

City Planning Commission
Sacramento, California

Members in Session:

- Subject: A. Environmental Determination
- B. Zoning Ordinance Amendment regarding off-street parking requirements for existing buildings and structures.

Summary

The proposed Zoning Ordinance Amendment would clarify the City's long standing practice of crediting a building or structure constructed prior to the operative date of parking regulations of the Zoning Ordinance (Section 6) with the off-street parking and other amenities that would have been required if the building or structure was constructed under current Zoning Ordinance requirements. Planning staff recommends approval of the proposed Zoning Ordinance amendment.

Background Information

Many buildings in Sacramento, especially in the Central City area, were constructed prior to the adoption of the City's current off-street parking requirements found in Section 6 of the Zoning Ordinance. These structures often have no parking spaces located on the sites on which they are built or the number of parking spaces located on the sites may not meet current Zoning Ordinance requirements. Historically, it has been the Planning Division's policy to allow a land use which is located in a building constructed for that type of land use prior to adoption of current parking requirements to continue even though the number of parking spaces currently required by the Zoning Ordinance are not provided on the building site. If a more intensive land use wishes to move in the building, the Planning Division has credited the site for the number of parking spaces according to the land use that the building was constructed for and has required the additional on-site parking to be provided. An example of this crediting system follows:

1957

A 2,000 square foot retail building is constructed. Zoning Ordinance in effect at time of construction states that no parking is required for buildings of 2,000 square feet of floor area or less. No parking is provided on the subject site.

1989

Retail business moves out of the 2,000 square foot building. If the building was constructed today, the Zoning Ordinance would require eight on-site parking spaces (1 space per 250 square feet; if retail building was constructed within Central City area ratio would be 1:400 square feet). However, as the building was legally constructed in 1957 with no parking, a credit of eight spaces is given to the building.

Five different types of tenants are interested in moving into the 2,000 square foot building. Their on-site parking requirement would be as follows (outside Central City).

1. Retail Clothing Store

- 1 space per 250 square feet = 8 spaces
- Building has a credit of 8 spaces
- No on-site parking required

2. 40 seat restaurant

- 1 space per 3 seats = 13 spaces
- Building has a credit of 8 spaces
- 5 on-site parking spaces required

3. Insurance Office

- 1 space per 400 square feet = 5 spaces
- Building has a credit of 8 spaces
- No on-site parking required

4. Medical Office

- 1 space per 200 square feet = 10 spaces
- Building has a credit of 8 spaces
- 2 on-site parking spaces required

5. Retail Stationary Store

- Wishes to add 800 square feet to building
- Building has a credit of 8 spaces for 2,000 square feet
- On-site parking must be provided for additional 800 square feet (2 spaces)

In the scenario above if the on-site parking requirement could not be met, the prospective tenant would have three options: apply for a variance to locate the required parking off-site; apply for a variance to waive the parking; or not move into the building. (A fourth option in the case of the restaurant is to reduce the number of seats).

Planning staff believes that it would benefit the City and the general public if this parking requirement for existing buildings constructed prior to the present parking requirements was added to Section 6 as the practice of crediting parking for existing buildings occurs on a regular basis. The proposed addition is not intended to change, but merely to clarify, the Zoning Ordinance and to codify the City's longstanding interpretation of the parking provisions of the Zoning Ordinance.

There are four areas that the proposed Zoning Ordinance amendment clarifies. First, off-street parking and other requirements (such as parking stall width and depth) which are presently found in Section 6 shall not be required for existing buildings constructed prior to the operative date of the Section 6 parking requirements. Secondly, if a new use of a building or structure is proposed, and the new use requires the same number or fewer spaces than the old use, the new use shall be credited with having the off-street parking which would have been required of the old land use if the current Zoning Ordinance parking requirements applied. Third, a change in land use which is more intensive than the building's original land use (such as retail to medical office) shall be credited parking spaces but shall also be required to provide additional parking spaces on the site. Finally, the proposed addition will state that the Planning Director, Planning Division, Planning Commission and City Council have the authority to require additional off-street parking or other similar amenities as a condition of approval for granting a special permit, rezoning or other discretionary entitlement.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the proposed project will not have a significant adverse effect on the environment and has filed a Negative Declaration.

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- A. Ratify the Negative Declaration;
- B. Recommend approval of the proposed Zoning Ordinance Amendment and forward to City Council (Exhibit A).

Respectfully submitted,


Will Weitman,
Senior Planner

WW:JP:vf

EXHIBIT A

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SUBPARAGRAPH 21 TO SUBSECTION D OF SECTION 6 OF THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES AS AMENDED), RELATING TO OFF-STREET PARKING AND OTHER NON-USE REQUIREMENTS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Subparagraph 21 shall be added to Subsection D of Section 6 of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) to read as follows:

D. SPECIAL REQUIREMENTS:

21. Applicability to Existing Buildings and Structures. Except as specifically provided herein or in another provision of this subsection, the off-street parking and other requirements established by Subsections A, B and C above shall not apply to land uses of buildings or structures constructed prior to the operative date of this section, or any addition or amendment hereto.

(a) Change of Land Use. If a change of land use is sought for a building or structure constructed prior to the operative date of the off-street parking requirements of this section, whether by special permit, rezoning, or otherwise, the applicant shall be credited with having the off-street parking that would have been required for the land use made of the building or structure on the operative date of the parking requirements if those requirements had applied. If the new land use of a building or structure requires greater off-street parking than the land use being made on the operative date of the off-street parking requirements, the applicant shall be required to provide actual off-street parking in an amount equal to the difference between the parking required of the new land use and the parking that would have been required of the land use being made on the operative date of the parking requirements if such requirements had been applicable. Any additional off-street parking furnished pursuant hereto shall comply with all other requirements of Section 6.

(b) Authority to Require Additional Parking. Nothing in this subsection is intended to preclude or prevent the Planning Director, Planning Division, Planning Commission or City Council from requiring additional off-street parking or establishing other requirements as a condition of a special permit, rezoning or other entitlement.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

