

EMERYVILLE PLANNING COMMISSION

STAFF REPORT

Agenda Date: July 18, 2019

Report Date: July 25, 2109

TO: Emeryville Planning Commission

FROM: Charles S. Bryant, Community Development Director

SUBJECT: **Study Session on Planning Regulations Amendments to Eliminate Minimum Parking Requirements**

INTRODUCTION

The City Council has directed staff to prepare an ordinance amending the Planning Regulations to eliminate the minimum parking requirements. This, of course, requires a recommendation from the Planning Commission. As staff was preparing this ordinance, it became apparent that such an amendment, while at first appearing straightforward, actually has implications for many provisions throughout the Planning Regulations, and also provides an opportunity to address other parking-related issues. Thus, staff has scheduled this study session to provide the Commission with a briefing on the changes that are being proposed, and to get the Commission's feedback and direction.

BACKGROUND

The City's current off-street parking requirements were adopted as part of the new Planning Regulations, which were enacted by Ordinance No. 13-001 on February 5, 2013, and which took effect on March 7, 2013. They are contained in Article 4 of Chapter 4 of the Planning Regulations, which are Title 9 of the Emeryville Municipal Code (EMC).

The off-street parking requirements provide for a range of allowable parking spaces for each use, from a minimum to a maximum, based on an "estimated parking demand". The minimum number of spaces required is 33% less than the estimated parking demand, and the maximum number of spaces allowed is 10% more than the estimated parking demand. For example, office uses have an estimated parking demand of 2.4 spaces per 1,000 square feet. The minimum requirement is 1.6 spaces per 1,000 square feet (33% less than 2.4) and the maximum number of spaces allowed is 2.64 spaces per 1,000 square feet (10% more than 2.4). For residential uses, the estimated parking demand is 1 space per unit (not including guest parking, if required). The minimum requirement is therefore 0.67 spaces per unit, and the maximum is 1.1 spaces per unit. The first 1,500 square feet of floor area is deducted when calculating the parking requirement for a non-residential use, so uses of less than 1,500 square feet are not required to provide parking. All parking requirements (minimum and maximum) are reduced by 50% in the TH Transit Hub Overlay Zone, and local-serving uses having a gross floor area of 5,000 square feet or less are exempt from parking requirements in the NR Neighborhood Retail Overlay Zone.

The parking minimum may be reduced or waived, and the maximum may be increased, upon the granting of a conditional use permit by the Planning Commission. To grant a conditional use permit to reduce or waive the minimum parking requirement, the Planning Commission must find that adequate measures will be put in place to reduce parking demand such as promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting, and that the reduction or elimination of the required parking spaces will not result in parking impacts on adjacent uses due to overflow parking. To grant a conditional use permit to provide more than the allowed maximum number of parking spaces, the Planning Commission must find that the applicant has convincingly demonstrated that the additional parking is required to meet the anticipated parking demand of the proposed uses, and that the provision of the additional parking will not result in an over dependence on automobiles and will not adversely affect transit, bicycle, or pedestrian access to the site or other adjacent uses.

At the March 5, 2019 City Council meeting, the Council directed that the Planning Regulations be amended to eliminate the minimum parking requirement, while still retaining the limitation on allowable maximums. Upon further review, staff has noted other provisions of the Planning Regulations that are related to the minimum parking requirements, and which therefore must also be amended. Staff has also taken this opportunity to address other parking-related issues. A “red-line” version of the proposed amendments to the Planning Regulations is attached for reference. In the discussion below, relevant code sections are noted.

DISCUSSION

Consistency with General Plan

Elimination of the minimum parking requirement, while still allowing property owners and developers the option of providing parking if they wish to, is consistent with the General Plan concept of reducing dependence on automobiles and promoting alternative modes of transportation.

General Plan Guiding Principal 5, “A diversity of transportation modes and choices”, states:

“The General Plan fosters and provides incentives for alternative transportation modes, including transit, car/vanpooling, bicycling, walking, and telecommuting. Residents will be able to access stores, offices, the waterfront, or regional transit networks without needing a car. Land uses capitalize on Amtrak, AC Transit, and Transbay bus lines, and proximity to BART, and are integrated with the Emery Go-Round that extends to within walking distance of most locations. Bicycle paths link housing, activity centers, and recreational amenities, and are buffered where feasible from automobiles to further safety.”

General Plan goals and policies related to off-street parking include:

- Transportation Goal T-G-8: A balanced parking supply system – Parking supply that balances economic development, livable neighborhoods, environmental and energy sustainability, and public safety, while reducing dependence on the automobile.
- Transportation Policy T-P-49: Quality of life and business viability will be promoted by maintaining an adequate supply of parking to serve growing needs, while avoiding excessive supplies that discourage transit ridership and disrupt the urban fabric.
- Transportation Policy T-P-51: The City supports parking supply and pricing as a strategy to encourage use of transit, carpools, bicycles, and walking.
- Transportation Policy T-P-52: Flexible parking standards are encouraged that reflect calculated parking demand for proposed land uses and that allow for appropriate offsets to reduce parking demand and encourage walking, bicycling, carpooling, and transit use.

No General Plan amendment is required to implement the proposed modifications to the Planning Regulations.

Elimination of Parking Minimums

The principal changes that must be made to the Planning Regulations to implement the Council's direction are to Section 9-4.404(g), which stipulates the minimum and maximum number of parking spaces, and Section 9-4.404(h), which sets forth the required findings to provide less than the required minimum or more than the allowed maximum number of parking spaces.

Specifically, Section 9-4.404(g)(1) states that the minimum number of parking spaces required is 33% less than the estimated parking demand, while 9-4.404(g)(2) states that the maximum number of parking spaces allowed is 10% more than the estimated parking demand. The minimum requirement in Section 9-4.404(g)(1) would be deleted, while the maximum in Section 9-4.404(g)(2) would be retained.

Section 9-4.404(h) sets forth the conditional use permit requirements and findings to provide parking that is less than the minimum (Section 9-4.404(h)(1)) or more than the maximum (Section 9-4.404(h)(2)). The requirements and findings for parking less than the minimum would be deleted, while the requirements and findings for parking more than the maximum would be retained.

These sections would be consolidated and renumbered as appropriate.

Similar provisions related to the minimum parking requirement in Sections 9-3.406 and 9-4.402(d) regarding the TH Transit Hub Overlay Zone, and in Section 9-5.1407 regarding Accessory Dwelling Units, would also be deleted.

The findings in the current code for providing less parking than the minimum include “That adequate measures will be put in place to reduce parking demand such as promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting.” Staff feels that this is an important concept to keep in the code. Therefore, it is proposed to add a provision that projects that provide less parking than the estimated demand may be conditioned, as appropriate, to require that adequate measures be put in place to reduce parking demand such as promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting. This will allow the decision makers to include such a condition of approval if the situation warrants. (Proposed Section 9-4.404(g).)

Off-Street Parking Would No Longer Be Required

While it may not be immediately obvious, eliminating the minimum parking requirement, while still allowing parking to be provided, has the effect of making off-street parking optional and no longer mandatory. Therefore, all mandatory language in the Planning Regulations related to parking, such as “parking requirements” and “required parking” needs to be changed to make it clear that off-street parking would not be mandatory.

References to parking “requirements” would be changed to appropriate non-mandatory language, depending on the context, or the word “required” would simply be removed. For example:

- In Section 9-4.401(e): “The purposes of the off-street parking and loading regulations are to: ... Offer flexible means of minimizing the amount of land area devoted to parking of automobiles by allowing reductions in the number of ~~required~~ parking spaces in transit-served locations, ...”
- In Section 9-4.402 (a): “**New Development.** Unless otherwise specified, the parking and loading ~~requirements~~ provisions of this Article apply to all new buildings and to all new conditionally permitted uses in existing buildings.”
- In Section 9-4.402 (b): “**Enlargements and Expansions.** Unless otherwise specified, the parking and loading ~~requirements~~ provisions of this Article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading ~~requirements~~ provisions for that use. Additional off-street parking and loading spaces are ~~required~~ intended only to serve the enlarged or expanded area.”
- In Section 9-4.402(c): “**Damage or Destruction.** When a use that has been involuntarily damaged or destroyed is re-established, off-street parking and loading facilities ~~must~~ may also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those ~~required~~ allowed by this Article.”

There are approximately 30 instances of such mandatory language concerning parking in the Planning Regulations that would need to be modified.

Bicycle Parking

Under the current regulations, bicycle parking requirements are tied to automobile parking requirements, so eliminating the minimum automobile parking requirement has the effect of making bicycle parking non-mandatory. To remedy this, staff proposes to uncouple the bicycle parking requirement from the automobile parking requirement.

For nonresidential uses, the long-term bicycle parking requirement (i.e. secure interior parking) and the short-term requirement (i.e. exterior bike racks) is one space for every ten automobile parking spaces. Staff proposes to tie this requirement to the estimated demand for automobile parking in Table 9-4.404, stipulating that the long-term and short-term bicycle parking requirements would each be one space for every 10 automobile spaces of estimated demand, regardless of whether or how much automobile parking is actually proposed to be provided. (Sections 9-4.408(e) and (f).)

For residential uses, the long-term bicycle parking requirement would remain at one space per unit, while the short-term requirement would be one space for every 20 units, rather than the current requirement of one space for every four visitor automobile parking spaces. (Sections 9-4.408(e) and (f).)

Staff also proposes to take this opportunity to make a few other minor improvements to the bicycle parking requirements, including:

- Modifications to bicycle parking standards (not number of spaces) may be made by the Director, Planning Commission, or City Council, as the case may be, because of the nature of the use or design of the project. This mirrors a similar provision in the existing regulations for loading. (Proposed Section 9-4.408(d)(3).)
- For non-residential uses of 3,000 square feet or less where interior long-term bicycle parking is not feasible due to physical limitations, short-term bicycle parking spaces may be substituted on a one-for-one basis. (Proposed Section 9-4.408(f)(2)c.)

Parking Substitutions and Credits

Certain provisions related to substitutions or credits for required parking would need to be modified or deleted, since parking would no longer be required. These include:

- In order to encourage the preservation and reuse of significant structures, the current code stipulates that projects that convert a significant structure that has a legal nonconforming parking deficiency to a different use shall receive a parking credit equal to the number of required automobile parking spaces unmet by the previous use. Since parking would no

longer be required, such an incentive would be moot, and this section would therefore be deleted. It should be noted, however, that demolition of a significant structure requires City Council approval, while its preservation and reuse requires only a minor conditional use permit, which in itself is an incentive to preserve and reuse the building. (Section 9-4.404(d), proposed to be deleted.)

- A credit of one required automobile parking space for every four motorcycle spaces is allowed under the current code. Staff proposes to modify this to stipulate that, when calculating automobile parking, every four motorcycle spaces would count as one automobile space, although the automobile parking would not be “required”. As in the current code, there would a limit on motorcycle parking of five percent of the total number of automobile parking spaces. (Section 9-4.404(e), proposed to be relettered (d).)
- The current code allows for the payment of a parking in-lieu fee rather than providing the required parking on-site. Since parking would no longer be required, the parking in-lieu fee would be moot, and this provision would be deleted. The parking in-lieu fee would also need to be removed from the Master Fee Schedule. It should be noted that the parking in-lieu fee has never been used, so this change is not significant. (Section 9-4.407(d), proposed to be deleted.)

Existing Parking

The current code generally requires existing parking to be retained and not to be reduced below the number of spaces that would be required. This would be modified to allow existing parking to be reduced or eliminated altogether. (Section 9-4.403(a).)

Under the current regulations, nonconforming uses may be expanded or altered, provided that any existing parking is not reduced below the number of spaces that would be required. Since parking would no longer be required, these provisions would be modified to allow existing parking to be reduced or eliminated. They would also be clarified to stipulate that, if existing parking is proposed to be reconfigured, it must comply with the requirements for parking design (i.e. dimensions of parking spaces and maneuvering aisles, etc.). (Sections 9-5.1009(c) and 9-4.403(d).)

Any use allowed under a previous planning entitlement, such as a conditional use permit, design review, variance, or Planned Unit Development, is subject to the conditions included in its approval, which may include parking. Staff proposes to add a provision to allow the parking requirements of such a previously approved use to be reduced or eliminated with a minor conditional use permit. (Sections 9-5.1003(f) and proposed Section 9-4.403(a)(1)a.)

Other Modifications

Additional modifications to the Planning Regulations necessary to implement the elimination of mandatory parking include the following:

- Under “Location of Parking Areas”, it is stipulated that “no off-street parking spaces shall be located between the front lot line and the front wall of a building or its projection across the lot, except upon the granting of a conditional use permit”. One of the findings for such a conditional use permit needs to be modified to clarify that this parking is allowed but not required: “That the proposed number of parking spaces ~~are required by this Article.~~ does not exceed the maximum number allowed pursuant to Section 9-4.404(f) unless a conditional use permit to exceed the maximum is granted pursuant to Section 9-4.404(h).” (Section 9-4.406(b)(3)a.)
- Similarly under “Alternative Parking Plan”, which requires a conditional use permit, an additional finding is proposed: “That the proposed number of parking spaces does not exceed the maximum number allowed pursuant to Section 9-4.404(f) unless a conditional use permit to exceed the maximum is granted pursuant to Section 9-4.404(h).” (Proposed Section 9-4.407(a)(3).)
- Required off-street parking is identified in Section 9-2.702(k) as a “use that is always an accessory use”, but that parking in excess of the requirements can be operated as the principal use of “Parking” (i.e. a commercial parking lot not associated with another principal use). This section is proposed to be modified as follows: “Off street parking, with or without a fee, that is intended to meet the parking ~~requirements~~ provisions of Article 4 of Chapter 4. Parking in excess of ~~such requirements~~ the needs of the principal use with which it is associated may be operated separately as the principal use of Parking described in Section 9-2.343.”
- In the Conditional Use Permits portion of the Administration and Permits chapter of the Planning Regulations, the reference to a conditional use permit for parking less than the required minimum would be deleted. (Section 9-7.502(e)(1).)

Other parking-related modifications to the Planning Regulations that staff proposes to make include:

- Under “Applicability” in the Parking and Loading provisions it is proposed to add a Section clarifying that “The parking and loading provisions of this Article apply only to principal uses and not to accessory uses.” (Proposed Section 9-4.402(d).)
- In Section 9-4.406(b) regarding location of parking spaces in front of a building, the required finding that “there is no other feasible way to provide the required parking” is proposed to be replaced with “the proposed parking spaces would result in an effective design solution improving livability, operational efficiency, or appearance”. This would allow more flexibility, and mirrors a similar finding for Exceptions to Standards.
- In Section 9-4.406(c)(2)a., “Vehicle Flow” under “Driveways and Access”, it is proposed to add a requirement that “Dead-end maneuvering aisles shall be designed with sufficient room at the end for a motor vehicle to turn around.”

- Section 9-4.406(l), “Electric Vehicle Charging Stations” is proposed to be amended to reference the requirements of the California Green Building Code. The Planning Regulations currently require that three percent of spaces be electric vehicle (EV) charging stations for Multi-Unit Residential and Lodging: Hotels and Motels uses, which reflects the current requirements of the Green Building Code. However, in the 2019 California Green Building Code, which will take effect on January 1, 2020, this requirement has been increased to 10 percent, and may increase further in future codes. To ensure that the Planning Regulations maintain consistency with the State code, it is proposed to amend this Section to simply require whatever the Green Building Code requires, for all uses.

STAFF COMMENTS

Staff has researched the codes of other cities that have eliminated parking requirements in certain areas or in the entire city. The cities identified by staff include San Francisco (citywide); Oakland (downtown); Fremont (Warm Springs/South Fremont); Mountain View (North Bayshore); Sacramento (citywide for retail, restaurant and service uses); Portland, Oregon (downtown); Jersey City, New Jersey (various areas); Mexico City (citywide); and Oakville, near Toronto, Ontario (downtown).

The staff-level Development Coordinating Committee discussed the proposed amendments to the Planning Regulations on July 10, 2019. Staff unanimously supported the elimination of the minimum parking requirement, and made many useful suggestions that have been incorporated into the proposed code modifications, as discussed above.

RECOMMENDATION

Staff requests the Commission’s direction on the following discussion questions:

1. Does the Commission support the elimination of the minimum parking requirement?
2. Does the Commission have any comments or suggestions on the Planning Regulations amendments proposed by staff?
3. Does the Commission have any additional suggestions for modifications to the Planning Regulations related to parking?

NEXT STEPS

Following this study session, the City Council will hold a study session on these issues. Based on the direction from the Commission and Council, staff will prepare an ordinance with proposed modifications to the Planning Regulations for future consideration by the Planning Commission and City Council.

Attachment: Proposed Planning Regulations Amendments (red-line)

PROPOSED PLANNING REGULATIONS AMENDMENTS RELATED TO ELIMINATING MINIMUM PARKING REQUIREMENTS

July 25, 2019

CHAPTER 2. USE CLASSIFICATION

ARTICLE 7. PRINCIPAL AND ACCESSORY USES

9-2.702 Uses That Are Always Accessory Uses.

Accessory use classifications are limited to uses that are subordinate, incidental to, or serve a principal use. Accessory use classifications may not function as primary uses. The following uses shall always be considered accessory to a principal use.

- (k) **Off Street Parking.** Off street parking, with or without a fee, that is intended to meet the parking ~~requirements-provisions~~ of Article 4 of Chapter 4. Parking in excess of ~~such requirements~~ the needs of the principal use with which it is associated may be operated separately as the principal use of Parking described in Section 9-2.343.

CHAPTER 3. ZONING DISTRICTS

ARTICLE 4. OVERLAY ZONE REGULATIONS

9-3.406 TH Transit Hub Overlay Zone.

(a) Zone Regulations.

- (1) Parking Reduction. ~~Minimum and m~~Maximum parking ~~requirements-allowances~~ shall be reduced to 50% of the ~~requirements-allowances~~ set forth in Article 4 of Chapter 4. ~~Minimum parking requirements may be further reduced or eliminated upon the granting of a conditional use permit pursuant to the requirements of Article 4 of Chapter 4 and subsection (b) of this Section.~~
- (2) Design Guidelines. All development proposals in the TH Transit Hub Overlay Zone shall be subject to the applicable provisions of the Emeryville Design Guidelines, including but not limited to those pertaining to Transit Hubs, as required by Article 4 of Chapter 7.

- (b) **Findings.** ~~There are no special findings in the TH overlay zone. To grant a conditional use permit to reduce or eliminate minimum parking requirements for uses in the TH overlay zone pursuant to subsection (a)(1) of this Section, the following finding must be made in addition to the findings required by Article 5 of Chapter 7 and Article 4 of Chapter 4:~~

- (1) ~~That the use includes significant amenities to encourage transit use and increase pedestrian comfort.~~

CHAPTER 4.
SITE DEVELOPMENT REGULATIONS

ARTICLE 4. PARKING AND LOADING

9-4.401 Purpose.

The purposes of the off-street parking and loading regulations are to:

- (a) Ensure that adequate, but not excessive, off-street parking and loading facilities are provided for new uses and major alterations to existing uses;
- (b) Avoid the negative impacts associated with spillover parking into adjacent neighborhoods, and minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;
- (c) Address the circulation and access needs of bicyclists and pedestrians by requiring bicycle parking facilities and promoting parking lot designs that offer safe and attractive pedestrian routes;
- (d) Establish standards and regulations for safe and well-designed parking, loading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots and, where appropriate, create buffers from surrounding land uses;
- (e) Offer flexible means of minimizing the amount of land area devoted to parking of automobiles by allowing reductions in the number of ~~required~~ parking spaces in transit-served locations, for shared parking facilities, and for other situations expected to have lower vehicle parking demand; and
- (f) Reduce urban stormwater run-off and heat island effect.

9-4.402 Applicability.

- (a) **New Development.** Unless otherwise specified, the parking and loading ~~requirements~~ provisions of this Article apply to all new buildings and to all new conditionally permitted uses in existing buildings.
- (b) **Enlargements and Expansions.** Unless otherwise specified, the parking and loading ~~requirements-provisions~~ of this Article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading ~~requirements-provisions~~ for that use. Additional off-street parking and loading spaces are ~~required-intended~~ only to serve the enlarged or expanded area.
- (c) **Damage or Destruction.** When a use that has been involuntarily damaged or destroyed is re-established, off-street parking and loading facilities ~~must-may~~ also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those ~~required-allowed~~ by this Article. Also see the Nonconforming Use Regulations at Article 10 of Chapter 5.

(d) **Principal and Accessory Uses.** The parking and loading provisions of this Article apply only to principal uses and not to accessory uses.

(de) **Exceptions.**

- (1) Neighborhood Retail Overlay Zone. Pursuant to Section 9-3.404(a)(4), in the NR Neighborhood Retail Overlay Zone local-serving uses having a gross floor area of 5,000 square feet or less are exempt from the off-street parking and loading ~~requirements-provisions~~ of this Article.
- (2) Transit Hub Overlay Zone. Pursuant to Section 9-3.406(a)(1), in the TH Transit Hub Overlay Zone ~~minimum and~~ maximum parking ~~requirements-allowances~~ shall be reduced to 50% of the ~~requirements-allowances~~ set forth in this Article; ~~and minimum parking requirements may be further reduced or eliminated upon the granting of a conditional use permit pursuant to the requirements of this Article and Section 9-3.406(b).~~
- (3) Alternative Parking Plans. If an alternative parking plan is approved pursuant to Section 9-4.407, the off-street parking ~~requirements~~ shall be subject to the provisions of said plan.

9-4.403 General Regulations and Standards.

(a) ~~No~~ Reduction in Off-Street Parking and Loading Spaces.

(1) ~~Parking.~~

a. ~~Off-street parking spaces established as of the effective date of this Article may be reduced in number or eliminated entirely. If such spaces are required as a condition of approval of a planning permit, they may be reduced in number or eliminated entirely upon the granting of a minor conditional use permit.~~

b. ~~Surplus off-street parking spaces may be rented out to non-occupants of the property with the provision that such spaces must be vacated on 30 days' notice if they become needed by occupants of the property~~

(2) ~~Loading.~~ Off-street ~~parking and~~ loading spaces established as of the effective date of this Article shall not be reduced in number during the life of such building or land use below that which would be required for a new building or use of a similar type under the requirements of this Article. All such off-street ~~parking and~~ loading spaces shall remain permanently available and accessible for the ~~parking or~~ loading of vehicles by occupants of the property, as intended by the requirements of this Article; ~~except that any surplus spaces may be rented out to non-occupants with the provision that such spaces must be vacated on 30 days' notice if they become needed by occupants of the property.~~

(b) **Separate Parking and Loading Spaces.** No area may be utilized and counted both as a ~~required~~ parking space and a required loading space. However, maneuvering aisles and driveways may serve both ~~required~~ parking spaces and loading spaces if they meet the requirements specified in this Article for both parking and loading facilities.

- (c) **Disabled Parking.** Parking spaces for the disabled shall be provided as required by the Building Regulations in Title 8. Such spaces may be counted towards the parking ~~requirements-allowances~~ of this Article.
- (d) **Nonconforming Parking Facilities.** Existing buildings whose off-street ~~parking and~~ loading facilities do not conform to the requirements of this Article may be enlarged or expanded, provided that additional ~~parking and~~ loading facilities shall be added so that the enlarged or expanded portion of the building conforms to the requirements of this Article, subject to the applicable provisions for Nonconforming Uses and Structures in Article 10 of Chapter 5. Existing buildings whose off-street parking facilities do not conform to the design standards of this Article may be enlarged or expanded, provided that, if the parking is to be reconfigured, the parking facilities shall be redesigned to conform to the design standards of this Article. In redesigning existing parking facilities to conform to the design standards of this Article, the number of parking spaces may be reduced, or the parking may be eliminated entirely.
- (e) **Unbundled Parking.** The following rules shall apply to the sale or rental of parking spaces in new Multi-Unit Residential Uses of ten units or more:
- (1) All off-street parking spaces shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).
 - (2) In cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential buyers or renters of three-bedroom or more units, second to potential buyers or renters of two bedroom units, and then to potential buyers and renters of other units.
 - (3) Potential buyers and renters of affordable units shall have an equal opportunity to buy or rent a parking space on the same terms and conditions as offered to potential buyers and renters of market rate units, at a price proportional to the sale or rental price of their units as compared to comparable market rate units. This stipulation shall be included in any agreement recorded between the City and developer pertaining to the affordable housing units pursuant to Article 4 of Chapter 5.
 - (4) Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces may be rented out to non-residents with the provision that such spaces must be vacated on 30 days' notice if they become needed by residents. ~~Required v~~Visitor spaces shall not be rented out.

The Director may grant an exception from the requirements of this subsection for affordable units which include financing for affordable housing that requires that costs for parking and housing be bundled together.

- (f) **Surface Parking Lots.** Surface parking lots shall be subject to the following restrictions and standards. The area of a surface parking lot shall include all features within the lot's

outer edges, including all parking spaces, maneuvering aisles, access driveways, and perimeter and interior landscaping, walkways, and other features.

- (1) Large Parking Lots. New or expanded surface parking lots of more than two acres are prohibited. Such parking facilities shall be provided within buildings or parking structures, or shall be otherwise covered by a structure that serves a non-parking function such as solar panels, recreational facilities, roof deck, or green roof.
- (2) Medium Parking Lots. New or expanded surface parking lots of greater than one-half acre but not more than two acres may be allowed with a conditional use permit. To grant such a conditional use permit, the following findings must be made in addition to the findings required by Article 5 of Chapter 7:
 - a. That the applicant has convincingly demonstrated that it is infeasible to provide the parking within a building or parking structure, or to otherwise cover it.
 - b. That the applicant has convincingly demonstrated that every reasonable effort has been made to minimize the size of the parking lot.
 - c. That the parking spaces comply with the requirements of this Article including the design standards of Section 9-4.406.
 - d. That the applicable provisions of the Emeryville Design Guidelines, including but not limited to those pertaining to Parking and Access, have been met.
- (3) Small Parking Lots. New or expanded surface parking lots of no more than one-half acre are permitted subject to the requirements of this Article including the design standards of Section 9-4.406.
- (4) Pedestrian Circulation. Parking lots containing 50 or more spaces shall have walkways separated from motor vehicle maneuvering aisles and driveways connecting the principal building or buildings served by the lot to the farthest point of the lot from the main pedestrian entrance of such building or buildings.
 - a. Materials and Width. Walkways shall provide at least four feet of unobstructed width and be hard-surfaced.
 - b. Identification. Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, different paving material, or similar method.
 - c. Separation. Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least six inches high, bollards, or other physical barrier.

9-4.404 Calculation of Parking ~~Requirement~~Demand.

The ~~minimum number of parking spaces required and the~~ maximum number of parking spaces allowed shall be based on the estimated parking demand by use type as listed in Table 9-4.404. The following rules apply when calculating the estimated parking demand:

- (a) **Multiple Uses.** When two or more principal uses are located on the same lot, the estimated parking demand shall be the sum of the estimated demand of the various individual uses computed separately, in accordance with this Section, unless shared parking is approved pursuant to Section 9-4.405.
- (b) **Area-Based Estimates.** All area-based estimated parking demands shall be computed on the basis of gross square footage, as defined in Chapter 8, which does not include parking or loading areas.
- (c) **Exclusion of First 1,500 Square Feet.** For all non-residential uses with area-based estimated parking demands, the first 1,500 square feet shall be subtracted from the gross square footage of the use when calculating the estimated parking demand. When there are multiple principal uses on the same lot with separate estimated parking demands, pursuant to subsection (a) above, the first 1,500 square feet shall be subtracted from each such use. Any use that occupies 1,500 square feet or less is not required to provide off-street parking.
- ~~(d) **Parking Credit for Reuse of Significant Structures.** Projects that convert a significant structure that has a legal nonconforming parking deficiency to a different use shall receive a credit equal to the number of required automobile parking spaces unmet by the previous use.~~
- ~~(ed) **Motorcycle Parking.** When calculating the estimated parking demand, There shall be a credit of one automobile parking space for every four motorcycle parking spaces provided shall be counted as one automobile parking space, not to exceed five percent of the total number of automobile parking spaces ~~required~~. Motorcycle parking spaces shall be no less than four feet wide by eight feet long with an aisle width of no less than ten feet and shall be clearly marked.~~
- ~~(fe) **If Estimated Parking Demand is “To be Determined”.**~~
 - (1) If Table 9-4.404 indicates that the estimated parking demand is to be determined (“TBD”), the estimated parking demand shall be determined based on the characteristics of the specific use in question and other similar uses. Where no Planning Commission or City Council approval is required, the Director shall determine the estimated parking demand; the Director’s determination may be appealed to the Planning Commission in accordance with the appeal procedures in Article 14 of Chapter 7. Where Planning Commission or City Council approval is required, the Commission or Council, as the case may be, shall determine the estimated parking demand based on a recommendation from the Director.
 - (2) If the Director has classified a use not listed pursuant to Section 9-2.102(d), the estimated parking demand may be determined pursuant to subsection (e)(1) above.
- ~~(gf) **Minimum and Maximum Parking Requirements.** ~~Except as otherwise provided in this Section, no less than the~~ There is no minimum number of parking spaces required for any use, and no more than the allowed maximum number of parking spaces, as required stipulated by this subsection, shall may be provided for each use.~~
- ~~(1) **Minimum.** The minimum number of parking spaces required shall be 33% less than the estimated parking demand as indicated in Table 9-4.404.~~

- (2) ~~Maximum.~~ The maximum number of parking spaces allowed shall be ten percent more than the estimated parking demand as indicated in Table 9-4.404.
- (g) **Parking Spaces Below the Estimated Demand.** Projects that require planning permits and that provide fewer off-street parking spaces than the estimated parking demand, as calculated in accordance with this Section, may be conditioned, as appropriate, to require that adequate measures be put in place to reduce parking demand such as promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting.
- (h) **Parking Spaces ~~Below the Minimum or Above the Maximum.~~** Parking spaces ~~less than the required minimum or more than the allowed maximum~~ allowed by Section 9-4.404(f) may be provided upon the granting of a conditional use permit, ~~as set forth below.~~
- (1) ~~Parking Spaces Less Than the Minimum.~~ To grant a conditional use permit to provide less than the minimum number of parking spaces required by Section 9-4.404(f), including elimination of all parking spaces, the following findings must be made in addition to the findings required by Article 5 of Chapter 7:
- a. ~~That adequate measures will be put in place to reduce parking demand such as promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting.~~
- b. ~~That the reduction or elimination of the required parking spaces will not result in parking impacts on adjacent uses due to overflow parking.~~
- (2) ~~Parking Spaces More Than the Maximum.~~ To grant such a conditional use permit to provide more than the maximum number of parking spaces allowed by Section 9-4.404(g), the following findings must be made in addition to the findings required by Article 5 of Chapter 7:
- a.(1) That the applicant has convincingly demonstrated that the additional parking is required to meet the anticipated parking demand of the proposed uses.
- b.(2) That the provision of the additional parking will not result in an over dependence on automobiles and will not adversely affect transit, bicycle, or pedestrian access to the site or other adjacent uses.

Table 9-4.404: Estimated Parking Demand

Use Type	Number of spaces	Per
Residential Use Types		
Single Unit	1	dwelling unit
Two Unit and Multi-Unit		
All except senior ² and low-income housing ³		
Resident parking	1	dwelling unit
Guest parking for developments with five or more dwelling units	0.2	dwelling unit
Senior ² and low-income housing ³		
Resident parking	0.5	dwelling unit

Use Type	Number of spaces	Per
Guest parking for developments with five or more dwelling units	0.2	dwelling unit
Domestic Violence Shelter	0.25	bed
Group Residential		
<i>Small</i>	none	
<i>Large</i>	0.25	bed
Mobile Home Park	1	mobile home
Residential Care Facility		
<i>Limited</i>	none	
<i>General</i>	0.25	bed
Supportive Housing	0.25	bed
Transitional Housing	0.25	bed
Commercial and Institutional Use Types		
Adult Oriented Businesses		
<i>Retail</i>	3	1,000 gross square feet
<i>Performance</i>	5	1,000 gross square feet
Animal Care and Sales		
<i>Grooming</i>	TBD ¹	
<i>Kennel/Animal Care</i>	TBD ¹	
<i>Pet Stores</i>	3	1,000 gross square feet
<i>Veterinary Services</i>	3	1,000 gross square feet
Arts and Entertainment		
<i>Gallery</i>	1	1,000 gross square feet
<i>Indoor and Outdoor Entertainment</i>		
With fixed seats	0.2	seat ⁴
Without fixed seats	10	1,000 gross square feet of indoor assembly area
Banks and Financial Institutions	3	1,000 gross square feet
Business Services	3	1,000 gross square feet
Colleges and Trade Schools	0.5	maximum school population on-site at any one time, including students, teachers, and staff
Community Assembly		
<i>Small</i>	none	
<i>Large</i>		
With fixed seats	0.2	seat ⁴
Without fixed seats	10	1,000 gross square feet of indoor assembly area
Day Care Centers	3	1,000 gross square feet
Eating and Drinking Establishments		
<i>Bars/Nightclubs/Lounges</i>	8	1,000 gross square feet
<i>Restaurants</i>	8	1,000 gross square feet
<i>Mobile Food Vendors</i>	TBD ¹	
Emergency Shelters	TBD ¹	
Funeral Homes, Mortuaries and Mausoleums		
With fixed seats	0.2	seat ⁴
Without fixed seats	10	1,000 gross square feet of indoor

Use Type	Number of spaces	Per
		assembly area
Health Care		
<i>Clinics and Medical Offices</i>	3	1,000 gross square feet
<i>Hospitals</i>	3	1,000 gross square feet
<i>Medical Laboratories (non research)</i>	4	1,000 gross square feet
Instructional Services		
<i>Individual/ Small Group Instruction</i>	none	
<i>Group Instruction</i>	0.2	student
Libraries and Museums		
Libraries	2.3	1,000 gross square feet
Museums	1	1,000 gross square feet
Live/Work Unit - All		
The greater of	1.5	live/work unit
or	1.5	1,000 gross square feet
Lodging		
<i>Hotels and Motels</i>	0.5	room
<i>Bed & Breakfast</i>	TBD ¹	
Major Public Services	TBD ¹	
Marina	TBD ¹	
Motor Vehicle Sales and Services		
<i>Cleaning</i>	0.5	maximum number of employees on site at any one time
<i>Rentals</i>	1	maximum number of rental vehicles on site at any one time
plus	0.5	maximum number of employees on site at any one time
<i>Sales and Leasing</i>	1	1,000 gross square feet
<i>Repair and Service</i>	1	service bay ⁵
<i>Service Station</i>	1.2	fueling station ⁶
<i>Towing and Impounding</i>	TBD ¹	
Offices - All	2.4	1,000 gross square feet
Parking	none	
Personal Services		
<i>Small</i>	none	
<i>Large</i>	2.4	1,000 gross square feet
Public Safety Facilities	TBD ¹	
Recreation		
<i>Gaming</i>	5	1,000 gross square feet
<i>Indoor</i>	TBD ¹	
<i>Outdoor</i>	TBD ¹	
Repair Services	3	1,000 gross square feet
Retail		
<i>Fire Arms and Ammunition</i>	3	1,000 gross square feet
<i>Liquor Sales</i>	3	1,000 gross square feet
<i>Tobacco Shops</i>	3	1,000 gross square feet
<i>Small Stores</i>	3	1,000 gross square feet
<i>Medium Stores</i>	3	1,000 gross square feet

Use Type	Number of spaces	Per
<i>Large Stores</i>	4	1,000 gross square feet
<i>Outdoor Sales</i>	TBD ¹	
<i>Food and Beverage Sales</i>	3	1,000 gross square feet
<i>Cannabis Sales</i>	3	1,000 gross square feet
Schools	0.08	student
Social Service Facilities	3	1,000 gross square feet
Industrial Use Types		
Arts-Industrial - <i>All</i>	1	1,000 gross square feet
Commercial Kitchens	1	1,000 gross square feet
Construction and Maintenance	1	1,000 gross square feet
Crematories	1	1,000 gross square feet
Food Production and Assembly - <i>All</i>	1	1,000 gross square feet
Hazardous Waste Facilities - <i>All</i>	TBD ¹	
Laundry and Dry Cleaning Services	1	1,000 gross square feet
Manufacturing		
<i>Pharmaceutical</i>	1	1,000 gross square feet
<i>Custom</i>	0.75	1,000 gross square feet
<i>Light</i>	0.75	1,000 gross square feet
<i>General</i>	1	1,000 gross square feet
<i>Heavy</i>	1	1,000 gross square feet
<i>Cannabis Manufacturing</i>	1	1,000 gross square feet
Recycling Facilities - <i>All</i>	TBD ¹	
Research and Development	1.5	1,000 gross square feet
Salvage and Wrecking	TBD ¹	
Storage and Distribution		
<i>Indoor</i>	0.5	1,000 gross square feet
<i>Outdoor</i>	TBD ¹	
<i>Personal</i>	0.15	1,000 gross square feet
Agricultural Use Types		
Community Gardens	TBD ¹	
Indoor Agriculture	TBD ¹	
Outdoor Agriculture	TBD ¹	
Animal Husbandry	TBD ¹	
Communication, Transportation, and Utilities Use Types		
Communication Facilities		
<i>Transmission Towers</i>	none	
<i>Equipment within Buildings</i>	0.5	maximum number of employees on site at any one time
Transportation and Delivery Services		
<i>Bus/Rail Passenger Stations</i>	60	1,000 daily boardings
<i>Truck/Rail Freight Terminals</i>	0.5	maximum number of employees on site at any one time
<i>Human-Powered</i>	none	
<i>Light Fleet</i>	1	maximum number of fleet vehicles on site at any one time
plus	0.5	maximum number of employees

Use Type	Number of spaces	Per
		on site at any one time
Utility Services	TBD ¹	

- Notes:
1. TBD = To be determined. See Section 9-4.404(fe).
 2. Senior housing means housing that is restricted to older adults, in which at least one resident of each unit must be a "senior citizen" as defined in California Civil Code Section 51.3.
 3. Low-income housing means housing that is restricted to low, very low, or extremely low income households, as defined for Alameda County by the California Department of Housing and Community Development.
 4. Each 30 inches of a fixed bench or pew shall be considered one seat.
 5. Service bays may not be counted towards this requirement.
 6. Fueling stations may be counted towards this requirement.

9-4.405 Shared Parking.

- (a) **Description.** Shared parking represents an arrangement in which two or more ~~nonresidential~~ uses on the same lot with different peak parking demand periods use the same off-street parking spaces ~~to meet their off-street parking requirements~~.
- (b) **Calculation of Parking Requirement Demand for Shared Parking.** The estimated parking demand for each use shall be calculated for each hour of a 24-hour period, based on the percent of peak demand for each hour. The hourly demand for all uses shall be totaled for each hour, and the greatest resulting hourly demand shall be the ~~required necessary~~ number of parking spaces. This required number may be ~~reduced or increased~~ modified pursuant to Sections 9-4.404, Calculation of Parking Requirement Demand, and 9-3.406, TH Transit Hub Overlay Zone. The hourly demand for each use shall be based on the most recent edition of *Parking Generation* published by the Institute of Transportation Engineers or other equivalent information. See Table 9-4.405 for an example.

Table 9-4.405: Example of Shared Parking Calculation

Use	Office		Retail		Hotel		TOTAL without shared parking
Size	100,000 gross square feet		20,000 gross square feet		150 rooms		
Estimated Parking Demand	240 spaces		60 spaces		75 spaces		375
Hour Beginning	Percent of Peak Period	Parking Demand	Percent of Peak Period	Parking Demand	Percent of Peak Period	Parking Demand	TOTAL with shared parking
12:00-4:00 a.m.	--	--	--	--	--	--	--
5:00 a.m.	--	--	--	--	--	--	--
6:00 a.m.	--	--	--	--	100%	75	75
7:00 a.m.	19%	46	5%	3	96%	72	121
8:00 a.m.	64%	154	18%	11	90%	68	233
9:00 a.m.	91%	218	38%	23	87%	65	306
10:00 a.m.	99%	238	68%	41	82%	62	341

11:00 a.m.	99%	238	91%	55	77%	58	351
12:00 p.m.	98%	235	100%	60	77%	58	353
1:00 p.m.	96%	230	97%	58	75%	56	344
2:00 p.m.	100%	240	95%	57	73%	55	352
3:00 p.m.	96%	230	88%	53	70%	53	336
4:00 p.m.	90%	216	78%	47	71%	53	316
5:00 p.m.	58%	139	62%	37	70%	53	229
6:00 p.m.	--	--	64%	38	74%	56	94
7:00 p.m.	--	--	77%	46	75%	56	102
8:00 p.m.	--	--	70%	42	79%	59	101
9:00 p.m.	--	--	42%	25	85%	64	89
10:00 p.m.	--	--	--	--	87%	65	65
11:00 p.m.	--	--	--	--	97%	73	73

9-4.406 Design Standards for Parking Lots and Structures.

The parking area design standards of this Section apply to all off-street parking areas. All ~~required~~ parking spaces and associated maneuvering aisles, driveways, and other related features shall be designed and arranged so as to provide motor vehicles with adequate ingress to and egress from all ~~required~~ parking spaces, and to provide pedestrians with adequate access to parked vehicles. All parking areas shall be subject to the applicable provisions of the Emeryville Design Guidelines, including but not limited to those pertaining to Parking and Access.

- (a) **Parking Layout and Dimensions.** The layout and dimensions of off-street parking facilities shall be as set forth in Figure 9-4.406 and Table 9-4.406, as further provided below.
- (1) **Regulatory and Calculated Dimensions.** Stall width, stall length, and aisle width, as shown in Table 9-4.406, are regulatory. Other dimensions shown in Table 9-4.406 are calculated from these required dimensions, and are provided for convenience.
 - (2) **Stall Width and Length.** As indicated in Table 9-4.406, the required minimum stall width and length for various parking angles are as set forth below. Compact spaces or other size spaces with less width or length are not permitted.
 - a. **Width.** For parking angles of more than 30° the required minimum stall width is 8'-6". For parking angles of 30° or less, the required minimum stall width is 8'-0".
 - b. **Length.** For all parking angles other than parallel parking, the required minimum stall length is 18'-0". For parallel parking, the required minimum stall length is 22'-0".
 - (3) **Aisle Width for Parking Angles Not Shown.** For parking angles not shown in Table 9-4.406, the required aisle width shall be interpolated from the values in the table. For example, for a parking angle of 70°, which is two-thirds of the increment between 60° and 75°, the required one-way aisle width is 18'-8", which is two-thirds of the increment between the required aisle widths for 60° parking and 75° parking, 16'-0" and 20'-0", respectively.
 - (4) **Alternate Maneuvering Aisle and Parking Space Widths.** For parking angles equal to or greater than 45° and less than 90°, one-way aisle width may be decreased by 3" for each 1" increase in stall width, up to a maximum stall width of 9'-2". For

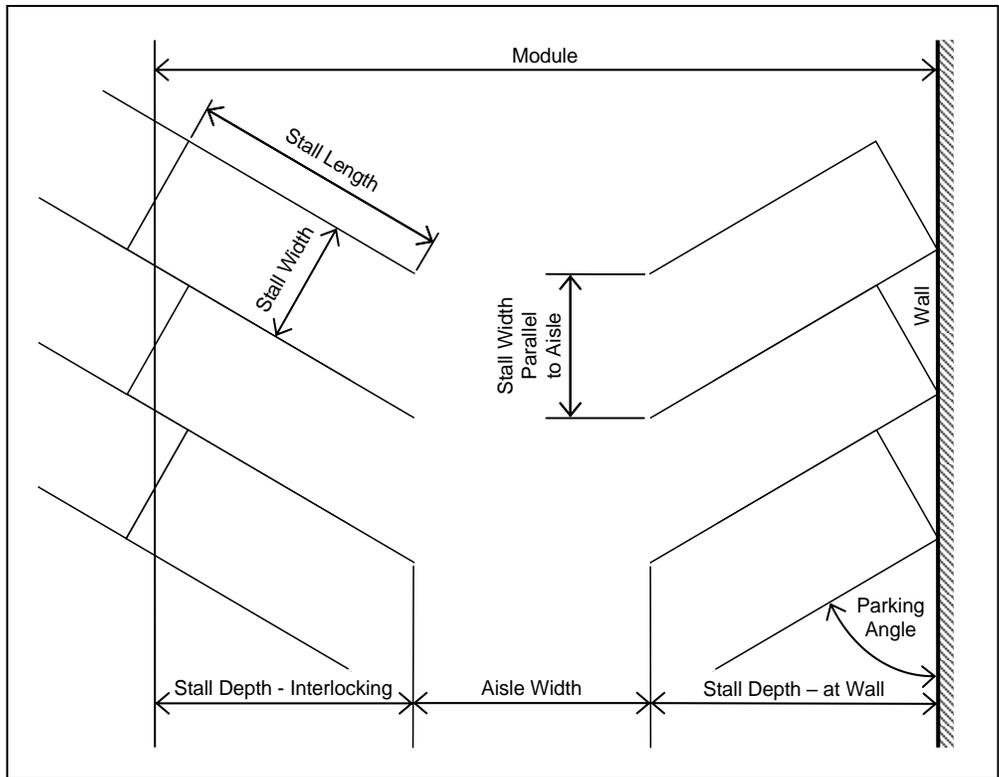


Figure 9-4.406. Parking Layout.

90° parking, one-way and two-way aisle width may be decreased by 3” for each 1” increase in stall width, up to a maximum stall width of 9’-2” and a minimum aisle width of 22’-0”.

- (5) Two-Way Modules. Table 9-4.606 provides the dimensions for parking modules with one-way traffic. For parking modules with two-way traffic, add the difference in width between a two-way aisle and a one-way aisle. For example, for a two-way module with a parking angle of 45°, add 8’-0”, which is the difference between a two-way aisle (20’-0”) and a one-way aisle (12’-0”).
- (6) Overhang. Parking stall lengths, except for parallel spaces, may be reduced by two feet where the parking stall is designed to abut a landscaped area a minimum of five feet wide, such that the front of the vehicle can overhang the landscaped area.
- (7) Spaces Abutting Walls or Posts. For each side of a parking space abutting a wall or post, an additional foot of width shall be required.

Table 9-4.406: Parking Dimensions

Parking Angle	Regulatory			Calculated for Reference							
	Stall Width	Stall Length	Aisle Width		Stall Width Parallel to Aisle	Stall Depth		Module (one-way)			
			One-Way	Two-Way		Inter-locking	At Wall	Non-Inter-locking	Inter-locking	Half Inter-locking ¹	

Parallel	8'-0"	22'-0"	12'-0"	20'-0"	--	--	--	28'-0"	--	--
30°	8'-0"	18'-0"	12'-0"	20'-0"	16'-0"	12'-6"	15'-11"	43'-10"	36'-11"	40'-5"
45°	8'-6"	18'-0"	12'-0"	20'-0"	12'-0"	15'-9"	18'-9"	49'-6"	43'-6"	46'-6"
60°	8'-6"	18'-0"	16'-0"	20'-0"	9'-10"	17'-9"	19'-10"	55'-8"	51'-5"	53'-7"
75°	8'-6"	18'-0"	20'-0"	20'-0"	8'-10"	18'-6"	19'-7"	59'-2"	57'-0"	58'-1"
90°	8'-6"	18'-0"	24'-0"	24'-0"	8'-6"	18'-0"	18'-0"	60'-0"	--	--

Notes: 1. One side is interlocking and the other side is non-interlocking, similar to the parking layout illustrated in Figure 9-4.406.

- (b) **Location of Parking Areas.** Except as otherwise allowed by Section 9-4.407, **required** parking spaces must be located on the same lot as the use to be served by the parking. Additionally, parking areas shall be located in accordance with the following standards:
- (1) No vehicle shall be required to cross a loading space or another parking space in order to gain access to a required parking space, except that tandem parking may be permitted pursuant to subsection (h) below.
 - (2) Except as provided in subsection (3) below and in Section 9-5.1407(a), off-street parking shall not be located in required front yards or in required street side yards.
 - (3) No off-street parking spaces shall be located between the front lot line and the front wall of a building or its projection across the lot, except upon the granting of a conditional use permit. To grant such a conditional use permit, the following findings must be made in addition to the findings required by Article 5 of Chapter 7:
 - a. That the proposed number of parking spaces are required by this Article. does not exceed the maximum number allowed pursuant to Section 9-4.404(f) unless a conditional use permit to exceed the maximum is granted pursuant to Section 9-4.404(h).
 - b. That the proposed parking spaces would result in an effective design solution improving livability, operational efficiency, or appearance. there is no other feasible way to provide the required parking.
 - c. That all applicable provisions of the design standards in this Section have been met.
 - d. That the applicable landscaping and screening requirements of Article 5 of this Chapter have been met.
 - e. That the applicable provisions of the Emeryville Design Guidelines, including but not limited to those pertaining to Parking and Access, have been met.
- (c) **Driveways and Access.**
- (1) Driveway Width.

- a. Parking facilities containing fewer than 15 ~~required~~ parking spaces shall have only a single driveway of no less than nine feet and no more than ten feet in width.
 - b. Parking facilities containing 15 or more ~~required~~ parking spaces may have one-lane driveways of no less than nine feet and no more than ten feet in width, and two-lane driveways of no less than 18 feet and no more than 20 feet in width. The number and width of driveways shall be the minimum necessary to efficiently serve the lot as determined by the Director.
- (2) Vehicle Flow.
- a. Except for those serving four or fewer residential units, all parking areas shall be designed so that a motor vehicle leaving the parking area will enter the public right-of-way traveling in a forward direction. Dead-end maneuvering aisles shall be designed with sufficient room at the end for a motor vehicle to turn around.
 - b. Parking areas shall be designed so that a vehicle will not have to enter a public right-of-way to move from one location to another within the parking area.
- (d) **Surface.** All outdoor parking spaces, driveways, and maneuvering areas shall be designed, built and permanently maintained to avoid dust, mud and standing water and to maximize permeability. These surfaces may include pervious pavements, sand-set pavers, supported turf systems and vegetation. A combination of surfaces may be used; for example, two-track driveways of concrete strips with pervious areas between the strips and on the edges.
- (e) **Striping and Marking.** In all parking facilities containing four or more spaces, each parking space shall be clearly striped with paint or other similar distinguishable material, except that the Director may approve suitable alternate means of marking the spaces.
- (f) **Vertical Clearance.** All covered parking shall have a minimum vertical clearance of 7'-6", except for spaces in parking lifts, and except that the minimum vertical clearance for disabled parking shall be as required by the Building Regulations in Title 8.
- (g) **Slope.** The maximum slope of parking facilities shall be as set forth below unless the Director approves a greater slope based upon the advice of a civil engineer or other qualified professional.
- (1) **Parking Spaces.** All parking spaces and abutting access aisles shall have a maximum slope of five percent measured in any direction.
 - (2) **Driveways and Ramps.** The maximum slope of any driveway or ramp shall be 20%. If the slope of such driveway or ramp exceeds 10%, transitions shall be provided at each end not less than eight feet in length and having a slope equal to one-half the driveway or ramp slope.
- (h) **Tandem Parking.** ~~Required p~~ Parking may be arranged as tandem spaces provided that pairs of spaces in tandem are assigned to the same residential unit or to employees of the same non-residential establishment, or that a full time parking attendant supervises the parking arrangements at all times when the uses served are in active operation. The

provisions of Figure 9-4.406 and Table 9-4.4.06 pertaining to required stall width, stall length, and aisle width shall apply to tandem spaces, except that the stall length shall be doubled for each pair of tandem spaces.

(i) **Parking Lifts.** ~~Required p~~Parking may be provided in parking lifts provided that, if it is necessary to remove one vehicle from the lift to access another vehicle, the parking shall be subject to the provisions of subsection (h) above applicable to tandem parking. Parking lifts allowing each vehicle to be independently accessed have no such restrictions. The provisions of Figure 9-4.406 and Table 9-4.4.06 applicable to 90° parking shall apply to parking lifts, including the requirement for an aisle of 24'-0". Exterior parking lifts shall be adequately screened from public view as required by Section 9-4.503(g).

(j) **Landscaping and Screening.**

(1) **Surface Parking.** All open parking areas shall be landscaped and/or screened as required by Section 9-4.503(g).

(2) **Structured Parking.** Above-grade structured parking shall comply with the following:

- a. Above-grade parking shall include space for ground-level uses with active street frontages where such uses are feasible. Where active ground-level uses are not feasible, as determined by the Director, the ground level of structured parking shall be designed with architecturally attractive frontages. Such frontages may include unique designs or materials, such as glass, articulated masonry, art displays, murals, or landscaped setbacks.
- b. Automobiles and direct light from interior fixtures shall not be visible from any public right-of-way.

(k) **Lighting.** Except for those serving four or fewer residential units, all open parking areas shall be provided with exterior lighting meeting the following minimums:

- (1) The lighting system shall provide not less than 1.0 footcandle and not more than 5.0 footcandle overall average illumination with a minimum of .25 footcandles on the parking surface.
- (2) All lighting shall be on a time clock or photo-sensor system so as to be turned off during daylight hours and during any hours when the parking area is not in use. This requirement does not apply to any lighting that is required for security.
- (3) All parking area lighting shall meet any applicable energy efficiency requirements of the Building Regulations in Title 8.
- (4) All lighting shall be designed to confine direct rays to the premises. No light fixture shall emit any direct light above a horizontal plane through the fixture. No spillover beyond the property line shall be permitted, except onto public thoroughfares; provided, however, that no such light shall cause a hazard to motorists.

(l) **Electric Vehicle Charging Stations.** ~~In parking facilities containing 17 or more spaces serving Multi-Unit Residential and Lodging: Hotels and Motels uses, at least three~~

~~percent of parking spaces shall be e~~Electric vehicle (EV) charging stations shall be provided as required by the California Green Building Standards Code. Such spaces ~~may shall be counted towards~~included in the calculation of parking demand pursuant to Section 9-4.404 requirements of this Article. ~~For all other uses, EV charging stations are eligible for development bonuses pursuant to item (16) in Table 9-4.204(e).~~

- (1) Size. Electric vehicle charging stations shall be the same size as other spaces, as specified in Section 9-4.406(a). The electric vehicle charging equipment shall not reduce the size of the space.
- (2) Signage. Each electrical vehicle charging station shall be clearly marked ~~with a sign reading "Electrical Vehicle Charging Station."~~
- (3) Equipment. Electrical vehicle charging ~~stations shall be equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment as necessary for public use. All such~~ equipment shall be in compliance with the Building Regulations in Title 8 and applicable provisions of the California Green Building Standards Code ~~pertaining to electrical vehicle charging~~.

9-4.407 Alternative Compliance with Parking ~~Requirements~~Provisions.

(a) **Alternative Parking Plan.** An alternative parking plan, as provided by this Section, may be permitted upon the granting of a conditional use permit. To grant such a conditional use permit, the following findings must be made in addition to the findings required by Article 5 of Chapter 7:

- (1) That the applicant has convincingly demonstrated that it is physically impossible to provide the ~~required number of~~ parking spaces in conformance with the design standards of Section 9-4.406 on the same lot as the principal use to be served by the parking.
- (2) That a parking arrangement approved pursuant to this Section will be in place at all times during operation of the principal uses to be served by the parking.
- (3) That the proposed number of parking spaces does not exceed the maximum number allowed pursuant to Section 9-4.404(f) unless a conditional use permit to exceed the maximum is granted pursuant to Section 9-4.404(h).

(b) **Off-Site Parking.** The alternative parking plan may allow ~~required~~ off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the following standards:

~~(1) Zoning District. Off site parking may not be located in a zoning district in which the principal use served by the parking is prohibited pursuant to Article 2 of Chapter 3.~~

(12) Distance. Unless a shuttle service is provided, the off-site parking shall be located within a reasonable walking distance of the principal use served, with consideration given to all relevant factors including, but not limited to, the characteristics of the use served by the parking and the quality of the walk.

- (32) Other Jurisdiction. The off-site parking may be located in Oakland or Berkeley, subject to applicable regulations of that jurisdiction.
- (c) **Valet Parking.** The alternative parking plan may allow valet parking as a means of satisfying all or a portion of the off-street parking ~~requirement~~proposal. Valet parking may be used to accommodate more parking spaces on the site of the principal use served by the parking than could be accommodated in conformance with the design standards of Section 9-4.406. It may also be used to provide off-site parking, subject to the requirements of subsections (b)(1) and (b)(3) above. Any valet parking shall not cause interference with the public use of rights-of-way or imperil public safety.
- ~~(d) **Parking In-Lieu Fees.** The alternative parking plan may allow for the payment of a parking in-lieu fee to allow the City to acquire sites for public parking to meet the parking needs that cannot be supplied on site, or for public transportation facilities, provided that the developer of a non-residential project contributes toward the acquisition and development of such facilities to the extent that the developer would have been obligated to provide required on-site parking. A parking in-lieu fee shall be provided for nonresidential uses only as follows:~~
- ~~(1) **Parking In-Lieu Fee Amount.** The amount of the parking in-lieu fee shall be as set forth in the Master Fee Schedule.~~
- ~~(2) **Deposit of Funds.** Parking in-lieu fees shall be deposited with the City of Emeryville prior to issuance of a building permit in a separate fund to be known as the Parking In-Lieu Fee Fund and shall be used for off-street parking facilities, including property acquisition and development of parking facilities located in the general vicinity of the buildings for which the payments are made.~~
- ~~(3) **Refund of Fee.** A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City, so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.~~

9-4.408 **Bicycle Parking.**

- (a) **Title and Purpose.** This Section establishes bicycle parking requirements. The purpose of these requirements is to ensure that adequate bicycle parking is provided and is conveniently located and sufficiently secure from theft and damage. These requirements are ~~assumed to be~~ minimums only. It is the responsibility of the developer, owner, or operator of any specific use to provide adequate bicycle parking facilities.
- (b) **General Requirements.** Short-term publicly accessible bicycle parking for visitors, and long-term secured bicycle parking for building occupants, shall be required when:
- (1) A building is constructed;
 - (2) An existing building, including a legal nonconforming structure, is enlarged for any purpose; or

(3) The use of any building or portion thereof is changed to one requiring the issuance of a conditional use permit and then only to that portion of the building subject to the change of use.

(c) **Exemptions.** No bicycle parking is required for Single Unit or Two Unit residential uses.

(d) **Standards for All Bicycle Parking.**

(1) Design and Installation.

a. A bicycle parking space shall be in a paved, level, drained, lighted area with access to a right-of-way without the use of stairs, and shall consist of either:

i One side of a securely fixed rack element that supports the bicycle upright by its frame, prevents the bicycle from tipping over, and allows the frame and at least one wheel to be locked to the rack element with one lock; or

ii A bicycle locker constructed of theft-resistant material with a lockable door which opens to the full width and height of the locker. Bicycle lockers shall be weather-proof if exposed to the elements; or

iii. For long-term bicycle parking only, wall-mounted racks or wall- or ceiling-mounted hooks so that bicycles may be hung vertically.

b. Each bicycle parking space shall be no less than 15 inches wide, by six feet deep, with an overhead clearance of no less than seven feet. This can be satisfied by placing racks, each of which supports two bicycles, 30 inches apart. See Figure 9-4.408(d)(1)b. Wedge-shaped spaces may be narrower than 15 inches at one end.

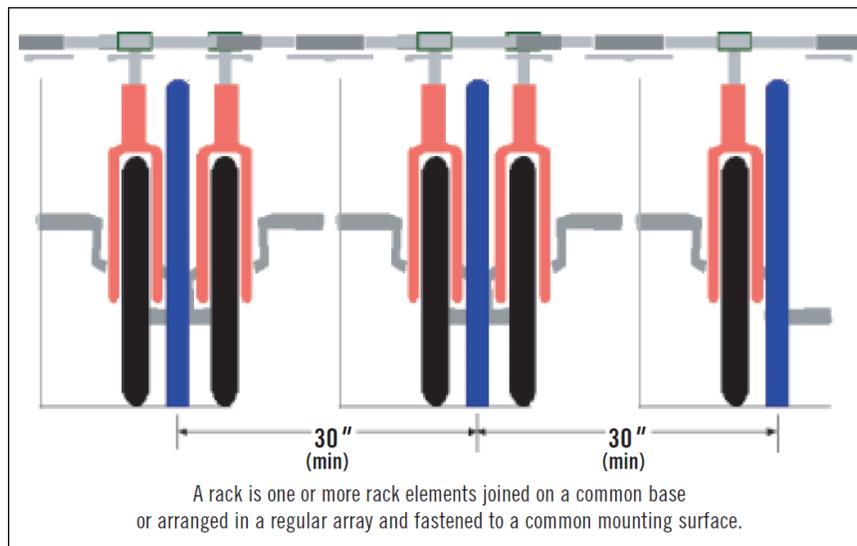


Figure 9-4.408(d)(1)b. Bicycle Racks.

Source: Association of Pedestrian and Bicycle Professionals

- c. Each row of bicycle parking spaces shall be served by an aisle no less than four feet wide. Rack elements must be placed two feet from walls, fences or curbs. See Figure 9-4.408(d)(1)c. (Note: Each rack supports two bicycles, although, for clarity, only one bicycle per rack is shown in this illustration.)

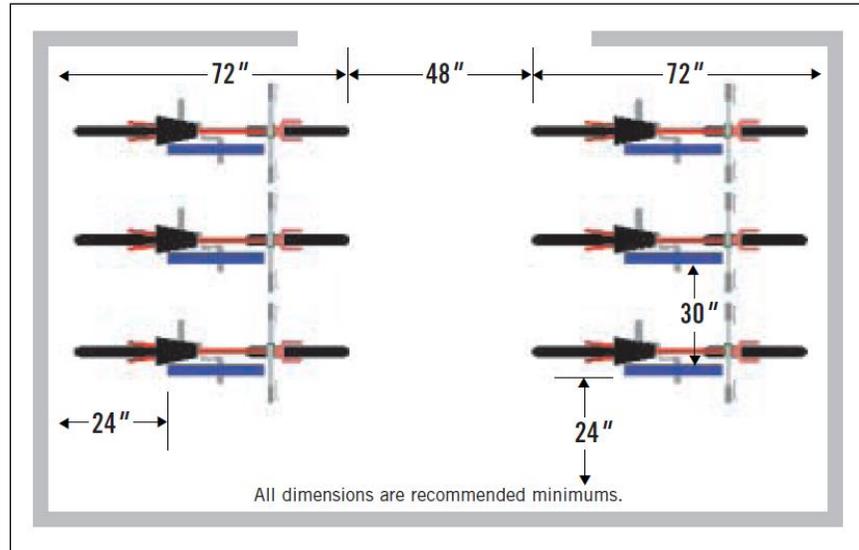


Figure 9-4.408(d)(1)c. Bicycle Parking Layout.

Source: Association of Pedestrian and Bicycle Professionals

- d. Required bicycle parking may not be tandem; parking or removing a bicycle shall not require moving another parked bicycle.
 - e. Bicycle rack elements shall be fixed, securely anchored to the ground or to a structure by means that resist tampering or removal. Bicycle locker edges shall be secured with no exposed fittings or connectors. The Director may specify preferred installation methods, such as, but not limited to, embedded mounting in poured-in-place concrete, recessed bolt heads or grouted-in anchoring.
- (2) Location.
- a. Direct access from the bicycle parking to the public right-of-way shall be provided by means of access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance shall also be provided.
 - b. Where bicycle parking is not directly visible and obvious from the right-of-way, signs shall be provided, except that directions to long-term bicycle parking may be posted or distributed by the building management, as appropriate.
 - c. Bicycle parking must be separated from automobile parking by a sufficient distance to prevent damage from moving automobiles or their loading and

unloading. The Director may require a barrier or curb between bicycle and automobile parking areas on constrained sites.

- d. Bicycle parking may be provided inside a building provided it is easily accessible from a building entrance and a bicyclist does not have to use stairs to reach it.
- e. The placement of bicycle parking, bicycle rack elements and bicycle lockers shall not interfere with pedestrian circulation.
- f. Required spaces may not be located within offices, commercial or industrial work areas, dwelling units or balconies.

(3) Modifications. In approving a project, the Director, Planning Commission, or City Council, as the case may be, may modify the standards for bicycle parking because of the nature of the use or the design of the project.

(e) **Short-Term Bicycle Parking.**

- (1) Short-term bicycle parking shall be provided within a convenient distance of, and clearly visible from, the main entrance to the building, as determined by the Director, and it shall not be farther than the closest automobile parking space, excluding disabled parking.
- (2) At the discretion of the Director, some or all required short-term bicycle parking may be provided in a required yard.
- (3) Minimum Short-Term Bicycle Parking Requirements.
 - a. All uses except Multi-Unit residential uses shall provide the greater of:
 - i. Two short-term bicycle parking spaces; or
 - ii. One short-term bicycle parking space for every ten ~~required~~ automobile parking spaces indicated as the estimated parking demand in Table 9-4.404.
 - b. Multi-Unit residential uses shall provide one short-term bicycle parking space for every ~~four visitor automobile parking spaces required by Section 9-4.404~~ 20 dwelling units.
- (4) Property owners shall remove abandoned bicycles from short-term bicycle parking associated with their property on a monthly basis, after posting a notice of removal on such bicycles for two weeks.

(f) **Long-Term Bicycle Parking.**

- (1) To ensure security, long-term bicycle parking must be in an enclosed, covered, locked area, surrounded by a fence or wall at least seven feet tall, restricted to bicycle parking users, which includes fixed rack elements; or in bicycle lockers that are either weather-proof or covered. Bicycle lockers are eligible for development bonuses pursuant to item (8) in Table 9-4.204(c). Long-term bicycle parking may also be vertical, using either wall-mounted racks or wall- or ceiling-mounted hooks, installed per the manufacturer's specifications.
- (2) Minimum Long-Term Bicycle Parking Requirements.

- a. All uses except Multi-Unit residential uses shall provide the greater of:
 - i. Two long-term bicycle parking spaces; or
 - ii. One long-term bicycle parking space for every ten ~~required~~ automobile parking spaces indicated as the estimated parking demand in Table 9-4.404.
 - b. Multi-Unit residential uses shall provide one covered long-term bicycle parking space for every one dwelling unit.
 - c. For nonresidential uses of less than 3,000 square feet where long-term bicycle parking is not feasible due to physical limitations, short-term bicycle parking spaces may be substituted on a one-for-one basis.
- (3) Property owners shall remove abandoned bicycles from long-term parking associated with their property on a quarterly basis after posting a notice of removal warning on such bicycles for one month. This requirement shall not preclude provision of seasonal bicycle storage.
- (4) Nonresidential uses are encouraged to provide showers and clothes lockers where bicycle parking is required. ~~There shall be an automobile parking credit of one space per shower, up to one shower per 25 required bicycle parking spaces.~~
- (g) **Definitions.** As used in this Section:
- (1) “Abandoned bicycle” means a bicycle that has been parked continuously in one place for at least two weeks in short-term parking or at least one month in long-term parking, excluding seasonal bicycle storage as agreed upon between the property owner and the bicycle owner.
 - (2) “Bicycle” means a device propelled by human power upon which a person may ride, having two wheels one behind the other, at least one wheel being at least 13 inches in diameter.
 - (3) “Bicycle locker” means an enclosure that can be locked for the safe keeping of a bicycle, made of theft-resistant material, with a lockable door that opens the full width and height of the locker, with no exposed fittings or connectors.
 - (4) “Bicycle parking space” means a paved, level, drained, lighted area for the parking of one bicycle, having a minimum width of 15 inches, a minimum length of six feet, and a minimum overhead clearance of seven feet, with access to a right-of-way without use of stairs, which includes either a bicycle locker or one side of a fixed rack element. A wedge-shaped bicycle parking space may have one end narrower than 15 inches.
 - (5) “Fixed” means mounted so the rack element cannot be stolen; anchored in the pavement or a structure with vandal-resistant fasteners such as, but not limited to, embedded mounting in poured-in-place concrete, recessed bolt heads or grouted-in anchoring.
 - (6) “Long-term bicycle parking” means bicycle parking intended for the primary use of residents, employees and others who park bicycles for a duration of four hours or more.

- (7) “Publicly accessible” means in an area that is visible from a right-of-way and open to the general public.
- (8) “Rack element” means a fixed object that supports one or two bicycles upright by their frames in a stable position and enables the frame and at least one wheel of each bicycle to be locked.
- (9) “Right-of-way” means a strip of land under the ownership or jurisdiction of the City of Emeryville and dedicated for use as a public way such as a path, street or park.
- (10) “Secured bicycle parking” means an enclosed, covered, locked area, surrounded by a seven foot tall fence or wall, restricted to bicycle parking users, which includes fixed rack elements; or covered or weather-proof bicycle lockers.
- (11) “Short-term bicycle parking” means bicycle parking intended for the primary use of customers, messengers, guests and others who park bicycles for less than four hours.
- (12) “Tandem” means arranged so a bicycle must be removed to access another bicycle parking space.

9-4.409 Loading.

The requirements for off-street loading spaces for all uses shall be as specified in this Section.

(a) Number of Spaces Required.

- (1) None Required. No off-street loading spaces are required for uses for which the estimated parking demand, as indicated in Table 9-4.404, is “none”. In addition, no off-street loading spaces are required for the following residential use types:

- Single Unit
- Two Unit
- Mobile Home Park

- (2) Requirement “To be Determined”. The off-street loading requirement for uses for which the estimated parking demand, as indicated in Table 9-4.404, is “To be determined” (“TBD”), shall be determined pursuant to Section 9-4.404(e) in the same manner in which the estimated parking demand is determined. In addition, the off-street loading requirement shall be determined pursuant to Section 9-4.404(e) in the same manner in which estimated parking demand is determined for the following uses:

Residential Use Types:

- Domestic Violence Shelter
- Group Residential
- Residential Care Facility
- Supportive Housing
- Transitional Housing

Communication, Transportation, and Utilities Use Types:

- All

- (3) All Other Uses. The off-street loading requirement for all other uses shall be as set forth in Table 9-4.409.

Table 9-4.409: Loading Requirements

Use Type	Number of spaces	Size
Residential Use Types		
Multi-Unit		
Less than 50 units	none	
50 to 149 units	1	small
150 to 300 units	2	small
Each additional 300 units or fraction of one-half or more thereof	1	medium
Commercial and Institutional Use Types		
Animal Care and Sales <i>Pet Stores</i> <i>Veterinary Services</i> Health Care <i>Clinics and Medical Offices</i> Offices - <i>All</i>		
Less than 25,000 gross square feet	none	
25,000 to less than 100,000 gross square feet	1	medium
100,000 to less than 200,000 gross square feet	2	medium
Each additional 100,000 gross square feet or fraction of one-half or more thereof	1	large
All Other		
Less than 10,000 gross square feet	none	
10,000 to less than 20,000 gross square feet	1	medium
20,000 to less than 40,000 gross square feet	2	medium
40,000 to less than 80,000 gross square feet	2	large
Each additional 40,000 gross square feet or fraction of one-half or more thereof.	1	large
Industrial Use Types		
Research and Development		
Less than 25,000 gross square feet	none	
25,000 to less than 100,000 gross square feet	1	medium
100,000 to less than 200,000 gross square feet	2	medium
Each additional 100,000 gross square feet or fraction of one-half or more thereof	1	large

Use Type	Number of spaces	Size
All Other		
Less than 10,000 gross square feet	none	
10,000 to less than 25,000 gross square feet	1	medium
25,000 to less than 50,000 gross square feet	1	large
50,000 to less than 100,000 gross square feet	2	large
100,000 to less than 200,000 gross square feet	3	large
Each additional 100,000 gross square feet or fraction of one-half or more thereof	1	large

- (b) **Size of Spaces.** Size of loading spaces, as indicated in Table 9-4.409, shall be as follows:
- (1) **Small.** Small loading spaces shall have a width of no less than ten feet, a length of no less than 25 feet and a vertical clearance of no less than eight feet.
 - (2) **Medium.** Medium loading spaces shall have a width of no less than 12 feet, a length of no less than 35 feet and a vertical clearance of no less than 14 feet.
 - (3) **Large.** Large loading spaces shall have a width of no less than 12 feet, a length of no less than 50 feet and a vertical clearance of no less than 14 feet.
- (c) **Modifications.** In approving a project, the Director, Planning Commission, or City Council, as the case may be, may modify the number and size of loading spaces required pursuant to subsection (a) above because of the nature of the use or the design of the project.
- (d) **Maneuvering Areas.** All off-street loading spaces for uses located on Transit Streets and Connector Streets, as defined in the General Plan, shall be designed and located so that there is sufficient off-street maneuvering area to accommodate vehicles using the loading spaces. Maneuvering areas shall be designed to accommodate the largest vehicle intended to use the loading spaces and shall not be encumbered by parking stalls or physical obstructions. No vehicle shall back up or maneuver within the public right-of-way of a Transit Street or Connector Street to reach an off-street loading space.
- (e) **Surface and Maintenance.** Loading spaces and the maneuvering areas and driveways serving them shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights; properly graded for drainage; and maintained in good condition free of weeds, dust, trash, and debris.
- (f) **Location.** Loading spaces shall be located on the same lot on which the use for which they are required is located, except that, upon the granting of a conditional use permit, loading spaces may be provided in a common loading area serving multiple adjacent uses and located on an adjacent lot within 300 feet of the lot on which the use requiring the loading spaces is located. To grant such a conditional use permit, the following findings must be made in addition to the findings required by Article 5 of Chapter 7:

- (1) That the common loading area results in a more efficient design than individual loading areas serving each use separately.
 - (2) That the total number of loading spaces provided in the common loading area is no less than the number of loading spaces that would be required if the uses served were located in a single facility.
 - (3) That the common loading area will be in place at all times during operation of the principal uses to be served by the loading spaces.
- (g) **Access to Tenant Spaces Served by Loading Spaces.** Buildings served by loading spaces shall be designed such that there is a direct interior path of travel between the loading spaces and each tenant space served by the loading spaces of sufficient width and height to accommodate all material to be loaded and unloaded.
- (h) **Availability and Utilization of Loading Spaces.** All loading spaces provided pursuant to the requirements of this Article shall be made readily available to pick-up and delivery vehicles during all hours when pick-ups and deliveries are allowed. Owners of property containing such loading spaces shall be responsible for advising drivers of pick-up and delivery vehicles of the location and hours of such loading spaces, shall require drivers to use such loading spaces, and shall not allow pick-up and delivery vehicles to be parked or loaded in the public right-of-way.
- (i) **Landscaping and Screening.** All loadings spaces and the maneuvering areas and driveways serving them shall be landscaped and/or screened as required by Section 9-4.503(g).
- (j) **Lighting.** All exterior loading spaces and the maneuvering areas and driveways serving them shall be provided with lighting meeting the following minimums:
- (1) The lighting system shall provide not less than 1.0 footcandle and not more than 5.0 footcandle overall average illumination with a minimum of .25 footcandles on the surface.
 - (2) All lighting shall be on a time clock or photo-sensor system so as to be turned off during daylight hours and during any hours when the loading area is not in use and the lighting is not required for security.
 - (3) All loading area lighting shall meet any applicable energy efficiency requirements of the Building Regulations in Title 8.
 - (4) All lighting shall be designed to confine direct rays to the premises. No light fixture shall emit any direct light above a horizontal plane through the fixture. No spillover beyond the property line shall be permitted, except onto public thoroughfares; provided, however, that no such light shall cause a hazard to motorists.

CHAPTER 5.
CITYWIDE USE AND DEVELOPMENT REGULATIONS

ARTICLE 10. NONCONFORMING USES AND STRUCTURES

9-5.1003 Exceptions.

The provisions of this Article do not apply in the following situations:

- (f) **Other Planning Entitlements.** Any use allowed under a planning entitlement, including but not limited to a conditional use permit, design review permit, or variance, that was approved prior to the adoption of these Planning Regulations and that has not expired, is deemed to be a conforming use and is subject to any conditions included in its approval, except that off-street parking may be reduced or eliminated upon the granting of a minor conditional use permit pursuant to Section 9-4.403(a)(1)b. If such a use is not permitted by these Planning Regulations, it may be expanded pursuant to Section 9-5.1011, except those uses that are deemed incompatible pursuant to Section 9-5.1007. Other modifications to such a use beyond what was originally approved shall be subject to the provisions of these Planning Regulations.

9-5.1009 Continuation and Maintenance of Nonconforming Uses and Structures.

- (c) **Additions and Alterations to Nonconforming Public Uses.** Additions, extensions, and alterations may be made to any nonconforming public use, including but not limited to schools, parks, recreation facilities, police stations, and fire stations, if the addition, extension, or alteration:
- (1) Does not extend beyond the boundaries of the site in existence when the use became nonconforming;
 - ~~(2) Does not reduce any off-street parking required by Article 4 of Chapter 4; and~~
 - ~~(3) Complies with the applicable performance standards in Article 11 of this Chapter.~~

ARTICLE 12. PRESERVATION OF STRUCTURES

9-5.1203 Conditional Use Permit Required.

- (a) **Preservation and Reuse.** Preservation and reuse of a significant or residential structure shall require approval of a minor conditional use permit pursuant to Article 5 of Chapter 7 and the additional findings specified in Section 9-5.1206(a). This shall be in addition to whatever planning permits are otherwise required for the proposed project (e.g. conditional use permit, design review), which shall be processed concurrently with the conditional use permit for preservation and reuse. ~~Parking credit is available for the preservation and reuse of significant structures with legal nonconforming parking deficiencies pursuant to Section 9-4.404(d).~~

ARTICLE 14. ACCESSORY DWELLING UNITS

9-5.1407 Parking.

~~(a) — **Parking for Principal Single Unit.** An Accessory Dwelling Unit may only be established if off-street parking is provided for the principal Single Unit as required by Article 4 of Chapter 4. If a garage is converted to an Accessory Dwelling Unit, the replacement parking for the primary Single Unit must meet the standards in Section 9-4.406(b)(2) and (3) regarding location of parking, unless there is no other feasible way to provide that required parking.~~

~~(b) — **Parking for Accessory Dwelling Unit.** Parking is not required for the principal Single Unit or the Accessory Dwelling Unit. If provided, parking ~~for the Accessory Dwelling Unit~~ shall comply with the Design Standards for Parking Lots and Structures in Section 9-4.406, except that parking spaces for the principal Single Unit and Accessory Dwelling Unit may be in tandem.~~

CHAPTER 7.

ADMINISTRATION AND PERMITS

ARTICLE 5. CONDITIONAL USE PERMITS

9-7.502 Applicability.

A conditional use permit is required to approve certain uses in certain zoning districts as specified in Article 2 of Chapter 3. A conditional use permit is also required to allow certain other uses and situations as specified in these Planning Regulations including the following:

- (e) Parking and loading regulations:
 - (1) Providing parking ~~less than the required minimum or~~ more than the allowed maximum pursuant to Section 9-4.404(gf).