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In-lieu parking variance fee approved

By Sora O'Doherty

Senior Planner Adam Foster presented the city council with a plan to charge a fee to developers who need a variance from the required number of parking spaces for new or changed non-residential developments. Currently if a development requires a variance the city may grant it, but cannot charge a fee. Under the proposed ordinance, fees would be collected and put toward mitigating parking in Orinda. Potential mitigations might include a parking lot or shuttle services. The in-lieu fee will not apply to residential buildings.

The proposed fees will be a tiered system, increasing for each parking space that is sought to be eliminated, and will cover both new construction and changes in use of existing buildings. For existing buildings, the fees will be lower, to encourage economic activity. The fees for existing buildings will start at \$1,275 for the first parking space eliminated, and gradually rise to \$6,375 for the fifth and any additional spaces. Existing buildings are defined as those that have been in place for over five years. For new construction, the fees would be higher, starting at \$7,650 for the first space and rising to \$28,050 for the fifth and additional spaces. The fees are based on a study that identified the cost per parking space in Orinda as \$51,000. The in-lieu fee represents a fractional portion of that cost.

The question was raised, "Why not charge developers 100% of the cost?" Foster explained that in-lieu fees are a balancing act. If the fees are too high, they will discourage development. He pointed to the neighboring city of Lafayette, which started out with a high parking variance fee of \$38,000, but didn't collect owing to a lack of development. When Lafayette lowered its fees to \$19,200, the city collected more because developments happened. City Manager Steve Salomon pointed out that the level of the fees can be changed once Orinda sees how they work.

Council Member Nick Kosla pointed out that Orinda has had a very difficult time getting development going. He supported the measure, and said he would be fine lowering the top tier of the fees to the fourth parking space and above. Council Member Inga Miller agreed that this is one way to spur development, even though, she said, "the unknown is scary." The measure was supported by Paul Ugenti, owner of the land at 25A Orinda Way, who said that he will be submitting a new plan for the property soon. Former planning commission chair Terry Murphy joined the planning commission in recommending approval of the fee, especially for land use changes. Michael Bowen said that the Friends of Orinda Creeks enthusiastically supported the measure and urged adoption without change.

Planning Director Drummond Buckley pointed out that the five-year bar for existing development is intended to rule out rapid changes of use. Salomon said that staff will return with a resolution with some options. The ordinance passed with unanimous support of the council.

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