

Staff Report

Parking Requirements for Expansion of Existing Buildings

January 24, 2012

Background:

The City has adopted parking standards that specify the number of parking spaces required for uses specified in Table 29.406(2) of the zoning code. The standards are typically based upon such conditions as the square footage of a structure(s) containing a specified use, or the number of units that define a particular use such as the number of bedrooms in a residential dwelling, the number of service bays in a service garage, the number of seats in an auditorium, or the number of washing bays in a car wash. Although the purpose of the adopted parking standards is not specifically stated in the code, parking standards are commonly adopted by jurisdictions to ensure that the demand for parking associated with a particular use is met on-site, and that adjacent properties and rights-of-way are not adversely affected by such demands.

The code states that off-street parking spaces must be provided as defined in the off-street parking table “for any new building constructed and for any new use established.” (Section 29.406(2)). Accordingly, whenever any new development is proposed, the permitting process ensures that the new development provides the specified number of parking spaces based upon the use specified at the time of permitting. However, the code recognizes that building were erected before the effective date of the City’s parking ordinance, and that uses of structures may change over time. The code therefore includes two provisions allowing changes to buildings and their uses before current standards kick in, as follows:

Provision 1. The Code states in Section 29.406(2)(b) that,

“Whenever a building erected or established after the effective date of this Section is enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of such enlargement or change.”

In effect, there is a 10% “wobble-room” allowance granted for changes to buildings built after current parking regulations were adopted before they are required to bring parking up to current standards.

Provision 2. In Section 29.406(2)(c) the code essentially states that,

“Whenever a building existing prior to the effective date of this Section is enlarged to the extent of 50% or more of the floor area, said building or use shall then and thereafter comply with the requirements set forth herein.”

Provision 1 applies to any change that would trigger the need for more parking, including change of use. Provision 2 applies only to changes in the floor area of the building and assumes that the use does not change. It should be stressed that Provision 1 applies only to newer development, perhaps indicating an expectation that newer development built under current code provisions

have enough parking to allow a 10% margin of non-compliance without significant impacts. Provision 2, on the other hand, applies to older buildings, perhaps indicating a desire to allow existing businesses to grow in place without being constrained by the more stringent requirements of current parking regulations. Provision 2 does not, however, allow a building expansion to facilitate a change to a use with a higher parking requirement than the existing use, presumably to avoid a “double-whammy” in terms of increasing the actual impacts of parking demand for a given site.

Policy Issue For City Council Consideration:

The above provisions appear to be written to ensure the continued use and viability of existing buildings. However, the provisions are not particularly well written, and have more recently been interpreted to allow buildings to expand up to 150% in area without additional parking even for changes to more intense uses. This more liberal interpretation recently came under question when a potential tenant looked to lease an existing building that did not meet current parking regulations, and the tenant’s intended use was more intense than building’s current use. While staff is not aware of any investments made in reliance of this more recent interpretation, it has nonetheless been an interpretation offered to an undefined number of customers over the past few years. It is not clear, however, if this more liberal interpretation might result in unintended parking impacts on surrounding properties and rights-of-way.

The challenge, therefore, is to avoid the impacts of excess parking demands on abutting properties and rights-of-way while ensuring that older existing buildings continue to be viable even if they don’t meet parking requirements.

Possible Solutions:

The current language may strike the needed balance here, but the actual verbiage could be improved to avoid future misinterpretation. Alternatively, the following package of amendments could allow for changes to a building’s use without requiring additional parking, and without imposing any more impacts than might already occur under the current use of a building:

1. Administrative Option. Credit a pre-code building that has deficient code-required parking spaces with the number of parking spaces that would be required by code under the current use, and allow that credit to be applied toward:
 - (a) Any use that has the same parking requirement or less as the current use, or
 - (b) Any change in the use or size of the building that would result in the need for up to 50% more parking spaces than the number of credited spaces available for the building.This credit approach would allow the use to be changed to an equivalent or less intensive impact use without requiring additional parking and without any special review procedures, or to be enlarged in such manner that only the parking spaces required by the increase would have to be provided on-site; and
2. Special Use Permit Option. Under the provisions of a Special Use Permit, allow any pre-code building to be changed in use or size in a manner that would require more parking spaces than the credited amount, when such parking spaces cannot be provided on-site or under standard remote parking provisions. The Special Use Permit Criteria could allow consideration of such things as:
 - a. Shared parking opportunities in the area

- b. Remote parking opportunities in the area (even if not otherwise allowed in that particular zone).
 - c. Hours of operation
 - d. The ability of the general area to absorb the impact of the parking demand created by the new use; and
3. Amend remote parking provisions to expand remote parking option to any property reviewed under the provisions of the Special Use Permit process described in #2 above.

To illustrate how the above amendments would apply, consider a hypothetical building constructed in, say, 1950. The building is 6,000 square feet and was originally constructed as a grocery store. At the time of its construction, there were no parking requirements, so there is currently no on-site parking. If that building were built today, it would require 1 parking space per 250 square feet of floor area, for a total of 24 parking spaces. Under the above-suggested code provisions, the owner would have a parking credit of 24 spaces for the continued use of the building as a grocery store. Let's say that he now wished to enlarge the building. The above credit would apply to the building under the administrative option if it is enlarged by no more than 50% (up to 9,000 square feet). Under the current code, a 9,000 square foot grocery store would require a total of 36 parking spaces, but with the 24-space credit, he would only have to provide an additional 12 spaces to account for the enlargement. If the building were enlarged anymore than that, then the credit would no longer apply and parking would have to be provided for the entire building on site or as allowed by a remote parking agreement. Alternatively he could apply for a special use permit to see if any parking deficit created by the proposal could be mitigated. This would not eliminate any impacts that might be associated with the current parking non-conformity, but it would ensure that the enlargement would not create any additional parking impacts.

If the owner instead wished to just change the use of the building, the 24-space parking credit could be applied to any new use requiring no more than 1 space per 250 square feet. A financial institution, for example, has that same parking requirement, so the building could be used as a bank without any special consideration or without any additional parking. If the new use required more parking than the current grocery store use, the difference between the number of spaces otherwise required for the new use and the amount of parking credit would have to be made up by providing that additional amount of parking spaces, whether on-site, or as allowed under standard remote parking provisions. **Again, however, if the owner could not provide the additionally required parking spaces on site or through standard remote parking provisions, he could apply for a special use permit to determine if the increased parking demand posed any impacts on surrounding properties that could not be mitigated.**

Staff Comments:

Staff is aware that the City Council hopes to support entrepreneurs who typically have to rely on utilizing existing buildings to begin their enterprises. The existing Code sections related to off-street parking requirements many times are detrimental to their efforts. Therefore, some changes in the relevant Code sections seem warranted, if for no other reason than to clarify the language. Therefore, staff is seeking Council's direction on whether Code amendments should be made in regards to this issue.