

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Meeting Date: 04/03/06                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Item Number: <u>PH-1</u>                                                               |
| <b>AGENDA ITEM: Height Exception, HEIGHTEX P-2005076 and Mitigated Negative Declaration Determination for the Studio R Office/Commercial Development located at 9343 Culver Boulevard in the Commercial Downtown (CD) Zone.</b>                                                                                                                                                                                                                                                                                        |                                                                                        |
| Contact Person/Dept.: Jose Mendivil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Phone Number: (310) 253-5757                                                           |
| Fiscal Impact: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                     | General Fund: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>      |
| Public Hearing: <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Action Item: <input type="checkbox"/> Attachments: <input checked="" type="checkbox"/> |
| Public Notification: Notices were mailed on March 13, 2006, to all property owners and occupants within a 300 foot radius of the site, extended to end of city block; courtesy notices were mailed to the Culver City Chamber of Commerce, Downtown Business Association, Culver City Homeowners Association, Tom Camarella, Marta Zaragoza, Sandi Levin, City Council, Planning Commission, and Cultural Affairs Commission; as of March 13, 2006, the site has been posted; and Master Notification List on 3/29/06. |                                                                                        |
| Department Approval:<br>Susan Evans (03/16/06)                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CAO Approval:<br>Jerry Fulwood (03/29/06)                                              |
| City Controller Approval:<br>Marlee Chang (03/29/06)                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                        |

**RECOMMENDATION:**

That the City Council (the "Council") establish by resolution a maximum building height of fifty six (56) feet above grade with an additional nine (9) feet for roof top structures at 9343 Culver Boulevard in the Commercial Downtown (CD) Zone, subject to Conditions of Approval stated in Draft City Council Resolution No. 2006-R\_\_\_ (Attachment No. 1).

**PROCEDURES:**

1. Mayor seeks motion to receive and file affidavit of mailing and posting of notices.
2. Mayor calls on staff for a brief staff report and Council members pose questions to staff as desired.
3. Mayor opens the public hearing and receives public testimony.
4. Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. Council discusses the matter and arrives at its decision.

**BACKGROUND:**

The project site is currently developed with a single story, 4,299 square foot office building with zero setbacks. Parking for the site is provided through downtown pooled parking. The applicant proposes to demolish the structure and construct a

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

four story, 16,821 square foot building that will house his current office tenants (who are engaged in entertainment and art related fields) and create additional office space. Further, the ground floor will be dedicated for retail and/or restaurant use and will incorporate an outdoor patio area (that could be used for outdoor dining) in the front that wraps around the alley frontage. A balcony on the fourth floor and a roof top deck that could accommodate special events for tenants only is also proposed. A City Council approved Height Exception is required because the proposed height of four stories and 56 feet exceeds the Commercial Downtown (CD) Zone height limit for the north side of Culver Boulevard which is the greater of three stories and 44 feet.

The motion before the City Council approves a maximum building height of 56 feet, measured from the street grade to the roof deck. There is an additional nine (9) feet to accommodate a three and half foot (3.5) high parapet wall above the roof deck and roof top appurtenances. The nine (9) feet is within the Zoning Code allowed 13 feet 6 inch limit above the building height for accommodation of roof top equipment as noted above. The total height of the structure including the parapet wall and roof top appurtenances is 65 feet.

On February 22, 2006, the Planning Commission, reviewed this project, adopted a Mitigated Negative Declaration (MND), approved Site Plan Review, SPR P-2005075, and recommended that the City Council approve Height Exception, HEIGHTEX P-2005076. For a full background on the Planning Commission action, please refer to Attachment Nos. 3 through 11 which contain the Commission staff report, project summary, Area Map, Aerial Photo of Area, resolutions, and plans dated February 7, 2006. No appeal was filed on the Site Plan Review and the Planning Commission's decision is final.

Although disapproval of the Height Exception will nullify the Site Plan Review, the Council can only consider the Height Exception and not the merits of the Site Plan Review. The above noted attachments having to do with the Site Plan Review are presented in this agenda report for information purposes only. However, the elevations included within the plans dated February 7, 2006 (Attachment No. 11) will assist the Council in making its decision with regards to the Height Exception. Culver City Municipal Code (CCMC) Title 17, Chapter 17.300.025.C.1, requires that the City Council make a decision on the Height Exception application after the Planning Commission makes a recommendation to the Council. In addition, the Culver City Redevelopment Agency must approve the Site Plan Review for this project; a companion Agency Agenda Item Report is included within the April 3, 2006, Agency agenda.

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

**DISCUSSION:**

Staff is supporting the height exception request. As an overall design for Downtown, the 56 foot high structure with an additional nine feet for roof top stair well enclosures, elevator shafts, and restrooms will not contradict the small to medium scale objectives for Downtown buildings. The project's use objectives and other development features (setbacks and parking) are consistent with the Zoning Code and General Plan Land Use Element. Additionally, the building will be compatible with existing and future buildings that are, or will be, developed with heights exceeding Zoning Code limits. This project will complement nearby Downtown structures such as the Culver Hotel at 82 feet, 4 inches, the Ince Parking Structure at 64 feet, and the future development of "Parcel B", the surface parking lot south of the site, entitled for a 56 foot high structure. The applicant has submitted a written statement regarding their request for a height exception (Attachment No. 9).

According to the applicant, a 56 foot limit is a reasonable height for today's building and leasing standards for office space and ground floor retail and/or restaurant space. Specifically, modern office buildings require a clear nine foot or higher floor to ceiling space and additional room for structural beams and air conditioning systems. The applicant also informs that restaurant and retail tenants are increasingly asking for high ceiling spaces approaching 20 feet or more in order to have a viable merchandizing approach and remain competitive.

The applicant's development proposes only a 15 foot, 6 inch ground level floor to floor height and a 13 foot, 6 inch floor to floor height for the remaining levels. They strongly feel that the economic viability of their small lot requires the additional height and the number of levels requested. They believe that the various levels of use proposed can not be under the acceptable minimum standards in the industry for marketability and leasability purposes.

Further, the applicant argues that due to a shortage of viable land to build on, a more vertical approach to office/retail developments along commercial corridors will be necessary. Consequently, they feel a 4 story, 56 foot high building is justified. They have stated that they have the support of their neighbors.

**Shade and Shadow Study**

Because of the Height Exception request, the City required a Shade and Shadow Study (Attachment No. 10). The Shade and Shadow Study illustrates that the project will create the greatest impacts to the rear of the adjacent office building (Citizen's Building) in the morning during the Winter Solstice and to the Pacifico's Restaurant in the afternoon, also during the Winter Solstice. It must be noted that the current building on the project site is directly adjacent to the Citizen's Building

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

and has no setback. Therefore, there are no current shading issues as there are no windows on the side of the Citizen's Building adjacent to the project site. Shading caused by the new building will affect only the roof of the Citizen's Building. Shading during the Summer Solstice causes the least amount of shading impacts and during the afternoon of the vernal/autumnal equinoxes, Pacifico's Restaurant is substantially shaded.

This study takes into account the most severe shading, occurring only on one day (Winter Solstice), the least severe shading, also occurring only on one day (Summer Solstice) and two intermediate periods (Vernal and Autumnal Equinoxes). Overall the impacts are not significant. It is expected that in a downtown setting structures of varying heights will be situated close to, or at zero setback, from each other and that the taller buildings will shade the shorter structures. Additionally there are no residential units immediately adjacent to the project site and shading will occur on commercial/retail buildings and surface parking areas.

**CEQA Discussion**

Pursuant to the California Environmental Quality Act (CEQA) guidelines this project has been determined to have less than significant impacts on the community provided a mitigation measure relating to Cultural Resources is incorporated; a Mitigated Negative Declaration (MND) has been prepared. A mitigation measure protecting the historic Citizen's Building has been proposed and is incorporated into the MND (Attachment No. 2) and Site Plan Review Conditions of Approval as stated in Resolution No. 2006-P003 (Attachment No. 7).

**FISCAL ANALYSIS:**

As a current office use the site generates business tax revenue for the City, the Redevelopment Agency, and other non-city agencies. This revenue source will potentially increase with added office space and new retail/restaurant space.

**ATTACHMENTS:**

1. Draft City Council Resolution No. 2006-R\_\_\_\_.
2. Mitigated Negative Declaration
3. February 22, 2006 Planning Commission Staff Report
4. Project Summary
5. Area Map
6. Aerial Photo of Area
7. Planning Commission Approved Resolution No. 2006-P003 (Site Plan Review)

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

8. Planning Commission Approved Resolution No. 2006-P004 (Height Exception)
9. Applicant's Written Statements on Height Exception
10. Shade and Shadow Study
11. Plans Dated February 7, 2006

**MOTION:**

That the City Council approve Resolution No. 2006-R (Attachment No. 1) that establishes by resolution a maximum building height of fifty six (56) feet above grade with an additional nine (9) feet for roof top structures at 9343 Culver Boulevard in the Commercial Downtown (CD) Zone, subject to Conditions of Approval stated in said Resolution.