

**CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT**

Agenda date: May 10, 2011
Prepared by: JB

ITEM/ 6b

SUBJECT: Planning Application 11-021. Commercial Parking Exception. The applicant is requesting approval to allow a “burger” style restaurant in a 1,678 square foot portion of the building. City standards typically require eight off street parking spaces for this sized restaurant. No off-street parking is available for the proposed use. Thus, a parking exception is required. No physical changes to the building are proposed.

SITE: 747 San Pablo

APPLICANT/

OWNER: Fara Pakzad

ZONING: SPC (San Pablo Commercial)

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the request for parking adjustment, subject to the attached findings and conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

The subject property is a 7,500 square foot lot with three existing commercial spaces. The applicant is requesting approval to allow a “burger” style restaurant in a 1,678 square foot portion of the building. The current facility has been vacant for a number of years. No substantial physical changes to the building are proposed. City standards typically require eight off street parking spaces for this sized restaurant. No off-street parking is available for the proposed use. Thus, a parking exception is required.

ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15303, “New Construction or Conversion of Small Structures” of the CEQA Guidelines, which exempts small additions.

DISCUSSION OF KEY ISSUES

The application supports one of the city’s economic development objectives, which is to encourage occupancy of existing commercial spaces with businesses that serve the community.

The proposed restaurant is expected serve local residents. The principle issue with the proposed use is that the property does not have any off-street parking. Thus, employees and patrons will use street parking.

In order to evaluate street parking capacity, staff conducted a parking survey on Thursday May 5, 2011, between 5:00 pm and 6:00 pm. This particular time was selected to capture the parking demands of existing businesses and residents returning home at the end of the workday. As is generally the pattern throughout the City, the survey found that customer parking is generally available on commercial streets. Parking in nearby residential side streets, however, is more limited. The specific results of the parking survey within 500 feet of 747 San Pablo is as follows:

- On San Pablo Avenue, 24 of 55 (44%) parking spaces were available.
- West of San Pablo, on predominately-residential streets, 41 of 50 (82%) parking spaces were occupied.
- East of San Pablo, on predominately-residential streets, 62 of 90 (69%) parking spaces within 500 feet were occupied.

Attachments:

1. Analysis of Zoning Requirements
2. Project Application & Plans

ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

20.12 Zoning Districts and Permitted Uses

General Plan: General Commercial
Zoning: San Pablo Commercial

20.16 Land Use Classifications

Restaurant

Surrounding	North - Mixed Use	East - Residential (R-3)
Property Use	South - Residential	West - Commercial

20.20.080 Secondary Residential Units.

Not applicable.

20.24.020 Table of Site Regulations by District.

Not applicable.

20.24.030 Overlay District Regulations.

Not applicable.

20.24.040 Hillside Residential Regulations.

Not applicable.

20.24.050 Floor-Area-Ratio.

Not applicable.

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances between Structures.

Not applicable.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

Not applicable.

20.28 Off-Street Parking Requirement.

See Summary of Key Issues.

20.40 Housing Provisions

Not applicable.

20.44 Non-conforming Uses, Structures and Lot

Not applicable.

20.48 Removal of Trees

Not applicable.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.100.030 Use Permits.

Not applicable.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was mailed on April 29, 2011, in the form of mailed notice, to property owners and occupants within a 300-foot radius, and posted in three locations.

20.100.050 Design Review.

Not applicable.

ATTACHMENT 2 - FINDINGS

Findings for Parking Exceptions (Per section 20.28.040.B.5 of the AMC)

<i>Required Finding</i>	<i>Explanation</i>
1. <i>On the basis of a survey of comparable situations, parking demand for the proposed use or uses will be less than the required number of spaces.</i>	The City requirements are for 8 off-street parking spaces.
2. <i>The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand.</i>	The patron-driven demand for parking is expected to be short term and peak at afternoon and evening mealtime. In the context of overall parking demand in the business district, the demand generated by the proposed use will not be substantial.
3. <i>Based on a current survey of parking space availability and usage within a five hundred (500)-foot walking distance of the boundary of the site of the subject building, a reduction of the parking requirement will not have a substantial effect on the parking available for neighboring uses.</i>	A survey was conducted on May 5, 2011, and a total of 195 street parking spaces were observed, with 127 occupied and 68 vacant

ATTACHMENT 3
COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL

1. This Parking Exception approval is for a restaurant use, except as may be modified by conditions herein. Plans include an application submitted by Fara Pakzad, dated received by the Community Development Department on April 11, 2011, and presented to the Planning and Zoning Commission at its meeting of May 10, 2011.
2. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Albany and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provide for in Section 66499.37. The City will promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.
3. This Parking Exception approval shall expire at the close of business on May 24, 2012, (one year from the date on which this approval becomes effective) unless, before expiration of one year, occupancy is commenced. The Community Development Director may renew the Parking Exception approval for a period up to an additional two (2) years, provided that, at least ten (10) days prior to May 24, 2012, an application for renewal of the approval is filed with the Community Development Department.
4. The applicant shall arrange with the city's Transportation Planner for the installation, at the applicant's cost, of Class II bicycle parking racks on San Pablo Avenue.
5. The applicant shall adopt programs and policies to encourage employees to use transit, carpools, bicycles, etc. to reduce parking impacts on the surrounding neighborhood.

Appeals: The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council, if such appeal is filed within 14 days of the date of the action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee. The City Clerk will then schedule the matter for the next available City Council meeting.