

Agenda Report

TO: CITY COUNCIL

DATE: JANUARY 30, 2006

FROM: CITY MANAGER

SUBJECT: TITLE 16 - SUBDIVISIONS – CHANGES IN PARKING REQUIREMENT FOR CONDOMINIUM CONVERSIONS

RECOMMENDATION:

It is recommended that the City Council:

1. Acknowledge that the proposed code amendment is an administrative change and could not have a potential for causing a significant effect on the environment and therefore is not subject to the California Environmental Quality Act ("CEQA");
2. Approve the proposed amendments related to parking for condominium conversions as contained in this report; and
3. Direct the City Attorney to prepare an ordinance amending Title 16 for these amendments and return for first reading within 60 days.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed these amendments on December 14, 2005. The Commission recommended approval of the amendments.

TRANSPORTATION COMMISSION RECOMMENDATION:

The Transportation Commission reviewed these amendments on November 4, 2005. The Commission recommended approval of the amendments.

BACKGROUND:

Under the City's current Condominium (Condo) Conversion Ordinance (16.46.020), a conversion must have two parking spaces per unit (regardless of the size or location of the unit). The current Condo Conversion ordinance was adopted in 1980 and does not reflect changes in the parking requirements of the Zoning Code as a result of the 1984 Urban Design Plan, 1985 Zoning Code or the newly revised Zoning Code (2005). Additionally, the Condo Conversion ordinance permits the Hearing Officer to allow tandem parking spaces as part of the conversion.

The recommendation is to amend the Condo Conversion Ordinance such that a Condo Conversion meets the parking requirements of the zoning district in which it is located. These projects would be required to meet the guest parking requirement. If some of the parking stalls are compact (as allowed under the previous code) then these spaces would continue to count as parking spaces and meet the requirements for parking. It is recommended removal of the provision that allows the Hearing Officer the ability to approve tandem parking as part of the Conversion Ordinance. This requirement was added because the Zoning Code did not allow tandem parking, and the 2005 Zoning Code allows tandem parking. As part of this amendment, a requirement will be added that residential owners shall be advised of the unavailability of on-street overnight parking permits and that the City will not issue overnight parking permits for their building. This requirement will be added to the CC&R's for the project and is similar to the requirement in the Zoning Code for new multi-family residential (Urban Housing) and mixed use projects.

These changes to Title 16 are being recommended because:

- a) This amendment is consistent with the City's changes in the parking requirements and brings the Condo conversion ordinance in conformance with the current parking requirements of the Zoning Code.
- b) Under the current code a project undergoing conversion within the Central District or within a ¼ mile of a light rail station cannot be converted unless the two-car covered parking requirement is met. This requirement would be inconsistent with the parking caps that were approved as part of the 2005 Zoning Code. The new requirement caps parking at 1.75 spaces per unit. Since the two-car covered parking requirement for Condo Conversions is part of Title 16 (Subdivisions) and is not part of the Zoning Code (Title 17), the variance process cannot be used to grant relief from this parking requirement.
- c) The Condo Conversion ordinance treats Conversions differently from newly constructed Condominiums. New condos are only required to meet the parking requirement for the district in which it is located. In terms of parking, this change will treat newly constructed condominium projects the same as those which are undergoing conversion.

Prior to 1984, the parking requirement for residential units (this includes single-family and multi-family) was two spaces per unit (regardless of the size). The parking requirement for multi-family residential and mixed use projects was reduced in the Central District under the 1984 Urban Design Plan and City-wide in the 1985 Zoning Code. In the Central District this reduction allowed parking to be one space for units less than 550 sq. ft. per unit and 1.5 spaces for units 550 sq. ft. or greater. Outside the Central District the parking requirement became one space for units less than 550 square feet and two spaces for units 550 sq. ft. or greater. Under the new Zoning Code (2005), this parking reduction for the Central District was extended to include those areas within a ¼ mile of a light rail station as part of the Transit Oriented Development requirements. Additionally, the new Zoning Code added a parking cap to the Central District and those areas within a ¼ mile of a light rail station. Parking was capped such that the parking requirement for units less than 550 square feet could not exceed 1.25 spaces per unit while the parking cap for units 550 sq. ft. or more was set at 1.75 spaces per unit.

It should be noted that the conversion ordinance does not apply to new condominiums, but only to those that are converted and were initially built as apartments. Thus a new

condo project can be built with parking that is less than two parking spaces per unit since it is not subject to the Condo Conversion ordinance.

FISCAL IMPACT:

It is not anticipated that this policy change will have a fiscal impact on the City. If approved, the amendment may result in new condo conversions within the Central District. The cost of these applications is covered by existing fees established by Council.


Respectfully Submitted,


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