

RESOLUTION NO. 2018-R____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING (1) GENERAL PLAN MAP AMENDMENT, NO. P2017-0021; AND (2) A REDUCTION IN THE NUMBER OF REQUIRED PARKING SPACES THROUGH THE USE OF SHARED PARKING FACILITIES; AND (3) MODIFIED PROJECT CONDITION OF APPROVAL NO. 18 REGARDING A VOLUNTARY CONTRIBUTION TO THE CITY'S MOBILITY FUND, FOR A PROPOSED 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, AT 9735 WASHINGTON BOULEVARD IN THE COMMERCIAL GENERAL (CG) AND COMMERCIAL DOWNTOWN (CD) ZONES.

(General Plan Map Amendment, P2017-0021-GPMA; Parking Reduction; and Modified Project Condition of Approval No. 18)

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, in order to implement the proposed Project, approval of the following applications and requests are required:

1 1. Site Plan Review: for the construction of the proposed office, retail, and
2 restaurant commercial building as described above, to ensure the Project complies with
3 all required standards and City ordinances, and to establish all onsite and offsite
4 conditions of approval necessary to address the site features and ensure compatibility of
5 the proposed Project with the development on adjoining properties and in the surrounding
6 neighborhood (approved by the Planning Commission on June 27, 2018);

8 2. Administrative Modification: for the reduction in parking space dimensions,
9 based on the finding that strict application of these standards creates an unnecessary,
10 involuntarily created hardship or unreasonable regulation which makes it impractical to
11 require compliance with the development standards (approved by the Planning
12 Commission on June 27, 2018);

14 3. Administrative Use Permit: for tandem parking spaces in the subterranean
15 parking level, to ensure that the tandem parking spaces for some of the Project's required
16 parking is in compliance with all required standards and City ordinances and establish
17 conditions of approval to ensure the uses are compatible with the Project site and
18 surrounding area (approved by the Planning Commission on June 27, 2018); and,

20 4. General Plan Map Amendment: for the change in the General Plan Land
21 Use designation for a portion of the site from Downtown to General Corridor, to ensure
22 the proposed change only affects a portion of the site's land use designation and that
23 such change is not detrimental to the public interest, health, safety, convenience or
24 welfare of the City, and is in compliance with the California Environmental Quality Act
25 (CEQA); and,

26 5. Zoning Code Map Amendment: for the change in the Zoning designation for
27 a portion of the site from CD to CG; to ensure consistency with the revised land use
28

1 designation; to ensure such change is not detrimental to the public interest, health, safety,
2 convenience or welfare of the City and is in compliance with CEQA; and to ensure the
3 site is physically suitable for the requested zoning designation and anticipated land use
4 development.

5
6 6. Reduction in Required Parking Spaces: for the reduction of required
7 parking spaces by twenty-four (24) spaces, through the use of a shared parking facilities,
8 upon a finding that Project site conditions preclude the provision of the number of required
9 parking spaces on the lot for which the parking is required; and,

10
11 **WHEREAS**, ongoing negotiations between the Applicant and the property
12 owner north of the Project site, which initially was opposed to the project and
13 subsequently rescinded said opposition, resulted in several Planning Commission
14 continuances of this item, the Project being scheduled for the following Planning
15 Commission Meetings: August 23, 2017, October 25, 2017, November 15, 2017;
16 February 28, 2018, June 13, 2018, and June 27, 2018; and,

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18 **WHEREAS**, Pursuant to the California Environmental Quality Act (CEQA)
19 Guidelines, an Initial Study was prepared for this Project. The Initial Study determined
20 that the Project would not result in significant impacts on the environment provided certain
21 mitigation measures are required and a Mitigated Negative Declaration (MND) was
22 prepared as the required CEQA clearance documentation for the Project. The MND
23 determined that the Project will require mitigation measures to reduce "potentially
24 significant" impacts on the environment to a less than significant level. The mitigation
25 measures address items related to Biological Resources, Cultural Resources, Geology
26 and Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Noise, and Public
27 Services; and,
28

1 **WHEREAS**, on June 27, 2018, after conducting a duly noticed public
2 hearing on the subject applications, including full consideration of the applications, plans,
3 staff report, environmental information and all testimony presented, the Planning
4 Commission (i) by a vote of 5 to 0, adopted an MND and Mitigation Monitoring Program,
5 in accordance with CEQA, including findings required by CEQA; (ii) by a vote of 5 to 0,
6 conditionally approved Administrative Modification, Administrative Use Permit, and Site
7 Plan Review, Case No. P2017-0021; (iii) by a vote of 5 to 0, recommended to the City
8 Council approval of General Plan Map Amendment and Zoning Code Map Amendment,
9 Case No. P2017-0021; and (iv) by a vote of 5 to 0 recommended to the City Council
10 approval of a reduction in required parking spaces by twenty-four (24) parking spaces
11 through the use of an in-lieu fee; and,
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13
14 **WHEREAS**, on August 27, 2018, after conducting a duly noticed public
15 hearing on the Zoning Code Map Amendment, the City Council, by a vote of 5 to 0,
16 continued the public hearing to the October 22, 2018 City Council meeting; and,
17

18 **WHEREAS**, subsequent to the Planning Commission's action and the City
19 Council's continuance of the public hearing, Applicant agreed to a voluntary contribution
20 to the City's mobility fund to be included as a modification to Condition No. 18 in the
21 Project Conditions of Approval; and,
22

23 **WHEREAS**, on October 22, 2018, after conducting a duly noticed public
24 hearing on the General Plan Map Amendment and request for a reduction in required
25 parking spaces by twenty-four (24), fully considering the Planning Commission's
26 recommendation and all reports, testimony and environmental information presented, the
27 City Council (i) by a vote of ____ to ____, determined that the circumstances under which
28 the MND and Mitigation Monitoring Program were prepared and adopted by the Planning

1 Commission have not significantly changed, and no new significant information has been
2 found that would impact the Mitigated Negative Declaration; therefore, no additional
3 environmental analysis is required; (ii) by a vote of ___ to ___, approved General Plan
4 Map Amendment, Case No. P2017-0021, subject to Conditions of Approval referenced
5 herein below; (iii) by a vote of ___ to ___, approved a reduction in required parking spaces
6 by twenty-four (24) through the use of shared parking facilities (and authorized the
7 Community Development Director to issue the related AUP, pursuant to CCMC Section
8 17.320.025.F); and (iv) by a vote of ___ to ___, approved a modification to Project
9 Condition of Approval No. 18, subject to Conditions of Approval referenced in Section 2
10 of this Resolution.
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13 NOW, THEREFORE, the City Council of the City of Culver City, California,
14 DOES HEREBY RESOLVE as follows:

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16 **Section 1.** Pursuant to the foregoing recitations and the provisions of
17 Culver City Municipal Code (CCMC), the following findings are hereby made:

18 **General Plan Map Amendment:**

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20 As outlined in CCMC Title 17, Section 17.620.030, the following required findings for a
21 General Plan Map are hereby made:

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

26 The Project is proposing a General Plan Map Amendment that will shift a portion
27 of the Project's General Corridor designated area approximately 16 feet to 23 feet
28 south towards Washington Boulevard with an accompanying Zone Change from
CD to CG through a separate ordinance. The current line dividing the Project's
General Corridor and Downtown land use designations and its CG and CD zoning
designations occurs at an angle within the Site boundaries. The shift will make the
division line between the Project's land use and zoning designations parallel with
the rear property line creating the ability to provide a more uniform and efficient
building division where height will increase from a maximum allowed 44 feet in the

1 CD Zone to a maximum allowed 56 feet in the CG Zone. The change in the land
2 use designation for a small portion of the site will necessitate the change in the
3 zoning designation for the same portion thereby maintaining land use and zoning
4 consistency. These minor map amendments will result in changing one type of
5 commercial designation for another type of commercial designation on a small
6 portion of a lot in the Downtown commercial area. Overall General Plan
7 commercial related goals, policies, and strategies will not be affected by this minor
8 shift in the Project's internal boundary between the two different commercial land
9 use and zoning designations. The Projects two separate components will include
10 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 General Plan and Zoning Code.

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

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

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

23 The proposed General Plan and Zoning Code Map Amendments are in compliance
24 with CEQA as more fully outlined in the Initial Study and Mitigated Negative
25 Declaration environmental finding and related documentation for this Project
26 including the Project's traffic study.

27 **Parking Reduction and Shared Parking Facilities**

28 As outlined in CCMC Title 17, Section 17.320.025, the following finding for the requested
reduction in required parking is hereby made:

1 **Conditions on the Project site preclude the provision of the number of**
2 **required parking spaces on the lot for which the parking is required and**
3 **Shared Parking Facilities as approved by the City Council are appropriate as**
4 **an alternative parking provision.**

5 Conditions on the Project site preclude the provision of the number of required
6 parking spaces on the lot. The site's offset property lines and required clearance
7 from the north and east facing property lines due to sewer and utility easements
8 result in a non-traditional floor plate shape. These offset property lines and
9 indentations into the property for easements noted above make it difficult to
10 provide all required parking spaces. CCMC Section 17.320.025.F (Shared Parking
11 Facilities), allows for a reduction in the number of parking spaces required by
12 Section 17.320.020 (Number of Parking Spaces Required) if the City Council
13 authorizes the use of shared parking. As provided in Project Condition of Approval
14 No. 18, the Applicant may offset the reduction of twenty four (24) required parking
15 spaces with Shared Parking Facilities subject to recordation of a covenant that
16 includes a description of the shared parking arrangement, requirement that all
17 current and future tenants are notified of and shall adhere to the same hours of
18 operation and conditions of the shared parking approval and a provision for
19 liquidated damages for violation of the Conditions of Approval. Such covenant shall
20 be recorded prior to Certificate of Occupancy.

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1 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
2 Council of the City of Culver City, California, hereby (i) approves General Plan Map
3 Amendment, P2017-0021-GPMA, thereby changing a portion of the Project Site's
4 Downtown Land Use Designation to General Corridor as shown in Exhibit A, attached
5 hereto and incorporated herein by reference, (ii) approves the reduction of Project
6 required parking spaces by twenty-four (24), through the use of shared parking facilities
7 (and authorizes the Community Development Director to issue a related AUP pursuant
8 to CCMC Section 17.320.025.F); and (iii) approves Modified Condition No. 18 of the
9 Project Conditions of Approval, as set forth in Exhibit B, attached hereto and incorporated
10 herein by reference, subject to the conditions of approval set forth in this Resolution and
11 in Exhibit A to Planning Commission Resolution No. 2017-P015.
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15 APPROVED and ADOPTED this 22nd day of October, 2018.
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19 _____
20 THOMAS AUJERO SMALL, Mayor
City of Culver City, California

21 ATTESTED BY:

APPROVED AS TO FORM:

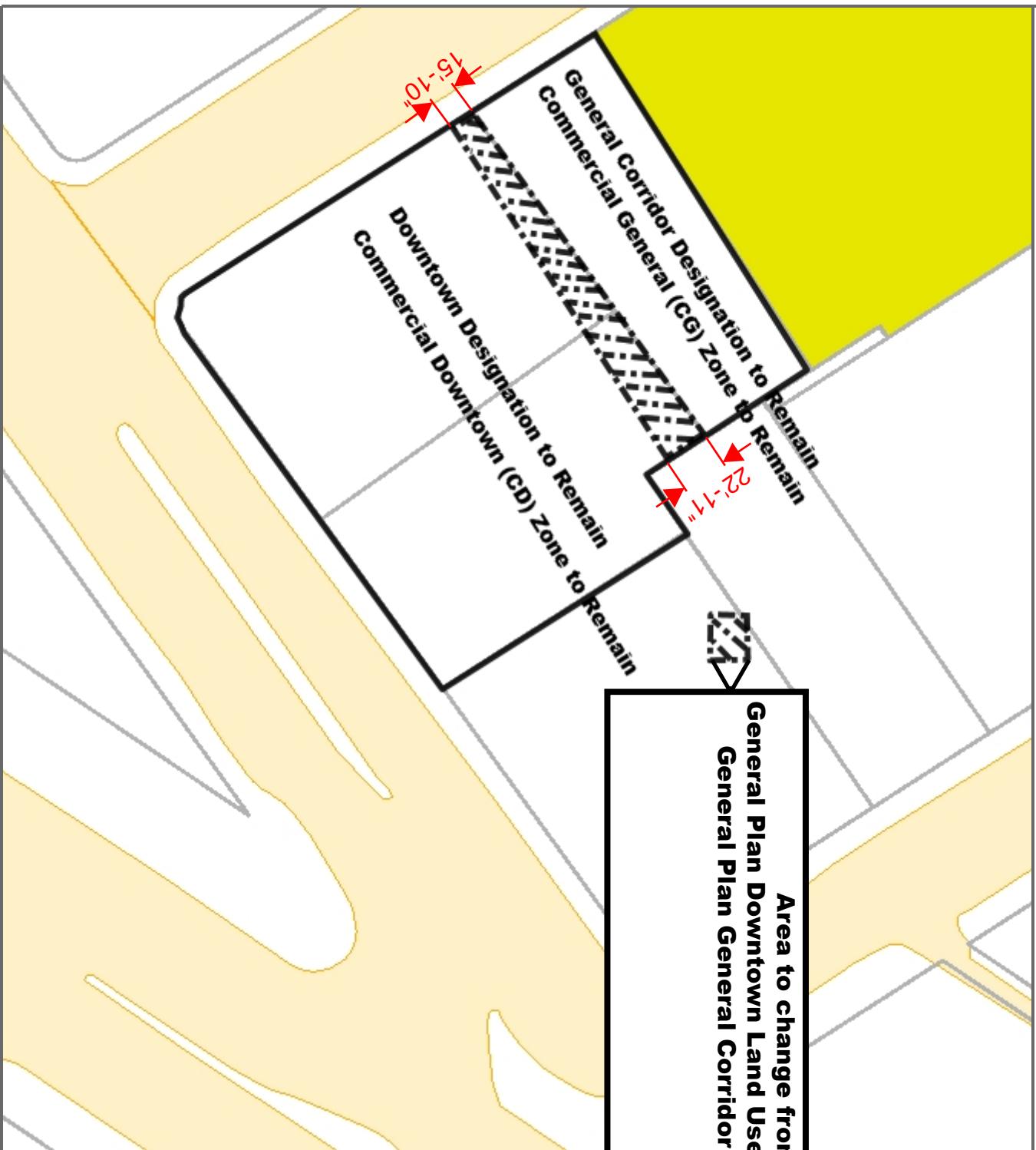
22
23 _____
24 JEREMY GREEN, City Clerk

25 _____
26 CAROL SCHWAB, City Attorney
27
28

for

A18-00421

Exhibit A General Plan Map Amendment, P2017-0021-GPMA



Area to change from
General Plan Downtown Land Use Designation to
General Plan General Corridor Designation



THE CITY OF
CULVER CITY



INFORMATION TECHNOLOGY DEPARTMENT
GEOGRAPHIC INFORMATION SYSTEMS
9770 CULVER BLVD
CULVER CITY, CA 90232
TEL: 310-253-5976

Scale: 1: 770



EXHIBIT B
Modified Condition No. 18

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
GENERAL				
18. (Modified)	<p>A covenant and agreement, on a form provided by the Current Planning Division and in a form and substance acceptable to the City Attorney, shall be signed by the Property Owner and recorded in the County Recorder's Office, requiring the Property Owner to contribute to a dedicated mobility fund, administered by the City, the total amount of Five Hundred Twenty Five Thousand Dollars (\$525,000) for City transportation and mobility improvements (which may include biking and pedestrian improvements or micro transit) that the City is currently considering or may consider, which contribution shall be paid in installments as follows:</p> <ol style="list-style-type: none"> a. The first installment shall be in the amount of One Hundred Seventy Five Thousand Dollars (\$175,000) and shall be paid prior to the issuance of a Certificate of Occupancy. b. The second through the eleventh installments shall each be in the amount of Thirty Five Thousand Dollars (\$35,000), and shall be paid annually over a 10-year period, with each installment due on or before the anniversary of the date the Certificate of Occupancy is issued. <p>After recordation of the covenant and agreement, a certified copy bearing the Recorder's number and date shall be provided to the Current Planning Division.</p> <p>*This Modified Condition shall supercede and replace Condition No. 18 in Exhibit A to Planning Commission Resolution No. 2017-P015.</p>	CDD/ Planning	Voluntary	