

CITY OF BRISBANE

ACCESSORY DWELLING UNIT PERMIT APPLICATION CHECKLIST

SUBMITTAL REQUIREMENTS. Certain information is required from you, the applicant, in order for the Community Development Director to thoroughly review your application.

- APPLICATION AND FEE -- A completed planning application and filing fee. Refer to Line P1 of the Master Fee Schedule. Note: Planning fees are non-refundable.
- DEVELOPMENT PLANS-- One (1) complete set of development plans prepared in accordance with the Community Development Department's plan preparation guidelines, including:
 - Site Plan (existing and proposed)
 - Floor Plans (existing and proposed)
 - Exterior Elevations (existing and proposed)

Note: Plans submitted as part of an application are retained by the City of Brisbane.

- ELECTRONIC COPY OF PLANS -- An electronic copy of required plans in PDF or other acceptable file format. (Consult with the project planner.)
- PHOTOGRAPHS – Photos of the site in the vicinity of the proposed addition, and/or photos of the interior rooms proposed for conversion, as applicable to your project scope of work. Pictures may be submitted digitally in the following formats: JPEG, BMP, or TIF, provided a list is also submitted with the file name, date the photo was taken, the photographer, brief description, and diagram or site plan showing the point and direction for each photograph taken.

CODE REFERENCES. Development standards for Accessory Dwelling Units are located in Brisbane Municipal Code Chapter 17.43 (attached).

APPEALS. Anyone may appeal the action of the Community Development Director to the Planning Commission not later than 15 calendar days after the Director's action. An application form and fee (see Master Fee Schedule Line P47) are required to make a formal appeal.

FOR FURTHER INFORMATION, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT, CITY OF BRISBANE, 50 PARK LANE, BRISBANE, CA 94005, (415) 508-2120.

Community Development Department Hours:
8 A.M - 5 P.M. Mondays, Tuesdays & Thursdays
8 A.M. - 8 P.M. Wednesdays
8 A.M. - 1 P.M. Fridays

Please call ahead to make an appointment.



**COMMUNITY DEVELOPMENT DEPARTMENT | CITY OF BRISBANE |
50 PARK PLACE | BRISBANE, CA 94005 | (415) 508-2120**

Chapter 17.43 - ACCESSORY DWELLING UNITS

17.43.010 - Purposes of chapter.

Accessory dwelling units are permitted under the provisions of this chapter to achieve the following purposes:

- A. To provide opportunities to establish accessory dwelling units on building sites developed with single-family dwellings.
- B. To provide affordable housing to meet the needs of Brisbane citizens.
- C. To ensure that the development of accessory dwelling units is compatible with existing development and reflects the diversity of the community.
- D. To implement and promote the goals and policies of the general plan so as to guide and manage residential development in the city in accordance with such plan.

(Ord. No. 615, § 5, 2-2-17)

17.43.020 - Definitions.

In addition to the definitions set forth in Chapter 17.02, all of which are applicable to this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section, unless the context or the provision clearly requires otherwise:

"Living area" means the interior habitable area of a dwelling unit, including basements and attics but not including a garage or any accessory structure.

"Main dwelling" means that dwelling unit on the property that is not an accessory dwelling unit.

"Public transit" means a transit stop served by at least one publicly provided form of transportation.

(Ord. No. 615, § 5, 2-2-17)

17.43.030 - Applicability and requirements.

- A. **Newly Constructed Accessory Dwelling Units.** A newly constructed accessory dwelling unit shall be established or occupied only by an accessory dwelling unit permit granted by the director of community development pursuant to the provisions of this subsection as a ministerial act, in accordance with Section 65852.2 of the California Government Code. An existing nonconforming dwelling unit may be designated as an accessory dwelling unit subject to compliance with the requirements of this subsection.

Newly constructed accessory dwelling units shall comply with all of the following development standards:

1. **Zoning Districts.** Accessory dwelling units may only be established or occupied in the R-1, R-2, R-3, or R-BA Brisbane Acres residential districts, or in the SCRO-1 district, associated with an existing or proposed single-family dwelling, per the applicable district regulations.
2. **Lot Size.** There is no minimum lot size requirement.
3. **One Accessory Dwelling Unit per Site.** Only one accessory dwelling unit shall be permitted on any one site; provided, however, where a site already contains two (2) or

more dwelling units that exist as legally established nonconforming uses, no additional accessory dwelling units shall be allowed on that site.

4. Attached or Detached. The accessory dwelling unit may be attached to or constructed within the main dwelling or may be detached from the main dwelling on the site.
 5. Unit Size. The accessory dwelling unit shall not exceed one thousand (1,000) square feet in floor area.
 6. Floor Area Ratio. The floor area of the accessory dwelling unit shall be included in calculating the floor area ratio for the site on which the accessory dwelling unit is located.
 7. Parking. Parking spaces for the main dwelling and accessory dwelling units shall be provided in accordance with the requirements set forth in Chapter 17.34.
 8. Access. As required by Section 17.01.060 of the Municipal Code, the site on which the accessory dwelling unit is located shall have a legal means of access that complies with the street standards set forth in Section 12.24.010.
 9. Utilities. The site is served by adequate water, sewer, and storm drain facilities which comply with city standards. An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for water and sewer service provided by the city.
 10. Compliance with Codes. The accessory dwelling unit and all new construction on the site that will be performed in connection therewith shall comply with all applicable provisions of this title and all applicable building, health and fire codes, with the following exception:
 - a. Accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the main dwelling, as determined by the building official consistent with BMC Section 15.08.140.
- B. Conversion Accessory Dwelling Units: Notwithstanding subsection A of this Section 17.43.020, an accessory dwelling unit resulting from the conversion of existing building space shall be established by a city issued building permit and shall be exempt from the development standards of Section 17.43.020(A) if it meets the following requirements, as determined by the community development director:
1. It is contained within the existing space of a single-family dwelling or accessory structure, as defined in Chapter 17.02;
 2. It has an independent exterior access from the existing residence; and
 3. It has sufficient side and rear setbacks for fire safety.

(Ord. No. 615, § 5, 2-2-17; Ord. No. 626, § 7[8], 5-17-18)

17.43.040 - Owner occupancy restrictions.

Either the main dwelling or the accessory dwelling unit shall be occupied by the record owner of the property as the owner's principal place of residence. In the case of ownership by a corporation, limited liability company, partnership, trust or association, either the main dwelling or the accessory dwelling unit shall be the principal place of residence of an officer, director, shareholder, or member of the company, a partner in the partnership, a trustor or beneficiary of the trust, a member of the association, or an employee of any such organization.

(Ord. No. 615, § 5, 2-2-17)

17.43.050 - Recordation of accessory dwelling unit permit agreement.

The original accessory dwelling unit permit agreement shall be recorded in the office of the county recorder. All of the conditions applicable to the permit shall be set forth therein, and such agreement shall run with the land and be binding upon successive owners and occupants of the property.

(Ord. No. 615, § 5, 2-2-17)

17.43.060 - Modification or revocation of accessory dwelling unit permit.

- A. The city shall retain continuing jurisdiction over any accessory dwelling unit permit issued under this chapter and may, at any time, modify or revoke the permit, upon the occurrence of any of the following events:
1. The holder of the permit has failed to comply with any of the conditions set forth in the permit; or
 2. The holder of the permit has violated the occupancy restriction set forth in Section 17.43.040 of this chapter; or
 3. The accessory dwelling unit has been eliminated through alteration of the structure in which such unit was contained.
- B. Prior to any modification or revocation of the accessory dwelling unit permit, the director of community development shall conduct a hearing on the proposed action. Written notice of such hearing shall be given to the permittee not less than ten (10) days prior to the date of the hearing.

(Ord. No. 615, § 5, 2-2-17)

17.43.070 - Appeals.

Any decision or determination by the director of community development pursuant to this chapter may be appealed to the city council in accordance with the procedure set forth in Chapter 17.52 of this title.

(Ord. No. 615, § 5, 2-2-17)