

City of Albany



TO: ALBANY PLANNING & ZONING COMMISSION

FROM: Jean Eisberg, Consulting Planner

SUBJECT: Study Session on Implementation of Assembly Bill 2097 Regarding Off Street Parking Requirements

DATE: March 8, 2023

STAFF RECOMMENDATION

Staff recommends that the Planning & Zoning Commission hold a study session to:

- Receive a presentation on AB 2097 and how it could be codified within the City of Albany
- Provide feedback on the options recommended to support potential changes to parking regulations.

SUMMARY

This staff report provides an overview of AB 2097 (Attachment 1), which eliminates parking requirements for most uses when located within 1/2-mile of public transit. Based on Albany's current transit access, AB2097 is applicable to most of the city, except for the far western portion of the city—along the waterfront (west of Interstate 80), Eastshore frontage road, and west of Cleveland Ave.—and portions of the R-1 neighborhood and upper Solano in the eastern portion of the city. This report asks the Commission to consider codifying AB2097 within the City's Zoning Ordinance and presents two options for consideration:

1. Revise the Zoning Ordinance to implement AB2097 where it applies in Albany (i.e., within ½-mile of transit). This would remove minimum parking requirements for residential and most commercial uses in most, but not all, of the city.
2. Remove all minimum parking requirements, citywide. (Except for Waterfront zoning district, where amendments require voter approval.) This approach would simplify parking regulations, eliminate the existing waiver process and payment (which is currently in use) and remove the in-lieu fee payment option (which is not being used).

BACKGROUND

This section provides an overview of changes in State law and their implications for the City of Albany's parking regulations

Assembly Bill (AB) 2097

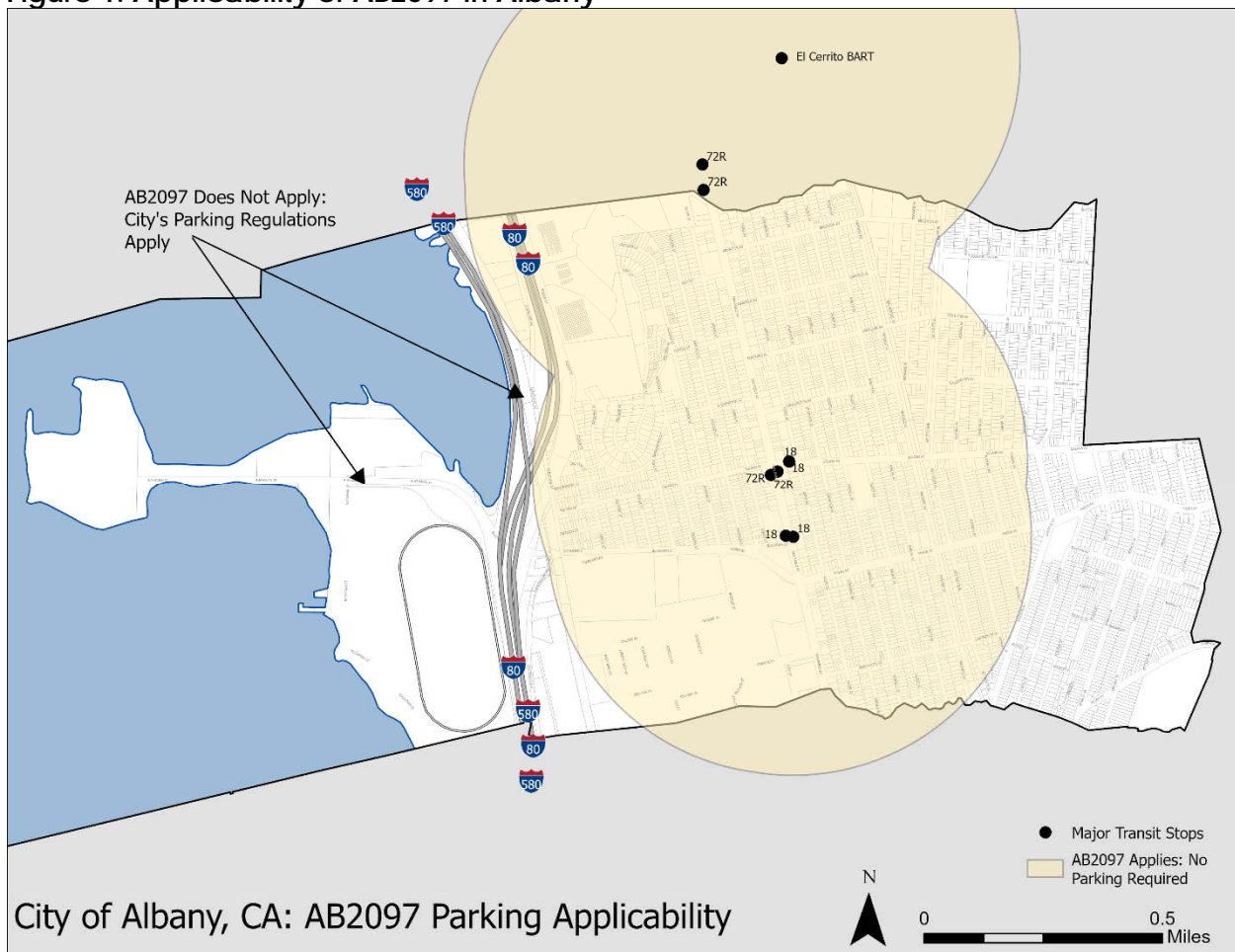
In September 2022, Governor Newsom signed into law Assembly Bill 2097, which removes minimum parking requirements for residential and commercial development when located within 1/2-mile of public transit.

Within Albany, this includes sites within 1/2-mile of the following transit stops:

- El Cerrito Plaza BART station
- AC Transit 72 Rapid (72R) bus rapid transit stations
- Intersection of two or more bus routes which have frequency of service interval of 15 minutes or less during peak commute periods (therefore intersections of Lines 18, 72, and 52)

Effectively, this covers most of the City of Albany, as shown in Figure 1.

Figure 1: Applicability of AB2097 in Albany



There are several exceptions to this law:

- Certain commercial uses—namely event centers, hotels, and motels—would still need to provide parking consistent with local standards.
- The City may still enforce ADA parking requirements and electric vehicle (EV) supply equipment that would otherwise apply
- The City may impose requirements to require spaces for carshare vehicles or to charge fees for parking (i.e., require unbundled parking), if parking is provided voluntarily.

Current Parking Regulations in Albany

Chapter 20.28 of the Albany Zoning Ordinance specifies a specific parking ratio for each use definition, including residential, commercial, and public uses (Attachment 2). This results in a two-page list of parking ratios that generally range from 1 space/200 square feet for restaurants to 1 space/800 square feet for business services.

In 2018, the City Council adopted a “blended” approach for Solano Avenue to respond to the fact that many people visiting Solano and arriving by car, park once and visit multiple business. The zoning changes simplified parking ratios in the Solano Commercial (SC) district into a general standard of 1 space/400 sq. ft. for commercial uses in the district and a higher standard 1 space/200 sq. ft. for restaurant uses, specifically. In 2022, with adoption of the San Pablo Avenue Specific Plan, the City Council extended these blended commercial parking ratios to the San Pablo Avenue Commercial (SPC) District. As a result, there are only a few places where the long list of parking ratios for individual commercial uses still apply (i.e., Cleveland Avenue, Eastshore Frontage).

Additionally, with adoption of the San Pablo Avenue Specific Plan, the City Council eliminated residential parking requirements within the Specific Plan area and applied a maximum parking requirement of 1 space per unit.

Current Parking Waiver Process in Albany

The Zoning Ordinance allows for exceptions to required parking through two mechanisms, detailed below. Each of these processes allow the City to collect fees to support the construction of parking facilities and/or support staff time on parking-related work, although only one process is currently in use.

First, Albany Municipal Code (AMC) Section 20.80.020.N.2 identifies a process for reducing or eliminating required parking for non-residential uses in the SC and SPC zoning districts. Applicants may pay a fee in-lieu of providing one or more required parking spaces. Fees collected are to be used by the City to “support activities in the SC and SPC zoning districts and to enhance parking facilities” according to the Zoning Ordinance. However, the City has never established a fee amount nor collected in-lieu

fees since it does not have a program with which to spend the funds to build parking facilities.

Second, AMC Section 20.80.040 specifies procedures to allow exceptions to required parking for both residential and commercial uses. For smaller parking waiver requests, applicants are required to pay a fee of \$1,454 for administrative review. Where the Zoning Ordinance requires City staff to conduct a parking survey, a larger fee of \$2,284 is required. Generally, the City processes approximately 20 waivers per year and therefore collects roughly \$20,000. These revenues go into the General Fund and are used to cover City staff time to process the parking exception requests. The parking exceptions are consistently granted; none have been denied in the past 10+ years.

DISCUSSION

Attachment #3 represents an in-depth analysis of why Albany has parking requirements, and how this new bill and other related State laws affect parking requirements in the city. It then offers options for the Commission's consideration to make changes to the City's requirements in response to State law and/or to achieve other objectives, including implementation of the goals and policies of the Albany General Plan and Climate Action Plan.

Options for the Commission's considerations include:

1. **Revise the Zoning Ordinance to implement AB2097 where it applies in Albany** (i.e., within ½-mile of transit). This would remove most minimum parking requirements for residential and most commercial uses in most, but not all, of the city, as shown in Figure 1. Minimum parking requirements would still apply in the western portion of the city, along Interstate 80 and on the waterfront, and in the eastern neighborhoods, including the R-1 district and upper Solano. These areas are located outside the ½-mile radius of major transit.
2. **Remove all minimum parking requirements, citywide.** This approach would simplify parking regulations, eliminate the waiver process and in-lieu fees described above. This is potentially a more equitable approach. Especially in light of State laws for ADUs that allow single-family homes to replace on-site parking with ADUs. Attachment #1 ultimately recommends this option, as a way to simplify requirements, allow the market to determine supply needs, and advance goals and policies for parking management and multimodal transportation. Staff recommend that the City still retain parking requirements in the Waterfront zoning district (i.e., Golden Gate Fields racetrack). Amendments to this district require voter approval, which is not contemplated at this time.

Notably, the City is not required to codify AB2097 in its Zoning Ordinance, nor implement either of these options. However, implementing AB2097 can have some advantages.

- Establish consistent standards between State law and the City's zoning regulations.

- Advance state goals and policies in Albany's General Plan and Climate Action and Adaptation Plan.
- Encourage investment in and use of alternative modes of transportation

On the other hand, reducing or eliminating parking can have some potential pitfalls. Mostly notably, finding on-street parking and spillover parking in neighborhoods. Future budgets and work plans could consider adoption of residential permit parking and related technologies, such as license plate readers, to manage on-street parking and prevent overcrowding. These benefits and drawbacks are discussed more fully in Attachment #1.

Finally, as noted above, the City currently collects parking exception fees to cover staff time for processing parking exceptions. These revenues would go away with the removal of parking requirements and the parking exception process. However, the City staff time spent to process these exceptions would also be eliminated, freeing up staff time for other purposes.

Adopted Plans Goals and Policies

The Albany General Plan and the Albany Climate Action and Adaptation Plan contains numerous goals and policies concerning parking and multimodal transportation. Please see Attachment #1 for a detailed list of these goals and policies, some of which can be advanced through implementation of AB2097, described herein, and future parking management programs.

Social Equity and Inclusion

As noted in Attachment #1, parking requirements have had the effect of providing free parking for motorists for most trips, whether to their residences or to local businesses. Until recently, bicyclists, pedestrians, and transit users were not afforded similar benefits. Notably, the City now has requirements for bicycle parking, and the San Pablo Avenue Specific Plan requires free transit passes for residents of new housing projects. These changes aim to improve options for residents who cannot afford to own vehicles or otherwise choose not to.

Reducing parking requirements can free up more space for housing and commercial development and reduce the overall costs of housing. If parking is not required or is reduced on the ground-floor, this can free up space for retail and reduce costs associated with construction of parking, especially for underground parking or concrete podiums. As noted in Attachment #1, parking spaces add about 17% to a unit's rent and 13% to a for-sale unit's costs compared to units without parking. This directly impacts carless households, which are often low-income households.

ENVIRONMENTAL REVIEW

No environmental review is required at this study session since no formal action is proposed. Parking is no longer an impact topic under the California Environmental Quality Act (CEQA).

NEXT STEPS

Following review and feedback by the Planning & Zoning Commission, consultants will prepare revised zoning standards for the Commission's consideration.

ATTACHMENTS

1. Assembly Bill 2097
2. City of Albany Municipal Code Section 20.28 Off-Street Parking Requirements
3. Siegman & Associates Technical Memorandum