

Pleasanton Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 18 ZONING](#)**Chapter 18.88 OFF STREET PARKING FACILITIES***

* **CodeAlert:** This topic has been affected by [2061](#). To view amendments and newly added provisions, please refer to the [CodeAlert Ordinance List](#).

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. (Prior code § 2-9.14)

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. 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. (Ord. 1898 § 1, 2003; Ord. 1586 § 10, 1993; Ord. 1156 § 1, 1984; prior code § 2-9.15)

18.88.030 Schedule of off-street parking space requirements.

A. Dwellings and Lodgings.

1. Single-family dwelling units shall have at least two parking spaces. Second units shall have at least one covered or uncovered parking space which shall not be located in the required front or street side yard and shall not be a tandem space.

2. Condominiums, community apartments and separately owned townhouses shall have at least two parking spaces per unit.

3. Apartment house parking requirements shall be computed as follows:
 - a. For apartments with two bedrooms or less, a minimum of two spaces shall be required for each of the first four units; one and one-half spaces for each additional unit.
 - b. For apartments with three or more bedrooms (or two bedrooms and a den convertible to a third bedroom), a minimum of two spaces per unit shall be required. Parking requirements for units having less than three bedrooms shall be computed separately from the requirements for units having three bedrooms or more and then added together.
 - c. Visitor parking, in a ratio of one parking space for each seven (1:7) units, shall be provided. All visitor parking spaces shall be clearly marked for this use. Visitor parking may be open or covered and does not count as part of the covered parking requirement described in subsection A4 of this section.
 4. At least one space per dwelling unit of the off-street parking required in subsections (A)(1), (A)(2) and (A)(3) of this section shall be located in a garage or carport.
 5. Motels, hotels, lodging houses and private clubs providing guest sleeping accommodations shall have at least one space for each guest sleeping room or for each two beds, whichever is greater, plus at least one space for each two employees.
 6. Trailer parks shall have a minimum of one space for each unit, plus at least one additional space for each three units, none of which shall occupy area designated for access drives.
 7. Small bed and breakfasts and bed and breakfast inns shall have at least one space for each guest sleeping room plus at least one space for each employee on maximum shift. In addition, at least two parking spaces, one of which must be covered, shall be provided for residents of small bed and breakfasts and bed and breakfast inns; the zoning administrator may require only one parking space, which may be uncovered, for a resident manager of a bed and breakfast inn.
- B. Offices, Commercial Uses and Places of Public Assembly in the C-N and C-R Districts.
1. C-N District. One space for each 180 square feet of gross floor area, plus 10 spaces in addition to spaces occupied by cars being serviced on the site of each service station, plus additional spaces for each open use as prescribed by the zoning administrator. For banks and other financial institutions (commercial banks, credit unions, and savings and loans)—one space for each 300 square feet of gross floor area, except for floor area used for storage.
 2. C-R District. Parking requirements shall be established by the zoning administrator and/or planning commission on a case by case basis in accordance with the purposes of Chapter 18.20 of this title.
- C. Office, Commercial and Industrial Uses not in the C-N or C-R District.
1. Food stores—one space for each 150 square feet of gross floor area.
 2. Banks and other financial institutions (commercial banks, credit unions, and savings and loans)—one space for each 300 square feet of gross floor area, except floor area used for storage.
 3. Massage establishments—two spaces for each massage technician, plus the requirements for supplementary uses.
 4. Retail stores except food stores and stores handling only bulky merchandise; personal service establishments including barbershops and beauty shops, cleaning and laundry agencies, and similar enterprises—one space for each 300 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.
 5. Commercial service enterprises, repair shops, wholesale establishments, and retail stores which handle only bulky merchandise such as furniture, household appliances, machinery, and motor vehicles—one space for each 500 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.
 6. Public and private business and administrative offices, and technical services offices (including, but not limited to, accountants, architects, attorneys, engineers, insurance, real estate and similar

professions)—one space for each 300 square feet of gross floor area.

7. Medical and dental offices (including, but not limited to, chiropractors, dentists, optometrists, physicians and similar professions)—one space for each 150 square feet of gross floor area, or six spaces for each doctor, whichever is greater.

8. Restaurants, bars, brew pubs, soda fountains, cafés and other establishments for the sale and consumption on the premises of food or beverages—one space for each three seats or each 200 square feet of gross floor area, whichever is greater.

9. Full service stations—10 spaces exclusive of work bays.

10. Self-service stations—one parking space and an additional parking space for each employee on the maximum shift.

11. Quick service stations—one parking space for each 500 square feet of gross floor area.

12. Full service car washes—two parking spaces for every three employees on the maximum shift.

Self-service car washes—one parking space for each employee on the maximum shift.

Drive-through car washes located and operated with a full service or self-service service station or self-service car wash—no additional parking spaces are required.

13. Manufacturing plants and other industrial uses, warehouses, storage buildings, and storage facilities combined with commercial or industrial uses—one space for each employee on the maximum shift, or one space for each 300 square feet of gross floor area.

14. Open uses and commercial and industrial uses conducted primarily outside of buildings—one space for each employee on the maximum shift, plus the number of additional spaces prescribed by the zoning administrator.

15. Liquor stores—one space for each 150 square feet of gross floor area except for floor area used exclusively for storage and/or truck loading. For the purposes of this section, “liquor store” shall mean a business establishment the main function of which is the off-sale of liquor, wine and/or beer.

16. Veterinarians’ offices and small animal hospitals—one space for each 250 square feet of gross floor area.

17. Convenience markets—one parking space for each 150 square feet of gross floor area. If less than 1,300 square feet in size and operated as an incidental use to a full service or self-service station, then one parking space shall be provided for each 400 feet of gross floor area.

18. Microbreweries—one parking space for each 300 square feet of gross floor area, plus one space for each person in tours greater than five persons.

19. Commercial basement storage for the public—one parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on site.

D. Places of Assembly and Public Uses not in the C-N or C-R District.

1. Auditoriums, churches, private clubs and lodge halls, community centers, mortuaries, sports arenas and stadiums, theaters, auction establishments and other places of public assembly, including church, school and college auditoriums—one space for each six seats or one space for each 60 square feet of floor area usable for seating if seats are not fixed, in all facilities in which simultaneous use is probable as determined by the zoning administrator. Where subsection E of this section requires a greater number of spaces on the site of a church, school or college, that subsection shall apply and the requirements of this subsection shall be waived.

2. Bowling alleys and pool halls—five spaces for each alley; two spaces for each billiard or pool table.

3. Dance halls—one space for each 50 square feet of gross floor area used for dancing.

4. Hospitals, sanitariums, nursing homes and charitable and religious institutions providing sleeping

accommodations—two spaces for each three beds, one space for each two employees, and one space for each staff doctor.

5. Libraries, museums, art galleries and similar uses—one space for each 600 square feet of gross floor area and one space for each employee.

6. Post offices—one space for each 600 square feet of gross floor area and one space for each employee.

7. Cemeteries, columbariums and crematories—one space for each employee, plus the number of additional spaces prescribed by the zoning administrator.

8. Public buildings and grounds other than schools and administrative offices—one space for each employee, plus the number of additional spaces prescribed by the zoning administrator.

9. Public utility structures and installations—one space for each employee on the maximum shift, plus the number of additional spaces prescribed by the zoning administrator.

10. Bus depots, railroad stations and yards, airports and heliports, and other transportation and terminal facilities—one space for each employee, plus the number of additional spaces prescribed by the zoning administrator.

E. Educational Facilities.

1. Schools and colleges, including public, parochial and private elementary and high schools, kindergartens and nursery schools—one space for each employee, including teachers and administrators and one space for each four students in grade 10 or above. Where subsection (D)(1) of this section requires a greater number of spaces on the site of a school or college, subsection (D)(1) of this section shall apply and the requirements of this subsection (E)(1) shall be waived.

2. Business, professional trade, art, craft, music and dancing schools and colleges—one space for each employee, including teachers and administrators and one additional space for each two students 16 years or older.

F. Property Zoned C-C or O and in the Downtown Revitalization District.

1. All uses, with the exception of office uses on the ground floor of new buildings on sites with frontage on Main Street, shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 300 square feet of gross floor area. However, uses which have lower parking requirements as stated elsewhere in this section may provide parking or pay equivalent in lieu fees according to that lower standard.

2. Office uses on the ground floor of new buildings with frontage on Main Street shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 250 square feet of gross floor area. Such office uses which are established anytime within the first five years of the building's occupancy, including tenant spaces which convert from nonoffice to office use within the first five years of building occupancy, shall provide the additional parking or pay the in lieu fee based on the additional parking required for office use. (Ord. 2017 § 2, 2011; Ord. 1898 § 1, 2003; Ord. 1812, 2000; Ord. 1767 § 1, 1998; Ord. 1726 § 1, 1997; Ord. 1665 § 5, 1995; Ord. 1656 § 1, 1995; Ord. 1636 § 7, 1994; Ord. 1494 § 4, 1990; prior code § 2-9.16)

18.88.040 Standards.

All off-street parking facilities, whether provided in compliance with Section 18.88.030 of this chapter or not, shall conform with the regulations prescribed in Sections 18.84.130 through 18.84.260 of this title and with the following standards:

A. The minimum off-street parking dimensions shall be as follows:

1. Parking spaces required to be located in a garage or carport shall not be less than 20 feet in length and 10 feet in width and otherwise meeting the requirements for full sized parking spaces.

2. Full sized parking spaces shall meet the minimum dimensions prescribed in Table 18.88.040 of this section.
 3. Compact car parking spaces may be allowed in off-street parking facilities subject to approval by the city. Up to 40 percent of the total parking spaces required may be compact car spaces, based upon the size, shape and design of the off-street parking facility. Compact car spaces shall have minimum dimensions of eight feet by 16 feet and may be angled as is allowed for full sized parking spaces. Aisle width for compact car spaces shall be a minimum of 21 feet for a 90 degree parking angle. For different angles, aisle width and other relevant dimensions shall be reduced proportionately from those shown in Table 18.88.040 of this section for full sized parking spaces, subject to the approval of the city. Each compact car space shall be marked clearly with bold lettering no less than eight inches in height "Compact Car Only."
- B. Sufficient aisle space for readily turning and maneuvering vehicles shall be provided on the site, except that no more than two parking spaces on the site of a dwelling or lodging house may be located so as to necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.
 - C. Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle.
 - D. Entrances from and exits to streets and alleys shall be provided at locations approved by the community development director.
 - E. In an R district, a drive providing access to off-street parking spaces shall not exceed 24 feet in width, and there shall be not more than one drive for each 70 feet of frontage except on corner lots. If more than one drive is proposed on a corner lot, the superintendent of streets may approve an encroachment permit if he or she finds that the proposal is consistent with the objectives of this chapter and will not create an unsafe condition for pedestrians and drivers.
 - F. In an RM district, a pedestrian walk separated from a parking space, aisle, or access drive by at least four feet of landscaped space shall extend from the front lot line to each dwelling unit, and no parking space, aisle, or access drive shall be closer than six feet to an entrance to a dwelling unit or to a window opening into a habitable room having a floor level less than eight feet above the parking space, aisle or access drive.
 - G. No off-street parking space provided in compliance with Section 18.88.030 of this chapter shall be located in a required front yard or in a required side yard on the street side of a corner lot and not more than two spaces per site shall be located so as to necessitate use of a required front yard or a required side yard on the street side of a corner lot for backing.
 - H. The parking spaces, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets or alleys.
 - I. Bumper rails shall be provided at locations prescribed by the zoning administrator where needed for safety or to protect property.
 - J. If the parking area is illuminated, lighting shall be deflected away from residential sites so as to cause no annoying glare.
 - K. No repair work or servicing of vehicles shall be conducted on a parking area.
 - L. In R districts, parking of vehicles other than automobiles shall be regulated by Section 18.84.270 of this title.
 - M. No off-street parking space shall be located on a portion of a site required to be landscaped with plant materials.

Table 18.88.040

MINIMUM PARKING SPACE DIMENSIONS

Description of Dimension	Parking Angle									
	0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
Parking space width perpendicular to aisle	9'	9'	9'	9'	9'	9'	9'	9'	9'	9'
Parking space dimension perpendicular to aisle	9'	14'6"	16'10"	18'8"	19'5"	20'	20'8"	20'9"	20'2"	19'
Parking space dimension parallel to aisle	23'	24'8"	17'	13'2"	12'	11'1"	9'10"	9'	9'	9'
Aisle width	12'	11'	11'	12'	13'6"	15'6"	18'6"	19'6"	24'	25'

(Ord. 2000 § 1, 2009; prior code § 2-9.17)

18.88.050 Location.

- A. In all districts except the C-C and P districts, off-street parking facilities prescribed in Section 18.88.030 of this chapter shall be located on the same site as the use for which the spaces are required or on an adjoining site or a site separated only by an alley from the use for which the spaces are required.
- B. In a C-C or P district, a use permit may be granted to permit off-street parking facilities prescribed in Section 18.88.030 of this chapter to be separated from the site of the use for which the spaces are required, if located within 300 feet of the site, measured by the shortest route of pedestrian access, provided that the planning commission shall find that the parking site is not in conflict with the Pleasanton central district development plan adopted by the city council. (Prior code § 2-9.18)

18.88.060 More than one use on site or adjoining site.

If more than one use is located on a site, on adjoining sites, or sites separated only by an alley, and in the C-C and P districts within 300 feet of the site, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this chapter for each use except that the total number of spaces may be reduced when the hours of operation of at least two of the uses are discrete. "Discrete uses" are defined as those which:

- A. Are not in operation at the same time; and
- B. The hours of operation are or may be controlled by conditional use permits; and
- C. The uses share the same off-street parking facility.
- D. The total number of spaces otherwise required may be reduced by not more than the parking requirement of the discrete use requiring the fewer parking spaces. (Prior code § 2-9.19(1))

18.88.070 Off-street parking facilities to serve one use.

Off-street parking facilities for one use shall not be considered as providing off-street parking facilities for any other use, except as provided in Section 18.88.090 of this chapter, and except that property owners may lease or rent excess

parking spaces on a site to other property owners within 300 feet of the site upon approval of a use permit as provided for in Section 18.88.050 of this chapter. Excess parking spaces are those spaces which are over and above the minimum required for the use or uses on the site. The planning commission shall deny a use permit to lease or rent excess parking spaces if it finds that the nature of the use or uses on the donor site requires the use of the excess parking spaces. (Ord. 1898 § 1, 2003; prior code § 2-9.19(2))

18.88.080 Reduction of off-street parking.

No off-street parking facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this chapter. (Prior code § 2-9.19(3))

18.88.090 Joint use in C-C and C-S districts.

Adjoining off-street parking facilities serving uses on two or more sites in separate ownership that provide shared parking through reciprocal parking easements may provide parking at the rate of one space for each 400 square feet of gross floor area where the zoning administrator determines that provision has been made for the joint development to function as a single parking facility, all parts of which are accessible to each use served. Parking spaces in such parking lots shall not be reserved or designated for the use of any one business. Off-street parking facilities provided in accord with this section shall be designated as prescribed in Section 18.88.130 of this chapter. (Ord. 1898 § 1, 2003; prior code § 2-9.19(4))

18.88.100 Parking assessment district.

The following parking requirements listed in subsections A through C of this section shall apply to properties located within the parking assessment district located within the block bounded by Peters Avenue, St. Mary Street, Division Street, and Main Street:

- A. Except for the uses listed in Section 18.88.030(A) of this chapter and restaurants, any parcel of real property which is located wholly or partially within the boundaries of a parking assessment district which provides public off-street parking facilities shall be permitted to construct a building the total square footage of which shall not exceed 80 percent of the buildable area of the lot not included within the public parking facility, without the need to provide additional parking. Any building erected or subsequent addition which exceeds 80 percent of the buildable area of the lot shall provide additional parking or pay a sum established pursuant to Section 18.88.120 of this chapter; additional parking shall be computed in accordance with Section 18.88.030 of this chapter, but shall not include that portion of the building which is exempt from parking requirements as indicated in this section and shall not include building additions which increase the number of required parking spaces by less than 10 percent.
- B. Any parcel of real property located wholly or partially within the boundaries of a parking assessment district referred to in subsection A of this section which is used for restaurant purposes shall be permitted to construct a building, the total square footage of which will not exceed 56 percent of the buildable area of the lot without the need to provide additional parking. Any building in excess of the limitation imposed in this section shall be subject to the same requirements for additional parking as set forth in subsection A of this section.
- C. Any building in existence at the time of the establishment of the parking assessment district within which it is located, which exceeds the buildable area provisions set forth in subsection A of this section shall be deemed nonconforming and shall not be subject to additional parking requirements in the following cases:
 1. The building is altered, modified, or enlarged such that the number of required spaces increases by less than 10 percent.
 2. Less than 50 percent of the building is destroyed by fire, earthquake, or other calamity, act of God, or by the public enemy, or, in cases where greater than 50 percent is destroyed, design review approval is given to a new commercial structure replacing the one which was destroyed, pursuant to the criteria stated in Section 18.88.020(D)(2) of this chapter.

D. For parking assessment districts other than those referred to in subsections A through C of this section, the building floor area credits for properties contributing to the district with either land, improved parking spaces, or cash shall be determined on a case by case basis depending on the circumstances for the particular parking assessment district. Such circumstances shall include, but shall not be limited to, the amount of parking spaces, land, or cash contributed; the total number of parking spaces created; the assessment formula for the district agreed to by the property owners within the district; and the location of the contributing property. The standard parking ratio for each parking lot at build out shall be one space for each 500 square feet of gross building area. Property owners contributing more parking or land than needed for their building may receive cash reimbursements or parking spaces credits which may be recognized and transferred as in lieu parking spaces if so approved at the time the parking assessment district is formed. (Ord. 1898 § 1, 2003; prior code § 2-9.20)

18.88.110 Existing uses.

No existing use of land or structure, except one located within a parking assessment district, shall be deemed to be nonconforming solely because of the lack of off-street parking facilities prescribed in this chapter, provided that facilities used for off-street parking on the effective date hereof, shall not be reduced in capacity to less than the number of spaces prescribed in this chapter or reduced in area to less than the minimum standards prescribed in this chapter. (Prior code § 2-9.21)

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. The procedures to be followed for such in lieu parking agreements shall be as follows:

1. 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. 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. 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. 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. 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. 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. 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. 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)

18.88.130 Designation of facilities.

A restrictive covenant, easement, or other document acceptable to the city attorney shall be recorded with the Alameda County recorder's office for any off-street parking facility which is: (a) held open to the public, (b) a joint use parking lot, or (c) located on a site other than the site it is intended to serve. The restrictive covenant or other document shall designate the off-street parking facilities and the properties being served by such parking facilities, shall stipulate that the parking facility will be used for the intended purpose, and shall contain legal descriptions of all sites involved. The restrictive covenant or other document shall be approved by the city attorney. The zoning administrator shall remove the restriction upon finding that the required number of off-street parking spaces or in lieu parking fees have been provided in compliance with the requirements of this chapter. (Ord. 1898 § 1, 2003; prior code § 2-9.23)