



OFFICIAL ZONING CODE INTERPRETATION (No. 23-001) Permit Process for Offsite Parking

ZONING CODE PROVISION INTERPRETED:

Section 20-36.070(A)(1), Parking Design Standards – Location of Parking Facilities. Section

Purpose:

Clarify that the Minor Conditional Use Permit (MUP) is the appropriate process for review and action on requests to locate required parking offsite, but within the vicinity of the parcel served.

Discussion:

At issue is the level of Conditional Use Permit, minor (MUP) or major (CUP), that is required for parking located offsite, in the vicinity of the parcel served, that is secured by a recorded covenant running with the land.

Pursuant to Zoning Code Section 20-36.070(A)(1), *“required off-street parking shall be located on the same parcel as the uses served; except with Conditional Use Permit approval, parking may be located on a parcel in the vicinity of the parcel served subject to a recorded covenant running with the land, recorded by the owner of the parking facility, guaranteeing that the required parking will be maintained exclusively for the use or activity served for the duration of the use or activity.”*

Pursuant to Zoning Code Section 20-52.050(C), Review Authority:

- “1. Conditional Use Permits. The (Planning) Commission may approve, conditionally approve, or deny an application for a Conditional Use Permit.*
- 2. Minor Conditional Use Permits. The Zoning Administrator may approve, conditionally approve, or deny an application for a Minor Conditional Use Permit.”*

In 2004, the City Council adopted a new Zoning Code, at which point, the Minor Conditional Use Permit (MUP) process was introduced; previously only a single Conditional Use Permit process existed. The intent of the MUP process was to reduce permit cost and processing time for small projects that do not warrant the level of review that a larger, more impactful project would.

Zoning Code Section 20-36.070(A)(1), noted above, was carried over, word for word, from the previous Zoning Code (Section 20-04.655).



The same chapter of the current Zoning Code, Section 20-36.050(C)(1), addresses adjustments to parking requirements and allows for parking reductions up to 25 percent through the Zoning Clearance process.

Determination:

Therefore, it is determined that if a 25 percent parking reduction can be approved through a Director level Zoning Clearance, which may have more impacts than a project that meets the parking requirements offsite and within the vicinity of the use, that maintaining the requirement of a major CUP, rather than reducing it to a MUP, was an oversight in the transition from the prior Zoning Code to the current Zoning Code.

Pursuant to Zoning Code Section 20-12.030(C) the basis for an interpretation must include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan, and any applicable Specific Plan.

The basis for this Zoning Code Interpretation is that there was a shift in industry standards that resulted in the introduction of the Minor Conditional Use Permit process in the 2004 Zoning Code update to allow streamlining of more minor permitting requests, including allowances for reduced and alternative parking options. Retaining the requirement for a Major Conditional Use Permit for the location of required parking on an offsite location, but within the vicinity of the served parcel, was an oversight in the 2004 Zoning Code update process.

This Zoning Interpretation is consistent with the General Plan and all existing Santa Rosa specific plans in that there are no proposed changes to development standards, only the review authority considering parking on a different parcel, which would be required to make the same findings pursuant to Zoning Code Section 20-52.050.

Date: December 21, 2023

Zoning Administrator