

MEETING DATE: **03/17/08**

AGENDA ITEM: **Mixed Use Ordinance Adoption.**

ATTACHMENTS

Pages

1. Ordinance No. 2008-_____ Zoning Code Map
Amendment, ZCA P2007168

1-15

ATTACHMENT 1

ORDINANCE NO. 2008-__

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING TITLE 17, ZONING, OF
THE CULVER CITY MUNICIPAL CODE (CCMC),
SECTION 17.400.065 MIXED USE DEVELOPMENT
STANDARDS.

(Zoning Code Amendment P-2007168)

WHEREAS, on October 8, 2007 the City Council considered changes to the
Mixed Use Development Standards and directed staff to initiate a Zoning Code Amendment;
and

WHEREAS, on November 28, 2007 the Planning Commission conducted a
duly noticed public hearing on City-initiated Zoning Code Amendment, ZCA P-2007168, fully
considering all reports, studies, testimony, and environmental information presented, and
determined by a vote of 5 to 0 that Zoning Code Amendment, ZCA P-2007168 should be
recommended to the City Council for adoption; and

WHEREAS, on March 17, 2008, the City Council conducted a duly noticed
public hearing on the Zoning Code Amendment, ZCA P-2007168, fully considering all
reports, studies, testimony, and environmental information presented, and determined by a
vote of ___ to ___ that Zoning Code Amendment, ZCA P-2007168 shall be adopted as set
forth herein below.

The City Council of the City of Culver City, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. Pursuant to the foregoing, the following findings are hereby
made:

1 1. ZCA P-2007168 ensures and maintains internal consistency with the
2 goals, policies, and strategies of the General Plan and will not create any inconsistencies
3 with the Zoning Code.

4 2. ZCA P-2007168 is not detrimental to the public interest, health,
5 safety, convenience and welfare of the City in that the amendment reduces residential
6 densities and includes height and setback provisions intended to make mixed use
7 projects more compatible with surrounding uses and protect adjacent residential
8 neighborhoods.
9

10 3. Pursuant to Sections 15162 and 15168 of the California
11 Environmental Quality Act, (CEQA), the Planning Commission determines that the
12 provisions of the Mixed Use Zoning Code Text Amendment (ZCA P-2007168) are within
13 the scope of the Culver City General Plan Update Program EIR approved on September
14 24, 1996 (PEIR 1) and the Culver City Redevelopment Plan Amendment and Merger
15 Program Subsequent EIR approved on November 16, 1998 (PEIR 2), in that the General
16 Plan Land Use Element and Housing Element contain policies that call for the
17 development of mixed use standards and that PEIR 1 and PEIR 2 evaluated impacts of
18 the City's General Plan. Further, the provisions of the Mixed Use Zoning Code Text
19 Amendment lowers permitted density and height limits and thereby would not cause any
20 significant environmental effects not already examined in PEIR 1 and PEIR 2. Finally, the
21 circumstances under which PEIR 1 and PEIR 2 were prepared have not significantly
22 changed as it relates to mixed use development and no new significant information has
23 been found that would impact either PEIR 1 or PEIR 2. Therefore, based on the
24 foregoing information, no new environmental analysis is required.
25
26
27
28

1 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
2 Council of the City of Culver City, California, hereby adopts Zoning Code Amendment (ZCA
3 P-2007168) as set forth in Exhibit "A" attached hereto and incorporated herein by reference.
4

5 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
6 take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621
7 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City
8 Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City
9 News and shall post this Ordinance or a summary thereof in at least three places within the
10 City.
11

12 **SECTION 4.** The City Council hereby declares that, if any provision, section,
13 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
14 invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason
15 of any preemptive legislation, then the City Council would have independently adopted the
16 remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this
17 ordinance and as such they shall remain in full force and effect.
18

19
20 APPROVED and ADOPTED this _____ day of _____, 2008.
21
22

23 _____
24 ALAN CORLIN, Mayor
25 City of Culver City, California

26 ATTEST:

27 APPROVED AS TO FORM:

28 _____
29 CHRISTOPHER ARMENTA,
30 City Clerk

A08-00030

31 _____
32 CAROL A. SCHWAB,
33 City Attorney

EXHIBIT A

17.400.065 - Mixed Use Development Standards

- A. Purpose.** This Section provides location, development, and performance standards for mixed use developments in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).
- B. Applicability.**
1. The provisions in this Section shall regulate the conversion of existing buildings to include mixed uses as defined herein, and new construction of mixed use projects, where allowed by the applicable zoning districts.
 2. The Mixed Use Development Standards supersede the Commercial Zero Setback Overlay (CZ), where applicable.
 3. The Mixed Use Development Standards do not supersede the provisions of the Commercial Downtown District (CD).
 4. Except as specifically provided in this Section, mixed use projects shall be in compliance with the regulations of Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).
 5. Where an Owner-Participation Agreement, Disposition and Development Agreement, Development Agreement, or similar agreement with the City or Redevelopment Agency applies to a land parcel and the provisions of such agreement differ from the Mixed Use Development Standards, the provisions of the agreement shall prevail.
- C. Definitions.**

Architectural Feature. Soffit, column, wing wall, canopy, roof eave, balcony, bell tower, spires, clock tower, cupolas, turrets and any other similar element that does not create an interior floor space.

Arterial Street. As used in this Section, arterial streets include primary and secondary arterial streets. Primary arterial streets are major cross-town thoroughfares. Secondary arterial streets connect primary arterial streets to smaller streets and residential neighborhoods. Primary and secondary arterial streets are defined in the General Plan Circulation Element.

Blank Wall. Any wall that is not enhanced by architectural detailing, artwork, landscaping, windows, doors, or similar features. Solid and mechanical doors and glass with less than 80% transparency are considered blank wall areas.

Ornamental Feature. A statue, fountain, sculpture or any other similar freestanding decorative element which does not provide shelter, and which is not a sign, and which serves an aesthetic purpose.

Split Jurisdiction Lot. As used in this Section shall mean a lot located on the south side of Washington Boulevard between Del Rey Avenue and Redwood Avenue that is both within the City of Culver City and the City of Los Angeles.

Street Wall. The wall of a building facing the street at or near the property line. The street wall may include arcades, colonnades, recessed pedestrian entrances, decorative stairs, public art and other features deemed pedestrian oriented.

D. Use Regulations.

1. **Uses permitted.** All uses permitted in the underlying zone are permitted in mixed use developments.
2. **Residential uses.** Residential uses other than live/work units are prohibited on the ground floor adjacent to arterial streets. Residential entrances and lobbies are permitted on the ground floor adjacent to arterial streets.
3. **Commercial uses.** Commercial uses are required on the ground floor adjacent to arterial streets and at all corners adjacent to arterial streets. All commercial tenant spaces on the ground floor shall have a minimum depth of 30 feet. Overall commercial floor area shall be 10% of the projects total gross floor area or 30% of the project lot size, whichever is greater.
4. **Covenant.** A City-approved covenant shall be executed by the owner of each residential unit within a mixed use development, and shall include statements that the occupant(s) understand(s) and accept(s) he/she is living in a mixed use development and that commercial activities are permitted pursuant to the regulations of the CCMC.
5. **Feasibility study.** At the Director's discretion, an economic feasibility study evaluating the viability of the proposed commercial uses within the mixed use development may be required.

E. General Development Standards.

1. **Minimum lot size and dimensions.**
 - a. All lots less than 10,000 square feet shall have a minimum width of 50 feet with alley access or access from a non primary arterial street.
 - b. Lots 10,000 square feet or larger shall have a minimum width of 100 feet.
 - c. Mixed use projects located on parcels that are less than 5,000 square feet shall not be permitted unless combined with one or more abutting lots to create a total site development area that is at least 5,000 square feet, subject to the above access requirements.
2. **Building height.** The height of structures shall not exceed the standard established in Table 4-2 (Building Setbacks and Height) and Figure 4-4 (Building Height and Setbacks Illustration), unless a modification is granted pursuant to Subsection 17.300.025.C. (Exceptions to Height Limits).
3. **Density.** Residential density shall not exceed 35 dwelling units per acre (1 unit per 1,245 square feet of lot area). Residential density may be increased up to (i) 50 dwelling units per acre (1 unit per 871 square feet of lot area); or (ii) a density allowed by an Abutting Jurisdiction up to a maximum of 65 dwelling units per acre (1 unit per 670 square feet of lot area) on a split jurisdiction lot; or (iii) 65 dwelling units per acre on lots identified for Transit Oriented Development as depicted in Map 4-1 provided in either case, that the project incorporates community benefits as established by resolution of the City Council.
4. **Building setbacks.** Building setbacks are provided in Table 4-2 (Building Height and Setbacks) and Figure 4-4 (Building Height and Setbacks Illustration).



Culver City

MIXED USE TRANSIT ORIENTED DEVELOPMENT (TOD) SITES
WASHINGTON | NATIONAL

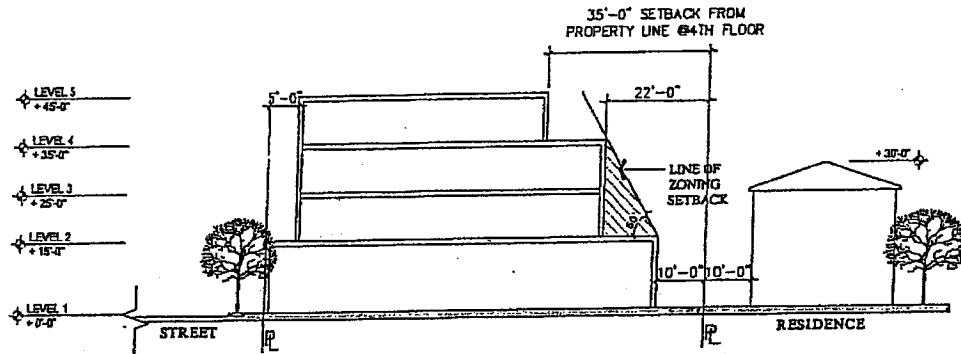
DENSITY UP TO 65 DU/AC WITH COMMUNITY BENEFIT
MAP 4-1

Scale 1:1,200
CULVER CITY GIS
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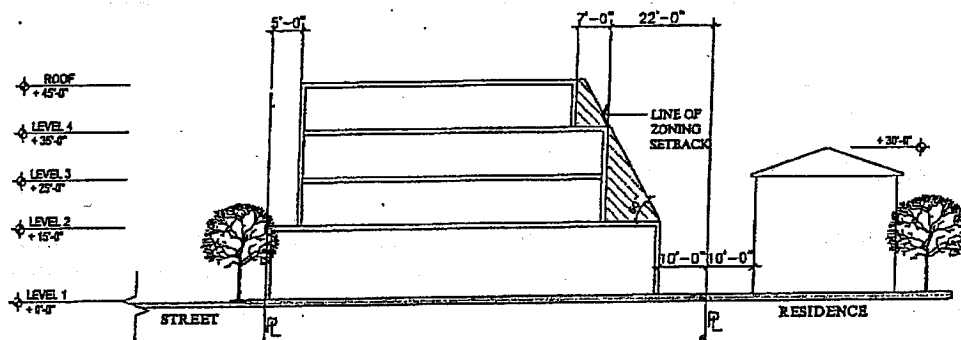
**Table 4-2
Building Height and Setbacks**

HEIGHT			
Adjacent (1) to R1 or R2 Zone	Adjacent (1) to R3, RLD, RMD, or RHD Zone	Adjacent (1) to Non-Residential Zone	Split Jurisdiction Lot
<u>CN, CD, & CG Zone</u> • 35 ft • 45 ft for portion of building 35 ft or more from R1 or R2 Zone	<u>CN Zone</u> • 45 ft <u>CD or CG Zone</u> • 45 ft on lots less than 150 ft in depth • 56 ft on lots 150 ft or more in depth	<u>CN Zone</u> • 45 ft <u>CD or CG Zone</u> • 56 ft	<u>CN Zone</u> • 45 ft <u>CD or CG Zone</u> • 56 ft
SETBACKS (2)			
Building Height	Street Wall	Side and Rear Adjacent (1) to Residential Zone (5)	Side and Rear Adjacent (1) to Non-Residential Zone
Underground	None Required		
Portion of Building 15'-0" or less	A zero setback is required. (3)	A 10 ft setback is required. (4)(6)	No setback is required.(6)
Portion of Building greater than 15'-0"	A 5 ft setback is required	A 60 degree clear-zone angle must be maintained, measured from 15 ft above the existing grade and from 10 ft from the side and rear property lines. See Figure 4-5 (Section of Rear Setback	No setback is required.(6)
Portion of Building greater than 35'-0" on a parcel adjacent (1) to R1 or R2 Zone	N/A	A 35 ft setback is required.	N/A
Portion of Building greater than 45'-0" on a parcel adjacent (1) to R3, RLD, RMD or RHD Zone	N/A	A 50 ft setback is required.	N/A
(1) Two parcels are considered to be adjacent even if they are separated by an alley. (2) Screening, landscaping or greater setback than prescribed herein, may be required where necessary to comply with visual clearance requirements for driveways and where the reviewing authority under a site plan review may condition the use necessary to protect the public interest due to lot, site plan or building configuration and operations. (3) A setback up to 5 ft from the property line may be permitted if the setback area is enhanced with high quality paving material, landscaping or other similar features. (4) Adequate screening and landscaping shall be provided (5) One half (1/2) the width of an alley may be credited toward the setback requirement for properties adjacent to residential zones. (6) If abutting an alley a minimum 2 ft setback is required.			

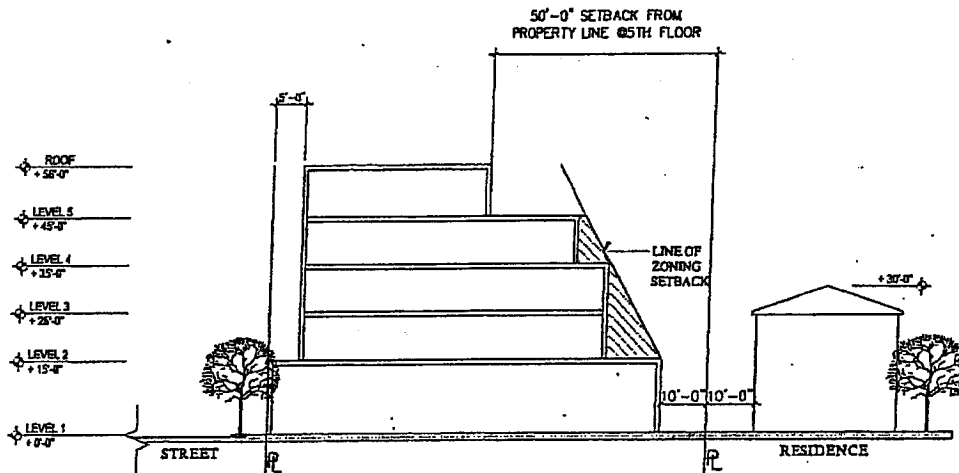
Figure 4-4
Building Height and Setbacks Illustration



35 ft. Height Limit Adjacent to R1 and R2 Zones

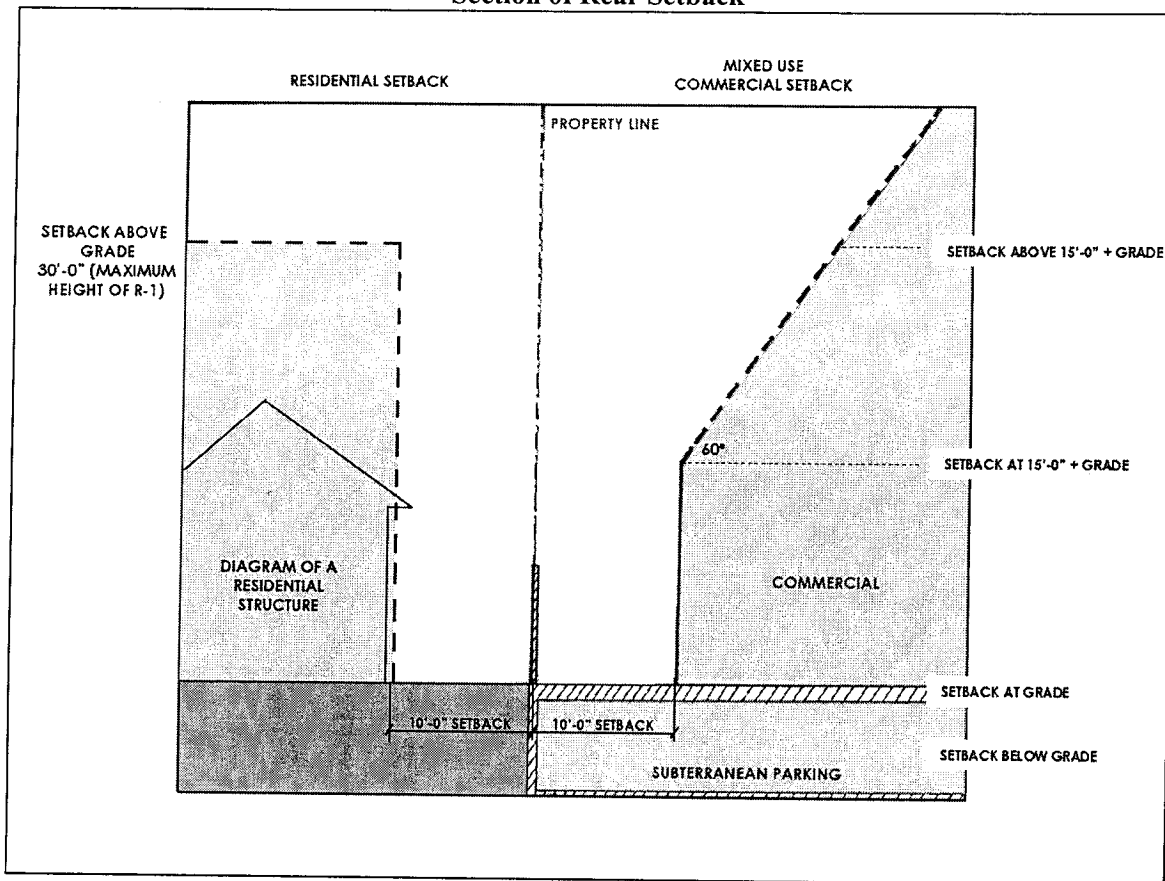


45 ft. Height Limit Adjacent to Multi-Family Zone
Lot Depth Less Than 150 ft.



56 ft. Height Limit Adjacent to Multi-Family Zone
Lot Depth 150 ft. Or Greater

**Figure 4-5
Section of Rear Setback**



F. Site Planning and Design Standards.

1. **Building bulk.** Projects shall be designed to achieve interesting, graceful and articulated buildings by the use of varied rooflines and vertical attachments; clearly defining the base, middle and top of each building and other architectural features. See Figure 4-6 (Building Elevation Composition).
2. **Building tops.** The top of the building shall be visually terminated through the use of cornices, parapets, domes, towers, or other forms or features.
3. **Street wall requirements.**
 - a. The street wall shall be architecturally modulated to create visual interest and shall include architectural features and pedestrian amenities such as recessed entries, arcades, colonnades, stairs, art and other architectural features deemed pedestrian-oriented by the Director, subject to the following:
 - 1) Passageways in arcades and colonnades are, at minimum, 5 feet wide. See Figure 4-7 (Section of Street Wall).
 - 2) Architectural and ornamental features do not impede pedestrian routes.
 - 3) Stairs are decorative and attractive.
 - b. Street wall façade requirements shall apply to the portion of the street wall that is within 15 vertical feet above the sidewalk parallel to arterial streets.
 - c. The street wall is required along 100% of the total linear property line parallel to arterial streets.

- d. No blank wall area is permitted in the street wall area.
- e. On corner lots, where one of the adjacent streets is a non-arterial street, the street wall requirements shall apply to the first 25% of the building depth immediately adjacent to the non-arterial street. See Figure 4-8 (Corner Building Street Wall Requirement).
- f. Major entrances and corners of buildings shall be articulated within the street wall façade.

Figure 4-6
Building Elevation Composition



Figure 4-7
Section of Street Wall

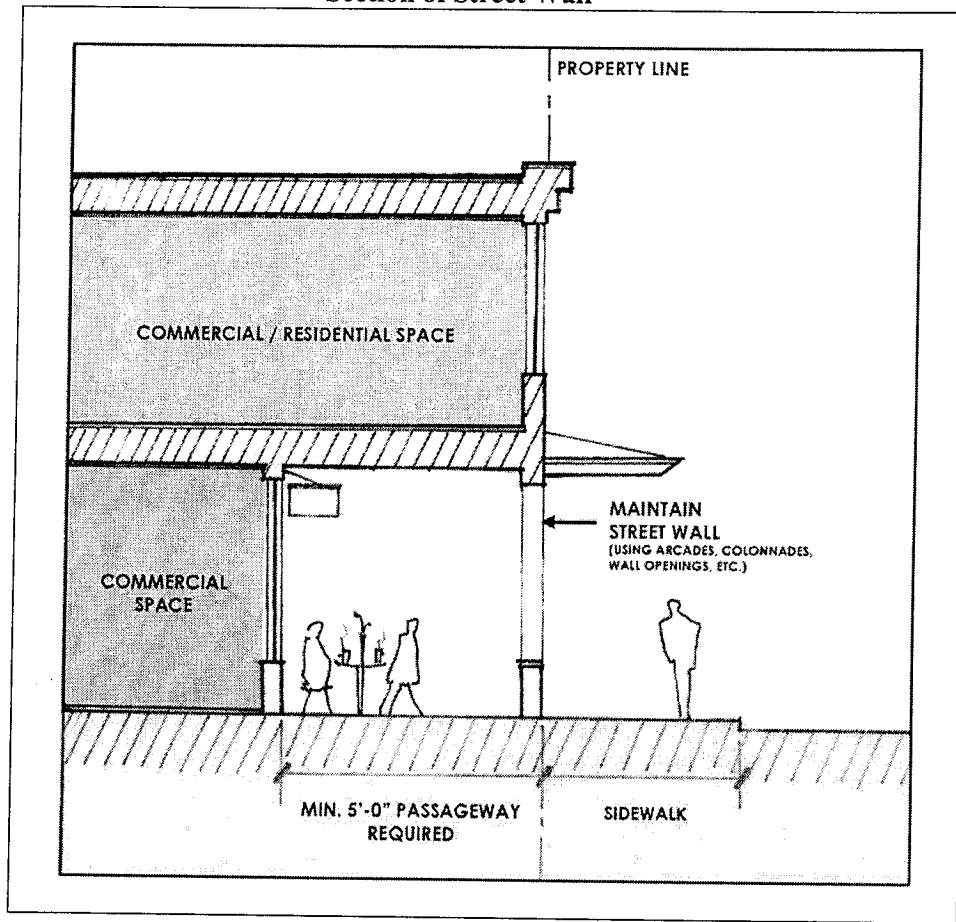
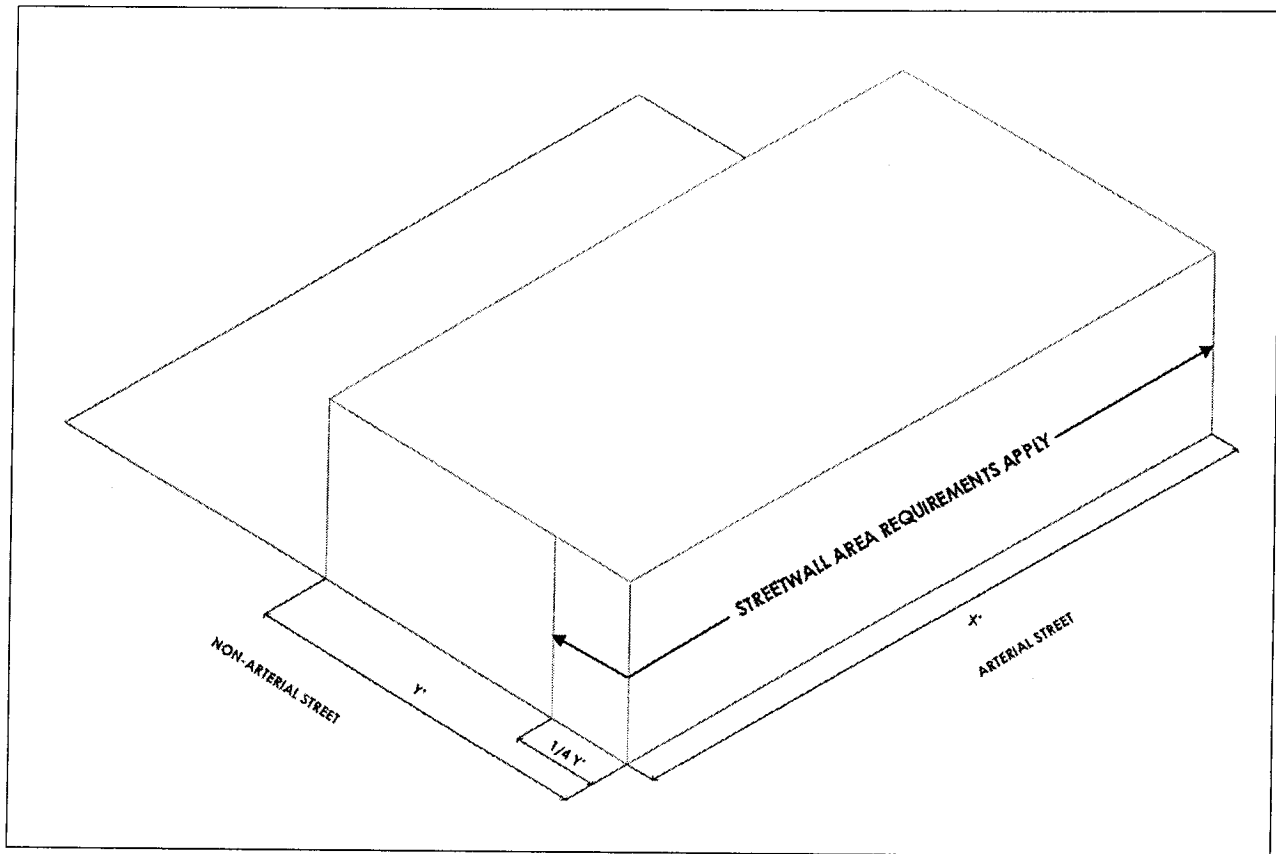


Figure 4-8
Corner Building Street Wall Requirement



4. Blank wall.

- a. Blank wall area is not permitted in the street wall area.
- b. Blank wall area shall be minimized on all building elevations.
- c. The maximum width of any continuous blank wall shall be no more than 15 feet.

5. 360° Architecture.

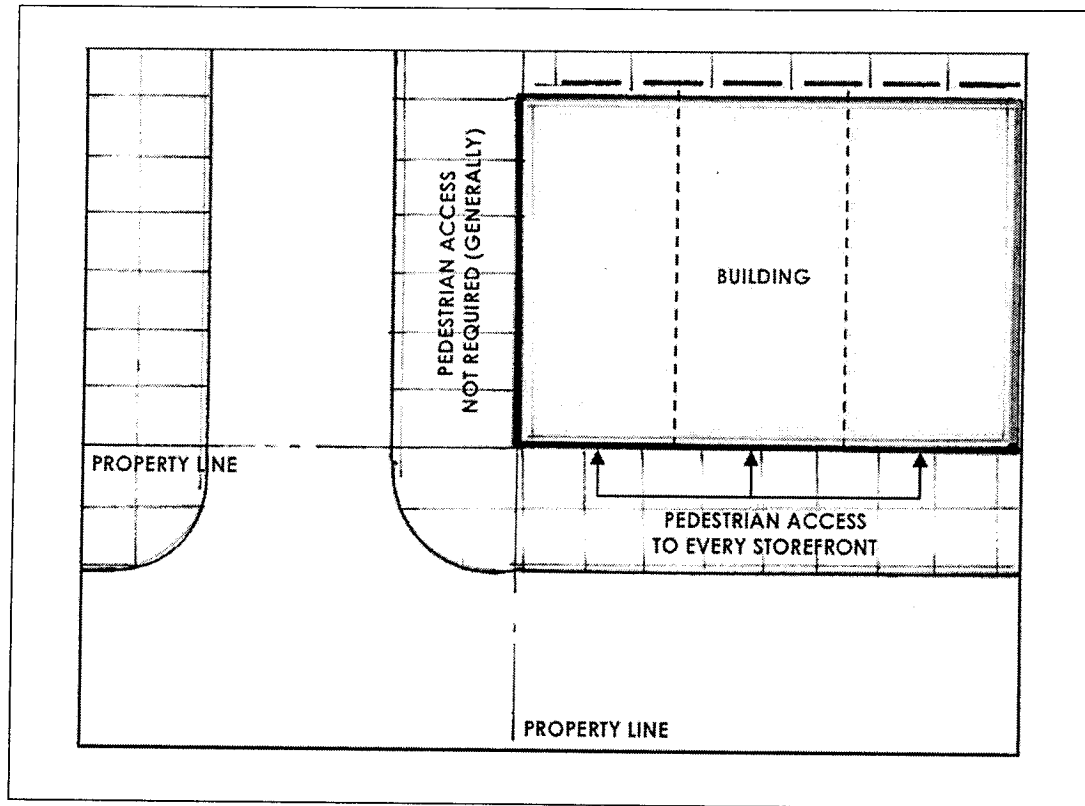
- a. Similar architectural and design features shall be incorporated on all sides of the building.
- b. Building elevations clearly visible from adjoining residential areas should not negatively impact the character and atmosphere of the adjacent residential areas. Design elements, materials, colors, surfaces and finishes that complement the residential areas shall be used as deemed appropriate by the Director.

6. Building entrances.

- a. Pedestrian entrances shall be provided for all ground floor uses adjacent to arterial streets. Pedestrian entrances are not required on non-arterial streets. See Figure 4-9 (Plan of Pedestrian Entrances).
- b. Pedestrian entrances shall be directly accessible from the public right-of-way and shall have direct access from the sidewalk grade.

- c. Commercial uses and residential uses shall have separate exterior entrances, elevators, and lobbies. The Director may waive this requirement based on site constraints.

Figure 4-9
Plan of Pedestrian Entrances



7. **Signage and lighting.** Signs must be developed pursuant to Chapter 17.330 (Signs). Exterior lighting shall comply with the requirements of Section 17.300.040 (Outdoor Lighting).
8. **Parking and vehicular access.**
 - a. Street level parking facilities and lots shall be screened from view from the adjoining arterial street(s) by ornamental walls or fences, at least 4 feet high above street grade.
 - b. Two-way vehicular ingress/egress areas on arterial streets shall only be permitted on development sites with a minimum of 100 feet of street frontage on the street where the vehicular ingress/egress area is located. The Director may waive this requirement based on site constraints.
 - c. One-way vehicular ingress/egress areas on arterial streets shall only be permitted on development sites with a minimum of 75 feet of street frontage on the street where the ingress/egress area is located. The Director may waive this requirement based on site constraints.
 - d. Vehicular ingress/egress areas are prohibited on arterial streets where the street frontage of the development site adjacent to the arterial street is less than 75 feet. The Director may waive this requirement based on site constraints.
9. **Refuse storage and collection areas.** The commercial and residential components of the project shall maintain separate refuse storage and collection areas; the refuse storage and collection areas shall be clearly marked for separate uses.

G. Residential Development Standards.

1. **Minimum unit size.** Residential minimum unit sizes are detailed in Table 4-3 (Minimum Residential Unit Size).

Table 4-3
Minimum Residential Unit Size

No. of Bedrooms	Minimum Unit Size (Gross Floor Area)
Studio	500
1 Bedroom	700
2 Bedrooms	900
3 Bedrooms	1,100
4 Bedrooms	150 additional gfa/bedroom

2. **Unit size mix.** No more than 25% of the total number of residential units shall have less than 700 square feet of gross floor area.
3. **Open space.**
 - a. Each unit shall have a minimum of 75 square feet of common and/or private open space.
 - b. Common open space areas shall have a minimum dimension of 15 feet in any direction which may include a combination of open space and adjacent setback area.
 - c. Private open space areas shall be at least 30 square feet and 5 feet in any direction, to the extent feasible.
 - d. Private and common open space requirements may be satisfied by a selection or combination of the following: atriums, balconies, courtyards, decks, gardens, gyms/exercise rooms, patios, playgrounds/tot lots, rooftop decks, patios and gardens, and swimming pools. The Director may approve similar amenities not listed above.

H. Live/Work Development Standards. In addition to the standards detailed in this Section, live/work units within a mixed use development shall meet all applicable standards contained in Section 17.400.060 (Live/Work Development Standards).

I. Parking Standards. Mixed use developments shall comply with all requirements contained in Chapter 17.320 (Off-Street Parking and Loading) and the following additional standards.

1. Parking access and circulation standards.

- a. **Commingled parking.** A mixed use project may have a commingled parking area for all uses, subject to the following conditions:
 - 1) Residential, live/work and commercial parking spaces are designated with signs.
 - 2) Residential, live/work and commercial components require 10 or fewer parking spaces each.
 - 3) One use requires 10 or fewer parking spaces and a second use requires more than 10 parking spaces, and the Director determines that site conditions make it infeasible to provide gated or separated parking.
- b. **Gated parking.** A mixed use project shall have a gated parking area for residents of residential units and live/work units, if the requirements allowing commingled parking are not met. The

regulations governing gated parking areas are provided below.

- 1) Common ingress areas to residential, live/work, and commercial parking are permitted.
- 2) If a separated residential and live/work egress lane(s) is/are not provided, non-residential parking shall be free of charge.
- 3) The parking layout shall be designed so that residents are not significantly inconvenienced by non-residential parking demands, as determined by the Director.

c. Residential guest parking location.

- 1) Residential guest parking may be located in the commercial parking area.
- 2) Residential guest parking shall be accessible 24 hours per day.
- 3) Residential guest parking shall be free of charge.
- 4) Residential guest parking shall be appropriately signed.

J. Performance Requirements. All mixed use projects shall be designed to meet the following performance standards.

1. Walls on all sides of residential and live/work units shall be constructed to minimize the transmission of noise and vibration. A minimum impact insulation class (IIC) of 60 shall be required for all residential and live/work walls, floors, and ceilings.
2. Shared elevators shall have security code access for residents to reach residential floors and to use the elevators during late evening and early morning hours. Security code access is not required for live/work access areas. Separate commercial and residential elevators are encouraged.
3. No commercial use, activity or process shall be operated in an objectionable manner due to fumes, noxious odor, dust, smoke, gas, noise or vibrations which may be detrimental to any other uses and occupants on the same property.
4. Residential and live/work units shall be designed to allow for cross-ventilation and have high quality HVAC systems, to the extent feasible.
5. Parking areas shall be illuminated so as to provide appropriate visibility and security as determined by the Director.
6. Parking access and circulation design shall minimize vehicle circulation through residential neighborhood streets as determined by the Director.
7. Commercial loading areas and outdoor storage areas shall be designed and located away from residential units and shall be screened from view at ground level from the residential portion of the project and from adjacent residential developments.
8. Commercial loading areas shall not significantly and/or negatively impact the pedestrian environment.
9. Adequate lighting must be provided adjacent to sidewalks and other public spaces to preserve the amenity and safety of those spaces for night-time pedestrian use, as determined by the Director.