

ORDINANCE NO. 2018-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE) SECTION 17.400.065 – MIXED USE DEVELOPMENT STANDARDS, AND SECTION 17.320.020 – TABLE 3-3A RESIDENTIAL USES.

(Zoning Code Amendments P2017-0239-ZCA and P2017-0239-ZCA)

WHEREAS, on March 14, 2016, the City Council directed staff to conduct a visioning study for the Transit Oriented Development (TOD) District around the Culver City Expo Station to inform the planning, design and operation of future TOD projects and identify area improvements; and

WHEREAS, between March and July of 2017, the project consultant and City staff conducted eight public workshops to identify mobility issues, and develop recommendations addressing pedestrian safety, transit efficiency and convenience, bicycle safety and efficiency, relief from traffic congestion, improvements on Washington Boulevard, and Transit Oriented Development and Transportation Demand Management policies; and

WHEREAS, on November 6, 2017 City Council accepted the final recommendations of the TOD Visioning Study; and

WHEREAS, on November 22, 2017, after conducting a duly noticed public hearing on City-initiated Zoning Code Amendments P2017-0239-ZCA and P2017-0239-ZCA, including full consideration of several of the TOD Visioning Study recommendations related to the TOD District boundaries, and the addition of affordable housing and reduced parking requirements within the TOD District, as well as all reports, studies, testimony, and environmental information presented, the Planning Commission, by a vote of 4 to 0, adopted Resolution No. 2017-P020, recommending to the City Council approval of Zoning Code

1 Amendment P2017-0239-ZCA, and Zoning Code Amendment (P2017-0239-ZCA) amending
2 Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section 17.400.065 –
3 Mixed Use Development Standards, and Section 17.320.020 – Table 3-3A Residential Uses,
4 as set forth herein below; and

5 WHEREAS, on November 27, 2017, the City Council continued the public
6 hearing to December 11, 2017 to consider Zoning Code Amendments P2017-0239-ZCA
7 and P2017-0239-ZCA, amending Culver City Municipal Code (CCMC), Title 17 – Zoning
8 (Zoning Code) Section 17.400.065 – Mixed Use Development Standards, and Section
9 17.320.020 – Table 3-3A Residential Uses; and

10 WHEREAS, on December 11, 2017, after conducting a duly noticed public
11 hearing on Zoning Code Amendments P2017-0239-ZCA and P2017-0239-ZCA, amending
12 Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section 17.400.065
13 – Mixed Use Development Standards, and Section 17.320.020 – Table 3-3A Residential
14 Uses, including full consideration of the Planning Commission recommendations, as well
15 as all reports, studies, testimony, and environmental information presented, the City
16 Council, by a vote of 5 to 0, introduced an ordinance approving Zoning Code
17 Amendments P2017-0239-ZCA and P2017-0239-ZCA (the “Ordinance”), as set forth
18 herein below.

19 WHEREAS, on January 8, 2018, the City Council, by a vote of ____ to ____,
20 adopted the Ordinance as set forth herein below.

21 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
22 CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:
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1 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the
2 Culver City Municipal Code (CCMC), Title 17, Section 17.620,030, the following findings for a
3 Zoning Code Amendment are hereby made:

4 **1. The proposed amendment(s) ensure and maintain the**
5 **internal consistency with the goals, policies and strategies of all elements of**
6 **the General Plan and will not create any inconsistencies.**

7 The proposed Zoning Code text amendment is consistent with the General Plan
8 Land Use Goal 2 - *Economic Vitality that Services the Community and Protects the*
9 *Quality of Life*, Objective 6 - *Commercial Corridors*, Policy 6.A by encouraging the
10 revitalization of the physical character and economic wellbeing of the City's
11 commercial corridors by stimulating reinvestment within an expanded TOD District.
12 Additionally, the Zoning Code text amendment is consistent with the General Plan
13 Circulation Element Goal 1 – *Integrated Local and Regional Transportation*
14 *Systems that Serve Residential and Business Needs*, Objective 2 – *Public Transit*,
15 by advancing and implementing Policy 2.H “encourage public transit links to sites
16 of high trip-generating uses to maximize transit use by patrons and employees,”
17 and Policy 2.P “encouraging large developments to contribute to City transportation
18 capital and operation funding as part of project traffic mitigation measures.” The
19 proposed amendment will create consistency between the General Plan and the
20 Zoning Code relative to increased housing density within the TOD District along
21 Washington Blvd., a major commercial corridor, flexibility in parking standards
22 within the TOD District related to the proximity to the Expo Station, enhanced
23 mobility opportunities related to the expansion of the TOD District which brings
24 together housing, shopping and employment around mass transit, and the
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1 introduction of affordable housing as a community benefit in the expanded TOD
2 District , which aligns with Objective 3 *Affordable Housing*, to encourage the
3 provision of housing opportunities for all members of the community.

4 **2. The proposed amendment(s) would not be detrimental to**
5 **the public interest, health, safety, convenience or welfare of the City.**

6 The proposed Zoning Code Amendment provides an effective means of promoting
7 affordable housing; within the TOD District by establishing appropriate density and
8 parking standards consistent with the public interest, health, safety, convenience
9 and welfare of satisfying the housing needs of all economic segments of the
10 community near mass transit.
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12 **3. The proposed amendment is in compliance with the**
13 **provisions of the California Environmental Quality Act (CEQA).**

14 Pursuant to Sections 15162 and 15168 of the California Environmental Quality
15 Act (CEQA), Zoning Code Text Amendment (P2017-0239-ZCA) is within the scope of
16 the Culver City General Plan Update Program EIR approved on September 24, 1996
17 (PEIR 1) and the Culver City Redevelopment Plan Amendment and Merger Program
18 Subsequent EIR approved on November 16, 1998 (PEIR 2). The circumstances under
19 which PEIR 1 and PEIR 2 were prepared have not significantly changed and no new
20 significant information has been found that would impact either PEIR 1 or PEIR 2;
21 therefore, no new environmental analysis is required.
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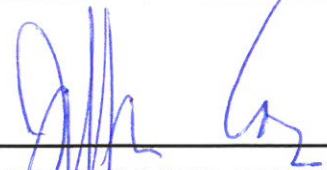
24 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
25 Council of the City of Culver City, California, hereby introduces the Ordinance approving
26 Zoning Code Amendments P2017-0239-ZCA and P2017-0239-ZCA, amending Culver City
27 Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section 17.400.065 – Mixed Use
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1 Development Standards, and Section 17.320.020 – Table 3-3A Residential Uses, as outlined
2 in Exhibits A and B, attached hereto and incorporated herein by reference.

3 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
4 take effect 30 days after the date of its adoption. Pursuant to Sections 616 and 621 of the
5 City Charter, prior to the expiration of 15 days after the adoption, the City Clerk shall cause
6 this Ordinance, or a summary thereof, to be published in the Culver City News and shall post
7 this Ordinance or a summary thereof in at least three places within the City.
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9 **SECTION 4.** The City Council hereby declares that, if any provision, section,
10 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
11 invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason
12 of any preemptive legislation, then the City Council would have independently adopted the
13 remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this
14 ordinance and as such they shall remain in full force and effect.
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18 APPROVED and ADOPTED this 08 day of January, 2018.

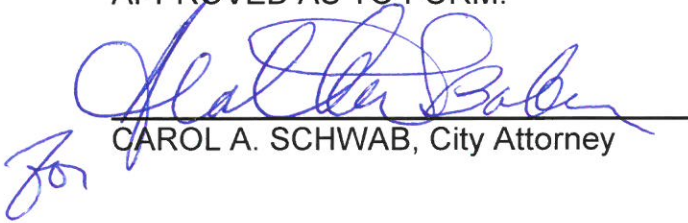
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22 JEFF COOPER, MAYOR
23 City of Culver City, California

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25 ATTESTED BY:

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27 JEREMY GREEN, City Clerk

28 A17-00822
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APPROVED AS TO FORM:

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CAROL A. SCHWAB, City Attorney

**EXHIBIT A
ZONING CODE AMENDMENT
P2017-0239-ZCA**

Proposed Zoning Code Amendment

The proposed Zoning Code Amendment (ZCA) will amend Section 17.400.065 as follows:

§ 17.400.065 - Mixed Use Development Standards

A. Purpose. This Section provides location, development, and performance standards for mixed use developments in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

B. Applicability.

1. The provisions in this Section shall regulate the conversion of existing buildings to include mixed uses as defined herein, and new construction of mixed use projects, where allowed by the applicable zoning districts.
2. The Mixed Use Development Standards supersede the Commercial Zero Setback Overlay (CZ), where applicable.
3. The Mixed Use Development Standards do not supersede the provisions of the Commercial Downtown District (CD).
4. Except as specifically provided in this Section, mixed use projects shall be in compliance with the regulations of Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).
5. Where an Owner-Participation Agreement, Disposition and Development Agreement, Development Agreement, or similar agreement with the City or Redevelopment Agency applies to a land parcel and the provisions of such agreement differ from the Mixed Use Development Standards, the provisions of the agreement shall prevail.

C. Definitions.

Architectural Feature. Soffit, column, wing wall, canopy, roof eave, balcony, bell tower, spires, clock tower, cupolas, turrets and any other similar element that does not create an interior floor space.

Arterial Street. As used in this Section, arterial streets include primary and secondary arterial streets. Primary arterial streets are major cross-town thoroughfares. Secondary arterial streets

connect primary arterial streets to smaller streets and residential neighborhoods. Primary and secondary arterial streets are defined in the General Plan Circulation Element.

Blank Wall. Any wall that is not enhanced by architectural detailing, artwork, landscaping, windows, doors, or similar features. Solid and mechanical doors and glass with less than 80% transparency are considered blank wall areas.

Ornamental Feature. A statue, fountain, sculpture or any other similar freestanding decorative element which does not provide shelter, and which is not a sign, and which serves an aesthetic purpose.

Split Jurisdiction Lot. As used in this Section shall mean a lot located on the south side of Washington Boulevard between Del Rey Avenue and Redwood Avenue that is both within the City of Culver City and the City of Los Angeles.

D. Use Regulations.

1. **Uses permitted.** All uses permitted in the underlying zone are permitted in mixed use developments.
2. **Residential uses.** Residential uses other than live/work units are prohibited on the ground floor adjacent to arterial streets. Residential entrances and lobbies are permitted on the ground floor adjacent to arterial streets.
3. **Commercial uses.** Commercial uses are required on the ground floor adjacent to arterial streets and at all corners adjacent to arterial streets. All commercial tenant spaces on the ground floor shall have a minimum depth of 30 feet. Overall commercial floor area shall be 10% of the projects total gross floor area or 30% of the project lot size, whichever is greater.
4. **Covenant.** A City-approved covenant shall be executed by the owner of each residential unit within a mixed use development, and shall include statements that the occupant(s) understand(s) and accept(s) he/she is living in a mixed use development and that commercial activities are permitted pursuant to the regulations of the CCMC.
5. **Feasibility study.** At the Director's discretion, an economic feasibility study evaluating the viability of the proposed commercial uses within the mixed use development may be required.

E. General Development Standards.

1. Minimum lot size and dimensions.

- a.** All lots less than 10,000 square feet shall have a minimum width of 50 feet with alley access or access from a non-primary arterial street.
- b.** Lots 10,000 square feet or larger shall have a minimum width of 100 feet.
- c.** Mixed use projects located on parcels that are less than 5,000 square feet shall not be permitted unless combined with one or more abutting lots to create a total site development area that is at least 5,000 square feet, subject to the above access requirements.

2. Building height. The height of structures shall not exceed the standard established in Table 4-2 (Building Setbacks and Height) and Figure 4-4 (Building Height and Setbacks Illustration), unless a modification is granted pursuant to Subsection 17.300.025.C. (Exceptions to Height Limits).

3. Density. Residential density shall not exceed 35 dwelling units per acre (1 unit per 1,245 square feet of lot area). Residential density may be increased up to (i) 50 dwelling units per acre (1 unit per 871 square feet of lot area); or (ii) a density allowed by an Abutting Jurisdiction up to a maximum of 65 dwelling units per acre (1 unit per 670 square feet of lot area) on a split jurisdiction lot; or (iii) 65 dwelling units per acre on lots identified for Transit Oriented Development, and/or as depicted in Map 4-1 provided in either case, that the project incorporates community benefits as established by resolution of the City Council.

4. Building setbacks. Building setbacks are provided in Table 4-2 (Building Height and Setbacks) and Figure 4-4 (Building Height and Setbacks Illustration) and/or other setbacks may be required at the ground level by resolution of the City Council in order to address mobility measures.

Map 4-1

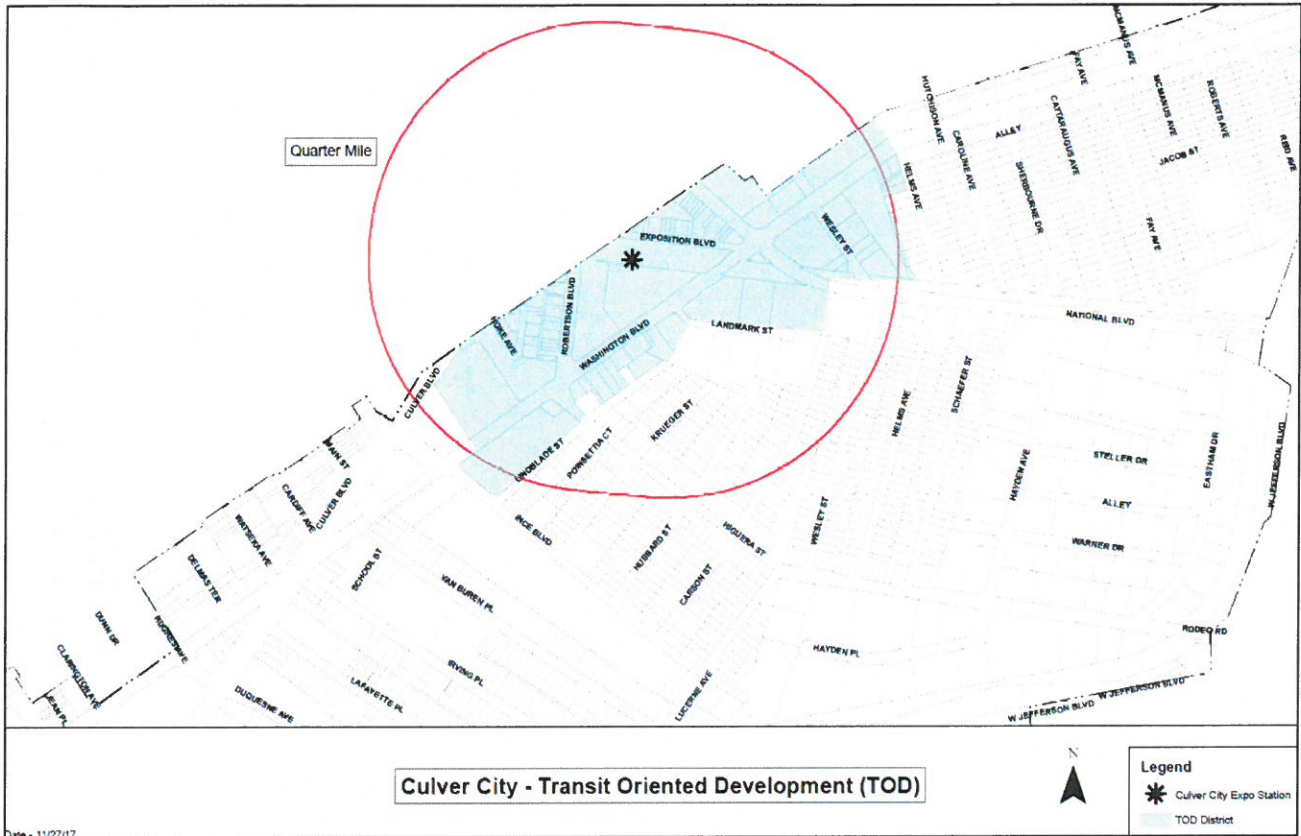


Table 4-2
Building Height and Setbacks

HEIGHT			
Adjacent (1) to R1 or R2 Zone	Adjacent (1) to R3, RLD, RMD, or RHD Zone	Adjacent (1) to Non-Residential Zone	Split Jurisdiction Lot
<u>CN, CD, & CG Zone</u> • 35 ft • 45 ft for portion of building 35 ft or more from R1 or R2 Zone	<u>CN Zone</u> • 45 ft <u>CD or CG Zone</u> • 45 ft on lots less than 150 ft in depth • 56 ft on lots 150 ft or more in depth	<u>CN Zone</u> • 45 ft <u>CD or CG Zone</u> • 56 ft	<u>CN Zone</u> • 45 ft <u>CD or CG Zone</u> • 56 ft
SETBACKS (2)			
Building Height	Front	Side and Rear Adjacent (1) to Residential Zone (5)	Side and Rear Adjacent (1) to Non-Residential Zone
Underground	None Required		
Portion of Building 15'-0" or less	A ground level pedestrian setback of 15' is required, except that such setback may vary from zero to 15 feet when pedestrian improvements are included in the setback area as approved by the Director (3).	A 10 ft setback is required. (4)(6)	No setback is required.(6)

Portion of Building greater than 15'-0"	A 5 ft setback is required	A 60 degree clear-zone angle must be maintained, measured from 15 ft above the existing grade and from 10 ft from the side and rear property lines. See Figure 4-5 (Section of Rear Setback	No setback is required.(6)
Portion of Building greater than 35'-0" on a parcel adjacent (1) to R1 or R2 Zone	N/A	A 35 ft setback is required.	N/A
Portion of Building greater than 45'-0" on a parcel adjacent (1) to R3, RLD, RMD or RHD Zone	N/A	A 50 ft setback is required.	N/A

(1) Two parcels are considered to be adjacent even if they are separated by an alley.

(2) Screening, landscaping or greater setback than prescribed herein, may be required where necessary to comply with visual clearance requirements for driveways and where the reviewing authority under a site plan review may condition the use necessary to protect the public interest due to lot, site plan or building configuration and operations.

(3) Pedestrian improvements include landscaping benches, outdoor dining, planters, additional bike racks, additional street trees, small plazas, mobility related improvements, or other similar features.

(4) Adequate screening and landscaping shall be provided

(5) One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.

(6) If abutting an alley a minimum 2 foot setback is required, except within the TOD area.

Figure 4-4
Building Height and Setbacks Illustration

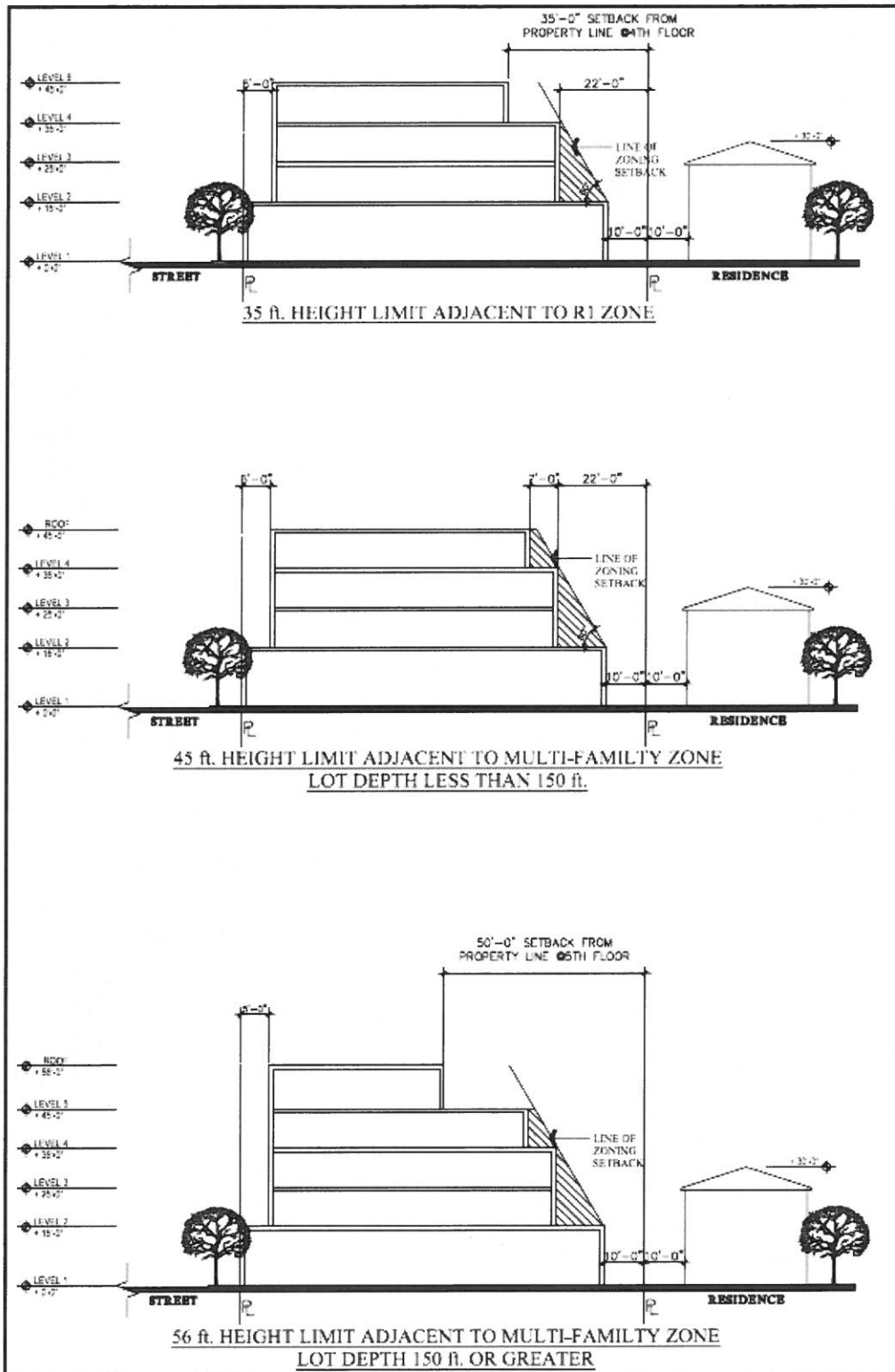
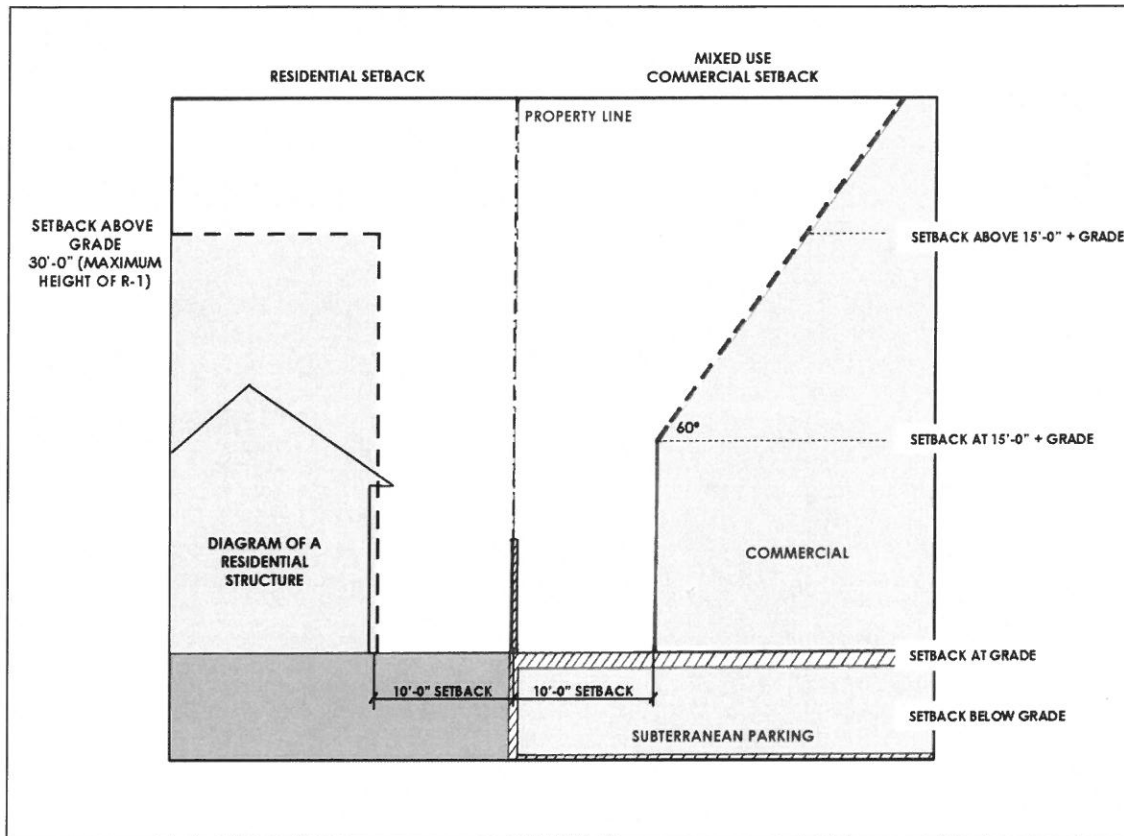


Figure 4-5
Section of Rear Setback



F. Site Planning and Design Standards.

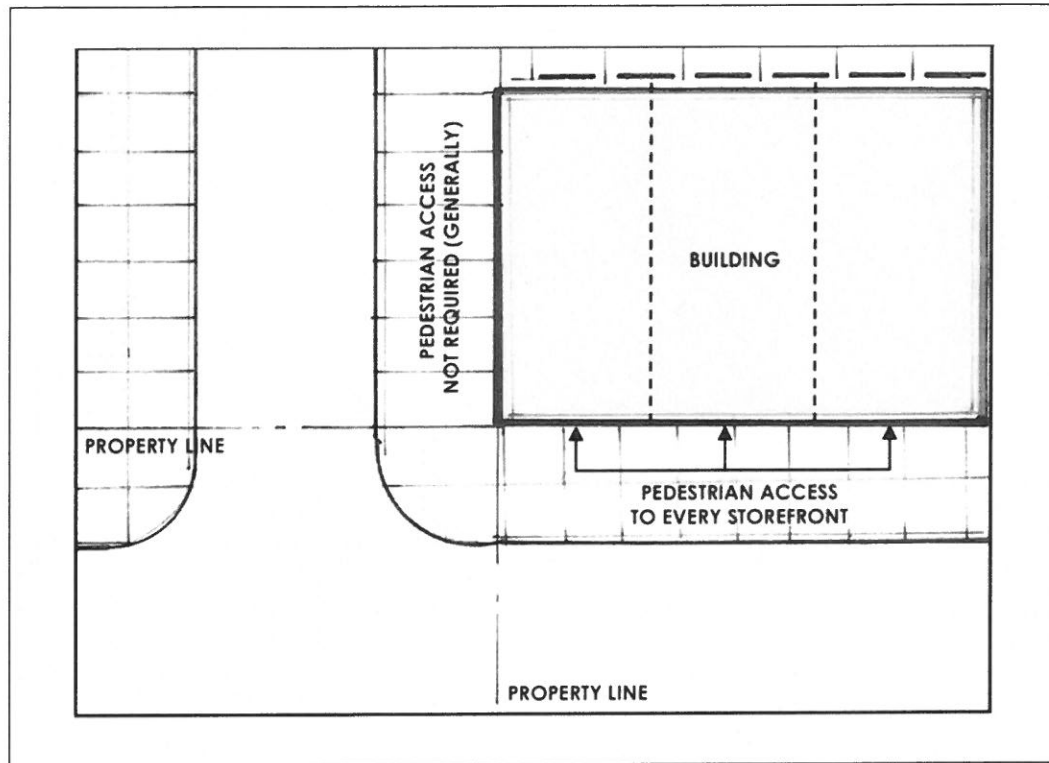
1. **Building bulk.** Projects shall be designed to achieve interesting, graceful and articulated buildings by the use of varied rooflines and vertical attachments; clearly define the base, middle and top of each building and other architectural features; and include building line setback and step backs to create visual interest and reduce monolithic design. See Figure 4-6 (Building Elevation Composition).
2. **Street Frontage requirements.**
 - a. The street frontage shall be architecturally varied to create visual interest and shall include architectural features and pedestrian amenities such as recessed entries, arcades, colonnades, stairs, art and other architectural features or pedestrian improvements subject to the following:

- 1) Passageways in arcades and colonnades are, at minimum, 5 feet wide. See Figure 4-7 (Section of Street Wall).
 - 2) Architectural and ornamental features do not impede pedestrian routes.
 - 3) Stairs are decorative and attractive.
- b. With the exception of required driveway curb cuts, street frontage requirements shall apply to 100% of the total property frontage parallel to the street and shall include step backs and building line offsets above the ground level to create visual interest and attractive building massing.
 - c. No blank wall area is permitted in the street frontage wall area. The maximum width of any continuous blank wall in the street frontage shall be no more than 15 feet.
 - d. Major entrances and corners of buildings shall be articulated within the street wall façade.

3. Building entrances.

- a. Pedestrian entrances shall be provided for all ground floor uses adjacent to arterial streets. Pedestrian entrances are not required on non-arterial streets. See Figure 4-9 (Plan of Pedestrian Entrances).
- b. Pedestrian entrances shall be directly accessible from the public right-of-way, and shall have direct access and view from the adjacent sidewalk.
- c. Commercial uses and residential uses shall have separate exterior entrances, elevators, and lobbies. The Director may waive this requirement based on site constraints.

Figure 4-9
Plan of Pedestrian Entrances



4. Signage and lighting. Signs must be developed pursuant to Chapter 17.330 (Signs). Exterior lighting shall comply with the requirements of Section 17.300.040 (Outdoor Lighting).

5. Parking and vehicular access.

- a. Street level parking facilities and lots shall be screened from view from the adjoining arterial street(s) by ornamental walls or fences, at least 4 feet high above street grade.
- b. Two-way vehicular ingress/egress areas on arterial streets shall only be permitted on development sites with a minimum of 100 feet of street frontage on the street where the vehicular ingress/egress area is located. The Director may waive this requirement based on site constraints.
- c. One-way vehicular ingress/egress areas on arterial streets shall only be permitted on development sites with a minimum of 75 feet of street frontage on the street where the

ingress/egress area is located. The Director may waive this requirement based on site constraints.

- d. Vehicular ingress/egress areas are prohibited on arterial streets where the street frontage of the development site adjacent to the arterial street is less than 75 feet. The Director may waive this requirement based on site constraints.

6. Refuse storage and collection areas. The commercial and residential components of the project shall maintain separate refuse storage and collection areas; the refuse storage and collection areas shall be clearly marked for separate uses.

G. Residential Development Standards.

- 1. **Minimum unit size.** Residential minimum unit sizes are detailed in Table 4-3 (Minimum Residential Unit Size).

Table 4-3
Minimum Residential Unit Size

No. of Bedrooms	Minimum Unit Size (Gross Floor Area)
Studio	500
1 Bedroom	700
2 Bedrooms	900
3 Bedrooms	1,100
4 Bedrooms	150 additional gfa/bedroom

- 2. **Unit size mix.** Except within the TOD District, no more than 25% of the total number of residential units shall have less than 700 square feet of gross floor area.
- 3. **Open space.**
 - a. Each unit shall have a minimum of 75 square feet of common and/or private open space.
 - b. Common open space areas shall have a minimum dimension of 15 feet in any direction which may include a combination of open space and adjacent setback area.

- c. Private open space areas shall be at least 30 square feet and 5 feet in any direction, to the extent feasible.
- d. Private and common open space requirements may be satisfied by a selection or combination of the following: atriums, balconies, courtyards, decks, gardens, gyms/exercise rooms, patios, playgrounds/tot lots, rooftop decks, patios and gardens, and swimming pools. The Director may approve similar amenities not listed above.

H. Live/Work Development Standards. In addition to the standards detailed in this Section, live/work units within a mixed use development shall meet all applicable standards contained in Section 17.400.060 (Live/Work Development Standards).

I. Parking Standards. Mixed use developments shall comply with all requirements contained in Chapter 17.320 (Off-Street Parking and Loading) and the following additional standards.

1. Parking access and circulation standards.

- a. **Commingled parking.** A mixed use project may have a commingled parking area for all uses, subject to the following conditions:
 - 1) Residential, live/work and commercial parking spaces are designated with signs.
 - 2) Residential, live/work and commercial components require 10 or fewer parking spaces each.
 - 3) One use requires 10 or fewer parking spaces and a second use requires more than 10 parking spaces, and the Director determines that site conditions make it infeasible to provide gated or separated parking.
 - 4) Within a designated TOD District, or within transit oriented developments, parking may be reduced by resolution of the City Council based upon consideration of proximity to transit and/or a shared parking analysis, which demonstrates that such parking reduction will not negatively impact surrounding commercial or residential neighborhoods.
- b. **Gated parking.** A mixed use project shall have a gated parking area for residents of residential units and live/work units, if the requirements allowing commingled parking are not met. The regulations governing gated parking areas are provided below.
 - 1) Common ingress areas to residential, live/work, and commercial parking are permitted.

- 2) If a separated residential and live/work egress lane(s) is/are not provided, non-residential parking shall be free of charge.
- 3) The parking layout shall be designed so that residents are not significantly inconvenienced by non-residential parking demands, as determined by the Director.

c. Residential guest parking location.

- 1) Residential guest parking may be located in the commercial parking area.
- 2) Residential guest parking shall be accessible 24 hours per day.
- 3) Residential guest parking shall be free of charge.
- 4) Residential guest parking shall be appropriately signed.

J. Performance Requirements. All mixed use projects shall be designed to meet the following performance standards.

1. Walls on all sides of residential and live/work units shall be constructed to minimize the transmission of noise and vibration. A minimum impact insulation class (IIC) of 60 shall be required for all residential and live/work walls, floors, and ceilings.
2. Shared elevators shall have security code access for residents to reach residential floors and to use the elevators during late evening and early morning hours. Security code access is not required for live/work access areas. Separate commercial and residential elevators are encouraged.
3. No commercial use, activity or process shall be operated in an objectionable manner due to fumes, noxious odor, dust, smoke, gas, noise or vibrations which may be detrimental to any other uses and occupants on the same property.
4. Residential and live/work units shall be designed to allow for cross-ventilation and have high quality HVAC systems, to the extent feasible.
5. Parking areas shall be illuminated so as to provide appropriate visibility and security.

6. Parking access and circulation design shall minimize vehicle circulation through residential neighborhood streets.
7. Commercial loading areas and outdoor storage areas shall be designed and located away from residential units and shall be screened from view at ground level from the residential portion of the project and from adjacent residential developments.
8. Commercial loading areas shall not significantly and/or negatively impact the pedestrian environment.
9. Adequate lighting must be provided adjacent to sidewalks and other public spaces to preserve the amenity and safety of those spaces for pedestrian use.

EXHIBIT B
ZONING CODE AMENDMENT
P2017-0239-ZCA

Proposed Zoning Code Amendment

The proposed Zoning Code Amendment (ZCA) will amend Section 17.320.020.H.1 as follows:

H. Table 3-3. Parking Requirements by Land Use.

1. Residential uses.

<i>Table 3-3A</i>	
<i>Land Use Type: Residential</i>	<i>Vehicle Spaces Required</i>
Accessory dwelling units	1 uncovered space in addition to that required for the primary dwelling unit(s). ⁽³⁾
Mobile home parks	1 space in conjunction with each mobile home site, plus 1 space for each 2 mobile home sites for guest parking, located as approved by the City.
Live/work unit	Up to 900 square feet: 2 spaces.
	Greater than 900 up to 1500 square feet: 3 spaces.
	Greater than 1500 square feet: 4 spaces.
Multi-family dwellings and residential component of mixed-use development, includes supportive housing and transitional housing units (1) (2)	Studio and 1 bedroom, up to 900 square feet: 1 space.
	Studio and 1 bedroom, greater than 900 square feet: 2 spaces.
	2-3 bedroom units: 2 spaces.
	4 bedroom units: 3 spaces.
	1 space for every additional bedroom greater than 4.
	Guest parking: 1 space for every 4 residential units.
Residential care facilities	1 space for each 3 patient beds.
Senior citizen congregate care housing	1 space per each 2 residential units, plus 1 space for each 4 units for guests and employees.

Senior housing	1 space per unit, plus 1 guest parking space for each 10 units.
Single-family, duplex and triplex units, includes supportive housing and transitional housing units (1) (2)	2 spaces per dwelling unit.
Single room occupancy units	One (1) parking space per unit.

Notes:

- (1) See Subsection 17.320.035.N. (Special Requirements for Residential Uses).
- (2) Any parking reductions not otherwise authorized by this Code or state law shall require approval by resolution of the City Council.
- (3) Unless the following applies: 1.) The Accessory Dwelling Unit is located within ½ mile of a public transit stop; 2.) Is located within a historic district; 3.) Located entirely within an existing primary residence or an existing accessory structure, where no additional floor area is created; 4.) In an area where on –street parking permits are required, but not offered to the occupant of the accessory dwelling unit; or 5.) Located within 1 block of a car share facility.