



Council Memorandum

To: The Honorable Mayor and City Council
From: Steve Glueck, Director of Planning and Development
Through: City Manager, Mike Bestor
Date: May 7, 2008
Re: Review of Downtown Parking Codes and Policy

Purpose of Agenda Item: This agenda discussion was requested by the Mayor and individual Councilors in order to review the current and prior codes and policies for provision of parking in the downtown area. It is anticipated that Council may direct staff to research a variety of options, however, no specific immediate actions are expected.

Background on Chapter 18.36: Based upon Municipal Code notations, it appears that the City's current parking code was established by ordinance 749 in 1975. Ordinance 749 repealed any prior parking requirements tied to land uses. The current code, essentially as established by that ordinance is contained in Chapter 18.36 (attached). In 1987, Section 18.36.032 was established to address larger projects where shared parking calculations could result in more accurate requirements. There were a few minor clean up changes in 2000, by Ordinance 1517 primarily to correct the titles of staff authorized to administer the chapter.

The primary features of the code are as follows:

- Section 18.36.010(a) contains two important provisions. This section requires compliance with the chapter for new construction or building additions or alterations. However, this section recognizes that there are a number of existing buildings that did not (and do not) meet the requirements of the code. Accordingly, this section addresses the addition, alteration, or change of use of such "non-conforming" buildings, and only requires additional parking based upon the change, not the entire deficiency.
- Section 18.36.010(c) is from the 1975 ordinance, and appears to authorize a reduction in parking for nearby buildings in a loosely defined shared parking model. To staff's knowledge, this section has never been utilized.

- Section 18.36.030 contains the numerical requirements for different uses. The requirements date to 1975, but are likely still fairly accurate. One potential issue with this section relates to the question of whether the urban core area should have different numerical requirements than the more suburban portions of the community. In addition, periodically there is a need to address uses other than those named in the section.
- Section 18.36.032 is the Mixed-Use Shared Parking section enacted in 1987. It is a somewhat complicated model that has also not been used in Golden, in large part due to the minimum required building size of 50,000 sf, and the requirement that 50% of the building be retail and that there be at least three different land uses from the categories listed in the section.

Staff suggests that the current parking code works adequately, however, it could certainly be evaluated for improvements.

Background on Chapter 18.52: In late 1978, City Council enacted Chapter 18.52, by Ordinance 801. This Chapter of the Municipal Code was enacted very shortly after the Hesteds building first became vacant. The entire chapter only applied to a four city block area bounded by 11th Street, 13th Street, Jackson Street, and Arapahoe Street. One of the most significant elements of this chapter was a total waiver of any parking requirement for existing uses, new construction, additions, or changes of use. It appears that this may have been part of an early downtown revitalization strategy.

From the early 1990's on, this chapter was constantly debated in terms of fairness to those older properties outside the four block area under the same physical constraints for parking, and the potential impacts to City finances to supply public parking. It was also noted that the four block area was different than the Golden Downtown General Improvement District (GDGID) taxing district that was attempting to fund public parking, and that much of the GDGID did not enjoy the benefits of Chapter 18.52. A series of Golden Urban Renewal Authority (GURA) committees looking at parking supply issues recommended that any comprehensive parking plan for downtown should include a code change to address this chapter. The dilemma, however, was that while it would be preferable to come up with a code that treated all similar properties in the area on an equal footing, it was not feasible (and perhaps not desirable) for individual properties to buy nearby properties and scrape buildings to secure primarily surface parking.

It was based upon this desire for a fair, manageable system that would not discourage downtown redevelopment, that the current version of Chapter 18.52 was enacted in 2003 by Ordinance 1635. This chapter now matches the area of the GDGID, and would therefore need to be defined by legal description if the GDGID is disbanded. The main parking related features of Chapter 18.52 are as follows:

- A change in use (say from office to retail) that would increase the parking requirement on any structure or use in the district by no more than two (2) spaces does not need to meet the requirements of Chapter 18.36 for that change.

- A building addition (or combination of additions) under the lesser of 25% of existing square footage or 1,000 sf does not need to meet the requirements of Chapter 18.36 for that change.
- For new construction or larger changes than described above, the property owner has the option of finding the necessary on-site or off-site private parking, or asking City Council to accept a cash in lieu contribution in substitution for providing the parking. Such a cash in lieu contribution is only for non-residential uses, and is purely discretionary on the part of Council. If Council feels that allowing the project to proceed under a cash in lieu contribution is warranted, the fee is calculated according to the formula in Section 18.52.025, with the actual fee set by resolution. The current code indicates that the funds are to be directed to the GDGID, which would also need to be corrected if the GDGID is disbanded.

History of the Use of Cash in Lieu Agreements: Four downtown cash in lieu agreements were enacted just prior to the 2003 change to Chapter 18.52, and three additional agreements were approved under the Chapter. Four of the six agreements related to the “Golden Gem” building at 1301 Washington. These seven agreements include the following:

- In the early 2000’s, the owner of the building at 1301 Washington Avenue designed a remodel of the prior retail building into retail and office space. The building had (and has) no parking. Based upon the provisions of Section 18.36.010, the parking required would be the difference between the total new demand and the prior calculated demand. In that calculation, it was assumed that the first floor area would be retail (but not restaurant), and the 2nd and 3rd floors would be office. Using that model, the overall building was short ten spaces. In May 2003, City Council utilized their power under the variance section (Chapter 18.12) and entered into a cash in lieu agreement with the owner of the Golden Gem for his overall shortage of ten spaces. Much of this fee has been paid, and the owner still makes annual payments.
- At the same time, a “Wine Bar” sought to lease the space on 13th Street that now houses the Blue Canyon Grill. As a seventy-five (75) seat restaurant, however, the parking requirement was twenty-five (25) spaces, while the calculated credit for that part of the building was only ten (10) spaces. The then owners of the business sought and were granted a variance based cash in lieu agreement for the 15 spaces. The amount of the required fee for this tenant based situation was substantially below the amount eventually approved in Ordinance 1635, but does inflate annually. When the current owners opened the Blue Canyon Grill, they reduced their seating by nine seats and the agreement was proportionately reduced to the value of 12 spaces. This is an on-going agreement.
- Also in the summer of 2003, Council granted temporary cash in lieu variances for increased seating at Starbucks and Quiznos, just for that summer. When Ordinance 1635 was enacted with the allowance for a change in use that does not increase parking by more than 2 spaces, each of these uses readjusted their seating, and did not require cash in lieu agreements thereafter.

- The first agreement under the revised Chapter 18.52 occurred in early 2004. Table Mountain Inn had previously utilized the provision in Section 18.36.010(b) for “off-site” parking by purchasing the lot at 15th and Washington Avenue. However, no-one from the hotel ever parked there, and in 2004, the new development at that location sought to control the extra parking constructed for the hotel. Based upon the new code, Council accepted a one time payment in accordance with the calculation, which freed up the 14 spaces in back of the new project at 15th and Washington to be used by tenants and owners of that property.
- Another agreement under the revised Chapter 18.52 related to the outdoor seating at Rhapsody’s. The initial zoning and site plan for Rhapsody’s allowed the inside seating and the Café Touche café. However, in spring 2004, the owners of the restaurant wanted to install outdoor seating, which was not covered by their original zoning approval. Council approved a tenant based cash in lieu agreement for the outdoor seating, for which payments were made in 2004 and 2005, until Café Touche closed. Once Café Touche closed, the parking attributable to that “transferred” to the outdoor seating, and those payments ceased.
- Part of the 2008 approval of the PUD amendment for Clear Creek Commons is a totally standard cash in lieu agreement for the twenty-four parking spaces attributable to the restaurant space. In the event of a conversion of the senior housing in the project to multi-family non-age restricted housing, the standard cash in lieu fee for 24 spaces must be paid in full. On a side note, the operators of the new restaurant have not approached the city regarding their plans for the patio seating, but have been told a few times that such discussion will be necessary. At this time, the total indoor and outdoor seating cannot exceed ninety-six (96) seats.

Cash in Lieu Variance or other approvals since adoption of current

Chapter 18.52: Since the adoption of the current Chapter 18.52, the only variance based non-standard downtown parking approval granted by the City was the 2006 variance to address special events at the Buffalo Rose. In that agreement, Council agreed to a per event fee for any event for which an admission fee is charged that exceeds the prior maximum occupancy of 338 seats. The owners wanted to be able to attract larger acts periodically. Council felt that, since the day to day use is covered by the same “grandfathered” status under Chapter 18.36 as most of downtown, the business need not provide cash in lieu for the maximum seating on a continuing basis, but rather on a per event basis.

The most recent action to adjust parking in any way also occurred in the Clear Creek Commons PUD Amendment. In addition to the standard cash in lieu approved for the twenty-four (24) restaurant spaces, Council also agreed on a specific case basis to approve a parking requirement of one (1) space per dwelling unit rather than the traditional one and one half (1.5) spaces per dwelling. While Council did include a possible (but not likely) contribution for the reduced spaces, this was a zoning approval for a site specific parking ratio, rather than a cash in lieu or variance issue.

Potential Policy issues: Among the potential policy issues raised to date are the following:

- Since no business operates at maximum capacity every day, at least one business has stated that it is not fair to charge one entertainment use only when they have special events, but to charge other retail or restaurant uses according to the general code.
- Council could consider relief for cash in lieu related to outdoor seating since it is not a year round demand. The prior rationale for charging the full fee for parking related to outdoor seating is that while the seating may not be year round, you can't just provide a parking space part of the year.
- Council could make special arrangements for evening uses since the retail and office related parking should be more available in those times.
- The formulae in Chapter 18.52 were based upon recovering 50% of the cost of recent structured parking, in order to encourage downtown investment and redevelopment. Council could consider adjusting the formula to increase or further decrease the burden on the individual project.

Potential Management and Code Issues: Staff anticipates that Council may be interested in looking into a number of issues over the coming months and years. Some of these issues may include the following:

- Researching and potentially updating Chapter 18.36, primarily in terms of parking ratios, evaluating different ratios for downtown, and evaluating workable shared parking models.
- Starting to investigate future maintenance and administration issues for public parking, in the event that GURA's financial interests are transferred to the City on or after 2015 when their property tax increment ceases.
- As the impacts of the absorption of the recent parking constructed by GURA are felt, Council may want to revisit any or all of the above issues. Staff does not recommend any substantial policy changes before there is enough time to experience the new parking capacity.

Fiscal Impact: Any policy change by Council could have a positive or negative fiscal impact that should be considered in such decisions.

Alternatives: Council had asked for this briefing, and may provide direction for no further action, or for any number of alternatives.

Recommendations: The GURA board will review this memo on May 12th, 2008. Staff will update City Council with any of their comments at the May 15th meeting. Council discussion and possible direction is requested.

18.36 Parking and Loading Requirements

18.36.005 Purpose and intent

It is the intent of these requirements to provide for the parking, loading and unloading of vehicles on private property in order to alleviate the problem of providing such temporary vehicular storage on public thoroughfares whose primary function is the moving of vehicular traffic. [Ord. 749 (part), 1975].

18.36.010 General requirements

(a) No structure shall be erected, altered or added to, unless off-street parking space is provided by the owner of such structure in such minimum amount as is required by this chapter. An existing structure which may have inadequate off-street parking need not provide the minimum amount of off-street parking space specified in this chapter unless such structure is enlarged, or its use changed, in which event off-street parking in at least the amount specified for such enlargement only shall be furnished and, in the case of a change of use, the minimum amount shall be the additional number of spaces the new use will require in excess of the number of spaces the existing use would have required.

(b) Off-street parking areas shall be located on the premises containing the use for which they are required, or, if on other premises, the parking areas shall be held in unified ownership or control and located within three hundred feet of the lot they serve in all residential districts and within five hundred feet of the lot they serve in all residential-commercial, commercial, and industrial districts.

(c) An off-street parking space may be made available to the users of two or more structures which must have off-street parking by the requirements of this chapter; provided:

(1) The occupancies housed by such structures have uses which occur at different times of the day or week and are not normally in time conflict, e.g., a theater or nightclub may share off-street parking facilities with a retail food store, and a church may share a common facility with an office building.

(2) A copy of a recorded agreement between the owners involved in such joint use shall be filed with the Director of Planning and Development.

(3) Such shared joint use for any given owner shall not exceed three-fourths of the total number of off-street parking spaces for which the owner is obligated by the requirements of this chapter.

(4) Any future changes of any such joint usage arrangements shall be brought to the attention of and receive the approval of the Director of Planning and Development. (Ord. 1517 § 5, 2000; Ord. 749 § 1 (1), 1975).

18.36.030 Number of off-street parking spaces required

The following schedule shall determine the number of off-street parking spaces required to serve a particular use. Those uses not specifically enumerated shall be categorized by the building official on the basis of the closest similar use in the schedule.

(1) Residential Uses.

(A) Single-family Residence. Each single-family residence shall be provided with one parking space.

(B) Multi-family Residence. Each dwelling unit shall be provided with one and one-half parking spaces for each unit that has one or two bedrooms and two parking spaces for each unit that has three or more bedrooms.

(C) Dormitory, Boarding and/or Rooming house. One and one-half parking spaces shall be provided for each three occupants.

(D) Nursing Homes, Child Care Centers. One and one-half parking spaces shall be provided for each six occupants.

(2) Commercial Uses.

(A) Office Buildings, Clinics, Financial Buildings. One parking space shall be provided for each three hundred square feet of building gross floor area.

(B) General Retail Stores. One parking space shall be provided for each two hundred fifty square feet of building gross floor area.

(C) Restaurants, Bars, Theaters. One parking space shall be provided for each three seats or similar accommodations.

(D) Hotels, Motels. One parking space shall be provided for each guest unit plus one parking space for each two employees.

(E) Quick-serve Food Stores, Convenience Markets. One parking space shall be provided for each one hundred fifty square feet of building gross floor area.

(3) Industrial Uses. Manufacture, assembly or maintenance of products or other industrial use, one parking space shall be provided for each two employees.

(4) Public and Semipublic Uses.

(A) Assembly Halls, Churches. One parking space shall be provided for each four seats or similar accommodations.

(B) University or College Buildings, High Schools. One parking space shall be provided for each two students.

(C) Junior High and Elementary Schools. One parking space shall be provided for each employee.

(D) Hospitals, Sanitariums. One parking space shall be provided for each three beds, plus one parking space for each two employees. (Ord. 749 §1 (3), 1975).

18.36.032 Mixed-use shared parking

(a) Definition. Shared parking is defined as the counter-cyclical use of required parking spaces which serve a collection of land uses in a mixed-use development without conflict or encroachment. The calculation of shared parking allows for a reduction of the total amount of parking which would be required if the individual uses were considered separately.

(b) Eligibility. To be eligible for a shared parking consideration the following conditions shall be satisfied:

(1) The total size of the development shall be at least 50,000 square feet of gross building area;

(2) Of the total square footage of building area, at least 50% shall be of a retail category;

(3) Within the development, there shall be a minimum of three land uses which are categorically different from one another according to the following tables;

(4) The uses must occur on a contiguous parcel of land held in common undivided ownership or on land under other common undivided control. None of the parking spaces considered to be shared shall be designated for the exclusive or guaranteed allocation to a single use.

(c) Methodology. For those land uses and properties which meet the stated eligibility requirements, shared parking shall be calculated according to the following procedure:

(1) From Table I, hereof, "Peak Parking Demand Factors", calculate the required parking for the separate individual land uses. Calculate the parking for both the weekday and Saturday conditions. Select the condition, either weekday or Saturday, which produces the highest total required parking. This will be the "peak parking demand" for each separate land use.

Table I calculates parking factors on the basis of gross leasable area (GLA). GLA is defined as the gross floor area of the building excluding space used for lobbies, hallways, elevators, stairways, mechanical equipment, and other common unassigned areas.

(2) From Table 2, hereof, "Monthly Variations", select the design month which produces the highest summation of the percentage totals. (For example, a Retail/Restaurant/Cinema development would have June and July as its design months because the sum of 75% + 100% + 100% is higher than the combined sums of any of the other months).

(3) Based on the design month "Monthly Variations", multiply the required parking calculated for each individual use in step 1 by the individual factor "percentage of peak month". This establishes the "Peak Monthly Adjusted" parking requirement for each use.

(4) From Table 3, hereof, "Hourly Variations", select the design hour, either weekday or Saturday, which produces the highest summation of the percentage totals. (For example, a Retail/Restaurant/Cinema development would have 8:00 p.m. on a weekday as its design hour because the sum of 87% + 100% + 100% is higher than the combined sums of any of the other hours).

(5) Based on the design hour "Hourly Variations", multiply the "Seasonally Adjusted" parking requirement calculated for each individual use in step 3 by the individual factor "percentage of peak hour". This establishes the "Peak Hourly Adjusted" parking requirement for each use.

(6) Add together the "Peak Hourly Adjusted" parking requirements for each individual use. This total is the minimum parking requirement for the mixed-use shared parking for the total development. (Ord. 1018 § 1, 1987).

The following tables are [available here](#) in **pdf** format:

- **TABLE 1: PEAK PARKING DEMAND FACTORS**
- **TABLE 2: MONTHLY VARIATIONS AS PERCENTAGE OF PEAK MONTH**
- **TABLE 3: HOURLY VARIATIONS AS PERCENTAGE OF PEAK HOUR**

18.36.040 Off-street loading areas

For all business and industrial uses housed in new construction, or housed in an addition to an existing building, off-street loading spaces shall be provided as follows:

(1) For a building or addition of less than ten thousand square feet no off-street loading space is required. For new floor area between ten thousand square feet and twenty-five thousand square feet one off-street loading space is required, plus one additional off-street loading space for each additional twenty-five thousand square feet or major fraction thereof. An off-street loading space shall contain not less than five hundred square feet with no one dimension less than ten feet and shall occupy no part of any public street, alley, driveway or sidewalk. [Ord. 749 § 1 (part), 1975].

18.36.050 Building official approval

Building permit approval. In accordance with the provisions of Section 18.08.030, the Director of Planning and Development shall review and approve the plans for an off-street parking area and/or an off-street loading area prior to the issuance of a building permit for the structure served by the areas, and no permit shall be issued unless such plans conform to the requirements of this chapter. (Ord. 1517 § 5, 2000; Ord. 749 § 1 (5), 1975).

18.52 Downtown Development District

18.52.010 Downtown development district

There is established the downtown development district within the city which shall include, area included within the Golden Downtown General Improvement District (GDGID) as of November 1, 2003. A downtown development district map is also established for the district boundaries, which map shall be considered supplementary, as well as an overlay map when used in conjunction with the city's official zone district map. When the downtown development district regulations conflict with zoning district regulations, the provisions of the former shall govern; however, used prohibited by the zoning district regulations shall prevail. [Ord. 1635, 2003; Ord. 801 §1 (part), 1978].

18.52.020 Downtown development district regulations

The following regulations shall apply to the downtown development district for the development of a more efficient land use and to improve commercial frontage:

(a) Alley Storefront. It is recognized that rear entrance access and upgrading provides convenient access to parking and doubles as "alley storefront." This storefront provides innovative potentials such as landscaped courtyards and outdoor arcades, among other uses.

(l) Alley Setback. The building exterior wall shall set back five feet from the property line. Eaves and overhangs may not extend closer than six inches from the property line. There shall be no intrusions into the setback more than six inches. The setback does not include the basement.

(2) Alley Sidewalk or Pedestrian Walk. A minimum five foot alley sidewalk shall be required. Curb ramps for the handicapped and loading shall also be provided. Landscaping may be provided between walk and curb. All sidewalk construction shall be in compliance with the City of Golden's "Street Sidewalk and Drainage Specifications" as those specifications may be amended from time to time.

(b) Parking. Except as provided herein, the parking and loading requirements contained in Chapter 18.36 of the Golden Municipal Code shall apply to properties within the downtown development district.

(1) Provision of off street parking and loading spaces in the amounts required in Chapter 18.36 of the Golden Municipal Code shall not apply to the use of structures in existence on November 1, 2003, provided that such uses are not changed or structures expanded, as described below.

(2) The parking and loading requirements of Chapter 18.36 shall not apply to a change in use for a structure that was in existence on November 1, 2003, where such change in use would have otherwise required the provision of no more than 2 additional parking spaces.

(3) The parking and loading requirements of Chapter 18.36 shall not apply to an addition to a structure in existence on November 1, 2003, where such addition would have required the provision of additional parking, provided that such building addition, or combination of building additions over the preceding period of five (5) calendar years, does not exceed the smaller of 25% of the existing gross square footage of the building or 1,000 square feet. This subsection shall not provide an exemption from compliance with Chapter 18.36 if an associated change in use of the structure would otherwise require compliance with Chapter 18.36 of the Golden Municipal Code.

(4) No surface parking lot shall be located within sixty (60) feet of Washington Avenue, and no new vehicular access to Washington Avenue within the district shall be permitted without the prior approval of a Special Use Permit according to the provisions of Chapter 18.30 of the Golden Municipal Code.

(5) In lieu of the provision of parking spaces within the downtown development district, as required by this chapter and Chapter 18.36 of the Golden Municipal Code, the owner may request a substituted cash fee in

lieu of provision of all or a portion of the otherwise required parking spaces. The request for a substituted cash fee in lieu of the provision of parking shall be presented to City Council for a determination whether sufficient public parking to serve the proposed use exists or can become available to serve the use. If City Council determines that acceptance of the substituted cash fee is appropriate, said cash fee shall be made to the GDGID prior to building permit issuance. At the option of the owner, an approved substitutional cash fee may be paid in annual installments, including interest, over a multi year period, subject to a payment agreement acceptable to the City Attorney and an annual interest rate set by City Council, which shall include provisions for termination of the Certificate of Occupancy for the affected structure if any periodic payments are not made. The amount of the cash fee per parking space and annual interest rate shall be set by City Council Resolution based upon the estimated cost for land and construction for a parking space, the rate of return the City realizes for invested funds, and the following table 18.52.025. The amount of the cash fee can be adjusted annually by an appropriate inflation index as designated by the resolution. [Ord. 1635, 2003; Ord. 801 § 1 (part), 1978].

18.52.025 Substitutional parking contribution basis

For the purposes of setting the amount of substitutional cash fee and interest rate applicable to requests to contribute such substitutional fee in lieu of provision of parking, the following table shall be used. For new construction and building additions, the owner may request either of the options, subject to City Council's determination of availability.

Land Use Change	Fee Basis	Payment Period for Capital Contribution	Rights Conveyed
New Construction or Building Addition	100% of current replacement cost of structured parking space, plus annual maintenance and administrative fee	Up to 20 years	Use of designated spaces on a leasehold basis; guaranty that designated spaces will not be eliminated for period of lease; participation in management entity.
New Construction or Building Addition	50% of current replacement cost of structured parking space.	Up to 20 years	Non-exclusive use of public spaces; good faith commitment by City not to eliminate necessary public parking
Individual tenant change of use	Annualized contribution based upon 50% of current replacement cost of structured parking space, amortized over a 30 year economic life of a structure.	Ongoing, as long as tenant occupies space, or if transferred to a future tenant.	Non-exclusive use of public spaces; good faith commitment by City not to eliminate necessary public parking

(Ord. 1635, 2003).