

MEETING DATE: **02.09.09**

AGENDA ITEM: Adoption of an Ordinance Amending Title 17 of the Culver City Municipal Code, Section 17.220.035 "Commercial Downtown (CD) District Requirements" to Increase the Quantitative Parking Requirements for Restaurant Uses Within the CD Zone.

ATTACHMENTS

1. Resolution No. 2009-R	<u>Pages</u> 1-7
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ATTACHMENT 1

ORDINANCE NO. 2009-____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), SECTION 17.220.035 COMMERCIAL DOWNTOWN (CD) DISTRICT REQUIREMENTS TO INCREASE THE QUANTITATIVE PARKING REQUIREMENTS FOR RESTAURANTS AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO.

(Zoning Code Amendment P-2009001)

WHEREAS, on October 27, 2008 the City Council considered changes to the Quantitative Parking Requirements for the Commercial Downtown (CD) Zone and directed staff to initiate a Zoning Code Amendment; and

WHEREAS, on January 14, 2009 the Planning Commission conducted a duly noticed public hearing on City-initiated Zoning Code Amendment, ZCA P-2009001 fully considering all reports, studies, testimony, and environmental information presented; and

WHEREAS, the Planning Commission, after fully considering all reports, studies, testimony, and environmental information presented, determined by a vote of 4 to 0 that Zoning Code Amendment, ZCA P-2009001 should be recommended for approval to the City Council; and

WHEREAS, on January 26, 2009, the City Council conducted a duly noticed public hearing on Zoning Code Amendment, ZCA P-2009001, fully considering all reports, studies, testimony, and environmental information presented, and determined by a vote of 5 to 0 that Zoning Code Amendment, ZCA P-2009001, shall be adopted as set forth herein below.

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

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SECTION 1. Pursuant to the foregoing and as outlined in CCMC Title 17, Section 17.620.030 of the CCMC, the following findings for a Zoning Code (Text) Amendment are hereby made:

1. The proposed amendment ensures and maintains internal consistency with the goals, policies, and strategies of all elements of the General Plan and will not create any inconsistencies with the Zoning Code.

2. The proposed amendment is not detrimental to the public interest, health, safety, convenience and welfare of the City in that the Downtown revitalization has created more parking demand than is supported by the current area parking supply as there has been dramatic reinvestment in the downtown by a number of new restaurants with many including significant outdoor dining areas. This trend toward increased restaurant uses has significantly decreased the parking supply as restaurants typically have a much higher parking demand than retail and other commercial uses. The proposed amendment addresses concerns related to restaurant parking impacts on the downtown parking supply and potential restrictions in attracting alternative uses such as retail, and the desire to create a broader mix of downtown uses. Because few new restaurants would open, retail uses will have a greater opportunity to occupy vacant tenant spaces in the downtown. The addition of high quality, unique retail businesses will diversify the downtown economically, maximize revenues, increase dwell time and create a complete experience for patrons. The proposed amendment will make existing restaurants legal nonconforming in regards to parking and they would not have to provide additional parking beyond the quantitative parking requirements in place at the time the use was established. Existing restaurants that close will be able to maintain their nonconforming status and a new restaurants will be able to

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1 occupy the tenant space that was previously a restaurant without providing additional parking
2 so long as the square footage of the tenant space was not increased and so long as the
3 previous legal nonconforming restaurant use was not discontinued for a period of one year.

4 3. Pursuant to Sections 15162 and 15168 of the California Environmental
5 Quality Act, (CEQA), ZCA P-2009001 is within the scope of the Culver City General Plan
6 Update Program EIR approved on September 24, 1996 (PEIR 1) and the Culver City
7 Redevelopment Plan Amendment and Merger Program Subsequent EIR approved on
8 November 16, 1998 (PEIR 2), the circumstances under which PEIR 1 and PEIR 2 were
9 prepared have not significantly changed and no new significant information has been found
10 that would impact either PEIR 1 or PEIR 2; therefore, no new environmental analysis is
11 required.
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14 SECTION 2. Pursuant to the foregoing recitations and findings, the City
15 Council of the City of Culver City, California, hereby adopts Zoning Code Amendment, ZCA
16 P-2009001, thereby amending the Culver City Municipal Code (CCMC), section 17.220.035,
17 Commercial Downtown (CD) District Requirements to increase the quantitative parking
18 requirements for restaurants, as set forth in Exhibit "A" attached hereto and incorporated
19 herein by reference.
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21 SECTION 3. All restaurant applicants, who submitted applications on or before
22 January 14, 2009, shall be subject to the parking requirements in effect on that date. All
23 restaurant applicants, who submit applications after January 14, 2009, must comply with the
24 parking requirements as set forth in this Zoning Code Amendment, unless building permits
25 have been issued and substantial tenant improvements have been completed, as determined
26 by the Building Official, prior to the effective date of this Zoning Code Amendment.
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SECTION 4. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

SECTION 5. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED and ADOPTED this _____ day of _____, 2009.

D. SCOTT MALSIN, Mayor
City of Culver City, California

ATTESTED BY:

APPROVED TO AS FORM:

MARTIN R. COLE, City Clerk


CAROL SCHWAB, City Attorney

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EXHIBIT A

17.220.035 - Commercial Downtown (CD) District Requirements

Land uses allowed within the CD zoning district by Table 2-5 (Allowed Uses and Permit Requirements for Commercial Zoning Districts) shall comply with the following provisions, in addition to the development standards in Section 17.220.020 (Commercial Zoning District Development Standards) and all applicable provisions of Article 3 (Site Planning and General Development Standards).

A. Ground Floor Restriction. Land uses shown in Table 2-5 (Allowed Uses and Permit Requirements for Commercial Zoning Districts) as being subject to ground floor restrictions shall not be located on the ground floor of any building, in the following locations;

1. Both sides of Main Street;
2. The north side of Culver Boulevard from Canfield Avenue to Duquesne Avenue;
3. Both sides of Washington Boulevard between Watseka Avenue and Hughes Avenue; and
4. The Culver Boulevard and Washington Boulevard frontages of the Town Plaza and Town Park areas, except where other uses are allowed by the Culver City Redevelopment Agency in an Owner-Participation Agreement or a Disposition and Development Agreement.

Exemptions from ground floor use or design restrictions may be granted for designated historic structures when it can be demonstrated, by substantial evidence, that such restrictions would seriously compromise the economic viability or architectural integrity of the building.

B. Height Requirements.

1. The greater of 2 stories or 30 feet on either side of Main Street, except for the southerly 80 feet (north of Culver Boulevard.).
2. The greater of 3 stories or 44 feet along the southerly 80 feet of Main Street (north of Culver Boulevard), on the north side of Culver Boulevard from Canfield to Duquesne Avenues, and on the north or south sides of Washington Boulevard between Watseka and Hughes Avenues; or
3. 56 feet for all other areas, except for buildings within the Town Park and Town Plaza areas, which are governed by the Design for Development for the Downtown area.

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C. Parking Requirements. In the event the downtown parking demand exceeds the pooled parking supply, as reasonably determined by the Director, all new buildings or proposed intensification of uses in the CD Zone shall be required to provide parking on-site or as otherwise permitted in this Section and Title.

1. Retail stores, and similar uses: 1 parking space for each 400 square feet of gross floor area.
2. Restaurant uses:
 - a. General Table Service (1,500 square feet or less); 1 parking space for each 350 square feet of gross floor area with a minimum of 3 spaces.
 - b. General Table Service (greater than 1,500 square feet); 1 parking space for each 100 square feet of gross floor area.
 - c. Takeout (Counter Service) with customer tables; 1 parking space for each 75 square feet of gross floor area with a minimum of 8 spaces.
 - d. Takeout (Counter Service) no tables; 1 parking space per 250 square feet of gross floor area with a minimum of 3 spaces.
3. Outdoor dining areas: No parking required for the first 250 square feet of outdoor dining area. Any outdoor dining area exceeding 250 square feet shall be included as restaurant floor area in determining the parking requirement.
4. Financial institutions, corporate offices, medical offices and similar uses: 1 parking spaces for each 294 square feet of gross floor area, which requirement may be reduced by the City to 1 parking spaces for each 370 square feet of gross floor area subject to implementation of a Transportation Demand Management program approved by the City.
5. Theaters: The parking requirement shall be determined by the Director for each facility based on a parking demand/supply study.
6. Additional parking provisions: When applying the provisions of Section 17.320.025 (Alternative Parking Provisions), the legal walking distance of off-site parking spaces may be extended to allow the utilization of off-street parking areas within the boundaries of the CD Zone or any City off-street parking lot within 750 feet of the CD Zone boundary.
7. Evening and weekend use: Where the operator of a business provides parking at the levels established in Subsection 17.220.035.C. 1,2,3 or 4, the City may require the operator to allow general public use of the parking spaces during evening and weekend hours, where feasible.

D. Multiplex Theater Amusement Devices. Amusement devices are permitted in conjunction with a multiplex movie theater complex of at least 10 screens subject to all the following criteria:

1. No more than 10 amusement devices shall be permitted in a complex.
2. Amusement devices shall be located within the theater complex and used only by theater customers who have purchased tickets.
3. An amusement area shall not occupy more than 500 square feet of floor area.

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4. An amusement area shall be screened so as not to be generally visible from the exterior of the theater complex.
5. An amusement area shall be accessible only by means of the main customer entrance for the theater complex.