

March 18, 2003

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
March 25, 2003**

SUBJECT: TEXT AMENDMENT 03-1

REVISIONS TO DOWNTOWN PARKING REQUIREMENTS AMENDING ZONING
CODE SECTIONS 17.44.040, 17.44.140 AND 17.44.190.

INITIATED BY THE CITY COUNCIL

Planning Commission Recommendation:

To introduce the attached ordinance to amend Chapter 17.44 of the Zoning Ordinance and adopt the attached resolution to authorize submittal of the proposed amendments to the Coastal Commission for consideration

Background:

A moratorium ordinance prohibiting the change of existing retail space to restaurant use expired on November 13, 2002. The moratorium was intended to provide time to study potential ways to regulate land use and parking in order to preserve existing downtown retail space and balance parking demand. With the expiration of the moratorium in November, it is now permissible to convert existing retail space to restaurant use. On October 22, 2002, the Council reviewed several implementation measures relating to parking standards for retail and restaurants. The proposed standards help balance downtown parking demand and supply. In the evening, the demand for parking is greatest when restaurants are heavily occupied. During the daytime there is generally ample parking supplied for all downtown uses. On November 12, 2002, the City Council directed staff to prepare a draft text amendment for downtown parking standards and referred the matter to the Planning Commission. The Council's direction was to increase the parking ratio for smaller restaurants, by eliminating the change-of-use credit allowed for restaurant projects of 5,000 square feet and less; and, to decrease the parking requirement for retail and office uses from four to three spaces per 1000 square feet.

At their meetings of January 21 and February 18, 2003, the Commission reviewed and considered the direction of the Council, and adopted a resolution recommending specific changes to the relevant code sections to implement their direction, and incorporated additional recommendations regarding the parking credit for restaurants greater than 5,000 square feet and pertaining to in-lieu parking allowances.

Analysis:

The changes to downtown parking requirements as recommended by the Commission include amendments to Sections 17.44.040, and 17.44.140 of the Zoning Ordinance, and elimination of Section 17.44.190 pertaining to in-lieu parking in the downtown, by incorporating those provisions in Section 17.44.040. Please refer to the attached text amendment language in the comparison chart, and to the January 21, 2003, Planning Commission staff report for a detailed discussion of the recommended changes.

The proposed changes would eliminate obsolete parking exceptions for the downtown and make the Zoning Ordinance consistent with the parking policies and programs of the City's Coastal Land Use Plan. However, the proposal to make parking requirements less restrictive for office and retail uses will require an amendment to these policies and programs. The City could submit a minor amendment to the existing Land Use Plan to specifically address these changes to parking for the

downtown, and file it separately from the City's application to comprehensively amend the L.U.P. and adopt a Local Coastal Program, which is currently on hold.

Staff has recently completed a survey of downtown businesses, and found that 51 of the 206 businesses are restaurants, with the majority containing less than 5,000 square feet of gross floor area. The restaurants currently in operation will not be affected by the proposed changes but new restaurants or expansions of existing restaurants will be affected.

Ken Robertson
Associate Planner

CONCUR:

Sol Blumenfeld, Director
Community Development Department

Stephen R. Burrell
City Manager

Attachments:

1. Ordinance
2. Resolution
3. 1/21/03 Planning Commission Staff Report
4. Comparison Chart of Existing/Proposed Parking Regulations
5. Map of Downtown Vehicle Parking District

TAdowntownparking

ORDINANCE 03-

AN ORDINANCE OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, TO AMEND THE ZONING ORDINANCE
REGARDING OFF-STREET PARKING REQUIREMENTS AND
THE IN-LIEU FEE PARKING ALLOWANCES IN THE
DOWNTOWN DISTRICT

The City Council of the City of Hermosa Beach does hereby ordain as follows:

Section 1. The City Council held a duly noticed public hearing on March 25, to consider the Planning Commission recommendation to amend the Zoning Ordinance, Chapter 17.44, regarding parking requirements for the downtown district.

Section 2. The Planning Commission held a duly noticed public hearing on January 21, and February 18, 2003, to consider amending the Zoning Ordinance, Chapter 17.44, regarding parking requirements for the downtown district, and recommended amendments the downtown parking requirements.

Section 3. The subject text amendment is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to the general rule set forth in Section 15061(3) of the CEQA Guidelines, as there is no possibility that these modifications to the zoning ordinance may have a significant effect on the environment

Section 4. Based on the foregoing, the City Council hereby ordains that the Hermosa Beach Municipal Code, Title 17-Zoning, be amended as follows (deleted text in ~~overstrike~~, new text underlined):

1. Amend Section 17.44.040 to read as follows:

17.44. 040 Parking requirements for the downtown area.

~~The following requirements apply within in the boundary of the downtown area, as defined by the map incorporated by this reference.~~

~~A. The amount of parking shall be calculated at sixty five (65) percent of the parking required for each particular use as set forth in **Section 17.44.030.**~~

~~B. Building sites equal to or less than ten thousand (10,000) square feet: If the floor area to lot area ratio is 1:1 or less no parking is required. If the floor area to lot area ratio exceeds 1:1 only the excess floor area over the 1:1 ratio shall be considered in determining the required parking pursuant to subsection A of this section.~~

~~C. Bicycle racks/facilities shall be provided and/or maintained in conjunction with any intensification of use, or new construction, in an amount and location to the satisfaction of the planning director~~

“17.44. 040 Parking requirements for the Downtown District.

1 The following requirements apply within in the boundary of the Downtown District, as defined by the
2 map incorporated by this reference.

3 A. The amount of parking shall be calculated for each particular use as set forth in Section 17.44.030
4 with the exception of the following:

- 5 1. Retail, general retail commercial uses: one space for each 333.3 square feet of gross floor
6 area (or 3 spaces per 1000 square feet)
7 2. Offices, general: one space for each 333.3 square feet of gross floor area (or 3 spaces per
8 1000 square feet)
9 3. Office, medical: one space for each 333.3 square feet of gross floor area (or 3 spaces per
10 1000 square feet)

11 B. When the use of an existing building or portion thereof of less than 5,000 square feet gross floor
12 area is changed from a non-restaurant use to a restaurant use, the parking requirement shall be
13 calculated as set forth in Section 17.44.030, with no parking credit allowed for the existing or prior
14 use.

15 C. When the use of an existing building or a portion thereof is changed to a more intensive use with a
16 higher parking demand (with the exception of restaurants less than 5,000 square feet gross floor
17 area as noted above), the requirement for additional parking shall be calculated as the difference
18 between the required parking as stated in this chapter for that particular use as compared to a
19 base requirement of 1 space per 250 square feet gross floor area.

20 D. For expansions to existing buildings legally nonconforming to parking requirements, parking
21 requirements shall only be applied to the amount of expansion.

22 E. Parking in-lieu fees. When the city council provides for contributions to an improvement fund for
23 a vehicle parking district in lieu of parking spaces so required, said in-lieu fee contributions shall be
24 considered to satisfy the requirements of this chapter.

- 25 1. The Director of the Community Development Department shall be responsible for the
26 calculations required under this chapter and shall calculate and collect the in-lieu contribution.
27 2. The following allowances through in-lieu fee contributions for parking may be allowed with a
28 parking plan as approved by the planning commission and as prescribed in **Section**

29 **17.44.210:**

- 30 a). Building sites with a ratio of building floor area to building site of one to one or less may
31 pay an "in-lieu" fee for all required spaces.
32 b). Building sites where buildings will exceed a one to one gross floor area to building site
33 area ratio shall be required to provide a minimum of twenty-five (25) percent of the
34 required parking on-site."

35 2. Eliminate Section 17.44.190, as follows:

36 **17.44.190—Off street parking within vehicle parking districts**

37 A. Parking requirements within parking districts shall be as provided in this chapter, except that when
38 the city council provides for contributions to an improvement fund in lieu of parking spaces so required,
39 said contributions shall be considered to satisfy the requirements of this chapter.

40 If the downtown business area enhancement district commission determines that the private party is
41 responsible for the in-lieu fee, the private party shall pay said fee as requested by the DBAEDC.

1 ~~**B.** The building director shall be responsible for the calculations required under this chapter and the~~
2 ~~building department shall calculate and collect the in lieu contribution for, and as directed by, resolutions~~
3 ~~passed by the vehicle parking district commission, as approved by the city council.~~

4 ~~**C.** The following allowances for parking may be allowed with a parking plan as approved by the~~
5 ~~planning commission and as prescribed in **Section 17.44.210**.~~

- 6 1. ~~Building sites containing less than four thousand one (4,001) square feet with a ratio of building~~
7 ~~floor area to building site of one to one or less may pay an "in lieu" fee for all required spaces.~~
- 8 2. ~~Building sites of less than four thousand one (4,001) square feet where buildings will exceed a one~~
9 ~~to one gross floor area to building site area ratio shall be required to provide a minimum of twenty~~
10 ~~five (25) percent of the required parking on site.~~
- 11 3. ~~Building sites containing four thousand one (4,001) square feet or greater but less than twelve~~
12 ~~thousand one (12,001) square feet shall be required to provide a minimum of fifty (50) percent of~~
13 ~~all required parking on site.~~
- 14 4. ~~Building sites with or greater than twelve thousand one (12,001) square feet shall be required to~~
15 ~~provide one hundred (100) percent of all required parking on site. (Ord. 94 1099 § 4, 1994; prior~~
16 ~~code Appx. A, § 1167)~~

17 3. Amend Section 17.44.140 as follows:

18 **“17.44.140 Requirements for new and existing construction**
19 **For buildings containing commercial uses in the downtown district see **Section 17.44.040.****

20 *(A., B., and C. no change)*

21 **D.** For every building in a C or M zone hereafter erected, or reconstructed, or expanded, the parking
22 requirements and turning area for the entire building shall be as set forth in this chapter. However
23 for an expansion of an existing building legally nonconforming to parking requirements, parking
24 requirements shall only be applied to the amount of expansion, ~~subject to **Section 17.44.040** for~~
25 ~~expansions in the downtown area.~~ In no case shall new construction reduce the parking serving an
26 existing use below the requirements of this chapter.

27 **E.** When the use of an existing building or structure ~~not located in the downtown district~~ is changed
28 to a more intense use with a higher parking demand ~~there shall be no additional parking~~
29 ~~requirement for sites in the downtown area except to the extent there is a change of floor area to~~
30 ~~lot area ratio in excess of 1:1. Otherwise, the requirement for additional parking, shall be~~
31 ~~calculated as the difference between the required parking as stated in this chapter for that~~
32 ~~particular use as compared to the requirement for the existing or previous use which shall be met~~
33 ~~prior to occupying the building unless otherwise specified in this chapter.”~~

34 Section 5. This ordinance shall become effective and be in full force and effect from and after thirty
35 (30) days of its final passage and adoption.

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Section 6. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this ordinance to be published in the Easy Reader, a weekly newspaper of general circulation published and circulated, in the City of Hermosa Beach in the manner provided by law.

Section 7. The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this day of , 2003, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST: _____ APPROVED AS TO FORM: _____
City Clerk City Attorney

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RESOLUTION 03-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA
BEACH, TO SUBMIT AMENDMENTS TO THE CERTIFIED COASTAL
LAND USE PLAN REGARDING DOWNTOWN PARKING**

The City Council of the City of Hermosa Beach does hereby resolve as follows:

Section 1. Portions of the City of Hermosa Beach are located within the Coastal Zone and subject to the requirements of the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended:

Section 2. The City of Hermosa Beach desires to amend the policies and programs as contained in the certified Land Use Plan in regards to downtown parking, in order to implement amended zoning regulations

Section 3. The City Council, pursuant to applicable law, held a duly noticed hearing on February 25, 2003, to consider the proposed amendments to the Certified Land Use Plan, and proposed text amendments to the Zoning Ordinance at which testimony and evidence, both written and oral, was presented to and considered by the Council.

Section 4. The Planning Commission, pursuant to applicable law, held a duly noticed hearing on February 18, 2003, to consider the proposed amendments to downtown parking requirements, at which testimony and evidence, both written and oral, was presented to and considered by the Commission.

Section 5. Based on the evidence considered at the public hearing, the City Council makes the following findings

1. The proposed Coastal Land Use Plan, as amended, has been prepared in accordance with the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended, and is consistent with the provisions of said Act:

2. The City's Certified Coastal Land Use Plan, as amended, is consistent with the General Plan of the City and comprises the policy portion of the City's Local Coastal Program to be transmitted to the California Coastal Commission for certification;

3. The proposed Amendments to the Certified Land Use Plan are statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9.

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Section 6. Based on the foregoing, the City Council hereby authorizes submittal of the amendments to the certified Land Use Plan, to be submitted for consideration and certification by the California Coastal Commission, to amend the policies and programs relating to parking in the downtown area as set forth in the following attachments, incorporated herein by reference:

1. Draft Amendments to the Certified Land Use Plan
2. Draft Amendments to the Zoning Ordinance

PASSED, APPROVED, and ADOPTED this _____ of March, 2003

PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY