

MEETING DATE: **11.25.13**

AGENDA ITEM: Adoption of an Ordinance Amending Title 17, Zoning, of the Culver City Municipal Code (CCMC), Section 17.320.025 to Amend the Alternative Parking Provisions and Create “Parking Districts” Within the Hayden Tract and Smiley Blackwelder Industrial Areas (Zoning Code Amendment, ZCA P-2013126)

ATTACHMENTS

	<u>Pages</u>
1. Proposed Ordinance, including Exhibit A – Proposed Text Changes	1 - 10

[illegible]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), SECTION 17.320.025 TO AMEND THE ALTERNATIVE PARKING PROVISIONS AND CREATE "PARKING DISTRICTS" WITHIN THE HAYDEN TRACT AND SMILEY BLACKWELDER INDUSTRIAL AREAS AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO.

(Zoning Code Amendment, ZCA-P-2013126)

WHEREAS, on August 14, 2013 the Planning Commission conducted a workshop regarding proposed Zoning Code Amendment, ZCA P-2013126, to amend the City's alternative parking provisions, including the creation of parking districts within the Hayden Tract and Smiley Blackwelder industrial areas. The purpose of creating these parking districts is to address area parking needs through the establishment of parking districts with alternative on-site and off-site parking regulations, alternative parking design standards, parking plan administrative approval, parking management options, and automated, semi-automated and stacked parking; and

WHEREAS on September 11, 2013 the Planning Commission conducted a duly noticed public hearing on City-initiated Zoning Code Amendment, ZCA P-2013126, fully considering all reports, studies, testimony, and environmental information presented, and adopted, by a vote of 4 to 0, Resolution No. 2013-P005, recommending to the City Council approval of Zoning Code Amendment, ZCA P-2013126; and

WHEREAS, on November 12, 2013, the City Council conducted a duly noticed public hearing on the proposed Zoning Code Amendment, ZCA P-2013126, fully considering the Planning Commission's recommendation and all reports, studies, testimony and environmental information presented and, by a vote of 5 to 0, introduced, for first reading,

1 Zoning Code Amendment ZCA P-2013126, relating to the amendment of the alternative
2 parking provisions and creation of "parking districts" within the Hayden Tract and Smiley
3 Blackwelder Industrial Areas (the "Ordinance"); and

4 WHEREAS, on November 25, 2013, the City Council, by a vote of ____ to ____,
5 adopted the Ordinance.
6

7
8 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
9 CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

10 **SECTION 1.** Pursuant to the foregoing and as outlined in CCMC Section
11 17.620.030, the following findings for a Zoning Code (Text) Amendment are hereby
12 made:
13

- 14 **1. ZCA P-2013126 ensures and maintains internal consistency with the goals,**
15 **policies, and strategies of the General Plan and will not create any**
16 **inconsistencies with the Zoning Code.**

17 The Hayden Tract and Smiley Blackwelder industrial areas have undergone a
18 major change in land use from traditional manufacturing to creative office and that
19 change has not been accompanied by significant increases in parking supply
20 resulting in severe parking shortages. Industrial land uses generally have
21 significantly less parking demand than office uses and industrial buildings generally
22 have significantly greater building coverage and little room on site to accommodate
23 the increased parking needs of creative office tenants. Policy 1.H of the General
24 Plan calls for "Adequate Parking within each neighborhood to meet parking
25 demands". The proposed Zoning Code Amendment will help ensure that parking
26 supply adequately meets parking demand in the Hayden Tract and Smiley
27 Blackwelder industrial areas and will create consistency between the General Plan
28 and Zoning Code relative to off-site parking requirements. Specifically, the
29 proposed Zoning Code Amendment will address parking needs in the Hayden
Tract and Smiley Blackwelder industrial areas through the establishment of Parking
Districts with alternative on-site and off-site parking regulations; alternative parking
design standards; parking management options and automated, semi-automated
and stacked parking. In addition, the proposed Zoning Code Amendment includes
an improved regulatory process through administrative review of a Parking Plan for
approving alternative parking provisions within the Parking Districts.

1 **2. ZCA P-2013126 is not detrimental to the public interest, health, safety,**
2 **convenience and welfare of the City.**

3 The proposed Zoning Code Amendment will help ensure that adequate parking is
4 provided for land uses in the Hayden Tract and Smiley Blackwelder industrial areas
5 in support of the public interest, health, safety, convenience and welfare of the
6 City.

7 **3. ZCA P-2013126 is in compliance with the provisions of the California**
8 **Environmental Quality Act (CEQA).**

9 Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act
10 (CEQA), Zoning Code Amendment ZCA P-2013126 regarding Alternative Parking
11 Provisions is within the scope of the Culver City General Plan Update Program EIR
12 approved on September 24, 1996 (PEIR 1) and the Culver City Redevelopment
13 Plan Amendment and Merger Program Subsequent EIR approved on November
14 16, 1998 (PEIR 2), the circumstances under which PEIR 1 and PEIR 2 were
15 prepared have not significantly changed and no new significant information has
16 been found that would impact either PEIR 1 and PEIR 2. Therefore no new
17 environmental analysis is required.

18 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
19 Council of the City of Culver City, California, hereby adopts Zoning Code Amendment
20 ZCA P-2013126, as set forth in Exhibit "A" attached hereto and incorporated herein by
21 reference.

22 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance
23 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
24 and 621 of the City Charter, prior to the expiration of fifteen days after the adoption, the
25 City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver
26 City News and shall post this Ordinance or a summary thereof in at least three places
27 within the City.

28 **SECTION 4.** The City Council hereby declares that, if any provision,
29 section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or

1 declared invalid or unconstitutional by any final action in a court of competent jurisdiction
2 or by reason of any preemptive legislation, then the City Council would have
3 independently adopted the remaining provisions, sections, subsections, paragraphs,
4 sentences, phrases or words of this ordinance and as such they shall remain in full force
5 and effect.
6

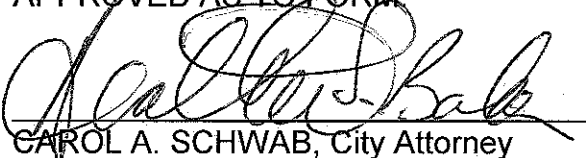
7
8 APPROVED and ADOPTED this _____ day of _____, 2013.
9

10
11 _____
12 JEFFREY COOPER, MAYOR
13 City of Culver City, California

14 ATTESTED BY:

15 APPROVED AS TO FORM:

16 _____
17 MARTIN R. COLE, City Clerk

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19 CAROL A. SCHWAB, City Attorney
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A13-00782

Zoning Code Amendment ZCA-P2013126
Exhibit A

17.320.025 - Alternative Parking Provisions

Where conditions preclude the provision of the number of required parking spaces on the lot for which the parking is required, the following procedures for alternative parking are available, subject to City approval:

- A. In Lieu Fees.** Subject to City Council approval, the number of parking spaces required by Section 17.320.020 (Number of Parking Spaces Required) may be reduced through the use of an in-lieu fee to be paid by the applicant towards the development of public parking facilities. The in-lieu fee shall be deposited in a fund administered by the City for the purpose of acquiring and developing future public parking facilities within the same district or area. The amount of the fee and time of payment shall be established by Council resolution.
- B. Public Parking Facilities (PPF) Zoned Property.** Off-site parking in public parking facilities in the PPF Zone may be used to satisfy the requirements of Table 3-3 (Parking Requirements by Land Use), subject to the following:
 - 1. Off-Site Parking Plan required.** A City-approved Off-Site Parking Plan shall be required for use of a public parking facility to satisfy a parking requirement including the following:
 - a. Public parking facility location.** The proposed off-site public parking facility location shall be identified in the off-site parking plan and shall be within 750 feet legal walking distance measured from the primary entrance of the land use to the public parking facility site, or other distance as determined by the City to be appropriate.
 - b. Project description.** The proposed land use(s), tenant(s) and hours of operation of the project shall be identified in the Off-Site Parking Plan.
 - 2. Long-term lease required.** A City-approved long term parking lease of no less than 20 years shall be required for use of the public parking facility.
 - 3. Lease renewal and termination.** The long-term parking lease must be renewed at the end of the 20-year term if alternative parking has not been provided; or the long-term parking lease shall be terminated if:
 - a.** The use for which the parking is required has ceased operations;
 - b.** There is any change in use or ownership of the property from the originally approved project;
 - c.** The City Council determines in its sole discretion that such use is inconsistent with the original terms and conditions of the lease or entitlement; and/or
 - d.** The lessor and/or lessee of the off-site parking opt to terminate the parking lease.

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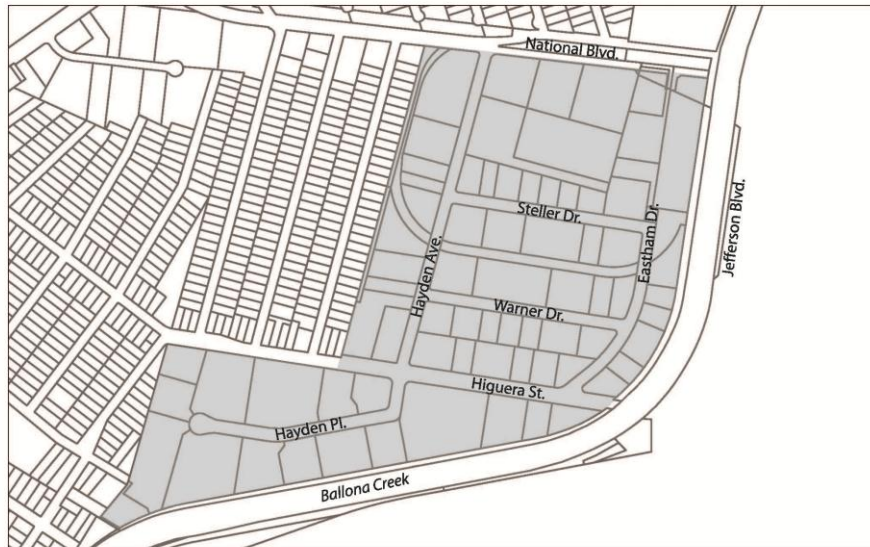
4. **Covenant required.** A City-approved covenant shall be recorded that includes a description of the proposed use, location of the off-site public parking facility, approval dates of the Off-Site Parking Plan and long term parking lease, and a provision for liquidated damages for violations of the long term parking lease and/or conditions of approval.
5. **City Council Approval.** The Off-Site Parking Plan and long-term parking lease may be approved by the City Council only after first making all of the following findings:
 - a. The Off-Site Parking Plan is consistent with the General Plan and any applicable specific plan.
 - b. The use of the off-site public parking facility to satisfy a parking requirement for the project is not detrimental to property or improvements in the vicinity of the project.
 - c. The use of the off-site public parking facility to satisfy the parking requirement for the project provides an economic benefit to the City.
- C. **Pooled Parking in the CD District-Outdoor Dining Use.** This Section shall only apply to satisfy a parking requirement imposed for outdoor dining use in the CD zoning district, as required by Section 17.400.070. Parking in the CD zoning district may be provided through a “pooled parking” arrangement in conjunction with applicable outdoor dining use approvals. Pooled parking shall allow utilization of both on- and off- street public parking spaces to satisfy parking requirements for outdoor dining use. In the event the downtown parking demand exceeds the pooled parking supply, as determined by the Director, a new or proposed intensification of an outdoor dining use in the CD zoning district shall be required to provide parking on-site or as otherwise allowed in this Chapter.
- D. **Hayden Tract and Smiley Blackwelder Parking Districts.** Parking Districts for the parking impacted Hayden Tract and Smiley Blackwelder areas located within the IG zone shall be established as outlined in Map 4-1 and Map 4-2. In addition to the general parking standards of this Chapter parking in the Districts are subject to the following Parking District standards.
 1. **Location.** When parking for new buildings and/or use intensifications or changes of use results in additional parking requirements that cannot be accommodated on-site, such parking may be may be partly or entirely provided off-site within a publicly owned or privately owned parking facility located within the Parking District or within 750 feet from the subject Parking District subject to Parking Plan approval.
 2. **Parking Plan Required.** A Parking Plan approved by the Director shall be required for use of off-site parking in the Parking Districts and shall identify the location of the off-site parking, the proposed land use(s), tenants(s) and hours of operation of the project or business subject to the following:
 - a. **Long-term lease required.** A City-approved long-term parking lease of no less than 10 years with one 5 year option shall be required for use of the off-site parking. The long-term parking lease must be renewed at the end of the 10-year term if alternative parking has not been provided.

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- b. **Termination.** The Parking Plan shall expire or terminate if (i) the use for which the parking is provided ceases to operate and/or, (ii) there is a change of use which modifies the parking requirement, and/or (iii) there is a violation of any conditions of approval as determined by the Director.
 - c. **Design.** All newly constructed off-site parking spaces shall conform to the same standards in this Chapter for on-site parking spaces including the standards for automated parking as outlined in Section 3 below.
 - d. **Covenant required.** A City-approved covenant shall be recorded that includes a description of the proposed use, location of the off-site parking facility, approval dates of the Parking Plan and long term parking lease, and a provision for liquidated damages for violations of the long term parking lease and/or conditions of approval.
 - e. **Loss of off-site spaces.**
 - i. **Notification to the City.** The owner or operator of a business that uses approved off-site parking pursuant to an approved Parking Plan to satisfy the parking requirements of this Chapter shall immediately notify the Director of any change of ownership or use of the property for which the spaces are required, and of any termination or default of the long-term parking lease between the parties.
 - ii. **Effect of termination of agreement.** Upon notification that the long-term parking lease for required off-site parking has terminated, the Director shall determine a reasonable time in which one of the following shall occur:
 - a. Substitute parking is provided that is acceptable to the Director; or
 - b. The size or capacity of the use is reduced in proportion to the parking spaces lost.
3. **Automated Parking.** Automated and semi-automated and stacked parking may be provided on-site or off-site within the Parking Districts subject to Parking Plan approval by the Director or subject to Site Plan Review approval pursuant to Chapter 17.530 for a new building or a building addition greater than 5,000 square feet and subject to the following:
- a. **Site Plan.** Submittal of a site plan prepared by a design professional indicating all structures; the automated, semi-automated or stacked parking location; number of required parking stalls; parking facility address and address of the property served by the parking; site ingress and egress location(s); proposed queuing location (if any); and the identification of adjacent land uses.
 - b. **Operations Plan.** Submittal of an parking operations plan describing the number of parking attendants and working hours, and methods for automobile storage and retrieval during non-business hours
 - c. **Permanent Structure.** All automated and semi-automated parking shall be located within a permanent structure and operated with parking attendant service during all hours of parking operation.

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- d. Technical Studies.** Submittal of technical studies demonstrating that the proposed design and operation of the automated or semi-automated parking will not be detrimental to surrounding uses and properties in the vicinity relative to noise, visual impacts, area parking and circulation, and existing on-site improvements.
 - e. Back-up Power.** Documentation that the automated, semi-automated or stacked parking is serviced with alternative back-up power to allow emergency operation of the parking system.
 - f. Inspection Report.** A maintenance inspection report for any automated semi-automated or stacked parking facility prepared at the sole expense of the applicant shall be submitted annually to the Planning Division for review.
4. **Managed Parking.** Managed or valet parking may be provided for all required on-site or off-site parking within the Parking Districts subject to Parking Plan approval by the Director which shall include: (a) the total parking spaces required; (b) the hours and method of parking operation; (c) number of parking attendants serving the parking facility; and (d) methods for management of the parking facility during non-operating hours.
5. **Compact Spaces.** Except as otherwise provided in Section 17.0320.035, compact spaces of 7 feet, 6 inches by 17 feet, six inches may be provided for up to 30 percent of required on-site or off-site parking within the Parking Districts.



HAYDEN TRACT PARKING DISTRICT



Map 4-1

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Exhibit A



SMILEY BLACKWELDER PARKING DISTRICT



Map 4-2

- E. **Off-Site Parking.** Except as otherwise provided in this Chapter, The use of privately owned off-site parking to satisfy the requirements of Table 3-3 (Parking Requirements by Land Use) shall be provided in compliance with the following standards.
1. **Location.** All off-site parking spaces except valet-serviced spaces shall be located within 750 feet legal walking distance measured from the primary entrance to the site, or other distance determined by the Director to be appropriate.
 2. **Design and improvement standards.** All newly-constructed off-site parking spaces shall conform to the same standards of access, configuration, landscaping, lighting, layout, location, noise attenuation, and size as are required by this Chapter for on-site parking spaces.
 3. **Identification of facility.** The review authority may require the parking lot to be clearly marked and conspicuously identified as the exclusive or shared parking for the sites it serves, unless the parking can only be accessed by a valet.
 4. **Terms of off-site parking.** A City-approved covenant shall be recorded that includes a description of the off-site parking, a requirement that the owner of the separated lot maintain the required parking for the life of the use to which it is covenanted, and a provision for liquidated damages for violations of the conditions of approval.
 5. **Execution of a long-term off-site parking lease**

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- a. **Long-term lease required.** A City approved long-term parking lease on no less than 20 years shall be required for use of the off-site parking.
- b. **Lease renewal and termination.** The long-term parking lease must be renewed at the end of the 20-year term if alternative parking has not been provided; or the land use for which the parking has been provided shall be terminated or modified pursuant to Section 6 below.

6. **Loss of off-site spaces.**

- a. **Notification to the City.** The owner or operator of a business that uses approved off-site space to satisfy the parking requirements of this Chapter shall immediately notify the Director of any change of ownership or use of the property for which the spaces are required, and of any termination or default of the long-term parking lease between the parties.
- b. **Effect of termination of agreement.** Upon notification that the long-term parking lease for required off-site parking has terminated, the Director shall determine a reasonable time in which one of the following shall occur:
 - i. Substitute parking is provided that is acceptable to the Director; or
 - ii. The size or capacity of the use is reduced in proportion to the parking spaces lost.

F. **Shared Parking Facilities.** Two or more non-residential uses shall be allowed to meet the parking requirements of this Chapter by sharing the same off-street parking facilities, subject to approval of an Administrative Use Permit and the following conditions.

- 1. **Parking study required.** A parking demand study shall be prepared by the City at the applicant's expense that verifies that the sharing uses have acceptable different peak hour parking demands.
- 2. **Distance to parking.** Except as otherwise provided in this Chapter, ~~¶~~The shared parking spaces shall fall within 750 feet legal walking distance measured from the primary entrance to the site, or other distance determined by the Director to be appropriate.
- 3. **Covenant required.** A City-approved covenant shall be recorded that includes a description of the shared parking arrangement, a requirement that all current and future tenants are notified of and shall adhere to the same hours of operation and conditions of the shared parking approval, and a provision for liquidated damages for violations of the conditions of approval.