



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

August 24, 2020

The Honorable City Council
Palo Alto, California

SECOND READING: Adoption of an Ordinance Amending Palo Alto Municipal Code Chapters 18.52 and 18.54 Adjusting Parking Requirements to Facilitate EVSE Installation, Compliance With Accessibility Laws, Parking Substitutions, and Parking Lot Re-striping and Maintenance. Environmental Assessment: This Project is Exempt From the California Environmental Quality Act (CEQA) in Accordance With CEQA Guidelines Section 15301, 15302, 15303, and 15061(b)(3) (FIRST READING: August 10, 2020 PASSED: 7-0)

This ordinance was first heard by the City Council on August 10, 2020, where it passed 7-0 with no changes. It is now before the City Council for the second reading.

ATTACHMENTS:

- Attachment A: Ordinance (PDF)

Department Head: Beth Minor, City Clerk

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Chapter 18.52 (Parking and Loading Requirements) and Chapter 18.54 (Parking Facility Design) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Facilitate EVSE Installation, Compliance with Accessibility Requirements, Parking Substitutions, and Associated Parking Adjustments

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and declarations. The City Council finds and declares as follows:

- A. On October 12, 2019, the Governor approved AB 1100, which requires local authorities to count as a standard automobile parking space any parking space served by electric vehicle supply equipment (EVSE) or designated for future EVSE. AB 1100 further requires cities to count as two standard automobile parking spaces any accessible parking space with an access aisle served by EVSE or designated for future EVSE.
- B. The City of Palo Alto promotes the use of Electric Vehicles. In 2017, one in three new vehicles purchased in Palo Alto was electric - the highest adoption rate in the country.
- C. It can be especially difficult for existing parking facilities to install new EVSE, as both the EVSE and require electric utility equipment require additional spaces compared to standard automobile parking.
- D. Existing parking facilities also face difficulty installing accessible parking spaces in compliance with state and federal law. Successful implementation often requires the loss of one or more existing parking spaces.
- E. Numerous other City priorities, including expansion of bicycle infrastructure, facilitation of waste management, and improvement of substandard parking stalls may be hampered by strict application of existing parking standards.
- F. The City Council desires to update the parking requirements in Title 18 of the Palo Alto Municipal Code to facilitate installation of EVSE and accessible parking spaces, improve flexibility for existing parking facilities, and make associated code changes.

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SECTION 2. Section 18.52.020 (Definitions) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) is hereby amended as follows:

18.52.020 Definitions

For purposes of this chapter:

(a) "Accessible"

"Accessible" means the ability to be used by persons with disabilities as defined in the Americans with Disabilities Act of 1990.

(b) "Construction of Floor Area"

"Construction of floor area" means the construction or building of "floor area" except for new floor area added to an existing, restored, or partially reconstructed building to meet the minimum requirements of federal, state or local laws relating to fire prevention and safety, handicapped access, and building and seismic safety;

(c) "Design Approval"

"Design approval" means approval pursuant to Sections [18.76.020](#) and [18.77.070](#) by the director of planning and community environment (the "director") upon recommendation of the architectural review board.

(d) "Electric Vehicle Supply Equipment (EVSE)"

"Electric Vehicle Supply Equipment (EVSE)" is defined to be consistent with the California Electrical Code and applies to any level or capacity of supply equipment installed specifically for transferring energy between the premises wiring and electric vehicles.

(e) "Motorcycle Parking"

"Motorcycle Parking" means a parking space designed for any motor vehicle designed to travel on not more than three wheels in contact with the ground. This includes mopeds and motor scooters.

~~(d)~~ (f) "Parking Assessment Areas"

"Parking assessment areas" means either:

- (1) The "downtown parking assessment area," which is that certain area of the city delineated on the map of the University Avenue parking assessment district

entitled *Proposed Boundaries of University Avenue Off-Street Parking Project No. 75-63 Assessment District, City of Palo Alto, County of Santa Clara, State of California*, dated October 30, 1978, and on file with the city clerk; or

(2) The "California Avenue area parking assessment district," which is that certain area of the city delineated on the map of the California Avenue area parking assessment district entitled *Proposed Boundaries, California Avenue Area Parking Maintenance District*, dated December 16, 1976, and on file with the city clerk;

~~(e)~~(g) "Shared (Joint Use) Parking"

"Shared (joint use) parking" means parking intended to accommodate multiple uses, whether residential or non-residential or both, and to minimize the number of parking spaces needed by allowing some spaces to be used for different uses at different times of the day or night.

(h) Definitions for other parking-related terms can be found in Section [18.04.030](#)(a) (Definitions), including "Parking as a principal use," "Parking facility," and "Parking space."

SECTION 3. Section 18.52.030 (Basic Parking Regulations) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) is hereby amended to amend subsection (c) as follows:

18.52.030 Basic Parking Regulations

[. . .]

(c) Non-Conformance Due to Parking Requirements

No use of land lawfully existing on July 20, 1978 is nonconforming solely because of the lack of off-street parking, loading, or bicycle facilities prescribed in this chapter; provided, that facilities being used for off-street parking on July 20, 1978, shall not be reduced in capacity to less than the number of spaces prescribed in this chapter or altered in design or function to less than the minimum standards prescribed in this chapter except for the allowed reductions in parking and the modifications to existing facilities allowed pursuant to Sections 18.52.045 and 18.52.050.

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SECTION 4. Subsection (b) of Section 18.52.040 (Off-Street Parking, Loading and Bicycle Facility Requirements) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) is hereby amended as follows:

18.52.040 Off-Street Parking, Loading and Bicycle Facility Requirements

[. . .]

(b) Calculation of Required Parking

Off-street parking, loading and bicycle facility requirements established by subsection (a) shall be applied as follows:

- (1) Where the application of the schedule results in a fractional requirement, a fraction of 0.5 or greater shall be resolved to the next higher whole number.
- (2) For purposes of this chapter, gross floor area shall not include enclosed or covered areas used for off-street parking or loading, or bicycle facilities.
- (3) Where uses or activities subject to differing requirements are located in the same structure or on the same site, or are intended to be served by a common facility, the total requirement shall be the sum of the requirements for each use or activity computed separately, except as adjusted by the director under the provisions of Table 1 or Section 18.52.050. The director, when issuing a permit(s) for multiple uses on a site, may restrict the hours of operation or place other conditions on the multiple uses so that parking needs do not overlap and may then modify the total parking requirement to be based on the most intense combination of uses at any one time.
- (4) Where requirements are established on the basis of seats or person capacity, the building regulations provisions applicable at the time of determination shall be used to define capacity.
- (5) Where residential use is conducted together with or accessory to other permitted uses, applicable residential requirements shall apply in addition to other nonresidential requirements, except as provided by Sections 18.52.050 and 18.52.080.
- (6) ~~In addition to~~ The parking requirements outlined in Tables 1 and 2 are inclusive of parking spaces that fulfill accessibility requirements set forth, parking for handicapped persons shall be provided pursuant to the requirements of Section 18.54.030 (Accessible Parking) and consistent with criteria outlined in Title 16 (Building Code) of the Municipal Code in compliance with the Americans with Disabilities Act (ADA).

(7) A parking space served by EVSE or a parking space designated for future installation of EVSE (EV Ready) shall count as one standard automobile parking space for purposes of the parking requirements outlined in Tables 1 and 2.

(8) A van-accessible parking space or accessible parking space with an adjacent accessible path of travel shall count as at least two standard automobile parking spaces for purposes of the parking requirements outlined in Tables 1 and 2, inclusive of van-accessible parking spaces served by EVSE or designated as EV Ready.

(9) Motorcycle parking shall not count towards the vehicle parking requirements outlined in Tables 1 and 2.

[. . .]

SECTION 5. Section 18.52.045 (Minor Adjustments to Existing Parking Facilities) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) is hereby added as follows:

18.52.045 Minor Adjustments to Existing Parking Facilities

The following minor adjustments may be made to existing parking facilities that are intended to remain in substantially the same form after restriping.

(a) Accessibility and EVSE-related equipment. For sites with existing development, the number on-site parking spaces may be reduced to the minimum extent necessary to: (1) achieve state or federally mandated accessibility requirements or (2) permit installation of electrical utility equipment required for EVSE. A maximum of 10% of the existing automobile parking stalls, or one stall, whichever is greater, may be removed pursuant to this section. The loss of a parking space is not permitted to accommodate EVSE itself. To the extent reasonably feasible, electrical equipment required for EVSE shall be placed in a location that minimizes visibility from the public right of way.

(b) Substitution of bicycle parking. For sites with existing development, where additional bicycle parking facilities cannot reasonably be located outside of the parking facility area, existing automobile parking stalls may be substituted with long- or short-term bicycle parking facilities. The maximum number of substitutions shall be two existing automobile parking spaces, or 10% of the existing automobile parking stalls, whichever is greater. A minimum of four long-term or eight short-term bicycle parking spaces is required per automobile parking space. The bicycle parking spaces are to be located in the same physical location as the automobile spaces they are replacing, which shall be near primary entries of the building on-site or in locations that meet best practices for bicycle parking facilities.

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SECTION 6. Table 4 (Allowable Parking Adjustments) of Section 18.52.050 (Adjustments by the Director) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) is hereby amended as follows:

18.52.050 Adjustments by the Director

[. . .]

**Table 4
Allowable Parking Adjustments**

Purpose of Adjustment	Amount of Adjustment	Maximum Reduction ²
On-Site Employee Amenities	Square footage of commercial or industrial uses to be used for an on-site cafeteria, recreational facility, and/or day care facility, to be provided to employees or their children and not open to the general public, may be exempted from the parking requirements.	100% of requirement for on-site employee amenities
Joint Use (Shared) Parking Facilities	For any site or sites with multiple uses where the application of this chapter requires a total of or more than ten (10) spaces, the total number of spaces otherwise required by application of Table 1 may be reduced when the joint facility will serve all existing, proposed, and potential uses as effectively and conveniently as would separate parking facilities for each use or site. In making such a determination, the director shall consider a parking analysis using criteria developed by the Urban Land Institute (ULI) or similar methodology to estimate the shared parking characteristics of the proposed land uses. The analysis shall employ the city's parking ratios as the basis for the calculation of the base parking requirement and for the determination of parking requirements for individual land uses. The director may also require submittal and approval of a TDM program ¹ to further assure parking reductions are achieved.	20% of total spaces required for the site

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100% Affordable Housing ⁽⁴⁾	Based on maximum anticipated demand; applicant may request up to a 100% reduction in parking.	
Affordable Housing Units and Single Room Occupancy (SRO) Units ⁽³⁾	The total number of spaces required may be reduced for affordable housing and single room occupancy (SRO) units, commensurate with the reduced parking demand created by the housing facility, including for visitors and accessory facilities. The reduction shall consider proximity to transit and support services and the director may require traffic demand management measures ¹ in conjunction with any approval.	<ul style="list-style-type: none"> a. 40% for Extremely Low Income and SRO Units b. 30% for Very Low Income Units c. 20% for Low Income Units
Housing Near Transit Facilities	The total number of spaces required may be reduced for housing located within a designated Pedestrian/Transit Oriented area or elsewhere in immediate proximity to public transportation facilities serving a significant portion of residents, employees, or customers, when such reduction will be commensurate with the reduced parking demand created by the housing facility, including for visitors and accessory facilities, and subject to submittal and approval of a TDM program. ¹	20% of the total spaces required for the site.
Transportation and Parking Alternatives	Where effective alternatives to automobile access are provided, other than those listed above, parking requirements may be reduced to an extent commensurate with the permanence, effectiveness, and the demonstrated reduction of off-street parking demand effectuated by such alternative programs. Examples of such programs may include, but are not limited to, transportation demand management (TDM) programs, or innovative parking pricing or design solutions. ¹ (note: landscape reserve requirement is deleted).	20% of the total spaces required for the site
Combined Parking Adjustments	Parking reductions may be granted for any combination of the above circumstances as prescribed by this chapter, subject to limitations on the combined total reduction allowed.	a. 30% reduction of the total parking demand

		otherwise required b. 40% reduction for affordable housing projects
Modification to Off-Street Loading Requirements	The director may modify the quantity or dimensions of off-street loading requirements for non-residential development based on existing or proposed site conditions; availability of alternative means to address loading and unloading activity; and, upon finding that: 1) the off-street loading requirement may conflict with Comprehensive Plan goals and policies related to site design planning, circulation and access, or urban design principles; and 2) the use of shared on-street loading would not conflict with Comprehensive Plan goals and policies related to site design planning, circulation and access or urban design principles; maximum reduction in one loading space.	One loading space may be waived
<u>Restriping Existing Parking Facilities</u>	<u>Existing parking facilities may be restriped in accordance with applicable provisions of the municipal code. The Director may approve a reduction in the number of required on-site parking spaces to achieve the City’s waste management objectives, make improvements to on-site circulation that would reduce or eliminate a hazard, or bring substandard parking stalls into compliance with current design requirements. This provision applies only to sites with existing structures and existing parking facilities that are intended to remain in substantially the same form after re-striping of the facility.</u>	10% of the total spaces required for the site, or 2 spaces, whichever is greater.

- (1) See Section 18.52.050(d) below regarding requirements for TDM programs.
- (2) No parking reductions may be granted that would result in provision of less than ten (10) parking spaces on site, except for 100% affordable housing projects.

- (3) No parking reductions may be granted for projects that are entitled to the reduced parking standards in Table 1 of Section 18.52.040 for senior housing.
- (4) Applies to 100% affordable housing projects and the residential component of 100% affordable housing mixed-use projects. “100% affordable housing” as used herein means a multiple-family housing project consisting entirely of affordable units, as defined in Section 16.65.020 of this code, available only to households with income levels at or below 120% of the area median income, as defined in Chapter 16.65, except for a building manager’s unit.

[. . .]

SECTION 7. Section 18.52.080 (Adjustments to Parking Assessment Area Requirements by the Director) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) is hereby amended as follows:

18.52.080 Adjustments to Parking Assessment Area Requirements by the Director

Automobile parking requirements prescribed in this chapter may be adjusted by the director for properties within parking assessment areas in the following instances and in accord with the prescribed limitations where, in his/her opinion, such adjustment will be in accord with purposes of this chapter and will not create undue impact on existing or potential uses adjoining the site or in the general vicinity. ~~Adjustments shall be made in accordance with the procedures set forth in [Chapter 18.78](#).~~ The decision of the Director regarding parking adjustments may be appealed as set forth in [Chapter 18.78 \(Appeals\)](#)

(a) Tandem Parking

Tandem parking (a multiple parking configuration locating one stall behind another) may be allowed where in the judgment of the director the parking will serve all proposed uses conveniently. The director shall require such covenants and guarantees as deemed necessary to ensure use and maintenance of such parking facilities.

(b) Percentage of Compact Parking Stalls

For parking facilities exceeding five stalls and with architectural review approval prior to June 1, 2007, a maximum of fifty percent compact parking stalls may be allowed. For any project approved subsequent to June 1, 2007, compact parking is not allowed.

(c) Shared Parking Facilities

For any site or sites with multiple uses where joint use of on-site private or nearby public parking facilities can occur without conflict, and the use is exempt from parking

assessment, the total number of spaces otherwise required by application of the schedule may be reduced when the joint facility will serve all existing, proposed, and potential uses as effectively and conveniently as would separate parking facilities for each use or site. In making such a determination, the director shall consider a parking analysis using criteria developed by the Urban Land Institute (ULI) or similar methodology to estimate the shared parking characteristics of the proposed land uses. The analysis shall employ the city's parking ratios as the basis for the calculation of the base parking requirement and for the determination of parking requirements for individual land uses. The number of parking stalls required for any new development or addition may be reduced by no more than twenty percent (20%) of the total number of spaces otherwise required for the site or sites.

(d) Off-Site Parking

Within parking assessment areas, the director may authorize all or a portion of the required parking for a use to be located on a site within the parking assessment area or not more than 500 feet from the boundaries of the parking assessment area, where the zoning of such site permits parking as a use. The director shall require such covenants and guarantees as deemed necessary to ensure use and maintenance of such parking facilities.

(e) Modifications to Off-Street Loading Requirements

The director may modify the quantity or dimensions of off-street loading requirements for non-residential development based on existing or proposed site conditions; availability of alternative means to address loading and unloading activity; and, upon finding that: 1) the off-street loading requirement may conflict with Comprehensive Plan goals and policies related to site design planning, circulation and access, or urban design principles; maximum reduction is one loading space; and 2) and the use of shared on-street loading would not conflict with Comprehensive Plan goals and policies related to site design planning, circulation and access or urban design principles; maximum reduction in one loading space.

(f) Affordable Housing

For 100 percent affordable housing projects, the director may waive up to 100 percent of the parking requirement based on maximum anticipated demand. "100% affordable housing" as used herein means a multiple-family housing project consisting entirely of affordable units, as defined in Section [16.65.020](#) of this code, available only to households with income levels at or below 120 percent of the area median income, as defined in [Chapter 16.65](#), except for a building manager's unit.

(g) Adjustments to Existing Parking Facilities

The Director may approve a reduction in existing on-site parking spaces to achieve the City's waste management objectives, make improvements to on-site circulation that

would reduce or eliminate a hazard, or bring substandard parking stalls into compliance with current design requirements. This provision applies only to sites with existing structures and existing parking facilities that are intended to remain in substantially the same form after re-striping of the facility. A maximum of 10% of the existing automobile parking stalls, or two stalls, whichever is greater, may be removed pursuant to this section.

SECTION 8. Section 18.54.020 (Vehicle Parking Facilities) of Chapter 18.54 (Parking Facility Design Standards) of Title 18 (Zoning) is hereby amended as follows:

18.54.020 Vehicle Parking Facilities

(a) Parking Facility Design

Parking facilities shall be designed in accordance with the following regulations:

(1) Requirements for dimensions of parking facilities at, above, and below grade are contained in this section and in Figures [1-67](#) and Tables [3-6](#) of Section [18.54.070](#).

(2) Stalls and aisles shall be designed such that columns, walls, or other obstructions do not interfere with normal vehicle parking maneuvers. All required stall and aisle widths shall be designed to be clear of such obstructions.

(3) The required stall widths shown in [Table 3](#) of Section [18.54.070](#) shall be increased by 0.5 foot for any stall located immediately adjacent to a wall, whether on one or both sides. The director may require that the required stall widths be increased by 0.5 foot for any stall located immediately adjacent to a post, where such post limits turning movements into or out of the stall.

(4) For property owners or tenants seeking to install EVSE, the required stall widths shown in [Table 3](#) of Section [18.54.070](#) may be reduced by no more than 18 inches below the code required minimum dimensions in order to accommodate EVSE or associated Electrical Utility equipment. This reduction may be applied to 10% of the total required parking stalls, or two stalls, whichever is greater. The Director may approve a reduction in width for a greater number of stalls through a Director's Adjustment pursuant to Section [18.52.050](#).

~~(4)~~(5) Dead-end aisles shall be avoided to the greatest extent feasible.

~~(5)~~(6) Except for at-grade parking facilities serving a maximum of two dwelling units, all parking facilities shall be set back a sufficient distance from the street

so that vehicles need not back out into or over a public street (not including an alley) or sidewalk.

(b) Off-Street Parking Stalls

(1) Each off-street parking stall shall consist of a rectangular area not less than eight and one-half (8.5) feet wide by seventeen and one-half (17.5) feet long (uni-class stall), or as otherwise prescribed for angled parking by ~~Table 4~~ Table 3 in Section [18.54.070](#).

[. . .]

(5) Each off-street motorcycle parking stall shall consist of a rectangular area not less than five (5) feet wide by ten (10) feet long, as illustrated in Figure 7 of Section 18.54.070.

(c) Off-Street Loading Spaces

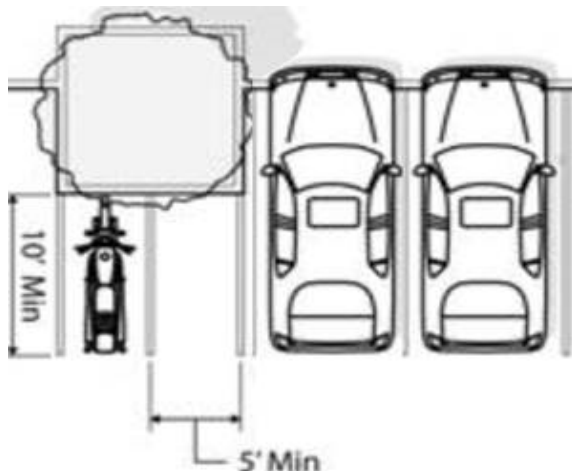
[. . .]

(f) Figures and Tables

Figures 1-~~67~~ and Tables 3-6 are located at the end of this chapter in Section 18.54.070 and depict design requirements for parking stalls, aisles, driveways, accessibility, and parking lots.

SECTION 9. Figure 7 is added to Section 18.54.070 (Parking Design Tables and Figures) of Chapter 18.54 (Parking Facility Design Standards) of Title 18 (Zoning) as follows:

Figure 7
Motorcycle Parking Dimensions



SECTION 10. Section 18.52.070 (Parking Regulations for CD Assessment District) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) is hereby deleted in its entirety and restated as follows:

18.52.070 Parking Regulations for CD Assessment District

With respect to on-site and off-site parking space requirements for nonresidential uses within an assessment district wherein properties are assessed under a Bond Plan G financing pursuant to Title 13, the requirements of this Section [18.52.070](#) shall apply in the CD Assessment district in lieu of comparable requirements in this [Chapter 18.52](#). Requirements for the size and other design criteria for parking spaces shall continue to be governed by the provisions of [Chapter 18.54](#).

(a) On-Site Parking Requirement

Any new development, any addition or enlargement of existing development, or any use of any floor area that has never been assessed under any Bond Plan G financing pursuant to Title 13, shall provide one parking space for each 250 gross square feet of floor area, except as may be exempt from such requirement by the provisions of subsection (b) of this section. The purpose of this subsection is to regulate the number of parking spaces required.

(b) Exceptions to On-Site Parking Requirement

The requirement for on-site parking provided in subsection (a) of this section shall not apply in the following circumstances:

(1) The following square footage shall be exempt from the on-site parking requirement of subsection (a):

(A) Square footage for handicapped access which does not increase the usable floor area, as determined by Section [18.18.060\(e\)](#);

(B) Square footage for at or above grade parking, though such square footage is included in the FAR calculations in Section [18.18.060\(a\)](#).

(2) A conversion to commercial use of a historic building in Categories 1 and 2 shall be exempt from the on-site parking requirement in subsection (a), provided that the building is fifty feet or less in height and has most recently been in residential use. Such conversion, in order to be exempt, shall be done in conjunction with exterior historic rehabilitation approved by the director of planning and community environment upon the recommendation of the architectural review board in consultation with the historic resources board. Such conversion must not eliminate any existing on-site parking.

(3) Vacant parcels shall be exempt from the requirements of subsection (a) of this section at the time when development occurs as provided herein. Such development shall be exempt to the extent of 0.3 parking spaces for every one thousand square feet of site area, provided that such parcels were at some time assessed for parking under a Bond Plan E financing pursuant to [Chapter 13.16](#) or were subject to other ad valorem assessments for parking.

(4) No new parking spaces will be required for a site in conjunction with the development or replacement of the amount of floor area used for nonresidential use equal to the amount of adjusted square footage for the site shown on the engineer's report for fiscal year 1986-87 for the latest Bond Plan G financing for parking acquisition or improvements in that certain area of the city delineated on the map of the University Avenue parking assessment district entitled, "Proposed Boundaries of University Avenue Off-Street Parking Project #75-63 Assessment District, City of Palo Alto, County of Santa Clara, State of California," dated October 30, 1978, and on file with the city clerk. No exemption from parking requirements shall be available where a residential use changes to a nonresidential use, except pursuant to subdivision (b)(2) of this subsection.

(c) Off-Site Parking

Parking required by this chapter may be provided by off-site parking, provided that such off-site parking is within a reasonable distance of the site using it or, if the site is within an assessment district, within a reasonable distance of the assessment district boundary and approved in writing by the director of planning and community environment. The director shall assure that sufficient covenants and guarantees are provided to ensure use and maintenance of such parking facilities, including an enforceable agreement that any development occurring on the site where parking is provided shall not result in a net reduction of parking spaces provided, considering both the parking previously provided and the parking required by the proposed use.

(d) In-Lieu Parking Provisions

In connection with any expansion of the supply of public parking spaces within the CD commercial downtown district, the city shall allocate a number of spaces for use as "in-lieu parking" spaces to allow development to occur on sites which would otherwise be precluded from development due to parking constraints imposed by this chapter. Off-site parking on such sites may be provided by payment of an in-lieu monetary contribution to the city to defray the cost of providing such parking. Contributions for each required parking space shall equal the incremental cost of providing a net new parking space in an assessment district project plus cost for the administration of the program, all as determined pursuant to [Chapter 16.57](#) of Title 16 of this code, by the director, whose decision shall be final. Only sites satisfying one or more of the following

criteria, as determined by the director, shall be eligible to participate in the in-lieu parking program:

- (1) Construction of on-site parking would necessitate destruction or substantial demolition of a designated historic structure;
- (2) The site area is less than ten thousand square feet and it would not be physically feasible to provide the required on-site parking;
- (3) The site is greater than ten thousand square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
- (4) The site is located in an area where city policy precludes curb cuts or otherwise prevents use of the site for on-site parking;
- (5) The site has other physical constraints, such as a high groundwater table, which preclude provision of on-site parking without extraordinary expense.

Office uses above the ground floor shall not be eligible to participate in the in-lieu parking program for one year from the effective date of Ordinance No. 5460, from May 2, 2019 through May 1, 2020.

(e) **Underground Parking**

Underground parking deeper than two levels below grade shall be prohibited unless a soils report or engineering analysis demonstrates that regular pumping of subsurface water will not be required.

(f) Minor Adjustments to Existing Parking Facilities

The following minor adjustments may be made to existing parking facilities that are intended to remain in substantially the same form after restriping.

- (1) Accessibility and EVSE-related equipment. For sites with existing development, the number on-site parking spaces may be reduced to the minimum extent necessary to: (1) achieve state or federally mandated accessibility requirements or (2) permit installation of electrical utility equipment required for EVSE. A maximum of 10% of the existing automobile parking stalls, or one stall, whichever is greater, may be removed pursuant to this section. The loss of a parking space is not permitted to accommodate EVSE itself. To the extent reasonably feasible, electrical equipment required for EVSE shall be placed in a location that minimizes visibility from the public right of way.

(2) Substitution of bicycle parking. For sites with existing development, where additional bicycle parking facilities cannot reasonably be located outside of the parking facility area, existing automobile parking stalls may be substituted with long- or short-term bicycle parking facilities. The maximum number of substitutions shall be two existing automobile parking spaces, or 10% of the existing automobile parking stalls, whichever is greater. A minimum of four long-term or eight short-term bicycle parking spaces is required per automobile parking space. The bicycle parking spaces are to be located in the same physical location as the automobile spaces they are replacing, which shall be near primary entries of the building on-site or in locations that meet best practices for bicycle parking facilities.

SECTION 11. Section 18.18.090 (Parking and Loading) of Chapter 18.18 (Downtown Commercial (CD) District) of Title 18 (Zoning) is hereby deleted in its entirety and restated as follows:

18.18.090 Parking and Loading

The provisions of Chapter 18.52 and 18.54 shall apply within the CD district. In particular, on-site and off-site parking for non-residential uses within an assessment district wherein properties are assessed under a Bond Plan G financing pursuant to Title 13 shall be provided in accordance with Section 18.52.070.

SECTION 12. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 13. The City Council determines that adoption of this ordinance is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15311 (Accessory Structures) because it regulates the construction or modification of parking facilities.

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SECTION 14. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning & Development
Services