

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 07/02/07

Item Number: A-1

AGENDA ITEM: Consideration of Density and the Mixed Use Development Ordinance.

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Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐

Action Item: ☒

Attachments: ☒

Public Notification: Master Notification List (06/28/07)

Department Approval:
Sol Blumenfeld (06/28/07)

Exec. Director Approval:
Jerry Fulwood (06/28/07)

City Controller Approval:
N/A

City Attorney Approval:
Carol Schwab (06/28/07)

RECOMMENDATION:

Staff recommends the Culver City City Council (the "Council") discuss and provide input regarding the Mixed Use Ordinance Development Standards.

After considering the matter, if City Council determines that it is necessary to modify the Mixed Use Development Standards or change other Zoning Code development standard(s), staff will return with draft revisions for consideration at a future meeting.

BACKGROUND:

The Council has directed staff to provide a report on density in mixed-use development projects. The Council's direction was related to recent housing/retail mixed-use development permit applications¹ that have been considered by the Planning Commission which did not receive approvals (based primarily on traffic, parking and neighborhood compatibility issues related to density) and concerns about several currently proposed Agency mixed use development projects.² In

¹ List of recent projects considered by the Planning Commission:

- 9900 Culver Blvd @ Duquesne. (denied)
- Washington/Centinela (Olson) project (continued and withdrawn)
- 13365 Washington Blvd @ Glencoe (continued)
- 10100 Culver Blvd. @ Madison (denied)

² List of Agency Related Mixed Use Development projects:

- 9900 Culver Blvd @ Duquesne.
- Washington/Centinela
- Baldwin Motel Site
- Washington/National
- 4043 Irving
- Encore Motel
- Sepulveda/Jefferson

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addition, the public who spoke when the Planning Commission reviewed those projects and at other public meetings raised concerns regarding similar issues.

The project denials have created uncertainty about what types of mixed-use projects are permissible and how to evaluate new mixed-use development applications which otherwise appear to comply with the provisions of the Zoning Code.

Consequently, developers, staff and the community cannot clearly assess project outcomes for mixed-use developments. Current projects in the development pipeline are in limbo and further long-range planning by staff has been put on hold until this matter is resolved.

At its June 13, 2007, meeting, the Planning Commission discussed the issue of density as it relates to mixed-use projects and recommended that the City Council reduce the current density allowance of up to 65 dwelling units per acre in order to address the Commission and public's concerns over traffic, parking and neighborhood compatibility issues related to mixed-use projects.

DISCUSSION:

If the City Council believes the current maximum number of units permitted by code for mixed-use developments is excessive, then density may be the appropriate development standard to address that concern. However, there are several key measures of development that also address the size and scale of a project. In addition to "density," these include "building intensity or site coverage" and "building height." To a lesser degree building setback, dwelling unit size and minimum allowable lot size also affect the size and scale of a project. These terms are defined at the end of this report.

It is important to note the scale and size of a project is related to the site it occupies and if a development site is large, then the development may appear to be smaller in size or scale to a project of similar size on a smaller site. So it is essential to determine whether density or some other development measure is a concern.

The Mixed-Use Development Standards are intended to promote commercial revitalization, redevelopment and reinvestment by providing a new market base from new residential development and by activating commercial neighborhoods with new pedestrian activity. Mixed-use development is also seen as an important tool for implementing the principles of Smart Growth and Sustainability by minimizing auto trips and supporting alternative transportation modes such as walking, bicycling, and public transit and bringing employment and housing closer together.

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During the drafting of the Mixed-Use Ordinance, the City Council and Planning Commission held numerous public meetings, took public testimony and toured nearby mixed-use development projects for reference. The residential density of up to 65 dwelling units per acre was established after examining ordinances in other cities and reviewing proposed Agency initiated mixed use projects and other mixed use projects in the region. Those ordinances and projects were used as benchmarks for determining an appropriate residential density limit. The ordinances and projects staff reviewed had residential densities ranging from 40 to 75 dwelling units per acre.

The Council adopted mixed-use regulations is incorporated in Zoning Code Section 17.400.065 (Attachment No. 1). Although several mixed-use projects have been submitted, proposed, or are in the pipeline for project review since adoption of the standards, none have been built. Also, several Agency properties that were acquired with the intent of creating mixed use developments are on hold until the issues related to the Mixed Use Ordinance are resolved.

If the Council determines density is a problem with new mixed-use developments, then it should consider the following issues related to modifying the ordinance:

1. Projects in the Pipeline – The affects on current projects in the development process.³
2. Agency Projects – Projects subject to an existing Exclusive Negotiation Agreement (ENA).
3. Revitalization – The affects on Redevelopment goals and objectives.
4. Compatibility – The affects on adjacent neighborhoods.
5. Build-out - The total number of units that will be developed.
6. Regional Housing Needs Assessment (RHNA) – Housing goals mandated by the State.

Projects in the Pipeline

Several projects are currently being considered by the Planning Commission or City Council or in the application process for land use permits. The applicants typically acquired property, submitted land use permit applications and prepared plans pursuant to zoning requirements in effect at the time of application.

³ The development process is defined as a development permit application calendared for Planning Commission review or if a developer has been working cooperatively and in good faith with City or Agency staff to complete a development project (including preparing project plans and/or incurring project costs related to property acquisition, development studies and/or use development permit fees).

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Agency Projects

Two projects are currently in the ENA or Development and Disposition Agreement (DDA) process administered by the Redevelopment Agency.⁴ Generally, the development teams acquired property and/or prepared project plans and committed resources to implement redevelopment projects that were consistent with Requests for Proposals (RFP's) published by the Agency. Although not legally required to do so, the Council could consider these issues and the impact of reducing the development potential of property that was acquired or is in process for entitlements based upon current development standards.

Revitalization

The Redevelopment Agency has committed staff and resources to revitalizing underperforming commercial areas. These revitalization efforts utilize a strategy wherein public investment catalyzes private development. The public investment involved land assemblage, business relocation and necessary remediation. The public investment involved acquisition and development (in most cases as mixed use) and is based on the notion that mixed-use development stimulates commercial investment and that a mix of uses benefits commercial neighborhoods by invigorating the streets with new uses and users. The City Council should consider how changes to the ordinance affect these redevelopment objectives.

Compatibility

Determining how much density is optimal and where it should be located is a central question in city planning. Some basic tenets of good planning practice are to create a jobs/housing balance, protect residential neighborhoods and to mitigate the affects of new development. Higher densities are encouraged along arterials where public transit can support it and discouraged where it could adversely affect single-family neighborhoods. The City Council should consider how changes to the density provisions of the ordinance affect neighborhood compatibility.

Build-out

Any changes to the density provisions of the ordinance should be based on an understanding of the number of units that can be expected with the proposed changes. This requires quantifying the potential build-out of current or proposed density standards.

⁴ These are the Washington/National Triangle site (Urban Partners) and the Sepulveda/Jefferson site (Champion). Further, the Agency sold two properties (9900 Culver and 4043 Irving) that were formerly used as surface parking lots to developers with the intent of developing mixed use projects (comprised of housing and retail).

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RHNA:

California State law requires that jurisdictions provide their fair share of the region's housing needs. The State Department of Housing and Community Development (HCD) mandates the state-wide housing need. For the existing RHNA cycle (2007-2014) Culver City is responsible for providing 504 dwelling units at various affordability levels.

Staff believes mixed use development would assist the City in satisfying its RHNA and Redevelopment replacement housing requirements due to the limited amount of land in residentially zoned areas. Based on the Council's discussion and input, staff may need to conduct special studies in order to better understand the City's ability to satisfy its affordable housing and other legal requirements.

It is noted that the Redevelopment replacement requirement (approximately 10 units over the next three years) exists because housing units were removed from property recently acquired by the Agency.

Options

If the Council determines it is necessary to modify the density provisions of the Mixed-Use Development Ordinance, then it may want to consider the following three options described below and in the attached summary table:

Option One- Limits Ordinance Geographically (Map 1 attached)

Mixed-use development will not be permitted in the Commercial Neighborhood (CN) and Commercial General (CG) zones. Mixed use development will only be permitted in the Commercial Downtown (CD) zone. In addition, mixed use development will continue to be permitted for those projects in the pipeline. Currently proposed Agency projects at Sepulveda/Jefferson and Washington/National will be subject to specific requirements to be established through a special study as part of the public planning process.

Outcome: This option limits mixed use adjacent to most single family neighborhoods, avoids a change in density requirements affecting projects currently in the pipeline and allows designated special study areas to establish development restrictions through the planning process.

Estimated Maximum Theoretical Build-Out: 1,450 units over 7 years

In this option, 65 dwelling units per acre would only be permitted if a proposed development provides elements that benefit the public (parking, open space, etc.).

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Option Two- Limits Ordinance Geographically, Eliminates it entirely in CN Zone & Reduces density to 35 units per acre in CG Zone (Map 2 attached)

Mixed-use development will no longer be permitted in the CN zone and limits mixed use development in the CG zones to 35 units per acre. Mixed-use development at the current 65-unit per acre limitation will only be permitted in the Commercial Downtown (CD) zone. Projects in the pipeline will be subject to the existing Mixed-Used Development Standards. In addition, mixed-use development will continue to be permitted for those projects in the pipeline. Currently proposed Agency projects at Sepulveda/Jefferson and Washington/National will be subject to specific requirements to be established through a special study as part of the public planning process.

Outcome: This option limits mixed use adjacent to most single family neighborhoods, cuts density by approximately 50 percent in the CG zone, maintains the 65 units per acre for the downtown, avoids a change in density requirements affecting projects currently in the pipeline and allows designated special study areas to establish development restrictions through the planning process.

Estimated Maximum Theoretical Build-Out: 2,000 units over 7 years

In this option, 65 dwelling units per acre would only be permitted if a proposed development provides elements that benefit the public (parking, open space, etc.).

Option Three- Limits Ordinance Geographically, Eliminates it in CN Zone & Reduces density to 35 units per acre in all other zones (Map 3 attached)

Mixed-use development will no longer be permitted in the CN zone and limits mixed use development in the CG and CD zones to 35 units per acre. Projects in the pipeline will be subject to the existing Mixed-Used Development Standards. In addition, mixed-use development will continue to be permitted for those projects in the pipeline. Currently proposed Agency projects at Sepulveda/Jefferson and Washington/National, will be subject to specific requirements to be established through a special study as part of the public planning process.

Outcome: This option limits mixed-use adjacent to most single family neighborhoods, cuts density by approximately 50 percent in the CG zone and downtown, avoids a change in density requirements affecting projects currently in the pipeline and allows designated special study areas to establish development restrictions through the planning process.

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Estimated Maximum Theoretical Build-Out: 1,800 units over 7 years

In this option, 65 dwelling units per acre would only be permitted if a proposed development provides elements that benefit the public (parking, open space, etc.).

FISCAL ANALYSIS:

Staff believes the fiscal impacts associated with modifications to the Mixed Use Development Ordinance will be minimal because there haven't been any mixed use development projects completed since the ordinance became effective.

ATTACHMENTS:

- 1) Zoning Code Section 17.400.065 – Mixed Use Development Standards
- 2) Definitions
- 3) Three Mixed Use Density Option Maps
- 4) Mixed Use Density Option Summary Table
- 5) Zoning Map

MOTION:

1. That the Culver City City Council discuss and provide input regarding the Mixed Use Ordinance Development Standards.