CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 1, 2012 **ITEM NUMBER:**

SUBJECT: **CODE AMENDMENT C0-12-05: AN AMENDMENT TO TITLE 13, CHAPTER VI, OF THE COSTA MESA MUNICIPAL CODE RELATED TO OFF-STREET PARKING REQUIREMENTS FOR ESTABLISHMENTS WHERE FOOD AND BEVERAGES ARE SERVED**

DATE: **APRIL 19, 2012**

FROM: **DEVELOPMENT SERVICES DEPARTMENT**

PRESENTATION BY: **CLAIRE FLYNN, ACT. ASST. DEV. SVCS. DIRECTOR**

FOR FURTHER INFORMATION CONTACT: **CLAIRE FLYNN, 714 754 5278**
claire.flynn@costamesaca.gov

RECOMMENDATION

Pursuant to the Planning Commission's recommendation:

Introduce and give first reading to the ordinance amending Title 13 of the Costa Mesa Municipal Code to revise parking rates for specified establishments where food and beverages are served.

BACKGROUND

On April 9, 2012, the Planning Commission recommended approval of the ordinance to revise the City's current parking rates related to restaurants, eateries, cafes, and other food/beverage establishments.

In recent years, an increasing number of minor conditional use permits for shared parking deviations have been processed. These MCUPs allow deviations from "straight" Code-required parking numbers. Generally speaking, City staff has received a number of comments from the business community regarding the high degree of restaurant parking currently required by Code.

In anticipation of the International Council of Shopping Centers (ICSC) conference and in response to this feedback from restaurant industry professionals, City staff has initiated a time-sensitive ordinance to update the current parking requirements for establishments where food and beverages are served. The City's parking rates for restaurants are among the highest in the County (10 spaces per 1,000 square feet for the first 3,000 square feet, and 20 spaces per 1,000 square feet thereafter).

Table A

Straight Code-Required Parking for Food/Beverage Establishments

City	*Establishment Type*	*Parking Rate* *(Number of parking spaces per 1,000 square feet of gross floor area [GFA], unless otherwise indicated)*	*Description/Notes*
Newport Beach	*Food Service with/without alcohol, with/without late hours*	*20 spaces per 1,000 sf** **(net public area)*	Approximately 20 per 1,000 sq.ft. of "net public area", including outdoor dining areas, but excluding the first 25% or 1,000 sq. ft. of outdoor dining area, whichever is less.
Huntington Beach	*Large Restaurant*	16 spaces per 1,000 sf	Stand alone eating establishment with 12 seats or more requires 16 spaces per 1000.
	Small Restaurant	5 spaces per 1,000 sf	Eating establishments with less than 12 seats requires 5 spaces per 1,000 sq.ft..
Anaheim	*Restaurant, Full-service*	*15 spaces per 1,000 sf*	*15 spaces per 1,000 square feet of GFA, if not integrated into a planned development complex.* *8 spaces per 1,000 square feet of GFA if integrated into a planned development complex;*
Fountain Valley	*Restaurant*	10 spaces per 1,000 sf	10 spaces per 1,000 square feet (gross area).

Fullerton	*Small Restaurant*	4 spaces per 1,000 sf	12 seats or less requires 4 spaces per 1,000 sq.ft. (gross floor area) with a minimum of 6 spaces.
	Large Restaurant	*10 spaces per 1,000 sf*	*13 seats or more requires 10 spaces per 1,000 square feet (gross floor area).*
Irvine	Restaurant	Varies. 13 to 18 spaces per 1,000 sf	
Orange	Restaurant	Varies. 10 to 18 spaces per 1,000 sf	

ANALYSIS

Code Amendment CO-12-05: Parking Ordinance for Food/Beverage Establishments

Objective

The objective is to adjust the rates to better reflect parking demand for restaurants. Staff has received feedback from the restaurant industry that potential businesses are finding that the high parking rates may be too conservative and can become a deterrent to new businesses, especially sit-down, family restaurants greater than 3,000 square feet in size.

The core issue is that large restaurants (3,000 square feet or more) are applied a parking rate of 15 to 18 spaces per 1,000 square feet of gross floor area overall due to the current tiered parking model.

Two Key Changes

These two changes were developed in collaboration with Linscott, Law, and Greenspan Engineers based on their experience with parking studies. Their letter report is attached (Attachment 2).

The proposed changes are shown in redline in Attachment 1 and summarized as follows

- *The parking rate for large restaurants (3,000 sq.ft. or greater) is proposed to be updated:*

  Establishments Where Food or Beverages are Served with more than 300 square feet of Public Area:

  Existing Parking requirement:
  10 spaces per 1,000 sf for the first 3,000 sf;
  20 spaces per 1,000 sf for each additional 1,000 sf above the first 3,000 sf

  Proposed Parking requirement:
  10 spaces per 1,000 sf for the first 3,000 sf;
  12 spaces per 1,000 sf for each additional 1,000 sf above the first 3,000 sf

  Outdoor patio dining areas are currently included in the gross floor area of the food establishment, and therefore assessed the same parking rate as the indoor area.

  Staff also surveyed other Cities and generally found comparable parking rates to surrounding Cities, as shown in Table A (page 2).

- *A credit of a maximum of one (1) parking space may be allowed for bicycle racks.*

  Commission recommended a parking credit as an incentive to promote the installation of bicycle racks. A footnote has been added to the parking table to reflect a one-space parking credit.

  " The final review authority may apply a maximum credit of one parking space due to the provision of bicycle racks. This credit shall only apply to the overall parking supply and not to multiple uses."

Shared Parking Table

Apart from straight Code-required parking, the City also utilizes a " shared parking analysis" table adopted by resolution in the late 1980s and originally prepared by Linscott, Law, and Greenspan. The shared parking table takes into account the City' s code requirements; however, it allows for adjustments to the overall minimum required parking due to shared parking (i.e. different peak demands based on types of uses).

If the ordinance is adopted, the revised parking rates shall be reflected in the shared parking analysis table and brought to Planning Commission for formal adoption by resolution prior to the ordinance being effective.

PUBLIC NOTICE

Code requires publication of a display AD in the local newspaper (Daily Pilot) for Title 13 Code Amendments. In this case, public notices were also mailed to the following:

- Major Developers
- Building Industry Association
- Costa Mesa Chamber of Commerce
- South Coast Metro Alliance

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City' s environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

LEGAL REVIEW

The City Attorney's Office has reviewed the attached ordinance and approved it as to form.

ALTERNATIVES

1. Give first reading to the Ordinance. The proposed amendment directly impacts large restaurants (3,000 square feet or greater). No changes are proposed for small establishments.

2. Receive and File.

CONCLUSION

The proposed Code amendment includes adjusted rates to better reflect parking demand for establishments where food and beverages are served.

CLAIRE FLYNN, AICP
Act. Asst. Dev. Svcs. Director

KHANH NGUYEN
Interim Development Services Director

ATTACHMENTS:
1. Redline/Strikeout Exhibits
2. LLG Letter
3. Draft Ordinance

DISTRIBUTION:

Chief Executive Officer
City Attorney
Public Services Director
Transportation Svs. Mgr.
City Clerk (2)
Staff (4)
File (2)

South Coast Metro Alliance
Chamber of Commerce
CJ Segerstrom & Sons

ATTACHMENT 1

TABLE 13-89 NONRESIDENTIAL PARKING STANDARDS	
USE	**PARKING RATIO PER GROSS FLOOR AREA (except as noted otherwise)**
Retail; Offices; Central Administrative Offices; ~~Establishments Where Food or Beverages are Served with no more than 300 sq. ft. of Public Area[1]~~	4 spaces per 1,000 square feet with a minimum of 6 spaces
Establishments Where Food or Beverages are Served with a maximum of 300 sq.ft. of Public Area[1]	4 spaces per 1,000 square feet with a minimum of 6 spaces[2]
Office Buildings exceeding two stories in height and 100,000 square feet in area	3 spaces per 1,000 square feet
Banks; Savings and Loans; Credit Unions	5 spaces per 1,000 square feet with a minimum of 6 spaces
Medical and Dental offices; Acupressure; Massage	6 spaces per 1,000 square feet with a minimum of 6 spaces
Furniture and Appliance Stores with floor area greater than 5,000 square feet	2 spaces per 1,000 square feet with a minimum of 20 spaces
Churches; Theaters; Mortuaries; Auditoriums; Services and Fraternal Clubs and Lodges; Amphitheaters and other similar places of assembly	Within the main auditorium or assembly area: 1 space for each 3 fixed seats or 1 space for every 35 square feet of seating area if there are no fixed seats. 18 lineal inches of bench shall be considered equal to one fixed seat.
Racquetball and Tennis Facilities	3 spaces per court plus parking required for incidental uses such as restaurants which shall be calculated as noted below.
Establishments Where Food or Beverages are Served with more than 300 square feet of Public Area[1]	~~10 spaces per 1,000 sq. ft. for the first 3,000 sq. ft; 20 spaces per 1,000 sq. ft. for each additional 1,000 sq. ft. above the first 3,000 sq. ft.[2]~~ 10 spaces per 1,000 square feet for the first 3,000 square feet[2] 12 spaces per 1,000 square feet for each additional 1,000 square feet above the first 3,000 square feet[2]
Health Clubs; Spas; Figure Salons; Skating Rinks; Game Arcades	10 spaces per 1,000 square feet
Bowling Alleys	3 spaces per lane plus parking required for incidental uses such as restaurants which shall be calculated as noted under "Establishments Where Food or Beverages are Served".
Trade Schools; Business Colleges; Dancing and Music Academies	10 spaces per 1,000 square feet

[1] Establishments limited to seating for 12 or fewer persons prior to June 4, 1997 shall remain at that seating limit unless additional parking is provided pursuant to this Zoning Code.

~~[2] Where the boundaries of an outdoor seating area can be readily established, the outdoor seating area shall be added to the gross floor area of the building for purposes of determining the required parking. Where the boundaries for an outdoor seating area cannot be readily established, parking for the outdoor seating area shall be provided at a ratio of one space per table.~~

2 The outdoor patio seating areas shall be added to the gross floor area of the building for purposes of determining the required parking.

3 The final review authority may apply a maximum credit of one parking space due to the provision of bicycle racks. This credit shall only apply to the overall parking supply and not to multiple uses.

When the approval of a use permit is required, the final review authority may require additional parking spaces at a ratio not to exceed 30 spaces per 1,000 square feet of floor area of the entire building. Factors that may warrant additional parking include, but are not limited to, the provision of entertainment and/or dancing, or substantial ratio of floor area devoted to bar as compared to restaurant use. The maximum parking rate shall be applicable to uses that have substantially maximized the building's occupancy due to design and provision of concentrated uses.

ATTACHMENT 2

LINSCOTT
LAW &
GREENSPAN
engineers

Engineers & Planners
Traffic
Transportation
Parking

Linscott, Law & Greenspan, Engineers
1580 Corporate Drive
Suite 122
Costa Mesa, CA 92626
714.641.1587 T
714.641.0139 F
www.llgengineers.com

Pasadena
Costa Mesa
San Diego
Las Vegas

April 6, 2012

Ms. Claire Flynn
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

LLG Reference: 2.12.3282-1

Subject: **Restaurant Parking Ratio Recommendations**
Costa Mesa, California

Dear Ms. Flynn:

Linscott, Law & Greenspan, Engineers (LLG) is pleased to present recommendations to update the City Code parking ratio for restaurants with more than 300 square feet (SF).

Based on LLG's prior studies and further testing and calibration of the *Shared Parking* methodology applied to recent development projects in the City, a "design-level" ratio of **12 spaces per KSF (1,000 SF)** for sit-down restaurants was considered to be a solid demand factor.

City Code Ratios for Restaurants

The City Code ratio for small restaurants (maximum of 300 SF) requires 4 spaces per KSF, with a minimum of 6 spaces. This ratio is consistent with industry standards for 300-SF ancillary/retail-supporting/in-line food service uses; therefore, no refinements to the Code ratio are recommended.

The City Code ratio for restaurants larger than 300 SF requires 10 spaces per KSF for the first 3,000 SF, plus 20 spaces per KSF for areas in excess of the first 3,000 SF. The attached ***Table 1*** summarizes the effective, combined ratios calculated based on the City Code's "stepped" procedure for a range of restaurant square footage (from 3,000 SF to 45,000 SF). As indicated in *Table 1*, the City Code effective rate becomes 15 spaces per KSF at 6,000 SF of total floor area, and 19 spaces per KSF at an aggregate floor area of 20,000 SF. The recommended ratio of 12 spaces per KSF corresponds to restaurants that are only 3,600 to 3,900 SF in size. Further, the range of 40,000 to 45,000 SF of restaurants (corresponding to a typical restaurant total within a shopping center/cumulative setting) would yield an effective/combined ratio of 19 spaces per KSF based on City Code (unrealistically high in LLG's experience). These comparisons indicate that the City Code ratio for restaurants overestimate the

Philip M. Linscott, PE (1924-2000)
Jack M. Greenspan, PE (Ret.)
William A. Law, PE (Ret.)
Paul W. Wilkinson, PE
John P. Keating, PE
David S. Shender, PE
John A. Boarman, PE
Clare M. Look-Jaeger, PE
Richard E. Barretto, PE
Keil D. Maberry, PE

An LGZWB Company Founded 1966

parking requirements of restaurants, especially if they are not "standalone" facilities and which are in a mixed-use/cumulative setting.

Recommendations

LLG has found the 12 spaces per KSF ratio to be a solid restaurant demand factor, and it is consistent with our prior studies for South Coast Plaza Town Center (study dated June 25, 2001) and Valencia Town Center in the City of Santa Clarita (studies from April 2, 1997 through the present time).

Rates derived from fitted curve equations in ITE's *Parking Generation* (4th Edition) for Quality Restaurants (using a total restaurant size of approximately 42,000 SF in a shopping center) range between 12.45 spaces per KSF for a Friday to 12.10 spaces per KSF for a Saturday, further validating the reasonableness of the 12 spaces per KSF ratio.

As another validation for the recommended updates to Code, from on-going experience at Triangle Square, it became evident that the "direct application" of current City Code ratios was potentially overstating the realistic parking needs of the development. Iterative testing and calibration of the "direct application" in the shared parking model was performed, with the application of a design ratio of 12 spaces per KSF for restaurants being a key step. It was concluded that the calibrated parking model provided more realistic estimates and a finer resolution of practical "design-level" demand.

Based on the above, we recommend the following parking rates for restaurants larger than 300 SF:

- **If total GFA (including outdoor dining areas) does not exceed 3,000 SF, then 10 spaces per KSF of total GFA**

- **If total GFA (including outdoor dining areas) exceeds 3,000 SF, then 10 spaces per KSF for the first 3,000 SF, and 12 spaces per KSF beyond the first 3,000 SF**

Outdoor dining areas specifically include those areas used for seating and serving dining patrons (who choose not to dine indoors), not ancillary/common/"hang out" open space that do not generate additive parking demand.

The above recommendations call for applying the same ratio to indoor and outdoor dining areas. The reference to the application of 2 spaces per KSF for outdoor dining areas in restaurants larger than 3,000 SF on Page 3 of the April 3, 2012 Planning Commission Agenda Report is not correct.

TABLE 1
CITY CODE RATIO FOR RESTAURANTS

LINSCOTT LAW & GREENSPAN engineers

SF	1st 3,000 SF	>3,000 SF	Spaces 1st 3,000 SF	Spaces >3,000 SF	Total Spaces	Effective Ratio
3,000	3,000	-	30	-	30	10 spaces per KSF
3,100	3,000	100	30	2	32	10 spaces per KSF
3,200	3,000	200	30	4	34	11 spaces per KSF
3,300	3,000	300	30	6	36	11 spaces per KSF
3,400	3,000	400	30	8	38	11 spaces per KSF
3,500	3,000	500	30	10	40	11 spaces per KSF
3,600	**3,000**	**600**	**30**	**12**	**42**	**12 spaces per KSF**
3,700	**3,000**	**700**	**30**	**14**	**44**	**12 spaces per KSF**
3,800	**3,000**	**800**	**30**	**16**	**46**	**12 spaces per KSF**
3,900	**3,000**	**900**	**30**	**18**	**48**	**12 spaces per KSF**
4,000	3,000	1,000	30	20	50	13 spaces per KSF
5,000	3,000	2,000	30	40	70	14 spaces per KSF
6,000	**3,000**	**3,000**	**30**	**60**	**90**	**15 spaces per KSF**
7,000	3,000	4,000	30	80	110	16 spaces per KSF
8,000	3,000	5,000	30	100	130	16 spaces per KSF
9,000	3,000	6,000	30	120	150	17 spaces per KSF
10,000	3,000	7,000	30	140	170	17 spaces per KSF
11,000	3,000	8,000	30	160	190	17 spaces per KSF
12,000	3,000	9,000	30	180	210	18 spaces per KSF
13,000	3,000	10,000	30	200	230	18 spaces per KSF
14,000	3,000	11,000	30	220	250	18 spaces per KSF
15,000	3,000	12,000	30	240	270	18 spaces per KSF
16,000	3,000	13,000	30	260	290	18 spaces per KSF
17,000	3,000	14,000	30	280	310	18 spaces per KSF
18,000	3,000	15,000	30	300	330	18 spaces per KSF
19,000	3,000	16,000	30	320	350	18 spaces per KSF
20,000	**3,000**	**17,000**	**30**	**340**	**370**	**19 spaces per KSF**
21,000	3,000	18,000	30	360	390	19 spaces per KSF
22,000	3,000	19,000	30	380	410	19 spaces per KSF
23,000	3,000	20,000	30	400	430	19 spaces per KSF
24,000	3,000	21,000	30	420	450	19 spaces per KSF
25,000	3,000	22,000	30	440	470	19 spaces per KSF
26,000	3,000	23,000	30	460	490	19 spaces per KSF
27,000	3,000	24,000	30	480	510	19 spaces per KSF
28,000	3,000	25,000	30	500	530	19 spaces per KSF
29,000	3,000	26,000	30	520	550	19 spaces per KSF
30,000	3,000	27,000	30	540	570	19 spaces per KSF
31,000	3,000	28,000	30	560	590	19 spaces per KSF
32,000	3,000	29,000	30	580	610	19 spaces per KSF
33,000	3,000	30,000	30	600	630	19 spaces per KSF
34,000	3,000	31,000	30	620	650	19 spaces per KSF
35,000	3,000	32,000	30	640	670	19 spaces per KSF
36,000	3,000	33,000	30	660	690	19 spaces per KSF
37,000	3,000	34,000	30	680	710	19 spaces per KSF
38,000	3,000	35,000	30	700	730	19 spaces per KSF
39,000	3,000	36,000	30	720	750	19 spaces per KSF
40,000	3,000	37,000	30	740	770	19 spaces per KSF
41,000	3,000	38,000	30	760	790	19 spaces per KSF
42,000	3,000	39,000	30	780	810	19 spaces per KSF
43,000	3,000	40,000	30	800	830	19 spaces per KSF
44,000	3,000	41,000	30	820	850	19 spaces per KSF
45,000	3,000	42,000	30	840	870	19 spaces per KSF

LINSCOTT
LAW &
GREENSPAN
engineers

We appreciate the opportunity to work on this project. If you have any questions regarding this letter, please do not hesitate to call me at (714) 641-1587.

Sincerely,

Linscott, Law & Greenspan, Engineers

Trissa (de Jesus) Allen, P.E.
Senior Transportation Engineer

ATTACHMENT 3

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-12-05, AMENDING TITLE 13, CHAPTER VI, ARTICLE 2, SECTION 13-89, TABLE 13-89, NONRESIDENTIAL PARKING STANDARDS, OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING REQUIREMENTS FOR ESTABLISHMENTS WHERE FOOD AND BEVERAGES ARE SERVED.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: TITLE 13. Title 13, Chapter VI, Off-Street Parking Standards, Article 2, NonResidential Districts, Section 13-89, Parking Required, Table 13-89, Nonresidential Parking Standards, of the Costa Mesa Municipal Code is hereby amended as follows:

a. Row 1 [under the " Use" and " Parking Ratio Per Gross Floor Area" header row] of Table 13-89 shall be modified to indicate as follows:

"

Retail; Offices; Central Administrative Offices;	4 spaces per 1,000 square feet with a minimum of 6 spaces

"

b. Row 2 shall be added to Table 13-89 to indicate as follows:

"

Establishments Where Food or Beverages are Served with a maximum of 300 square feet of Public Area[1]	4 spaces per 1,000 square feet with a minimum of 6 spaces[2]

"

c. Row 9 (previously Row 8) of Table 13-89 shall be modified to indicate as follows:

"

Establishments Where Food or Beverages are Served with more than 300 square feet of Public Area[1]	10 spaces per 1,000 square feet for the first 3,000 square feet[2] 12 spaces per 1,000 square feet for each additional 1,000 square feet above the first 3,000 square feet.[2]

"

d. Modify Footnote Number2 of Table 13-89 to indicate as follows:

"[2] The outdoor patio seating areas shall be added to the gross floor area of the building for purposes of determining the required parking."

e. Add Footnote Number 3 to Table 13-89 to indicate as follows:

"[3] The final review authority may apply a maximum credit of one parking space due to the provision of bicycle racks. This credit shall only apply to the overall parking supply and not to multiple uses."

SECTION 2: ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City' s environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment..

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2012.

_____
ERIC BEVER
Mayor of the City of Costa Mesa

ATTEST:

_____
City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

_____
City Attorney

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, _____, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 12-___ as introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2012, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2012, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2012.