

REPORT TO CITY COUNCIL

DATE: FEBRUARY 22, 2012

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: CONDUCT A PUBLIC HEARING AND INTRODUCE ORDINANCE NO. 12-395 AMENDING ZONING ORDINANCE SECTIONS 9654.6.B. AND 9654.2.K. PERTAINING TO ON-SITE PARKING REQUIREMENTS AND SHARED PARKING PROVISIONS; AND ADOPT A NEGATIVE DECLARATION (CASE NO. 11-ZOA-001)

The purpose of this item is for the City Council to conduct a public hearing on a proposed amendment to Zoning Ordinance Sections 9654.6.B. and 9654.2.K., pertaining to on-site parking requirements for specific non-residential uses, and shared parking provisions for commercial properties, and to adopt a Negative Declaration.

Last year, staff met with the City Council Economic Development/Land Use Committee (ED/LUC) to discuss this amendment. The City Council then conducted a Pre-Screen Review, and directed staff to prepare a Zoning Ordinance Amendment (ZOA) to update the Parking Ordinance. In particular, the City Council requested that staff update the parking requirement for selected uses and update the requirements for on-site shared parking. The City Council also directed staff to explore whether the current required dimensions of a car parking space are still appropriate, or should be adjusted.

Planning staff worked with the City Traffic Engineer in reviewing proposed changes and drafting the Ordinance. The Planning Commission reviewed the Zoning Ordinance Amendment on February 2, 2012, at a public hearing and unanimously recommended approval without any changes. For reference, the Planning Commission staff report, resolution, and minutes are included as attachments.

Currently, Section 9654.6 (*Parking Allocation*) of the Zoning Code includes a list of general categories of uses with the corresponding number of required parking spaces (parking ratios) per category to meet the parking requirements. The number of parking spaces that a business must have is mainly based on the floor area expected to be leased, or, in certain instances, based on the number of employees, pieces of equipment or some other non-fixed criteria. Over the years, the greatest number of requests for locating new businesses has been occurring in shopping centers.

Because businesses continue to evolve to serve a community's social and economic needs, and because tenants develop new business formats to respond to changes in technology and consumers' demand, the current Parking Allocation Table, which was adopted many years ago, does not always provide clear direction on the parking needed, so staff has had to frequently make interpretations of the Code to determine the parking requirement. For example, there is currently a higher demand for service-related businesses over retail businesses, and the service-related businesses are not always listed, or multiple uses are proposed in one tenant space. In instances where parking requirements are not specifically called out in the table, staff has had to use like and similar uses, information from other cities, and input from the City Traffic Engineer, sometimes resulting in a parking requirement being too prohibitive for businesses. Thus, in some instances, the current parking requirements have resulted in certain businesses not being able to locate in the City. The situation is further complicated by the fact that some of the shopping centers in the City were built prior to City incorporation, and so are now considered non-conforming as a result of the City's post incorporation parking ratios, with less parking than is now required.

Per the scope of work discussed with the City Council at the Pre-Screen Review, staff reviewed the following areas of the Parking Ordinance for possible amendments:

A. PARKING ALLOCATION TABLE

The first set of revisions proposed is to "Section 9654.6.B. *Parking allocation*" of the Parking Ordinance which lists parking requirement ratios in the parking allocation table. Staff proposes to revise the Parking Allocation Table to better address parking demand and ensure that there is neither too much nor too little parking provided. In order to assess appropriate parking ratios, staff gathered information on the policies of comparable and nearby communities, worked with the City Traffic Engineer, and studied trends and parking habits in the City. The update is two-fold. Some of the ratios are being updated to a more realistic demand, and others are being incorporated to address new land use categories. The changes would apply to uses that are typically found in the Commercial Retail/Service (CRS) zone and in the Shopping Center (CS) zone, but also in the industrial zone (BP-M). The changes are incorporated in the revised parking allocation table included in the draft Ordinance and are summarized below.

Banks and Financial Institutions. Currently in the Code, there are separate categories for (1) banks, and (2) savings and loan offices, financial institutions, and public and private utility offices. The "public and private utility offices" is obsolete and is being removed. The other categories are proposed to be combined into a single category of "banks and financial institutions" for simplification, and the parking requirement reduced from the current one space per 200 square feet of gross floor area. The reason for reducing the parking requirement for banks and financial institutions is based on the fact that, increasingly, banking is conducted on-line, thereby reducing the foot traffic and parking demand. Also, in researching other communities, it was generally found that the parking requirement for banks is equivalent to that of a retail or office use, which is either one space for every 250 square feet of floor area or one space for every 300 square feet of floor area. Staff recommends a standard of one space for 300 square feet of gross floor area.

Veterinarians. In the past, staff has determined that a veterinarian use is like and similar to a medical or dental office, and has applied the parking requirement of one space per 200 square feet of gross floor area for veterinary offices. In our research, staff has found that many cities apply the parking requirement of medical and dental offices to veterinarian offices. Others use the requirement for retail stores or the number of exam rooms or number of professional staff. Staff believes that the medical and dental office requirement is the most appropriate considering the similarities in operational use, and recommends that the requirement of one space per 200 square feet of gross floor area for veterinarian offices be included in the table.

Restaurants/Snack Shops. Because dining establishments have the most demanding parking requirements, and have varying business formats and segments of the population served, the category needs to be further divided into different subgroups, such as: sit down quality restaurants and fast food restaurants; and take-outs and snack shops. Staff recommends maintaining the current ratio (at 15/1,000 square feet of seating/waiting areas), and applying it to both sit-down and fast food restaurants, and applying a ratio equivalent to retail stores (1/250 square feet of gross floor area) for the take-outs and snack shops. This is recommended based on the fact that the snack shops' and take-out restaurants' customer turn-over is high and these facilities typically have little or no seating. Also, the parking demand for the area dedicated to seating/waiting is usually small enough that the demand compares to that of the gross floor area of an entire retail store. In both category groups, the requirement for a minimum of ten spaces is eliminated, since this requirement has no relationship to the size of the business. The base ratios are sufficient alone, and requiring at least ten spaces would be unnecessary and burdensome for smaller snack shops.

Live Entertainment. Live entertainment has become more popular with dining establishments. Currently, parking is required for the dining/drinking and waiting floor area, but not for the live entertainment part of the use, as it has been considered ancillary to the primary use. There is presently no parking requirement for live entertainment per se, but rather parking demand is assessed on a case-by-case basis per review of a Conditional Use Permit (CUP) for live entertainment.

Over the years, staff found that certain live entertainment activities can attract large crowds, and the demand for additional parking is based on the type of entertainment. For instance, music playing as ambiance for diners either by a piano player or small band, would not likely generate more parking demand because the music is intended to enhance the dining experience. Also, the music would not be intended to attract a separate audience, like for dancing. But in the case of a dining room with a designated dance floor area for a band or other performance that could potentially invite diners to participate, and could, depending on the type of entertainment, attract a separate clientele in addition to the diners, the use would create additional demand for parking. In the past, businesses with such live entertainment have exceeded the parking demand of a restaurant as shown by their parking study prepared as part of the CUP. Although the research shows that cities can address the requirement based on floor area reserved for dancing, it has been staff's experience that parking studies show a more accurate assessment of the demand, since they take into account the specific type of uses, activities, and conditions of a particular business. Therefore, consistent with past practice, staff recommends that live entertainment uses be subject to specific parking studies at the discretion of the Director. Also, given the varying

types of live entertainment and the fact that the popularity of certain types can change over time, it is more appropriate to analyze the parking demand on a case-by-case basis through a parking study rather than to attempt to establish parking requirements in the Code for various types of live entertainment.

Typically, the findings of the parking study become the parking requirements of the proposed use. In the event that the demand exceeds the supply, the applicant would need to mitigate the excess demand by utilizing other lots, for example, upon arrangement with other property owners. The Director would likely waive the requirements for a parking study for ambiance music if it is clear that the music would not generate additional parking demand. A parking study, however, would most likely be required for uses with a dance floor or a variety of entertainment uses, such as a live theater, night club, or entertainment in which separate admission is charged and that commonly attract large gatherings. In any case, live entertainment requires a CUP, and so the Planning Commission would review the use and be able to condition requirements for the amount of parking and location of parking, including valet parking. The requirements and conditions are enforced through the CUP.

The attached draft Ordinance includes language reflecting the above analysis in that participatory or non-passive live entertainment, consisting of such uses and activities as a night club or dancing may be subject to a parking study at the discretion of the Director. On the other hand, the Director has the discretion to waive the parking study for passive live entertainment, such as ambiance music ancillary to dining.

Kennels. There is currently no parking requirement for an animal kennel, although there is for an animal hospital. Unlike animal hospitals, kennels require a lower staff to animal ratio and require larger leasable spaces. Kennels have recently been added to the land use table and are only allowed in an industrial zone (the Business Park-Manufacturing). The most recent kennel was allowed on a parcel parked at a ratio of one space for every 500 square feet of gross floor area, which has been operating successfully since without parking issues. Generally, industrial uses require less parking than retail uses and are allowed with ratios varying between one to 400 or 1,000 square feet of area. Parking is mostly used by employees, as the number of visitors is low. Visitors park for short periods during drop off and pick up, and the ratio of employees to floor area is low. The research shows that cities have often allowed kennels in industrial zones because of the potential for noise impacts and the larger tenant spaces required. Therefore, staff recommends applying the proposed industrial parking requirements to the use, which is one space for every 500 square feet of gross floor area.

Fitness Facilities. The category currently in the Code, “Health clubs and dance studios”, is recommended to be updated to a more encompassing category of “Fitness clubs and dance/exercise studios.” This would include weight rooms, dance studios, karate, yoga, and the like, to reflect the growing variety of exercise options in a community. Over the years, fitness facilities that have located in the City have operated in retail spaces that are between 1,000 and 3,000 square feet and are limited in the scope of services they provide (e.g., dance studio only, or gym with weights and other similar equipment only). The uses tend to not be parking intensive because of their relatively small size and the small number of classes usually offered, which does not generate substantial parking demand. Currently, the Code requires that the areas used for

exercise and office be divided up and counted at a different ratio, leaving other space unaccounted. As a result, the parking requirement that is derived often equates to the demand of a retail total gross floor area for the same tenant space. Therefore, for simplification, staff recommends a ratio of one space per 250 square feet of gross floor area, like retail uses. Staff also recommends that the ratio be increased for facilities 5,000 square feet and over, with the associated parking requirement being raised to a ratio of one space per 220 square feet of activity area plus other space according to the specific use, such as retail or office. The 5,000 square-foot threshold was chosen based on square footage layout scenarios that showed that, while there were minor incremental increases, no significant increase in parking demand occurred when compared to the retail ratios up to the 5,000 square feet. The 5,000 square-foot facility would address larger gyms with a variety of activities offered.

Salons/Spa. “Salons/spa” is a new category to replace the current “Barbershops or beauty parlors.” “Salons/spas” is a broader category to encompass the many types of personal care services, such as facial, hair, nails, and massage. Because, salons/spas are becoming multi-disciplinary uses, using the current “Barbershops or beauty parlors” requirement or the number of employees, the types of services, or the equipment (i.e., chairs, stations) as the basis for the parking requirement has made it difficult to allow them in shopping centers because the cumulative requirement is too great and does not always reflect the true parking demand. Staff’s recommendation is to use the gross floor area as the basis for the demand instead, and applying a ratio of 1/200 of gross floor area along with a minimum of four spaces. This method allows tenants to adjust their staff and their equipment as needed to provide professional services without falling out of compliance. This method also eliminates the challenge of trying to enforce the activities occurring within the salon or spa to ensure adequate parking is provided. The minimum of four spaces is required to ensure that adequate parking spaces are provided for employees and customers even though the salon/spa may be small.

Light Industrial. Light industrial businesses consist of single-use facilities with little or no manufacturing activities, such as machine shops or cabinet makers. Tenants typically found at the Agoura Business Center (Dale Poe Industrial Park) are considered light industrial businesses. Light industrial tenant spaces typically consist of a small office in the front with a larger assembly and storage area behind. Based on a survey from the Parking Generation Manual (4th Ed, ITE.), for light industrial facilities, the demand ranges from one space for every 787 to 1,333 square feet of gross floor area. A typical number used by other cities of various sizes is one space for every 500 square foot of gross floor area. The City Traffic Engineer, when reviewing a recently proposed industrial development in the City, also determined that one space for every 500 square feet of gross floor area was adequate. Today, this building (a 6,000 square foot, one-story building on Roadside Drive) is able to accommodate a wide variety of uses and the parking is found to be appropriate. Therefore, staff recommends a parking requirement of one space for every 500 square feet of gross floor area for light industrial businesses.

Also recommended are some minor “clean-up” changes to the Parking Allocation Table. The category “Theaters, Sports Arenas and Stadiums” is being revised to eliminate “Sports Arenas and Stadiums.” Such large facilities are unlikely to open in the City, and if one is proposed, a parking study should be required as part of the review of the new project. Also, “chiropractor” and “acupuncturist” are being added to the category of “Psychotherapists, Psychiatrists,

Counselors, and other similar uses with individual patients programs” to reflect current demand for such businesses. The parking ratios, however, would not change. Finally, staff proposes to remove the reference to the zones C-1, C-2, C-3 and CRP, which no longer exist in the City, and add the corresponding commercial zoning designations instead.

It should be noted that the list of uses in the Parking Allocation Table is not meant to encompass all possible businesses and industries, but rather be the basis for calculating parking demand for general categories of uses. Section 9654.2.K. does provide authority to the Director of Planning and Community Development or the Planning Commission to apply a parking ratio for unlisted commercial permitted uses at one space for every 250 square feet of gross floor area, which reduces the need for interpretation. Staff, however, would continue to interpret the list of uses and ratios to determine whether the parking demand is adequate for a particular use not specifically called out.

B. SHARED PARKING

A second revision is to “Section 9654.2.K.6, *Shopping center parking*”, which addresses shared parking in shopping centers. It discounts the overall parking requirement of a shopping center after having calculated the requirement for each individual tenant because the peak demand for various types of businesses occurs at different times of the day. This provision simplifies the process for applying shared parking provisions for tenants in shopping centers. Currently, the provision applies to shopping centers of 25,000 square feet in size or larger. The proposed changes would apply only to larger centers with at least 50,000 square feet in building size, which would include the Twin Oaks Shopping Center, Agoura Meadows Shopping Center, Agoura Hills City Mall and Town Center Shopping Center. Shopping centers between 25,000 and up to 50,000 square feet are still eligible for the current provisions for shared parking.

The change in threshold from 25,000 to 50,000 square feet is proposed, as in larger centers it is likely that a greater variety and number of uses will locate on the same property, and so there is more opportunity for sharing parking among the various uses. The allowed reduction in parking, or discount, would be based on a new methodology, as discussed further below. The current methodology provides only a small discount and has not proven as effective, as large areas of the lots are vacant at certain times, while new potential tenants are turned away because the necessary parking spaces have been allocated to a different tenant. In order to derive an appropriate percentage reduction of the parking requirement in a shopping center, staff reviewed local travel and parking patterns and data from existing shopping centers in the City. Then, in consultation with staff, the City Traffic Engineer prepared a table listing categories of combinations of land uses (e.g., retail, office, and restaurant) and associated formulas for calculating the shared parking reduction (see Table I – SHARED PARKING, in the draft Ordinance). The proposed combined variation of uses allows the distribution of use-specific peak hour demand throughout the day and evening. For example, in shopping centers where there are restaurants, offices and retail shops, the peak parking demand for those three categories each differ throughout the day. The methodology in the table is based on industry standards data of the Urban Land Institute’s (ULI) Shared Parking, and the Institute of Transportation Engineers (ITE) Parking publications.

Staff “tested” the proposed discount methodology by applying it to different shopping centers in the City. The results showed that, for most of the centers with at least 50,000 square feet of building area, the methodology for shared parking would result in more utilization of the lots, while still providing adequate parking capacity. Shopping centers that are currently under-parked and have parking deficiencies would not be aided by the shared parking provisions, as the discount would result in still greater parking requirements than currently provided by the centers. These include many of the centers that are presently non-conforming with regard to number of parking spaces, and which were developed prior to City Code requirements, and are the smaller centers under 50,000 square feet in building area. As stated earlier, these centers would not be eligible to apply the new shared parking provisions.

The table below shows the results of the new methodology applied to the existing tenant mixes in the centers with at least 50,000 square feet in building area.

Shopping Centers	Total Building Square Footage	Current Parking Requirement *	Parking Provided	Required Parking after Proposed Discount (based on highest individual use)	Required Parking after Proposed Discount (based on combined parking requirement)**
Agoura Hills City Mall	74,653	374	358	300	338
Twin Oaks Center	102,294	461	420	359	364
Agoura Meadows Center	117,976	610	530	488	513
Town Center	57,072	355	288	284	336
* As of the time of the review ** More conservative discount					

In the case of the four major retail shopping centers, the results show, given the current tenant mix, that three out of the four shopping centers would receive between 17 and 56 spaces reduction in required parking, bringing them below the supply of parking space, using the most conservative reduction.

Staff would apply the reduction or discount to the required parking spaces derived from the parking allocation table in Section 9654.6.B. The reduction is applied to the parking requirement based on the square footage of the particular land use. The reduction can be applied in two ways. A percentage reduction can be applied to the overall combined parking, or to the parking requirement of the highest individual use (i.e., office, retail, or restaurant), whichever results in the least discount in parking. Once applied, staff will keep track of the mix of uses and parking spaces, including discount allocated to each use in each shopping center per the shared parking methodology. Staff will use this data to evaluate whether a future prospective tenant would have

sufficient parking to locate in the center. Therefore, the shared parking requirement for the above shopping centers will not be static but will be constantly updated given the mix of tenants at any given time.

C. PARKING SPACE SIZE

Staff surveyed other cities and found a wide variety of parking space dimensions. Based on the survey, the City ranks average. Other cities have wider and longer spaces but also have different landscaping planter width requirements, which result in less useable parking space area. Currently, the City requires a parking space to be a minimum of eight and one-half (8.5) feet wide by eighteen (18) feet long. The space is required to be double-striped, which provides a wider separation between vehicles to allow a driver to more easily enter, exit, load and unload a vehicle. Out of 34 California cities surveyed, 41 percent of the cities required parking spaces measuring nine (9) feet by eighteen (18) feet; 21 percent, nine (9) feet by nineteen (19) feet; and 18 percent, eight and one-half (8.5) feet by eighteen (18) feet, as does the City of Agoura Hills. As expected, the more urbanized cities require smaller spaces likely due to space constraints. Although having larger parking spaces can further help in maneuvering (especially for larger vehicles), the parking spaces would occupy more room, and as a result, would cause a reduction in the overall number of parking spaces that a property can provide, as well as a potential reduction in building area. Since the existing sites have minimal potential for expansion, larger dimensions for parking spaces would result in less parking spaces, or a reduction in the landscaping square footage and/or pedestrian amenities required if the number of spaces is not also reduced. Therefore, staff recommends maintaining the current parking space size requirement. Staff would also mention that the Zoning Ordinance was amended several years ago to no longer allow compact parking spaces by right, but instead to be subject to the discretion of the Planning Commission. This amendment was made due to maneuverability issues associated with compact spaces.

D. MISCELLANEOUS

Staff would also like to take this opportunity to make two additional clean-up changes to Section 9654.K.1 and 2. “Section 9654.K.1. *Parking location*” prohibits required parking spaces in the rear of a commercial building unless direct customer access to the facility is provided from the parking area. Prohibiting parking spaces in the rear of a building is an outdated approach to parking in commercial areas. In some cases, rear parking may be the preferred approach, especially in developments where a pedestrian environment is desired, and therefore buildings are located close to the street. In other cases, parking both in front and behind a building is desirable. In such cases, parking in the rear can be provided for employees and integrated with loading areas. Additionally, retailers do not favor direct customer access from both the rear and front of the building for security reasons, and so this is not a viable option. Therefore, staff recommends that the prohibition against rear parking be removed. Staff believes that a specific project’s parking location be reviewed on a case-by-case basis for appropriateness, with the option of rear parking being allowed.

Additionally, “Section 9654.K.2 *Double counting*” of the Zoning Ordinance, as currently written, addresses the parking requirement for businesses with different hours of operation and different

peak hours of use. It allows a tenant of a commercial property in a planned development that is not a shopping center (e.g., office complex) to operate when other tenants are closed with only 50 percent of the parking requirement if the uses share parking facilities. In this case, the tenants must have completely different operating hours, not just different peak hours of use, as is the case with shopping center shared parking. Unlike shopping centers, there is not sufficient variety of uses in office developments that would provide for different peak hour usage. This provision of the Code is not often used, since there are not many commercial planned developments in the City that have tenants with distinctly separate hours of operation. One example could be a church in a planned commercial complex in which none of the hours of any of the tenants coincide with the hours of the church. In such an instance, however, a CUP is required for a church, and therefore the specific parking demands of the church can be assessed against the parking demands of the rest of the complex on a case-by-case basis. Therefore, staff is recommending that Section 9654.K.2 be stricken in its entirety.

The proposed amendments comply with the General Plan. Adding uses to the parking allocation table and updating parking requirements to reflect more current business practices aid in attracting new businesses in the City, thereby increasing the City's economic and sales tax base (Policies ED-1.1 *Diversified Economic Base*, and ED-1.3 *Enhance Sales Tax Revenues* of Goal ED-1 *Economic Development*). The Amendment maximizes the efficiency of parking facilities called for in Policies M-11.1 *Parking Standards and Design*, M-11.2 *Shared Parking*, and M-11.3 *Efficient Parking Design* of Goal M-11 *Parking*. In particular, Implementation Measures M-28 and M-29 call for updating the Parking Ordinance by establishing parking ratios and expanding shared parking options.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) and the City's local CEQA Guidelines, staff prepared an Initial Study of the potential environmental effects of the approval of the ordinance. Based upon the findings contained in the Initial Study, staff determined that there was no substantial evidence that the project could have a significant effect on the environment and a Negative Declaration was prepared. (attached). No comments were received during the public review period that warranted any changes to the Negative Declaration.

RECOMMENDATION

Based on the Planning Commission's recommendations, staff recommends the City Council conduct a public hearing, introduce, read by title only, and waive further reading of Ordinance No. 12-395, amending Zoning Ordinance Sections 9654.6.B. and 9654.2.K. regarding parking requirements and shared parking. Staff also recommends the City Council adopt a Negative Declaration, and make the required environmental findings per CEQA.

Attachments:

- Draft Ordinance No. 12-395
- Planning Commission Resolution No. 12-1049 (Draft)
- February 2, 2012 Planning Commission Meeting Minutes (Draft)
- February 2, 2012, Planning Commission Meeting Staff Report
- Negative Declaration

ORDINANCE NO. 12-395

**AN ORDINANCE OF THE CITY OF AGOURA HILLS,
CALIFORNIA, AMENDING SECTIONS 9654.6.B. AND 9654.2.K.
OF DIVISION 4 OF PART 2 OF CHAPTER 6 OF TITLE IX OF
THE AGOURA HILLS MUNICIPAL CODE PERTAINING TO
PARKING REQUIREMENTS**

A. Recitals

(i) The purpose of this ordinance is to amend the parking provisions of the City's Municipal Code to provide updated parking ratio requirements for a variety of uses and to update the standards and requirements for the use of shared parking.

(ii) On February 2, 2012, the Planning Commission of the City of Agoura Hills held a duly noticed public hearing to consider Ordinance 12-395, and received testimony from City staff and all interested parties regarding the proposed amendment. Following the close of the public hearing, the Planning Commission adopted Resolution No. 12-395 recommending approval of Ordinance 12-395, and recommending adoption of the Initial Study/Negative Declaration prepared for the Ordinance pursuant to the California Environmental Quality Act.

(iii) On February 22, 2012, the City Council of the City of Agoura Hills conducted and concluded a duly noticed public hearing concerning the Zoning Ordinance Amendment contained herein as required by law, and received testimony from City staff and all interested parties regarding the proposed amendments.

(iv) All legal prerequisites to the adoption of the Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the Recitals, Part A of this Ordinance, are true and correct.

SECTION 2. Environmental Review

A. Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines promulgated thereunder, and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of this proposed Ordinance and the Zoning Ordinance Amendment contained herein ("the Project"). On the basis of the Initial Study, City staff for the City of Agoura Hills, acting as Lead Agency, determined that there was no substantial evidence that the project could have a significant effect on the environment. As a

result, City staff prepared a Negative Declaration for the project and provided public notice of the public comment period and of the intent to adopt the Initial Study/Negative Declaration.

B. The City Council has independently reviewed (1) the Initial Study/Negative Declaration, which are incorporated herein by this reference; and (2) all comments received, both written and oral, regarding the Initial Study/Negative Declaration, and based upon the whole record before it, finds that those documents were prepared in compliance with CEQA, the CEQA Guidelines and the City’s Guidelines for Implementing CEQA, that City staff has correctly concluded that there is no substantial evidence that the project will have a significant effect on the environment, and that the findings contained therein represent the independent judgment and analysis of the City Council. Based on these findings, the City Council hereby approves and adopts the Initial Study/Negative Declaration for this project.

C. The custodian of records for the Initial Study/Negative Declaration and all materials that constitute the record of proceedings upon which the City Council’s decision was based is the City Clerk of the City of Agoura Hills. Those documents are available for public review in the Office of the City Clerk located at 30001 Ladyface Court, Agoura Hills, California.

SECTION 3. Sections 9654.2.K. and 9654.6.B., Division 4 of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code are hereby amended to read:

“K. *Provisions for commercial uses.*

1. *Parking locations.* In commercial zones off-street parking shall be located on the same lot as, or on a lot contiguous to, the building, structure, or use to be served. ~~The required parking spaces shall not be located in the rear of a commercial building, unless direct customer access to the facility from the parking area is provided.~~

~~2. *Double counting.* At the discretion of the director of planning and community development or the planning commission, whichever has jurisdiction, where two (2) or more commercial uses in a planned commercial development share parking facilities, and the business hours of such uses do not overlap, the minimum space requirement may be reduced by up to fifty (50) percent of the parking requirement for the use requiring the least parking, subject to a minimum of twenty (20) parking spaces being provided. Such reduction shall be subject to the approval of the covenants, conditions, and restrictions for the project by the director of planning and community development or planning commission, whichever has jurisdiction.~~

~~3.2.~~ *Spaces not for repair, servicing or storage.* Required parking spaces shall not be used, or be permitted to be used, for the repair, servicing, or storage of vehicles or for the storage of materials.

~~4.3.~~ *Racks not counted as parking spaces.* For auto repair shops or other similar uses, the racks and pump blocks shall not be considered in calculating the required parking spaces.

54. *Uses not specified.* Commercial parking requirements for uses not specified in this part shall be based upon a standard of one (1) space per two hundred fifty (250) square feet of gross floor area, unless the director of planning and community development or planning commission approve a different parking requirement, based on the most comparable uses specified in this part.

65. ~~Shopping center~~*Shared parking.* For the purposes of this section, “shopping center” shall mean a group of architecturally unified commercial and retail establishments; ~~containing twenty five thousand (25,000) square feet or more,~~ built on a site which is planned, developed, and managed as an operating unit.

For shopping centers containing at least 25,000 and up to 50,000 square feet of total building area, In shopping centers where office spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per three hundred (300) square feet.

—Where cinema spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.

—Where restaurant, café, or other food and beverage service uses exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the total gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.

For shopping centers containing 50,000 square feet or more of total building area, a shared parking reduction shall be allowed for the shopping centers based on the following:

TABLE I: SHARED PARKING

<u>Combination of Land Uses</u>	<u>Shared Parking Reduction Allowed*</u>
<u>Office+Retail</u> or <u>Office+Restaurant</u>	<u>15% of combined parking requirement or 20% of highest individual use parking requirement, whichever results in the highest number of parking spaces required</u>
<u>Retail+Restaurant</u>	<u>18% of combined parking requirement or 24% of highest individual use parking requirement, whichever results in the highest number of parking spaces required</u>
<u>Office+Retail+Restaurant</u>	<u>20% of combined parking requirement or 25% of highest individual use parking requirement, whichever results in the highest number of parking spaces required</u>
<u>Note: Shared parking reduction values for other uses not identified above may be allowed based on City accepted methodology for shared parking analysis completed by the applicant using a qualified traffic or parking consultant, and ultimately approved by the Director.</u>	

Note: For residential mixed-use development, residential parking shall be provided per Section 9654.6 in addition to the parking requirement for other proposed non-residential uses. To be considered for shared parking reduction for non-residential parking spaces, a shared parking analysis shall be completed by the applicant based upon a City accepted methodology, using a qualified traffic or parking consultant, and ultimately approved by the Director.

Source: Based upon ULI Shared Parking 2nd Edition, ITE Parking 3rd Edition

“9654.6. Parking Allocation

A. *Purpose.* The intent and purpose of this section is to provide properly designed off-street parking areas adequate in capacity, location and design to prevent traffic congestion.

The allocation of off-street parking is intended to provide a sufficient number of off-street parking spaces that are in proportion to the need created by the particular land use.

B. *Parking spaces required.* The number of off-street parking spaces shall be no less than the following:

USE	PARKING SPACES REQUIRED
<i>Residential</i>	
Single-family dwellings	2 covered parking spaces. Said spaces shall be provided within a garage
Apartments:	
Studio or bachelor	1 covered, plus 0.5 uncovered parking spaces per each unit
One (1) bedroom	1.5 covered, plus 1.0 uncovered parking spaces per each unit
Two (2) bedrooms or more	2 covered, plus 0.50 uncovered parking spaces per unit
Condominiums or townhouses	2 covered, plus 0.50 uncovered parking spaces per unit. Recreational vehicle parking may be required at a location and of a design approved by the planning commission.
(All uncovered parking spaces shall be used for “guest parking” and marked as such).	
Second units/granny flats	1 covered parking space per each unit
<i>Commercial</i>	
Office	
Business and professional	1 for each 300 square feet of gross floor area.

	Permanent common lobbies within each building totaling 35,000 square feet or larger are excluded from gross floor area.
<u>Banks and Financial Institutions</u>	<u>1 for each 300 square feet of gross floor area.</u>
Psychologists, psychiatrists, counselors, <u>chiropractors</u> , <u>acupuncturists</u> , and other similar uses with individualized patient programs.	1 for each 300 square feet of gross floor area.
Medical, and dental, <u>and veterinarian</u>	5 <u>1</u> for each 4,000 <u>200</u> square feet of gross floor area
Restaurants, including drinking establishments, take-out and drinking establishments , <u>sit down and fast food</u>	15 for each 1,000 square feet of seating or <u>and</u> waiting floor area. A minimum of 10 parking spaces shall be required
<u>Snack shops (e.g. ice cream, coffee and juice) and take-out</u>	<u>1 for each 250 square feet of gross floor area</u>
<u>Live Entertainment</u>	<p><u>Participatory or Non-Passive Live Entertainment – the Director may require a parking study for live entertainment that is participatory or non-passive which may consist of any of the following: nightclub; dance floor, including dancing to recorded music; live theater events; separate charge required for admission to live entertainment.</u></p> <p><u>Passive Live Entertainment – Passive live entertainment, such as ambiance music ancillary to dining, if determined by the Director to not generate additional parking demand, shall not be subject to a parking study, but shall provide parking at the restaurant ratio.</u></p>
Automotive	
Full-service service station (fuel dispensing and/or repairs)	3, plus 2 for each service bay. A minimum of 10 parking spaces shall be required
Repair facilities	1 for each 200 square feet of gross floor area
Self-service service station (fuel dispensing only)	1 for each employee on the largest shift
Dealerships and other open air	1 for each 1,000 square feet of outdoor sales and

sales	display area, plus 1 for each 5,000 square feet over 10,000 square feet
Self service or coin operated operating washing and cleaning establishments	2 for each washing area or unit
Washing and cleaning establishments	1 for each employee and 2 for each detailing bay or area
General retail stores, except as otherwise specified herein	1 for each 250 square feet of gross floor area
<u>Kennels</u>	<u>1 for each 500 square feet of gross floor area</u>
Game arcades	1 for each 250 square feet of gross floor area
Mortuaries and funeral homes	1 for each 20 square feet of floor area, or assembly area, plus 1 for each vehicle owned by such establishment
Furniture, appliance and carpet stores	1 for each 750 square feet of gross floor area
Recreation	
Batting cage facility, primary use	1 for each batting cage, pitching cage or practice cage; plus 1 for each 1,000 square feet of practice and instruction field area; plus 1 per 250 square feet of gross floor area for retail sales; plus 15 for each 1,000 square feet of seating and waiting area floor area for eating and drinking uses (a minimum of 10 parking spaces shall be required); plus 1 for each 300 square feet of floor area for office uses
Bowling lanes	3 for each bowling lane, plus the spaces required for each additional use on the site
Billiard parlors and poolrooms	3 for each billiard or pool table
Tennis facility	3 for each court, plus the spaces required for each additional use on the site
Public swimming pools, gymnasiums and skating rinks	1 for each 100 square feet of gross floor area, plus the spaces required for each additional use on the site
Miniature golf courses and driving ranges	1 for each hole or driving tee
Health <u>Fitness</u> clubs and dance/ <u>exercise</u> studios	1 space for each 220 <u>250</u> square feet <u>of gross floor area up to 5,000 square feet; greater than 5,000 gross square feet: 1/220 of activity area + other space</u>

	according to the use of gross floor area in the activity area, plus 1 space for each 250 <u>300</u> square feet of other floor area
Boarding and riding stables	1 parking space for each stall retained for rental purposes on the site, plus 1 for each employee
Theaters, sport arenas, and stadiums	1 for each 3 fixed seats or for every 35 square feet of non fixed seats
Hotels and motels	1 for each unit, plus the spaces required for each additional use on the site
Barbershops or beauty parlors <u>Salons and spas (hair styling, nails, massage, and acupuncture)</u>	2 for each barber chair and 3 for each beautician station <u>1 for each 200 square feet of gross floor area, but no less than 4 spaces</u>
Laundromats and dry cleaning facilities	5 <u>1</u> for each 1,000 <u>200</u> square feet of gross floor area
Banks	5 for each 1,000 square feet of gross floor area
Savings and loan offices, financial institutions, public and private utility offices	1 for each 250 square feet of gross floor area
Shopping centers	Except as otherwise specified, 4 for every 1,000 square feet of gross floor area
Supermarkets and drugstores	1 for each 200 square feet of gross floor area
Plant nurseries or similar outdoor sales and display areas	<u>5</u> , plus 1 additional for each 500 square feet of outdoor sales, display or service areas
Recycling centers	1 for each 500 square feet of gross floor area
Any commercial use listed, as permitted in the C-1, C-2, C-3, or CPD , <u>CS, CRS, CS-MU, CR and CN</u> zones, except as specifically provided	1 for each 250 square feet of gross floor area
<i>Institutional</i>	
Hospitals	2 for each bed
Convalescent hospitals, children's homes, nursing homes, and homes for the aged	1 for each 5 beds
Churches	1 for each 3 seats (18 linear inches shall be considered a seat), or 1 for each 28 square feet where no permanent seats are maintained

Libraries, galleries, and museums	1 for each 225 square feet of gross floor area
Schools	
Elementary and junior high school	1 for each classroom, and 1 for each 5 seats or for each 35 square feet of area in the auditorium
High school	6 for each classroom and 1 for each 5 seats or for each 35 square feet of area in the auditorium
Colleges and universities	7 for each classroom and 1 for each 5 seats or for each 35 square feet of area in the auditorium, plus the required spaces required for each additional use on the site
Day nurseries and preschools	1 for each 5 children
Trade schools	1 for each employee on the largest shift, plus 1 for each student during maximum enrollment
<i>Industrial</i>	
Research and development facilities	1 for each 300 square feet of gross floor area, plus 1 for each company vehicle, plus 1 for each 250 square feet of gross floor area for incidental office use
<u>Light industrial</u>	<u>1 for each 500 square feet of gross floor area</u>
Automated or semi-automatic public or quasi-public utilities	1 for every employee on the largest shift, plus 1 for each company vehicle (2 minimum) plus 1 for each 250 square feet of gross floor area for incidental office use
Warehouse, exclusive of any assembly, manufacturing or sales activity	1 for every 1,000 square feet of gross floor area for the first 5,000 square feet of gross floor area, then 1 for every 5,000 square feet of additional gross floor area, plus 1 for each company vehicle, plus 1 for each 250 square feet of gross floor area for incidental office use

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

SECTION 5. Certification and Effective Date. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to state law. Said Ordinance shall become effective on the 31st day of its passage.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2012, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

BY:

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Craig A. Steele, City Attorney

RESOLUTION NO. 12-1049

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING THE CITY COUNCIL ADOPT
A ZONING ORDINANCE AMENDMENT UPDATING PARKING REQUIREMENTS
(CASE NO. 11-ZOA-001)**

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

WHEREAS, the Planning Commission has considered 11-ZOA-001, an amendment to the Zoning Ordinance Article IX, Chapter 6, Division 4, Part 2, Section 9654.6.B and Section 9654.2.K. of the Agoura Hills Municipal Code to revise the parking ratio requirements, and the shared parking provisions; and

WHEREAS, a public hearing was duly held on February 2, 2012 in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date and place and purpose of the public hearing was duly given; and

WHEREAS, evidence, both written and oral, was duly presented to and considered by the Planning Commission of the City of Agoura Hills at the aforesaid public hearing; and

WHEREAS, after close of the public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff report, the recommendations, and all other pertinent documents and associated actions regarding the proposed ordinance amendment; and

WHEREAS, the Amendment is consistent with the Agoura Hills General Plan in that adding uses to the parking allocation table and updating parking requirements to reflect more current business practices and trends aid in attracting new businesses in the City thereby increasing the City's economic and sales tax base and maximizing the efficiency of parking facilities as stated in the General Plan, specifically under Policies M-11.1 *Parking Standards and Design*, M-11.2 *Shared Parking*, M-11.3 *Efficient Parking Design* of Goal M-11 *Parking*, and under Policies ED-1.1 *Diversified Economic Base*, and ED-1.3 *Enhance Sales Tax Revenues* of Goal ED-1 *Economic Development*. Implementation Measures M-28 and M-29 call for updating the Parking Ordinance by establishing parking ratios and expanding shared parking options; and

WHEREAS, the Planning Commission hereby makes the following environmental findings and determinations in connection with the approval of the Parking Zoning Ordinance Amendment (the "Project"):

- A. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the Parking Ordinance Amendment as described in the Initial Study (the "Project"). Based upon the findings contained in that Initial Study, City staff, acting as the Lead Agency, determined that there was no substantial

evidence that the Project could have a significant effect on the environment, and a Negative Declaration was prepared; and

- B. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the Initial Study/Negative Declaration as required by law. The public comment period commenced on September 15, 2011 and expired on October 14, 2011. Copies of the documents have been available for public review and inspection at the offices of the Department of Community Development, located at City Hall, 30001 Ladyface Court, California, 91301; and
- C. The Planning Commission has independently reviewed the Initial Study/Negative Declaration and all comments received regarding the document prior to and at the February 2, 2012 public hearing, and based on the whole record before it, finds that: (1) the Initial Study/Negative Declaration was prepared in compliance with CEQA and the City's local CEQA Guidelines; (2) that City staff has correctly concluded that there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Initial Study/Negative Declaration reflects the independent judgment and analysis of the Planning Commission; and
- D. The Planning Commission has considered the contents of the Initial Study/Negative Declaration in its decision making processes in making its recommendation on the Parking Zoning Ordinance Amendment; and

WHEREAS, the custodian of records for the Initial Study, Negative Declaration and all materials which constitute the record of proceedings upon which the Planning Commission's decision is based is the City Clerk of the City of Agoura Hills, and those documents are available for public review in the Office of the City clerk located at 300001 Ladyface Court, Agoura Hills, California, 91301.

NOW, THEREFORE, BE IT RESOLVED based on the findings and conclusion set forth above, that the Planning Commission of the City of Agoura Hills recommends that the City Council adopt the Parking Zoning Ordinance Amendment.

APPROVED, and ADOPTED this 2nd day of February, 2012 by the following vote to wit:

AYES:	(4)	O'Meara, Justice, Zacuto, and Northrup
NOES:	(0)	
ABSENT:	(1)	Rishoff
ABSTAIN:	(0)	

Chairperson John O'Meara

ATTEST:

Mike Kamino, Secretary



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
February 2, 2012**

CALL TO ORDER:

Commissioner O'Meara called the meeting to order at 6:32 p.m.

FLAG SALUTE:

Commissioner Curtis Zacuto

ROLL CALL:

Commissioners John O'Meara, Michael Justice, Linda L. Northrup, and Curtis Zacuto were present. Commissioner Steve Rishoff was absent.

Also present were Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Assistant City Attorney Diana Varat, Principal Planner Allison Cook, Associate Planner Valerie Darbouze, Associate Planner Renee Madrigal, Civil Engineer Jay Patel, Traffic Consultant Sri Chakravarthy with Kimley-Horn and Associates, Inc., and Recording Secretary Sheila Keckhut.

Commissioner O'Meara stated that staff had received notification of Commissioner Rishoff's request for absence prior to the meeting. There were no objections to excusing the absence.

APPROVAL OF AGENDA:

The February 2, 2012, Agenda was approved without objection.

PUBLIC COMMENTS:

There were no public comments.

DISCUSSION ITEM

1. Selection of Planning Commission Chair and Vice Chair

On a motion by Commissioner Justice, seconded by Commissioner Northrup, the Planning Commission moved to appoint Commissioner O'Meara as Chairperson for the 2012 calendar year. Motion carried 3-0-2. Chair O'Meara abstained. Commissioner Rishoff was absent.

On a motion by Chair O'Meara, seconded by Commissioner Zacuto, the Planning Commission moved to appoint Commissioner Justice as Vice Chairperson for the 2012 calendar year. Motion carried 3-0-2. Vice Chairman Justice abstained. Commissioner Rishoff was absent.

APPROVAL OF MINUTES

2. Minutes – January 19, 2012 Planning Commission Meeting

On a motion by Commissioner Zacuto, seconded by Commissioner Northrup, the Planning Commission moved to approve the minutes of the January 19, 2012 Planning Commission Meeting. Motion carried 3-0-2. Commissioner Rishoff was absent. Commissioner Justice abstained.

NEW PUBLIC HEARINGS

3. REQUEST: Request for a approval of the City Council for a Conditional Use Permit to construct a 6,850 square foot, two-story, single-family residence that includes an attached, 672 square-foot, three-car garage; and a Tentative Parcel Map to subdivide an existing, vacant 9.6 acre open space parcel into two open space parcels of 2.4 acres and 7.2 acres in size, and vacate an existing right-of-way easements on Thousand Oaks Boulevard.

APPLICANT: M. Kamal and Associates, LLC, for Henry Halimi
616 E. Avenida De Las Flores
Thousand Oaks, CA 91360

CASE NOS.: 08-CUP-002 and TPM 69698

LOCATION: 28700 Thousand Oaks Boulevard
(A.P.N. 2048-003-002)

ENVIRONMENTAL
ANALYSIS:

Categorically Exempt from CEQA per Section 15303 (New Construction of a Single-Family Residence)

RECOMMENDATION:

Staff recommended the Planning Commission approve a motion recommending the City Council approve Conditional Use Permit Case No. 08-CUP-002, and Tentative Parcel Map No. 69698, subject to conditions, based on the findings of the draft Resolutions.

PUBLIC COMMENTS:

Chair O'Meara opened the public hearing.

The following persons spoke on this project.

Henry Halimi, applicant

J. Sobhani, Architect representing the applicant.

Majid Kamal, M. Kamal and Associates, LLC, representing the applicant

Bernice Beckman, resident

Vicki Ransenberg, resident

Sun Fong Huang, resident

Paula Marks, resident

REBUTTAL:

Henry Halimi, applicant, gave rebuttal testimony regarding his project and answered additional questions of the Planning Commission.

Chair O'Meara closed the public hearing.

ACTION:

On a motion by Vice Chairman Justice, seconded by Commissioner Zacuto, the Planning Commission moved to adopt Resolution No. 12-1047, approving Case No. 08-CUP-002. Motion carried 4-0-1. Commissioner Rishoff was absent.

On a motion by Vice Chairman Justice, seconded by Commissioner Zacuto, the Planning Commission moved to adopt Resolution No. 12-1048, approving Tentative Parcel Map No. 69698. Motion carried 3-1-1. Commissioner Northrup opposed. Commissioner Rishoff was absent.

4. REQUEST: Request for recommendation to the City Council to amend Zoning Ordinance Sections 9654.6.B, and 9654.2.K. of Division 4 of Part 2 of Chapter 6 of the Zoning Ordinance (Article IX) of the Agoura Hills Municipal Code to modify the parking requirements.
- APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301
- CASE NO.: 11-ZOA-001
- LOCATION: Citywide
- ENVIRONMENTAL DETERMINATION: Negative Declaration
- RECOMMENDATION: Staff recommended that the Planning Commission adopt a Resolution recommending that the City Council adopt the Zoning Ordinance Amendment and the Initial Study/Negative Declaration prepared per the California Environmental Quality Act.
- PUBLIC COMMENTS: Chair O'Meara opened the public hearing.
- The following person submitted a speaker card but did not speak.
- Patricia Thille, resident
- Chair O'Meara closed the public hearing.
- ACTION: On a motion by Vice Chairman Justice, seconded by Commissioner Zacuto, the Planning Commission moved to adopt Resolution No. 12-1049, approving Case No. 11-ZOA-001. Motion carried 4-0-1. Commissioner Rishoff was absent.

SITE PLAN/ARCHITECTURAL REVIEW

5. REQUEST: Request for approval of a Site Plan/Architectural Review to construct a 528 square foot addition to the existing second story of a 3,026 square foot, single family residence.

APPLICANT: Marciano Zion for Marisa Feldman
6131 Rustling Oaks Drive
Agoura Hills, CA 91301

CASE NO.: 11-SPR-010

LOCATION: 6131 Rustling Oaks Drive
(A.P.N. 2051-009-017)

ENVIRONMENTAL ANALYSIS: Categorically Exempt from CEQA per Section 15303 (New Construction or Conversion of Small Structures).

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Site Plan/Architectural Review Case No. 11-SPR-010, subject to Conditions, based on the findings of the draft Resolution.

PUBLIC COMMENTS: Chair O'Meara opened the public hearing.

The following persons spoke on this project.

Marisa Feldman, applicant

Ronald Monitz, Morrison Ranch HOA – Architectural Committee

Chair O'Meara closed the public hearing.

ACTION: On a motion by Commissioner Zacuto, seconded by Commissioner Northrup, the Planning Commission moved to adopt Resolution No. 12-1050, approving Case No. 11-SPR-010. Motion carried 4-0-1. Commissioner Rishoff was absent.

PLANNING COMMISSION/STAFF COMMENTS

None

ADJOURNMENT

At 8:33p.m., on a motion by Vice Chairman Justice, seconded by Commissioner Zacuto, the Planning Commission moved to adjourn the meeting to the next scheduled Planning Commission meeting on Thursday, February 16, 2012 at 6:30 p.m. Motion carried 4-0-1. Commissioner Rishoff was absent.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: February 2, 2012

TO: Planning Commission

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NO.: 11-ZOA-001

LOCATION: Citywide

REQUEST: Request for recommendation to the City Council to amend Zoning Ordinance Sections 9654.6.B, and 9654.2.K. of Division 4 of Part 2 of Chapter 6 of the Zoning Ordinance (Article IX) of the Agoura Hills Municipal Code to modify the parking requirements.

ENVIRONMENTAL DETERMINATION: Negative Declaration

RECOMMENDATION: Staff recommends that the Planning Commission adopt a Resolution recommending that the City Council adopt the Zoning Ordinance Amendment and the Initial Study/Negative Declaration prepared per the California Environmental Quality Act.

I. BACKGROUND AND DISCUSSION

The purpose of this Zoning Ordinance Amendment (ZOA) is to update the parking requirements for various land uses currently listed in the Zoning Ordinance Parking Allocation Table and to address shared parking for commercial uses. The recommendations of this report are a result of a joint effort between the Planning and Community Development Department and the City Traffic Engineer, which included research of industry standards and other jurisdictions' practices as well as considering current business practices, trends and patterns in the City.

Permitting new businesses in existing developments, either in an existing building or a new building in an existing center, requires a two-step process: the first consists of verifying whether the use is permitted in a specific zone, and the second determining the requirement for parking of

the use and whether there is sufficient parking supply on the property. Currently, Section 9654.6 (Parking Allocation) of the Zoning Code includes a list of general categories of uses with the corresponding number of required parking spaces per category. The number of parking spaces that a business must have is mainly based on the floor area expected to be leased, or in certain instances, based on the number of employees, pieces of equipment or some other non-fixed criteria. Over the years, the highest number of requests for locating new businesses has been occurring in shopping centers.

Because shopping centers continue to evolve to serve a community's social and economic needs, and because tenants develop new business formats to respond to consumers' demand, the current Parking Allocation Table does not always provide clear direction on the parking needed, so staff has had to frequently make interpretation of the Code to determine the parking requirement. For example, there is currently a higher demand for service-related businesses over retail businesses, and the service-related businesses are not always listed, or multiple uses are proposed in one tenant space. In instances where parking requirements are not specifically called out in the table, staff has had to use like and similar uses, information from other cities, and input from the City Traffic Engineer, sometimes resulting in a parking requirement being too prohibitive for businesses. Thus, in some instances, the current parking requirements have resulted in certain businesses not being able to locate in the City. The situation is further complicated by the fact that some of the shopping centers in the City were built prior to City incorporation, and so are now considered non-conforming as a result of the City's post incorporation parking ratio standards, with less parking than is now required.

Also included in this Zoning Ordinance Amendment are updates to the shared parking allowances that are applied to shopping centers. The proposed changes clarify the language and create a more effective shared parking provision. Currently, the shared parking requirements are often not effective, as large portions of parking lots remain vacant, while at the same time, new businesses are turned away for an insufficient amount of parking spaces allocated to that particular use.

Given the circumstances noted above, staff discussed amending the City's Parking Ordinance with the City Council Economic Development/Land Use Committee (ED/LUC). The ED/LUC directed staff to research appropriate parking space demand for various land uses, including using the services and expertise of the City Traffic Engineer. The City Council then conducted a Pre-Screen Review, and directed staff to prepare a Zoning Ordinance Amendment (ZOA) to update portions of the Parking Ordinance. In particular, the City Council requested that staff: update the parking requirement for selected uses (per the scope presented by staff) and, update the requirements for on-site shared parking. The City Council also directed staff to explore whether the required dimensions of a car parking space are still appropriate, or should be adjusted. The City Council suggested that the recommended changes reflect current trends in the retail industry.

Thus, the Planning Commission is being asked to provide a recommendation to the City Council on the proposed Ordinance. The following sections of the report provide further analysis.

A. Parking Requirements

Section 9654.6.B. *Parking allocation* of the Parking Ordinance provides parking requirement ratios (the number of parking spaces required to accommodate the demand of different land uses) for permitted land uses in all the zoning classifications in the City, specifically in the Parking Allocation Table. Only minor amendments to the Parking Ordinance have occurred since its adoption in 1987. These include adding parking requirements for condominium residential units (1990), dance studios (1992), game arcades (1993) and certain medical office uses (2002).

Staff proposes to revise the Parking Allocation Table for certain additional categories of uses to better address parking demand and ensure that there is neither too much nor too little parking provided. In order to assess appropriate parking ratios, staff gathered information on the policies of comparable and nearby communities, worked with the City Traffic Engineer, and studied trends and parking habits in the City. The update is two-fold. Some of the ratios are being updated to a more realistic demand, and others are being incorporated to address new land use categories.

The modifications would apply to uses that are typically found in the Commercial Retail/Service (CRS) zone and in the Shopping Center (CS) zone, but also in the industrial zone (BP-M). The properties affected by the changes are located along the Kanan Road and Thousand Oaks Boulevard corridor, along Canwood Street, and on the south side of the freeway along Agoura Road between Reyes Adobe Road and Lewis Road. The land uses that are addressed in this proposed ZOA are already permitted in their respective zones.

The proposed parking ratio changes to Section 9654.6.B. are included in their entirety in “track changes” mode in the Draft Ordinance attached to this report. These include nine major categories as summarized in the table below:

#	Uses	Current Parking Requirements	Proposed Parking Requirements
1	Banks & financial institutions	1/200 sq.ft. of gross floor area	1/300 sq.ft. of gross floor area
2	Veterinarian	None	1/200 sq.ft. of gross floor area
3	Restaurants: sit down & fast food	15/1000 sq.ft. of seating/waiting floor area with a minimum of 10 spaces	15/1000 sq.ft. of seating and waiting area
4	Live entertainment	None	Parking Study required at Director’s discretion unless entertainment is limited to dining ambience music only

outs and snack shops. Staff recommends maintaining the current ratio (at 15/1,000 square feet of seating/waiting areas), and applying it to both sit-down and fast food restaurants, and applying a ratio equivalent to retail stores (1/250 square feet of gross floor area) for the take-outs and snack shops. This is recommended based on the fact that the snack shops' and take-out restaurants' turn-over is high and these facilities typically have little or no seating. Also, the parking demand for the area dedicated to seating/waiting is usually small enough that the demand compares to that of the gross floor area of an entire retail store. In both category groups, the requirement for a minimum of ten spaces is eliminated, since this requirement has no relationship to the size of the business. The base ratios are sufficient alone, and requiring at least ten spaces would be unnecessary and burdensome for smaller snack shops.

Live Entertainment (Item #4)

Live entertainment has become more popular with dining establishments. Currently, parking is required for the dining/drinking and waiting floor area, but not for the live entertainment part of the use, as it has been considered ancillary to the primary use. There is presently no parking requirement for live entertainment, but rather parking demand is assessed on a case by case basis per review of a Conditional Use Permit for live entertainment.

Over the years, staff found that certain live entertainment activities can attract large crowds, and the demand for additional parking is based on the type of entertainment. For instance, music playing as ambiance for diners either by a piano player or small band, would not likely generate more parking demand because the music is intended to enhance the dining experience. Also, the music would not be intended to attract a separate audience like for dancing. But in the case of a dining room with a designated dance floor area for a band or other performance that could potentially invite diners to participate, and could, depending on the type of entertainment, attract a separate clientele in addition to the diners, the use would create additional demand for parking. In the past, businesses with such entertainment have exceeded the parking demand of a restaurant as shown by their parking study. Although the research shows that cities can address the requirement based on floor area reserved for dancing, it has been staff's experience that parking studies show a more accurate assessment of the demand, since they take into account the specific type of uses, activities, and conditions of a particular business. Therefore, consistent with past practice, staff recommends that live entertainment uses be subject to specific parking studies at the discretion of the Director. Also, given the varying types of live entertainment and the fact that the popularity of certain types can change over time, it is more appropriate to analyze the parking demand on a case-by-case basis through a parking study rather than to attempt to establish parking requirements in the Code for various types of live entertainment.

Typically, the findings of the parking study become the parking requirements of the proposed use. In the event that the demand exceeds the supply, the applicant would need to mitigate the excess demand by utilizing other lots, for example, upon arrangement with other property owners. The Director would likely waive the requirements for a parking study for ambiance music if it is clear that the music is strictly for ambiance and would not generate additional parking demands. A parking study, however, would most likely be required for uses with a dance floor or a variety of entertainment uses, such as a live theater, night club, or entertainment in which separate admission is charged and that commonly attract large gatherings. In any case, live entertainment requires a Conditional Use Permit, and so the Planning Commission would review the use and be

5	Snack shop (ice cream, coffee, juice) & take out	15/1000 sq.ft. of seating/waiting floor area with a minimum of 10 spaces	1/250 sq.ft. of gross floor area
6	Kennel	None	1/500 sq.ft. of gross floor area
7	Fitness clubs & dance/exercise studios	1/220 sq.ft. of activity area + office space at 1/250 sq.ft.	1/250 sq.ft. of gross floor area up to 5,000; greater than 5,000: 1/220 sq.ft. of activity area + other space according to the use
8	Salons/spa	Various requirements, e.g., number of employees, chairs, and/or tables.	1/200 sq.ft. of gross floor area with a minimum of 4 spaces
9	Light industrial	None	1/500 sq.ft. of gross floor area

Banks and Financial Institutions (Item #1)

Currently in the Code, there are separate categories for (1) banks, and (2) savings and loan offices, financial institutions, and public and private utility offices. The “public and private utility offices” is obsolete and is being removed. The other categories are proposed to be combined into a single category of “banks and financial institutions” for simplification, and the parking requirement reduced from the current one space per 200 square feet of gross floor area. The reason for reducing the parking requirement for banks and financial institutions is based on the fact that, increasingly, banking is conducted on-line, thereby reducing the foot traffic and parking demand. Also, in researching other communities, it was generally found that the parking requirement for banks is equivalent to that of a retail or office use, which is either one space for every 250 square feet of floor area or one space for every 300 square feet of floor area. Staff recommends a standard of one space for 300 square feet of gross floor area.

Veterinarians (Item #2)

In the past, staff has determined that a veterinarian use is like and similar to a medical or dental office, and has applied the parking requirement of one space per 200 square feet of gross floor area for veterinary offices. In our research, staff has found that many cities apply the parking requirement of medical and dental offices to veterinarian offices. Others use the requirement for retail stores or the number of exam rooms or number of professional staff. Staff believes that the medical and dental office requirement is the most appropriate considering the similarities in operational use, and recommends that the requirement of one space per 200 square feet of gross floor area for veterinarian offices be included in the table.

Restaurants/Snack Shops (Items #3 and #5)

Because dining establishments have the most demanding parking requirements, and have varying business formats and segments of the population served, the category needs to be further divided into different subgroups, such as: sit down quality restaurants and fast food restaurants; and take-

able to condition requirements for the amount of parking and location of parking, including valet parking. The requirements and conditions are enforced through the CUP.

The attached draft Ordinance includes language reflecting the above analysis in that participatory or non-passive live entertainment, consisting of such uses and activities as a night club or dancing, may be subject to a parking study at the discretion of the Director. On the other hand, the Director has the discretion to waive the parking study for passive live entertainment, such as ambiance music ancillary to dining.

Kennels (Item #6)

There is currently no parking requirement for an animal kennel, although there is for an animal hospital. Unlike animal hospitals, kennels require a lower staff to animal ratio and require larger leasable spaces. Kennels have recently been added to the land use table and are only allowed in an industrial zone (the Business Park-Manufacturing). The most recent kennel was allowed on a parcel parked at a ratio of one space for every 500 square feet of gross floor area which has been operating successfully since without parking issues. Generally, industrial uses require less parking than retail uses and are allowed with ratios varying between one to 400 or 1,000 square feet of area. Parking is mostly used by employees, as the number of visitors is low. Visitors park for short periods during drop off and pick up, and the ratio of employees to floor area is low. The research shows that cities have often allowed kennels in industrial zones because of the potential for noise impacts and the larger tenant spaces required. Therefore, staff recommends applying the proposed industrial parking requirements (Item #9) to the use, which is one space for every 500 square feet of gross floor area.

Fitness Facilities (Item #7)

The category currently in the Code, "Health clubs and dance studios" is recommended to be updated to a more encompassing category of "Fitness clubs and dance/exercise studios." This would include weight rooms, dance studios, karate, yoga, and the like to reflect the growing variety of exercise options in a community. Over the years, fitness facilities that have located in the City have operated in retail spaces that are between 1,000 and 3,000 square feet and are limited in the scope of services they provide (e.g. dance studio only, or gym with weights and other similar equipment only). The uses tend to not be parking intensive because of their relatively small size and the small amount of classes usually offered, which does not generate substantial parking demand. Currently, the Code requires that the areas used for exercise and office be divided up and counted at a different ratio, leaving other space unaccounted. As a result, the parking requirement that is derived often equates to the demand of a retail total gross floor area for the same tenant space. Therefore, for simplification, staff recommends a ratio of one space per 250 square feet of gross floor area, like retail uses. Staff also recommends that the ratio be increased for facilities 5,000 square feet and over, with the associated parking requirement being raised to a ratio of one space per 220 square feet of activity area plus other space according to the specific use, such as retail or office. The 5,000 square-foot threshold was chosen based on square footage layout scenarios that showed that while there were minor incremental increases, no significant increase in parking demand occurred when compared to the retail ratios up to the 5,000 square feet. The 5,000 square-foot facility would address larger gyms with a variety of activities offered.

Salons/Spas (Item #8)

“Salons/spa” is a new category to replace the current “Barbershops or beauty parlors.” “Salons/spas” is a broader category to encompass the many types of personal care services, such as facial, hair, nails, and massage. Because, salons/spas are becoming multi-disciplinary uses, using the current “Barbershops or beauty parlors” requirement of the number of employees, the types of services, or the equipment (i.e. chairs, stations) as the basis for the parking requirement has made it difficult to allow them in shopping centers because the cumulative requirement is too great and does not always reflect the true parking demand. Staff’s recommendation is to use the gross floor area as the basis for the demand instead, and applying a ratio of 1/200 of gross floor area along with a minimum of four spaces. This method allows tenants to adjust their staff and their equipment as needed to provide professional services without falling out of compliance. This method also eliminates the challenge of trying to enforce the activities occurring within the salon or spa to ensure adequate parking is provided. The minimum of four spaces is required to ensure that adequate parking spaces are provided for employees and customers even though the salon/spa may be small.

Light Industrial (Item #9)

Light industrial businesses consist of single-use facilities with little or no manufacturing activities, such as machine shops or cabinet makers. Tenants typically found at the Agoura Business Center (Dale Poe Industrial Park) are considered light industrial businesses. Light industrial tenant spaces typically consist of a small office in the front with a larger assembly and storage area behind. Based on a survey from the Parking Generation Manual (4th Ed, ITE.), for light industrial facilities, the demand ranges from one space for every 787 to 1,333 square feet of gross floor area. A typical number used by other cities of various sizes is one space for every 500 square foot of gross floor area. The City Traffic Engineer, when reviewing a recently proposed industrial development in the City, also determined that one space for every 500 square feet of gross floor area was adequate. Today, this building (a 6,000 square foot, one-story building on Roadside Drive) is able to accommodate a wide variety of uses and the parking is found to be appropriate. Therefore, staff recommends a parking requirement of one space for every 500 square feet of gross floor area for light industrial businesses.

Staff would also like to take this opportunity to make some minor “clean-up” changes to the Parking Allocation Table. The category “Theaters, Sports Arenas and Stadiums” is being revised to eliminate “Sports Arenas and Stadiums.” Such large facilities are unlikely to open in the City, and if one is proposed, a parking study should be required as part of the review of the new project. Also, “chiropractor” and “acupuncturist” are being added to the category of “Psychotherapists, Psychiatrists, Counselors, and other similar uses with individual patients programs” to reflect current demand for such businesses. The parking ratios, however, would not change. Finally, staff proposes to remove the reference to the zones C-1, C-2, C-3 and CRP, which no longer exist in the City, and add the corresponding commercial zoning designations instead.

It should be noted that the list of uses in the Parking Allocation Table is not meant to encompass all possible businesses and industries, but rather be the basis for calculating parking demand for general categories of uses. The Parking Allocation Table of Section 9654.2.K. does provide a parking ratio for unlisted commercial permitted uses to be parked at one space for every 250 square feet of gross floor area, which reduces the need for interpretation. Staff, however, would

continue to interpret the list of uses and ratios to determine whether the parking demand is adequate for a particular use not specifically called out.

B. Shared Parking

The objective of shared parking in the Code is to maximize the use of shopping centers while avoiding situations where parking is inadequate to serve the site. Moreover, more tenant spaces could be occupied if a mechanism allowed staff to account for the time the parking lots are not used to their full capacity.

Section 9654.2.K.6, *Shopping center parking*, addresses shared parking in shopping centers. It discounts the overall parking requirement of a shopping center after having calculated the demand for each individual tenant because the peak demand for businesses occurs at different times of the day. The provision for shared parking does not require an applicant or business owner to submit a specific parking analysis or study, as is the requirement within the Agoura Village Specific Plan (AVSP) area. This provision applies to locations outside of the AVSP, and simplifies the process for applying shared parking provisions for smaller businesses and tenants in particular. Currently, the provision applies only to shopping centers of 25,000 square feet in size or larger. The proposed changes would apply only to larger centers with at least 50,000 square feet in building size or greater, which would include the Twin Oaks Shopping Center, Agoura Meadows, Agoura Hills City Mall and Town Center Shopping Center. Shopping centers between 25,000 and up to 50,000 square feet are still eligible for the current provisions for shared parking.

The change in size is proposed, as in larger centers it is likely that a greater variety and number of uses will locate on the same property, and so there is more opportunity for sharing parking among the various uses. The allowed reduction in parking, or discount, would be based on a new methodology, as discussed further below. The current methodology provides only a small discount and has not proven as effective, as large areas of the lots are vacant at certain times, while new potential tenants are turned away because the necessary parking spaces have been allocated to a different tenant. In order to derive an appropriate percentage reduction of the parking requirement in a shopping center, staff reviewed local travel and parking patterns and data from existing shopping centers in the City. Then, in consultation with staff, the City Traffic Engineer prepared a table listing categories of combinations of land uses (e.g. retail, office, and restaurant) and associated formulas for calculating the shared parking reduction (see Table I – SHARED PARKING, below). The proposed combined variation of uses allows the distribution of use-specific peak hour demand throughout the day and evening. For example, in shopping centers where there are restaurants, offices and retail shops, the peak parking demand for those three categories each differ throughout the day. The methodology in the table is based on industry standards data of the Urban Land Institute's (ULI) Shared Parking, and the Institute of Transportation Engineers (ITE) Parking publications.

Additionally, the ULI Shared Parking Report provides a model that calculates the peak demand of a shopping center based on the types of uses and parking requirements adopted by the City. The model derives the peak demand for a weekday and a weekend for each month of the year. Staff ran the model for a majority of the shopping centers in the City using data such as tenant types and square footages and found that, on average, there is a level of underutilization of 85% during

the week and 69% on weekends for 12 months out of the year. The usage typically increases during the peak holiday season during the month of December. This percent of under-utilization is about average; utilization can vary based on type of use, local conditions, and seasonal considerations.

Staff “tested” the proposed discount methodology by applying it to different shopping centers in the City. The results showed that, for most of the centers with at least 50,000 square feet of building area, the methodology for shared parking would result in more utilization of the lots, while still providing adequate parking capacity. Shopping centers that are currently under-parked and have parking deficiencies would not be aided by the shared parking provisions, as the discount would result in still greater parking requirements than currently provided by the centers. These include many of the centers that are presently non-conforming with regard to number of parking spaces, and which were developed prior to City Code requirements, and are the smaller centers under 50,000 square feet in building area. These centers would not be eligible to apply the new shared parking provisions.

The table below shows the results of the new methodology applied to the existing tenant mixes in the centers with at least 50,000 square feet in building area.

Shopping Centers	Total Building Square Footage	Current Parking Requirement*	Parking Provided	Required Parking after Proposed Discount (based on highest individual use)	Required Parking after Proposed Discount (based on combined parking requirement)**
Agoura Hills City Mall	74,653	374	358	300	338
Twin Oaks Center	102,294	461	420	359	364
Agoura Meadows Center	117,976	610	530	488	513
Town Center	57,072	355	288	284	336
* As of the time of the review ** More conservative discount					

In the case of the four major retail shopping centers, the results show, given the current tenant mix, that three out of the four shopping centers would receive between 17 and 56 spaces reduction in required parking, bringing them below the supply of parking space, using the most conservative reduction.

Staff would apply the reduction or discount to the required parking spaces derived from the parking requirement table in Section 9654.6.B (see “A. Parking Requirements” of this report). The reduction is applied to the parking requirement based on the square footage of the particular

land use. The reduction can be applied in two ways. A percentage reduction can be applied to the overall combined parking, or to the parking requirement of the highest individual use (i.e., office, retail, or restaurant), whichever results in the least discount in parking. Once applied, staff will keep track of the mix of uses and parking spaces, including discount allocated to each use in each shopping center per the shared parking methodology. Staff will use this data to evaluate whether a future prospective tenant would have sufficient parking to locate in the center.

The proposed ZOA gives the Director of Planning and Community Development the authority to exercise discretion over the final reduction applied to the parking demand based on the formula. For uses not listed in the table, an applicant may prepare a specific parking study or analysis, but this analysis must be based on City approved methods conducted by a qualified traffic or parking consultant, and ultimately approved by the Director.

The Shared Parking Table would not apply to shopping centers that contain residential units. A specific shared parking analysis must be prepared for a residential/retail mixed-use project. These types of projects are allowed in the CS-MU zone. The following shopping centers are zoned CS-MU: Agoura City Mall, Twin Oaks, and Agoura Meadows. The residential component must meet the parking requirements of the Code, and not be discounted. The shared parking analysis can assess the internal capture rate (where customers park once, but visit more than one establishment) resulting from the mix of uses and their proximity, which may reduce the amount of parking needed, and discount the ratios for the non-residential land uses.

Per the above analysis, Section 9654.2.K.6. is proposed to be changed as follows:

65. ~~Shopping center~~*Shared parking*. For the purposes of this section, "shopping center" shall mean a group of architecturally unified commercial and retail establishments containing ~~twenty-five thousand (25,000) square feet or more~~, built on a site which is planned, developed, and managed as an operating unit.

~~In~~For shopping centers containing at least 25,000 and up to 50,000 square feet of total building area, where office spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per three hundred (300) square feet.

Where cinema spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.

Where restaurant, café, or other food and beverage service uses exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the total gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.

For shopping centers containing 50,000 square feet or more of total building area, a shared parking reduction shall be allowed for the shopping centers based on the following:

TABLE I: SHARED PARKING

<u>Combination of Land Uses</u>	<u>Shared Parking Reduction Allowed*</u>
<u>Office+Retail or Office+Restaurant</u>	<u>15% of combined parking requirement or 20% of highest individual use parking requirement, whichever results in the highest number of parking spaces required.</u>
<u>Retail+Restaurant</u>	<u>18% of combined parking requirement or 24% of highest individual use parking requirement, whichever results in the highest number of parking spaces required.</u>
<u>Office+Retail+Restaurant</u>	<u>20% of combined parking requirement or 25% of highest individual use parking requirement, whichever results in the highest number of parking spaces required.</u>
<u>Note: Shared parking reduction values for other uses not identified above, may be allowed based on City accepted methodology for shared parking analysis completed by the applicant using a qualified traffic or parking consultant, and ultimately approved by the Director.</u>	
<u>Note: For residential mixed-use development, residential parking shall be provided per Section 9654.6 in addition to the parking requirement for other proposed non-residential uses. To be considered for shared parking reduction for non-residential parking spaces, a shared parking analysis shall be completed by the applicant based upon a City accepted methodology, using a qualified traffic or parking consultant, and ultimately approved by the Director.</u>	
<u>Source: Based upon ULI Shared Parking 2nd Edition, ITE Parking 3rd Edition</u>	

Section 9654.K.1 of the Zoning Ordinance addresses parking requirement locations. It states that,

In commercial zones, off-street parking shall be located on the same lot as, or on a lot contiguous to, the building, structure, or use to be served. The required parking spaces shall not be located in the rear of a commercial building, unless direct customer access to the facility from the parking area is provided.

Staff proposes to delete the second sentence in its entirety. Prohibiting parking spaces in the rear of a building is an outdated approach to parking in commercial areas. In some cases, rear parking may be the preferred approach, especially in developments where a pedestrian environment is desired, and therefore buildings are located close to the street. In other cases, parking both in front and behind a building is desirable. In such cases, parking in the rear can be provided for employees and integrated with loading areas. An example of parking in the front and rear of a building is the recently constructed Shops at Oak Creek. Additionally, retailers do not favor direct customer access from both the rear and front of the building for security reasons, and so this is not

a viable option. Staff recommends that a specific project's parking location be reviewed on a case-by-case basis for appropriateness, with the option of rear parking being allowed, and so recommends deleting the second sentence above.

Additionally, Section 9654.K.2 of the Zoning Ordinance, as currently written, addresses the parking requirement for businesses with different hours of operation and different peak hours of use. It allows a tenant of a commercial property in a planned development that is not a shopping center (e.g. office complex) to operate when other tenants are closed with only 50 percent of the parking requirement if the uses share parking facilities. In this case, the tenants must have completely different operating hours, not just different peak hours of use, as is the case with shopping center shared parking. Unlike shopping centers, there is not sufficient variety of uses in office developments that would provide for different peak hour usage. This provision of the Code is not often used, since there are not many commercial planned developments in the City that have tenants with distinctly separate hours of operation. One example could be a church in a planned commercial complex in which none of the hours of any of the tenants coincide with the hours of the church. In such an instance, however, a CUP is required for a church, and therefore the specific parking demands of the church can be assessed against the parking demands of the rest of the complex on a case-by-case basis. Therefore, staff is recommending that Section 9654.K.2 be stricken in its entirety.

C. Parking Dimensions

With respect to the size of parking spaces, staff surveyed other cities and found a wide variety of dimensions. Based on the survey, the City ranks average. Other cities have wider and longer spaces but also have different landscaping planter width requirements, which result in less useable parking space area. Currently, the City requires a parking space to be a minimum of eight and one-half (8.5) feet wide by eighteen (18) feet long. The space is required to be double-striped, which provides a wider separation between vehicles to allow a driver to more easily enter, exit, load and unload a vehicle. Out of 34 California cities surveyed, 41 percent of the cities required parking spaces measuring nine (9) feet by eighteen (18) feet; 21 percent, nine (9) feet by nineteen (19) feet; and 18 percent, eight and one-half (8.5) feet by eighteen (18) feet, as does the City of Agoura Hills. As expected, the more urbanized cities require smaller spaces likely due to space constraints. Also, a 20-foot space means that a two-foot wide overhang is required to be provided in front of the space, reducing the length of the actual striping to 18 feet or less. Although having larger spaces can further help in maneuvering (especially for larger vehicles), the parking spaces would occupy more room, and as a result, would cause a reduction in the overall number of parking spaces that a property can provide, as well as a potential reduction in building area. Since the existing sites have minimal potential for expansion, larger dimensions for parking spaces would result in less parking spaces, or a reduction in the landscaping square footage and/or pedestrian amenities required if the number of spaces is not also reduced. Therefore, staff recommends maintaining the current parking space size requirement. Staff would also mention that the Zoning Ordinance was amended several years ago to no longer allow compact parking spaces by right, but instead to be subject to the discretion of the Planning Commission. This amendment was made due to maneuverability issues associated with compact spaces.

II. GENERAL PLAN CONSISTENCY

The amendment complies with the General Plan. Adding uses to the parking allocation table and updating parking requirements to reflect more current business practices aid in attracting new businesses in the City, thereby increasing the City's economic and sales tax base (Policies ED-1.1 *Diversified Economic Base*, and ED-1.3 *Enhance Sales Tax Revenues* of Goal ED-1 *Economic Development*). The Amendment maximizes the efficiency of parking facilities called for in Policies M-11.1 *Parking Standards and Design*, M-11.2 *Shared Parking*, and M-11.3 *Efficient Parking Design* of Goal M-11 *Parking*. In particular, Implementation Measures M-28 and M-29 call for updating the Parking Ordinance by establishing parking ratios and expanding shared parking options.

III. ENVIRONMENTAL REVIEW

An Initial Study/Negative Declaration (IS/ND) was prepared for the ZOA pursuant to Article 6 of the California Environmental Quality Act (CEQA) Guidelines. The IS/ND was circulated for public comment from September 15 through October 14, 2011. Only one letter was received. It was from the County Sheriff Department, which indicated that the ZOA would not impact the Department. Therefore, no changes to the IS/ND are necessary. Note that the original draft Ordinance circulated with the draft ND included retaining Section 9654.K.2 with some minor adjustments, instead of removing the text as now proposed, and included some additional minor language in Section 9654.6.B, which has since been removed. The revised draft Ordinance, as described in this staff report, and included as an Attachment, is not significantly different than the previous, and does not result in substantial alteration of the content of the Ordinance, that would change any of the environmental impacts or conclusions of the ND. Therefore, the ND is adequate to serve as the environmental document for the updated Ordinance, and no changes to the ND are needed.

The attached Resolution lists a series of environmental findings that the Planning Commission needs to make to forward the IS/ND to the City Council for a recommendation to adopt the Zoning Ordinance Amendment and IS/ND.

IV. RECOMMENDATION

Staff recommends the Planning Commission adopt the attached Draft Resolution recommending that the City Council approve Zoning Ordinance Amendment Case No. 11-ZOA-001, which amends Zoning Ordinance Sections 9654.2.K. and 9654.6.B. regarding parking allocation and shared parking, and recommending that the City Council adopt the Initial Study/Negative Declaration and make environmental findings pursuant to the California Environmental Quality Act. The recommendation of the Planning Commission will be forwarded to the City Council for final action.

V. ATTACHMENTS

- Draft Resolution
- Draft Ordinance
- Final Initial Study/Negative Declaration

Case Planner: Valerie Darbouze, Associate Planner

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING THE CITY COUNCIL ADOPT
A ZONING ORDINANCE AMENDMENT UPDATING PARKING REQUIREMENTS
(CASE NO. 11-ZOA-001)**

**THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY
RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:**

WHEREAS, the Planning Commission has considered 11-ZOA-001, an amendment to the Zoning Ordinance Article IX, Chapter 6, Division 4, Part 2, Section 9654.6.B and Section 9654.2.K. of the Agoura Hills Municipal Code to revise the parking ratio requirements, and the shared parking provisions; and

WHEREAS, a public hearing was duly held on February 2, 2012 in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date and place and purpose of the public hearing was duly given; and

WHEREAS, evidence, both written and oral, was duly presented to and considered by the Planning Commission of the City of Agoura Hills at the aforesaid public hearing; and

WHEREAS, after close of the public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff report, the recommendations, and all other pertinent documents and associated actions regarding the proposed ordinance amendment; and

WHEREAS, the Amendment is consistent with the Agoura Hills General Plan in that adding uses to the parking allocation table and updating parking requirements to reflect more current business practices and trends aid in attracting new businesses in the City thereby increasing the City's economic and sales tax base and maximizing the efficiency of parking facilities as stated in the General Plan, specifically under Policies M-11.1 *Parking Standards and Design*, M-11.2 *Shared Parking*, M-11.3 *Efficient Parking Design* of Goal M-11 *Parking*, and under Policies ED-1.1 *Diversified Economic Base*, and ED-1.3 *Enhance Sales Tax Revenues* of Goal ED-1 *Economic Development*. Implementation Measures M-28 and M-29 call for updating the Parking Ordinance by establishing parking ratios and expanding shared parking options; and

WHEREAS, the Planning Commission hereby makes the following environmental findings and determinations in connection with the approval of the Parking Zoning Ordinance Amendment (the "Project"):

- A. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the Parking Ordinance Amendment as described in the Initial Study (the "Project"). Based upon the findings contained in that Initial Study, City staff, acting as the Lead Agency, determined that there was no substantial

- evidence that the Project could have a significant effect on the environment, and a Negative Declaration was prepared; and
- B. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the Initial Study/Negative Declaration as required by law. The public comment period commenced on September 15, 2011 and expired on October 14, 2011. Copies of the documents have been available for public review and inspection at the offices of the Department of Community Development, located at City Hall, 30001 Ladyface Court, California, 91301; and
 - C. The Planning Commission has independently reviewed the Initial Study/Negative Declaration and all comments received regarding the document prior to and at the February 2, 2012 public hearing, and based on the whole record before it, finds that: (1) the Initial Study/Negative Declaration was prepared in compliance with CEQA and the City's local CEQA Guidelines; (2) that City staff has correctly concluded that there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the Initial Study/Negative Declaration reflects the independent judgment and analysis of the Planning Commission; and
 - D. The Planning Commission has considered the contents of the Initial Study/Negative Declaration in its decision making processes in making its recommendation on the Parking Zoning Ordinance Amendment; and

WHEREAS, the custodian of records for the Initial Study, Negative Declaration and all materials which constitute the record of proceedings upon which the Planning Commission's decision is based is the City Clerk of the City of Agoura Hills, and those documents are available for public review in the Office of the City clerk located at 300001 Ladyface Court, Agoura Hills, California, 91301.

NOW, THEREFORE, BE IT RESOLVED based on the findings and conclusion set forth above, that the Planning Commission of the City of Agoura Hills recommends that the City Council adopt the Parking Zoning Ordinance Amendment.

APPROVED, and ADOPTED this 2nd day of February, 2012 by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Chairperson

ATTEST:

Mike Kamino, Secretary

ORDINANCE NO. 12-____

**AN ORDINANCE OF THE CITY OF AGOURA HILLS,
CALIFORNIA, AMENDING SECTIONS 9654.6.B. AND 9654.2.K.
OF DIVISION 4 OF PART 2 OF CHAPTER 6 OF TITLE IX OF
THE AGOURA HILLS MUNICIPAL CODE PERTAINING TO
PARKING REQUIREMENTS**

A. Recitals

(i) The purpose of this ordinance is to amend the parking provisions of the City's Municipal Code to provide updated parking ratio requirements for a variety of uses and to update the standards and requirements for the use of shared parking.

(ii) On February 2, 2012, the Planning Commission of the City of Agoura Hills held a duly noticed public hearing to consider Ordinance 12-____, and received testimony from City staff and all interested parties regarding the proposed amendment. Following the close of the public hearing, the Planning Commission adopted Resolution No. 12-____ recommending approval of Ordinance 12-____, and recommending adoption of the Initial Study/Negative Declaration prepared for the Ordinance pursuant to the California Environmental Quality Act.

(iii) On February 2, 2012, the City Council of the City of Agoura Hills conducted and concluded a duly noticed public hearing concerning the Zoning Ordinance Amendment contained herein as required by law, and received testimony from City staff and all interested parties regarding the proposed amendments.

(iv) All legal prerequisites to the adoption of the Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the Recitals, Part A of this Ordinance, are true and correct.

SECTION 2. Environmental Review

A. Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines promulgated thereunder, and the City's local CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of this proposed Ordinance and the Zoning Ordinance Amendment contained herein ("the Project"). On the basis of the Initial Study, City staff for the City of Agoura Hills, acting as Lead Agency, determined that there was no substantial evidence that the project could have a significant effect on the environment. As a

result, City staff prepared a Negative Declaration for the project and provided public notice of the public comment period and of the intent to adopt the Initial Study/Negative Declaration.

B. The City Council has independently reviewed (1) the Initial Study/Negative Declaration, which are incorporated herein by this reference); and (2) all comments received, both written and oral, regarding the Initial Study/Negative Declaration, and based upon the whole record before it, finds that those documents were prepared in compliance with CEQA, the CEQA Guidelines and the City's Guidelines for Implementing CEQA, that City staff has correctly concluded that there is no substantial evidence that the project will have a significant effect on the environment, and that the findings contained therein represent the independent judgment and analysis of the City Council. Based on these findings, the City Council hereby approves and adopts the Initial Study/Negative Declaration for this project.

C. The custodian of records for the Initial Study/Negative Declaration and all materials that constitute the record of proceedings upon which the City Council's decision was based is the City Clerk of the City of Agoura Hills. Those documents are available for public review in the Office of the City Clerk located at 30001 Ladyface Court, Agoura Hills, California.

SECTION 3. Sections 9654.2.K. and 9654.6.B., Division 4 of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code are hereby amended to read:

"K. *Provisions for commercial uses.*

1. *Parking locations.* In commercial zones off-street parking shall be located on the same lot as, or on a lot contiguous to, the building, structure, or use to be served. ~~The required parking spaces shall not be located in the rear of a commercial building, unless direct customer access to the facility from the parking area is provided.~~
2. ~~*Double counting.* At the discretion of the director of planning and community development or the planning commission, whichever has jurisdiction, where two (2) or more commercial uses in a planned commercial development share parking facilities, and the business hours of such uses do not overlap, the minimum space requirement may be reduced by up to fifty (50) percent of the parking requirement for the use requiring the least parking, subject to a minimum of twenty (20) parking spaces being provided. Such reduction shall be subject to the approval of the covenants, conditions, and restrictions for the project by the director of planning and community development or planning commission, whichever has jurisdiction.~~
3. *Spaces not for repair, servicing or storage.* Required parking spaces shall not be used, or be permitted to be used, for the repair, servicing, or storage of vehicles or for the storage of materials.
- 4.3. ~~*Racks not counted as parking spaces.* For auto repair shops or other similar uses, the racks and pump blocks shall not be considered in calculating the required parking spaces.~~

54. *Uses not specified.* Commercial parking requirements for uses not specified in this part shall be based upon a standard of one (1) space per two hundred fifty (250) square feet of gross floor area, unless the director of planning and community development or planning commission approve a different parking requirement, based on the most comparable uses specified in this part.

65. ~~Shopping center~~ *Shared parking.* For the purposes of this section, “shopping center” shall mean a group of architecturally unified commercial and retail establishments, containing ~~twenty-five thousand (25,000) square feet or more,~~ built on a site which is planned, developed, and managed as an operating unit.

For shopping centers containing at least 25,000 and up to 50,000 square feet of total building area, in shopping centers where office spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per three hundred (300) square feet.

—Where cinema spaces exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.

—Where restaurant, café, or other food and beverage service uses exceed ten (10) percent of the total gross floor area, that portion in excess of ten (10) percent of the total gross floor area shall be calculated at one (1) parking space per one hundred (100) square feet.

For shopping centers containing 50,000 square feet or more of total building area, a shared parking reduction shall be allowed for the shopping centers based on the following:

TABLE I: SHARED PARKING

<u>Combination of Land Uses</u>	<u>Shared Parking Reduction Allowed*</u>
<u>Office+Retail</u> or <u>Office+Restaurant</u>	<u>15% of combined parking requirement or 20% of highest individual use parking requirement, whichever results in the highest number of parking spaces required</u>
<u>Retail+Restaurant</u>	<u>18% of combined parking requirement or 24% of highest individual use parking requirement, whichever results in the highest number of parking spaces required</u>
<u>Office+Retail+Restaurant</u>	<u>20% of combined parking requirement or 25% of highest individual use parking requirement, whichever results in the highest number of parking spaces required</u>
<u>Note: Shared parking reduction values for other uses not identified above may be allowed based on City accepted methodology for shared parking analysis completed by the applicant using a qualified traffic or parking consultant, and ultimately approved by the Director.</u>	

Note: For residential mixed-use development, residential parking shall be provided per Section 9654.6 in addition to the parking requirement for other proposed non-residential uses. To be considered for shared parking reduction for non-residential parking spaces, a shared parking analysis shall be completed by the applicant based upon a City accepted methodology, using a qualified traffic or parking consultant, and ultimately approved by the Director.

Source: Based upon ULI Shared Parking 2nd Edition, ITE Parking 3rd Edition

“9654.6. Parking Allocation

A. *Purpose.* The intent and purpose of this section is to provide properly designed off-street parking areas adequate in capacity, location and design to prevent traffic congestion.

The allocation of off-street parking is intended to provide a sufficient number of off-street parking spaces that are in proportion to the need created by the particular land use.

B. *Parking spaces required.* The number of off-street parking spaces shall be no less than the following:

USE	PARKING SPACES REQUIRED
<i>Residential</i>	
Single-family dwellings	2 covered parking spaces. Said spaces shall be provided within a garage
Apartments:	
Studio or bachelor	1 covered, plus 0.5 uncovered parking spaces per each unit
One (1) bedroom	1.5 covered, plus 1.0 uncovered parking spaces per each unit
Two (2) bedrooms or more	2 covered, plus 0.50 uncovered parking spaces per unit
Condominiums or townhouses	2 covered, plus 0.50 uncovered parking spaces per unit. Recreational vehicle parking may be required at a location and of a design approved by the planning commission.
(All uncovered parking spaces shall be used for “guest parking” and marked as such).	
Second units/granny flats	1 covered parking space per each unit
<i>Commercial</i>	
Office	
Business and professional	1 for each 300 square feet of gross floor area.

	Permanent common lobbies within each building totaling 35,000 square feet or larger are excluded from gross floor area.
<u>Banks and Financial Institutions</u>	<u>1 for each 300 square feet of gross floor area.</u>
Psychologists, psychiatrists, counselors, <u>chiropractors</u> , <u>acupuncturists</u> , and other similar uses with individualized patient programs.	1 for each 300 square feet of gross floor area.
<u>Medical, and dental, and veterinarian</u>	<u>5-1 for each 1,000200 square feet of gross floor area</u>
Restaurants, including drinking establishments, take-out and drinking establishments , <u>sit down and fast food</u>	15 for each 1,000 square feet of seating or and waiting floor area. A minimum of 10 parking spaces shall be required
<u>Snack shops (e.g. ice cream, coffee and juice) and take-out</u>	<u>1 for each 250 square feet of gross floor area</u>
<u>Live Entertainment</u>	<p><u>Participatory or Non-Passive Live Entertainment – the Director may require a parking study for live entertainment that is participatory or non-passive which may consist of any of the following: nightclub; dance floor, including dancing to recorded music; live theater events; separate charge required for admission to live entertainment.</u></p> <p><u>Passive Live Entertainment – Passive live entertainment, such as <u>ambiance music ancillary to dining, if determined by the Director to not generate additional parking demand, shall not be subject to a parking study, but shall provide parking at the restaurant ratio.</u></u></p>
Automotive	
Full-service service station (fuel dispensing and/or repairs)	3, plus 2 for each service bay. A minimum of 10 parking spaces shall be required
Repair facilities	1 for each 200 square feet of gross floor area
Self-service service station (fuel dispensing only)	1 for each employee on the largest shift
Dealerships and other open air	1 for each 1,000 square feet of outdoor sales and

sales	display area, plus 1 for each 5,000 square feet over 10,000 square feet
Self service or coin operated operating washing and cleaning establishments	2 for each washing area or unit
Washing and cleaning establishments	1 for each employee and 2 for each detailing bay or area
General retail stores, except as otherwise specified herein	1 for each 250 square feet of gross floor area
<u>Kennels</u>	<u>1 for each 500 square feet of gross floor area</u>
Game arcades	1 for each 250 square feet of gross floor area
Mortuaries and funeral homes	1 for each 20 square feet of floor area, or assembly area, plus 1 for each vehicle owned by such establishment
Furniture, appliance and carpet stores	1 for each 750 square feet of gross floor area
Recreation	
Batting cage facility, primary use	1 for each batting cage, pitching cage or practice cage; plus 1 for each 1,000 square feet of practice and instruction field area; plus 1 per 250 square feet of gross floor area for retail sales; plus 15 for each 1,000 square feet of seating and waiting area floor area for eating and drinking uses (a minimum of 10 parking spaces shall be required); plus 1 for each 300 square feet of floor area for office uses
Bowling lanes	3 for each bowling lane, plus the spaces required for each additional use on the site
Billiard parlors and poolrooms	3 for each billiard or pool table
Tennis facility	3 for each court, plus the spaces required for each additional use on the site
Public swimming pools, gymnasiums and skating rinks	1 for each 100 square feet of gross floor area, plus the spaces required for each additional use on the site
Miniature golf courses and driving ranges	1 for each hole or driving tee
Health <u>Fitness</u> clubs and dance/ <u>exercise</u> studios	1 space for each 220 <u>250</u> square feet of gross floor area up to 5,000 square feet; greater than 5,000 gross square feet: 1/220 of activity area + other space

	according to the use of gross floor area in the activity area, plus 1 space for each 250 300 square feet of other floor area
Boarding and riding stables	1 parking space for each stall retained for rental purposes on the site, plus 1 for each employee
Theaters, sport arenas, and stadiums	1 for each 3 fixed seats or for every 35 square feet of non fixed seats
Hotels and motels	1 for each unit, plus the spaces required for each additional use on the site
Barbershops or beauty parlors <u>Salons and spas (hair styling, nails, massage, and acupuncture)</u>	2 for each barber chair and 3 for each beautician station <u>1 for each 200 square feet of gross floor area, but no less than 4 spaces</u>
Laundromats and dry cleaning facilities	5 <u>1</u> for each 1,000 <u>200</u> square feet of gross floor area
Banks	5 for each 1,000 square feet of gross floor area
Savings and loan offices, financial institutions, public and private utility offices	1 for each 250 square feet of gross floor area
Shopping centers	Except as otherwise specified, 4 for every 1,000 square feet of gross floor area
Supermarkets and drugstores	1 for each 200 square feet of gross floor area
Plant nurseries or similar outdoor sales and display areas	5, plus 1 additional for each 500 square feet of outdoor sales, display or service areas
Recycling centers	1 for each 500 square feet of gross floor area
Any commercial use listed, as permitted in the C-1, C-2, C-3, or CPD , <u>CS, CRS, CS-MU, CR and CN</u> zones, except as specifically provided	1 for each 250 square feet of gross floor area
<i>Institutional</i>	
Hospitals	2 for each bed
Convalescent hospitals, children's homes, nursing homes, and homes for the aged	1 for each 5 beds
Churches	1 for each 3 seats (18 linear inches shall be considered a seat), or 1 for each 28 square feet where no permanent seats are maintained

Libraries, galleries, and museums	1 for each 225 square feet of gross floor area
Schools	
Elementary and junior high school	1 for each classroom, and 1 for each 5 seats or for each 35 square feet of area in the auditorium
High school	6 for each classroom and 1 for each 5 seats or for each 35 square feet of area in the auditorium
Colleges and universities	7 for each classroom and 1 for each 5 seats or for each 35 square feet of area in the auditorium, plus the required spaces required for each additional use on the site
Day nurseries and preschools	1 for each 5 children
Trade schools	1 for each employee on the largest shift, plus 1 for each student during maximum enrollment
<i>Industrial</i>	
Research and development facilities	1 for each 300 square feet of gross floor area, plus 1 for each company vehicle, plus 1 for each 250 square feet of gross floor area for incidental office use
<u>Light industrial</u>	<u>1 for each 500 square feet of gross floor area</u>
Automated or semi-automatic public or quasi-public utilities	1 for every employee on the largest shift, plus 1 for each company vehicle (2 minimum) plus 1 for each 250 square feet of gross floor area for incidental office use
Warehouse, exclusive of any assembly, manufacturing or sales activity	1 for every 1,000 square feet of gross floor area for the first 5,000 square feet of gross floor area, then 1 for every 5,000 square feet of additional gross floor area, plus 1 for each company vehicle, plus 1 for each 250 square feet of gross floor area for incidental office use

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

SECTION 5. Certification and Effective Date. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to state law. Said Ordinance shall become effective on the 31st day of its passage.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2012, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

BY:

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Craig A. Steele, City Attorney