

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Prepared Date: 5/9/05
Agenda Date: 5/16/05
Reviewed by: _____

SUBJECT: Appeal of Planning and Zoning Commission denial of a Parking Reduction to allow the waiver of five additional parking spaces that would be required due to the change in use from retail to restaurant with take-out, 1485-A Solano Avenue.

FROM: Billy Gross, Associate Planner

RECOMMENDATION

Uphold the decision of the Planning and Zoning Commission and approve the findings as found in the April 12, 2005 Notice of Action to support the denial of the application.

PROJECT DESCRIPTION

The applicant is proposing to locate a coffee shop (considered a restaurant, with take-out, use) in one of two commercial spaces at 1485 Solano. The subject space is 1485-A Solano, which was previously a professional office use. The use located in 1485-B Solano is a dental office. The subject site is located on the north side of Solano Avenue, between Santa Fe Avenue and Curtis Street. There are no off-street parking spaces available for this building.

The subject commercial space is 588 square feet. The parking requirements for a professional office use were one (1) off-street space per 400 square feet of floor area, which would result in a need for one off-street space (588 sq. ft. divided by 400 sq. ft. = 1.47, which is rounded down to 1). A restaurant with take-out use has a parking requirement of one off-street space per 100 square feet of floor area. Therefore the parking requirement for the expansion increases from one to six off-street parking spaces, an intensification of five spaces. The applicant is requesting a five space parking reduction.

BACKGROUND

This item was originally heard by the Planning and Zoning Commission on April 12, 2005. The Commission received letters in opposition to the application, and heard public testimony both in support and in opposition to the application. The applicant also submitted a petition of support for the proposed restaurant. A copy of all submitted materials are attached to this staff report.

Only four of the five Commissioners were present when this application was heard, and Commissioner Moss recused himself due to living within 300 feet of the property. As the attached minutes discuss, the Commissioners were generally in favor of the use but were concerned regarding the parking requirements and the existing parking situation along this portion of Solano Avenue. Commissioner Panian moved approval of the parking waiver, but the motion did not receive a second. Commissioner Arkin moved to continue the meeting to a date when four Commissioners would be able to discuss the application, but after a brief discussion with the applicant, this motion also failed to receive a second. After further consultation with the applicant, the Commission came to agreement that the City Council should review this as a policy issue as it relates to the recently revised zoning ordinance. Commissioner Arkin moved that the application be denied per the staff recommendation, with Chair Flavell seconding the motion. This would allow the applicant to appeal the decision to the City Council.

This denial is being appealed to the City Council on the basis that the business as proposed will not operate as a destination business during peak parking hours and will instead be served primarily by foot traffic, and therefore a parking waiver would be justified for this use.

REGULATORY REQUIREMENTS

This project address is located in the SC, Solano Commercial zoning district. Restaurant uses are permitted in the SC District without a conditional use permit and are subject to all other District Regulations.

Subsection 20.28.030.B of the Zoning Ordinance lists the parking requirements for each use. These parking requirements are allowed to be adjusted for any nonresidential use in an existing building through a use permit process. In granting an adjustment the following findings must be made:

- a. *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.*
- b. *The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand.*
- c. *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.*

ANALYSIS OF REQUIRED FINDINGS

Staff's analysis is based on the ability to approve or deny the application based on the above findings. It is also staff's interpretation that all three of the findings must be made to be able to grant an adjustment to the parking requirements. The findings are listed below, along with staff's comments.

- a. *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.* Staff could not find a comparable situation where a take-out restaurant use shared space in the same building as a medical office. If an applicant wanted to combine these uses in a new building of the same size, the overall parking requirement would be 12 parking spaces. If the restaurant were going into a separate structure and was the only use on the site, staff might be able to find that the parking demand would be less than the required number of spaces based on the small total square footage of the use (less than 600 square feet). However, because the use would be in the same structure as a medical office and there is no off-street parking for either of the uses, staff does not believe this finding can be made in this case.
- b. *The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand.* Staff does not believe that this finding can be made. In general, the parking demand for a restaurant use is greater than the parking demand for a professional office use, which was the previous use in this space. This demand increases with a take-out use, which allows more customers to be served within any given time.
- c. *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.* Staff first reviewed the Solano Avenue Parking Study, which was completed in July of 2000. The parking study surveyed only Solano Avenue on-street parking and does not include any off-street parking areas. Attachment 2 is a table that shows the amount of on-street parking spaces occupied approximately 2 blocks in each direction from 1485 Solano. The top column states the street name and the number of total parking spaces available, and the remainder of each column states the number of spaces occupied during each data set (two weekday counts and one weekend count were performed). The final column shows the percentage of total spaces occupied within the five blocks. All percentages in excess of 80% have been outlined in a dark black line. As can be seen in the table, from 11am to 10pm, there were only 3 instances out of 33 total counts where the total percentage was less than 80%. This study was completed prior to the dental use being approved at 1485-B Solano Avenue. Staff also performed random field checks, which verified that the survey results are still accurate in this area.

Staff believes that in and of itself the proposed use would be a positive use along Solano Ave. If the application were being proposed 2 blocks to the east or west as a stand-alone use and not in conjunction with a medical use, staff believes the above findings could be made to approve the parking reduction. This application, however, is proposed on the section of Solano Avenue that is the hardest to find vacant parking spaces, as well as in the same building as a medical use that also provides no off-street parking. The applicant states that the restaurant as proposed would be served primarily by foot traffic. However, once a parking reduction to allow a take-out restaurant in this space is allowed, any use that met the definition of a take-out restaurant (i.e. coffee-shop, pizza-parlor, etc.) could be located at this address without further review. It is not possible to forecast the

percentage of customers that would drive to the site as opposed to walk to the site. These site specifics make it difficult for staff to recommend that the required findings, as stated in the newly revised Zoning Ordinance, can be made to allow a parking reduction for the proposed use.

SUMMARY

Staff recommends that the City Council uphold the decision of the Planning and Zoning Commission and approve the findings as found in the April 12, 2005 Notice of Action to support the denial of the application.

ATTACHMENTS

- A Appeal application
- B Table - "2000 Solano Avenue Parking Study - Spaces Occupied in proximity to 1485 Solano"
- C April 12, 2005 Planning and Zoning Commission Notice of Action
- D Minutes of the April 12, 2005 Planning and Zoning Commission meeting
- E Project Plans