creating streets. He noted having a better understanding of these background issues will give the City Council a more solid basis for making a good decision.

CM Bologoff made a motion, seconded by MPT Panza, to continue this matter to the October 4 Council meeting. The motion was carried unanimously by all present.

At 9:23 p.m., the Council took a brief recess. Mayor Barnes reconvened the meeting at 9:30 p.m.

OLD BUSINESS (Continued)

A. Consider adoption of Resolution No. 2004-39 concerning organization and operation of the Traffic Advisory Committee

City Attorney Toppel said the City Council had requested that this resolution be clarified to require that appeals be filed within a timely fashion. He noted language was added specifying that appeals to Traffic Advisory Committee decisions must be made within 60 days. Other key provisions include establishing a rotation for terms of office and clarification of how issues are referred to the committee.

CM Johnson observed that the procedure calls for the Mayor to appoint committee members, subject to confirmation by the Council. She asked if this was the same method used to select members of other committees. Mr. Toppel said that language had not been changed. He stated that the number of committee members is being reduced from eight to five, but the appointment process would stay the same.

CM Johnson asked what support and background information the City provides to committee members. She noted it would be helpful to instruct them on applicable standards and laws. She suggested that the City Council might want to address this issue at some point in the future.

CM Richardson suggested changing the language to say committee members will be appointed by the Council, not the Mayor. CM Bologoff noted the current procedure is consistent for all City committees. Mr. Toppel said commissioners are appointed by the Council, but committee members can be appointed by the Mayor or the Council.

Mayor Barnes asked how the reduction of committee members would be handled. City Manager Holstine advised that all current committee members' terms had expired, so all committee positions are vacant.

~~Mr. Panza commented that if neither Proposition 1A nor Proposition 65 pass, the City will be in worse shape than it is now. He said Proposition 1A was negotiated as a compromise between local governments and the governor, but some legislators feel they were left out of the process. If neither proposition passes, he noted, the legislature could retaliate by taking even more funds from local governments.~~

~~CM Richardson noted one legislator stated that the legislature was looking out for the interests of the entire state, not just those of individual local governments. She said this statement reflects how insensitive the legislature has become to local needs.~~

~~John Christopher Burr, 221 Kings Road, stated that he was not a fan of redevelopment agencies because they tend to harm local schools, fire departments, and city services, while benefiting large developers with infrastructure subsidies.~~

~~Mr. Burr commented that Planning Commissioner Brad Kerwin helped refinance the City's debt for the Sierra Point interchange and Marina facilities. He noted the debt is now over \$80 million, and he asked what happened to the other \$50 million.~~

~~Mayor Barnes said the staff report provides background information on how the agencies work and their relationship to Proposition 1A. He asked Mr. Burr to focus his comments on Proposition 1A.~~

~~Mr. Burr observed that Proposition 1A appears to restore some funding to schools. He said he still wanted information on the amount of debt incurred by the Redevelopment Agency.~~

~~Mr. Holstine explained that the Redevelopment Agency's debt was refinanced about three years ago, at which time no additional debt was taken on. He offered to provide further details to Mr. Burr after the meeting.~~

PUBLIC HEARING

- A. Consider introduction of Ordinance 490 regarding street standards; standards for curb cuts and driveways; street improvement plans; definitions of driveway and street; R-1, R-2 & R-3 District setbacks for garages and carports; and off-street parking (Continued from September 7, 2004)**

Community Development Director Prince said the current parking standards require an unsustainable reliance on public streets to provide the parking needed to satisfy the demand creating by new development and intensification of existing development. He explained that the impetus for the recommendations in the staff report come from the City's General Plan, which reflects the consensus of the community. He noted the Planning Commission spent a great deal of time considering ways to shift the increased demand for parking off the streets and onto the

property being developed. Mr. Prince said the proposed ordinance bases parking requirements on square footage, similar to the floor area ratio, rather than street frontage of lots.

Mr. Prince acknowledged that Ordinance 490 will make some properties in Brisbane legally nonconforming in terms of parking because it imposes a higher standard than what currently exists. He clarified that these legal nonconforming uses will be grandfathered and accepted by the City, and property owners will not need to make any changes unless they want to intensify or expand their uses. He expressed his opinion that the proposed revisions to the City's parking requirements are only a modest step in the right direction.

Mr. Prince drew attention to Page 3 of the staff report for a list of issues that remain to be decided. He noted that in response to the Council's request for more information on the impacts of nonconformities, the City Attorney drafted a memo, which is attached to the staff report. Mr. Prince said the staff report also answers questions raised by individual citizens about the possible implications of the new parking standards. He added that the summary chart on Page 2 shows how the proposed standards are different from the current standards.

Mr. Prince discussed notification requirements and explained that when an ordinance applies broadly to all property owners, individual notification is not required. He said the staff posted notices in three public places at least 10 days prior to the hearing, as required by law.

CM Johnson asked when the notices were posted. City Clerk Schroeder said notices were posted on August 27, 10 days before the September 7 hearing.

CM Johnson noted that Page 6 of the staff report indicates the focus of this meeting is on parking improvements in the right-of-way, and the subject of street improvements will be discussed at the next meeting. However, some of the issues on Page 3 and the environmental determination on Page 13 relate to street improvements. Mr. Prince said the staff recommends dealing with the ordinance in three part: parking requirements, road widths, and new private streets. He explained that the proposed negative declaration addresses all three issues, including parking requirements. CM Johnson expressed her opinion that it might have been better to address the environmental impacts of each issue separately.

CM Johnson expressed support for the idea of basing parking requirements on size of unit and not allowing street parking spaces to count toward meeting the parking requirements. However, she said she strongly opposed allowing creation of new private streets or allowing shared driveways. She noted that combining all of these issues together makes it difficult for her to vote for Ordinance 490. CM Johnson pointed out that the five questions to be determined by the City Engineer create a very complicated decision-making process. She observed that there seems to be considerable public opposition to certain provisions in the ordinance, but not others. For these reasons, she recommended breaking the ordinance into smaller pieces.

Mayor Barnes agreed that the ordinance provisions were complicated and difficult to deal with all at once. He proposed going through the review process, identifying issues on which there seems to be general agreement, and then separating out some of the more problematic issues for further consideration later. He suggested focusing just on parking issues at this point.

CM Johnson commented that it might be helpful for the staff to identify which issues were absolutely essential for processing a parking ordinance, and then dealing with driveways, street improvements, and private streets separately. She also recommended providing more than a 10-day notice on issues like these that have such profound impacts on residents.

Mayor Barnes expressed his opinion that the City makes extraordinary efforts to communicate with citizens about important issues. He noted that besides posting public notices, the City frequently holds workshops and study sessions, publishes articles in the *Star*, disseminates information through the Website, and posts notices on the community signboards. Mayor Barnes pointed out there may be some advantage in keeping all the issues in a single ordinance because they are interrelated.

CM Johnson said she would very like to pass the parking portion of the ordinance. She noted keeping all the issues together will mean dragging the process out over many weeks or even months.

CM Richardson commented that she favored keeping all the issues in a single ordinance. She suggested it might be helpful for CM Johnson to outline each provision so the issues of greatest concern to her could be readily identified.

Mayor Barnes asked City Attorney Toppel to discuss his analysis of the implications regarding nonconforming uses and structures. Mr. Toppel said there seems to be some ambiguity in how the term "use" is defined in the Transfer Disclosure Statement sellers of real property are required to provide. He expressed his opinion that there is an important difference between a legally established nonconforming use and an illegal use. He noted owners of legal nonconforming properties are not required to make any modifications to bring the property into conformity unless they intend to do something to expand or change the property. Mr. Toppel added that Ordinance 490 will not create any illegal non-conformities, and there is no obligation to disclose something that is legal.

Mayor Barnes asked if the City has ever required sidewalks to be installed as part of a street widening project or a new development. City Engineer/Public Works Director Breault responded that the City has required some existing sidewalks to be widened. He said he could not recall any instances where an owner of a single-family dwelling was required to install a new sidewalk. MPT Panza noted that the City required a sidewalk in front of Nancy Carpenter's house on Humboldt as part of a major remodeling project.

Mr. Breault stated that in his three and a half years with the City, his major focus has been on street widening. He added that the five questions CM Johnson referred to in the staff report are things he already considers.

Mayor Barnes clarified that street frontage would not be a factor in determining parking requirements under the proposed ordinance. He asked how the ordinance would affect the existing front setback averaging provisions. Senior Planner Tune drew attention to Pages 6 and 7 of the redlined version of the ordinance. He said the proposed ordinance establishes a minimum setback of 10 feet for garages and carports, except where the City Engineer determines a lesser distance would be safe. He explained that front setback averaging varies from one block to the next and could result in potentially unsafe conditions. Mr. Tune added that front setback averaging could still be used for houses, but not to parking structures.

CM Johnson noted the last paragraph on Page 11 discusses conflicting provisions for garage and carport setbacks. She asked why the staff compared the 20-foot distance to aisle widths in parking lots. Mr. Tune explained that the 20-foot dimension is intended to provide enough room for a compact car to be backed out of a garage and turned to head toward the street, and the same principle applies to parking lot design. CM Johnson asked if these figures were consistent with generally accepted standards. Mr. Tune responded that standards change as car sizes change, but the proposed distances are fairly typical.

With respect to street widening and parking, CM Johnson asked about the possibility of requiring property owners to contribute to a fund in lieu of street widening. Mr. Breault responded that in-lieu fees are an option the City Council can consider. He said having a street improvement fund would give the City flexibility to make improvements where they are most needed. On the other hand, allowing people to make in-lieu contributions could delay needed street widening and exacerbate existing problems.

Calvin Webster, 360 Kings Road, noted that when he built his 4,000-square-foot house twenty years ago, the City required two garage parking spaces and two on-street spaces. When he later submitted plans for a storage area, the staff informed him that his house was non-conforming because his garage was only 19-1/2 feet deep rather than 20 feet, and the staff also told he could not park in his driveway and block his door. In response, Mr. Webster stated that he decided to forego the storage and use his garage instead. He recommended rolling back some of the existing regulations rather than trying to impose more restrictions.

Mr. Webster pointed out that if his house were built today, it would require six off-street parking spaces, an excessive number. He said his neighbor had to pay for street widening as a condition of building his house. He expressed his opinion that these requirements are too onerous and will discourage people from making improvements. Mr. Webster cautioned that the unintended consequences of overly burdensome regulation will be that Brisbane streets will not be widened.

Clarke Conway, 261 Kings Road, recognized that the City's intentions in developing Ordinance 490 may have been good, but the result could be disastrous. He pointed out that many citizens are upset about the perceived impacts of ordinance, whether those perceptions are correct or not. He urged the City Council to slow down and take a step back.

Mr. Conway said Lory Lacsamana recently built a house on Humboldt and was required to widen the street to 28 feet. He observed that under the terms of the ordinance, that new house would become nonconforming even before it is occupied. Mr. Conway noted he visited a number of other houses mentioned in the staff report to see firsthand how the 10-foot setback would apply. He expressed concern about making many houses in Brisbane nonconforming as a result of passing Ordinance 490.

Mr. Conway asked how the staff arrived at a 1,500-square-foot area for his house. Mr. Tune responded that the number is an approximation that came from Mr. Conway's architect. He added that he personally visited Mr. Conway's house about a year ago to conduct a parking analysis.

CM Johnson commented that publishing detailed information about Mr. Conway's house in the staff report seems to be an invasion of privacy. She suggested asking for permission in the future.

Mr. Conway said he was surprised at some of the statements made in the staff report. He stated that his house is actually over 1,800 square feet, and passage of Ordinance 490 would make it nonconforming.

Mr. Conway observed that the proposed ordinance seems rather convoluted and does not give property owners any recourse if they disagree with the City Engineer's decisions. He urged the City Council not to go forward with the ordinance as proposed.

Mr. Conway noted one of the General Plan programs calls for studying hillside development to see if building costs can be reduced through the use of innovative design and grading practices. He said the proposed ordinance seems contrary to that goal.

Mr. Conway said one section of Kings Road is only 8-1/2 feet wide. In addition, the road is cracked and the retaining wall is falling. He recommended that the City take the initiative to repair and widen this hazardous roadway.

Mr. Conway recommended that the City focus on gathering more data and analyzing current requirements rather than trying to justify the proposed ordinance. He advocated a more thoughtful, careful approach.

CM Johnson asked for the exact location of the narrow section of Kings Road with the collapsing

retaining wall. Mr. Conway said the problem is between 237 and 253 Kings Road.

John Christopher Burr, 221 Kings Road, confirmed Mr. Conway's description of the narrow portion of Kings Road. He noted the roadway was damaged because of problems with a private sewer below Margaret Road.

Mr. Burr observed that the Measure A proposal lists millions of dollars' worth of improvements to Highway 101 interchanges that may never get done. He objected to providing UPC with a huge infrastructure subsidy while at the same time asking owners of single-family houses to pay for expensive road widening projects. Mr. Burr pointed out that it is not the fault of Brisbane citizens that the roads are narrow. He recommended redirecting Measure A funds to fix the roads in central Brisbane.

Mr. Burr asked if the City has any plans to widen roads in central Brisbane and if the City had applied for grant funds for road improvements.

Mr. Burr urged the City to provide citizens with a full disclosure of the possible ramifications of Ordinance 490. He recommended adding a provision clarifying that all houses in Brisbane were conforming as built. He suggested appointing a citizens committee to determine what kinds of improvements are desirable in their neighborhoods.

Wayne Hendryx, 790 Humboldt Road, thanked the City Council and staff for their efforts on behalf of Brisbane citizens. He noted parking has been a problem in Brisbane for many years. He said he has long been a believer in personal responsibility and making property owners bear the burden of providing adequate parking. Mr. Hendryx added that he generally opposes granting variances and exceptions. He recommended requiring two parking spaces for the first bedroom in each house, plus an additional space for each additional bedroom, and for multi-family units, one guest parking space should be provided for every two units.

Mr. Hendryx said he agreed with CM Johnson that the parking requirements should be considered separately from street improvements, driveways, and other issues. He noted Ordinance 490 is too complex as written.

Karen Evans Cunningham, 131 Tulare Street, commented that the City cannot undo what has already been done. She recommended looking at existing homes differently from new development. She expressed her opposition to allowing people to build on substandard lots and share driveways.

Ms. Cunningham said she was disturbed by Mr. Toppel's comments about real estate transfer disclosure requirements. She stated that the people who sold property to her lied on the transfer disclosure document, and she had to spend thousands of dollars in court costs to prove her case. She recognized that some people will always lie because they want to sell their houses, but the

City should not create a situation that encourages less than full disclosure.

Ron Colonna, 81 Paul Avenue, noted that the minimum notice requirements are insufficient to reach the majority of people in town, and he recommended that the City to do more to let people know about issues that will affect them.

Mr. Colonna said the City's 20-foot road width standard seems excessive for a hillside community like Brisbane. He urged the City to admit the mistakes made in the past and take steps to correct them rather than making citizens bear those burdens. Mr. Colonna suggested that the City focus on correcting problems like the one Mr. Conway mentioned on Kings Road.

Mayor Barnes commented that he joined the Planning Commission nine years ago, and parking was a major concern at that time. He said the City Council is trying to take a comprehensive look at parking throughout Brisbane, and Ordinance 490 should be viewed as a starting point. He noted the Council is not ready to take any action at this point, and there will be ample opportunity for more public input. Given the already late hour, he recommended continuing this matter to the next meeting.

CM Johnson asked the staff to provide the City Council with copies of the zoning ordinances from Sausalito, Carmel, and Laguna Beach as examples of how other communities with narrow streets have dealt with these issues.

Councilmembers agreed to continue this matter to the October 18 meeting.

At 10:30 p.m., CM Richardson made a motion, seconded by MPT Panza, to continue the meeting until 11:00 p.m.

The Council took a short recess, and Mayor Barnes reconvened the meeting at 10:40 p.m.

~~B. Consider appeal of the Planning Commission's conditional approval of Use Permit Application UP-1-02 and Design Permit Application DP-1-02 for 30-unit residential complex on Unrecorded Highway Lots 7-12; Charles and Judy Ng, applicants and owners; APN 007-350-040 through -090~~

Mayor Barnes noted the applicant is requesting a continuance to the November 1 meeting.

MPT Panza made a motion, seconded by CM Richardson, to continue this matter to November 1, 2004. The motion was carried unanimously by all present.

OLD BUSINESS

~~A. Consider appointing a Council subcommittee in order to study the formula~~

~~Mayor Barnes spoke in opposition to the proposal. He said conscientious dog owners already pick up after their pets and bring supplies they need, so providing mitt dispensers is unlikely to make a big difference in that respect. He recommended providing trash cans in numerous locations for dog owners to deposit the waste. Mayor Barnes agreed with the concerns raised by other Councilmembers about the need to look at the big picture first.~~

The motion was carried, 3 - 2 (Mayor Barnes and CM Johnson opposed).

~~Mayor Barnes asked the staff to come back with a Citywide policy or program for a future meeting. He proposed looking at what other cities have done and providing some options for the City Council's consideration.~~

OLD BUSINESS

A. Discussion of issues regarding parking requirements

Mayor Barnes explained that in approaching Ordinance 490, he felt it would be better to identify separate pieces to help the City Council focus on the issues in the ordinance. He suggested dealing with parking requirements first and attempting to arrive at a Council consensus on key issues. He drew attention to the list of seven discussion questions raised in the staff report. Councilmembers agreed the questions were good starting points.

CM Johnson pointed out that a "no" on Question 1 makes the other questions moot.

CM Johnson stated that she did not believe the City Council was ready to "address the parking requirements at this time." She observed there was consensus on only one issue, the notion that on-street parking spaces should not count toward meeting the City's parking requirements.

Mayor Barnes clarified that the Council might be willing to address some parking requirements, and he suggested proceeding with those issues.

CM Johnson expressed her opinion that although the goals of the revisions were laudable, it was not the right time to make such changes. She suggested dealing with street requirements after talking to all the neighborhoods. CM Johnson proposed restricting the Council's discussion to the one item of recognizing on-street parking spaces.

CM Bologoff noted the staff report refers to policies in the General Plan and the Housing Element. He asked if there had been such a substantial increase in on-street parking as to warrant the City having to take a look at the issue. He acknowledged that parking has been a problem for many years, but said he was not sure when would be the right time to address the issues.

MPT Panza commented that a survey was done over a decade ago in preparation for the General Plan, and many residents complained then about parking problems. He urged the City Council to do something to address some of these issues.

CM Richardson reminded Councilmembers that the Planning Commission conducted eight public workshops and three public hearings before referring the revisions to the City Council. She recommended moving forward to tackle the problem.

Mayor Barnes welcomed discussion on the issue of on-street parking spaces. As a related issue, he asked if the Council wants to protect legal nonconforming parking that currently exists.

MPT Panza questioned the meaning of "protect." He said existing law allows owners of legal nonconforming conditions to continue without corrections, unless they plan to expand or replace the house. He spoke in favor of applying the ordinance prospectively and requiring people to meet the new parking requirements for major renovations and infill development.

Mayor Barnes pointed out the Council wants to respect legal nonconforming conditions. He recommended conveying somehow that the City has no intent of changing parking requirements for any existing dwelling, so current conditions are not being threatened. He added that "protect" may not be the correct word in Question 2.

CM Richardson clarified she did not want to enact any provisions that affect existing homes that remain the same. However, for future applications to change the size or shape of a dwelling, she expressed her opinion that the new requirements should apply.

CM Johnson noted some members of the public expressed concern about the prospect of future City Councils doing away with nonconforming uses. MPT Panza commented that was not likely to happen in Brisbane.

City Attorney Toppel stated that the City has never gone after legally establishing nonconforming structures or uses. He confirmed there was nothing in the ordinance that would require people to make changes to anything that was legally built; the new requirements would only apply to expansions and new structures. Mr. Toppel advised that a long-term amortization period would be required if nonconforming structures were being required to conform, but Brisbane's ordinance contains no such provision.

CM Bologoff said he was uncomfortable with the word "nonconforming." He noted some of the parking problem in Brisbane is because people use their garages for uses other than parking, and something should be done to address that. He acknowledged that Brisbane has a serious parking problem, but questioned whether the new ordinance was the proper way to address it.

Mayor Barnes directed attention to Question 3. There was general agreement that there was not

enough off-street parking for the number of cars in Brisbane. CM Johnson pointed out the City exacerbated the problem by allowing people to count on-street parking spaces toward meeting City requirements.

CM Bologoff recognized it would be difficult to force people to park cars on their own property. He expressed hope that the ordinance will eventually result in some improvements.

Mayor Barnes pointed out parking permits might be another way to reduce cars parked on streets. He noted neighborhoods already have the ability to request permit systems, but those programs could be applied Citywide.

Mayor Barnes drew attention to Question 4, regarding allowing on-street parking to count toward meeting parking requirements. He said it was clear CM Johnson opposed this practice. CM Richardson, MPT Panza, and CM Bologoff agreed with CM Johnson.

Mayor Barnes noted Question 5 deals with the question of how expansions and replacement projects impact on parking.

MPT Panza commented that the trend toward larger homes, the state law allowing secondary units, and the need for adult children to live with their parents longer all contribute to the parking problem.

Mayor Barnes observed that there seemed to be consensus that expansions and replacement projects impact parking. He suggested moving on to the next issue, whether parking requirements should be linked to structure size.

MPT Panza expressed support for the concept of linking parking requirements with structure size. CM Johnson said Ordinance 490 appears to take a reasonable, objective approach. CM Bologoff questioned whether structure size would address the problem.

MPT Panza stated that in his experience, people usually expand their houses because they need the extra room or because they plan to sell. He confirmed that larger houses are directly linked to the need for more parking.

Mayor Barnes noted the last question deals with thresholds for requiring more parking. He noted possible factors include value, square footage, and number of bedrooms. MPT Panza said he would like to explore those options to see if they could be applied in Brisbane.

CM Johnson said she was satisfied with the basis for the Planning Commission's recommendation. She added she did not see any need for the City Council to consider additional factors.

CM Johnson expressed support for the idea of not allowing street parking to count toward meeting City requirements, and making a connection between structure size and parking requirements.

CM Johnson noted Ordinance 490 contains numerous other provisions related to parking, so it will be difficult to separate out the parking issues only.

CM Richardson expressed support for a step-by-step approach.

MPT Panza said he was inclined to work toward agreement on specific issues, and then review other provisions of the ordinance.

CM Johnson noted the provisions dealing with street standards, white-line striping and right-of-way issues. She suggested having the neighborhood discussions first, to allow people to identify problems and consider possible solutions, and then coming back for Council discussion of proposed Ordinance 490. She emphasized the need to involve residents from the start.

CM Richardson agreed that the City should seek public input, but she urged the City Council to move forward with whatever provisions can be agreed up at this time.

Mayor Barnes proposed working on each issue separately. He noted some issues lend themselves to neighborhood input early on. He observed that community involvement is likely to extend the process to a year or so, but the result may be more successful in the long run.

Mayor Barnes observed that the Council had reached consensus on two major issues, counting of street parking spaces towards City requirements and linking structure size with parking requirements. CM Johnson pointed there are issues related to parking space size and other areas. Mayor Barnes suggested dealing with those once the broader issues are settled.

CM Johnson made a motion to table consideration of Ordinance 490 for one year. She expressed concern regarding how the ordinance could affect the review process for the Baylands and the Quarry development.

CM Bologoff seconded the motion.

Mayor Barnes noted Ordinance 490 itself was not on the agenda, and he asked whether the City Council could take this action. Mr. Toppel clarified that the subject matter of Ordinance 490 was on the agenda, so the Council could take action on the issues.

CM Johnson pointed out the agenda description refers to the ordinance.

CM Johnson expressed her opinion that shared driveways should be discouraged. She noted they

result in denser development. She said she opposed private streets, and recommended clarifying Policy 257 of the General Plan.

CM Johnson recommended dealing with street standards later, after hearing from the public.

MPT Panza expressed concern about putting off the parking solution. He said he would very much like the City Council to take whatever steps are possible to provide relief. He acknowledged that Ordinance 490 does not address all issues, but it represents a step in the right direction.

CM Bologoff noted the staff report does not mention Ordinance 490, and he expressed concern about taking action absent that reference.

CM Richardson observed that the City Council reached consensus that parking was a problem that needs to be address, but not in ways that negatively impact people in the community. She noted CM Johnson's input was important to the process, and she expressed concern about the process taking too long.

Clarke Conway, 261 Kings Road, applauded the Council for taking more time to study the impacts of the proposed ordinance before moving forward to adopt any of its provisions. He suggested using the time to provide the staff with more precise direction and conduct neighborhood meetings to discuss potential impacts and possible solutions. Mr. Conway urged the Council to table Ordinance 490 as proposed.

John Christopher Burr, 221 Kings Road, noted Councilmembers raised a number of valid issues and concerns about proposed Ordinance 490. He cited examples of differences in street conditions and standards of acceptability throughout Brisbane. He supported the idea of consulting with citizens in neighborhood meetings, and then having the City apply for grants to pay for all of the improvements.

Mr. Burr said he had concerns that some of the provisions regarding retaining walls and other requirements could actually lead to more massive houses in Brisbane.

The motion to table the item for a year failed, 2 - 3 (Mayor Barnes, CM Richardson, and MPT Panza).

At 8:55 p.m., the Council took a short recess. Mayor Barnes reconvened the meeting at 9:03 p.m.

Mayor Barnes noted a member of the public had requested permission to address the Council on Item A, regarding parking requirements.

Ron Colonna, 81 Paul Avenue, recommended that the City consider existing street standards as a possible solution to some of the problems. He noted increasing City standards has exacerbated some of the existing problems. Mr. Colonna also expressed concern about creating nonconforming houses.

Mayor Barnes explained that legally nonconforming houses have no need to do anything to correct the nonconformities. He added that passage of many city ordinances increases the number of nonconformities, an inevitable result.

Mr. Colonna recommended that the City give further thought to variations in street standards to recognize existing topography and conditions in certain parts of Brisbane. As an example, he suggested allowing people on downsloping lots to extend their decks farther toward the property line as an alternative to retaining walls. Mr. Colonna pointed out that standards for some streets in Brisbane might not be appropriate for other streets. He urged the City to review all street standards as part of its study of these issues.

Mr. Burr cautioned that creating more nonconforming houses can make it easier in the future for neighborhoods to be considered "blighted" and therefore redevelopable. He suggested that the City waive its eminent domain rights to acquire these "blighted" properties in the future. He noted a better approach might be to declare all existing houses in Brisbane "conforming as built."

Mr. Burr agreed with Mr. Colonna's points about Brisbane's uniqueness and the need for greater flexibility.

~~B. Discussion of issues regarding private streets~~

~~CM Johnson advocated not amending the municipal code to allow private streets, consistent with Policy 257 of the General Plan. She recommended requiring owners of private roads to upgrade and maintain them to City standards and offer them for dedication as public streets.~~

~~MPT Panza expressed concern about the City taking on maintenance responsibilities and making all Brisbane taxpayers pay for maintenance on streets serving a limited number of households. He said he had no problems with the proposed provisions shifting maintenance responsibility to the homeowners using the private street.~~

~~CM Johnson noted allowing private streets that are not up to City standards could exacerbate the kinds of problems Brisbane's streets are already experiencing. She expressed doubt that private streets will be adequately maintained.~~

~~MPT Panza asked about the City's enforcement ability. City Attorney Toppel responded that CC&R's can be recorded against all properties using the road, and the City would have the right to enforce those requirements and cover the costs of the work.~~

COMPARISON OF EXISTING AND RECOMMENDED
SINGLE-FAMILY RESIDENTIAL PARKING REQUIREMENTS

<u>Site Area</u>	<u>Site Frontage</u>	<u>Maximum Allowed Floor Area</u>	<u>Current Parking Requirement</u>	<u>Recommended Parking Requirement</u>
2,500 sq. ft.	25 ft.	1,800 sq. ft.	1 covered + 1 off-street	1 covered + 1 off-street
2,501 sq. ft.	25 ft. irregular	1,801 sq. ft.	1 covered + 1 off-street	2 covered + 1 off-street
3,000 sq. ft.	30 ft.	2,160 sq. ft.	2 covered + 1 on/off-street	2 covered + 1 off-street
3,750 sq. ft.	37.5 ft.	2,700 sq. ft.	2 covered + 2 on/off-street	2 covered + 1 off-street
3,751 sq. ft.	37.5 ft. irregular	2,701 sq. ft.	2 covered + 2 on/off-street	2 covered + 2 off-street
5,000 sq. ft.	50 ft.	3,600 sq. ft.	2 covered + 2 on/off-street	2 covered + 2 off-street
5,001 sq. ft.	50 ft. irregular	3,601 sq. ft.	2 covered + 2 on/off-street	2 covered + 3 off-street
6,250 sq. ft.	62.5 ft.	4,500 sq. ft.	2 covered + 2 on/off-street	2 covered + 3 off-street
6,251 sq. ft.	62.5 ft. irregular	4,501 sq. ft.	2 covered + 2 on/off-street	2 covered + 4 off-street
7,639 sq. ft.	76.5 ft. irregular	5,500 sq. ft.	2 covered + 2 on/off-street	2 covered + 4 off-street

USE PERMITS TO MODIFY PARKING REGULATIONS
FOLLOWING DRAFT ORDINANCE NO. 490

NUMBER OF PARKING SPACES ACCEPTED					
2 IN LIEU OF 3	2 IN LIEU OF 4	3 IN LIEU OF 4	4 IN LIEU OF 5	4 IN LIEU OF 6	5 IN LIEU OF 6
UP-21-04 164 San Benito <1,800 SF 3 BR 1 garage + 1 driveway	UP-16-05 1 Mariposa 1,108 SF 2 BR 1 garage + 1 driveway	UP-2-05 221 Tulare 2,042 SF 3 BR 2 driveway + 1 parallel parking bay	UP-6-10 110 Solano 1,518 SF + 997 SF SDU 3 + 2 BR 4 garage	UP-12-09 340 Kings 1,293 SF + 307 SF SDU 2 + 1 BR 2 garage + 2 driveway	UP-7-07 455 Alvarado 2,304 SF + 955 SF SDU 3 + 3 BR 2 garage + 3 parallel on/off-street
UP-19-05 240 Sierra Point 1,523 SF 2 BR 2 garage		UP-8-06 90 San Benito 2,128 SF 3 BR 2 garage + 1 parallel in driveway			
UP-6-06 529 Visitacion 1,831 SF 2 BR 1 garage + 1 driveway					

UP = Use Permit
 SF = Square Feet
 BR = Bedroom
 SDU = Secondary Dwelling Unit
 Parallel = Parallel to the Street
 Off-Street =
 On/Off-Street = Parking that Straddles a Rolled Curb Outside Traffic Lanes

1994 GENERAL PLAN POLICIES AND PROGRAMS REGARDING PARKING

Program 22c: Review the residential parking requirements in the Zoning Ordinance to determine their effect on the height, mass and scale of structures and grading implications and whether amendments to the Code should be considered.

Program 32a: Review the Zoning Ordinance for opportunities to retain certain parking and setback nonconformities that contribute to the historic pattern of open areas in Central Brisbane.

Policy 41: Require a minimum unobstructed street width of 20 feet, as required by the Uniform Fire Code.

Program 43a: Consider incorporation of small scale parking bays, rolled curbs, and other means of including parking and providing safe clearance on hillside streets.

Policy 44: Maintain and improve local residential streets to accommodate safe access for emergency vehicles and evacuation routes for residents.

Program 44a: Continue the emergency access striping program.

Program 45b: Adopt plan lines for residential streets to identify locations to widen streets and to accommodate additional off-street parking, turnarounds and secondary access.

Program 46a: Require parking and safety improvements in conjunction with new development and the intensification and improvement of existing residential uses in accordance with the improvement program [see Policy 46].

Program 46b: Consider an impact fee program to fund acquisition of additional rights-of-way, widening of existing streets to provide additional on-street parking and construction of other safety improvements.

Policy 56: Maintain as much on-street parking in residential Brisbane as can be accommodated safely.

Program 56a: Review off-street residential parking requirements in the Zoning Ordinance to assess impacts on the availability of on-street parking.

Program 56b: Adopt standards for driveway widths to preserve on-street parking.

Program 56c: Seek means to encourage residents to use their garages for vehicles rather than other purposes.

Program 253b: Revise the Zoning Ordinance to facilitate the upgrading and proper maintenance of structures with legal nonconformities.

Program 257a: In conjunction with the City's development review process and Capital Improvement Program, examine ways to improve existing bottlenecks and cul-de-sacs and improve safety in the upper residential streets [in the Central Brisbane subarea].

Policy 257.1 Work with residents on a block-by-block basis to develop programs to relieve congestion caused by on-street parking.

APPROVED SECONDARY DWELLING UNITS

<u>Street</u>	<u>Address</u>	<u>Status</u>	<u>Bedrooms</u>	<u>Floor Area</u>
Alvarado	395-A	Constructed	1	380 sq. ft.
	455	Unbuilt	3	955 sq. ft.
Humboldt Rd.	645	Constructed	1	471 sq. ft.
	1050	Constructed	1	598 sq. ft.
	1056	Constructed	2	897 sq. ft.
	1122-A	Constructed	1	602 sq. ft.
Kings	340	Constructed	1	307 sq. ft.
Klamath	432	Constructed	1 + Den	1,000 sq. ft.
San Benito	21	Constructed	studio	702 sq. ft.
	37	Constructed	2	683 sq. ft.
	245	Constructed	1	941 sq. ft.
San Diego Ct.	2-A	Constructed	1	702 sq. ft.
	7-A	Constructed	2	755 sq. ft.
San Francisco	29-A	Constructed	1	882 sq. ft.
Santa Clara	281	Constructed	1	629 sq. ft.
Sierra Point	265	Unbuilt	2	882 sq. ft.
Solano	110	Unbuilt	2	997 sq. ft.
	201	Constructed	1	895 sq. ft.
Thomas	88	Unbuilt	2	998 sq. ft.

NEW & REMODELED RESIDENCES
PAGE 2

NEW AND REMODELED RESIDENTIAL BUILDINGS

ADDRESS	STATUS	SQ.FT.	NUMBER OF BEDROOMS	ADDRESS	STATUS	SQ.FT.	NUMBER OF BEDROOMS
1142 Humboldt	original	502	1	136 Tulare	new	1,528	3
197 San Benito	original	510	1	203 San Benito	remodel	1,569	3
272 Klamath	original	515	1	51 Mono	remodel	1,591	2
645B Humboldt**	original	528	1	222 San Benito	remodel	1,593	2
1050B Humboldt**	new	598	1	127 Mendocino	remodel	1,614	3
58 Sierra Point	original	670	2	245 Klamath	original	1,654	1
37 San Francisco	original	721	1	126 Alvarado	remodel	1,701	3
529 Visitation	new	754	1	352 Alvarado	original	1,707	3
272 Klamath	remodel	755	1	296 Humboldt	remodel	1,790	3
195 San Benito*	original	780	1	100 San Benito	original	1,813	2
126 Alvarado	original	794	1	29 Tulare	new	1,834	3
440 Monterey	original	800	1	265 Klamath	remodel	1,878	4
127 Mendocino	original	828	1	237 Tulare*	new	1,891	4
649 Sierra Point	original	874	1	239 Tulare*	new	1,891	4
353 Alvarado	original	880	2	520 Humboldt	remodel	2,002	2
169 Lake	original	886	1	431 Alvarado	remodel	2,069	4
529 Visitation	remodel	906	1	765 Humboldt	new	2,075	4
265 Klamath	original	925	2	195 San Benito*	remodel	2,094	3
296 Humboldt	original	930	2	203 San Benito	remodel	2,114	3
51 Mono	original	931	2	660 Humboldt	remodel	2,115	3
440 Monterey	remodel	950	1	431 Alvarado	remodel	2,120	3
444 Sierra Point	original	962	2	645 Humboldt	original	2,152	3
258 Santa Clara	original	973	2	236 San Bruno	remodel	2,202	4
660 Humboldt	original	981	1	100 Annis	remodel	2,213	3
1002 San Bruno	original	1,008	2	273 Santa Clara	new	2,255	3
431 Alvarado	original	1,040	2	352 Alvarado	remodel	2,293	3
224 Monterey	original	1,053	4	660 Humboldt	original	2,316	3
268 Klamath	original	1,061	3	930 Humboldt	new	2,450	3
353 Alvarado	remodel	1,155	2	660 Humboldt	remodel	2,451	3
258 Santa Clara	remodel	1,163	2	645 Humboldt	remodel	2,754	4
222 San Benito	original	1,187	1	220 Humboldt	original	2,870	2
169 Lake	remodel	1,200	2	200 Harold	original	3,000	3
520 Humboldt	original	1,241	2	245 Klamath	remodel	3,041	3
195 San Benito*	original	1,267	2	100 San Benito	remodel	3,131	3
224 Monterey	remodel	1,293	4	441 Kings	new	3,204	5
444 Sierra Point	remodel	1,303	2	787 Humboldt	new	3,300	3
236 San Bruno	original	1,312	1	1050 Humboldt	new	3,573	5
195 San Benito*	remodel	1,372	2	200 Harold	remodel	3,688	5
1142 Humboldt	remodel	1,376	2	4050 Bayshore	new	3,943	4
268 Klamath	remodel	1,397	3				
203 San Benito	original	1,404	3				
25 San Benito	new	1,426	3				
1002 San Bruno	remodel	1,428	2				
58 Sierra Point	remodel	1,432	2				
649 Sierra Point	remodel	1,456	2				
37 San Francisco	remodel	1,464	2				
100 Annis	original	1,510	2				

*duplex unit

**secondary dwelling unit

NOTE: Most of the square footages listed above are gross sq. ft. measured at building exterior; the definition of floor area (BMC Section 17.02.315) currently excludes exterior walls and has been used for some recent projects—exterior walls typically account for 10% of the gross square footage.