

**City of Culver City, California
Agenda Item Report**

Meeting Date: 5/10/10	Item Number: <u>PH-1</u>
CITY COUNCIL AGENDA ITEM: PUBLIC HEARING - Consideration of Directing Staff to Prepare a Resolution Approving (1) an Administrative Use Permit for Tandem Parking and (2) an Administrative Modification to Allow a Reduction of Parking Stall Widths and (3) Amending a Public Parking Covenant to Permit Tandem Parking and on an Existing Surface Parking Lot at 8511 Warner Drive.	
Contact Person/Dept.: Thomas Gorham, Sol Blumenfeld CDD	Phone Number: (310) 253-5727 (310) 253-5702
Fiscal Impact: Yes ☒ No ☐	General Fund: Yes ☐ No ☒
Public Hearing: ☒	Action Item: ☐ Attachments: ☒
Public Notification: (USPS) Notices to all property owners and occupants within a 500-foot radius of the project site (4/30/10); (E-Mail) Meetings and Agendas – City Council (05/05/10); Applicant and property owner.	
Department Approval: Sol Blumenfeld (05/05/10)	City Attorney Approval: Carol Schwab (by R. Miranda) (05/05/10) Agency General Counsel: Murray Kane (05/05/10)
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (05/05/10)	City Manager Approval: P. Lamont Ewell (05/06/10)

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing, direct staff to prepare resolutions based upon the City Council's discussion this evening, and continue the public hearing to May 17, 2010, at which time the Resolutions will be considered by the City Council related to a proposed amendment to the Public Parking Covenant, the Administrative Use Permit, and Administrative Modification for the property located at 8511 Warner Drive.:

The City Council may wish to consider the following options this evening:

- A. (Staff Recommendation)** Direct staff to prepare a resolution for the City Council's consideration which grants the approval, in part, by approving the Administrative Use Permit and Administrative Modification which allow tandem parking only on the Warner Lot and approves an amendment to the existing Warner Lot Covenant;

OR

- B.** Direct staff to prepare a resolution for the City Council's consideration on May 17, 2010 which conditionally approves the Administrative Use Permit, the Administrative Modification, and an amendment to the existing Warner Lot Covenant which allows tandem parking at the property located at 8511 Warner Drive (the Warner Lot) and adjacent Rail Spur (all three of these actions would be conditioned upon the City

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Council's approval of use of the Rail Spur which consideration would occur as a separate action at a future City Council Meeting);

OR

C. Direct staff to prepare a resolution which denies the application in its entirety.

PROCEDURE:

1. Mayor calls on staff for a brief staff report and the City Council poses questions to staff as desired.
2. Mayor seeks motion to open the public hearing, providing the applicant the first opportunity to speak, followed by the general public.
3. The City Council discusses the matter and provides direction to staff.
4. The Mayor seeks a motion to continue the public hearing to May 17, 2010 to allow staff to prepare resolutions for consideration by the City Council once the public hearing has been concluded.

BACKGROUND:

On March 19, 2010, Samitaur Constructs submitted a complete application for an Administrative Use Permit (AUP) and an Administrative Modification (AM) to permit tandem parking with reduced stall widths at the Warner Lot. The complete application also includes using a portion of an abutting Rail Spur which is owned by the City. The proposed tandem parking is intended to provide additional parking for Hayden Tract businesses. The Hayden Tract historically contained industrial buildings with substantial lot coverage and little surface parking. Over the last fifteen years, many of the area buildings have been remodeled to accommodate service and creative office uses with heavier parking demand. However due to the nature of the recent building renovations, many have not supplied additional parking. Consequently, parking is undersupplied in the area. The proposed AUP for tandem parking is intended to help alleviate undersupplied parking in the area. In addition, the application references use of tandem parking and a shuttle bus service to access other Samitaur Constructs parking facilities, but there is inadequate information supplied to assess these proposals, and they are not being considered under this application. The project will be considered first, and then depending upon the direction received, staff will bring back the appropriate draft Resolution for consideration at the next regularly scheduled City Council meeting.

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Project Site:

The Warner Lot is located on a 75,800 sq. ft. surface parking lot that currently contains 242 parking spaces. It was originally owned by the City and sold to Samitaur Constructs in June 2006, for the purpose of constructing a public parking garage and other ancillary uses. Entitlements to construct a 775 space parking structure, along with 51,520 square feet of commercial space, were received on August 3, 2009, for which the developer is currently pursuing project financing. In the interim, Samitaur Constructs is requesting approval to provide tandem parking on the Warner Lot and adjacent Rail Spur to relieve area parking demand.

Summary of Project Approvals requested by Applicant

- Modification of Warner Lot Covenant to Permit Tandem Parking
- Sale or Lease of Adjacent Railroad Spur under separate action
- AUP for Tandem Parking for the Warner Lot and Rail Spur
- Administrative Modification to Allow Less than 9'-0" for Stall Width

Project Request:

In 2006, the Warner Lot was sold to Samitaur Constructs with a ten year restrictive covenant (the covenant remains effective for approximately six more years). Among the covenant provisions are prohibitions on changes to the operation or use of the Warner Lot as a public parking facility without prior written authorization of the City Council. Therefore, in case the City Council wishes to permit changes to the operation of the Warner Lot (including the use of tandem parking), an amendment to the covenant is required. The applicant proposes two Options, both of which would require an amendment to the covenant.

The applicant has submitted two options for restriping the Warner Lot to accommodate tandem parking (Attachment No. 1). **Option 1** would restripe and provide other improvements to create 298 parking spaces, a net increase of 56 spaces from the existing 242 spaces. **Option 2** would include use of the Rail Spur to create an additional 40 spaces (for a total of 338 spaces, or a net increase of 96 spaces from the existing 242 spaces). Implementation of this Option 2 would require the City Council's consent for the use of the Rail Spur in a separate real estate transaction between the City and the applicant. Without approval by the City Council for use of the Rail Spur property, this option cannot be approved.

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California Environmental Quality Act (CEQA):

Section 15301 of the CEQA Guidelines exempts projects involving minor alterations to existing facilities from CEQA review. This project is categorically exempt from CEQA review since it involves a minor alteration to an existing structure, facility or topographical feature.

DISCUSSION:

Parking Covenant

The proposed parking covenant amendments Proposed Covenant Amendments -- Attachment No. 3) include new provisions to allow tandem parking on the Warner Lot subject to approval of an "Operations Plan" (Attachment No. 2) which includes the requirements for parking lot attendants to be available at specified hours to assist with parking and orderly retrieval of tandem parked vehicles. The applicant did not provide details of the proposed shuttle service. Therefore, the proposed shuttle service cannot be adequately evaluated with the proposal. Implementation of shuttle service would require further review by the Transportation and Community Development Departments and action by the City Council.

The Proposed Covenant Amendments specify the total number of tandem spaces in excess of the currently supplied 242 stalls and that all costs for implementing the tandem parking are borne by the buyer (applicant). The Proposed Covenant Amendments are consistent with the fair market rate requirements in the original covenant, and that the extra spaces shall first be reserved for non-Samitaur affiliates. Further, the Proposed Covenant Amendments include an extension of the life of Covenant for an additional five years, such that the term of the Covenant expires fifteen years after the date of its initial effective date.

Tandem Parking Layout

As noted above, the Warner Lot currently has 242 parking spaces. Access to the lot is provided from two driveways off of Warner Drive. The existing parking spaces are laid out in a 90 degree configuration with access off of 3 east-west and 2 north-south two-way drive aisles. There are currently 7 handicap parking spaces provided.

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The proposed tandem parking layout would utilize the existing driveways and layout the tandem parking in a 90 degree configuration with access off of 2 east-west and 2 north-south two-way drive aisles. In **Option 1**, a total of 298 parking spaces are proposed (a net increase of 56 spaces). 248 of the spaces would be in double tandem configuration and 9 in triple tandem configuration for a total of 257 tandem spaces. 41 non-tandem spaces would remain (17 each along the west and east sides of the lot and 7 handicap spaces). In **Option 2**, utilizing the Rail Spur, a total of 338 parking spaces are proposed (a net increase of 96 spaces). 168 of the spaces would be in double tandem configuration and 129 in triple tandem configuration for a total of 297 tandem spaces. 41 non-tandem spaces would remain (17 each along the west and east sides of the lot and 7 handicap spaces).

The tandem parking spaces in both options are proposed to be 8'-4" in width by 18' in depth. Zoning Code Section 17.320.035.C.1.b requires tandem parking space to be a minimum of 9' in width by 18' in depth and not more than 3 spaces in depth. In order to permit the reduction in tandem stall with an Administrative Modification is required. Pursuant to Zoning Code Section 17.550.010 a 10% reduction in the required parking space dimensions is permitted. The proposed 8'-4" tandem stall width is a reduction of 8" and is within the allowable 10% reduction. ($9' = 108'' - 108'' \times 10\% = 10.8'' - 8'' < 10.8''$).

Tandem Parking AUP

In order to approve the proposed tandem parking the existing parking covenant must be amended and specific findings for the AUP must be met. Among these findings is compatibility of the proposed use with the surrounding area and that the site is physically suitable to accommodate the proposed use. For several years, the City has pursued strategies to increase parking in the Hayden Tract. These strategies include: the development of surface parking along the Rail Spur through establishment of a parking association administered by adjacent property owners, the development of a parking district to supply parking in public parking facilities in lieu of providing all required parking on-site, and joint development of public parking. The proposed tandem parking is consistent with these measures and will help in providing needed parking for the area that will not have a detrimental impact since it is intended to satisfy existing parking demand and will be designed to be compatible with the surrounding area. In addition, as outlined above, the proposed site is physically suitable to accommodate the proposed tandem parking layout. Detailed findings for the AUP are included as Attachment No. 4.

Administrative Modification re Stall Width Reduction

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In order to approve the proposed stall width reduction, specific findings for the Administrative Modification must be met. The project does meet the required finding for Administrative Modifications which states the purpose of the Administrative Modification is to allow for modifications to a proposed project when the development standards create an unnecessary, involuntarily created hardship or unreasonable regulation which makes it impractical to require compliance with the development standards.

An Administrative Modification, similar to a Variance from the zoning standards, does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the property. An Administrative Modification only permits minor deviations from the regulations applicable to certain standards such as setbacks, height, and parking requirements. The Zoning provisions are not being changed or ignored; rather, the property owner is provided with a form of relief from the strict terms of a comprehensive zoning ordinance in order to use the property in a manner that places him in parity with other uses in the same vicinity and zone and is basically consistent with the established regulations. In this case, the proposed tandem parking use is temporary and the slight reduction in stall width is intended to maximize the number of parking spaces available for public use.

The special circumstances related to the requested Administrative Modification (stall width reduced by 8 inches) and Administrative Use Permit (tandem parking) are related to the temporary nature of the use and the necessity to supply adequate public parking for the area. Detailed findings for the Administrative Modification are included in as Attachment No. 4.

CONCLUSION:

Staff believes that the project is compatible with the area and the purpose and standards of the IG zone. Staff further believes that the project meets all other zoning provisions and is consistent with the requirements to make the findings necessary to grant an Administrative Modification for parking as set forth in Culver City Municipal Code (CCMC) Chapter 17.550 (Variances and Administrative Modifications), and that it meets the standards for tandem parking set forth in CCMC Chapter 17.320 (Off-Street Parking and Loading).

FISCAL ANALYSIS:

This is a private venture with no City or Agency funds reserved for the project. If the City under separate action chooses to consider sale or lease of the Rail Spur

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to the applicant, it may produce land or rent proceeds for the City which would be addressed in a staff report on that specific topic. The added parking will help secure parking for area businesses which may ultimately result in added sales and tax revenues to the City. The use will not likely generate additional City service costs if it is improved pursuant to the conditions of approval.

ATTACHMENTS:

1. Proposed Tandem Parking Layout Plans
2. Plan for Implementation of Tandem Parking/Parking Attendant System
3. Draft Covenant Amendment
4. Draft Conditions for AUP and AM

MOTION:

That the City Council:

- A. (Staff Recommendation) Direct staff to prepare a resolution which (1) Approves the amendment to the Warner Lot Parking Covenant to permit tandem parking and (2) grants the application in part, by approving the Administrative Use Permit and Administrative Modification for the Warner Lot only; and continue the Public Hearing to May 17, 2010.

OR

- B. Direct staff to prepare a resolution which (1) approves the amendment to the Warner Parking Lot Covenant to permit tandem parking and (2) grants the application by approving the Administrative Use Permit and Administrative Modification, in its entirety, conditioned on the City Council's approval for use of the Rail Spur property (which action would be considered at a future City Council meeting); and continue the Public Hearing to May 17, 2010.

OR

- C. Direct staff to prepare a resolution which denies the Warner Lot Parking Covenant amendment and the Administrative Use Permit and the Administrative Modification application; and continue the Public Hearing to May 17, 2010.