

**TO:** James L. App, City Manager  
**FROM:** Ed Gallagher, Community Development Director  
**SUBJECT:** Consideration of Enforcement of Off-Site Parking Provisions in Uptown/Town Centre Specific Plan Area  
**DATE:** November 5, 2013

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**NEEDS:** For the City Council to consider enforcement issues related to Off-Site Parking provisions in the Uptown/Town Center Specific Plan and to give staff direction on amendments to the zoning code parking regulations.

**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 the developer either (i) to provide parking off-site but within 1,250 feet from the project site or (ii) to pay in-lieu parking fees. The language of the offsite parking standards was carried over from the Zoning Code except the allowable distance for off-site parking was increased from 300 feet to 1,250 feet.
3. If parking is to be provided off-site, Section 12.22.090 provides that the developer of the property must enter into an agreement with the owner of the property on which the off-site parking will be provided. The agreement must be for a minimum term of 15 years, and the agreement must be recorded. The form of the agreement must be approved by the City Attorney. The section further provides that the principal use of the development shall be permitted only so long as its parking requirements are met.
4. New development in the downtown that cannot provide parking on-site typically pays in-lieu parking fees to meet the parking requirements. The current cost of in-lieu parking fees is \$13,258 per space.
6. The City has received its first application for a development that desire an off-site parking agreement. The proposed development, at 819 12th Street, would expand the building, and would require the provision of 14 parking spaces, none of which can be accommodated on site. On April 29, 2013, the Development Review Committee (DRC) approved the building expansion. At the time, it was contemplated that the applicant would pay the one-time in-lieu parking fees, which would total \$185,612.

7. Since that time, the applicant has indicated it may be interested in entering into an off-site parking agreement with Mr. Van Steenwyck at the former Haywood Lumber site rather than pay the in-lieu fees.
8. City staff can foresee the difficulties with monitoring a long-term agreement over the life of the development to ensure that off-site parking is being continuously provided. The agreement, which would have to be recorded against the property providing the parking, would have to contain provisions that the City be notified if the agreement were terminated, amended or extended. In addition, the new development will have to be conditioned upon ongoing compliance with the off-site parking requirements.

**ANALYSIS &  
CONCLUSION:**

The Uptown/Town Centre Specific Plan provides that 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. However buildings that are expanded must meet downtown parking requirements. Therefore off-site parking agreements currently only apply to building expansions in the Specific Plan area that do not pay in-lieu parking fees.

Such off-site parking agreements would require the owner of the property that is providing the parking to agree that the agreement can be recorded against its property, and that notice be provided to the City if the agreement were terminated, modified or extended. In addition, the development requiring the off-site parking would have to be conditioned upon the continued availability of such off-site parking, and failure to comply with that condition would mean the use of the property would have to cease. Those conditions would be both difficult for the City to monitor and enforce over the life of the development. For example, the City might not be notified if the parking agreement was terminated, either by the property owner on which the parking is located or the owner of the development.

The zoning code provisions for off-site parking, as presently constructed, appear to allow situations that would be difficult to enforce should off-site parking agreements terminate. The Council may want to consider options for amending these code provisions that would eliminate or reduce opportunities for such situations and for clarifying applicable conditions on development that choose to provide off-site parking..

**POLICY**

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

**FISCAL**

**IMPACT:** None.

- OPTIONS:**
- a. By minute action, direct staff to prepare options for amending the zoning code's parking provisions for off-site parking to eliminate or reduce opportunities for creating situations that are difficult to enforce and for clarifying conditions on development that choose to provide off-site parking.
  - b. Amend, modify or reject the foregoing option.

**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.