

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 7/7/2016

FROM: Julia Capasso, Associate Planner, via John Swiecki, Community Development Director

SUBJECT: 120 Park Lane; Use Permit UP-4-16; Use Permit to modify the parking regulations to allow a 908 square-foot office addition to an existing warehouse with 21 on-site parking spaces, where a minimum of 53 on-site parking spaces are required; Richard Tapp of Richard Tapp Associates, applicant; 120 Park Lane Investments LLC, owner; APN 005-201-090.

REQUEST: The applicant requests Use Permit approval to modify the parking regulations to allow an interior, mezzanine level addition of approximately 908 square feet of office space within an existing warehouse. The existing structure is occupied by Lettieri & Co., a wholesale food importer, and contains approximately 35,591 square feet of warehouse space and 4,103 square feet of administrative office space (including a 545 square foot retail sales area). Based on the current floor area of the structure, BMC §17.34.010 requires 50 on-site spaces. According to the applicant's plans, there are currently 18 parking spaces on the site. In the several years Lettieri & Co. has occupied the property, there have been no reported complaints regarding the on-site parking either by the tenant or by surrounding properties.

The proposed interior office space additions would increase the parking requirement by an additional three parking spaces, or 53 spaces total per BMC §17.34.010. The applicant's proposed parking plan would accommodate the additional three parking spaces, resulting in a total of 21 on-site parking spaces. This would reduce the degree nonconformity of on-site parking from 36% of the minimum requirement to 40%.

RECOMMENDATION: Conditionally approve Use Permit UP-4-16, via adoption of Resolution UP-4-16 with Exhibit A containing the conditions and findings of approval.

ENVIRONMENTAL DETERMINATION: Additions of less than 2,500 square feet to existing structures are categorically exempt per State CEQA Guidelines Section 15301(e). The exceptions to this categorical exemption referenced in Section 15300.2 of the CEQA Guidelines do not apply.

APPLICABLE CODE SECTIONS: Parking requirements are established in Brisbane Municipal Code (BMC) §17.34.020. BMC §17.34.115 authorizes the Planning Commission to approve modifications to the parking requirements, subject to special findings within that section in addition to the findings contained in BMC Chapter 17.40, Use Permits.

ANALYSIS AND FINDINGS:

Use permit to modify the parking regulations: In order to grant a Use Permit to modify the parking regulations, the Planning Commission must make the findings contained in BMC §17.40.060, as well as special findings contained in BMC §17.34.115, described below. The application **would meet** these findings.

- A. 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 proposed interior office additions and parking lot restriping would be consistent with the existing character of the subject property as a primarily warehouse use with accessory offices, and would not conflict with the character or use of the surrounding properties. The subject property is located in the Crocker Industrial Park and is surrounded to the west, south, and east by properties similarly developed with single-story warehouse/office buildings. The City's dog park abuts the north side of the property. The existing warehouse and accessory office use would remain unchanged by the project, and would continue to comply with the underlying zoning designation (TC-1, Crocker Park Trade Commercial) and General Plan land use designation (Trade Commercial).

- B. 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.

The project would meet this finding. As noted above, the proposed project would continue the existing warehouse and accessory office use at the subject property. The proposed interior office additions would represent a 20% increase in office floor area and only a 2% increase in the gross building floor area, without expanding the building footprint. According to the applicant, the purpose of the increase office area is to more efficiently accommodate existing personnel, not to accommodate an expanded workforce. The proposed work will require a building permit, and through that process will be evaluated for compliance with applicable health and safety laws by the Building Department and North County Fire Authority.

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

The project would meeting this finding. The proposed project would convert of four existing, first-floor offices into an expanded staff lounge area, and construct three offices and a general-purpose administrative space in the mezzanine area. As such, the additional floor area is intended

to better serve existing employees and improve shared workspaces, and will not increase dedicated office space compared to existing conditions.

As indicated in the applicant's supporting statements (attached), the anticipated number of employees required to be on-site at any time during normal working hours would not exceed 18 employees. With 21 on-site parking spaces provided, all employees would be able to park on-site on a given workday, assuming all employees drove alone to work, and an additional three spaces would be available for visitors. Though the existing office area includes a permitted, small product display and retail sales area (approximately 545 square feet), the small size of the storefront and limited operating hours appear to limit daily customer traffic.

Operating hours for the business, including the retail storefront, are from 8 a.m. to 5 p.m., Monday through Friday. Staff conducted a windshield survey of on-site parking conditions during different times of the day during a typical workweek to determine the typical on-site parking demand. This informal survey found that during a typical workday, the parking demand did not exceed 21 spaces.

| Day | Time | Parked Cars | Average for Day |
|-----------|------------|-------------|-----------------|
| Tuesday | 3:00 p.m. | 12 | 12 |
| Wednesday | 10:30 a.m. | 18 | 17 |
| | 3 p.m. | 15 | |
| Thursday | 8:30 a.m. | 12 | 16 |
| | 2:30 p.m. | 19* | |

* Car was parked on area of property not marked as a parking stall

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

The project would meet this finding. Considering the limited number of on-site employees and visitors and current on-site parking use, the proposed 21 on-site parking spaces would be adequate to accommodate the anticipated parking demand. It should be noted that the five standard-sized parallel parking spaces available on Park Lane adjacent to the front (west) property line are limited to use by users of the dog park patrons and the Crocker Industrial Park Recreational Trail and are not available for use as overflow parking.

ATTACHMENTS:

- Draft Resolution UP-4-16 with recommended Findings and Conditions of Approval
- Aerial site map
- Applicant's supporting statements
- Applicant's plans

Draft
RESOLUTION UP-4-16

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-4-16
FOR MODIFICATION OF THE PARKING REGULATIONS
AT 120 PARK LANE

WHEREAS, Richard Tapp, of Richard Tapp Associates, applied to the City of Brisbane for a use permit to modify the parking regulations in order to allow a 908 square-foot, interior addition within the envelope of an existing warehouse building located at 120 Park Lane, with 21 on-site parking spaces where a minimum of 53 spaces are required by the Zoning Ordinance; and

WHEREAS, on July 7, 2016, 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 15301(e) 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 July 7, 2016 did resolve as follows:

Use Permit UP-4-16 is approved per the findings and conditions of approval attached herein as Exhibit A.

ADOPTED this 7th day of July, 2016, by the following vote:

AYES:
NOES:
ABSENT:

TuongVan Do
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

DRAFT
EXHIBIT A

Action Taken: Conditional approval of Use Permit UP-4-16, per the staff memorandum with attachments, via adoption of Resolution UP-4-16.

Findings:

Use Permit UP-4-16

- A. The project would maintain the existing warehouse & accessory office use, which is consistent with the nature and condition of adjacent uses and structures in the Crocker Industrial Park, and with the applicable Trade Commercial general plan land use designation.
- B. The continuing operation of the warehouse and accessory office use will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood, nor will it be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. Specifically, the proposed additions represent only a 2% increase in the gross building floor area without expansion of the building footprint.
- C. Strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site, as the additional floor area will not intensify the use compared to current operations and will not generate demand for additional employees.
- D. 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, as the 21 on-site parking spaces would accommodate employee and visitor parking needs.

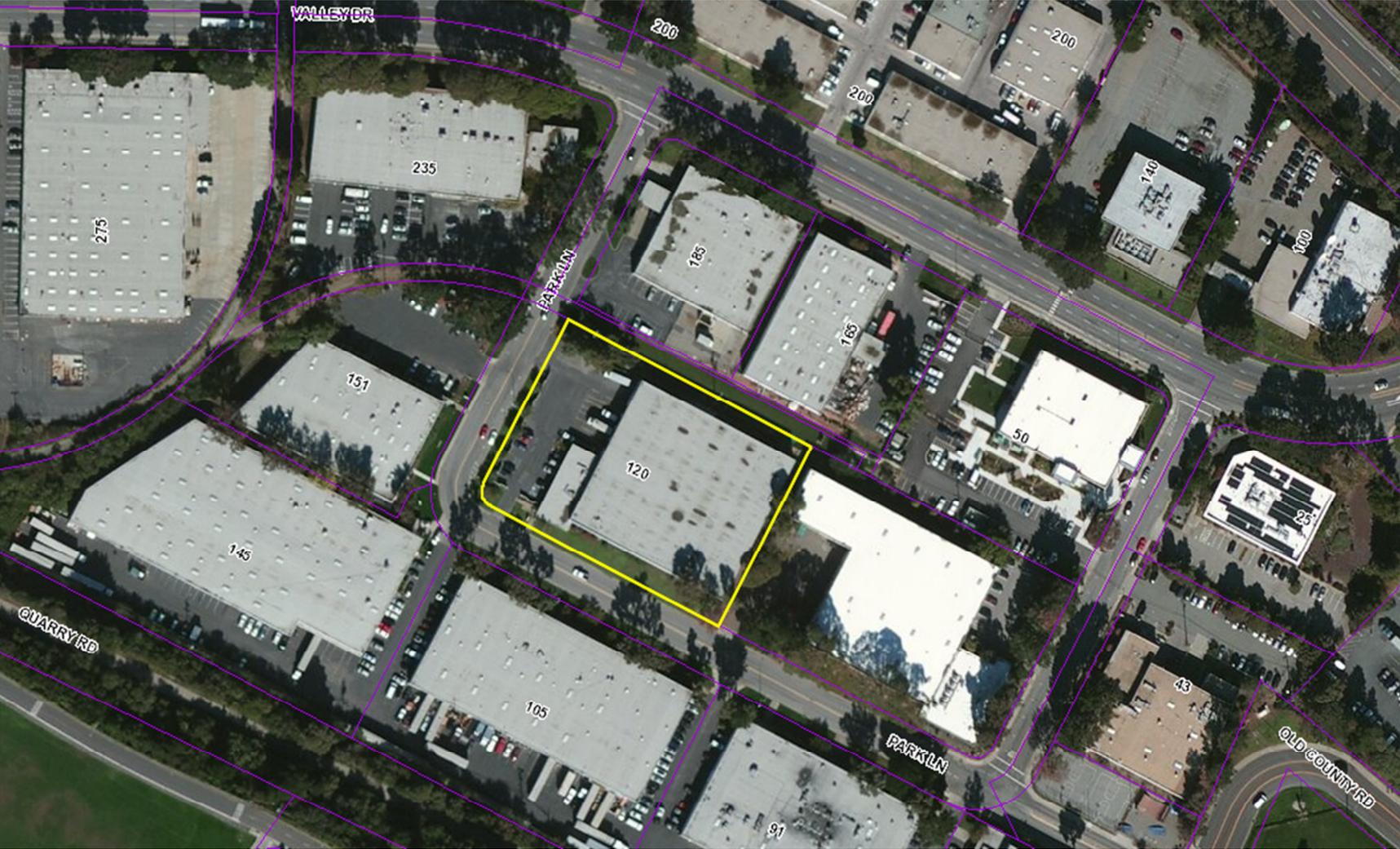
Conditions of Approval:

- 1. 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.
- 2. Prior to final approval of the building permit, the applicant shall schedule an on-site inspection with planning staff to verify the parking lot striping conforms to the parking plan approved under this permit UP-4-16.
- 3. 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.

4. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
5. The Use Permit approval shall expire two years from its effective date (at the end of the appeal period) if a Building Permit has not been issued for the approved project or if the Building Permit, once issued, is allowed to expire prior to final inspection.

Aerial Site Map
120 Park Lane



SUPPORTING STATEMENTS

FINDINGS REQUIRED FOR APPROVAL OF USE PERMITS FOR MODIFICATIONS OF PARKING REGULATIONS

Brisbane Municipal Code Sections 17.34.115 & 17.40.060

...[N]o use permit shall be granted for a modification to a parking regulation unless the Planning Commission also finds that:

(a) 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) 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.

In considering an application, 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 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.

Why should the parking regulations be modified, given the existing and expected amount of traffic on the site and given existing and expected traffic patterns on the site?

~~THE EXIST DEVELOPMENT WAS BUILT UNDER A DIFFERENT JURISDICTION WITH LESS STRINGENT PARKING REQUIREMENTS THEREFORE THE EXIST BUILDING & PARKING IS LEGALLY NONCONFORMING~~

How will enough on-site parking be provided so that cars will not be parking on any street where they would be blocking lanes of traffic?

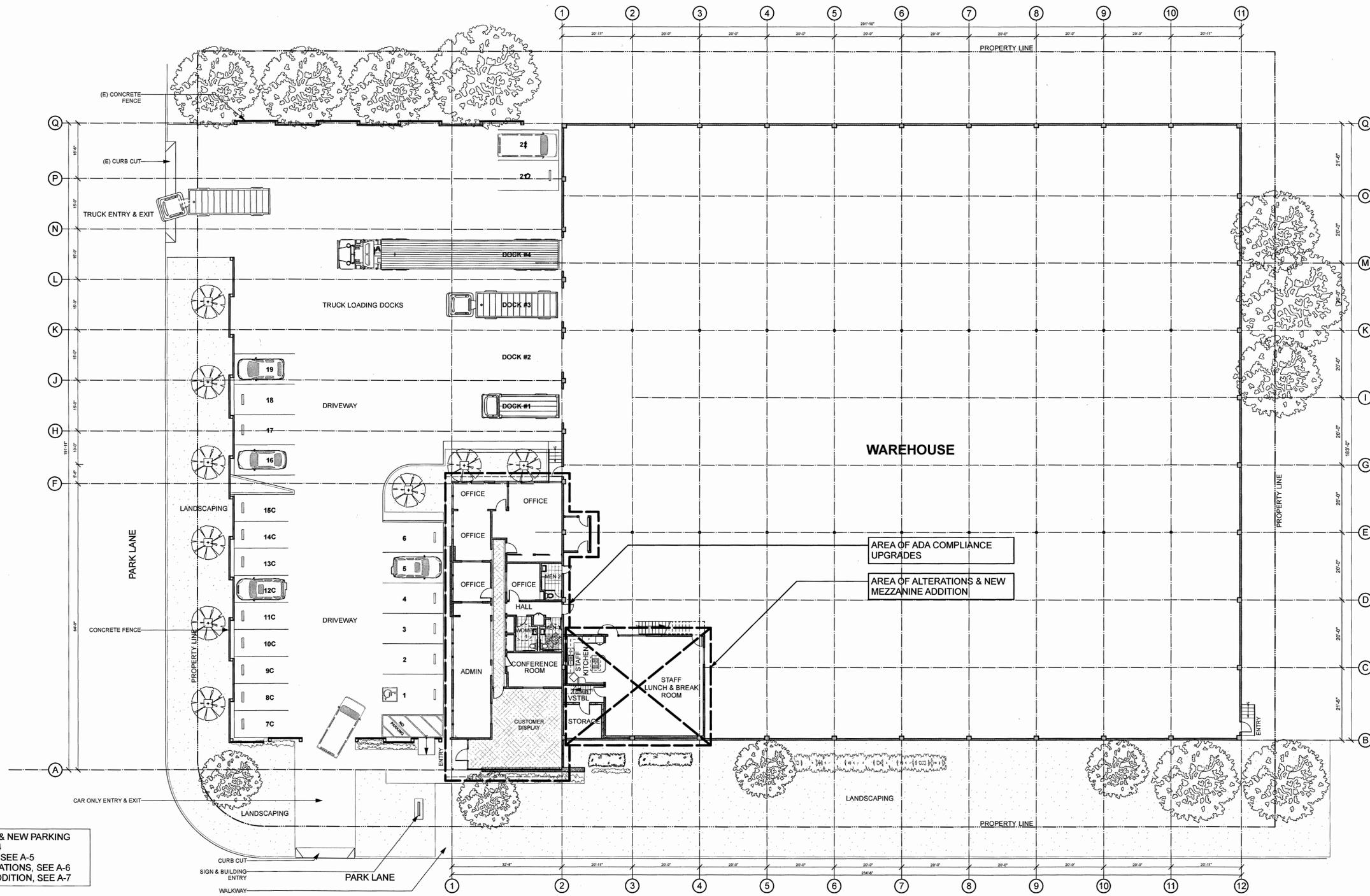
~~THE USE PERMIT IS TRIGGERED BY THE INTERIOR ADDITION OF 908 SF OF OFFICE ON A NEW MEZZANINE WITHIN THE INTERIOR OF THE WAREHOUSE. THE ADDITIONAL 3 REQUIRED PARKING SPACES ARE PROVIDED BY MODIFYING THE PARKING SPACE STRIPPING~~

How will the requested modification of the parking regulations not affect on-street parking, in terms of the number and location of existing spaces or increased demand for on-street parking?

~~THE CURRENT BUSINESS HAS OPERATED ON THIS PROPERTY SINCE 2003. THERE HAS NEVER BEEN THE NEED FOR EMPLOYEE OR VISITOR PARKING ON THE STREET. THERE IS APPROX 15-18 EMPLOYEES WORKING ON THE PREMISES & THERE WILL BE 21 PARKING SPACES ALLOWING 3 FOR VISITORS~~

How will the requested modification of the parking regulations not adversely impact neighboring properties and the public in general?

~~THE EXIST PARKING HAS NOT ADVERSELY IMPACTED NEIGHBORING PROPERTIES IN THE PAST AND THE ADDITION OF 900 SF OF OFFICE SPACE REQUIRING 3 ADDITIONAL PARKING SPACES WILL NOT ADVERSELY IMPACT NEIGHBORING PROPERTIES IN THE FUTURE~~



1 BUILDING PLAN

2 NOTES

EXISTING WAREHOUSE

INTERIOR ALTERATIONS

120 PARK LANE.
BRISBANE, CA

| NO. | ISSUE: | DATE: |
|-----|---------------|----------|
| 01 | CLIENT REVIEW | 05-06-16 |
| 02 | CLIENT REVIEW | 05-27-16 |
| 03 | USE PERMIT | 05-27-16 |



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| DATE: | SCALE: | DRAWN: |
|----------|---------------|---------|
| APR 2016 | 1/16" = 1'-0" | RT & IG |

BUILDING PLAN

A-3

