# City of Brisbane Planning Commission Agenda Report

**TO:** Planning Commission For the Meeting of 06/27/2019

**SUBJECT:** Use Permit UP-3-19; 133 Monterey Street; R-1 Residential District; Use Permit to

allow conversion of an existing detached garage into an Accessory Dwelling Unit, eliminating one of two required parking spaces for the main dwelling unit; James

and Mea Christie, applicants/owners.

**REQUEST:** The applicant requests Use Permit approval to allow nonconforming parking for an approximately 838 sq ft single-family home in order to allow conversion of an existing 255 sq ft detached garage into an accessory dwelling unit (ADU), displacing one of the two required parking spaces for the single-family home. Due to the existing site development, the displaced parking space cannot be replaced elsewhere on the property.

**RECOMMENDATION:** Approve Use Permit UP-3-19 via adoption of Resolution UP-3-19, containing the findings and conditions of approval.

**ENVIRONMENTAL DETERMINATION:** Conversions of existing accessory structures, including garages, from one use to another where only minor modifications are made to the exterior of the structure are categorically exempt from the provisions of the California Environmental Quality Act per Section 15303(a) of the CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

**APPLICABLE CODE SECTIONS:** Chapter 17.34 of the Brisbane Municipal Code (BMC) contains the parking requirements for single-family homes and describes the circumstances and findings for approval of modifications to parking standards via Use Permit approval. BMC Chapter 17.40 contains the requirements and required findings for approving Use Permits. California Government Code Section 65852.2 allows local jurisdictions to require parking spaces displaced by conversion of existing garages into ADUs to be replaced elsewhere on the property.

#### **ANALYSIS AND FINDINGS:**

#### **Project Description**

The subject property is substandard in regards to lot size (2,880 sq ft), width (32 ft), and depth (90 ft). It is developed with an approximately 838 sq ft, two-bedroom home and 255 sq ft detached, one-car garage, which comply with the maximum floor area ratio of 0.72 FAR but exceed the 40% lot coverage by approximately 80 sq ft. The detached garage additionally maintains nonconforming rear and side setbacks and is accessed via a shared driveway that straddles the shared property line with 141 Monterey Street to the east. Per the applicant's site plan (Attachment D), other development on the site includes a patio and two small decks in the

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rear yard between the home and the garage. The front yard, approximately 11 ft, 7 inches in depth, is landscaped, as is the remainder of the rear yard adjacent to the garage.

Per BMC Chapter 17.34, the required off-street parking requirement for a two-bedroom single-family home with less than 1,800 sq ft in floor area is two spaces, one of which must be covered. The subject property currently meets the off-street parking requirement via the one-car garage and one compact (8 ft x 16 ft) parking space in tandem to the garage (refer to the applicant's site plan annotated by staff, Attachment D).

The proposed project would convert the detached one-car garage to an accessory dwelling unit (ADU), displacing the required covered parking space for the single-family home. While additional parking is not required for ADUs per BMC Chapter 17.34, the City can and does require that required parking spaces for the single-family home be replaced elsewhere on the property, though the City cannot require the replacement parking space(s) be covered or prohibit their location in tandem to other parking spaces (CA Government Code §65852.2). The applicant has requested Use Permit approval to accept one off-street parking space for the property, allowing the covered parking space for the single-family home to be eliminated and not replaced elsewhere on the site.

As of this writing, one letter of objection was received by staff and is attached for the Commission's reference (Attachment E).

### <u>Use Permit Analysis</u>

In order to approve a Use Permit to modify the parking regulations for the single-family home as proposed, the Planning Commission must affirmatively make the findings in BMC Chapter 17.40, in addition to the findings contained in BMC §17.34.050.I. The application **meets these findings**, as detailed in the analysis below.

• The planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.

The subject property is located in Central Brisbane in the 100 block of Monterey Street, adjacent to properties developed with single-family homes on Monterey Street and Alvarado Street. As ADUs are considered accessory to the primary single-family use of the property, the existing single-family use of the property would not be altered, and is consistent with the underlying R-1 zoning district regulations and General Plan residential land use designation. There is no specific plan for this area.

The planning commission shall determine whether or not the establishment, maintenance
or operation of the use applied for will, under the circumstances of the particular case, be
detrimental to the health, safety, comfort and general welfare of the persons residing or
working in the neighborhood of such proposed use, or whether it will be injurious or

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detrimental to property and improvements in the neighborhood or the general welfare of the city.

The project would meet this finding. While the existing site development is nonconforming in regards to the 40% lot coverage maximum, the property is conforming in regards to the maximum 0.72 FAR, and the project proposes no expansion for the existing two-bedroom, 838 sq ft single-family home. Therefore, no intensification of the existing single-family use is proposed. The existing uncovered parking space tandem to the garage/proposed ADU would be retained for use by the single-family dwelling.

Should the requested use permit be approved, the building permit application for the ADU conversion for the garage would be subject to review and approval by the Building Department, Fire Department, and other responsible City Departments to ensure the work complies with all applicable health and safety codes.

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

With the recommended conditions of approval, the project would meet this finding. While the garage would be converted into an ADU, no additional parking is required to serve the ADU under both the BMC and governing State regulations. As previously indicated, the project would retain the existing compact parking space tandem to the garage/proposed ADU, accessed from the shared driveway with 141 Monterey Street. Due to the requirement incumbent on both property owners to maintain egress and ingress to both properties via the shared driveway, minimal enforcement is required on the City's behalf to ensure that the space remains accessible for parking. To ensure the existing space remains accessible for parking, Condition of Approval C requires that the existing parking space be reserved at all times for exclusive parking use and that it not be obstructed with fencing, decking, or other physical obstructions. Any future expansion of the single-family home would trigger new review of the property's compliance with parking requirements.

• The granting of the use permit will not 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 [BMC Chapter 17.34].

The project would meet this finding. As with most residential streets in Central Brisbane, onstreet parking is limited, due to a combination of small lot sizes, lack of off-street parking, limited functionality of existing off-street parking facilities, or preferences by some property owners to utilize existing off-street parking facilities for purposes other than parking vehicles. The existing perceived shortage of on-street parking has thus been assumed by the Commission in the past to exist along nearly every street in Central Brisbane.

While the BMC does accept required off-street parking spaces within the public right-of-way adjacent to a property's frontage, the frontage must be at least 37.5 ft long (BMC §17.34.050.H.2). The subject property's 32 ft frontage renders the property ineligible for such an

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exception, and an existing utility pole and street tree further obstructs parking along the frontage. However, 110 Alvarado Street's approximately 85 ft lot line abutting Monterey Street is a side lot line, as the property is oriented towards and accessed from Alvarado Street, and thus cannot take "credit" for on-street parking spaces along that lot line per BMC §17.34.050.H.2. Thus, while a fully compliant on-street parallel parking space cannot be accommodated adjacent to the subject property's frontage, approximately five parking spaces can be accommodated in the immediate vicinity that are available not only for use by the subject property but surrounding properties on the 100-block of Monterey Street.

• Full compliance with the parking requirements is not reasonably feasible due to existing structural or site constraints.

The project would meet this finding. As discussed above, the property's 32 ft frontage is insufficient to accommodate a Code-compliant on-street parking space per BMC §17.34.050.H.2. The front yard is approximately 11 ft, 7 inches deep and 12 ft, 10 inches wide, which is insufficient to accommodate a code compliant parking space either parallel to or perpendicular to the front lot line (parked vehicles are not permitted to block the sidewalk). At approximately 12 ft wide, the shared driveway is too narrow to accommodate parking without impeding access to the garage at 141 Monterey Street. The remaining rear yard is developed with a patio, decks, and garden area to accommodate reasonable outdoor living space for the property owners.

#### **ATTACHMENTS:**

- A. Draft Resolution UP-3-19 with recommended Findings and Conditions of Approval
- B. Vicinity map
- C. Site photos
- D. Applicant's plans and supporting statements
- E. Written communications

Julia Avres Associate Planner

John Swiecki, Community Development Director

#### Draft

# A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE CONDITIONALLY APPROVING USE PERMIT UP-3-19 TO MODIFY THE PARKING REGULATIONS FOR AN EXISTING SINGLE-FAMILY DWELLING AT 133 MONTEREY STREET

WHEREAS, James and Mea Christie applied to the City of Brisbane for a Use Permit to modify the parking regulations for a two-bedroom, 838 sq. ft. single-family dwelling at 133 Monterey Street to allow one off-street parking space where two off-street parking spaces are required, in order to allow conversion of an existing one-car detached garage into an accessory dwelling unit (ADU), such application being identified as UP-3-19; and

WHEREAS, on June 27, 2019, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15303(a) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested use permit;

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of June 27, 2019 did resolve as follows:

Use Permit UP-3-19 is approved per the findings and conditions of approval attached herein as Exhibit A.

ADOPTED this 27<sup>th</sup> day of June, 2019, by the following vote:

AYES: NOES: ABSENT:	
ATTEST:	PAMALA SAYASANE Chairperson
JOHN A. SWIECKI, Community D	Development Director

# DRAFT **EXHIBIT A**

**Action Taken:** Conditional approval of Use Permit UP-3-19, per the staff memorandum with attachments, via adoption of Resolution UP-3-19.

#### **Use Permit UP-3-19 Findings:**

• The planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.

The existing single-family use of the property would not be altered, and is consistent with the underlying R-1 zoning district regulations and General Plan residential land use designation. There is no specific plan for this area.

• The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

Because the project proposes no expansion for the existing two-bedroom, 838 sq ft single-family home, elimination of one of two required off-street parking spaces would not be detrimental to the health, safety, comfort, and general welfare of the neighborhood or to property or improvements in the neighborhood or the general welfare of the city. The existing uncovered parking space tandem to the garage/proposed ADU would be retained for use by the single-family dwelling. Additionally, the building permit application for the ADU conversion for the garage shall comply with all applicable health and safety codes.

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

With the conditions of approval, strict enforcement is not required by present or anticipated future traffic circulation on the site. No additional parking is required to serve the ADU under both the BMC and governing State regulations, and the project would retain the existing compact parking space in tandem to the existing garage/proposed ADU.

• The granting of the use permit will not 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 [BMC Chapter 17.34].

The granting of the use permit will not intensify the shortage of on-street parking spaces in the vicinity, as the existing compact parking space in tandem to the existing garage/proposed ADU will be retained and sufficient on-street parking is provided adjacent to the north side property line of the adjacent property to the east at 110 Alvarado Street to accommodate the block's on-street parking needs.

• Full compliance with the parking requirements is not reasonably feasible due to existing structural or site constraints.

Full compliance with the parking requirements is not reasonably feasible due to existing structural and site constraints, namely the property's 32 ft frontage which is insufficient to accommodate a Code-compliant on-street parking space per BMC §17.34.050.H.2, insufficient area within the front yard to accommodate a code compliant parking space, narrow width of the shared driveway with 141 Monterey Street, and existing rear yard development and use with a patio, decks, and garden area to accommodate reasonable outdoor living needs of the property owners.

### **UP-3-19 Conditions of Approval:**

#### Prior to Issuance of a Building Permit

- A. The applicant shall obtain a building permit prior to proceeding with construction. Plans submitted for the building and grading permits shall substantially conform to plans on file in the City of Brisbane Planning Department.
- B. Prior to issuance of a building permit, the property owner shall execute an Accessory Dwelling Unit Permit Agreement acknowledging the owner occupancy and other requirements of the City's Accessory Dwelling Unit regulations contained in BMC Chapter 17.43.
- C. The existing compact off-street parking space located in tandem to the existing garage/proposed accessory dwelling unit shall be maintained at all times for exclusive parking use and shall not be obstructed with fencing, decking, or other physical obstructions.
- D. All glass shall be nonreflective, and all exterior lighting shall be located so as not to cast glare upward or onto surrounding streets or properties.
- E. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer.
- F. Drawings depicting all work completed and proposed shall be provided to the satisfaction of the City. Exposure of covered work may also be required to demonstrate compliance with building code requirements.
- G. The permittees agree to indemnify, defend and hold the City and its officers, officials, boards, commissions, employees and volunteers harmless from and against any claim, action or proceeding brought by any third party to attack, set aside modify or annul the approval, permit or other entitlement given to the applicant, or any of the proceedings, acts, or determinations taken, done or made prior to the granting of such approval, permit, or entitlement.
- H. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.

# Attachment A

I. The Use Permit may be revoked by the City Council in compliance with the revocation findings, procedures, and requirements contained in BMC Chapter 17.48.

# Aerial Site Map 133 Monterey Street



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# Site Photos 133 Monterey Street



View from Monterey St (100-block, even) looking south at subject property

Site Photos 133 Monterey Street



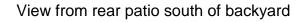
View from 100-block of Monterey St. (even) looking east



View from 100-block of Alvarado St. (even) looking west

Site Photos 133 Monterey Street



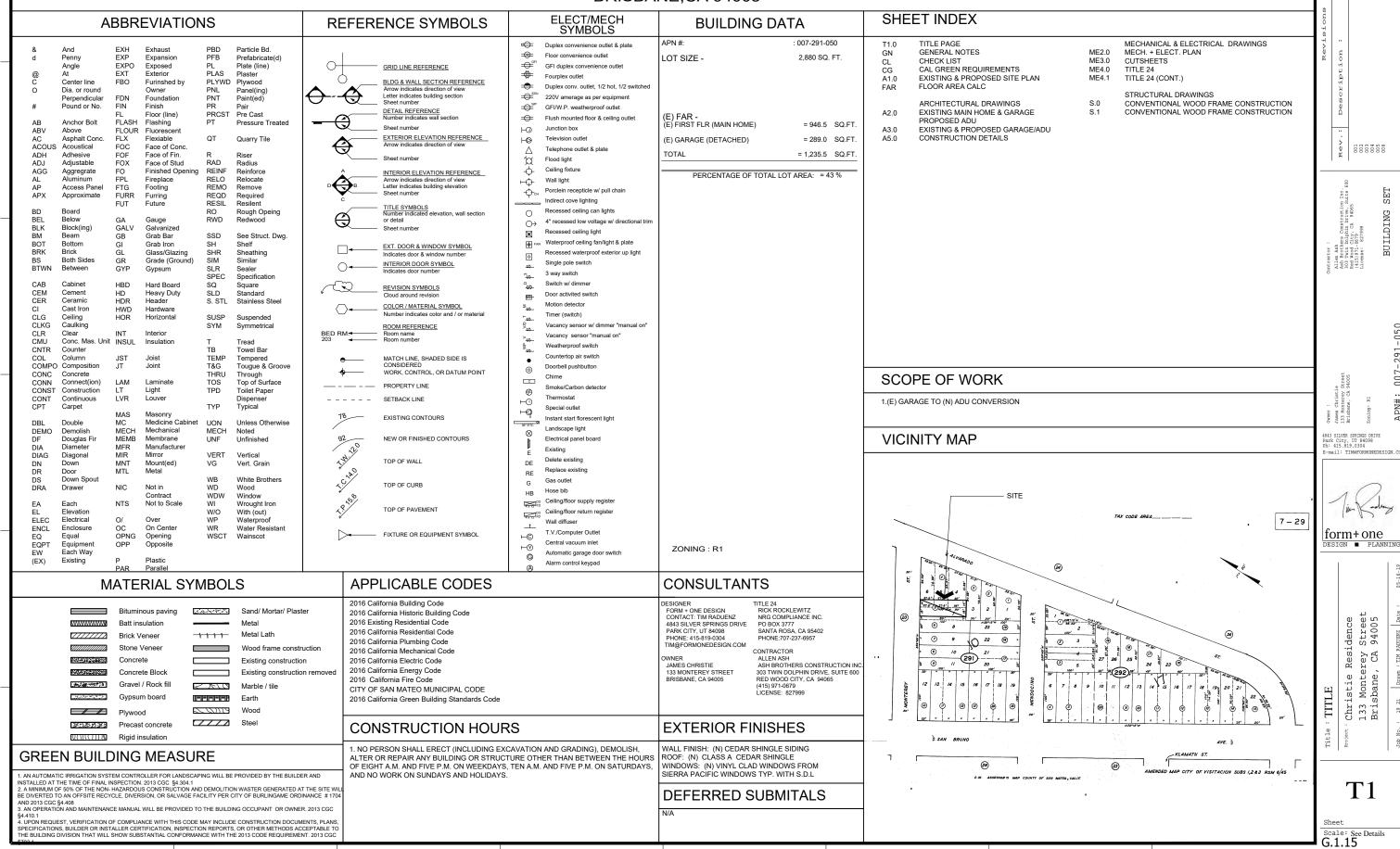




View from shared driveway looking east (location of parking space to be retained on-site)

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# CHRISTIE RESIDENCE (E) GARAGE TO (N) ADU CONVERSION 133 MONTEREY STREET BRISBANE,CA 94005



## GENERAL NOTES & SCOPE

. PROTECT ALL EXISTING TREES DURING CONSTRUCTION, CONSULT

ARBORIST AS REQUIRED. 2. NO EXISTING TREES OVER 48" IN CIRCUMFERENCE AT 54" FROM BASE OF TREE MAY BE REMOVED WITHOUT A PROTECTED TREE PERMIT FROM THE PARKS DIVISION (558-7330) NO TREES ARE TO BE REMOVED FOR THIS PROJECT.

3. WATER CONSERVATION IN LANDSCAPE ORDINANCE NOT REQUIRED

SINCE LANDSCAPE WILL NOT BE REHABILITATED AS NOTED ON PLANS 4. A PLAN HAS BEEN DEVELOPED, AND WILL BE IMPLEMENTED, TO MANAGE STORM WATER DRAINAGE DURING CONSTRUCTION. CGC

5. ALL SPRINKLER DRAINAGE SHALL BE PLACED INTO LANDSCAPING AREAS

#### STREET TREES

. PROTECT ALL STREET TREES DURING CONSTRUCTION

#### PUBLIC WORKS NOTES

A REMOVE/REPLACE UTILITES ENCHROACHMENT PERMIT IS REQUIRED TO 1) REPLACE ALL CURB, GUTTER, DRIVEWAY AND SIDEWALK FRONTING SITE, 2) PLUG ALL EXISTING SANITARY SEWER LATERAL CONNECTIONS AND NSTALL A NEW 4" LATERAL, (3) ALL WATER LINE CONNECTIONS TO CITY NATER MAINS FOR SERVICES OF FIRE LINE ARE TO BE INSTALLED PER =CITY STANDARD PROCEDURES AND SPECIFICATION. (4) AND OTHER UNDERGROUND UTILITY WORKS WITHIN CITY'S RIGHT-OF WAY. 2. GRADING PERMIT, IF REQUIRED WILL BE OBTAINED FROM THE EPARTMENT OF PUBLIC WORKS.

#### STORMWATER CHECKLIST NOTES

. DIRECT ROOF RUNOFF INTO CISTERNS OR RAIN BARRELS AND USE RAINWATER FOR IRRIGATION OR OTHER NON-POTABLE USE.

2. DIRECT RUNOFF FROM SIDEWALKS, WALKWAYS, AND/OR PATIOS ONTO

EGETATED AREAS.

DIRECT RUNOFF FROM DRIVEWAYS AND/OR UNCOVERED PARKING LOTS ONTO

CONSTRUCT SIDEWALKS, WALKWAYS AND/OR PATIOS WITH PERMEABLE

. USE MICOR-DETENTION, INCLUDING DISTRIBUTED LANDSCAPE-BASED

DETENTION. PROTECT SENSITIVE AREAS, INCLUDING WETLAND AND RIPARIAN AREAS, AND

INIMIZE CHANGES TO THE NATURAL TOPOGRAPHY.

". MARK ON SITE INLETS WITH THE WORDS "NO DUMPING! FLOWS TO BAY" OR

EQUIVALENT.
8. (A.) RETAIN EXISTING VEGETATION AS PRACTICABLE (B) SELECT DIVERSE
SPECIES APPROPRIATE TO THE SITE. INCLUDE PLANTS THAT ARE PEST- AND/OR
DISEASE-RESISTANT, DROUGHT-TOLERANT, AND/OR ATTRACT EBENEFICIAL
INSECTS. (C) MINIMIZE USE OF PESTICIDES AND QUICK-RELEASE FERTILIZERS.

DESIGN FOR DISCHARGE OF FIRE SPRINKLERS TEST WATER TO LANDSCAPE OR

O. TEMPORARY EROSION CONTROLS TO STABILIZE ALL DENUDED AREAS UNTIL PERMANENT EROSION CONTROLS ARE ESTABLISHED.

TERMANENT EROSION CONTROLS ARE ESTABLISHED.

1. DELINEATE WITH FIELD MARKERS THE FOLLOWING AREAS: CLEARING LIMITS, ASEMENTS, SETBACKS, SENSITIVE OR CRITICAL AREAS, BUFFER ZONES, TREES O BE PROTECTED AND RETAINED, DRAINAGE COURSES.

2 PROVIDE NOTES, SPECIFICATIONS OR ATTACHEMENTS DESCRIBING THE COLLOWING: (A) CONSTRUCTION, OPERATION AND MAINTENANCE OF EROSION AND SEDIMENT CONTROLS, INCLUDE INSPECTION FREQUENCY; (B) METHODS AND SCHEDULE FOR GRADING, EXCAVATION, FILLING, CLEARING OF VEGETATION, AND STORAGE AND DISPOSAL OF EXCAVATED OR CLEARED MATERIAL, (C)
SPECIFICATIONS FOR VEGETATIVE COVER & MULCH, INCLUDE METHODS AND

CHEDULES FOR PLANTING AND FERTILIZATION (D) PROVISIONS FOR TEMPORARY AND OR PERMANENT IRRIGATION

13. PERFORM CLEARING AND EARTH MOVING ACTIVITIES ONLY DURING DRY

VEATHER

4. USE SEDIMENT CONTROLS OF FILTRATION TO REMOVE SEDIMENT WHEN 4. USE SEDIMENT CONTROLES OF FILINATION TO REMOVE SEDIMENT WHEN DEWATERING AND OBTAIN ALL NECESSARY PERMITS.

5. PROTECT ALL STORM DRAIN INLETS IN VICINITY OF SITE USING SEDIMENT.

CONTROLS (E.G. BERMS, SOCKS, FIBER ROLLS OR FILTERS)

16. TRAP SEDIMENT ON-SITE, USING BMP'S SUCH AS SEDIMENT BASINS OR TRAPS, EARTHEN DIKES OR BERMS, SILT FENCES, CHECK DAMS, COMPOST BLANKETS OR

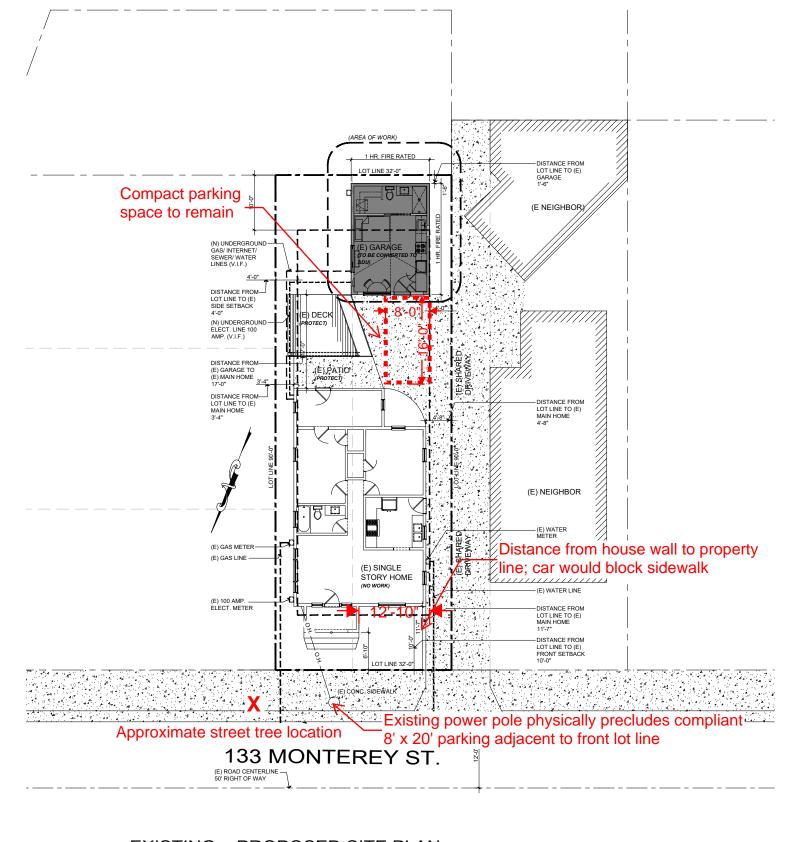
IUTE MATS, COVERS FOR SOIL STOCK PILES, ETC.
7. DIVERT ON-SITE RUNOFF AROUND EXPOSED AREAS; DIVERT OFF-STE RUNOFF AROUND THE SITE (E.G SWALES AND DIKES)

8 PROTECT ADJACENT PROPERTIES AND LINDISTURBED AREAS FROM ONSTRUCTION IMPACTS USING VEGETATIVE BUFFER STRIPS, SEDIMENT ARRIERS OR FILTERS, DIKES,MULCHING OR OTHER MEASURES AS APPROPRIATE 9. LIMIT CONSTRUCTION ACCESS ROUTES AND STABILIZE DESIGNATED ACCESS

OINTS. 10. NO CLEANING, FUELING OR MAINTAINING VEHICLES ON-SITE, EXCEPT IN A DESIGNATED AREA WHERE WASHWATER IS CONTAINED AND TREATED.

21. STORE, HANDLE AND DISPOSE OF CONSTRUCTION MATERIALS/WASTES PROPERLY TO PREVENT CONTACT WITH STORMWATER. 22. CONTRACTOR SHALL TRAIN AND PROVIDE INSTRUCTION TO ALL

RODUCTS.CHEMICALS.WASHWATEROR SEDIMENTS, RINSE WATER FROM ARCHITECTURAL COPPER, AND NON-STORMWATER DISCHARGES TO STORM DRAINS AND WATERCOURSES.



**EXISTING + PROPOSED SITE PLAN** 

Scale: 1/8"= 1'-0

(A1.0)

A1.0

rey

form+ one

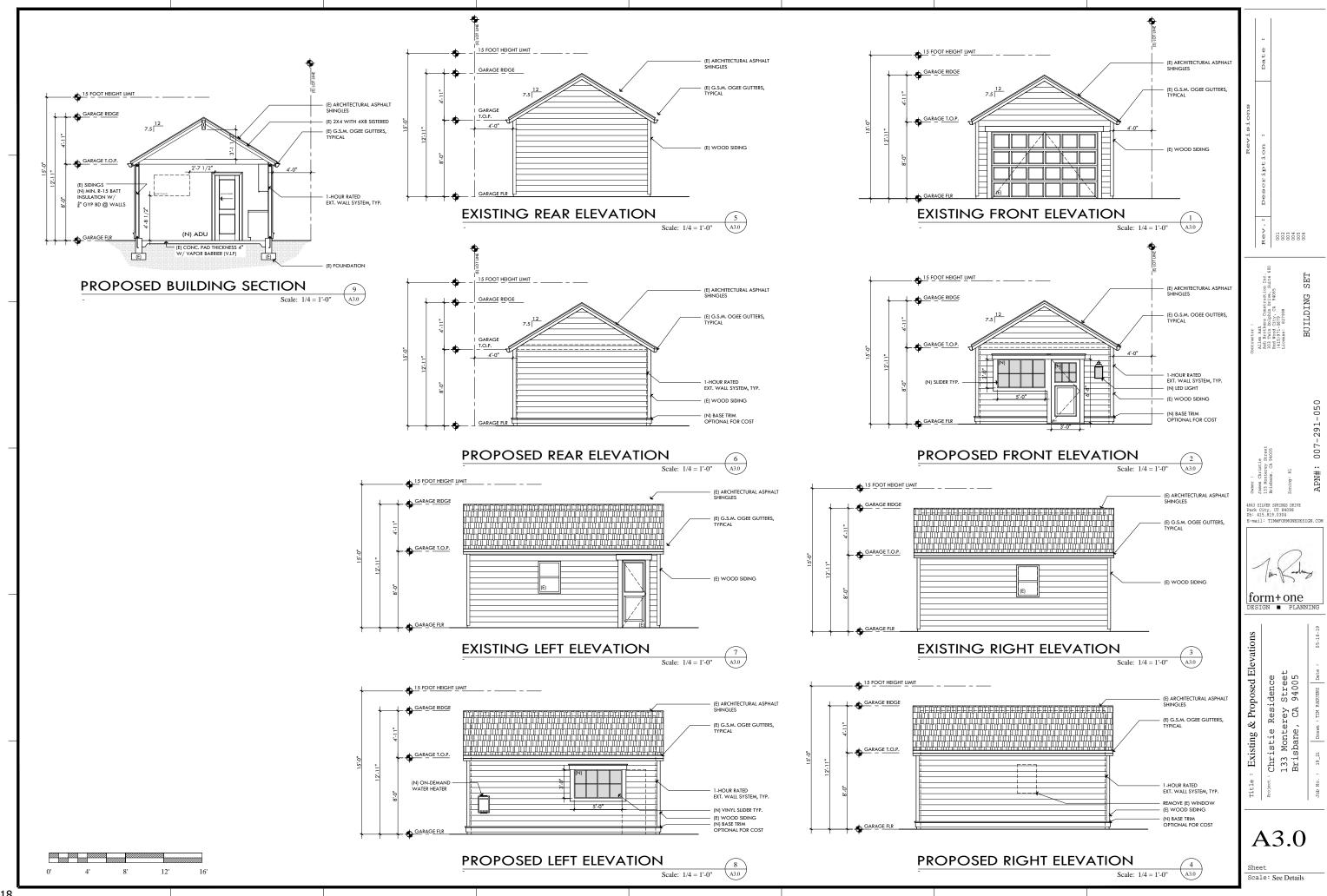
Existing + Proposed Site Plan

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Scale:See Details

form+ one

Christie Resi 133 Monterey Brisbane, CA



G.1.18

From: Viana, Alberto

**Sent:** Tuesday, June 18, 2019 8:44 AM

**To:** Ayres, Julia **Subject:** FW: UP-3-19

Follow Up Flag: Follow up Flag Status: Flagged

From: Alwin Warfel [mailto:awarfel@hotmail.com]

Sent: Monday, June 17, 2019 4:37 PM

To: Planning Commissioners

Subject: UP-3-19

# <u>Email</u>

To: Brisbane Planning Commission

planningcommissioners@brisbaneca.org

From: Alwin Warfel

awarfel@hotmail.com

Date: June 17, 2019

Re: UP-3-19

Eliminating existing off-street parking sites in order to construct an Accessory Dwelling Unit will only cause increased neighborhood street parking congestion as neither the original main dwelling nor the Accessory Dwelling Unit will have any off-street parking. How many cars will the residents from each dwelling unit have with no place to park them except on the local public streets? This is unknown, but could be several cars per unit.

I strongly urge the Commission, do not approve the construction of Accessory Dwelling Units at the expense of losing off-street parking as these losses will have negative impacts on the community.

Sincerely yours,

Alwin Warfel

JUN 2 1 2019

To: City of Brisbane Planning Commission

ART PADILLA

Comm. Dev. Dept. Brisbane

I support James and Mea Christie in remodeling their garage and converting it into an accessory dwelling unit.

Thank you,

Signature

Date

Name

Address: 110 Alvanado St. Brisbane, CA 94005 From: Dave <davestone415@gmail.com>
Sent: Thursday, June 20, 2019 2:15 PM

To: Ayres, Julia

**Subject:** 133 Monterey St

I am sending this email in support of James and Mea Christie at <u>133 Monterey Street</u> in remodeling their garage and converting it into an accessory dwelling unit.

Thank you, David Stone

141 Monterey St. Brisbane Ca.

Sent from my iPhone