

MEETING DATE: 2/23/09

AGENDA ITEM: Adoption of an Ordinance Amending the Zoning Code to Allow Car Washes as an Ancillary Use to Fueling Stations within a Portion of the East Washington Boulevard Overlay (EW) Zone.

ATTACHMENTS

Pages

1. Ordinance No. ____ amending Title 17, Zoning, of the Culver City Municipal Code, Section 17.260.035, East Washington Boulevard Overlay (EW) Zone Table 2-11 (Allowed Uses), to allow car washes ancillary to vehicle fueling stations located east of Ballona Creek, subject to approval of a Conditional Use Permit.

1 - 6

ORDINANCE NO. 2009-____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), SECTION 17.260.035 EAST WASHINGTON OVERLAY ZONE TABLE 2-11, ALLOWED USES, TO ALLOW CAR WASHES ANCILLARY TO A VEHICLE FUELING STATION, SUBJECT TO APPROVAL OF A CONDITIONAL USE PERMIT (CUP), AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO.

(Zoning Code Amendment P-2008115)

WHEREAS, on August 18, 2008, AGC Design Concept on behalf of Arco AM/PM filed an application for a Zoning Code Text Amendment to amend Section 17.260.035 of the Culver City Municipal Code (CCMC) to allow carwashes as an ancillary use to fueling stations within the East Washington Boulevard Overlay (EW) Zone subject to approval of a Conditional Use Permit (CUP); and,

WHEREAS, on December 10, 2008, the Planning Commission conducted a duly noticed public hearing on Zoning Code Amendment, ZCA P-2008115, fully considering all reports, studies, testimony, and environmental information presented; and determined by a vote of 4 to 0 that Zoning Code Amendment, ZCA P-2008115, should be recommended to the City Council for adoption; and,

WHEREAS, on December 10, 2008, in accordance with the California Environmental Quality Act (CEQA), the Planning Commission determined that Zoning Code Amendment, ZCA P-2008115, will not have significant impacts on the environment and adopted a Negative Declaration; and,

WHEREAS, on February 9, 2009, the City Council conducted a duly noticed public hearing on Zoning Code Amendment, ZCA P-2008115, fully considering all reports, studies, testimony, and environmental information presented and determined by a vote of 5

1 to 0 that Zoning Code Amendment, ZCA P-2008115, shall be adopted as set forth herein
2 below.

3 NOW, THEREFORE, the City Council of the City of Culver City, California,
4 DOES HEREBY ORDAIN as follows:

5 **SECTION 1.** Pursuant to the foregoing and as outlined in CCMC Title 17,
6 Section 17.620.030 of the CCMC, the following findings for a Zoning Code (Text)
7 Amendment are hereby made:
8

- 9 **1. The proposed amendment ensures and maintains internal consistency with**
10 **the goals, policies, and strategies of all elements of the General Plan and will**
11 **not create any inconsistencies with this title, in the case of a Zoning Code**
12 **amendment.**

13 Zoning Code Amendment, ZCA P-2008115 ensures and maintains internal
14 consistency with the goals, policies, and strategies of all elements of the General
15 Plan and will not create any inconsistencies with this title because the EW Overlay
16 Zone is a Commercial Overlay Zone that allows varied commercial uses and
17 limited light manufacturing uses. The EW Zone allows similar vehicle related uses
18 as allowed in the other Commercial Zones. Car washes as part of fueling stations
19 are allowed with a CUP in the other Commercial Zones. This amendment would
20 make the EW Overlay Zone consistent with the other Commercial Zones as it
21 relates to this particular use. The proposed amendment is consistent with
22 Objective 6 of the General Plan Land Use Element which calls for economic
23 revitalization of the City's commercial corridors. There are no car wash operations
24 in the immediate area. This amendment is consistent with Policy 6.G of the
25 General Plan Land Use Element which encourages the introduction of
26 neighborhood serving commercial uses that serve nearby residential areas lacking
27 such services. Because the amendment requires the use be allowed only after
28 approval of a CUP, any requests for a car wash ancillary to a fueling station will
have to be reviewed for consistency with other General Plan elements of the City
and with this title; therefore ensuring said consistencies are maintained.

- 24 **2. The proposed amendment would not be detrimental to the public interest,**
25 **health, safety, convenience or welfare of the City.**

26 The Zoning Code Amendment will not be detrimental to the public interest, health,
27 safety, convenience or welfare of the City because the amendment will require that
28 a proposed car wash be subject to the same thorough review process as would
occur for a car wash in other Commercial Zones. This includes a California
Environmental Quality Act (CEQA) analysis, analysis of noise and traffic circulation

1 impacts, review of design compatibility with surrounding architecture, imposition of
2 conditions and mitigation measures to lessen impacts to surrounding areas, a
3 public hearing, and revocation of the CUP should violations of conditions occur
4 once the project is operational. This review process is meant to address impacts
5 that would otherwise be detrimental to the public interest, health, safety,
6 convenience or welfare of the City. Further, the limited scope of the amendment
7 as an ancillary use to fueling stations for only that portion of the EW Overlay Zone
8 east of Ballona Creek will lessen the potential for negative impacts to residential
9 areas because the far eastern portion of the EW Overlay Zone is currently
10 dominated by auto related manufacturing and commercial uses.

11 **3. The proposed amendment is in compliance with the provisions of the**
12 **California Environmental Quality Act (CEQA).**

13 Pursuant to CEQA guidelines a Negative Declaration has been prepared; the
14 proposed Zoning Code Text Amendment has been determined to have less than
15 significant impacts on the community. The proposed amendment is consistent with
16 the Zoning Code regulations, and the Initial Study determined that expected
17 impacts from future uses allowed with this amendment will be below thresholds of
18 significance provided mitigations are required, should such mitigations be identified
19 during the CEQA review at the project specific level.

20 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
21 Council of the City of Culver City, California, hereby adopts Zoning Code Amendment, ZCA
22 P-2008115, thereby amending the Culver City Municipal Code (CCMC), section 17.260.035,
23 East Washington Overlay Zone Table 2-11, Allowed Uses, as set forth in Exhibit "A" attached
24 hereto and incorporated herein by reference.

25 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
26 take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621
27 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City
28 Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City
News and shall post this Ordinance or a summary thereof in at least three places within the
City.

SECTION 4. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED and ADOPTED this _____ day of _____, 2009.

D. SCOTT MALSIN, Mayor
City of Culver City, California

ATTESTED BY:

APPROVED TO AS FORM:

MARTIN R. COLE, City Clerk

CAROL SCHWAB, City Attorney

ORDINANCE NO. 2009-_____

EXHIBIT A

TABLE 2-11 Allowed Uses and Permit Requirements for the East Washington Boulevard Overlay (-EW)	P	Permitted Use
	CUP	Conditional Use Permit required
	AUP	Administrative Use Permit Required
	-	Use not allowed
LAND USE (1)	Permit Requirement	See Specific Use Regulations:

INDUSTRY, MANUFACTURING, & PROCESSING

Fabric products manufacturing, 5,000 sq.ft. or less	AUP	
Fabric products manufacturing, 5,001 to 10,000 sq.ft.	CUP	
Food and beverage manufacturing, 5,000 sq.ft. or less (2)	AUP	
Food and beverage manufacturing, 5,001 to 10,000 sq.ft (2)	CUP	
Furniture/fixtures manufacturing, 5,000 sq.ft. or less (3)	AUP	
Furniture/fixtures manufacturing, 5,001 to 10,000 sq.ft. (3)	CUP	
Handcraft industries, 5,000 sq.ft. or less (3)	AUP	
Printing and publishing, 10 employees maximum	P	
Recycling facility - Incidental small collection	AUP	17.400.090
Recycling facility - Large collection (4)	CUP	17.400.090
Recycling facility - Small collection	CUP	17.400.090
Second hand stores	AUP	

RECREATION, EDUCATION, & PUBLIC ASSEMBLY

Clubs, lodges, and private meeting halls	AUP	
Health/fitness facilities	P	
Indoor amusement/entertainment facilities	AUP	
Religious places of worship	P	
Private Schools (5)	CUP	
Public Schools	P	
Studios – Art, dance, music, photography, etc.	P	
Theaters	P	

RESIDENTIAL

Live/work units	P	17.400.060
Mixed Use Project	P	17.400.065

RETAIL TRADE

Auto and vehicle sales/rental (6)(7)	P	
Auto parts sales, retail	P	
Convenience stores (8)	P	
General retail stores (8)	P	
Internet café	P	

Notes:

- (1) See Article 7 for definitions of the land uses listed.
- (2) Includes packaging, processing, and wholesaling.
- (3) Includes assembly, restoration, and wholesaling.
- (4) Use only allowed on a site located a minimum of 300 ft from any residential zone.
- (5) AUP required for schools up to 1,500 sq.ft. in area.
- (6) All business activities with no outdoor display, storage or repair areas permitted shall be conducted wholly within completely enclosed buildings.
- (7) Used vehicles sales and service shall only be allowed incidental to new vehicle sales.
- (8) For permit requirements related to the sale of Alcoholic Beverages, see Section 17.400.015.

Table continues on next page

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LAND USE(1)	Permit Requirement	See Specific Use Regulations:

RETAIL TRADE(continued)

Outdoor retail sales and display	P	17.400.075
Pet shops	P	
Plant nurseries, retail	P	
Restaurants, counter service (2)	P(3)	
Restaurants, outdoor dining (2)	AUP	
Restaurants, table service (2)	P	
Second hand stores	P	

SERVICE

Adult day care facilities	CUP	
Automated teller machines (ATMs)	P	17.400.025
Banks and financial services	P	
Business and consumer support services	P	
Child day care centers	CUP	17.400.035
Hotels and motels	CUP	
Medical services - Office/clinics (4)	P	
Medical services - Labs (4)	P	
Medical services - Hospitals	CUP	
Mortuaries	P	
Offices	P	
Personal services, except psychic readers	P	
Vehicle services - Fueling station	P	17.400.120
Vehicle services - Car Wash (5)	CUP	
Vehicle services - Fueling, incidental repair	CUP	17.400.120
Vehicle services - Impounding/storage	AUP	17.400.125
Vehicle services - Maintenance/repair (6)	CUP	17.400.125
Veterinary clinics and animal hospitals (7)	AUP	17.400.020

TRANSPORTATION & COMMUNICATIONS

Broadcast studios	P	
Parking facilities	AUP	
Pipelines and utility lines	P	
Telecommunications facilities, cellular	AUP	17.400.110
Telecommunications facilities, wireless antenna	See Section 17.400.110 for permit requirements	

Notes:

- (1) See Article 7 for definitions of the land uses listed
- (2) For permit requirements related to the sale of Alcoholic Beverages see Section 17.400.015
- (3) If counter service restaurant is stand-alone, then a CUP is required.
- (4) Excluding animal experimentation.
- (5) Only allowed as ancillary to fueling stations that are located east of Ballona Creek.
- (6) Use only allowed indoors.
- (7) Use only allowed on a site located a minimum of 200 feet from any residential zone.

6