

**ORDINANCE NO. 2018-\_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA APPROVING ZONING CODE MAP AMENDMENT, P2017-0021-ZCMA FOR A NEW, 44 FOOT TO 56 FOOT, 3- TO 4-STORY, 155,986 SQUARE FOOT (SF) COMMERCIAL BUILDING (KNOWN AS THE BRICK AND THE MACHINE) WITH 75,467 SF OF SUBTERRANEAN PARKING AND 80,519 SF OF OFFICE AND RETAIL SPACE WHICH INCLUDES 13,598 SF OF GROUND FLOOR RETAIL AND RESTAURANT USES, AND A REQUESTED REDUCTION IN REQUIRED PARKING SPACES BY TWENTY-FOUR (24) THROUGH THE USE OF AN IN-LIEU FEE, AT 9735 WASHINGTON BOULEVARD IN THE COMMERCIAL GENERAL (CG) AND COMMERCIAL DOWNTOWN (CD) ZONES.

(Zoning Code Map Amendment, P2017-0021-ZCMA)

**WHEREAS**, on January 27, 2017, Clarett West Development (the "Applicant") filed applications for an Administrative Modification, Administrative Use Permit, Site Plan Review, General Plan Map Amendment, and Zoning Code Map Amendment to allow the development of a new, 44 foot to 56 foot, 3- to 4-story, 155,986 Square Foot (SF) commercial building with 75,467 SF of subterranean parking and 80,519 SF of office and retail space which includes 13,598 SF of ground floor retail and restaurant uses (the "Project"). The Project Site is more specifically described by Los Angeles County Assessors Numbers 4207-002-014, 4207-002-024, and 4207-002-025 in the City of Culver City, County of Los Angeles, State of California; and,

**WHEREAS**, Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared for this Project. The Initial Study determined that the Project would not result in significant impacts on the environment provided certain mitigation measures are required and a Mitigated Negative Declaration (MND) was prepared as the required CEQA clearance documentation for the Project. The MND determined that the Project

1 will require mitigation measures to reduce “potentially significant” impacts on the environment  
2 to a less than significant level. The mitigation measures address items related to Biological  
3 Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials,  
4 Hydrology/Water Quality, Noise, and Public Services; and,  
5

6           **WHEREAS**, the MND was adopted by the Planning Commission on June 27,  
7 2018, which determined that the Project will not have a significant adverse impact on the  
8 environment. Pursuant to Section 15162 of CEQA, Zoning Code Map Amendment, P2017-  
9 0021–ZCMA is within the scope of the adopted MND, the circumstances under which the MND  
10 was prepared have not significantly changed, and no new significant information has been  
11 found that would impact the MND. Therefore, no additional environmental analysis is required;  
12 and,  
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14           **WHEREAS**, on June 27, 2018, after conducting a duly noticed public hearing on  
15 the subject applications, including full consideration of the applications, plans, staff report,  
16 environmental information and all testimony presented, the Planning Commission (i) by a vote  
17 of 5 to 0, adopted an MND and Mitigation Monitoring Program, in accordance with CEQA,  
18 including findings required by CEQA; (ii) by a vote of 5 to 0, conditionally approved  
19 Administrative Modification, Administrative Use Permit, and Site Plan Review, Case No.  
20 P2017-0021; (iii) by a vote of 5 to 0, recommended to the City Council approval of General  
21 Plan Map Amendment and Zoning Code Map Amendment, Case No. P2017-0021; and (iv) by  
22 a vote of 5 to 0 recommended to the City Council approval of a reduction in required parking  
23 spaces by twenty-four (24) parking spaces through the use of an in-lieu fee; and,  
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26           **WHEREAS**, on July 23, 2018, after conducting a duly noticed public hearing on  
27 the Zoning Code Map Amendment, fully considering the Planning Commission’s  
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1 recommendation and all reports, testimony and environmental information presented, the City  
2 Council, by a vote of \_\_\_ to \_\_\_, introduced an ordinance to approve Zoning Code Map  
3 Amendment, P2017-0021-ZCMA, regarding 9735 Washington Boulevard (the "Ordinance"), as  
4 set forth herein below.

5 **NOW, THEREFORE**, the city council of the City of Culver City, California, DOES  
6  
7 HEREBY ORDAIN as follows:

8 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of CCMC,  
9 the following required findings for a Zoning Code Map Amendment as outlined in CCMC Title  
10 17, Section 17.620.030, are hereby made:

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

16 The Project is proposing a Zoning Code Map Amendment that will shift a portion of the  
17 Project's CG Zoning approximately 16 feet to 23 feet south towards Washington  
18 Boulevard. The current line dividing the Project's CG and CD zoning designations  
19 occurs at an angle within the Site boundaries. The shift will make the division line  
20 between the Project's zoning designations parallel with the rear property line creating  
21 the ability to provide a more uniform and efficient building division where height will  
22 increase from a maximum allowed 44 feet in the CD Zone to a maximum allowed 56 feet  
23 in the CG Zone. The change in the zoning designation will maintain land use and zoning  
24 consistency with an accompanying resolution that will shift the General Plan Land Use  
25 designation approximately 16 feet to 23 feet south towards Washington Boulevard from  
26 Downtown to General Corridor. These minor map amendments will result in changing  
27 one type of commercial designation for another type of commercial designation on a  
28 small portion of a lot in the Downtown commercial area. Overall General Plan  
29 commercial related goals, policies, and strategies will not be affected by this minor shift  
in the Project's internal boundary between the two different commercial land use and  
zoning designations. The Projects two separate components will include office, retail,  
and restaurant uses which are allowed in both the CG and CD Zones. The retail and  
restaurant uses will be required at the ground floor as stipulated in the CD Zone. The  
differing heights will be consistent with the CG maximum allowed 56 feet and the CD  
maximum allowed 44 feet and three stories. The different heights will occur at the new  
internal boundary between the two different commercial land use and zoning  
designations thereby assuring consistency with the Zoning Code.

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

3 The map amendment affecting the Project's internal boundary between two different  
4 zoning designations will only affect the Project site and no other surrounding properties.  
5 Further the amendment results in changing a small portion of the Project site from one  
6 commercial zoning designation to another zoning designation. The only significant  
7 result from this amendment is that the Project's height limit of 56 feet in the CD Zoned  
8 portion of the Project will be shifted a maximum of 23 feet south towards Washington  
9 Boulevard. Allowed commercial land uses and CD ground floor restrictions will not be  
10 affected. The majority of the site will maintain its General Plan Downtown and CD Zone  
11 designations which are more restrictive compared to the Project's General Plan General  
12 Corridor and CG Zone designations which will continue to be at the rear of the Project  
13 site. Therefore the proposed amendment would not be detrimental to the public interest,  
14 health, safety, convenience or welfare of the City.

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

13 The proposed Zoning Code Map Amendment is in compliance with CEQA as more fully  
14 outlined in the Initial Study and Mitigated Negative Declaration environmental finding  
15 and related documentation for this Project including the Project's traffic study.

16 **4. Additional Finding for Zoning Map Amendments: The site(s) is physically suitable**  
17 **(including access, provision of utilities, compatibility with adjoining land uses**  
18 **and absence of physical constraints) for the requested zoning designation(s) and**  
19 **anticipated land use development.**

20 The site is physically suitable (including access, provision of utilities, compatibility with  
21 adjoining land uses and absence of physical constraints) for the requested zoning and  
22 the anticipated land use development because a full review by City staff determined all  
23 applicable design standards and public services can be provided.

24 The Project's internal boundary between its two different Zoning designations occurs at  
25 an arbitrary point. Without the Zoning Map Amendment the building would be comprised  
26 of two irregularly shaped structures creating difficulty in mapping floor plans for each  
27 level. This minor map amendment will result in changing one type of commercial zone  
28 for another type of commercial zone for only a small portion of the property. This Zoning  
29 Code Map Amendment will facilitate a commercial development that is consistent with  
surrounding Downtown commercial uses and that is less intense than the nearby  
hospital use. The Project's height, setbacks, and proposed office and pedestrian  
oriented commercial uses are consistent with development standards and allowed land  
uses as stipulated the CCMC for the CG and CD Zones. These same standards apply  
to adjacent and surrounding Downtown properties that also support similar office and  
pedestrian oriented commercial uses. The amendment will shift the boundary between

1 the Project's CG and CD Zoned areas by approximately 23 feet while still assuring that  
2 the majority of the Project site is designated with the more restrictive CD Zone.  
3 Vehicular access to the Project site has been located at a physically suitable location  
4 that is sufficiently distant from the Washington Boulevard frontage. In addition, locating  
on-site parking access from Delmas Terrace will lessen potential traffic conflicts with  
commercial uses along Washington Boulevard.

5 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City Council  
6 of the City of Culver City, California, hereby introduces the Ordinance approving Zoning Code  
7 Map Amendment, P2017-0021-ZCMA, thereby changing a portion of the Project Site's  
8 Commercial Downtown (CD) Zone to the Commercial General (CG) Zone as shown in Exhibit  
9 A, attached hereto and incorporated herein by reference.  
10

11 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall  
12 take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of  
13 the City Charter, prior to the expiration of fifteen days after the adoption, the City Clerk shall  
14 cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall  
15 post this Ordinance or a summary thereof in at least three places within the City.  
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1           **SECTION 4.** The City Council hereby declares that, if any provision, section,  
2 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared  
3 invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason  
4 of any preemptive legislation, then the City Council would have independently adopted the  
5 remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this  
6 ordinance and as such they shall remain in full force and effect.  
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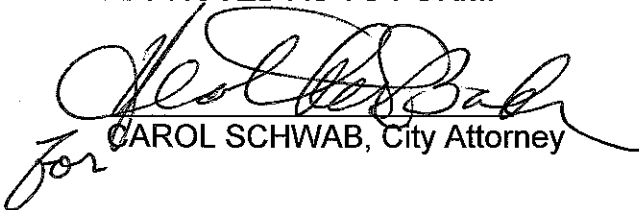
8           APPROVED and ADOPTED this 23<sup>rd</sup> day of July, 2018.  
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11 \_\_\_\_\_  
12 THOMAS AUJERO SMALL, Mayor  
13 City of Culver City, California

14 ATTESTED BY:

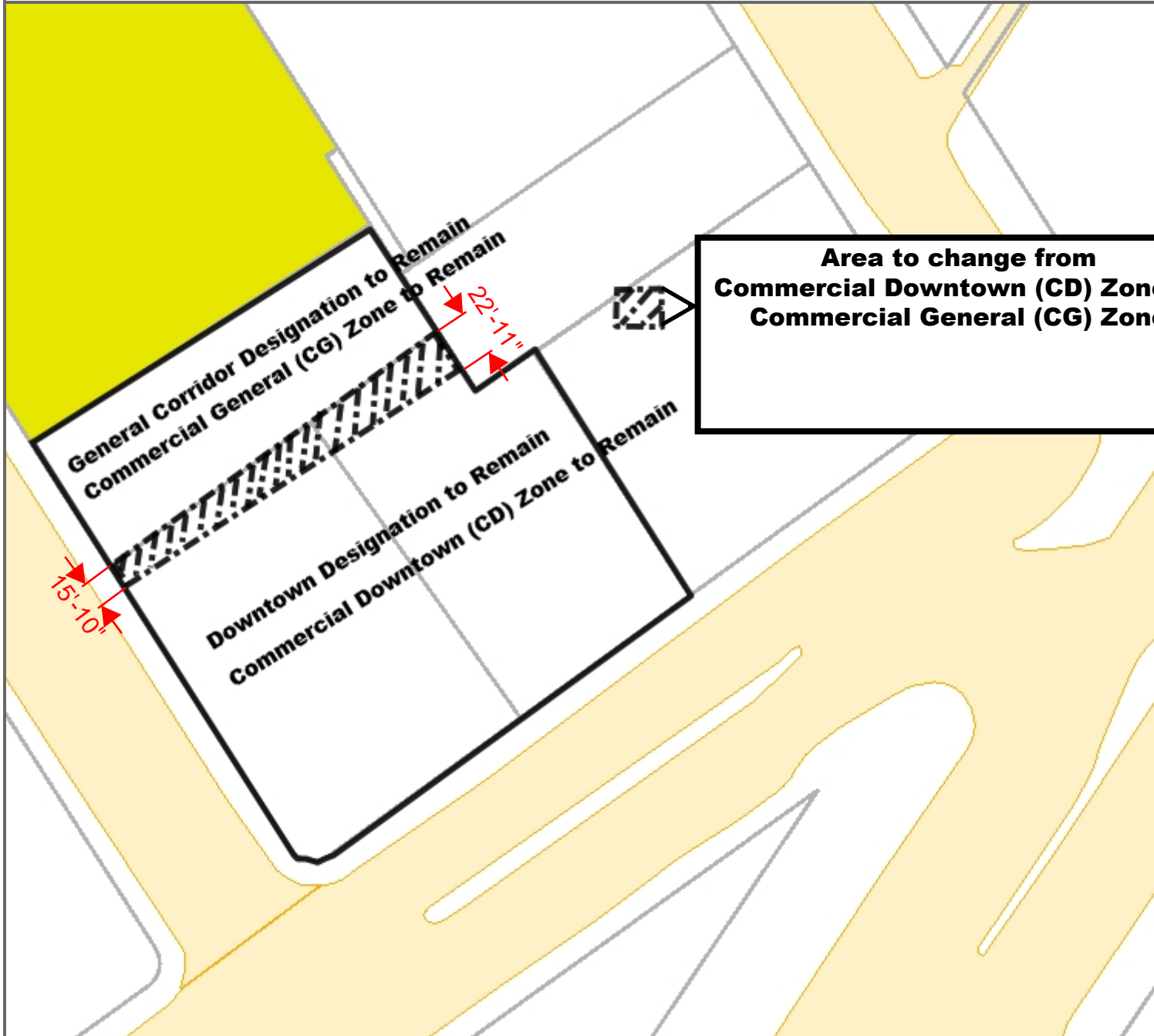
APPROVED AS TO FORM:

15 \_\_\_\_\_  
16 JEREMY GREEN, City Clerk  
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19 CAROL SCHWAB, City Attorney  
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A18-00419

**Exhibit A**  
**Zoning Code Map Amendment, P2017-0021-ZCMA**



**THE CITY OF  
CULVER CITY**



INFORMATION TECHNOLOGY DEPARTMENT

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