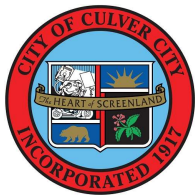


City of Culver City

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Staff Report

File #: 22-691, Version: 2

Item #: PH-2.

PC - PUBLIC HEARING: Consideration of a City-Initiated Zoning Code Amendment Regarding Ground Floor Uses in the Commercial Downtown (CD) Zone.
Meeting Date: March 9, 2022**Contact Person/Dept:** Jose Mendivil, Associate Planner
Susan Herbertson, Senior Planner**Phone Number:** (310) 253-5757**Fiscal Impact:** Yes No **General Fund:** Yes No **Public Hearing:** **Action Item:** **Attachments:** **City Council Action Required:** Yes No **Date:** N/A**Public Notification:** (E-Mail) Meetings and Agendas - Planning Commission (03/04/22); (Posted) City Website (02/17/22); Gov Delivery (02/17/22); (Published in) Culver City News (02/17/22).**Department Approval:** Sol Blumenfeld, Community Development Director (03/01/2022)**RECOMMENDATION:**

Staff recommends the Planning Commission adopt a resolution recommending the City Council approve a Zoning Code Amendment regarding additional Ground Floor Use types and associated parking requirements in the Commercial Downtown Zone.

PROCEDURES

1. Chair calls on staff for a brief staff report and the Planning Commission poses questions to staff as desired.
2. Chair opens the public hearing and receives comments from the general public.
3. Chair seeks a motion to close the public hearing after all testimony has been presented.
4. Planning Commission discusses the matter and arrives at its decision.

BACKGROUND

The purpose of the proposed amendment is to address retail trends that have created downtown vacancies and to provide less restrictive parking requirements to address expanded ground floor uses and expanded outdoor dining opportunities related to the Move Culver City project. The City has historically placed emphasis on allowing ground floor retail and restaurant uses in the Downtown District to promote activation and economic revitalization since the inception of the Downtown Overlay Zone in 1992. The types of ground floor uses include retail stores, theatres, and restaurants. Exceptions to ground floor uses were granted to designated historic structures. On October 24, 2005, the City Council adopted the current Zoning Code that established the Downtown District Zone in the same geographic location as the previous Downtown Overlay Zone. Ground floor use standards were carried over to the October 2005 Zoning Code with specific land uses in the Commercial Downtown District (CD) Zone land use tables identified as restricted, or not allowed on the ground floor.

Land uses not allowed on the ground floor include private meeting halls or clubs, health and fitness facilities, business and consumer support services, catering services, hotels and motels, medical outpatient clinics, medical labs, offices, personal services, and public safety facilities.

The uses listed above are allowed above ground floors and all other business activity listed in the CD Zone land use tables are permitted on the ground floor with some requiring special use permits such as Administrative Use Permits or Conditional Use Permits.

ANALYSIS/DISCUSSION:

Changes to the real estate and retail markets have culminated in fewer retail tenants occupying CD Zone ground floor spaces. These changes have largely resulted from:

- The popularity of e-commerce online retailing.
- Direct home delivery of consumer items.
- Retailers reducing the number of traditional storefront businesses.
- Safe-distancing requirements related to the Covid-19 pandemic.

This has led to difficulties in leasing ground floor commercial space and increased requests for alternative ground floor uses that are not currently permitted in the zone. The proposed code amendment provides more flexibility to ground floor use requirements and allow additional uses in the CD Zone as described below.

In addition, staff is proposing an amendment to CD Zone parking requirements in connection with expanded restaurant outdoor dining opportunities and potential new ground floor businesses. Many Downtown restaurants have expanded their outdoor dining operations in response to the safe-distancing requirements created by the pandemic. In addition, new Downtown mobility measures including *Move Culver City*, have necessitated modifications to Downtown sidewalks, requiring modifications to Downtown outdoor dining operations.

Further, it will be difficult for additional uses to locate on the ground floor unless CD Zone parking requirements are addressed. There is limited Downtown parking and most of the buildings have legal non-conforming parking. Adjusting parking requirements will facilitate the number of businesses that can locate in vacant tenant spaces and expand restaurant outdoor dining opportunities. The City has recently modified permitted non-retail ground floor uses in mixed use development projects to accommodate tenancing due to the above factors.¹

Specific Zoning Code sections affected by the amendment includes:

- CCMC Section 17.220.015.A - Commercial District Land Uses and Permit Requirements.

- CCMC Section 17.220.035 - Commercial Downtown (CD) District Requirements.
- CCMC Section 17.320.020 - Number of Parking Spaces Required.

The proposed amendment to ground floor restrictions and parking in the CD Zone is shown in strike out and underline in Exhibit A of Planning Commission Resolution No. 2022-P003 (Attachment No. 1).

Uses

Zoning Code Section 17.220.035 - Commercial Downtown (CD) District Requirements provides standards specific to the CD Zone. In the CD Zone, certain uses in the Zoning Code Commercial Land Use Table 2-5 - Allowed Uses, permit various uses in the CD Zone but prohibit them on the ground floor because they have been assumed to not contribute toward pedestrian activation. However, changing retailing trends and the major shift to online sales has prevented lease up of downtown ground retail floor space resulting in vacancies. This condition is experienced in many cities. Staff recommends the existing exemption section of the CD Zone allow additional types of land uses on the ground floor:

Hotels and Motels: Hotels and motels should be permitted if the street level is dedicated to pedestrian activities such as retail stores, hotel lobbies, restaurants, or other uses that invite Downtown workers or visitors and generate street level pedestrian activity.

Office: Offices with direct customer or client service components can potentially activate pedestrian activity for the Downtown community. For example, insurance agencies and real estate offices can experience a high volume of walk-in customers and will compliment surrounding Downtown retail and restaurant businesses. Other types of offices that can be a resource to Downtown businesses and nearby design, creative, and media related uses include advertising agencies; architectural, engineering, and planning services; graphic design, fashion, photography, and commercial art studio uses; and accounting, auditing, and bookkeeping services. These types of offices require outside patronage daily, like retail. Figure 1 below illustrates the specific changes to the code language discussed above:

Figure 1 (Excerpt from Exhibit A to Attachment No. 1)

17.220.035 COMMERCIAL DOWNTOWN (CD) DISTRICT REQUIREMENTS.

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.

~~5. 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.~~

- a. designated historic structures when it can be demonstrated, by substantial evidence, that such restrictions would substantially compromise the economic viability or architectural integrity of the building;
- b. hotels and motels with ground floor uses that generate pedestrian activity such as lobbies, retail, and restaurants; and
- c. office uses that include direct customer or client service components and that generate pedestrian activity or require patronage daily, such as, but not limited to insurance offices; tax preparer; real estate offices; advertising agencies; architectural, engineering, and planning services; graphic design, fashion, photography, and commercial art studio services; and accounting, auditing and bookkeeping services, and similar office uses as determined by the Director.

In addition to the exemption section noted above two other uses can be allowed by removing their restriction to the ground floor within the Commercial Land Use Tables - Zoning Code Table 2-5 (Commercial Zoning Land Uses).

Medical services - Offices/clinics: Staff proposes that outpatient medical services be allowed on the ground floor. Demand for outpatient medical services can potentially increase with the growth of office users and residents in the Downtown area and surrounding areas. Clinics in the CD Zone will provide an opportunity for patrons to walk from their employment or nearby residences to their medical appointments and combine those trips with retail or food purchases in the CD Zone.

Personal Services: Currently personal services are not allowed on the ground floor in the CD Zone. The Zoning Code defines personal services as:

Figure 2 (Excerpt from Zoning Code)

Personal Services. Establishments providing non-medical services as a primary use, including:

Clothing rental;	Psychics;
Dry cleaning pick-up stores with limited equipment;	Shoe repair shops;
Hair, nail, facial, and personal care;	Tailors;
Laundromats (self-service laundries);	Tanning Salons;
Massage therapy (licensed therapeutic);	Tattoo Parlors.

These uses may also include accessory retail sales of products related to the services provided.

The proposed Zoning Code Amendment would allow personal services on the ground floor. The Zoning Code does not require a special use permit for any of the uses listed above and are allowed in all commercial zones except that Psychic Readers are prohibited in the East Washington Overlay Zone. Some of the uses are subject to regulations outside of the planning process such as State or County health department oversight of tattoo establishments and Culver City Finance Department background check procedures for massage establishments. The Current Planning Division is not normally involved in this type of assessment carried out by other agencies or City Departments. Ultimately, a business license will be issued once the Finance Department has verified compliance with regulations by other agencies and City departments.

Ground floor Personal Services should be allowed if it can be determined they facilitate pedestrian activation in the CD Zone. General Plan Land Use Element Objective 22 - Policy 22.A encourages Downtown uses that contribute to a *“positive nightlife ambience such as sidewalk cafes and specialty retail that support 18 to 24-hour day patronage”*. The Land Use Element further states that Downtown is intended to *“support desirable existing and future commercial uses ... and encourage a pedestrian-friendly environment with a positive nightlife ambience. Allowed uses include restaurants, sidewalk cafes, specialty retail, and urban services that serve adjacent neighborhoods and the community as a whole...”*

The uses listed above such as hair or nail salons and dry-cleaning pick-up stores can be characterized as urban services, are pedestrian in nature, and can serve the local Downtown business community as well as nearby residential areas. In addition, day spas that offer massage therapy as part of their routine business activities will generate pedestrian activity with clientele from the Downtown community and surrounding residences. Other Personal Service uses such as psychic readers, have not located in Culver City at a high rate and Downtown ground floor rents for premium spaces could be cost prohibitive for such uses.

Studios - Art, dance, music, photography, and the like: Finally, staff recommends that smaller health fitness facilities be considered appropriate ground floor uses correlating to the pedestrian scale. The Zoning Code definition for studios includes yoga, martial arts, dance, and health fitness facilities that are typically 3,000 square feet or less. Studios are already allowed on the ground floor and the amendment is not required to allow smaller health fitness facilities. Prohibition of larger health fitness establishments in the CD ground floor will continue.

The only amendment required to Table 2-5 (Commercial Zoning Land Uses) is elimination of a note restricting ground floor use for Medical services - Offices/clinics and Personal services:

Figure 3 (Excerpt from Exhibit A to Attachment No. 1)

LAND USE(1)	PERMIT REQUIREMENT BY DISTRICT						See Specific Use Regulations :
	CN	CG	CC	CD	CRR	CRB	
RECREATION, EDUCATION & PUBLIC ASSEMBLY							
Studios - Art, dance, music, photography, and the like	P	P	P	P	P	P	
SERVICE							
Medical services - Offices/clinics	P	P	P	P(4)	P	P	
Personal services	P	P	P	P(4)	P	P	

(4) Subject to ground floor restrictions, see § 17.220.035 (CD District Requirements).

Parking

Retail uses in the CD Zone require 1 space per 400 square feet of tenant space. The parking amendment to the CD Zone will extend that commercial/retail parking ratio to the other proposed ground floor uses noted above which will facilitate the ground floor location for studios such as yoga, martial arts, dance and small health facilities, certain types of office uses, medical outpatient offices, and personal services in the CD zone. In addition, required parking for outdoor dining above 250 square feet will be eliminated (parking is not required for outdoor dining of 250 square feet or less). This will result in increased outdoor dining opportunities which have been restricted by recent Covid-19 related safe-distancing requirements and will accommodate the City’s recent changes for expanded outdoor dining . Staff is also proposing that parking requirements in CCMC Section 17.220.035 be listed in a table format with a new CD Zone parking table titled: Table 2-7.1. Currently the parking requirements are written as sentences which will be stricken in favor of Table 2-7.1.

CD Zone parking requirements do not change for other uses such as Financial Institutions, Restaurants (indoor portion), and Theatres. All other uses allowed in the CD Zone that are not listed in Table 2-7.1 will be subject to general parking requirements pursuant to CCMC Section 17.320.020 - Number of Parking Spaces Required. A comparison of the proposed CD parking amendment with required parking for the same uses in the rest of the City demonstrates the flexibility resulting from the changes. An increased variety of potential ground floor uses, beyond retail, will be possible with the 1 space per 400 square foot ratio allocated to additional uses. Figure 4 below illustrates the new CD parking ratios in comparison with the rest of the City.

Figure 4

REQUIRED PARKING COMPARISON		
Land Use	Vehicle Spaces Required In CD Zone with Proposed Changes	Vehicle Spaces Required In the rest of the City
Ground floor uses in hotels and motels that generate pedestrian activity such as lobbies and retail, except restaurants	1 space per 400 square feet.	Hotel Retail, restaurant and conference uses calculated at 1 space per 100 square feet.
Medical services - Offices/clinics	1 space per 400 square feet.	1 space per 350 square feet.
Office Uses		
Financial institutions, corporate offices, and similar uses (No Change Proposed)	1 parking space for each 294 square feet of gross floor area, which requirement may be reduced by the City to 1 parking space for each 370 square feet of gross floor area subject to implementation of a Transportation Demand Management program approved by the City.	1 space per 350 square feet. Except for Banks and financial services: 1 space per 250 square feet.
<u>Office uses that include direct customer or client service components and that generate pedestrian activity or require patronage daily, such as, but not limited to insurance offices; tax preparer; real estate offices; advertising agencies; architectural, engineering, and planning services; graphic design, fashion, photography, and commercial art studio services; and accounting, auditing and bookkeeping services, and similar office uses as determined by the Director.</u>	1 space per 400 square feet.	1 space per 350 square feet.
Restaurants		
General table service (1,500 square feet or less) (No Change Proposed)	1 parking space for each 350 square feet of gross floor area, with a minimum of 3 spaces.	1 space per 100 square feet; or 1 space per 350 square feet (minimum of 3 spaces) if located within a Commercial Revitalization Area designated by City Council and with an approved Parking Plan.
General table service (greater than 1,500 square feet) (No Change Proposed)	1 parking space for each 100 square feet of gross floor area.	1 space per 100 square feet.

Figure 4 Continued

REQUIRED PARKING COMPARISON		
<i>Land Use</i>	<i>Vehicle Spaces Required In CD Zone with Proposed Changes</i>	<i>Vehicle Spaces Required In the rest of the City</i>
Takeout (counter service) with customer tables (No Change Proposed)	1 parking space for each 75 square feet of gross floor area, with a minimum of 8 spaces.	1 space per 75 square feet, with a minimum of 8 spaces.
Takeout (counter service), no tables (No Change Proposed)	1 parking space per 250 square feet of gross floor area, with a minimum of 3 spaces	[Takeout (counter service - 750 square feet or less), no tables] 1 space per 250 square feet, with a minimum of 3 spaces.
Outdoor Dining	Parking Not Required.	No parking required for 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.
Retail and personal service uses, general	1 space per 400 square feet.	1 space per 350 square feet.
Studios for dance, art, music, photography, martial arts, personal fitness, and the like	1 space per 400 square feet.	1 space per 200 square feet of gross floor area. Ground floor fitness studio uses with less than the greater of 3,000 sq. ft. or 30% of the gross floor area of the total mixed-use project commercial floor area in the CD Zone or in a mixed-use project, shall provide 1 space per 350 sq. ft. Remaining commercial floor area parking shall be calculated at 1 space per 200 sq. ft. of gross floor area.
Theaters (No Change Proposed)	The parking requirement shall be determined by the Director for each facility, based on a parking demand/supply study.	1 space for each 5 fixed seats, and 1 space per 35 square feet of assembly or seating area with no fixed seats, plus required spaces for ancillary uses (e.g., restaurant).

A portion of the general City parking requirement for studio uses in CCMC Section 17.320.020 will be amended, eliminating reference to studio parking in the CD Zone, to make this section consistent with CD Zone Parking amendment (Figure 5 below):

Figure 5 (Excerpt from Exhibit A to Attachment No. 1)

H. Table 3-3. Parking Requirements by Land Use.
3. Recreation, education and public assembly uses.

Table 3-3C	
Land Use Type: Recreation, Education & Public Assembly	Vehicle Spaces Required
Studios for dance, art, music, photography, martial arts, personal fitness, and the like	1 space per 200 square feet of gross floor area. Ground floor fitness studio uses with less than the greater of 3,000 sq. ft. or 30% of the gross floor area of the total mixed-use project commercial floor area in the CD Zone or in a mixed-use projects, shall provide 1 space per 350 sq. ft. Remaining commercial floor area parking shall be calculated at 1 space per 200 sq. ft. of gross floor area.

PUBLIC COMMENT:

A notice informing the public of the proposed amendment, the comment period, and the Planning Commission hearing date, was published in the Culver City News on February 17, 2022. Staff has not received comments as of the writing of the report.

ENVIRONMENTAL DETERMINATION:

The proposed Zoning Code Amendment is considered exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (common sense exemption), because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. The amendment by itself does not result in any physical changes nor any significant effects on the environment and does not intensify development beyond current Zoning Code limits. The uses affected by the amendment

are already allowed in the CD Zone above the ground floor and changes would permit those uses on the ground floor. The amended parking is not expected to increase parking demand because the CD Zone attracts single vehicle trips to multiple land uses in the Zone such as Downtown office users visiting Downtown food retailers. Public parking facilities in the CD Zone can absorb parking generated by single vehicle trips going to various downtown uses. The amendment does not include a specific project application and projects submitted after amendment adoption will be subject to appropriate environmental review under CEQA.

CONCLUSION:

The amendment will modify the CD Zone to allow additional ground floor uses, expand outdoor dining opportunities, and reduce related parking requirements for some uses. Staff believes findings for a Zoning Code Amendment as stated in CCMC Section 17.620.030, can be made, and recommends approval of the amendment.

FISCAL ANALYSIS:

The City may have an incremental increase in business license and sales tax receipts due to additional floor area occupied in the CD Zone if the proposed amendment is approved.

MOTION:

That the Planning Commission:

Approve a resolution recommending the City Council adopt a Zoning Code Amendment

ATTACHMENTS:

1. 2022-03-09_ATT - Planning Commission Resolution No. 2022-P003 and Exhibit A Proposed Code Amendment

NOTES:

1. The Lucky Mixed-Use Development - 12821 Washington Boulevard, ground floor retail. On May 10, 2021, the City Council approved non-retail ground-level uses, including professional office and medical office for The Lucky Development.