

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 10/10/05		Item Number: <u>PH-1</u>	
AGENDA ITEM: A proposed City-initiated Zoning Code Amendment (ZCA-P2004133) to establish Mixed Use Development Standards Live/Work Development Standards, and Street Level Use and Design Standards in the C-1, C-2 and C-3 zones, excluding the East Washington Overlay Zone.			
Contact Person/Dept.: Thomas Gorham		Phone Number: (310) 253-5727	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Published in the Culver City News on 9/29/05. Postcards were mailed to the following: interested parties; Homeowners Associations and other local organizations; City Council and Planning Commission Members; property owners in the C-1, C-2 and C-3 Zones on 9/26/05; and the Master Notification List on 9/26/05.			
Department Approval: Susan Evans 9/29/05		CAO Approval: Scott Bixby for Jerry Fulwood 10/4/05	
City Controller Approval: Mary Noller for Marlee Chang 10/4/05			
<u>RECOMMENDATION:</u> That the City Council Introduce Ordinance No. 2005-R_____: 1. Finding that pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA) Guidelines, the proposed Zoning Code Amendments are within the scope of the Culver City General Plan Update Program EIR approved on September 24, 1996 and the Redevelopment Plan Amendment and Merger Program Subsequent EIR approved on November 16, 1998 and no new environmental analysis is needed. 2. Establishing Mixed Use Development Standards, Live/Work Development Standards in the C-1, C-2 and C-3 Zones, excluding the East Washington Overlay Zone. <u>PROCEDURE:</u> 1. Mayor seeks motion to receive and file affidavit of mailing and publishing of public notice. 2. Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired. 3. Mayor declares the public hearing open, providing the general public the opportunity to speak.			

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4. Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. City Council thoroughly discusses the matter and arrives at its decision.

BACKGROUND:

In January 2004, the City Council ("Council") directed staff to consider ways to encourage commercial and mixed use development along the City's commercial corridors. Pursuant to Council direction, Planning Division staff conducted research on mixed use, live/work and street level design standards and the Planning Commission ("Commission") held numerous public meetings to discuss staff's research, review draft regulations, speak with the development community and receive public comment. In addition to the public meetings, the Commission attended a tour of higher density residential developments and mixed use projects.

Ordinance No. 2005-R ____ (Attachment No. 1) includes a Zoning Code Amendment (ZCA-P2004133) that will establish Mixed Use Development Standards (Exhibit A) and Live/Work Development Standards (Exhibit B)

The proposed zoning code amendments were previously presented to the City Council on January 24, 2005 and May 16, 2005.

DISCUSSION:

Purpose

The primary purpose of the Mixed Use Development Standards (MUDS) and Live/Work Development Standards (LWDS) are to improve the mix of uses along the City's commercial corridors. These development standards targets the location of retail and office projects, codifies the standards for mixed use projects; they also increase development options by adding live/work to the list of permitted commercial uses and by offering higher residential densities when property owners provide ground floor retail or other commercial uses.

Mixed use and live/work developments can have a number of positive attributes. In general, they allow more flexibility of development options for a given site. They can provide various types of residential units combined with retail, office and/or other commercial uses. As infill development, they can take advantage of existing streets and utilities; support alternative transportation modes such as walking, bicycling, and public transit; bring employment and housing closer together to shorten work and

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shopping trips; and increase neighborhood safety with the presence of pedestrians and residents.

Applicability

The MUDS and LWDS will apply in the following zones:

- Limited Commercial (C-1) Zone,
- Retail Commercial (C-2) Zone, and
- Commercial (C-3) Zone.

The MUDS and the LWDS will also apply in the Downtown Overlay (DO) Zone.

The MUDS and LWDS will not apply in the East Washington Overlay (EWO) Zone. Live/Work projects developed in the EWO Zone will need to comply with the existing live/work standards of that zone, which require a Conditional Use Permit (CUP).

Proposed Mixed Use Development Standards

Summary

Mixed use projects are allowed in the City at this time. However, the City's current development standards do not encourage or facilitate their development. The proposed mixed use development standards are intended to be flexible to accommodate the types of development appropriate for the City's commercial zones. They are tailored to address issues unique to mixed use developments such as design, use compatibility, noise, odors, privacy, security, parking, and amenities.

The Mixed Use Development Standards (MUDS), provided as Exhibit A to the proposed ordinance (Attachment 1), will establish requirements and criteria that will:

- Provide clear building and design standards relevant to the unique issues associated with mixed use projects.
- Maintain compatibility with the adjacent neighborhoods and compatibility among uses within the mixed use development.
- Support the construction of compact, infill development as a means to create a jobs-housing balance in Culver City.

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- Offer opportunities to provide a variety of housing and lifestyle choices for current and prospective residents.
- Encourage the creation of ground floor commercial uses by increasing the residential density.
- Provide incentives for property owners to assemble larger lots and provide community open space and community parking in exchange for modifications to selected development standards.

Minimum Lot and Street Access Requirements

As adopted by the Planning Commission, the proposed MUDS establish a five thousand (5,000) square foot minimum lot size with a minimum width of fifty (50) feet for lots less than ten thousand (10,000) square feet. Lots ten thousand (10,000) square feet or greater require a minimum width of one hundred (100) feet. Street access limitations from arterial streets are also established based on lot width. Lots with one hundred (100) feet or more of arterial street frontage are permitted two-way vehicular ingress/egress from the arterial street. Lots with at least seventy five (75) feet of arterial street frontage are permitted one-way vehicular ingress/egress from the arterial street. Lots with less than seventy five (75) feet of arterial street frontage must provide access from a non-arterial side street and/or an alley.

The minimum lot size and street access requirements for mixed use projects are intended to minimize curb cuts on arterial streets thereby maintaining a cohesive street wall; and to ensure that development sites are large enough to make it cost effective to develop high quality mixed use projects with enough synergy to support the required ground level commercial, retail and live/work uses.

Staff prepared an analysis of commercial lots sizes in the City (Attachment No. 3), excluding those in the East Washington Overlay Zone. This analysis indicates that out of a total of 984 commercial lots, 383 lots are smaller than 5,000 square feet. This translates into 39% of the total commercial lots analyzed.

Given the preponderance of small lots on the City's commercial corridors, it may be impractical to require a minimum lot size for mixed use developments. The Planning Division is currently considering applications for mixed use projects on lots that are less than 5,000 square feet. Although these projects would not meet the proposed minimum lot size, they can meet all other development regulations of the MUDS. Therefore, staff is recommending that the Council remove the minimum 5,000 square foot lot size regulation and permit mixed use developments on lots with less than 5,000 square feet subject to the street access requirements. If the Council

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concurs with staff's recommendation, the following revision would be appropriate to Section 17.400.065.E.1 of the Mixed Use Development Standards:

E. General Development Standards.

1. Minimum lot size and dimensions.
 - a. All lots less than ten thousand square feet (10,000 sq. ft.) in area shall have a minimum width of fifty linear feet (50'). ~~with alley access or access from a non primary arterial street.~~
 - b. All ~~lots~~ ten thousand square feet (10,000 sq. ft.) or larger in area shall have a minimum width of one hundred linear feet (100').
 - c. ~~Mixed use projects located on parcels that are less than five thousand square feet (5,000 sq. ft.) shall not be permitted unless combined with one or more abutting lots to create a total site development area that is at least five thousand square feet (5,000 sq. ft.), subject to the above access requirements.~~

Residential Density

It is essential to change the residential density permitted in the C-1, C-2 and C-3 Zones as part of mixed use developments in order to make it feasible for property owners to construct viable projects. At the same time, it is necessary to protect the quality of life for existing City residents and ensure that new residents experience the same high level of City services, such as police and fire, as existing residents.

Staff originally recommended controlling the residential density of and size of mixed use projects through building height, setbacks and parking standards. However, based on input from the Planning Commission and City Council, a specific residential density limit and a method for calculating residential density has been included in the proposed mixed use development standards. Staff reviewed the proposed Redevelopment Agency-initiated mixed use projects at Washington/National and Washington/Centinela as well as other mixed use projects in the region, and used these as benchmarks for determining an appropriate residential density limit. The projects that staff reviewed had residential densities up to 95 dwelling units per acre.

Based on review of proposed and existing projects both in Culver City and on the Westside and the desire to have enough density to make projects economically

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feasible while not intrusive, staff and the Planning Commission recommend establishing a residential density of up to 1 unit per 670 square feet of lot area, which is the equivalent of 65 units per acre [43,560 sq.ft. (1 acre) divided by 65 units = 670]. This density limit in conjunction with the mixed use development and design standards regulating height, massing and setbacks will allow for attractive and successful medium scale mixed use projects in the City's commercial corridors. Although up to 65 units per acre would be permitted, the actual density achieved for individual projects will differ based on unit size, site constraints and specific development standards related to height, setbacks, open space, and parking.

Capping residential density as proposed, rather than allowing development standards to control the density, is a fair trade-off that will insure financially viable projects; and through the discretionary review process, including environmental review, findings will need to be made to ensure that potential impacts related to infrastructure, City services and quality of life are reduced to a level of insignificance either by conditions and/or mitigation measures.

Parking

The provision for parking is one of the potential factors that will contribute to a mixed use project's success. The parking requirement for a mixed use development is based on the combined requirement for each of the residential and commercial components of the project. The commercial parking requirements will be based on the existing zoning code parking requirements for specific commercial uses. The residential parking requirements for mixed use projects are the same as those proposed in the new zoning code for multi-family residential development. The proposed residential parking requirements are based upon research of the multi-family and residential mixed use parking requirements of other cities and engineering manuals from the Institute of Transportation Engineers (ITE). These requirements reflect modern standards that reasonably meet parking demands and help to facilitate development of mixed use projects. A comparison of the old R-4 parking requirements and the proposed R-4 and mixed use residential parking requirements are as follows:

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<u>Bedroom Count and Unit Size</u>	<u>Old R-4 Requirements</u>	<u>New R-4 & Mixed Use Requirements</u>
Studio and 1 bedroom Less than 900 sq. ft.	1.5 spaces	1 space
Studio and 1 bedroom Greater than 900 sq. ft.	2 spaces	2 spaces
2 bedrooms	2.5 spaces	2 spaces
3 bedrooms	3.5 spaces	2 spaces
4 bedrooms	4 spaces	3 spaces
Additional bedrooms	0.5 spaces	1 space per additional bedroom
Guest Parking	none	1 space per 4 units

Open Space Requirements

Mixed use developments take a variety of forms and configurations. As a result, one standard open space requirement will not adequately address the design challenges faced by developers who would like to build a mixed use project. In an effort to provide an adequate amount of open space for residents, while not discouraging the density needed to make mixed use projects feasible, a combination of 100 square feet of common and/or private open space is required for every residential unit within a mixed use development.

Common open space is an area that is commonly accessible to all residents and users of the building. The space can be a court, a recreational facility such as a gym, a playground, a swimming pool or other types of common space. Pursuant to direction from the Council, staff has removed common meeting rooms as one of the spaces that could qualify for open space. Private open space is an area connected or immediately adjacent to a dwelling unit. This space can be a balcony, patio, or deck area used exclusively by the occupants of the dwelling unit.

Compatibility

The MUDS have development regulations and performance standards that are intended to ensure that adjacent residential zones and residential uses within a mixed use development are not negatively impacted by mixed use development. These include setback and massing requirements, and performance standards related to noise, odors, parking access and circulation design, commercial loading and outdoor storage, and lighting.

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Proposed Live/Work Development Standards

Summary

A live/work unit is a single structure that includes both residential and work space components in one contiguous unit, where the owner of a business both lives and works. Live/work units can be built as stand alone units or as part of a larger complex with many units. They also can be one of multiple uses contained in a mixed use development.

The primary purpose of the Live/Work Development Standards (LWDS), provided as Exhibit B to the proposed ordinance (Attachment 1), will establish requirements and criteria that will:

- Allow for the flexible use of properties;
- Support small business development; and
- Support infill development, as a way to balance employment and housing.

Use Regulations and Development Standards

The LWDS allow for specific low intensity commercial uses/occupations. Residents of live/work uses shall not be permitted to operate full-scale retail establishments, such as antique and collectible stores. However, residents of live/work units will be allowed to sell items and services to clients. The LWDS sets limitations on occupancy and employees, including a provision that requires that at least one of the employees of commercial use in a live/work unit is a resident of the unit. In addition, the LWDS set limitations on the number of employees other than the resident of the unit that may be on site at any given time.

The LWDS provide specific development standards for unit size, parking, open space, and access. Except as specifically provided in the development standards, live/work projects shall comply with all of the regulations of the applicable zone, as well as any other applicable sections of the Zoning Code.

Signage

Because live/work uses are intended to accommodate less intense and low-key commercial activities, and are not expected to generate as much client traffic as a standard commercial office or a retail store, the permitted signage for live/work uses should also be limited.

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In live/work projects signage is limited to window signs and projecting/hanging signs. Window signs will have a maximum dimension of one foot by two feet and will be limited to individual letters and/or logos placed on the interior surface of the window. They are intended to be viewed from the outside. The text of the window sign should be limited to the business name and a brief message identifying the type of product or service. Projecting/hanging signs are permitted and will have a maximum dimension of one foot by two feet and may not be internally illuminated.

Performance Standards

To ensure that live/work units will not create nuisances and/or be detrimental to the adjacent properties or residents or other occupants of the same building, performance standards related to light, ventilation, sound, fire safety, hazardous material, and other building and fire code standards have been included in the LWDS.

In order to ensure that live/work units are being used for business purposes the Live/Work Development Standards require a covenant to be executed by the owner of the unit indicating that the occupant understands they are living in a live/work unit and must operate a business from said unit. The covenant also requires that the residential component must be contiguous and integral to the working space and not be a separate stand-alone dwelling unit; if rented, the live/work unit shall be rented as one tenant space; any lease shall refer to the required covenant; and a resident in any live/work unit shall have a valid Culver City Business Tax Certificate in good standing for any business operated out of the unit.

Proposed Street Level Use and Design Standards

The Street Level Use and Design Standards (SUDS) as originally drafted were intended to provide codified objectives for storefronts, vehicular and pedestrian access, and definitions of permitted street level uses in four specific areas of the City that have been identified as pedestrian-oriented retail shopping districts.

Staff has reassessed the proposed Street Level Use and Design Standards as part of drafting the new Zoning Code and has concluded that there are many inconsistencies between the proposed standards and the new Zoning Code and that the SUDS are better suited to be integrated into future design guidelines, specific plans, and/or design for development plans that the City may develop. As such staff is proposing that the SUDS be reevaluated and brought back to the City Council at a later date. Therefore, the SUDS are not included as part of this proposed Zoning Text Amendment.

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General Plan Consistency

The proposed Zoning Code Amendments are consistent with the City's General Plan, which includes the following goals and objectives:

1. Land Use Element Policy 2.B directs the City to continue to allow and encourage multiple family housing opportunities in areas designated for such development.
2. Land Use Element Policy 2.E directs the City to develop standards and guidelines for residential unit development in appropriate commercial areas.
3. Land Use Element Policy 2.H directs the City to explore the development of residential uses and/or mixed uses in non-residential areas through the drafting of development standards that protect tenants from adjacent uses and reinforce the primary character and use of the areas. Street facing ground floor development shall be maintained as non-residential with residential units encouraged to be above or behind the non-residential frontage.
4. Land Use Element Objective 5. Economic Diversity. Encourage new business opportunities that expand Culver City's economic base and serve the needs of the City's residential and business community.
5. Land Use Element Objective 6. Commercial Corridors. Revitalize the physical character and economic well-being of the City's commercial corridors.

Redevelopment Plan Consistency

The proposed Zoning Code Amendments are consistent with the Redevelopment Plan's goal to improve commercial conditions along the City's commercial corridors based on the goals, objectives and policies of the General Plan.

CEQA Determination

Section 15162 of the California Environmental Quality Act (CEQA) Guidelines states that when an EIR has been certified for a project no subsequent EIR shall be prepared for a subsequent project whose impacts are fully addressed in the initial EIR, unless there is substantial evidence of the following:

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1. The subsequent project will require major revisions to the initial EIR;
2. The circumstances under which the EIR was prepared have significantly changed; or
3. New information of substantial importance, which was not previously known, could impact the project.

Section 15168 of the CEQA Guidelines states that a Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

1. Geographically;
2. As logical parts in the chain of contemplated actions;
3. In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
4. As individual activities carried out under the same authorizing statutory or regulatory authority and having similar environmental effects which can be mitigated.

The Culver City General Plan Update EIR approved on September 24, 1996 is a Program EIR.

Pursuant to Section 15162 of the CEQA Guidelines, no new environmental analysis is needed because there is no substantial evidence that ZCA P-2004133 will require substantial revisions to either the General Plan Update Program EIR (PEIR 1) or the Culver City Redevelopment Plan Amendment and Merger Program Subsequent EIR (PEIR 2), the circumstances under which PEIR 1 and PEIR 2 were prepared have not significantly changed and no new significant information has been found that would impact either PEIR 1 or PEIR 2. Projects developed according to the proposed ordinance will be subject to all appropriate mitigation measures included in PEIR 1 and PEIR 2, as well as to any environmental actions relating to the specific project.

Pursuant to Section 15168 of the CEQA Guidelines, no new environmental analysis is needed because ZCA-P2004133 is consistent with the City's General Plan and Redevelopment Plan and because any potential impacts related to ZCA P-2004133 are addressed in the mitigation measures included in PEIR 1 and PEIR 2. Additionally, projects developed under the regulations included in ZCA P-2004133 will be subject to CEQA review on a case-by-case basis.

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FISCAL ANALYSIS:

The proposed Zoning Code Amendments will provide more flexible development options for sites throughout the city. By providing these flexible options there is the opportunity of facilitating potential growth and revitalization of the City's commercial and shopping areas. As a result of revitalization, these areas could generate more property and business taxes, and tax increment. Thus, the proposed ordinance has the potential for a positive fiscal impact on the City.

ATTACHMENTS:

1. City Council Ordinance No. 2005-R_____ and Exhibits A and B
2. Planning Commission Resolution 2004-P007 (without exhibits)
3. Lot Size Distribution Table and Maps

MOTION:

That the City Council Introduce Ordinance No. 2005-R_____:

1. Finding that pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA) Guidelines, the proposed Zoning Code Amendments are within the scope of the Culver City General Plan Update Program EIR approved on September 24, 1996 and the Redevelopment Plan Amendment and Merger Program Subsequent EIR approved on November 16, 1998 and no new environmental analysis is needed.
2. Establishing Mixed Use Development Standards and Live/Work Development Standards in the C-1, C-2 and C-3 Zones, excluding the East Washington Overlay Zone.

OR

1. Do not approve the recommended CEQA determination;
2. Do not establish Mixed Use Development Standards and Live/Work Development Standards in the C-1, C-2 and C-3 Zones, excluding the East Washington Overlay Zone.