

MEETING DATE: 11/14/07

AGENDA ITEM: Adoption of Ordinance to Change the Zoning from Commercial General (CG) and Medium Density Multiple-Family Residential (RMD) to Commercial Downtown (CD) for a property located at 9900 Culver Boulevard.

ATTACHMENTS

	<u>Pages</u>
1. Proposed City Council Ordinance No. 2007-008 approving Zone Code Map Amendment, ZMA P-2006149.	1-8

ORDINANCE NO. 2007-008

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING SECTION 17.200.015 OF THE CULVER CITY MUNICIPAL CODE BY AMENDING THE ZONING MAP, WHICH IS INCORPORATED THEREIN BY REFERENCE, BY CHANGING THE ZONING OF A PROPERTY LOCATED AT 9900 CULVER BOULEVARD FROM COMMERCIAL GENERAL (CG) AND MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL (RMD) TO COMMERCIAL DOWNTOWN (CD).

(Zoning Code Map Amendment, ZMA P-2006149)

WHEREAS, on November 1, 2006, SPF: architects, as the applicant of 9900 Culver Boulevard, filed a Zoning Map Amendment to facilitate General Plan Map Amendment, Tentative Tract Map, Site Plan Review, and Administrative Use Permit applications for construction of a mixed use development consisting of 18 residential units, ground floor retail, surface level parking, and subterranean parking, on the project site described more fully in "Exhibit A" of this Ordinance, which is attached hereto and incorporated herein as though set forth in full, and shown on the Project Site Map, depicted in "Exhibit B" of this Ordinance, which is attached hereto and incorporated herein as though set forth in full; and

WHEREAS, on April 25, 2007, after conducting a duly noticed public hearing on those applications, the Planning Commission adopted Resolution No. 2007-P005, recommending denial of General Plan Map Amendment, GPMA P-2006150, Zoning Map Amendment, ZMA P-2006149, and Tentative Tract Map, TTM P-2006148 and denying Site Plan Review, SPR P-2006147, Administrative Use Permit, AUP P-2006146, and Administrative Modification, AM P-2007034; and

1 WHEREAS, the Applicant submitted an appeal to the City Clerk on April 30,
2 2007, requesting the Planning Commission denial of the project be overturned and the
3 project approved; and

4 WHEREAS, on July 9, 2007, the City Council conducted a duly noticed public
5 hearing on the appeal of the Planning Commission decision, fully considering the application,
6 plans, staff report, environmental information and all testimony presented and requested the
7 appeal hearing be continued so that additional information and possible revisions to the
8 project could be presented to the Council; and

9
10 WHEREAS, after several continuances, on September 17, 2007, the City
11 Council conducted a duly noticed continued public hearing on the appeal, fully considering
12 the application, plans, staff report, environmental information and all testimony presented,
13 including revisions to the project by the applicant that included withdrawal of Administrative
14 Modification, AM P-2007034, that request no longer being necessary; and

15
16 WHEREAS, on September 17, 2007, following conclusion of the public hearing
17 and thorough deliberation of the subject matter, the City Council determined by a vote of 3 to
18 2 to (i) grant the appeal, overturn the Planning Commission's denial, and approve the
19 modified Site Plan Review and Administrative Use Permit with additional conditions, (ii) direct
20 staff to return with the appropriate resolution outlining the findings and appropriate conditions
21 of approval, and (iii) continue the Public Hearing to a date certain to act upon the General
22 Plan and Zoning Map Amendments and Tentative Tract Map; and

23
24 WHEREAS, companion City Council resolutions to this ordinance address the
25 findings and conditions granting the appeal and approving the General Plan Map
26 Amendment, Tentative Tract Map, Site Plan Review, and Administrative Use Permit; and
27
28
29

1 WHEREAS, on October 15, 2007, the City Council conducted a duly noticed
2 public hearing on the Zoning Code Map Amendment, fully considering the application, plans,
3 staff report, environmental information and all testimony presented; and

4 WHEREAS, on October 15, 2007, in accordance with the California
5 Environmental Quality Act (CEQA), the City Council adopted a Negative Declaration finding
6 the project will not have any significant adverse impacts on the environment, taking into
7 account the project's reduced height and density compared to the project that was denied by
8 the Planning Commission; and

9
10 WHEREAS, on October 15, 2007, following conclusion of the public hearing and
11 thorough deliberation of the subject matter, the City Council determined by a vote of 3 to 2
12 that (i) no new information has become available and no changes in the proposed project
13 have been made since the City Council granting of the appeal and, therefore, no additional
14 environmental analysis is required and (ii) Zoning Map Amendment, ZMA P-2006149, shall
15 be approved as set forth herein below.
16

17
18 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
19 CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

20 **SECTION 1.** As provided in Culver City Municipal Code (CCMC) Title 17,
21 Section 17.620.030, the following required findings for a Zoning Map Amendment are hereby
22 made:
23

- 24
25 **1. The proposed amendment ensures and maintains internal consistency with the**
26 **goals, policies and strategies of all elements of the General Plan and will not**
27 **create any inconsistencies with this Title, in the case of a Zoning Code**
28 **Amendment.**

29 The proposed Zone Map amendments do ensure and maintain consistency of the
proposed commercial and residential "mixed use" project with the goals, policies and

1 strategies of the General Plan. Specifically, the change of Lot 6 from Medium Density
2 Multiple Family to Downtown furthers Objective 22 of the General Plan Land Use
3 Element because by approving the lot as part of larger mixed use development that
4 allows ground floor retail uses and higher density housing, it will encourage
5 reinvestment in the Downtown area thereby improving economic vitality, visual quality,
6 and the pedestrian environment. Currently the lot is part of a surface level parking lot
7 but with approval of the project it will part of a development that will include pedestrian
8 oriented ground floor retail, multi-family housing, and a new, modern structure. The
9 proposed Zone Map amendments facilitate Objective 28 of the Land Use Element:
10 *["...Protect and enhance residential and business uses within the Central Sub-Area
11 ..."]* because the amendment will allow development of Lot 6 for both residential and
12 retail uses as a mixed use project.

13 The Zone Map Amendment that will change the zoning of lots 1 and 2 from the CG
14 Zone to the CD Zone and Lot 6 from the RMD Zone to the CD Zone will make the
15 entire site consistent with the General Plan Land Use Downtown designation. With
16 these zone changes that will allow a Downtown, mixed use development consisting of
17 pedestrian oriented retail ground floor uses and multi-family residential uses above the
18 retail, the zone changes will further the goals and objectives as outlined in Objective
19 22, Objective 28, and the descriptive language for Downtown as noted above. In
20 addition Measure 2.F. of the General Plan Housing Element states: *[Develop
21 standards and incentives that support and promote the construction of mixed use
22 residential units in commercial zones including eliminating artificial caps.]*. The
23 proposed project meets the Mixed Use standards developed to implement Measure
24 2.F. of the Housing Element. The proposed amendments will not result in any
25 inconsistency between the General Plan and the proposed project.

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

28 The proposed Zone Map amendments are not detrimental to the public interest,
29 health, safety, convenience and welfare of the City in that the amendments, and
subsequent project, have been reviewed by the relevant City Departments. No toxic
or other potential hazard to the resident's health has been identified. The City
reviewed traffic study has not identified any significant impacts. No health or safety
hazards have been identified in the review of this project.

The mixed use project is anticipated to encourage new business opportunities and
create new housing opportunities in the City. Business opportunities add to the
economic vitality that serves the community and protects the quality of life. Mixed use
projects provide an opportunity for the creation of housing throughout the City's
commercial corridors. The housing component of mixed use projects create housing
in locations that can help support local commercial activity and helps in the creation of
compact and pedestrian friendly neighborhoods. With City approval of the proposed
amendments, the project will be consistent with the objectives of the General Plan and
in conformity with the CCMC, including the Zoning Code.

1 **3. The proposed amendment is in compliance with the provision of the California**
2 **Environmental Quality Act (CEQA).**

3 The proposed Zone Map Amendments are in compliance with CEQA as more fully
4 outlined in the Initial Study and Negative Declaration environmental finding and related
5 documentation for this project including the projects traffic study.

6 **4. The sites (are) physically suitable (including access, provision of utilities,**
7 **compatibility with adjoining land uses and absence of physical constraints) for**
8 **the requested zoning designation(s) and anticipated land use development.**

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

13 The mixed use project has been sited and designed to create a transition from the
14 Culver Boulevard commercial corridor into the adjoining medium density residential
15 neighborhood. Commercial uses are located on Culver Boulevard and rap around the
16 northern portion of the project's Duquesne Avenue frontage (closest to Culver
17 Boulevard). Residential uses are located above the commercial uses and surface
18 structure parking; the building itself is set back at least 30 feet from the nearest
19 residential property to the south of the project. At 46 feet in height, the structure does
20 not exceed the 56 foot height limit and the transition of the structure from the nearest
21 residential properties is achieved by the 30 foot setback noted above and the use of
22 bamboo landscaping, rear balcony landscaping, and an 8 foot high wall along the rear
23 of the project. The retail area is separated from the nearest residential property to the
24 south by surface structure parking. Retail uses will be consistent with Downtown
25 pedestrian oriented uses that will provide a nearby retail source for the residential
26 neighborhood to the south of the project site.

27 Vehicular access to the project site has been located at a physically suitable location
28 that is sufficiently distant from the Duquesne/Culver intersection to avoid impacts on
29 the intersection. In addition, locating on-site parking access on Duquesne Avenue
instead of Culver Boulevard avoids impacts to traffic flow on Culver Boulevard, one of
the City's major roadways.

30 **SECTION 2.** Section 17.200.015 of the CCMC is hereby amended by
31 amending the Culver City Zoning Map, which is incorporated therein by reference, by
32 changing the zoning designations for the subject site, comprised of three parcels or lots, as
33 follows:

- 1 A. Parcels 2 and 3, also known respectively as a Portion of Lot 1 and Lot 2 of Block
2 17 of Tract No. 1775 from the Commercial General (CG) Zone to the Commercial
3 Downtown (CD) Zone; and
4 B. Parcel 1, also known as a Portion of Lot 6 of Block 17 of Tract No. 1775 from the
5 Medium Density Multiple-Family Residential (RMD) Zone to the CD Zone.

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

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

17
18 APPROVED and ADOPTED this 12th day of November, 2007.

19
20
21
22 ALAN CORLIN, Mayor
23 City of Culver City, California

24 ATTESTED BY:

25 APPROVED TO AS FORM:

26
27 CHRISTOPHER ARMENTA, City Clerk

28 CAROL SCHWAB, City Attorney

EXHIBIT A

REAL PROPERTY IN THE CITY OF CULVER CITY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
DESCRIBED AS FOLLOWS:

PARCEL 1:

ALL OF LOT 6 IN BLOCK 17 OF TRACT 1775, IN THE CITY OF CULVER CITY, AS PER MAP RECORDED IN BOOK 21 PAGES 190 AND 191 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THAT PORTION OF SAID LOT 6 BOUNDED & DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 3 IN SAID BLOCK; THENCE SOUTHEASTERLY ALONG THE PROLONGED NORTHEASTERLY LINE OF SAID LOT 3 TO AN INTERSECTION WITH THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF LOT 18 IN SAID BLOCK; THENCE SOUTHWESTERLY ALONG SAID LAST MENTIONED PROLONGATION TO THE SOUTHWESTERLY LINE OF SAID LOT 6; THENCE NORTHWESTERLY AND NORTH EASTERLY ALONG THE BOUNDARY LINES OF LOT 6 TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION OF SAID LOT 6 BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID LOT 6, SAID POINT ALSO BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF DUQUESNE AVENUE (HALF WIDTH 30 FEET); THENCE ALONG SOUTHWESTERLY RIGHT-OF-WAY LINE SOUTH 58°13'55" EAST 50.00 FEET TO THE EASTERLY CORNER OF SAID LOT 6; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 6 SOUTH 31°46'05" WEST 2.70 FEET RADIALLY TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 139.80 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE 40.00 FEET THROUGH A CENTRAL ANGLE OF 16°23'34" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 160.20 FEET, A RADIAL LINE FROM SAID POINT BEARS SOUTH 15°22'31" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE 11.35 FEET THROUGH A CENTRAL ANGLE OF 04°03'36" TO THE NORTHWESTERLY LINE OF SAID LOT 6; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 34°03'50" EAST 11.21 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT ANY PORTION OF SAID LOT 6 LYING WITHIN DUQUESNE AVENUE (HALF WIDTH 30 FEET), AS SHOWN ON THE MAP OF SAID TRACT NO. 1775.

PARCEL 2:

LOT 1 IN BLOCK 17 OF TRACT 1775, IN THE CITY OF CULVER CITY, AS PER MAP RECORDED IN BOOK 21 PAGES 190 AND 191 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THAT PORTION OF SAID LOT 1 BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF DUQUESNE AVENUE (HALF WIDTH 30 FEET) AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CULVER BOULEVARD (HALF WIDTH 70 FEET); THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE SOUTH 58°13'55" EAST 135.00 FEET TO THE EASTERLY CORNER OF SAID LOT 1; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1 SOUTH 34°03'50" WEST 11.21 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 160.20 FEET, A RADIAL LINE FROM SAID POINT BEARS NORTH 19°07" EAST; THENCE NORTHWESTERLY ALONG SAID CURVE 17.93 FEET THROUGH A CENTRAL ANGLE OF 06°24'41"; THENCE NORTH 64°09'12" WEST 100.07 FEET; THENCE SOUTH 74°59'02" WEST 27.92 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 1 AND SAID SOUTHEASTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID NORTHWESTERLY LINE AND SAID SOUTHEASTERLY RIGHT-OF-WAY LINE NORTH 34°03'50" EAST 44.75 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT ANY PORTION OF SAID LOT 1 LYING WITHIN DUQUESNE AVENUE (HALF WIDTH 30 FEET) OR CULVER BOULEVARD, FORMERLY KNOWN AS PUTNAM AVENUE (HALF WIDTH 70 FEET), AS SHOWN ON THE MAP OF SAID TRACT NO. 1775.

PARCEL 3:

LOT 2 IN BLOCK 17 OF TRACT 1775, IN THE CITY OF CULVER CITY, AS PER MAP RECORDED ON BOOK 21 PAGES 190 AND 191 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ANY PORTION OF SAID LOT 2 LYING WITHIN CULVER BOULEVARD, FORMERLY KNOWN AS PUTNAM AVENUE (HALF WIDTH 70 FEET), AS SHOWN ON THE MAP OF SAID TRACT NO. 1775.

7

CULVER BLVD.

Exhibit B

DUQUESNE AVE.

