

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 3/11/13		Item Number: <u>PH-1</u>	
AGENDA ITEM: Public Hearing – Introduction of an Ordinance Amending Title 17, Zoning, of the Culver City Municipal, Section 17.220.0015, Table 2-5; Section 17.230.015, Table 2-8; Section 17.260.035, and Table 2-11 to Add “Food Retail” To the List of Permitted Uses in the Commercial and Industrial Zones; Section 17.320.020.H, Table 3-3B to Establish Parking Requirements for “Food Retail”; and Section 17.700.010 to Add a Definition for “Food Retail” (Zoning Code Amendment, ZCA P-201170).			
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 (2/28/13); and Meetings and Agendas – City Council (03/05/13).			
Department Approval: Sol Blumenfeld (02/27/13)		City Attorney Approval Carol Schwab (by H. Baker) (03/04/13)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (03/04/13)		City Manager Approval: John M. Nachbar (03/05/13)	
<u>RECOMMENDATION:</u> Staff recommends the City Council introduce an Ordinance amending Title 17, Zoning (the “Zoning Code”), of the Culver City Municipal Code (CCMC), Section 17.220.0015, Table 2-5; Section 17.230.015, Table 2-8; Section 17.260.035, and Table 2-11 to Add “Food Retail” To the List of Permitted Uses in the Commercial and Industrial Zones; Section 17.320.020.H, Table 3-3B to Establish Parking Requirements for “Food Retail”; and Section 17.700.010 to Add a Definition for “Food Retail” (Zoning Code Amendment, ZCA P-201170). <u>PROCEDURE:</u> 1. Mayor seeks motion to receive and file affidavit of mailing and positing of public notice. 2. Mayor seeks motion to declare the public hearing open and calls on staff for a brief staff report and City Council poses questions to staff as desired. (As the City is the applicant in this case, the staff report will also serve as the applicant’s presentation and shall be made after the public hearing has been opened.) 3. City Council receives comments from 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.			

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BACKGROUND:

The purpose of this proposed City-initiated Zoning Code Amendment (ZCA P-201170) is to create a distinct land use designation for “Food Retail” uses that clearly differentiates those uses from sit-down or counter service restaurants in order to properly allocate parking requirements for such uses.

Examples of food retail uses include the following:

- Juice stores
- Yogurt stores
- Coffee and tea shops
- Donut shops
- Ice Cream shops
- Bakeries and bagel shops
- Cookie and Candy shops

These uses are distinguished from a restaurant as they do not serve full meals or have kitchen equipment such as a grill, cook top or other similar equipment and is not capable of serving full meals but instead serves snacks or beverages for consumption on the premises or for take-out. In addition, they do not include wait service. These uses typically are 1,500 square feet or less in area and have limited service area relative to gross floor area and limited seating capacity resulting in less parking demand than a restaurant use. Attachment No. 4 contains examples of a typical Starbucks floor plan and a yogurt shop floor plan

In 2009, the City Council adopted a Zoning Code Amendment creating more restrictive parking requirements for restaurants in the downtown and proposed ZCA P-201170 will help implement that direction. Currently, if a retail food use vacates a space, the retail parking requirement should apply. However, since the Zoning Code does not currently distinguish between Retail Food Use and restaurant uses, a restaurant may be permitted to tenant a former retail space without providing additional parking.

On December 14, 2011 the Planning Commission adopted Resolution No.2011-P006 recommending to the City Council approval of ZCA P-201170 (Attachment No. 4).

DISCUSSION

Definition

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Currently uses described above as "Food Retail" uses would fall under the restaurant land use classification as outlined below:

Restaurant, Counter Service. A retail business where customers are served prepared food and/or beverages from a walk-up ordering counter for either on- or off-premise consumption, which may include fast-food and take-out restaurants. A restaurant with drive-up or drive-through service is instead included under the definition of "Drive-in and Drive-Thru Facilities."

Restaurant, Table Service. A retail business selling food and beverages prepared on the site, where most customers are served food at tables for on-premise consumption. These restaurants may also provide food on a take-out basis and live entertainment that is clearly secondary to table service.

To distinguish "Food Retail" uses from restaurant uses the following land use definition is proposed:

Food Retail. A retail establishment where less than 750 square feet is utilized for on-site consumption of any food and/or beverage, including seating, counter space, or other eating arrangement, and where the number of seats does not exceed 30 and is distinguished from a restaurant as it does not have kitchen equipment such as a grill, cook top or other similar equipment and is not capable of serving full meals; and does not include wait service; and serves food and non-alcoholic beverages for consumption on the premises or for take-out and limited to bakeries, bagel shops, donut shops, cookie and candy shops, juice stores, coffee and tea shops, ice cream and yogurt shops, and other similar uses as determined by the Director.

Permitted Zones

"Food Retail" uses are proposed to be permitted in all zones that currently permit restaurant uses. These are the following commercial zones and industrial zones: Commercial Neighborhood (CN); Commercial General (CG); Commercial Community (CC); Commercial Downtown (CD); Commercial Regional Retail (CRR); Commercial Regional Business Park (CRB); Light Industrial (IL); General Industrial (IG); and East Washington Overlay (EWO).

Parking

The parking requirement for "Food Retail" uses is proposed to be the same as those for general retail uses, 1 space per 350 square feet (s.f.) of floor area (1:350). This will differentiate them from restaurants which have the following parking requirements:

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- 1:350 for a table service restaurant use 1,500 s.f. or less
- 1:100 for a table service restaurant over 1500 s.f.
- 1:75 for a counter service restaurant with tables
- 1:250 for counter service restaurants without tables

Each of these types of restaurant uses has a higher parking requirement than the proposed "Food Retail" uses except for table service restaurants 1,500 s.f. or less. Restaurants wishing to occupy an existing or former "Food Retail" uses space would need to provide parking for the difference between that required for the "Food Retail" uses and that required for the restaurant use. For example, a 2,800 s.f. "Food Retail" use space has a parking requirement of 8 spaces (2800/350). A table service restaurant going into that space would be required to provide 28 parking spaces (2800/100); therefore a net new 20 parking spaces would need to be provided for the new restaurant use.

Proposed ZCA P-201170 will amend Section 17.220.0015, Table 2-5; Section 17.230.015, Table 2-8; Section 17.260.035, Table 2-11 to add "Food Retail" to the list of permitted uses in the Commercial and Industrial Zones; Section 17.320.020.H, Table 3-3B to establish parking requirements for "Food Retail"; and Section 17.700.010 of the Zoning Code, to add a definition for "Food Retail". The proposed text changes are outlined in strikethrough/underline format in Exhibit A (Attachment No. 2).

Environmental Determination:

Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA), the proposed Zoning Code Amendment (ZCA P201170) is within the scope of the Culver City General Plan 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.

Summary:

"Food Retail" uses are distinguished from restaurants in several ways. First, "Food Retail" uses have limited or no kitchen facilities which makes them incapable of preparing full meals; and second that there is no waiter or waitress service. "Food Retail" uses also tend to be more self-service and typically without a large full-time staff other than cashiers or clerks and are usually a business that one uses as part of other activities, where one picks up the food or beverage and leaves the

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establishment and where seating is typically limited. A restaurant is a use that tends to be more of a destination where one sits down for an extended period for a meal. Restaurants have a higher parking demand as patrons sit down for a meal and monopolize parking either on-street or on-site for an extended period. Proposed ZCA P-201170 creates a distinct land use designation for "Food Retail" uses that clearly differentiates those uses from sit-down or counter service restaurants.

FISCAL ANALYSIS:

Introduction of the proposed ordinance in and of itself will not generate any cost to the City nor will it create any additional revenues. However, should the ordinance ultimately be adopted, the City may potentially garner tax revenue from new retail uses in the City.

ATTACHMENTS:

1. Proposed Ordinance
2. Exhibit A – Proposed Text Changes in "strikethrough/underline" format
3. Example floor plans
4. Planning Commission Resolution No. 2011-P006

MOTIONS:

That the City Council:

Introduce an Ordinance amending Title 17, Zoning, of the Culver City Municipal Code, Section 17.220.0015, Table 2-5; Section 17.230.015, Table 2-8; Section 17.260.035, and Table 2-11 to Add "Food Retail" To the List of Permitted Uses in the Commercial and Industrial Zones; Section 17.320.020.H, Table 3-3B to Establish Parking Requirements for "Food Retail"; and Section 17.700.010 to Add a Definition for "Food Retail" (Zoning Code Amendment, ZCA P-201170).