City of Brisbane
Agenda Report

DATE: City Council Meeting of April 7, 2016

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: Ordinance No. 576 (Zoning Text Amendment RZ-5-11) to Amend Brisbane Municipal Code Title 17 Regarding Garage/Carport Minimum Setbacks and Height Limits in the R Residential Districts, Off-Street Parking Regulations, and Alteration/Expansion of Nonconforming Structures

City Council Goals:

To provide for effective and efficient delivery of City services (Goal #1).
To preserve and enhance livability and diversity of neighborhoods (Goal #14).

Purpose:

To adopt new and revised residential parking requirements, to update the parking requirements for various other uses, and to revise the development standards for garages and carports in the residential zoning districts.

Recommendation:

That the City Council introduce Ordinance No. 576, with revisions as recommended by the City Council's Planning Issues Ad Hoc Subcommittee.

Background:

To "avoid unreasonable government constraints to the provision of housing" and to "encourage smaller, more affordable units," 2015-2022 Housing Element Goal H.I and Programs H.I.1.b & H.I.1.c call for revision of the residential parking requirements to be based upon floor area and/or number of bedrooms, rather than lot frontage. Programs H.B.3.b and H.B.3.c require that the parking requirements be reduced for units designed and dedicated for use by elderly persons and persons with disabilities.

The 1994 General Plan contains additional Programs (including 22c, 22h, 56a & 56c) regarding parking that would be implemented through changes to the Municipal Code.

To implement these programs, the Planning Commission recommended approval of the draft ordinance as Zoning Text Amendment RZ-5-11 (see attached Resolution RZ-5-11 with its recommended draft ordinance).

At the City Council meeting of November 16, 2012, a subcommittee was established to conduct detailed reviews of draft planning ordinances in advance of public hearings. Accordingly, the Planning Issues Ad Hoc Subcommittee reviewed the draft ordinance over the course of four meetings (see attached reports) and made recommendations to revise and clarify the ordinance (see attached Subcommittee's Redline Version of Draft Ordinance No. 576). These recommendations are discussed in detail below.

Discussion:

Based upon current Municipal Code floor area ratio limits and the parking requirement for "25 foot lots," the recommended ordinance would replace the current parking standards for single-family dwellings based upon lot frontage with new standards that would generally require one parking space per 900 sq. ft. of floor area, while maintaining the current maximum requirement of 4 parking spaces. This ratio is supported by data from the U.S. Census Bureau, the California Department of Motor Vehicles and local parking surveys (see attachments to the 11/6/13 Subcommittee Report). This approach would essentially result in no change from the current requirement for single-family dwellings exceeding 1,800 sq. ft. on lots with more than 25 ft. of frontage. The few existing dwellings exceeding 1,800 sq. ft. on 25 ft. wide lots (which would typically be nonconforming in terms of the 0.72 maximum floor area ratio) would see their parking requirement increased by 1 space. Houses not more than 1,800 sq. ft. in floor area on lots with more than 25 ft. of frontage and all houses not more than 900 sq. ft. with no more than 1 bedroom would see their parking requirement reduced, which is estimated to include 60% of the existing single-family dwellings (see pages 3 & 4 of the 11/6/13 Subcommittee Report). Note that the Planning Commission has been using the draft standards as informal guidelines in granting Use Permits to modify the parking regulations for the past ten years (see attachment).

While the attached report for the November 6, 2013 Planning Issues Subcommittee provides a detailed analysis of the recommended changes, a brief summary is provided below.

R District Development Standards and Exceptions—To resolve existing inconsistencies and address unnecessarily restrictive regulations, the draft ordinance would revise development standards for the R-1, R-2, R-3 and R-BA Districts applicable to garages and carports. The ordinance would specify that the entrances to garages and carports must be sufficiently set back to be safe for pedestrian and vehicular traffic, with 10 ft. generally being the default setback (Sections 17.06.040.D, 17.08.040.D, 17.10.040.D & 17.12.040.D.2).

The Planning Commission had recommended that steep sites, garages and carports should be allowed to exceed the standard height limit, as long as they would not exceed a height of 15 ft. above the elevation of the center of the street and as long as the height of any living area underneath would not exceed the standard limit (Sections 17.06.040.G.2, 17.08.040.G.2, 17.10.040.G.2 & 17.12.040.D.2.b). The City Council's Planning Issues Ad Hoc Subcommittee

recommends elimination of these proposed changes to the Height of Structures Development Regulations for the R-1, R-2, R-3 and R-BA Districts. Instead, the Subcommittee finds that the existing Variance procedure should continue to be used on a case by case basis to consider such height limit exceptions. This would allow adjoining property owners, particularly those located below and to the rear, to provide input through the public hearing process.

Parking Requirements for Single-Family Dwellings	
Current:	Proposed:
On 25 foot lots: 2 off-street parking spaces one (1) of which shall be in a garage or carport	Studio or 1-bedroom dwellings not more than 900* square feet in floor area: 1 off-street space (uncovered or covered)** All other dwellings not exceeding 1,800* square feet in floor area: 1 off-street space plus 1 space which shall be in a garage or carport**
On lots with between 25 and 37.5 feet of frontage: 2 garages or carports per living unit plus one on-street or off-street parking space	Dwellings exceeding 1,800* square feet in floor area on lots having less than 37.5 feet in frontage: 2 off-street spaces plus 1 space which shall be in a garage or carport**
On lots with 37.5 feet or more of frontage: 2 garages or carports per living unit plus two on-street or off-street parking spaces	Dwellings exceeding 1,800* square feet in floor area on lots of 37.5 feet frontage or greater: 2 on-street or off-street spaces plus 2 spaces which shall be in a garage or carport**

*For the purpose of calculating parking requirements for single-family homes, the floor area of garages and carports shall not be included, except for that portion of the garage or carport floor area that exceeds 400 square feet.
**An off-street parking facility, as defined in BMC Section 17.02.580, may be located off-site within the public right-of-way only as permitted under proposed Section 17.34.050.H and BMC Title 12.

Minimum Parking Requirements—As directed by the Housing Element, the parking requirements for single-family homes would be revised to address floor area/number of bedrooms (Section 17.34.020.A). The proposed ordinance would replace the current requirement of 2 off-street spaces (including 1 covered) for single-family homes on 25 foot lots with new standards of 1 off-street space (which need not be covered) for studio or 1-bedroom dwellings not more than 900 sq. ft. in floor area, or 2 off-street spaces (1 covered), for all other dwellings not over 1,800 sq. ft., regardless of lot frontage. These standards are based upon U.S. Census data that suggest that the vehicle ownership rate in Brisbane has historically been 1 car per approximately 900 sq. ft. of floor area.

Single-family dwellings over 1,800 sq. ft. on lots with less than 37.5 ft. of frontage would be required to have 2 off-street spaces plus 1 covered space, instead of the current requirement of 2 covered spaces plus 1 on-or-off-street space for lots with between 25 and 37.5 ft. of frontage. The proposed requirement for dwellings over 1,800 sq. ft. on lots with frontage of 37.5 ft. or more would be the same as the existing requirement for such lots: 2 covered spaces plus 2 on-or-off-street spaces. The Planning Commission had considered various alternatives in dealing with the parking requirements for such larger homes, but agreed to only minor adjustments in response to the public testimony it had received.

This recommended approach would essentially result in no change from the current requirement for single-family dwellings exceeding 1,800 sq. ft. on lots with more than 25 ft. of frontage. Dwellings exceeding 1,800 sq. ft. on 25 ft. wide lots (which would typically be nonconforming in terms of the 0.72 maximum floor area ratio) would see their parking requirement increased by 1 space. This amounts to approximately 1% of the existing single-family dwellings. Houses not more than 1,800 sq. ft. in floor area on lots with more than 25 ft. of frontage and all houses not more than 900 sq. ft. with no more than 1 bedroom would see their parking requirement reduced, which is estimated to include 60% of the existing single-family dwellings.

For secondary dwelling units, only 1 uncovered off-street space would be required, plus 1 more uncovered off-street space if the unit is over 900 sq. ft. in floor area and/or has more than 1 bedroom. This change should encourage smaller secondary dwelling units.

For duplexes and multi-family dwelling units, the proposed ordinance would maintain the current standards based upon number of bedrooms, while incorporating the exceptions for smaller units proposed for single-family dwellings and secondary dwelling units and adding another required space for units over 2,700 sq. ft. The requirement for covered parking would be reduced to no more than 1 per 1-bedroom or larger unit.

The Planning Commission recommended that additional guest parking be required at the rate of 1 parking space for every 5 units, whether in a single-family residential subdivision or a multi-family dwelling, with no parking spaces required for fractional remainders (Section 17.34.020.A). This ratio was derived from a survey of jurisdictions statewide, adjusted to address the actual demand generated at local multi-family developments according to staff's parking counts. The Planning Issues Subcommittee recommends that fractional remainders should be rounded up from 0.5, as provided in Section 17.34.020.B.4. Thus, 1 guest space would be required for developments of 5 to 7 units, 2 guest spaces would be required for 8 to 12 units, etc. (instead of 1 guest space for 5 to 9 units, 2 guest spaces for 10 to 14 units, etc.). The Subcommittee also recommends that the guest parking requirement for residential subdivisions in Section 17.34.020.A specify that such spaces be located entirely within the public right-of-way so as to be available for general public use. Section 17.34.030 is also recommended to be clarified as applying only to guest parking spaces required for multiple family developments.

The current parking requirements would be updated for emergency shelters; hotels and motels; various assembly uses; commercial recreation; and warehousing.

Parking Use Restrictions--The current Municipal Code section on garages and carports would be expanded to address restrictions on the use of all types of off-street parking. In particular, the standard practice of requiring that the parking required for each residential unit be located so that it can be used independently of any other unit's parking would be codified (Section 17.34.030.B). A new requirement would be added that at least one standard-size parking space shall be assigned to the exclusive use of each unit for multiple-unit properties (Section 17.34.030.C).

Parking Design Standards--The existing design standards would be revised to reflect State requirements and current practice. New two-car garages would be required to be 20 ft. by 20 ft. inside (with exceptions for narrow sites) and have automatic roll-up sectional garage doors (Section 17.34.040.G). Existing homes that complied with the applicable parking standards at the time of their construction would specifically be exempted from the new regulations to avoid labeling them "nonconforming." Garages that are damaged or destroyed would be allowed to be rebuilt as they were, but garages that are substantially modified or replaced voluntarily would be required to comply with the new standards.

New requirements for on-site turnaround capability would be adopted, with specified exceptions (Section 17.34.040.I). The Planning Commission would allow off-street parking spaces for single-family dwellings, secondary dwelling units and duplexes to be designed to back into non-arterial streets, while off-street parking for complexes of 3 or more units would be allowed only to back into local streets that are not arterials or collectors. The Planning Issues Subcommittee recommends that these requirements be clarified by specifying the streets by name (in addition to classification as arterial or collector streets—see the Circulation Map attached to the 1/16/14 Subcommittee report) where new parking facilities would be required to designed so as not to have cars backing into traffic. The Subcommittee also recommends that an additional subsection be added to note that dwellings existing as of the date the ordinance takes effect would be exempt from this requirement per Section 17.34.050.A.

Additionally, the current parking lot landscaping requirements would be made more specific with a ratio of at least 1 tree be planted for every 10 parking spaces (Section 17.34.040.J).

Parking Exemptions, Exceptions and Modifications—A new exemption is proposed for existing homes that complied with the applicable parking standards at the time of their construction to avoid labeling them "nonconforming" (Section 17.34.050.A).

Single-family dwellings would continue to be allowed to be expanded by a cumulative total of 400 sq. ft. without having to comply with the new parking requirements (Section 17.34.050.B). The Planning Issues Subcommittee recommends that this section be clarified by referencing the date the ordinance takes effect as the date by which a single-family dwelling or mobilehome is considered to be "existing" and thus qualified for the parking exception allowed for the minor expansion of existing dwellings under this section.

An additional exemption is recommended that would further allow such units to be expanded to a total of 1,200 sq. ft., if the total number of bedrooms does not exceed two. This would allow

very small "cottages" to be enlarged by more than 400 sq. ft. so as to be more livable without expanding them beyond the size of a potentially affordable "starter home."

The current parking exemption for storefront uses in the NCRO-2 District in BMC Section 17.14.090 would be cross referenced in Section 17.34.050.C.

Consistent with the Housing Element, the parking required for housing designed and dedicated for persons with disabilities would be reduced to 1 assigned van-accessible parking space per unit (Section 17.34.050.D). For units that would not permanently dedicated for use by a person with disabilities, a specific class of Accessibility Improvement Permits would be provided (Section 17.34.050.E), with findings required similar to BMC Sections 17.32.080 and 17.34.050.I. Parking exceptions would also be provided for dedicated senior housing, reducing the parking standard based upon unit size by one-third (Section 17.34.050.F). For dedicated affordable housing units, no specific reduction in the parking requirements is proposed; instead, the City's density bonus provisions under State law would be referenced (Section 17.34.050.G).

Standards for administratively recognizing parking within the public right-of-way as meeting the parking requirements for one- and two-unit properties would be provided, with the intent to minimize impacts to vehicular and pedestrian traffic and existing on-street parking (Section 17.34.050.H).

The existing procedure for modifications to the parking regulations through Use Permit approval by the Planning Commission would be clarified (Section 17.34.050.I). The nonresidential parking variance provisions of California Government Code Section 65906.5 would be incorporated into the Municipal Code (Section 17.34.050.J).

In addition, BMC Chapter 17.38, Nonconforming Uses and Structures, would be amended to reference Use Permits granted to modify the parking regulations.

Environmental Determination:

A Negative Declaration (State Clearinghouse No. 2015012053) was adopted by the City Council for the 2015-2022 Housing Element on April 2, 2015.

Fiscal Impact:

None.

Measure of Success:

Production of additional dwelling units by avoiding unreasonable government constraints to the provision of housing.

Attachments:

City Council's Planning Issues Ad Hoc Subcommittee's Redline Version of Draft Ordinance No. 576
Draft Ordinance No. 576 as revised by Subcommittee
Planning Commission Resolution RZ-5-11 with its Recommended Draft Ordinance Attached
Planning Commission Minutes for 12/8/11, 2/9/12, 2/13/12, 4/26/12, 5/10/12, 5/24/12 & 6/14/12 Meetings (excerpts)
11/6/13, 1/16/14, 3/26/14, 7/1/15 & 7/17/15 Subcommittee Reports
Use Permits to Modify the Parking Regulations Granted by the Planning Commission Since 2004

John Swiecki, Community Development Director Clay Holstine, City Manager

ANNOTATED "REDLINE" VERSION OF PARKING ORDINANCE AMENDMENTS

Changes in the current Municipal Code recommended by the Planning Commission are indicated in red ~~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.

Portions of the draft ordinance recommended by the City Council's Planning Issues Ad Hoc Subcommittee to be elimiated are enclosed in {blue braces}, with any changes to the existing language in the Municipal Code indicated in blue ~~strikethrough~~ or *italics*.

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, as is Section 17.12.040.D as amended per Ordinance No. 562.

Title 17

ZONING

Chapter 17.06

R-1 RESIDENTIAL DISTRICT

THE FOLLOWING ARE REVISIONS TO PORTIONS OF SECTION 17.06.040 OF THE R-1 RESIDENTIAL DISTRICT:

17.06.040 – Development Regulations. The following development regulations shall apply to any lot in the R-1 district:

A. Lot Area.

1. The minimum area of any lot shall be five thousand (5,000) square feet.

2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. Not more than one dwelling unit shall be located on each lot in the R-1 district, except for a secondary dwelling unit authorized ~~by a use permit granted~~ pursuant to Chapter 17.43 of this title.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

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

E. Lot Coverage. The maximum coverage by all structures on any lot shall be fifty percent (50%).

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:

1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be as follows:

a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or

b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.

2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages *and carports* may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title{. *A garage or carport in compliance with this subsection may exceed a height of thirty (30) feet, but the height of* ~~and so long as the total height of the garage and~~ } and so long as the total height of the garage/carport and any permitted living area underneath {*shall* ~~does~~} does not exceed thirty (30) feet from finish grade.

Chapter 17.08

R-2 RESIDENTIAL DISTRICT

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.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be fifty percent (50%).

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:

1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be as follows:

a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or

b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.

2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages *and carports* may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title{. *A garage or carport in compliance with this subsection may exceed a height of thirty (30) feet, but the height of* ~~and so long as the total height of the garage and~~ } and so long as the total height of the garage/carport and any permitted living area underneath {*shall* ~~does~~} does not exceed thirty (30) feet from finish grade.

Chapter 17.10

R-3 RESIDENTIAL DISTRICT

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.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%).

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:

1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site, shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be as follows:

a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or

b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.

2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages *and carports* may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title{. *A garage or carport in compliance with this subsection may exceed a height of thirty (30) feet, but the height of* ~~and so long as the total height of the garage and~~ } and so long as the total height of the garage/carport and any permitted living area underneath {*shall* ~~does~~} does not exceed thirty (30) feet from finish grade.

Chapter 17.12

R-BA BRISBANE ACRES RESIDENTIAL DISTRICT

THE FOLLOWING IS A REVISION TO SECTION 17.12.040.D OF THE R-BA RESIDENTIAL DISTRICT:

D. Setbacks. The minimum required setbacks for any lot shall be as follows:

1. Front setback: Ten (10) feet.

2. Side setback: Ten percent (10%) of the lot width, but in no event more than fifteen (15) feet or less than five (5) feet. *Notwithstanding the foregoing, the minimum side setback for garages or carports accessed from a street 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

E. Lot Coverage. The maximum coverage by all structures on any lot shall be twenty five percent (25%).

F. Floor Area Ratio. The maximum floor area ratio of all buildings on a lot shall be 0.72; provided, however, that in no event shall the floor area of all buildings on a lot exceed five thousand five hundred (5,500) square feet.

G. Height of Structures.

1. Except as otherwise provided in subsection (G)(2) of this section, the maximum height of any structure shall be thirty-five (35) feet.

2. For a distance of twenty (20) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however,

a. residential structures on sites sloping down from the adjacent street may be constructed to a height of twenty (20) feet above the elevation of the center of the street, so long as the height does not exceed thirty-five (35) feet from finish grade; and

b. garages *and carports* may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this Title{. *A garage or carport in compliance with this subsection may exceed a height of thirty-five (35) feet, but the height of* ~~and so long as the total height of the garage and~~ } and so long as the total height of the garage/carport and any permitted living area underneath {*shall* ~~does~~} does not exceed thirty-five (35) feet from finish grade.

Chapter 17.32

GENERAL USE REGULATIONS

THE FOLLOWING IS A REVISION TO SECTION 17.32.070.A OF THE EXCEPTIONS TO THE SETBACK REQUIREMENTS:

3. Miscellaneous Improvements.

a. Garages and Carports and Parking Decks on Slopes of Fifteen Percent (15%) or Greater.

Front setback area:	Garages, carports and parking decks not more than fifteen (15) feet in height above the elevation of the center of the adjacent street *in the R-1, R-2 and R-3 Districts and parking decks in the R-BA District* may be placed at any location within the front setback area provided: (i) there is no encroachment into any side setback area, and (ii) the garage is approved by the city engineer, based upon a finding that no traffic or safety hazard will be created.
Rear setback area:	On through lots, garages, carports and parking decks not more than fifteen (15) feet in height above the elevation of the center of the adjacent street may be placed at any location within the rear setback area provided: (i) there is no encroachment into any side setback area, and (ii) the garage is approved by the city engineer, based upon a finding that no traffic or safety hazard will be created.
Side setback area:	No exception permitted.

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 parking required, 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 *required off-street parking* facilities shall be on-site unless specified differently *in this Chapter or as permitted under Title 12 of this Code. Required off-street parking facilities need not be provided as covered parking unless specified differently in this chapter*:

Uses:		Parking Requirements:
Single-family ~~homes~~ *dwellings and group care homes--* ~~Single-family homes on 25 foot lots~~		~~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~~ ~~2 off-street parking spaces one (1) of which shall be in a garage or carport~~;
	Studio or 1-bedroom dwellings not more than 900 square feet in floor area:	*1 off-street space (uncovered or covered)*
	All other dwellings not exceeding 1,800 square feet in floor area:	*1 off-street space plus 1 space which shall be in a garage or carport*
	Dwellings exceeding 1,800 square feet in floor area on lots	*2 off-street spaces plus 1 space which shall be in a garage or carport*

	having less than 37.5 feet in frontage: *Dwellings exceeding 1,800 square feet in floor area on lots of 37.5 feet frontage or greater:*	*2 on-street or off-street spaces plus 2 spaces which shall be in a garage or carport* *See Section 17.34.020.B.1 regarding garage and carport exclusions from the floor area calculation.* *Additional guest parking spaces shall be provided for all residential subdivisions of 5 (five) or more single-family residences, at the rate of 1 parking space for every 5 (five) units{, with no parking spaces required for any fractional remainders}. Such spaces shall be located entirely within the public right-of-way and available for public use. Any accessible parking spaces required per Section 17.34.040.D shall count as guest parking spaces.*
Secondary dwelling units		*1 off-street space (uncovered or covered), plus 1 off-street space (uncovered or covered) if over 900 square feet in floor area and/or if more than 1 bedroom.* *See Section 17.34.020.B.1 regarding garage and carport exclusions from the floor area calculation.* ~~2 standard on-site parking spaces~~
Duplex or multiple family dwelling units; *Mobilehome park units* *Studios* ~~0 bedroom or bachelor apartments~~ *1-bedroom units* *2-bedroom units* ~~1 and 2 bedroom units~~ *3-bedroom units or larger* ~~Over 2 bedrooms~~		*1 (uncovered or covered) space per unit.* ~~1 off-street parking space.~~ *1 ½ spaces (1 of which shall be covered) per unit; only 1 (covered) space required for units not over 900 square feet in floor area.* *1 ½ spaces (1 of which shall be covered) per unit.* ~~1 ½ garage per living unit~~ *2 spaces (1 of which shall be covered) per unit, plus 1 (uncovered or covered) space for units over 2,700 square feet* ~~2 garages per living unit.~~

	See Section 17.34.020.B.1 regarding garage and carport exclusions from the floor area calculation. *Additional guest parking spaces shall be provided for all developments of 5 (five) or more units at the rate of 1 parking space for every 5 (five) units{, with no parking spaces required for any fractional remainders}. The accessible parking spaces required per Section 17.34.040.D shall count as guest parking spaces.*
Emergency shelters	*0.35 space per bed plus 1 space per staff member on the largest shift.*
Hotels, *motels*	~~As determined by use permit.~~ *1 space per unit, plus applicable requirements for restaurants, bars and meeting halls.*
~~Motels~~ ~~Trailer courts~~ ~~Rooming houses and boardinghouses~~	~~1 space per unit, plus applicable requirements for eating, drinking and assembly space.~~ ~~1 parking space per unit.~~ ~~1 parking space per adult guest~~
Cultural facilities, meeting halls and places of worship ~~Churches, lodges, clubs, community centers, chapels~~	*1 space for each 50 square feet of assembly area or 1 space for each 4 fixed seats, whichever is greater, plus 1 space for each 300 square feet of the remaining floor area of the building (meeting rooms 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 requirement for the office use).* ~~1 parking space for each 4 person capacity, but not less than one space for each 15 square feet of the largest meeting hall~~
Commercial recreation	*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.* *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.
Marinas	*1 space per 0.75 berths.*
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 ~~Bowling alley, billiard parlor~~	2 spaces for each working bay plus 1 space for each employee on the largest shift. ~~5 spaces per lane; 2 spaces per table, plus 1 space for each employee on the largest shift~~
Warehousing, *light fabrication, food production, media studios, printing* ~~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 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 or carport 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. 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.

3. No parking shall be required for accessory structures 200 square feet or less in floor area.

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 *to the use which they are intended to serve* and *to be* 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 standard-size parking space, which shall be a covered parking space, if such is required for the unit. If tandem parking is provided, the two spaces in tandem shall be assigned together.

D. Guest parking spaces required for multiple family developments 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.

17.34.030.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.C 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. Off-street parking ~~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. For sites with two or more residential dwelling units, at least one standard-size parking space shall be provided for each unit. 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. Garage design.

1. Garages constructed after_____ [the date this section takes effect], excluding those rebuilt subject to Section 17.38.080 or 17.38.090, shall comply with the following:

Garage Type	*Minimum Width*	*Minimum Depth*
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.*

No washing machines, driers, water heaters, work benches, support posts and similar obstructions shall be located within the area of minimum width by minimum depth.

2. For garages constructed after_____ [the date this section takes effect], excluding those rebuilt subject to Section 17.38.080 or 17.38.090, garage doors shall be of a roll-up sectional design and shall be equipped with automatic garage door openers.

3. Garages existing as of ___ [the date this section takes effect], constructed in compliance with applicable standards then in effect, shall be considered conforming until such time as they are substantially modified or replaced, except that Section 17.38.090 shall apply in the event that they are damaged or destroyed by fire, flood, wind, earthquake, or other calamity.

H. Driveway grades. Driveway grades shall not exceed twenty percent (20%) unless approved by the city engineer. *The grade of driveways required as fire apparatus access roads shall be as approved by the fire chief.*

I. On-site turnaround. 1. Off-street parking facilities shall be designed to provide on-site turnaround capability{, with the following exceptions:

a. The parking spaces} for a single-family residence, secondary dwelling unit or duplex {may be designed to back into a non-} with driveway access on any arterial street, including but not limited to Bayshore Boulevard or Guadalupe Canyon Parkway.

{b. The parking spaces}

2. Off-street parking facilities shall be designed to provide on-site turnaround capability for a complex of three or more units with driveway access on any {may be designed to back into a local street that is not an} arterial or {a} collector street, including but not limited to Bayshore Boulevard, Guadalupe Canyon Parkway, Old County Road, San Bruno Avenue or that portion of Visitacion Avenue within the NCRO-2 District.

{2.} 3. On-site turnaround capability shall be designed so as not to conflict with required parking spaces, including any recognized tandem spaces.

4. Dwelling units existing as of _____ [the date this section takes effect] shall be exempt from this requirement per Section 17.34.050.A.

~~17.34.100~~ *J.* Parking lot landscaping. *1.* ~~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.*

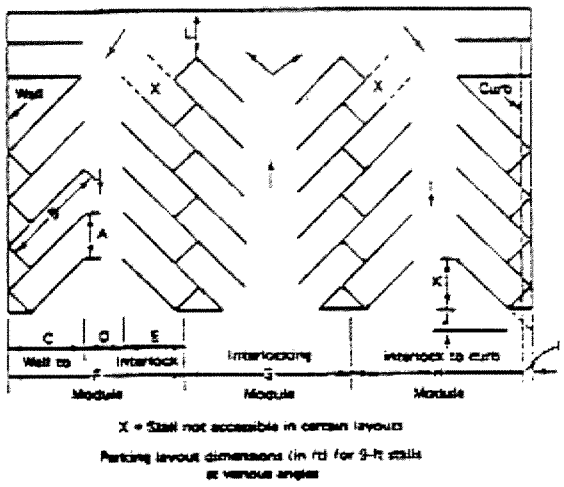
2. The landscape plans shall use water conserving plants, plants that are not invasive, and plants and other landscape features that are appropriate to the context. New and replacement irrigated landscapes of one thousand (1,000) square feet or more shall be subject to the water conservation requirements in Chapter 15.70.

3. The landscape plans shall comply with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit No. CAS612008 and any amendment, revision or reissuance thereof.

K 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

			FEET Parking Angle		
Dimension	**On Diagram**	**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 overhan~~dg~~ (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 *Compact* ~~Small Sized~~ Vehicles

Parking Dimensions, FEET						
Parking Angle	**Stall Width**	**Aisle Length Per Stall**	**Depth of Stalls at Right Angle to Aisle**	***Bumper Overhang***	**Aisle Width**	**Wall to Wall Module**
45°	8.0	10.5	17.0	*1.7*	11.0	45.0
60°	8.0	8.7	~~17.7~~ *16.7*	*1.8*	14.0	49.4
75°	8.0	7.8	~~17.3~~ *16.3*	*1.9*	17.4	52.0
90°	8.0	7.5	16.0	*2*	20.0	52.0

17.34.050 Exemptions, exceptions and modifications.

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

A. *Dwelling units existing as of ___ [the date this section takes effect], constructed in compliance with applicable standards then in effect, shall be considered conforming in terms of the parking required by this chapter until such time as they are expanded, except as permitted in Subsection B of this Section, or replaced, except that Section 17.38.090 shall apply in the event that they are damaged or destroyed by fire, flood, wind, earthquake, or other calamity.*

~~A.~~ *B.* ~~An existing~~ *A* single-family dwelling *or mobilehome existing as of ____ [the date this section takes effect]* which does not have *off-street* 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 *of floor area* without the need to bring the parking facilities into conformance or to obtain a use permit under Section ~~17.34.115~~ *17.34.050.I* of this chapter*; furthermore, such a single-family dwelling or mobilehome may be expanded to a total floor area of not more than one-thousand two-hundred (1,200) square feet, if the total number of bedrooms does not exceed two.* ~~, subject to the~~ *The* following restrictions and requirements *shall apply*:

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

5. 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.

6. The total floor area shall not exceed the maximum permitted under the floor area ratio regulations for the applicable district, including or excluding covered parking as provided under those regulations.

7. See Section 17.34.020.B.1 regarding garage and carport exclusions from the floor area calculation.

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

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

D. 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 parking requirement shall be 1 assigned van-accessible parking space (either covered or uncovered at the discretion of the applicant) per dedicated unit. Such spaces shall be

conveniently located along an accessible path of travel to the dedicated unit, but shall not count as or conflict with the parking required to be reserved for persons with disabilities per Title 24 (Section 17.34.040.D).

E. 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 a person having a disability;

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. 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. The granting of the modification will not create or intensify a shortage of on-street parking spaces.

F. 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).

G. 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.D or 17.34.050.E. 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.

H. Parking within the public right-of-way at the property's frontage may be recognized administratively only for single-family residences, secondary dwelling units and duplexes, subject to the approval of the city engineer.

1. Off-street parking facilities which partially encroach within the public right-of-way may be recognized administratively, subject to the following requirements:

a. The parking space shall not be located within a portion of the right-of-way that could be required for lanes of traffic per Section 12.24.010.B.1.

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

c. The parking space shall be located so as to minimize its impact upon any existing on-street parking, so as to produce a net increase in the number of on- and off-street parking spaces.

d. The parking space shall comply with Sections 12.05.020 and 12.24.015, as applicable.

e. If the parking space is at an angle to the street, clearance behind the space shall be provided equivalent to the minimum aisle width in Table 1 (for standard-size spaces) or Table 2 (or compact spaces).

f. If the parking space is parallel to the street, it shall comply with Section 17.34.040.E; such parallel parking may be provided within a driveway to a garage or carport.

2. On-street parking spaces located entirely within the public right-of-way in compliance with Section 12.24.010.B.1 may be recognized administratively only for sites with more than 37.5 (thirty seven and one-half) feet of frontage. On-street parking spaces may also be recognized as the guest parking required for a residential subdivision of 5 (five) or more single-family residences per Section 17.34.020.A.

~~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*, given, for example, the availability of existing or improved on/off-street parking which may not fully meet the requirements of this chapter.*

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 17.34.085. 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 square feet of retail floor area;
2. 1 bike rack space per 150,000 square feet 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 square feet of warehouse floor area;
2. 1 space per 6,000 square feet of retail floor area;
3. 1 space per 6,000 square feet 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.

Chapter 17.38

NONCONFORMING USES AND STRUCTURES

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.