

ORDINANCE NO. 14-8__

AN ORDINANCE OF THE CITY OF ARTESIA ESTABLISHING VEHICLE IMPACT PROTECTION STANDARDS FOR PARKING LOTS IN THE CITY, AMENDING THE ARTESIA MUNICIPAL CODE, AND MAKING A DETERMINATION PURSUANT TO CEQA

THE CITY COUNCIL OF THE CITY OF ARTESIA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City of Artesia has initiated a code amendment to the Artesia Municipal Code to establish new standards in parking lot design to lessen the chance for vehicle-into-building crashes and to protect persons, pedestrians, businesses and property from death or injury from vehicles that may through operator error or otherwise drive past or through a parking space and into areas designated for pedestrians or into buildings. This Code Amendment is known as Case No. 2014-__ and is referred to as the “Artesia Vehicle Impact Protection Ordinance.”

SECTION 2. The City Council makes the following findings in connection with the adoption of this ordinance:

A. Experts in vehicle-into-building crashes have estimated that each day in the United States there are up to 60 vehicle-into-building crashes caused mostly by pedal error or other driver error. For example, approximately 20 times each day, a convenience store in the United States is damaged by a vehicle-into-building crash, and up to 10 times each day a quick serve restaurant is damaged by a vehicle-into-building crash.

B. As many as 500 people die each year as victims of vehicle-into-building crashes.

C. Recently, a grandmother was killed and two children were injured when a vehicle-into-building crash occurred in a nearby city when the driver of a vehicle accidentally drove into a pedestrian seating area outside a restaurant.

D. Experts in vehicle-into-building crashes indicate that standard parking lot wheel stops and raised sidewalks are not sufficient, by themselves, to stop the force of a vehicle in such pedal error accidents and that other design standards and devices are needed to protect pedestrians, shoppers and customers.

E. Building codes already have design standards to protect gas meters, fire hydrants, electrical switching equipment, trash enclosures, and other equipment from vehicle crashes but have yet to establish and impose appropriate standards for protection of pedestrians, shoppers and customers of retail shops, restaurants and other establishments.

F. Many of these accidents and deaths are preventable if parking lots are designed and built with vehicle impact safety devices to prevent vehicles from driving into pedestrian walking and seating areas and into adjacent stores, restaurants and other

buildings.

G. No one design, device or requirement is appropriate for all locations and all conditions, and therefore property owners, architects, engineers and business owners should be given the flexibility to utilize a variety of design elements and devices to protect pedestrians, shoppers and customers in areas near vehicle parking areas.

H. The goal of this ordinance is to establish a performance-based standard for the design of vehicle impact protective devices that achieves an appropriate level of safety but not one set so high as to require unnecessarily expensive and aesthetically inappropriate structures within parking lot areas of the City.

I. The City Council also desires to establish development standards for public and private parking lots in a manner that balances: (i) the public interest in protecting pedestrians, shoppers and customers from vehicle-into-building crashes; (ii) the financial burden on property owners and businesses of providing appropriate protective designs and devices; and (iii) the goal of encouraging innovation, variety and aesthetic variation so as to give property owners and businesses flexibility depending on the conditions specific to each location.

SECTION 3. On ____, 2014, the Planning Commission held a duly noticed public hearing regarding the proposed Code Amendment, and following receipt of all public testimony closed the public hearing.

SECTION 4. The Planning Commission made findings with respect to the California Environmental Quality Act (“CEQA”), recommended that the City Council adopt the Initial Study and Negative Declaration under CEQA, determined that the proposed Code Amendment was consistent with the goals and policies of the General Plan and would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City, and recommended approval of the proposed Code Amendment.

SECTION 5. On ____, 2014, the City Council of the City of Artesia held a duly noticed public hearing regarding the proposed Code Amendment, and following receipt of public testimony, closed the public hearing.

SECTION 6. The City Council of the City of Artesia makes the following findings with respect to CEQA:

A. Pursuant to the CEQA and the City's local CEQA Guidelines, the City Council has received and reviewed the Initial Study and accompanying Negative Declaration that were prepared to evaluate the potential environmental effects of the proposed Code Amendment to enact and impose vehicle impact protection standards for parking lot. This action constitutes the “project” evaluated pursuant to CEQA.

B. Based upon the findings contained within the Initial Study, the Negative Declaration, and based on the whole record before it, the City Council has determined that (i) that the Initial Study was prepared in compliance with CEQA; and (ii) that there is

no substantial evidence that the project will have a significant effect on the environment. City Council hereby adopts the Initial Study and Negative Declaration for this project.

C. The custodian of records for the Initial Study and Negative Declaration, and all other materials which constitute the record of proceedings upon which the Planning Commission and City Council's decision is based, is located in the Planning Department of the City of Artesia, at 18747 Clarkdale Avenue, Artesia, California. Said documents are available for public review.

SECTION 7. The City Council hereby concurs with the Planning Commission's findings that the proposed Code Amendment, amending Sections 9-2.____, 9-2.11____, 9-2.11____ is consistent with General Plan Land Use Policy 1.1, which supports the arrangement of land uses so that they preserve community identity and are orderly, functionally efficient, healthful, convenient to the public and aesthetically pleasing, and General Plan Land Use Goal 5.0, which supports the establishment of land uses in such a manner that there is no net adverse impact on the environment. Amending the Artesia Municipal Code to modify the parking lot design requirements will help reduce the possibility of injury, property damage and death that can occur from vehicles driving through a parking lot area and injuring pedestrians on perimeter walkways or in abutting business establishments. Moreover, the proposed Code Amendment will not result in a net adverse impact on the environment.

SECTION 8. The title of Section 9-2.1105 "Parking Facilities: Paving, Marking, Bumper Guards, Screening, Lighting and Mechanical Lifts" of Article 11 (Off-Street Parking and Loading) of Chapter 2 (Zoning) of Title 9 (Planning and Zoning) of the Artesia Municipal Code is hereby amended to read as follows:

9-2.1105 Parking Facilities: Paving, Marking, Vehicle Impact Protection Standards, Screening, Lighting and Mechanical Lifts"

SECTION 9. Subsection (c) of Section 9-2.1105 of Article 11 (Off-Street Parking and Loading) of Chapter 2 (Zoning) of Title 9 (Planning and Zoning) of the Artesia Municipal Code is hereby amended to read as follows:

(c) *Vehicle Impact Protection Standards.*

(1) Applicable Zones and Types of Properties. Vehicle impact protection devices, as defined and described in this subsection (c), shall be required in parking lots only if located on properties meeting one or more of the following criteria:

(i) On lot or parcel of property with a commercial zone designation;

(ii) On a lot or parcel of property with a residential zone designation that is developed with a non-residential use, such as a church, place of religious worship or other non-residential use; and

(iii) On a lot or parcel of land owned and occupied by the City, including but not limited to land dedicated and used for a park.

(iv) On any lot or parcel used for a public or private school.

(2) Required Locations in Parking Lots. Vehicle impact protection devices shall be required in the following areas of a parking lot:

(i) Adjacent to parking spaces that are angled between 30 to 90 degrees relative to an immediately adjacent sidewalk, designated pedestrian pathway or path of travel, pedestrian seating or dining area or within 10 feet of the exterior wall of those portions of a building in which people are allowed to congregate; and

(ii) At the terminus of a parking lot drive aisle if that terminus is perpendicular to a sidewalk, outdoor pedestrian seating or dining area or within 10 feet of the exterior wall of those portions of a building in which people are allowed to congregate.

(3) Elements of Vehicle Impact Protection Devices. Required vehicle impact protection devices shall take the form of either barriers, bollards, or a combination of both barriers and bollards, as defined and provided below:

(i) Barriers. Physical barriers, such as reinforced walls, planters, and street furniture, may be used to satisfy the requirements of this Section if they are a minimum of 36 inches in height and are designed to achieve an impact resistance level of 5,000 pounds traveling at 30 miles per hour. Plain concrete barriers, such as “K Rails” or “Jersey” barriers, are not permitted. The barrier must meet the same appearance and maintenance standards as specified in subsection (c)(3)(iii) below.

(ii) Bollards, posts, or guard posts, are another way to satisfy the requirements of this Section. If bollards are utilized, they shall comply with all of the following requirements:

(aa) Constructed of steel or other material not less than four (4) inches in diameter that shall achieve a minimum impact resistance level of 5,000 pounds traveling at 30 miles per hour, as provided by ASTM International (formerly known as American Society of Testing and Materials or “ASTM”) in its document number WK 13074.

(bb) Spaced so that two posts or bollards are provided for each parking space required to have the devices, with the two posts or bollards located equidistant from the centerline of the parking space with not less than forty-eight (48) inches and not more than fifty-six (56) inches clearance between the outer edge of the post or bollard and the outer edge of the next post or bollard. The City’s Planning Director may approve minor deviations to these spacing requirements to accommodate site

conditions and different sizes of parking spaces or loading areas.

(cc) Set with the top of the posts not less than three (3) feet and not greater than four (4) feet above finished grade.

(dd) Located between the vehicle parking space or drive aisle and the pedestrian sidewalk or seating area of building to be protected.

(ee) Such bollards or posts shall be black, grey, safety yellow, bronze, stainless steel, concrete finish, or similar color as approved by the Planning Commission or Planning Director, as applicable.

(ff) The color and design of the bollards or posts shall be consistent throughout each shopping center unless otherwise approved by the Planning Commission for those projects subject to Planning Commission approval, or by the Planning Director for those projects exempt from Planning Commission review and approval.

(gg) Bollards or posts shall be properly maintained, including no visible rust or corrosion, and be kept in uniform alignment. Use of protective and/or decorative sleeves is permitted.

(4) ADA Compliant Parking Spaces. Where a parking space is required to be ADA compliant and is located in an area of a parking lot specified in subsection (2) of this paragraph (c) so as require vehicle impact protection devices adjacent to the parking space, bollards or posts may be substituted for wheel stops and the ADA signage may be mounted on a pole that is mounted or affixed to the post or bollard. The minimum clearance between the bollards, posts and signage shall comply with the minimum forty-eight (48) inch clearance requirements for the parking space and the fifty-six (56) inch clearance requirements set forth in section.

(5) Conflicts with other Laws. In the event the terms of this subsection (c) or its application to a particular parking lot would cause a parking lot to not comply with a provision of federal or state law or another provision of the City's Municipal Code, City staff shall apply this subsection (c) in a manner to carry out the provisions of both federal and state law and the other provisions of this Code and the provisions of this subsection (c). When there is an irreconcilable conflict between the provisions of this subsection (c) and the provisions of federal or state law or other provisions of this Code, the provisions of federal and state law and the other provisions of this Code shall prevail over this subsection (c) and only to the extent necessary to avoid a violation of those other laws or Code provisions.

(6) Minor Adjustments. The Planning Commission or the Planning Director may approve minor modifications to the Vehicle Impact projection standards contained in this Section to accommodate for the location of above ground or underground utilities or other existing or planned features of the development, provided the modifications achieve the same protections as intended

by this subsection.

(7) Phase in and Amortization. The Vehicle Impact Protection devices required by this subsection (c) shall be installed on properties at any of the following times: (1) upon new construction of a parking lot; (2) upon a major renovation of a parking lot or to the commercial property in general; (3) at the time of any ADA compliance measures are installed or updated in the parking lot; or (4) within five years of enactment, whichever is earlier.”

SECTION 10. The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

SECTION 11. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

SECTION 12. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2014

TONY LIMA, MAYOR

ATTEST:

GLORIA CONSIDINE, CITY CLERK/CITY TREASURER

ROLL CALL VOTE:

I, Gloria Considine, City Clerk of the City of Artesia, do hereby certify that the foregoing ordinance was adopted at a regular meeting held on the ____ day of _____, 2014, by the following vote:

AYES: Council members:

NOES: Council members:

ABSENT: COUNCIL MEMBERS:

ABSTAINED: COUNCIL MEMBERS: