

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

Meeting Date: 4/5/2010	Item Number: PH-2
CITY COUNCIL AGENDA ITEM: Public Hearing On The Appeal Of An Administrative Site Plan Review For A Two-Story Addition To An Existing Office/Warehouse Building, Adding A Residential Unit And Office And Warehouse Space; Administrative Use Permit For Tandem Parking; And An Administrative Modification For The Reduction Of One Parking Space Located At 9355 Culver Boulevard.	
Contact Person/Dept.: Thomas Gorham, Christina Rios/CDD	Phone Number: (310) 253-5727 (310) 253-5756
Fiscal Impact: Yes ☒ No ☐	General Fund: Yes ☐ No ☒
Public Hearing: ☒	Action Item: ☐ Attachments: ☒
Public Notification: Notices mailed to all property owners and occupants within a 500-foot radius of the project site (3/15/10); Master Notification List (3/15/10); Julie Lugo Cerra, City Historian(3/15/10); Applicant and property owner (3/15/10).	
Department Approval: Sol Blumenfeld (04/01/10)	City Attorney Approval: Carol Schwab (by H. Baker)(04 /01/10)
Fiscal Impact Review: Martin R. Cole (04/01/10)	City Manager Approval: Mark Scott (04/01/10)

RECOMMENDATION:

Staff recommends the City Council consider the appeal of the Director's approval of the Administrative Site Plan Review, Administrative Use Permit, and Administrative Modification for the project located at 9355 Culver Boulevard and either:

- A. **(Staff Recommendation)** Deny the appeal, uphold the Director's decision and approve of the Administrative Site Plan Review, Administrative Use Permit, and Administrative Modification; OR,
- B. Grant the appeal, in part, and modify the Director's approval of the Administrative Site Plan Review, Administrative Use Permit, and Administrative Modification by imposing additional conditions; OR
- C. Grant the Appeal in its entirety, overturn the Director's decision and deny the approval of the Administrative Site Plan Review, Administrative Use Permit, and Administrative Modification.

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.

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3. Mayor seeks a motion to close the public hearing after all testimony has been presented.
4. The City Council discusses the matter and arrives at its decision.

BACKGROUND:

On January 19, 2010, an Administrative Site Plan Review (ASPR), Administrative Use Permit (AUP), and Administrative Modification (AM) were approved for a 5,824 square foot commercial building addition after determining that the proposed project is compatible with the commercial buildings in the area and that it is consistent with the purpose and standards of the Commercial Downtown (CD) Zone, with slight modifications permitted under the administrative authority established in Title 17, Zoning, of the Culver City Municipal Code ("CCMC"). Attachment No. 1 contains the decision letter, findings and conditions of approval. During the comment period, staff received a written comment from an adjacent business owner expressing concern over insufficient parking and the project size (Attachment 2). On February 1, 2010, the City Council voted to initiate an appeal of the Director's decision to approve the project, based upon concerns related to project parking, building height and vehicle egress.

Summary of Minor Modifications and Approvals Requested:

- Reduction of 1 parking space.
- 4 tandem parking spaces accessed from abutting alleys.
- Approval of 5,824 sq. ft. building addition.

Project Site:

The subject site is located on the north side of Culver Boulevard between Main Street and Canfield Avenue and consists of two parcels totaling 7,423 square feet. One parcel is flag shaped and wraps around an existing commercial building on the north and west sides of the property. It is located in the CD Zone and totals 5,992 square feet in area. This parcel is currently developed with the 4,453 square foot Citizen Building, a historic landmark, constructed in 1929 fronting on Culver Boulevard and extending back along the flag lot (see Attachments for illustration). The "flag" portion of the lot is developed with a single-story 2,097 square foot office/warehouse building constructed around 1940 and was significantly altered both on the interior and exterior in the 1990s. The second parcel abuts to the north and is 1,431 sq. ft. and zoned Commercial and located in the City of Los Angeles.

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Immediately to the east and west of the project site are two alleys. Retail and restaurants are the predominant land uses in the area. To the north of the project, there is a parking lot in the City of Los Angeles and the Canfield parking lot which is owned by the Culver City Redevelopment Agency.

The proposed project would provide a 2,868 sq. ft. second story (1,559 sq. ft. office space with the remainder used for storage, stairways and corridors) and a 2,840 sq. ft. third story to the existing office/warehouse building for a total addition of 5,824 square feet. The third floor will contain a 3 bedroom residential unit to be occupied by the owner of the business occupying the warehouse, office and art gallery space. The project is consistent with bringing jobs and housing together as a mixed use development promoting air quality and mobility goals.

Project Design:

The contemporary building addition will be designed so that the second and third floor addition cantilevers over the vacant parcel in the City of Los Angeles where 6 tandem parking spaces for the project will be located. The City of Los Angeles Departments of Building and Planning have relinquished entitlements and building permit authority to the City of Culver City for this project.

Historic Building Designation:

In 1987, the Citizen Building was listed in the National Register of Historic Places ("National Register"). In 1991, it was given the designation of "Landmark" by the City Council and listed in Culver City's register of historical resources. The existing ca. 1940 office/warehouse ("annex") building is given secondary reference in the National Register of Historic Places nomination documentation; it is not included in the description of the Citizen Building in the 1987 Thirtieth Street Architects field survey or the 1990 Historic Preservation Advisory Committee Report prepared in conjunction with the establishment Culver City's Historic Preservation Program and listing of properties in Culver City's register of historical resources. Compliance with the U.S. Secretary of the Interior's Standards for Rehabilitation – which include guidelines for additions and construction that is adjacent to historically designed structures (Standards No. 9 and 10) -- is required both per Culver City's Municipal Code ("CCMC") Section 15.05 et seq. and for properties listed on the National Register. Cultural Affairs staff and the City's on-call preservation consultant, reviewed the proposed project with the following findings:

The overall historic character of the 1929 Citizen Building will be preserved and the addition to the ca. 1940 annex will not directly compromise or compete with

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one of the character-defining features of the older structure which include the Beaux Arts and Art Deco style façade facing Culver Boulevard. Although included in the 1987 National Register nomination, the annex has compromised integrity due to subsequent alterations; the exterior of the 1929 brick structure remains virtually unaltered since 1987. The proposed addition to the annex should have no impact on the property's ability to convey its architectural significance or its historic association with newspaper publisher Eugene Donovan, two criteria for which the property is listed on the National Register. The 75 foot setback and the somewhat atypical site lines provide relatively few locations from which one simultaneously views the façade of the 1929 Citizen Building and that of the annex addition.

Parking:

Required Parking:

Office Use:	5 spaces (1 space per 294 sq. ft.) 1,559 sq. ft. office / 294 = 5.30 or 5 spaces.
<u>Residential Unit:</u>	<u>2 spaces (3 bedroom unit)</u>
Total	7

Proposed Parking: 6 on-site spaces (4 of which are in tandem); 1 off-site space accessible to the disabled ("disabled space").

The project consists of an addition to an existing building and only the addition is required to be parked pursuant to CCMC Sections 17.610.020.B1 and 17.610.020.B.3.b.iii (Nonconforming Parking). The proposed addition requires a total of seven on-site parking spaces: Five spaces for the new office area on the second floor and two spaces for the third floor residential unit. The applicant has requested a ten percent reduction of parking (1 space) pursuant to CCMC Section 17.550.010 A.

One disabled space is required for the project. The disabled space may be counted toward the total number of required spaces (pursuant to CCMC Section 17.320.030.A); however, since the disabled space cannot be located on site (it is proposed to be located within 50 feet of the project on the abutting Agency owned Canfield parking lot), it was not counted toward the number of required parking spaces. The space is accessed along the west side of the building from an alley, which was approved by the Building Official as consistent with the requirements of the Building Code and Title 24 of the California Administrative Code. The City Council may wish to provide a covenant allowing the exclusive use of the handicap space to the applicant in order to guarantee the space

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remains tied to the project. The covenanted space would then qualify as off-site parking to satisfy the project's parking requirement pursuant to CCMC Section 17.320.025.D4.

DISCUSSION:

At the February 1, 2010 City Council meeting, members of the City Council expressed concern regarding the Administrative Modification approval, the proposed building height and its compatibility with the surrounding area, tandem parking and vehicles backing into the street. Below is a summary of and response to these comments.

1. The project site provides insufficient parking and the project requests reduced parking in excess of 10 percent which exceeds the maximum adjustment for an Administrative Modification therefore the filing of an application for a Variance is required.

Currently there is no on-site parking for the existing building and it is considered legal nonconforming regarding the parking requirements. The occupants of the building currently lease spaces off-site. Pursuant to Zoning Code Section 17.610.020B.3. (Nonconforming Due to Parking – Nonresidential structures and uses), structures with parking space deficiencies shall be allowed to expand and the number of additional parking spaces required shall equal the number of spaces directly required by the expansion area only. As noted above, the proposed project will require a total of seven parking spaces. The existing ground floor area does not require any additional parking as it is considered legal nonconforming as described above.

CCMC Section 17.550.010.A allows minor modifications to the parking requirement (up to 10%) when the Director can make the applicable findings to approve an Administrative Modification. The applicant proposes a 10% reduction or a reduction of one parking space using the following calculation:

$$\begin{aligned}\text{Total Parking Required} &= 7 \text{ spaces} \\ &\quad \times .10\% \text{ (Administrative Modification Allowance)} \\ &= .7 \\ 7 \text{ (spaces required)} - .7 \text{ (10\% allowance)} &= 6.3 \text{ spaces required}\end{aligned}$$

CCMC Section 17.320.020.B states that "fractional spaces equal to or greater than one half shall be rounded up to the nearest whole number." With the 10% parking reduction the required parking for the project is 6.3 spaces. Since the fractional spaces are not equal to or greater than .5, the difference of 6.3 spaces

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is rounded down to 6 required spaces. Therefore, the proposal does not exceed the maximum adjustment of ten percent 10% and a one parking space reduction from the required seven parking spaces may be permitted through an Administrative Modification.

Subsequent to City Council discussion of initiation of an appeal and prior to the preparation of this report, staff received a question as to whether it is permissible to use the rounding provision twice for the project (i.e. once when calculating the required number of parking spaces for the project and a second time when calculating the allowable reduction in parking under the Administrative Modification). For the proposed project (1,559 sq. ft. office / 294 = 5.30), the fractional number resulting from the office space parking calculation was rounded down to five spaces, and the two residential-required spaces were added, yielding a total of seven required parking spaces for the project. As discussed previously, in calculating the permitted reduction of parking spaces through an Administrative Modification ($7 \text{ spaces} \times .10 = .7$ and $7 - .7 = 6.3$), the fractional number was rounded down to 6 spaces. Acknowledging that parking spaces only exist in whole numbers and it is impossible to have a “fraction” of a parking space, CCMC 17.320.020.B. requires that this function of “rounding” be incorporated into all project parking calculations and does not exclude its application from the parking calculation for determining whether an Administrative Modification is justified. Further, the mandatory language of this Section (“...fractional spaces equal to or greater than one half shall be rounded up to the nearest whole number.” – emphasis added), does not allow for staff to selectively “round” for specific types of parking calculations, unless a different type of calculation is specifically required in the CCMC.

Another question that has been raised is whether the required parking should be calculated as: 1 space reduction
 $7 \text{ required spaces} = .14$ or 14%. (which is greater than 10%).

Although mathematically correct this is not an appropriate calculation in the context of the applicable CCMC provisions. Furthermore, the intent of the administrative provisions is to allow minor variations. Using this calculation it would not be possible to grant an Administrative Modification unless the project contains a minimum of 10 spaces ($10 \text{ spaces} \times .10 = 1$). The CCMC does not provide that a minimum of 10 spaces are required for an Administrative Modification nor does it provide that less than 10 spaces are prohibited from an Administrative Modification. The one parking space reduction proposed with the current project is consistent with the types of minor adjustments or minor approvals that are contemplated by Chapter 17.550 (Table 5.2), and

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inconsistent with an interpretation of the CCMC based on a restrictive method of calculation that effectively precludes such small modifications.

The City Attorney's office has reviewed the applicable provisions of the CCMC and has determined that the parking standards for this project as discussed in this report have been legally applied.

2. The project does not 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.

Due to the current building coverage and lot configuration, the project site cannot accommodate more than six on-site parking spaces. The historic designation of the property also limits the ability to provide additional parking since only limited building modifications that are consistent with the City's Historic Preservation Ordinance are permitted for the Citizen building. When the proposed project was first presented to the City it was determined that 10 parking spaces would be required based on the proposed square footage. Only three parking spaces were proposed on-site at that time. The applicant petitioned the Redevelopment Agency to use seven parking spaces from the City's pooled parking supply. However, the Agency was not able to accommodate the applicant's request. Subsequently, the applicant reduced the project size and revised the project to include three (3) additional on-site parking spaces in tandem configuration for a total of six (6) on-site spaces.

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. A modification only permits minor deviations from the regulations applicable to certain standards such as lot size 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 owners in the same vicinity and zone and is basically consistent with the established regulations.

In this case, the site is largely occupied by a historic building which limits the utility and development of the site (particularly for parking) because the historic structure may only be slightly modified and this condition is inconsistent with the surrounding properties. Thus a minor modification related to parking is justified. Lot shape and size also justify the proposed Administrative Modification given

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the Flag Lot configuration of the property. These special circumstances support the slight relief of one parking space from strict parking requirements set forth in the CCMC.

3. The proposed addition is not compatible with the surrounding area.

The proposed project does not exceed the height limit in the CD zone and will not detract from a primary character-defining feature of the 1929 Citizen Building which is the street facing façade. The height limit in the CD zone is 44 feet and the building measures 44 feet to the top of the roof. In addition the elevator and stairway penthouses extend thirteen feet four inches (13'4") above the roofline, which is within the allowable 13'-6" for rooftop mechanical equipment and structures (elevators and stairways) as provide in the CCMC.

The proposed colored concrete wall (37' high) viewed at the south elevation, will be setback approximately 75' from Culver Boulevard and will match the gray cast stone of the Citizen building façade. This setback will also help diminish the overall impact of the additional height and bulk of the appearance of the historic building.

For several years, the City has embarked on a strategy to encourage retail uses in the downtown, limiting the type of ground level uses to retail and promoting retail development with relief from on-site parking requirements. The pooled parking program in the downtown is an example of that policy. The proposed project is consistent with the intent of this past policy in that the ground level will remain a gallery space and the proposed administrative relief helps facilitate the continuation and expansion of retail in the Citizen building.

4. The use of tandem parking.

The project parking is configured so that there are two (2) pairs of tandem parking spaces for the office area and two (2) independently accessible parking spaces for the living unit. Thus the project provides two sets of tandem spaces and two direct access spaces.

5. Vehicles backing into the street.

The vehicles parked at the project site will back into the alley, not the street, which is allowed in Section 17.320.035 (Parking Design and Layout Guidelines). Access to the project parking will be off of the alley ways along the west and east sides of the site that connect to Culver and Venice Boulevards. This condition requiring backing up into an alley applies to virtually every commercial property in the City.

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CONCLUSION:

The project's design is compatible with the commercial buildings in the area and with the purpose and standards of the CD zone. The project meets all setback requirements, does not exceed the CD height limit, conforms to the requirements to allow an Administrative Modification for parking set forth in CCMC Chapter 17.550 (Variances and Administrative Modifications), and meets the standards for tandem parking set forth in Chapter 17.320 (Off-Street Parking and Loading), as outlined in the January 19, 2010 Administrative Decision letter.

FISCAL IMPACT:

This is a private venture project with no City or Agency funds reserved for the project. If appeal is denied and the Director's approval is upheld, then the City would gain commercial taxes once the project is operational. The use may generate additional city costs in the event that there are emergency services call outs to the site. The City Council may wish to consider a covenant for the proposed handicap space resulting in a nominal lease payment to the Agency.

ATTACHMENTS:

1. January 19, 2010 Decision Letter
2. Written Public Comment
3. Development Plans dated May 26, 2009
4. Proposed Resolution Denying the Appeal
5. Proposed Resolution Granting the Appeal
6. Flag Lot illustration

MOTION:

That the Council either:

- A. **(Staff Recommendation)** Adopt a Resolution denying the appeal, upholding the Director's decision and approving the Administrative Site Plan Review for the two-story addition, Administrative Use Permit for tandem parking, and Administrative Modification for the reduction of one (1) parking space.

OR

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- B. Adopt a Resolution granting the appeal, in its entirety, overturning the Director's decision and denying the approval of Administrative Site Plan Review for the two-story addition, Administrative Use Permit for tandem parking and Administrative Modification for the reduction of one (1) parking space.

OR

- C. Adopt a Resolution granting the appeal, in part, and modifying the Director's approval of the Administrative Site Plan Review for the two-story addition, Administrative Use Permit for tandem parking and Administrative Modification, by imposing additional conditions.