

**TO:** James L. App, City Manager  
**FROM:** Ed Gallagher, Community Development Director  
**SUBJECT:** Request for an Interpretation on Off-Site Parking Provisions  
**DATE:** September 17, 2013

---

**NEEDS:** For the City Council to make an interpretation on the applicability of the Off-Site Parking provisions in the Uptown/Town Center Specific Plan.

- FACTS:**
1. The Uptown/Town Center Specific Plan includes parking standards for new development within the plan area.
  2. The parking standards provide flexibility for development sites that cannot provide all the required parking spaces on-site by allowing parking to be located off-site within 1,250 feet from the project site. The language of the offsite parking standards was carried over from the Zoning Code except the distance between a site and location of parking was expanded from 300 feet to 1,250 feet.
  3. The off-site parking standards specify that use of parking spaces off-site may be permitted provided that the property owner providing the off-site parking spaces and the owner of the new use enter into a parking agreement for a minimum of 15 years.
  4. All non-residential land use (except hotels) in the downtown require one parking space for each 400 square feet of new building area. A change of use does not require additional parking spaces.
  5. New development in the downtown that cannot provide the required parking on-site typically pays in-lieu parking fees to meet the parking requirements.
  6. Parking spaces for new building square footage would be needed in perpetuity.

**ANALYSIS &  
CONCLUSION:**

The Development Review Committee (DRC) approved a building expansion in the downtown that requires parking spaces that cannot be located on the project site. The proposed project is to construct an addition to the rear of an existing building located at 817 - 12<sup>th</sup> Street. The addition is proposed to be used for commercial purposes, and access would be from the alley. The building expansion would displace nine parking spaces. The new building area would require an additional five spaces. With the loss of spaces, the applicant would be required to provide for a total of 14 parking spaces.

The applicant is interested in entering into a parking agreement to use 14 parking spaces at the parking lot of the prior Haywood Lumber site (now owned by Mr. Van Steenwyck). In this circumstance the parking demand would continue as long as the additional

building area is occupied. Therefore, a parking agreement would potentially need to continue for the life of the addition, which is expected to exceed 15 years. This would be difficult to monitor and enforce over time. The current cost of in-lieu parking fees for this building expansion (i.e., for 9 spaces) would be \$185,612.

Prior to adoption of the Uptown/Town Center Specific Plan, which established a single parking ratio for commercial uses, off-site parking agreements were used to enable changes of use within existing buildings where the parking requirement for the new use exceeded both the parking requirement for the old use and the available supply of on-site parking spaces. However, the off-site parking provision has not yet been used to allow on-site building additions that increase the parking requirement. Upon termination of an off-site parking agreement the addition would either have to be vacated (not used) or some other appropriate mitigation provided.

A City Council interpretation of applying these provisions is requested to help determine if the off-site parking provisions should be applied to projects that add new building area or if the only option would be to pay in-lieu parking fees.

**POLICY**

**REFERENCE:** Uptown/Town Center Specific Plan, City Zoning Code

**FISCAL**

**IMPACT:** None.

**OPTIONS:**

- a. Provide an interpretation that the Off-Site Parking Standards only apply to meet parking requirements for changes in use of buildings.
- b. Provide an interpretation that the Off-Site Parking Standards apply to meet parking requirements for changes in use and/or building expansions, and that if offsite parking spaces are used for building expansions that the building owner enter into an offsite parking agreement to provide parking spaces in perpetuity or be required to renew an offsite parking agreement so long as the building is occupied.
- b. Amend, modify or reject the foregoing options.

**ATTACHMENTS:**

A – Excerpts from the Uptown/Town Center Specific Plan, Parking Standards and Zoning Code

**Uptown/Town Centre Specific Plan - 5.7.2 Parking Standards**

**A. Purpose.** The purpose of the parking standards in this section is to provide design standards that ensure that parking areas are usable and of a design that fits harmoniously within the surrounding neighborhood.

**B. Shared & Off-site Parking.** The intent of this Plan is to allow and encourage the creation of shared parking areas by multiple property owners. Therefore, parking requirements may be met by the provision of spaces in off-site lots. Off-site parking shall be located within a 1,250 foot walking distance (corresponding to a five minute walk) of the use it is intended to serve. Where approved by the review authority, off-site parking may be located at a more remote site. In considering a request for off-site parking at a distance greater than 1,250 feet, the review authority shall consider whether adequate provisions, such as shuttle service, have been provided to bring drivers from the parking to the site. In order to assure that off-site parking spaces are available in the future, all off-site parking spaces are subject to the requirements of section 21.22.090 (location of parking facilities) of the Zoning Code.

**Zoning Code Excerpt – Off-Street Parking. Section 21.22.090**

Off-street parking facilities shall be located on the lot on which the principal land use is located unless such spaces cannot reasonably be located on such lot. In such a case, parking spaces may be located on any land within three hundred feet of the property with the principal land use; provided, that the following conditions are met:

- A. A written agreement between the owner of the property with the parking spaces and the principal land user assuring the retention of the parking spaces for the principal use shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be recorded in the office of the county recorder and copies filed with the city prior to issuance of a building permit or certificate of occupancy for the principal use. The term of such an agreement shall be a minimum of fifteen years.
  
- B. The principal use shall be permitted to continue only as long as its parking requirements are met.

**Uptown/Town Centre Specific Plan – Parking In-Lieu Fees**

**H.** Within the Parking Management Plan Area, as shown on the "In Lieu Fee Map" on Page 3:14, which may be expanded as discussed in Subsection B of Section 3.3.4, the following parking regulations shall apply:

1. All parking provided for any downtown building or use shall be located within an enclosed structure or behind the building and accessed off an alley. When alley access is not available, parking should be accessed from a local street if available and from the arterial street if no other access is available. In any case, parking shall be completely screened from the primary street

through the use of sufficient landscaping, screen walls or a combination of landscaping or screen walls. This requirement does not apply to municipal parking facilities provided for general downtown use.

2. Downtown buildings not meeting current parking requirements that are replaced or reconstructed, shall not be required to provide more on-site parking than existed at the time of demolition or remodel. Expanded floor area beyond what previously existed shall be subject to downtown parking requirements.
3. The downtown area parking requirements contained in this section may be satisfied partially or in full through the payment of an in-lieu parking fee. The in-lieu parking fee program shall be administered as follows:
  - a. Establishment of Amount of Fee. The amount of the in-lieu parking fee shall be set by separate resolution of the city council. The city council may adjust the fee at their discretion as frequently as is deemed necessary based on factors including, but not limited to, inflation, the cost of providing new parking spaces, and the market value of parking spaces;
  - b. Applicable Geographic Area. Properties eligible to apply to participate in the in-lieu parking fee program shall be those parcels located within the geographic boundaries of the downtown area as shown on the In Lieu Fee Map in Section 3.3.4.B of this Specific Plan;
  - c. Payment of Fee. Payment of in-lieu parking fees shall be made to the city in one lump sum calculated and paid at the time of building permit issuance or if a building permit is not required, within forty-five days of request by city for payment. The in-lieu parking fee shall be a one-time only, nonrefundable payment and shall be considered full satisfaction of the off-street parking requirement for the number of parking spaces for which the fee was paid.
  - d. Effect of Payment. In-lieu parking fees shall be used exclusively to make available additional parking spaces for public use within the downtown area and does not guarantee the construction of spaces in any particular area of the downtown parking area or within any particular period of time. In-lieu parking fees are solely an alternative means of satisfying the applicant's obligations to provide off-street parking as required by this chapter and payment of the in-lieu fee does not carry any other guarantees, rights, or privileges to the applicant. The location, type, and configuration of parking spaces funded by in-lieu parking fees are at the city's sole discretion.