

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 01/26/09		Item Number: <u>PH-2</u>	
AGENDA ITEM: PUBLIC HEARING – Introduction 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.			
Contact Person/Dept.: Thomas Gorham/CDD		Phone Number: (310) 253-5727	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Published in the Culver City News on (1/1/09, 1/8/09 and 1/22/09); notice mailed to all the property owners and occupants in the Commercial Downtown (CD) zone, Downtown Business Association, and the Culver City Chamber of Commerce (1/5/09 and 1/15/09); and notice emailed to the Master Notification List (1/5/09 and 1/15/09).			
Department Approval: Sol Blumenfeld (01/15/09)		City Attorney Approval Carol Schwab (by H. Baker) (01/21/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (01/21/09)		City Manager Approval: Jerry B. Fulwood (01/21/09)	

RECOMMENDATION:

Staff recommends the City Council introduce an Ordinance 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 restaurant uses within the CD Zone. (Attachment No. 1).

PROCEDURE:

1. Mayor seeks motion to receive and file affidavit of mailing and positing of public notice.
2. Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired.
3. Mayor seeks motion to declare the public hearing open, providing the applicant the first opportunity to speak, followed by the general public.
4. Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. City Council thoroughly discusses the matter and arrives at its decision.

City of Culver City, California
City Council Agenda Item Report

BACKGROUND:

The City Council has authorized a comprehensive study of downtown parking supply and demand, including evaluation of parking operations; curbside parking; public parking structures; valet parking; and the special parking needs of the studios and downtown employers. However, completion of the study is not expected until the third quarter of 2009. In order to address 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, the City Council at its meeting of October 27, 2008 directed staff to initiate a Zoning Code Amendment to increase the quantitative parking requirement for restaurants in the CD zone.

The Downtown revitalization has created more parking demand than is supported by the current area parking supply. The total number of parking spaces in the downtown is approximately 1750. Since 2005 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 increased parking demand in the Downtown as restaurants typically have a much higher parking demand than retail and other commercial uses. In addition, restaurant uses generally "outbid" retail uses and are willing to pay higher lease rate creating a scarcity of retail in the downtown.

CCMC Section 17.220.035, Commercial Downtown (CD) District Requirements (Attachment No. 3), specifies the number of parking spaces required for restaurants. The existing requirement for restaurants is the same as that for retail, which is 2.5 spaces for each 1,000 square feet of gross floor area, which is equivalent to one parking space for each 400 square feet of gross floor area. Outdoor dining is exempt from this parking requirement so long as the total outdoor dining in the downtown doesn't exceed 20,000 gross square feet. Staff believes the new restaurants and related outdoor dining areas have increased the demand for parking in downtown. Parking requirements for other uses in the CD Zone including offices and financial institutions is 3.4 spaces for each 1000 square feet of gross floor area, which is equivalent to 1 space per 294 square feet of gross floor area.

Most of the recent downtown revitalization has occurred through the rehabilitation of existing buildings located on lots where it is infeasible to provide additional on-site parking. Parking for most uses, including restaurants, in the downtown has been satisfied through the pooled parking program outlined in Zoning Code Section 17.320.025.C (Attachment No. 4). The pooled parking program was created to spur downtown reinvestment as part of the "Downtown Overlay Zone"

City of Culver City, California
City Council Agenda Item Report

adopted in the mid 1990's and enabled new uses to rely on the approximately 1750 public parking spaces, both on-street and in the City owned public parking structures in the downtown area to meet their code required parking.

In late 2005, these requirements were incorporated into the new Commercial Downtown (CD) zoning district when the Zoning Code underwent a comprehensive revision. Currently any new use (restaurant or retail) taking over an existing tenant space with a previous use that had the same or more restrictive parking requirement does not have to provide on-site parking and can utilize the pooled parking so long as the use is not increasing the square footage of the tenant space. In practice, since parking requirements for retail and restaurant uses in the CD Zone are the same (1 space per 400 square feet of floor area), and parking for office and other uses is more restrictive (1 space per 294 square feet of floor area), when a retail or office use closes, a new restaurant can occupy the space without providing additional parking beyond the pool allocation for the previous use so long as the floor area is not increased.

On January 14, 2008 the Planning Commission conducted a public hearing on the subject Zoning Code Amendment, and after consideration of all relevant information and testimony the Commission by a vote of 4-0 adopted Resolution No. 2009-001 recommending to the City Council Approval of ZCA P-2009001 (Attachment No. 2).

DISCUSSION:

In order to balance the supply and demand of downtown parking and help create a broader mix of uses in the downtown, staff has identified the following issues to consider in potential changes to the parking requirements in the CD Zone:

- Outdoor dining areas are currently exempt from parking requirements, although in some cases these areas exceed the indoor dining space.
- The downtown parking requirements for restaurants are less restrictive than other areas of the City.
- Modification of the pooled parking program.

Proposed Requirements

The proposed Zoning Code Amendment changes the parking requirement for Restaurant uses in the CD Zone to be consistent with restaurant parking requirements for all other zones in the City. As outlined in Zoning Code Section 17.320.020H Table 3-3. Parking Requirements by Land Use (Attachment No. 5), restaurant parking requirements in all other zones in the City are as follows:

City of Culver City, California
City Council Agenda Item Report

- General table service restaurants that are equal to or less than 1,500 square feet require one parking space for each 350 square feet of floor area with a minimum of 3 spaces
- General table service restaurants greater than 1,500 square feet require one parking space for each 100 square feet of floor area
- Takeout (counter service) restaurants with tables require 1 parking space for each 75 square feet of floor area with a minimum of 8 spaces
- Takeout (counter service) restaurants with no tables require 1 parking space for each 250 square feet of floor area with a minimum of 3 spaces
- Outdoor dining requires no parking for the first 250 square feet of dining area. Any outdoor dining area exceeding 250 square feet shall be included as restaurant floor area in determining the parking requirement

By changing the downtown parking requirement for restaurants to be consistent with all other zones in the City, new restaurants will have a more restrictive or greater quantitative parking requirement than retail or office uses and will be required to provide parking for the net difference between the parking required for the previous use and the parking required for the restaurant use. For example, if a 2,800 square foot retail space with no on-site parking was replaced by a new general table service restaurant the new restaurant would be required to provide 21 additional parking spaces. The previous retail use has a required parking ratio of 1:400 resulting in 7 spaces satisfied by the pooled parking. The new restaurant at a parking ratio of 1:100 would require 28 parking spaces. The existing 7 pooled spaces could be utilized by the restaurant resulting in the restaurant being required to provide 21 parking spaces.

Nonconforming Status

Increasing the quantitative parking requirements for restaurants will limit opportunities for additional restaurants to locate downtown without providing on-site parking and/or securing approved off-site parking. Existing restaurants would be considered legal nonconforming in regards to parking and would be subject to the quantitative parking requirements in place at the time the use was established. Pursuant to Zoning Code Section 17.610.015, Loss of Nonconforming Status (Attachment No. 6), existing restaurants that close will be able to maintain their nonconforming status and new restaurants will be able to occupy the tenant space that was previously a restaurant without providing additional parking so long as the square footage of the tenant space is not increased and so long as the previous legal nonconforming restaurant use was not discontinued for a period of one year.

City of Culver City, California
City Council Agenda Item Report

Consistent with City policy and CCMC Section 17.100.020E. –“Effect of Zoning Code Amendment on Projects in Process”, any proposed restaurants that have permit applications that have been deemed complete , would be subject to the existing parking requirements. Currently there are two proposed restaurants in this situation that are proposed for the former Stellar Hardware store on Main Street. The Planning Commission in adoption of their resolution made a recommendation that any application for a restaurant use received by the City after the date of adoption of the Planning Commission Resolution No.2009-P001 (January 14, 2008) shall comply with the proposed amended restaurant parking requirements unless they receive a building permit and have started substantial tenant improvements prior to the effective date of the Ordinance approving this Zoning Code Amendment.

Pooled Parking

Staff does not believe that modifications to the pooled parking program are necessary as part of this Zoning Text Amendment. The pooled parking provisions were adopted in January of 2000 as part of other changes to the Downtown Overlay zone, including outdoor dining, and changing the boundaries of the zone. The pooled parking was meant to allow businesses in the downtown zone to utilize the City-owned public parking to meet their quantitative parking requirements. In addition, the required parking for the new Town Plaza project including Trader Joes, the movie theatre and the restaurants adjacent to the theatre (Daphne's, Cold Stone and now Chipotle) and the future Parcel B developments were allocated to the pool.

The way the pooled parking has been implemented is that any new business taking over an existing tenant space that had the same quantitative parking requirement as the previous use could utilize the pooled parking to meet their parking requirements. If the new use has a high quantitative parking requirement than the previous use, then it would be required to secure parking for the net difference. There is also a provision that allows the Director to determine whether or not there is room in the pool. At this point, based on some preliminary analysis, staff does not believe that the pool is full, however it may not be used efficiently in that the Agency leases a number of spaces in the lots to uses such as Brotman, Sony, and Miller automotive. Therefore, the proposed amendment is intended to give prospective retail uses a greater chance of locating in the downtown.

The proposed Comprehensive Parking Study will examine this issue in more detail and make any necessary recommendations to the pooled parking program. As stated above, increased restaurant uses in the downtown have created a higher demand on the pooled parking supply. However, the pooled parking is

City of Culver City, California
City Council Agenda Item Report

still a necessary tool for providing parking for new and existing uses which do not have their own on-site parking to meet their Code required parking.

CONCLUSION:

By increasing the quantitative parking requirement for restaurants in the CD Zone, the number of restaurants in downtown will be limited as few existing buildings have sufficient parking to satisfy the code requirement. Because few new restaurants would open, retail uses will have a greater opportunity to occupy vacant tenant spaces in the downtown. Staff believes the addition of high quality, retail businesses will diversify the downtown economically, and complement the downtown experience.

ENVIRONMENTAL DETERMINATION:

Section 15162 of the California Environmental Quality Act (CEQA) Guidelines states that when an EIR has been certified for a project no subsequent EIR shall be prepared for a subsequent project whose impacts are fully addressed in the initial EIR, unless there is substantial evidence of the following:

- 1) The subsequent project will require major revisions to the initial EIR;
- 2) The circumstances under which the EIR was prepared have significantly changed; or
- 3) New information of substantial importance, which was not previously known, could impact the project.

Section 15168 of the CEQA Guidelines states that a Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- Geographically;
- As logical parts in the chain of contemplated actions;
- In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
- As individual activities carried out under the same authorizing statutory or regulatory authority and having similar environmental effects which can be mitigated.

Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act, (CEQA), ZCA P-2009001 is within the scope of the Culver City General Plan

City of Culver City, California
City Council Agenda Item Report

Update Program EIR approved on September 24, 1996 (PEIR 1) and the Culver City Redevelopment Plan Amendment and Merger Program Subsequent EIR approved on November 16, 1998 (PEIR 2), the circumstances under which PEIR 1 and PEIR 2 were prepared have not significantly changed and no new significant information has been found that would impact either PEIR 1 or PEIR 2; therefore, no new environmental analysis is required.

FISCAL ANALYSIS:

Adoption of the ordinance in and of itself will not generate any cost to the City nor will it create any additional revenues. However, should the ordinance be passed, the City may potentially garner tax revenue, such as sales tax, business tax, utility tax, etc., from new retail uses in the Downtown.

ATTACHMENTS:

1. Ordinance No. _____
2. Planning Commission Resolution No. 2009-P001 (ZCA P-2009001)
3. Zoning Code Section 17.220.035, Commercial Downtown (CD) District Requirements
4. Zoning Code Section 17.320.025.C, Pooled Parking
5. Zoning Code Section 17.320.020H Table 3-3. Parking Requirements by Land Use
6. Zoning Code Section 17.610.015, Loss of Nonconforming Status
7. Area Map

MOTIONS:

That The Council:

Introduce an Ordinance amending Title 17, Zoning, 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.