

**Chapter 18.88 OFF-STREET PARKING FACILITIES**

**18.88.010 Purpose.**

In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of parking spaces prescribed in this chapter or to be prescribed by the zoning administrator shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and, where appropriate, insulate surrounding land uses from their impact.

**18.88.020 Basic requirements.**

- A. Unless otherwise provided for by this chapter, at the time of initial occupancy, major alteration, or enlargement of sites, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street parking facilities for automobiles in accordance with the schedule of off-street parking space requirements prescribed in Section 18.88.030 of this chapter. Except as modified in subsection D of this section, the terms "major alteration" or "enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by not less than 10 percent of the total number required. The number of parking spaces provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement, unless the preexisting number is greater than the number prescribed in Section 18.88.030 of this chapter, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.
- B. If, in the application of the requirements of this chapter, a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction of less than one-half.
- C. For a use not specified in Section 18.88.030 of this chapter, the number of off-street parking spaces required shall be determined by the zoning administrator, based upon an analysis of other jurisdictions' experiences with that type of use or upon an analysis of similar uses specified in Section 18.88.030 of this chapter.
- D. For property zoned C-C or O and located within the downtown revitalization district as shown in Chapter 18.74 of this title, the following requirements shall modify the basic requirements of subsection A of this section:
  1. A change of use shall not constitute a "major alteration" or "enlargement" if the age of the building in which the use is located is greater than five years, according to city records.

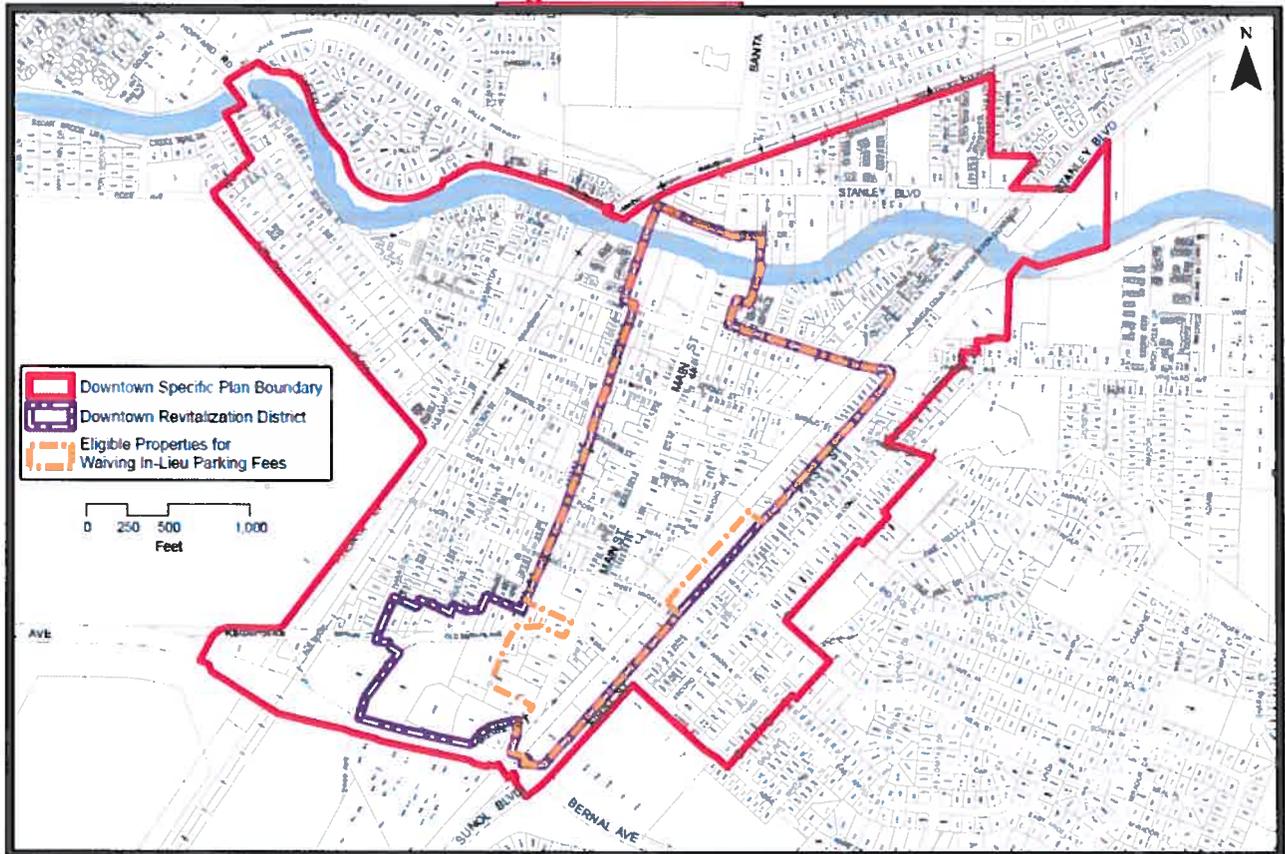
2. When a certificate of appropriateness is approved for demolition of a commercial structure, or design review approval is given to a new commercial structure replacing one which was destroyed by fire, earthquake, act of God, the public enemy, or other calamity, the replacement structure shall receive a parking credit for the floor area of the original structure when one of the following is met, at the discretion of the approving body: (a) the approving body determines that the replacement structure would have the same architectural style as the original structure in terms of design, materials, massing, and detailing, or (b) the approving body determines that the replacement structure will be an architectural improvement compared to the existing structure and will preserve or enhance the overall character of the area. Additional floor area of the replacement structure which exceeds the floor area of the original structure shall be subject to the requirements of subsection A of this section, and parking shall be provided accordingly.
3. The following provisions shall apply to privately owned parking facilities held open to the public:

  - a. The city council may waive the provision of additional off-street parking facilities and/or in lieu parking fees for building expansions which would increase the number of required parking spaces by 10 percent or more and/or for proposed new building construction if the property owner allows the existing parking on the property to be open to the public. Such waivers shall only be available to parking lot owners who participate in any program which may be established by the city council with the objective of encouraging employee parking in public parking lots or other parking areas designated by the city for employee parking, or who otherwise devise an employee parking plan with such an objective which is approved by the city council. Other consideration for waiver will include access, circulation, the number of resulting parking spaces serving the building, the effect on adjacent parking lots, and whether or not an unreinforced masonry building upgrade is involved.
  - b. Uses for which a parking waiver under this section is not granted may provide parking at the reduced rate of one space for each 400 square feet of gross floor area, except for office uses on sites with frontage on Main Street, which shall meet the requirements of Section 18.88.030(F) of this chapter.
  - c. Under this subsection, new construction or building expansions shall not exceed a basic floor area ratio of 200 percent and shall not exceed two stories in height.
  - d. When any property owner receives such a parking waiver or parking reduction, if the property later reverts to private use, the owner would then become responsible to provide the required parking and/or in lieu

fee in effect at the time of the reversion to private use, such that the parking rate of one space for each 300 square feet of gross building area is met.

E. Eligible parcels within the downtown revitalization district, as shown in figure 18.88.020, can provide an on-site amenity open to the general public subject to the approval of the City Council per section 18.88.120.B. in lieu of providing required off-street parking when in furtherance of the Downtown Specific Plan.

**Figure 18.88.020**



EF. For property with unreinforced masonry buildings, the following shall modify the basic requirements of subsections A and D of this section:

1. Unreinforced masonry buildings of primary or secondary significance which are located on property zoned C-C and within the downtown revitalization district boundaries as shown on the zoning maps on file with the city may be expanded up to a basic floor area ratio of 200 percent without providing any additional off-street parking facilities and/or in lieu parking fees if the building is reinforced to comply with the requirements of Chapter 20.52 of this code.

2. Property owners with building expansions exempt from the off-street parking requirement as stated in subsection (E)(1) of this section shall not significantly alter the existing façades of buildings of primary or secondary significance nor eliminate existing parking unless such elimination is necessary, as determined by the zoning administrator, to allow the retention of the façades of a building of primary or secondary significance. Building expansions shall not exceed two stories in height

**18.88.120 In lieu parking agreement for the downtown revitalization district.**

A. The owner of a parcel or parcels within the downtown revitalization district who is unable to provide all of the off-street parking required by this code may apply to the city for an in lieu parking agreement.

1. The procedures to be followed for payment of in-lieu parking fees through an in lieu parking agreement shall be as follows:

~~1.~~ a. New construction which provides at least 85 percent of its required parking on site and expansions to existing buildings which are less than or equal to 25 percent of the building's existing floor area may satisfy their parking deficits through in lieu parking agreements. Such agreements shall be approved ministerially by the community development director upon finding that the criteria of this section are met.

~~2.~~ b. New construction which provides less than 85 percent of its required parking on site and expansions to existing buildings which exceed 25 percent of the building's existing floor area may satisfy their deficit parking through in lieu parking agreements. Such agreements shall be subject to the approval of the city council. The request for such an agreement shall be in writing and shall be filed with the planning division. Subsequent to receipt of such a request, a hearing shall be scheduled for consideration of the matter by the city council. A public hearing shall be held on any such request with notice provided pursuant to Section 18.12.040 of this title. The in lieu parking agreement shall address the amount per deficient parking space to be paid by the owner, the duration of payment, and such other terms and conditions which are deemed appropriate. The city council may grant or deny the request.

~~B.~~ 2. Any sums received by the city pursuant to such a contract shall be deposited in a special fund and shall be used exclusively for acquiring, developing, and maintaining off-street parking facilities and located anywhere within the downtown revitalization district. The agreement shall be executed by the owner and the city manager, and all in lieu fees shall be paid prior to the issuance of a building permit.

~~C.~~ 3. The city shall determine a standard surface parking lot in lieu parking fee and a parking structure in lieu parking fee based on land and construction costs in the downtown revitalization district. Such fees shall be updated on a regular basis by the city and shall be made available to the public. On April 1st of any year in which the fees have not been recalculated, the fees shall be adjusted by the rate of increase in the ENR construction cost index for the prior year.

~~D.~~ 4. Any development for which an in lieu parking agreement is approved where the number of in lieu spaces is less than or equal to 30 percent of its parking requirement shall pay the standard surface parking lot in lieu fee for each deficient parking space.

~~E.~~ 5. Any development for which an in lieu parking agreement is approved where the number of in lieu parking spaces exceeds 30 percent of its parking requirement shall pay the parking structure in lieu parking fee for each deficient parking space.

~~F.~~ 6. In lieu parking agreements for which the requested number of in lieu parking spaces exceeds 50 percent of the required parking shall not be approved unless the city council finds that there are special circumstances related to: (1) constraints due to the size, configuration, or features of the site; or (2) constraints related to building placement or design; and (3) the availability of off-street parking.

~~G.~~ 7. In the event that a use for which an in lieu parking agreement has been executed is changed or facilities are altered to meet the parking standards prescribed in this chapter before the city has committed or expended any of the money received pursuant to said agreement in the area benefited, the amount received shall be refunded to the owner. Otherwise, there shall be no refunds of in lieu fees. (Ord. 2000 § 1, 2009; Ord. 1898 § 1, 2003; prior code § 2-9.22)

B. The owner of an eligible parcel or parcels, as shown in Figure 18.88.020, who is unable to provide all of the off-street parking required by this code may apply to the city to provide a specific on-site amenity open to the general public which equals, exceeds or is less than the value of the in-lieu parking fee that would otherwise be required for parking that cannot be provided on-site. The procedure and criteria to be followed for consideration of an on-site amenity open to the general public instead of providing parking shall be as follows:

1. Requests for provision of an on-site amenity open to the general public in place of providing off-street parking shall be made in writing as part of a development or pre-development application and shall be filed with the Planning Division. Such requests shall include a conceptual design for the amenity. Subsequent to receipt of such a request, and prior to project

approval, a hearing shall be scheduled for consideration of the matter by the City Council. A public hearing shall be held on any such request with notice provided pursuant to Section 18.12.040 of this title. The City Council shall consider whether or not the proposed amenity would meet the objectives of the Downtown Specific Plan and whether or not to enter into an agreement with the applicant to reduce parking requirements in exchange for the development of an on-site amenity open to the general public on an eligible parcel, as show in Figure 18.88.020

2. The onsite amenity shall be open and accessible to the general public at all times, and no portion of the amenity shall be restricted to the exclusive use of on-site business customers only.
3. The on-site amenity should typically consist of a mini-plaza with seating, shade, landscaping, lighting, and other pedestrian facilities. Other forms of amenities may be considered by the City Council if consistent with the objectives of the Downtown Specific Plan.
4. The value of the on-site amenity shall be equal to, exceed or be less than, if approved by Council, the amount of in-lieu parking fees otherwise required by this Chapter, and as set forth in the Master Fee Schedule, for parking not otherwise provided on-site or off-site on private property. The value of the on-site amenity shall be based on opportunity costs. Opportunity costs shall be calculated by using a standard method approved by the Community Development Director. Documentation of the calculation shall be provided to the Planning Division.
5. In the event the proposed on-site amenity is determined to be of lesser value than the amount of in lieu parking fees otherwise required by this chapter, the developer shall enter into an in lieu parking agreement that pays the difference between the provided amenity and the required fees into the in-lieu parking fund.
6. The on-site amenity shall be installed prior to the issuance of a certificate of occupancy by the Chief Building Official.
7. The on-site amenity does not create any legal public easement or public property interest, and the owner of the property remains responsible for all maintenance and repair of the on-site amenity.
8. The on-site amenity, its requirement to be available to the general public as provided in Section 18.88.120.B.2, and the parking waived by provision of the on-site amenity shall be memorialized in a restrictive covenant recorded against the property. Such restrictive covenant shall include remedies for the City in the event the owner of the property, or any successor, fails to comply with its requirements.