

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF COMMERCE AMENDING TITLE 19 ("ZONING") OF THE COMMERCE MUNICIPAL CODE SECTIONS 19.21.080 SHARED PARKING AND 19.21.090 REMOTE PARKING AND FINDING THAT THE SUBJECT TEXT AMENDMENT QUALIFIES FOR A CLASS 8 CATEGORICAL EXEMPTION FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061 (b)(3) (COMMON SENSE EXEMPTION) OF THE CEQA GUIDELINES.

WHEREAS, the last comprehensive revision to the Zoning Ordinance was adopted by the City Council in August, 2000; and

WHEREAS, the City recognizes that there is a need for consistency in the review authority for shared and remote parking, and flexibility in level of parking demand analysis required that should be determined on a case-by-case basis, which requires modification of the relevant code sections for shared parking and remote parking; and

WHEREAS, the proposed code amendment is intended to amend the Zoning Ordinance to allow for a streamlined process for review of shared parking and remote parking requests by making the Director of Development Services the reviewing body, allowing flexibility in the level of parking demand analysis required, and providing an option for a greater radius for remote parking with Planning Commission review; and

WHEREAS, the Planning Commission held a public hearing on December 18, 2019, for the purpose of recommending that the City Council adopt the subject Zoning Ordinance text amendments to Sections 19.21.080 (Shared Parking ) and 19.21.090 (Remote Parking) of the Commerce Municipal Code; and

WHEREAS, the City Council has reviewed all facts concerning the subject request and has considered all evidence submitted at said public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: That the adoption of the Zoning Ordinance text amendments is categorically exempt from the provisions of the California Quality Act pursuant to Section 15061 (b)(3) (Common Sense Exemption) of the CEQA guidelines.

SECTION 2: Sections 19.21.080 (Shared parking) and 19.21.090 of the Commerce Municipal Code are hereby amended to read as follows (*Underlined portions indicate new language, strikethrough indicates deletion*):

19.21.080 - Shared parking.

- A. Special Study Required. Two or more uses may share parking facilities, subject to the approval of the ~~community development~~ director and the provisions of this section. A parking demand analysis for the uses proposed to share parking facilities shall be prepared. Preparation of the parking demand analysis shall be to the satisfaction of the Director, who may ~~The parking demand analysis shall require that it~~ be prepared by a registered traffic engineer. When such analysis demonstrates, to the satisfaction of the Director, that the uses have different peak parking requirements, then the parking space requirement may be reduced by the Director. In no event, however, shall the parking requirement be reduced below the highest peak parking requirement of the use demanding the most parking.
- B. Conditions.
1. The uses sharing the parking facilities shall be located on contiguous lots.
  2. A legal agreement shall be signed by all parties sharing parking facilities. Such agreement shall be approved by the city attorney and community development Director, shall be recorded with the Los Angeles County Recorder's Office, and shall continue to be valid upon change of ownership of any property subject to the agreement or any lawfully existing building or structure on said properties.
  3. Shared parking arrangements must be authorized by any discretionary permit issued for the use for which the parking is provided. Where no discretionary permit is required, such shared parking arrangements shall meet all other requirements of this subsection B.

19.21.090 - Remote parking.

- A. Remote parking, may be permitted for multifamily, ~~structures and~~ commercial and industrial uses, provided such parking facilities are located no more than three hundred feet from the use they are intended to serve. The proposed remote parking location may be an existing primary or ancillary use. The Director may require a parking analysis on a case by case basis.
- B. A covenant for use of the lot for parking shall be required between the owner of the lot supporting the proposed use and the owner of the lot to be used for remote parking. The covenant for remote parking shall be prepared by the city and recorded with the County Recorder of Los Angeles County. The covenant may not be revoked, modified, or canceled without the consent of the city.
- C. Such agreements for remote parking shall be authorized by any required discretionary permit issued for the proposed multifamily structure or commercial or industrial use.

- D. Where no other application is involved, the Director's decision a conditional use permit shall be required to authorize remote parking. The Director may defer decisions to the Planning Commission at his/her discretion. Decisions are appealable to the Planning Commission.
- E. An applicant may apply for remote parking for up to one thousand feet from the use they are intended to serve with authorization of a conditional use permit.

SECTION 4. The City Council finds as follows:

1. **That the proposed change of zone or zoning ordinance text amendment is consistent with the goals, policies, and objectives of the General Plan.** *The proposed text amendment is consistent with the General Plan transportation policies as it provides a way for projects to provide parking in compliance with the zoning code. The proposed text amendment would simply streamline the remote parking process and provide flexibility for the Director to determine the level of parking demand analysis required.*
2. **That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.** *The subject text amendment would not adversely affect surrounding properties. The use of shared parking and remote parking is based on the availability of spaces within a generally walking distance from the use (300 to 1000 feet). Additionally, while the amendments streamlines the process by which remote parking decisions are granted, some level of parking demand analysis and an agreement with the owner of the parking area and applicant is still required. These mechanisms help keep cars off street parking. Thus, it will not adversely affect surrounding properties.*
3. **That the proposed change of zone or zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19.** *The subject text amendment would serve to help protect the health, safety and general welfare of the residents of the City of Commerce by encouraging use of underutilized parking facilities, providing an available place for vehicles to park without removing the ability to analyze requests on a case-by-case basis, so it serves the goals and purposes of this Title.*

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

SECTION 6: This Ordinance shall take effect on the thirty-first (31<sup>st</sup>) day after its adoption.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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John Soria

Mayor

ATTEST:

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Lena Shumway

City Clerk