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**PC – Consideration of a City-Initiated Comprehensive Zoning Code Amendment Modifying Various Sections of the Zoning Code Related to Residential Development Standards, Family Daycare Homes, Commercial Setbacks Abutting Alleys, Parking Requirements, and Smoking in Outdoor Dining and Retail Areas.**

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**Meeting Date:** April 22, 2020

**Contact Person/Dept:** Michael Allen/Current Planning Manager  
Jose Mendivil/Associate Planner

**Phone Number:** (310) 253-5706 / (310) 253-5757

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☒ **Action Item:** ☐ **Attachments:** ☒

**Public Notification:** (E-Mail) Meetings and Agendas – Planning Commission (4/17/20); (Posted) City Website (4/02/2020); Gov Delivery (4/02/2020); (Published in) Culver City News (4/02/2020).

**Department Approval:** Sol Blumenfeld, Community Development Director (4/16/2020)

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**RECOMMENDATION:**

Staff recommends the Planning Commission adopt a resolution recommending to the City Council approval of a Zoning Code Text Amendment modifying various sections of the Zoning Code related to residential development standards, family daycare homes, commercial setbacks abutting alleys, parking requirements, and outdoor dining.

**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. Commission discusses the matter and arrives at its decision.

**BACKGROUND**

The Current Planning Division has identified several unintended discrepancies in the Zoning Code that require correction and/or update to effectively and consistently apply the Zoning Code. The proposed Zoning Code Amendment is organized by batches of topics or Zoning Code Sections, including:

- Family Daycare Homes. Provide new regulations to be consistent with State law;

- Residential Basements in R1. Extend basement allowances in other residentially zoned areas;
- Front Building Setback Area. Clarify paving standards for pedestrian pathways in residential front yard setbacks;
- Minimum Building Separation. Provide minimum distances between detached primary dwelling units and accessory dwelling units;
- Parking Update. Parking ratio for single room occupancy units and micro units;
- Building Setbacks. Provide consistent application of alley credits for building setback requirements for mixed use structures and commercial structures;
- Outdoor Dining Areas. Provide smoking regulations in outdoor dining areas.
- Parking, Exclusive Use and Wheel Stops. Establish exclusive on-site parking use and eliminates use of wheel stops.

## **DISCUSSION**

### **Recommendations Related to Family Day Care Homes**

A Family Day Care Home is a residential day care facility located in a home, where a full-time resident provides care and supervision for up to 14 children, including children under the age of 10 that reside in the home. State law and the Culver City Municipal Code (CCMC) separates day care homes into Large Family Day Cares, serving 7 to 14 children, and Small Family Day Cares, serving up to 8 children. Currently CCMC, Article 17 – Zoning, requires an Administrative Use Permit (AUP) for Large Family Day Care Homes and allows Small Family Day Care Homes without discretion but with specific development standards.

Senate Bill 234 (SB 234), signed into law on September 5, 2019, amended the California Health and Safety Code relating to Family Day Care Homes. SB 234 requires local jurisdictions to consider Family Day Care Homes, large and small, solely as residential uses subject to only those restrictions that apply to other residential uses of the same type in the same zone. Below are the recommended amendments to the Zoning Code relating to Family Day Care Homes that will result in compliance with SB 234.

*Recommended Zone Text Amendments – Land Use*

TABLE 2-2 Allowed Uses and Permit Requirements for Residential Zoning Districts	P Permitted Use CUP Conditional Use Permit Required AUP Administrative Use Permit Required - Use not allowed						
LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Specific Use Regulations:
	R1	R2	R3	RLD	RMD	RHD	
RESIDENTIAL							
Child day care - Large family day care homes (6)	P	P	P	P	P	P	
Child day care - Small family day care homes (6)	P	P	P	P	P	P	
SERVICE							
Child day care - Large family day care homes	AUP	AUP	-AUP	-AUP	AUP	AUP	<a href="#">17.400.035</a>
Child day care - Small family day care homes	P	P	P	P	P	P	<a href="#">17.400.035</a>

Notes:

(6) Use is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

TABLE 2-5 Allowed Uses and Permit Requirements for Commercial Zoning Districts	P Permitted Use CUP Conditional Use Permit Required AUP Administrative Use Permit Required - Use not allowed						
LAND USE(1)	PERMIT REQUIREMENT BY DISTRICT						See Specific Use Regulations :
	CN	CG	CC	CD	CRR	CRB	
RESIDENTIAL							
Child day care - Large family day care homes (12)(13)	P	P	P	P	-	-	
Child day care - Small family day care homes (12)(13)	P	P	P	P	-	-	
SERVICE							
Child day care Large family day care homes	AUP	AUP	-	-	-	-	<a href="#">17.400.035</a>
Child day care Small family day care homes	-P	P	-	-	-	-	

Notes:

(12) Use is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

(13) Use only allowed as part of a mixed-use project.

TABLE 2-11 Allowed Uses and Permit Requirements for the East Washington Boulevard Overlay (-EW)		P Permitted Use
LAND USE (1)	Permit Requirement	See Specific Use Regulations:
RESIDENTIAL		
<u>Child day care - Large family day care homes</u> (15)(16)	<u>P</u>	
<u>Child day care - Small family day care homes</u> (15)(16)	<u>P</u>	

**Notes:**

(15) Use is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

(16) Use only allowed as part of a mixed-use project.

*Recommended Zone Text Amendments – Parking*

Table 3-3A	
Land Use Type: Residential	Vehicle Spaces Required
Multi-family dwellings and residential component of mixed-use development, includes supportive housing, and transitional housing units, <u>Large family day care homes, and Small family day care home</u> (1) (2)	Studio micro-units: 0.5 space. (4)
	Studio and 1 bedroom, up to 900 square feet: 1 space.
	Studio and 1 bedroom, greater than 900 square feet: 2 spaces.
	2-3-bedroom units: 2 spaces.
	4-bedroom units: 3 spaces.
	1 space for every additional bedroom greater than 4.
Single-family, duplex and triplex units, includes supportive housing, and transitional housing units, <u>Large family day care homes, and Small family day care homes</u> (1) (2)	Guest parking: 1 space for every 4 residential units.
	2 spaces per dwelling unit.

**Notes:**

(1) See Subsection [17.320.035](#).N. (Special Requirements for Residential Uses).

(2) Any parking reductions not otherwise authorized by this Code or state law shall require approval by resolution of the City Council.

Table 3-3B	
Land Use Type: Commercial (1)(4)	Vehicle Spaces Required
Day care facilities	
Child or adult day care centers	1 space per 300 square feet of floor area.
Large family day care home	1 space per employee, in addition to required residential spaces.
Small family day care home	As required for the single-family dwelling (see parking requirement for residential uses).

### *Recommended Zone Text Amendments – Definitions*

**Child Day Care Facilities.** Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are also required to be licensed by the California State Department of Social Services.

**1. Child Day Care Center.** Commercial or non-profit child day care facilities designed, approved and licensed as a child care center with no permanent resident. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with another related facility, or as an independent land use.

**2. Large Family Day Care Home.** A day care facility located in a residence where a full-time resident provides care and supervision for 7 to 14 children ~~12 children (plus 2 additional children after school)~~. Children under the age of 10 years who reside in the home count as children served by the day care facility.

**3. Small Family Day Care Home.** A day care facility located in a residence where a full-time resident provides care and supervision for up to eight children. ~~6 or fewer children (plus 2 additional children after school)~~. Children under the age of 10 years who reside in the home count as children served by the day care facility.

### *Recommended Zone Text Amendments – Child Day Care Specific Standards*

#### **17.400.035 (RESERVED)CHILD DAY CARE FACILITIES.**

~~This Section provides location, development, and operating standards for child day care facilities, in a manner that recognizes the needs of childcare operators and minimizes the effects on surrounding properties. These standards apply in addition to the other provisions of this Title and requirements imposed by the California State Department of Social Services. Licensing by the Department of Social Services is required for all facilities.~~

~~The establishment of a child day care facility shall comply with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards), and the following criteria and standards.~~

~~**A. Large Family Day Care Home – Administrative Use Permit Required.** A large family day care home requires approval of an Administrative Use Permit in compliance with Chapter 17.530~~

(Administrative Use Permits and Conditional Use Permits), and is subject to the following additional provisions.

~~1. Notice of filing of the application shall be in accordance with Chapter 17.630 (Public Hearings and Administrative Review), and the following additional requirements.~~

~~a. The notice shall include information on the right to request a hearing on the application.~~

~~b. The notice shall be mailed by the Director within 15 days after receipt of a complete application.~~

~~2. Except as provided in Subsection 17.400.035.A.3., immediately below, the Director shall have authority, without a hearing, to approve, conditionally approve, or disapprove the application, based on the required findings in Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).~~

~~3. If one of the property owners or occupants, notified in compliance with Subsection 17.400.035.A.1. above, files a written request with the Division within 15 days after the date the notice was mailed, the application shall be referred to the Commission for public hearing. The hearing shall be promptly scheduled by the Director. Notice of the hearing shall be in accordance with Chapter 17.630 (Public Hearings and Administrative Review). Any person may present oral or written testimony at the hearing. The Commission shall approve, conditionally approve, or disapprove the application, based on the required findings in Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).~~

~~4. The decision on the application by the Director or Commission may be appealed in compliance with Chapter 17.640 (Appeals).~~

~~**B. Large Family Day Care Homes – Development Standards.** The following standards shall apply.~~

~~1. The home shall be the principal residence of the childcare provider, and the child care use shall be incidental to the residential use.~~

~~2. A minimum 175-foot radius separation shall be provided from every other similar use. However, if the frontage of the proposed use is along the same street as the frontage of another similar use, the minimum separation shall be 300 linear feet.~~

~~3. A minimum of 600 square feet of open space shall be provided for an outdoor play area, none of which shall be located in the required front setback, and all of which may be satisfied by the minimum open space requirements identified in Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).~~

~~4. Use of the outdoor play areas shall be limited to the hours of 8:00 a.m. to 6:00 p.m. only.~~

~~5. On-site advertising signs shall be prohibited.~~

~~6. In addition to the required residential parking, one additional on-site parking space shall be provided for each employee not residing on the site.~~

~~7. The traffic and noise generated by a large family day care home shall not adversely impact the residential character of the neighborhood in which it is located. The applicant shall provide the Director with information relating to traffic and noise on an environmental information form provided by the City. This information shall be used to determine whether adverse impacts will likely occur. If the applicable review authority determines adverse impacts will likely occur, the application may be approved, subject to development conditions (e.g., mitigation measures) that would reduce the identified impacts to acceptable levels.~~

~~8. Each operator shall secure and maintain a valid State-issued license for the operation of a large family day care home at the proposed location. The Use Permit shall not become effective until the applicant provides the Director with a copy of the State-issued license, nor shall it remain in effect unless the applicant maintains a current valid State-issued license.~~

~~9. The Fire Department shall conduct a fire clearance inspection for the facility, upon receipt of the appropriate paperwork from the California State Department of Social Services. Fire and life safety inspections will be conducted annually thereafter.~~

### *Discussion*

Amendments to the land use tables list Day Care Homes as an allowed residential use in all zones that allow such a use. Further, it eliminates Family Day Care Homes from the Service portion of the land uses tables. In commercial zones residential uses are only allowed as part of mixed-use development and Family Day Care Homes will also be subject to the same restriction. Parking amendments result in Family Day Care Homes subject to the same parking requirements as other residential uses of the same type (single, two, three, and multifamily homes and mixed use). Amendments to the definitions are consistent with the State law definitions.

The elimination of the Child Daycare Centers standards stated in Article 4 are required because these standards only address Large Family Daycare Homes which cannot be regulated with Zoning standards pursuant to SB 234. State regulation and licensing of Child Daycare Homes will continue.

### B. Recommendations Related to Residential Standards

The following amendments address a series of Zoning standards related to residential uses that will result in more consistent language regarding basements, Accessory Dwelling Unit and Accessory Residential Structure separation from primary dwelling units, pedestrian pathways in the front setback area, and Single Room Occupancy parking requirements.

#### *Recommended Zone Text Amendments – Basement and Internal ADU Separation*

Table 2-3 Residential Districts Development Standards (R1, R2, R3)			
Development Feature	Requirement by Zoning District		
	R1	R2	R3
Dwelling size	<b><i>Maximum and minimum allowed floor area.</i></b>	<b><i>Maximum and minimum allowed floor area, not including any garage or other non- habitable space.</i></b>	
Maximum area <u>(7)</u>	.60 Floor Area Ratio (FAR) (6)(7)	1,500 square feet plus 40% of net lot area for parcels less than 8,000 square feet; 60% of net lot area for parcels 8,000 square feet or more.	
Setbacks (4)	<b><i>Minimum setbacks required. See § 17.300.020 (Setback Regulations and Exceptions).</i></b>		
Minimum distance between structures	5 feet between accessory residential structures <u>and accessory dwelling units</u> ; 5 between primary dwelling units <u>and accessory residential structures and accessory dwelling units.</u> 8 feet between detached dwelling units.		

#### **Notes:**

(4) For standards for Accessory Residential Structures, see § 17.400.100.

- (6) Garages attached to be primary structure shall be included in the FAR. Detached garages shall not be included in the FAR.
- (7) The floor area of basements shall not be included in the Maximum area FAR.

<b>Table 2-4</b> <b>Residential District Development Standards (RLD, RMD, RHD)</b>			
Development Feature	Requirement by Zoning District		
	RLD	RMD	RHD
<b>Setbacks (4)</b>	<b><i>Minimum setbacks required. See § 17.300.020 (Setback Regulations and Exceptions).</i></b>		
<b>Minimum distance between structures</b>	5 feet between accessory residential structures, and accessory dwelling units; 5 between primary dwelling units and accessory residential structures and accessory dwelling units. 10 feet between detached dwelling units.		

Notes:

- (4) For standards for Accessory Residential Structures, see § 17.400.100.

*Recommended Zone Text Amendments – Front Setback Minimum/Maximum Landscaping/Paving*

**17.310.020 LANDSCAPE AREA REQUIREMENTS.**

Landscaping shall be provided in the locations specified below.

**A. Setbacks.** All setback and open space areas not occupied by driveways, parking areas, walkways, building projections and approved hardscape areas, shall be planted, except where a required setback is screened from public view, or it is determined by the Director that planting is not necessary to fulfill the purposes of this Chapter.

- a. For single-family, two-family and three-family residential projects, all street-facing setback areas shall be landscaped ~~within 6 months of occupancy~~. Such areas shall be landscaped with live plant materials for a minimum of 75% of the subject area, unless paving of a larger area is required to comply with Subsection 17.320.035.C. (Parking Space and Lot Dimensions), to provide a standard 16-foot double-wide driveway for a two-car garage within the 20-foot front setback area, or unless such paving involves a circular driveway that is otherwise in compliance with Subsection 17.320.040.C. (Circular Drive), or unless such paving involves a pedestrian pathway subject to Section 17.310.020.A.b, subject to the discretion of the Director.
- b. In addition to the required driveway paving in single-family, two-family and three-family residential projects, additional paving in a street facing setback may be allowed for a pedestrian pathway provided it is not more than 4 feet in width. The pedestrian path shall be separated from the driveway by a minimum width of 3 feet and landscaped unless the pathway is designed to lead from the driveway to the dwelling entrance. In that case, the pathway connection shall not exceed 4 feet in width.

**17.320.035 PARKING DESIGN AND LAYOUT GUIDELINES.**

**N. Special Parking Requirements for Residential Uses.**

**2. Paving of street-facing setback.** Within residential zoning districts, no more than 25% of any required setback facing a street shall be paved to provide access to on-site parking, unless paving



of a larger area is required to comply with Subsection 17.320.035.C. (Parking Space and Lot Dimensions) above (e.g., to provide a standard 16-foot, double-wide driveway for a two-car garage within the 20-foot front setback area), or unless such paving involves a circular driveway that is otherwise in compliance with Subsection 17.320.040.C. (Circular Drive). In addition to the required driveway paving in single-family, two-family and three-family residential projects, additional paving may be allowed for a pedestrian pathway leading to the entrance of the development provided the pedestrian path is not more than 4 feet in width. If the pedestrian path is not connected to the driveway, it shall be separated from the driveway by a minimum width of 3 feet and landscaped. If the pedestrian pathway is connected to the driveway, the maximum length of the connection shall not exceed 4 feet Vehicles shall not be parked between the street property line and the front or side of a residential unit except on a driveway leading to a garage or carport, or a circular driveway.

*Recommended Zone Text Amendments - Single Room Occupancy (SRO) Parking*

Table 3-3A	
Land Use Type: Residential	Vehicle Spaces Required
Single room occupancy units	<u>0.5 parking space per unit. (4)</u> <del>One (1) parking space per unit.</del>

**Notes:**

(4) Studio micro-units and single room occupancy units within the TOD District depicted in Map 4-1 of § 17.400.065.E are not required to provide parking.

**17.400.106 SINGLE ROOM OCCUPANCY (SRO) UNITS.**

This Section provides density, development, and operating standards for single room occupancy units in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

**G. Parking.** 0.5 One parking space shall be provided for each SRO unit. SRO units within the TOD District depicted in Map 4-1 of § 17.400.065.E are not required to provide parking.

*Discussion*

In the R1 amendments that established a maximum dwelling size of a 60% Floor Area Ratio (FAR), a basement allowance was added. Basements complying with the Zoning Code basement definition are not counted towards FAR in the R1 Zone. It was not the intent to make the basement allowance exclusive to the R1 Zone and the basement amendment extends the allowance to the R2 and R3 Zones that also have maximum dwelling size limits. Multi-family zones do not have a maximum dwelling unit size limit.

The structure separation amendment extends the 5-foot separation for accessory residential structures such as garages and tool sheds, to accessory dwelling units (ADUs). ADUs are sometimes built on top of garages or to the side of garages as separate structures. Although ADUs are habitable units, their minimal size and allowance beyond Zoning density maximums, renders them “accessory” to primary dwellings. The 5-foot distance will result in consistent separation standards for both ADUs and garages and conforms to the building separation requirements in the building code.

The Zoning Code currently restricts front setback paving to a maximum of 25% for the R1, R2, and R3 Zones to accommodate driveways. The remaining 75% must be landscaped. A larger paved area is permitted for a driveway leading to a garage in the front because in those cases, a driveway needs to be at least 16 feet wide. The Code is silent for paved pedestrian pathways leading from the sidewalk to the front door and in cases where a 16-foot wide driveway is required, the 25% maximum limit precludes the ability to provide such pathways. The amendments to those portions of the landscaping and off-site Zoning Code sections governing the 25% paving limit allow additional pedestrian pathway paving. The pathway is limited to 4-feet in width and requires a minimum 3-foot landscaped separation between the driveway and the pathway, thereby assuring the largest landscape area possible in the front setback.

The SRO parking amendment of 0.5 spaces per unit with no parking required if located in the TOD District is compatible with the recently adopted parking requirements for micro studio units. The Code required micro unit area range is 350 to 500 square feet and requires only 0.5 spaces per unit. An SRO unit measures 200 to 350 square feet and requires 1 parking space, the same as studio units which are larger than both SROs and micro units. Adoption of SRO standards predate the micro unit amendments and because SRO units are smaller than micro units the parking standard should be the same for both.

#### C. Recommendations Related to Commercial & Industrial Standards & Uses

The following amendments address the commercial setback requirements for properties abutting alleys that are adjacent to residential zones and outdoor dining in industrial zones. The setback amendments for non-mixed-use commercial developments abutting alleys that are adjacent to residential zones will be the same as the setback for mixed use projects that are separated from residential zones by an alley. The outdoor dining amendment will allow outdoor dining in industrial zones which also allow restaurant uses.

Recommended Zone Text Amendments – Alley Setback Adjacent to Residential Zones

<b>Table 2-6</b> <b>Commercial District Development Standards (CN, CG, CC, CD)</b>				
Development Feature	Requirement by Zoning District			
	CN	CG	CC	CD
Setbacks	Minimum setbacks required. See § 17.300.020 (Setback Regulations and Exceptions).			
Alley	2 feet <del>The width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.</del> <u>One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.</u>			

<b>Table 2-7</b> <b>Commercial District Development Standards (CRR, CRB)</b>		
Development Feature	Requirement by Zoning District	
	CRR	CRB
Setbacks	Minimum setbacks required. See § 17.300.020 (Setback Regulations and Exceptions).	
Alley	2 feet <del>The width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.</del> <u>One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.</u>	

<b>Table 2-9</b> <b>Industrial District Development Standards</b>		
Development Feature	Requirement by Zoning District	
	IL	IG
Setbacks	Minimum setbacks required. See § 17.300.020 (Setback Regulations and Exceptions).	
Alley	2 feet <del>The width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.</del> <u>One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones.</u>	

### *Recommended Zone Text Amendments – Outdoor Dining in Industrial Zones*

TABLE 2-8 Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts			
AUP Administrative Use Permit Required			
LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT		See Specific Use Regulations:
	IL	IG	
RETAIL TRADE			
<u>Restaurants, outdoor dining (3)</u>	<u>AUP</u>	<u>AUP</u>	<u>17.400.070</u>

Notes:

(3) For permit requirements related to the sale of alcoholic beverages, see § 17.400.015.

#### *Discussion*

Current zoning setback requirements for non-mixed-use commercial developments in both the commercial and industrial zones allow the width of an alley to be credited towards the setback requirement for those developments abutting alleys adjacent to residential zones. This differs from the standard for a mixed-use commercial development that allows only half the alley width to be credited towards an alley frontage setback adjacent to a residential zone. The half width alley standard shifts the mixed-use development further from a residential neighborhood than a non-mixed-use development of similar massing. The amendment ensures the same separation from residential zones for both mixed-use and non-mixed-use commercial developments (e.g. 10 feet of a 20-foot-wide alley separating a proposed development from residential may be credited towards the development setback requirement from residentially zoned properties).

The Industrial Zones allow restaurant uses like commercial zones yet do not list outdoor dining as an allowed use. The proposed amendment allowing outdoor dining in Industrial Zones will make the Industrial Zones consistent with other zones that allow both restaurants uses and outdoor dining ancillary to a restaurant.

#### D. Recommendations Related to Smoking Regulations in Outdoor Dining & Retail Areas

Chapter 9.11 of the CCMC regulates smoking in outdoor spaces and amendments to the Zoning Code sections governing outdoor dining and outdoor retail sales and display will reference Chapter 9.11.

### *Recommended Zone Text Amendments – Outdoor Dining*

#### **17.400.070 OUTDOOR DINING.**

This Section provides location, development, and operating standards for outdoor dining facilities in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

**D. Conformance with Chapter 9.11: Smoking Regulations.** Outdoor dining shall conform to all standards and regulations pertaining to Outdoor Dining Areas, as set forth in Sections 9.11.100, et seq. of Chapter 9.11: Smoking Regulations of this Code.

*Recommended Zone Text Amendments – Outdoor Retail*  
17.400.075 OUTDOOR RETAIL SALES AND DISPLAY.

This Section provides location, development, and operating standards for outdoor retail sales and display on privately-owned property, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

**B. Conformance with Chapter 9.11: Smoking Regulations.** Outdoor Retail Sales and Display shall conform to all standards and regulations pertaining to Outdoor Dining Areas, as set forth in Sections 9.11.100, et seq. of Chapter 9.11: Smoking Regulations.

#### *Discussion*

The amendments to Outdoor Dining require compliance with the smoking regulations in Chapter 9.11 assuring consistency with smoking restrictions within Outdoor Dining Areas. Chapter 9.11 makes specific reference to Outdoor Dining but does not have similar language for Outdoor Retail Sales and Display. The amendment language to the Outdoor Retail section requires Outdoor Retail Sales and Display to comply with the regulations pertaining to Outdoor Dining Areas as set forth in Chapter 9.11.

#### E. Recommendations Related to Parking Regulations

The proposed parking amendments below require that on-site parking be used first for the land use the parking is located on before it can be used for off-site parking and eliminates the requirement for wheel stops along property line edges of commercial developments.

*Recommended Zone Text Amendments – Use of On-site Parking*

#### CHAPTER 17.320: OFF-STREET PARKING AND LOADING

##### 17.320.015 GENERAL PARKING REGULATIONS.

H. Off-street On-Site Parking Exclusive Use. Except for City approved covenants and/or development entitlements, all off-street on-site parking is for the exclusive use of the development, uses, and/or structure(s) that are located on the property that the on-site parking is located. Any proposed use of on-site parking by an off-site use/development may be approved pursuant to Section 17.320.025 provided the existing on-site parking includes surplus parking for the existing on-site use, or the City has approved a shared parking agreement pursuant to Section 17.320.025. Any excess parking, or the creation of new parking on a site shall first satisfy the required parking for the on-site development, use, and/or structure(s) of that property if it is deficient in required parking pursuant to Section 17.320.020, or legal non-conforming due to parking.

*Recommended Zone Text Amendments – Wheel Stops*

##### 17.320.035 PARKING DESIGN AND LAYOUT GUIDELINES.

#### **D. Curbing and ~~Wheel Stops~~.**

1. Continuous concrete curbing at least 6 inches high and 6 inches wide, with breaks to allow on-site drainage, shall be provided along the edges of parking spaces adjacent to fences, walls, other

structures, property lines, pedestrian walkways and planted areas. Curbing shall be placed within the parking space a minimum of 2 feet from the front of the space. ~~Alternatively, wheel stops can be placed to allow for 2 feet of vehicle overhang area within the dimension of the parking space. Wheel stops or c~~ Curbs are not required where 2 parking spaces are contiguous at the width ("head to head"). Alternative barrier designs to protect planted areas may be approved by the Director.

### *Discussion*

The parking use amendment requires that on-site parking be used to service the use or structures on the parcel the on-site parking is located on, before such parking can be used for an off-site use/development. The amendment establishes that all on-site parking in the city is assumed to be for the exclusive use of the site the parking is located on. Exceptions are made if previous agreements allow off-site uses to access the parking or if new agreements are made pursuant to the Zoning Code's alternative parking provisions that allow off-site or shared parking with a covenant. This amendment also prevents a developer from claiming that parking can be used for an off-site use because there is no record of the on-site parking established for use by the site the parking is located on.

The amendment eliminating wheel stops along property line edges of commercial developments ensures that these edges will either be treated with a continuous, 2-foot wide landscaped area or with a raised curb strip. Additionally, the area between the property line and wheel stop creates an area where debris can accumulate, and a continuous 2-foot wide curbing will reduce the potential for that accumulation.

### **PUBLIC COMMENT:**

Public comment received prior to finalization of the agenda is available in Attachment 2.

### **CONCLUSION:**

Proposed amendments will clarify various sections of the Zoning Code, create consistency for various standards, and makes the code consistent with state law. Staff believes findings can be made and recommends the Planning Commission recommend to the City Council, adoption of the amendments.

### **ENVIRONMENTAL DETERMINATION:**

Pursuant to CEQA Guidelines Section 15061(b) (3), the proposed Project is exempt, because it can be seen with certainty that there is no possibility that the Project will have a significant effect on the environment. The Project by itself, does not result in any physical changes in the environment because it only clarifies and updates various discrepancies in the Zoning Code, and does not result in changes to existing land use, density or an intensification of development beyond what the Zoning Code currently allows.

**FISCAL ANALYSIS:**

There is no fiscal impact related to this item.

**ATTACHMENTS:**

1. 2020-04-22\_ATT – Planning Commission Resolution No. 2020-P005 and Exhibit A Proposed Code Amendments
2. 2020-04-22\_ATT – Public comment received prior to finalization of the agenda

**MOTION:**

That the Planning Commission:

Adopt Resolution No. 2020-P005 recommending to the City Council approval of Zoning Code Text Amendment P2020-0078-ZCA modifying various sections of the Zoning Code related to residential development standards, family daycare homes, commercial setbacks abutting alleys, parking requirements, and outdoor dining.