



# LAND USE SERVICES DEPARTMENT PLANNING STAFF REPORT



HEARING DATE: February 23, 2012

AGENDA ITEM NO: 4

Project Description:

**Applicant:** San Bernardino County Department of Land Use Services

**Proposal:** Amend Development Code Sections 83.11.040 relative to the number of parking spaces required in the Mountain Region of the County.

**Community:** Mountain Region

**Location:** Mountain Region

**Project No:** L 612

**Staff:** Dave Prusch

**BACKGROUND:**

On August 9, 2011, the Board of Supervisors directed staff to research the required parking standards for restaurants in the mountain communities and to develop Mountain – specific parking standards for restaurant uses, due to developers’ and property owners’ difficulty in meeting the County’s parking standards. Given the steep slopes, narrow streets and small lot sizes in many of the mountain communities, coupled with existing structures having been built prior to the implementation of contemporary zoning standards, it has been difficult for developers to meet the County’s minimum number of parking spaces in the Mountain Region. A lack of legal parking spaces is preventing new restaurants from being able to open, in either new or existing structures, and is preventing existing restaurants from being able to expand their current operations.

**ANALYSIS:**

As it exists today, the Development Code uses the same parking requirements for the Mountain, Valley and Desert Regions. The formula for restaurants requires one space for every 100 square feet of gross leasable area (GLA) of the restaurant, or one space for every three fixed seats, and/or one space for every 50 square feet of floor area where seats may be placed, with a minimum of ten spaces required, without consideration of the size of the facility. Take-out restaurants are required to provide four parking spaces at a minimum, regardless of the floor area of the restaurant. Often a parking issue arises when a take-out food facility is converted to a sit-down restaurant, thus causing an increase in the minimum number of required parking spaces from four to ten.

The County’s current restaurant parking formula is supported by the International Transportation Engineers (ITE) manual which predicts an average parking demand of 9.95 spaces per 1000 square feet of floor area. However, using this formula for calculating parking in the mountains is problematic due to the topographical limitations and seasonal fluctuations in the number of retail and restaurant customers in many mountain

Action taken by the Planning Commission on this item may be appealed to the Board. Yes  No   
Note: Recommendations to the Board of Supervisors are not appealable.

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communities. Staff researched the parking standards for several other California jurisdictions and found that parking ratios for restaurant uses range from one space per 100 square feet of GLA to one space per four hundred 400 square feet of GLA in areas where the local topography limits available parking opportunities.

Staff is proposing the following changes to the current parking standards in the Mountain region:

- Replace the 10 space minimum requirement for restaurant uses to a four space minimum, to equal the minimum parking space requirement for take-out restaurants.
- Establish a parking requirement of one space per 250 square feet of GLA for restaurants with 5,000 square feet or less of GLA. The four space minimum requirement would remain in place, regardless of the GLA. This represents a reduction from the current one space per 100 square feet requirement, and equals the current parking requirement for retail type uses. The primary rationale for this change to the parking requirement is that the residents and business owners in the Mountain communities are generally supportive of a less stringent parking standard for restaurants under 5,000 square feet. Staff is supportive of this change to the parking standard and feels that restaurant and retail uses generate a similar demand for parking in these “village”-type commercial enclaves in the Mountain Region.
- A restaurant use which sells wine, beer or distilled spirits under the classification of bar, tavern or night club according to the California Department of Alcoholic Beverage Control (ABC), with license types 42 (On-Sale Beer and Wine for Public Premises) or 48 (On-Sale General for Public Premises) will be required to provide parking at a ratio of one space to 100 square feet, regardless of the GLA of the restaurant. Restaurants with ABC license types 42 and 48 are assumed to generate increased parking, based on the rationale that parking space turnover will be slower at those restaurants selling alcohol as their primary business, thereby requiring a greater number of parking spaces for their customers.
- Any restaurant which sells beer, wine or distilled spirits as part of a restaurant with substantial sales of meals for consumption on the premises (ABC license type 47) shall be required to meet the parking standard based on the GLA of the restaurant, at either one space per 250 square feet of GLA or per 100 square feet of GLA, depending on the overall GLA of the restaurant.
- For restaurants with over five thousand 5,000 square feet of GLA, the parking standard would remain at the current level of one space per one 100 square feet of GLA, regardless of whether or not any type of alcoholic beverages are served, as these restaurants are more likely to be destination type restaurants, and therefore require a greater amount of parking because restaurant patrons tend to remain at the restaurant for a longer period of time than at smaller, non-destination type restaurants. Also, these types of restaurants could often be expected to utilize

more than their fair share of common parking spaces in a shared parking lot. Therefore, staff feels that maintaining the 100 square foot ratio for this type of restaurant is justified.

The other component of the parking standard issue relates to the conversion of existing retail land uses to a restaurant uses in the Mountain Region of the County only. Staff is encountering issues when an existing legal nonconforming retail business in the Mountain Region wishes to convert the retail use to a restaurant use without an expansion of the structure's footprint. The Development Code currently requires that this type of conversion invokes all current Development Code requirements for the new use. However, staff believes that a limited restaurant use, that converts from a retail use, acts like a retail use and will not significantly change the demand for parking. Staff cannot make the same representation for an expansion of the footprint, a restaurant that is larger than 5,000 square feet, a restaurant that provides entertainment, or a restaurant that serves alcoholic beverages, unless it is served with a meal. Therefore, staff is proposing that the conversion of the existing retail use to a restaurant use in the Mountain Region should not cause the business to lose its legal nonconforming status. This would allow the new restaurant use to utilize the same amount of parking for the restaurant use as it provided for the previous retail use. The new use would not need to meet the current Development Code standards relative to parking ratios, provided that specific criteria are met relative to the retail use conversion. The proposed Development Code amendment text is as follows:

84.17.90 Conversion of Retail Land Uses to a Restaurant Land Uses in the Mountain Region Only

- (a) A legal nonconforming retail land use may be converted to a restaurant use, as defined in this Code, and shall be considered a continuation of the legal nonconforming retail land use provided that:
  - a. The existing retail space does not expand the square footage or footprint of the proposed restaurant and the proposed restaurant cannot expand its business to any patio or other outside area not previously used in the course of conducting the legal nonconforming business.
  - b. The square footage of the restaurant use shall not exceed 5,000 square feet,
  - c. The restaurant use shall not permit entertainment.
  - d. The restaurant use shall not serve alcoholic beverages, except with a meal.

The County's existing provision for shared parking reduction will not be changed, and will continue to allow for two adjacent nonresidential uses which have differing peak parking usage periods, (e.g. a theater and a bank), to request a reduction in the required number of parking spaces, based on the findings of a parking study prepared by a qualified parking or traffic consultant. The amount of reduction may be up to the number of spaces required for the least intensive of the uses sharing the applicable parking.

**FINDINGS:**

1. The proposed amendments are consistent with the General Plan and any applicable community plan or specific plan as it offers another alternative for development in the Mountain Region;
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the County because it has several safeguards in place designed to protect the public interest, health, safety convenience or welfare;
3. The proposed amendments are internally consistent with other applicable provisions of this Development Code because they allow for the orderly development of the County, which are the same privileges enjoyed by others; and
4. The proposed amendments are exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines as the proposed changes do not have the potential to cause a significant effect on the environment.

**RECOMMENDATION:** THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS:

- A. ADOPT the proposed Development Code Amendments.
- B. ADOPT the findings as contained in the staff report;
- C. FILE the Notice of Exemption.

**ATTACHMENTS:**

Exhibit A: Proposed Development Code Changes

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# **EXHIBIT A**

## **ORDINANCE – DEVELOPMENT CODE 83.11.040**

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**83.11.040 Number of Parking Spaces Required**

- (a) **Number of parking spaces required.** Each land use shall provide at least the minimum number of off-street parking spaces, including disabled access spaces required by Section 83.11.060 (Disabled Parking Requirements), except where a parking reduction has been granted in compliance with Section 83.11.050 (Adjustments to Parking Requirements) or a variance has been granted in compliance with Chapter 85.17 (Variances). Additional spaces may be required through approval of a discretionary permit.
- (b) **Minimum requirements for nonresidential uses.** A nonresidential use shall provide a minimum of four spaces with one additional parking space for each facility vehicle, except where otherwise noted in this Chapter.
- (c) **Area calculations.** The minimum required number of parking spaces for the following uses shall be determined based upon the indicated area calculations:
  - (1) Food establishments: Gross leasable area (GLA).
  - (2) General retail uses: Gross leasable area (GLA).
  - (3) Industrial uses: Gross floor area (GFA).
  - (4) Personal services: Gross leasable area (GLA).
  - (5) Professional offices: Gross leasable area (GLA).

<b>Table 83-15 Parking Requirements by Land Use</b>	
<b>Uses</b>	<b>Number of Spaces Required</b>
<b>Industry, Manufacturing &amp; Processing, Wholesaling<sup>(4)</sup></b>	
Industrial uses of all types, including warehouses or structures used exclusively for storage purposes, wholesale houses and distributors and public utility facilities including, but not limited to, electric, gas, water, telephone, and telegraph facilities not having business offices on the premises	<ul style="list-style-type: none"> <li>▪ 1 for each 1,000 s.f. of the first 40,000 s.f. of GFA; and</li> <li>▪ 1 for each 4,000 s.f. of GFA for the portion over 40,000 s.f.; and</li> <li>▪ 1 for each facility vehicle</li> </ul>
Storage Mini storage facilities	<ul style="list-style-type: none"> <li>▪ Mini-storage office 1 for each 250 sq. ft. of office area with 4 minimum</li> <li>▪ Additional requirements:                             <ul style="list-style-type: none"> <li>▪ A parking lane shall be provided adjacent to the storage structure's openings that is a minimum of 9 feet in width and outlined (painted). The parking lane is for temporary parking only (30 minutes maximum) and this time restriction shall be clearly marked with signs.</li> <li>▪ Driveways adjacent to the parking lane shall be a minimum width of 15 feet for one-way and 24 feet for two-way.)</li> </ul> </li> </ul>
<b>Recreation, Education &amp; Public Assembly Uses<sup>(4)</sup></b>	
Amusement enterprises	<ul style="list-style-type: none"> <li>▪ 1 for each 4 persons of the facility's allowed maximum attendance</li> </ul>
Bowling alleys and billiard halls	<ul style="list-style-type: none"> <li>▪ 5 for each bowling lane; and</li> <li>▪ 2 for each billiard table</li> </ul>
Churches, synagogues, temples, mosques and other places of worship <sup>(1)</sup>	<ul style="list-style-type: none"> <li>▪ 1 for each 3 fixed seats; and</li> <li>▪ 1 for every 25 s.f. of seating area where there are no fixed seats; and</li> </ul>

**Table 83-15  
Parking Requirements by Land Use**

<b>Uses</b>	<b>Number of Spaces Required</b>
	<ul style="list-style-type: none"> <li>▪ 1 for each 400 s.f. of floor area outside the main assembly area</li> </ul>
Commercial recreation and similar uses (e.g., shooting ranges, race tracks, miniature golf course, pitch and putt courses, parks, and zoos)	<ul style="list-style-type: none"> <li>▪ 1 for each 4 persons of the facility's allowed maximum attendance</li> </ul>
Commercial swimming pools and swimming schools	<ul style="list-style-type: none"> <li>▪ 1 for each 500 s.f. of water surface area</li> <li>▪ 10 minimum</li> </ul>
Dance halls	<ul style="list-style-type: none"> <li>▪ 1 for each 20 s.f. of dance floor area; and</li> <li>▪ 1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats</li> </ul>

**Table 83-15  
Parking Requirements by Land Use**

<b>Uses</b>	<b>Number of Spaces Required</b>
Golf courses and driving ranges, but not to include miniature golf courses	<ul style="list-style-type: none"> <li>▪ 4 for each hole on all golf courses; and</li> <li>▪ 1 for each tee for driving ranges</li> </ul>
Organizational camps	<ul style="list-style-type: none"> <li>▪ 1 bus parking space per 20 campers</li> <li>▪ 2 for each resident staff</li> <li>▪ 1 for each nonresident staff on the largest shift</li> <li>▪ 1 for each facility vehicle</li> </ul>
Meeting facilities - Theaters, auditoriums, stadiums, sport arenas, gymnasiums and similar places of public assembly	<ul style="list-style-type: none"> <li>▪ 1 for each 3 fixed seats or for every 25 s.f. of seating area within the main auditorium where there are no fixed seats <sup>(1)</sup></li> </ul>
Schools general curriculum Kindergarten through Grade 9	<ul style="list-style-type: none"> <li>▪ 1 for each staff member, faculty member, and employee</li> <li>▪ 1 for each facility vehicle</li> </ul>
Schools general curriculum Grade 10 through 12, colleges and universities, business and professional schools	<ul style="list-style-type: none"> <li>▪ 1 for each 4 students; and</li> <li>▪ 1 for each staff member, faculty member and employee; and</li> <li>▪ 1 for each facility vehicle</li> </ul>
Schools special schools or trade schools	<ul style="list-style-type: none"> <li>▪ 1 for each 3 students; and</li> <li>▪ 1 for each staff member, faculty member, and employee</li> <li>▪ 1 for each facility vehicle</li> </ul>
Skating rinks, ice or roller	<ul style="list-style-type: none"> <li>▪ 1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats; and <sup>(1)</sup></li> <li>▪ 1 for each 250 s.f. of skating area</li> </ul>
<b>Residential Uses</b>	
Caretaker housing	<ul style="list-style-type: none"> <li>▪ 2, with one covered</li> </ul>
Clubs, conference centers, fraternity and sorority houses, rooming and boarding houses, and similar structures having guest rooms <sup>(3)</sup>	<ul style="list-style-type: none"> <li>▪ 1 for each 3 guest rooms <sup>(3)</sup></li> </ul>
Dependent housing	<ul style="list-style-type: none"> <li>▪ 2 for each unit</li> </ul>
Mobile home parks	<ul style="list-style-type: none"> <li>▪ 2; one covered on each mobile home parcel (may be in tandem); and</li> <li>▪ 1 guest space for each 10 spaces, or fraction thereof</li> </ul>
Motels, hotels, and boarding house	<ul style="list-style-type: none"> <li>▪ 1 for each unit/room</li> </ul>
Multi-family dwelling	<ul style="list-style-type: none"> <li>▪ 2.5 for projects of 4 or more units, one shall be covered for each dwelling unit on the project site to accommodate resident and visitor parking <sup>(2)</sup></li> <li>▪ 2.0 for projects of 2 or 3 units, one shall be covered for each dwelling unit <sup>(2)</sup></li> </ul>
Second dwelling unit	<ul style="list-style-type: none"> <li>▪ 2, one shall be covered <sup>(2)</sup></li> </ul>
Single-family dwelling	<ul style="list-style-type: none"> <li>▪ 2, one shall be covered on the same site with the primary structure <sup>(2)</sup></li> </ul>
Short-Term Private Home Rental	<ul style="list-style-type: none"> <li>▪ 1 for each bedroom</li> </ul>
<b>Retail Trade</b>	
Automobile repair and service stations	<ul style="list-style-type: none"> <li>▪ 3 for each service bay (service bays do not count as spaces); and</li> <li>▪ 1 for each facility vehicle</li> </ul>
Automobile sales, boat sales, mobile home sales, retail nurseries, and other open uses not in a structure	<ul style="list-style-type: none"> <li>▪ 1 for each 2,000 s.f., or portion thereof, for open area devoted to display or sales; for the first 10,000 s.f.; and</li> <li>▪ 1 for each 5,000 s.f., or portion thereof, over</li> </ul>

**Table 83-15  
Parking Requirements by Land Use**

Uses	Number of Spaces Required
	10,000 s.f.; and <ul style="list-style-type: none"> <li>▪ 1 for each facility vehicle</li> </ul>
Food establishments with take-out provisions only	<ul style="list-style-type: none"> <li>▪ 1 for each 250 s.f. of GLA; and</li> <li>▪ 1 for each facility vehicle</li> <li>▪ 4 minimum</li> </ul>
General retail	<ul style="list-style-type: none"> <li>▪ 1 for each 250 s.f. of GLA</li> <li>▪ 4 minimum</li> </ul>
Restaurants <a href="#">in the Valley and Desert Regions</a> , including drive ins, cafes, night clubs, taverns, and other similar places where food or refreshments are dispensed	The greater of the following: <ul style="list-style-type: none"> <li>▪ 1 for each 100 s.f. of GLA; or</li> <li>▪ 1 for each 3 fixed seats and/or 1 for every 50 s.f. of floor area where seats may be placed; or</li> <li>▪ 10 minimum</li> </ul>
<a href="#">Restaurants in the Mountain Region, including drive ins, cafes, and other similar places that have 5,000 s.f. of GLA or less, where food or refreshment are dispensed and where no alcoholic beverages of any type are sold or served</a>	<a href="#">1 space per 250 square feet of GLA with a 4 space minimum</a>
<a href="#">Restaurants in the Mountain Region, including drive ins, cafes, and other similar places that have over 5,000 s.f. of GLA where food or refreshment are dispensed, regardless of whether or not alcoholic beverages are served</a>	<a href="#">1 space per 100 square feet of GLA with a 4 space minimum</a>
<a href="#">Restaurants in the Mountain Region, including drive ins, cafes, and other similar places where food or refreshment are dispensed and where alcoholic beverages are sold under State Alcoholic Beverage Control license types 42 (bar/tavern) or 48 ((bar/night club), regardless of the square footage of the restaurant</a>	<a href="#">1 space per 100 square feet, regardless of GLA with a 4 space minimum</a>
<a href="#">Restaurants in the Mountain Region, including drive ins, cafes, and other similar places where food or refreshment are dispensed and where alcoholic beverages are sold under State Alcoholic Beverage Control license type 47 (restaurant)</a>	<a href="#">1 space per 250 square feet of GLA with 5,000 square feet or less of GLA with a 4 space minimum</a> <a href="#">1 space per 100 square feet of GLA for restaurant uses over 5,000 square feet of GLA with a 4 space minimum</a>
Shopping centers (projects over 200,000 s.f. of floor area)	<ul style="list-style-type: none"> <li>▪ 1 for each 200 s.f. of GLA up to 100,000 sf; and</li> <li>▪ 1 for each 250 s.f. of GLA for square footage above 100,000 s.f.</li> </ul>
Wholesale commercial nurseries	<ul style="list-style-type: none"> <li>▪ 1 for each 500 s.f. of display area</li> </ul>
<b>Services General</b>	
Beauty and nail salons	<ul style="list-style-type: none"> <li>▪ 2 for each station</li> </ul>
Child care centers	<ul style="list-style-type: none"> <li>▪ 1 for each 5 children that the facility is designed to accommodate</li> </ul>
Hospital	<ul style="list-style-type: none"> <li>▪ 1 for each 2 patient beds</li> </ul>
Medical offices, clinics, veterinary hospital	<ul style="list-style-type: none"> <li>▪ 1 for each 250 s.f. of GLA</li> </ul>
Offices, general, financial, business and professional uses	<ul style="list-style-type: none"> <li>▪ 1 for each 250 s.f. of GLA</li> </ul>
Personal services	<ul style="list-style-type: none"> <li>▪ 1 for each 250 sq. ft. of GLA</li> </ul>
Social care facilities	<ul style="list-style-type: none"> <li>▪ 1 for each 3 residents of the maximum licensed resident capacity</li> </ul>

<b>Table 83-15 Parking Requirements by Land Use</b>	
<b>Uses</b>	<b>Number of Spaces Required</b>
<b>Other Uses</b>	
Bed and breakfast	<ul style="list-style-type: none"> <li>▪ 1 for each guest room</li> </ul>
Home occupations	<ul style="list-style-type: none"> <li>▪ 1 for each nonresident employee in addition to residential requirements</li> </ul>
On-Your-Lot builder model home/sales office	<ul style="list-style-type: none"> <li>▪ 2 per office</li> <li>▪ 2 for visitors</li> </ul>
<p>(1) Twenty-four (24") linear inches of bench or pew shall be considered a fixed seat.</p> <p>(2) Residential parking spaces shall be located to the rear of the front setback line, except that in the Mountain Region, the parking spaces may be located within the setback areas. Tandem parking is not allowed except in the Mountain Region. Areas outside the driveway in front of the primary structure, whether outside the front yard setback or not, shall not be used for parking. In the Valley and Desert Regions, the covered parking requirement only applies to the RS and RM Land Use Zoning Districts.</p> <p>(3) In dormitories, each 100 square feet shall be considered equivalent to a guest room.</p> <p>(4) Nonresidential uses shall provide a minimum of four spaces with an additional parking space for each facility vehicle, except where otherwise noted.</p>	

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); [Amended Ordinance xxxx \(2012\)](#)

[84.17.90 Conversion of Retail Land Uses to a Restaurant Land Uses in the Mountain Region Only](#)

- (a) [A legal non-conforming retail land use may be converted to a restaurant use, as defined in this Code, and shall be considered a continuation of the legal non-conforming retail land use provided that:](#)
- a. [The existing retail space does not expand the square footage or footprint of the proposed restaurant and the proposed restaurant cannot expand its business to any patio or other outside area not previously used in the course of conducting the legal non-conforming business.](#)
  - b. [The square footage of the restaurant use shall not exceed 5,000 square feet.](#)
  - c. [The restaurant use shall not permit entertainment.](#)
  - d. [The restaurant use shall not serve alcoholic beverages, except with a meal.](#)

[Amended Ordinance XXXX \(2012\)](#)

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