



CITY OF CULVER CITY

9770 Culver Boulevard, Culver City, California 90232

Sol Blumenfeld
Community Development Director

310 253-5700
310 253-5779 Fax

ZONING CODE INTERPRETATION AND REFERRAL TO BOARD OF ZONING ADJUSTMENT ZCI 22-01

Date: May 4, 2022

From: Sol Blumenfeld, Community Development Director

Subject: Zoning Code Interpretation:

Land Use Classification and Parking Requirements for land use proposal by the Culver City Football Club at 5659 and 5649 Selmaraine Drive.

Code Sections: (1) Chapter 17.120: Interpretation of Zoning Code Provisions;
(2) Chapter 17.320: Off-Street Parking and Loading; and
(3) Chapter 17.700: Definitions.

Background:

In September 2021, The Culver City Football Club (the Applicant) contacted the Current Planning Division to discuss the proposed use of the Project Site as a youth soccer club and training facility at 5659 and 5649 Selmaraine Drive (the Project Site). The Project Site consists of these two adjacent lots zoned "IG" (Industrial General) with a General Plan Land Use Designation of "Industrial". 5659 Selmaraine is a 10,000 square-foot lot currently developed with a 6,000 square-foot building, previously used as a Veterinary Clinic until 2018. The adjacent parcel, 5649 Selmaraine Drive, is a 5,438 square-foot vacant lot previously used as a vehicle towing facility (no storage). Aerial images suggest there are currently 5 legal non-conforming parking spaces located at 5659 Selmaraine Drive.

Project Proposal

The Applicant proposes to install an **indoor** futsal court (soccer field typically with a wood or synthetic surface) within the existing building at 5659 Selmaraine Drive, and an **outdoor** futsal court on the vacant lot at 5649 Selmaraine Drive with the following operations:

- Regular team practices and training sessions;
- Individual training sessions;
- Player development camps/clinics; and
- Soccer/futsal matches

The Applicant may consider splitting the project into two phases, where phase one would include an indoor-only facility. Under phase one, the Applicant requests the indoor use be considered a “Health and Fitness Facility”. Under phase two, the Applicant would request a CUP for the outdoor futsal court, which would replace the on-site parking. The proposed phasing of uses would enable the Applicant to start operating within the building with required parking on-site, and thereafter search for alternative parking off-site for the required additional complement of parking in compliance with Zoning Code Section 17.320.025.B.1 - Alternative Parking Provisions. A Health/Fitness Facility use is permitted by right in the zone and the Outdoor Commercial Recreation use would require a Conditional Use Permit (CUP). The applicant prefers to phase the uses to avoid processing a CUP initially and to park the project for the health and fitness use on-site in the first phase. The applicant was advised that the facility parking must be based upon the approved use(s).

Section 17.120.010 of the Zoning Code authorizes the Director to make interpretations relative to allowable uses of land, similar uses allowed, and applicable standards and permit requirements for such uses. When necessary, the Director may refer the matter to the Board of Zoning Adjustments (BZA) for interpretation.

Due to the unique nature of the project, the Director has determined that the proposed use does not fit into the existing land use categories in the Zoning Code. Pursuant to CCMC Section 17.120.010. E, when a proposed use of land is not listed in CCMC Article 2: Zoning Districts, Allowable Land Uses and Zone-Specific Standards, the use shall not be allowed, except when the Director determines that a proposed use meets all the following findings:

- a. The proposed use will be consistent the goals, objectives and policies of the General Plan and any applicable Specific Plan; and
- b. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and are not more destructive, detrimental or intensive than the uses listed in the district; and
- c. The proposed use will meet the purpose and intent of the zoning district that is applied to the site.

Director Determination

On November 15, 2021, the Director determined that the proposed use is most similar to the “Outdoor Commercial Recreation” use category. This similarity interpretation would apply to the proposed use in any configuration (indoor, outdoor, or both) and would be permissible with a CUP.

| Outdoor Commercial Recreation – Code Summary | |
|---|---|
| CCMC Definition | Facilities for various outdoor sports or entertainment and types of recreation where a fee is charged for use, such as amphitheaters, golf driving ranges separate from golf courses, miniature golf courses, batting cages, and swim and tennis clubs. Does not include parks and playgrounds, which are defined separately. |
| CCMC Permit Requirements – IG Zone | Conditional Use Permit (CUP). |
| CCMC Number of Parking Spaces Required | Determined by CUP or Comprehensive Plan. |

Request:

The Applicant submitted a written request to the BZA for an appeal of the Director's interpretation of similar land use and parking requirements. The purpose of the subject interpretation is as follows:

- Determine the equivalent land use category for a youth soccer club and training facility operating both outdoors and indoors;
- Determine the equivalent land use category for a youth soccer club and training facility operating indoors only; and
- Confirm applicable parking requirements (number of parking spaces required).

The Applicant requests the following interpretation:

1. Classification of the outdoor portion of the proposed use as an Outdoor Health/Fitness Facility.
2. Classification of the indoor portion of the proposed use as a Health/Fitness Facility.
3. A parking requirement of 2 parking spaces per court, plus 1 space per 300 square feet of gross floor area for ancillary uses, consistent with the parking requirements for "tennis, racquetball, handball or other courts".

Note: Certain aspects of the Applicant's request are not open to interpretation. This is discussed below in Discussion/Analysis.

Discussion/Analysis:

The proposed use is unique because it includes both an outdoor facility and an indoor facility. Permitted outdoor uses are listed separately in the land use tables. For example, outdoor dining, outdoor storage, outdoor retail sales, and outdoor commercial recreation, may be permitted with an entitlement. Land use classification has historically been based on the primary use. An accessory or ancillary use may also be permitted when meeting

the CCMC definition for “Accessory Use”. The indoor futsal court or the outdoor futsal court could only be considered accessory to the other if it is determined to be consistent with the below definition for “Accessory Use”.

| Definitions per CCMC Section 17.700.010 | |
|--|--|
| Primary Use | The main purpose for which a site is permitted, developed and occupied, including the activities that are conducted on the site during most of the hours when activities occur. |
| Accessory Use | A use customarily incidental to, related and clearly subordinate to a principal use established on the same parcel. Which does not alter the principal use, nor serve property other than the parcel where the principal use is located. |

Alternatively, the project could be considered in phases. The Zoning Code is silent about phasing of projects, but the City has previously permitted phased projects with discretionary approvals (Sony Studios, Culver Studios). The phasing of the subject project could reasonably involve separate uses (indoor and outdoor) if the necessary findings can be made to approve them. The proposed “phase one” indoor use could be allowed, with required parking, if the similarity findings can be made that the indoor use is similar to a Health/Fitness Facility. The outdoor soccer use could be permitted thereafter under “phase two” through approval of a CUP when the applicant is ready to apply for one.

As an outdoor-only facility, the project could be interpreted to be equivalent to “Outdoor Commercial Recreation”. However, the project includes an indoor futsal court in addition to the outdoor futsal court. The Director interpreted that the Primary Use for an Outdoor Commercial Recreation facility that incorporates indoor activities would be similar to an Outdoor Commercial Recreation use.

Classification of the proposed use as an indoor-only facility also requires interpretation because the Applicant may consider beginning operations indoors before moving forward with the outdoor facility.

Request No. 1: Classification of the outdoor portion of the proposed use as an Outdoor Health/Fitness Facility

The requested classification of the outdoor portion of the use as an “Outdoor Health/Fitness Facility” is not subject to interpretation because “Outdoor Health/Fitness Facility” is a not an existing land use established in the Zoning Code. Classification as “Outdoor Health/Fitness Facility” would require a Zoning Code Amendment to add the use to the land use tables, define the use, and establish permit requirements for the use by zoning district.

Further, the Zoning Code specifies that all commercial and industrial uses must be conducted indoors only, unless the Zoning Code indicates otherwise, in accordance with the following:

CCMC Section 17.200.020 – Zoning District Regulations

C. Indoor Uses Only. *All commercial and industrial activities, other than off-street parking, shall be conducted entirely within an enclosed structure(s), except as may otherwise be allowed in compliance with this Title”.*

Exceptions expressly allowed by the Zoning Code are Outdoor Dining, Outdoor Storage, Outdoor Retail Sales and Display, and Outdoor Commercial Recreation. Health/Fitness Facilities are not exempt from this requirement.

All permitted outdoor land uses require a use permit (Administrative Use Permit or Conditional Use Permit) to determine the suitability of the site for the outdoor use, and compatibility of the use within the zone and surrounding area and to allow the City to impose conditions of approval which may be necessary to mitigate potential impacts of the use. The Director previously interpreted that the outdoor use for the Project is most similar to “Outdoor Commercial Recreation”.

Request No. 2: Classification of the indoor portion of the proposed use as a Health/Fitness Facility

The Applicant may consider phasing the project such that Phase one would involve development of an indoor-only facility first. Interpretation is therefore needed to determine whether an indoor-only youth soccer club and training facility is similar and not more intense than a Health/Fitness Facility

The Director determined that an indoor-only facility would operate most similarly to an Outdoor Commercial Recreation Use, as it would consist of an indoor version of the use being proposed outdoors. There is currently no indoor equivalent for commercial recreation uses established in the Zoning Code.

The Applicant requests that the indoor facility be classified as Health/Fitness Facility. Zoning Code requirements for Health/Fitness Facilities are summarized in the table below.

| Health/Fitness Facilities – Code Summary | |
|---|--|
| CCMC Definition | Fitness centers, gymnasiums, health and athletic clubs, including any of the following: indoor sauna, spa, tanning or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor activities. |
| Key Features | Indoor Only. |
| CCMC Permit Requirements – IG Zone | Permitted (subject to parking requirements). |
| CCMC Number of Parking Spaces Required | 1 parking space per 200 square feet of gross floor area. |

While the youth soccer club and training facility involves fitness activity, the proposed use has unique operations which may not be similar to a typical Health/Fitness Facility permitted in the City (e.g., LA Fitness, Equinox, etc.). The similarity provisions in Zoning Code Section 17.120 require that the activities associated with a proposed use must not be more intensive than the equivalent land use category. It is uncertain whether the proposed use would be more intensive than Health/Fitness Facility.

The Zoning Code definition for Outdoor Commercial Recreation provides the example of a swim or tennis club, which could be considered analogous to the proposed youth soccer club and training facility, even if the proposed use is located entirely indoors. The CUP required for Outdoor Commercial Recreation would provide an opportunity for the City to manage the intensity of the use, address potential impacts related to traffic and parking, and impose conditions to ensure the use is compatible with the surrounding area.

The definition of a Health/Fitness Facility suggests that “other indoor activities” (sauna, spa, tennis, racquetball, handball) could be included as an ancillary amenity within a Health/Fitness. For example, an indoor sauna within a fitness center would be a typical amenity; however, a stand-alone indoor sauna use would not be considered a Health/Fitness Facility. The same applies for tennis, racquetball, and handball activities which could be expected as part of a larger fitness center. When proposed as a stand-alone use with different operations than a Health/Fitness Facility, indoor tennis may be more equivalent to a different land use category.

Request No. 3: Parking requirement of “tennis, racquetball, handball or other courts” (2 parking spaces per court, plus 1 space per 300 square feet of gross floor area for ancillary uses)

The parking requirements for the proposed use are not subject to interpretation because, per CCMC Section 17.320.020 – Number of Parking Spaces Required, each land use must provide the number of parking spaces required by Table 3-3- (Parking Requirements by Land Use) consistent with the land use category under which it is classified, unless an applicable land use sub-category is listed separately. A greater number of parking spaces may be required by a CUP or other permit approval.

| Summary of Parking Requirements by Land Use | |
|--|--|
| Land Use | Vehicle Spaces Required |
| Outdoor Commercial Recreation | Determined by CUP or Comprehensive Plan. |
| Health/Fitness Facility | 1 parking space per 200 square feet. |
| Tennis, racquetball, handball and other courts | 2 spaces per court, plus 1 space per 300 square feet for ancillary uses. |

The applicant requests that the proposed use be parked at the rate for “tennis, racquetball, handball and other courts”. Parking for “tennis, racquetball, handball and other courts” is listed separately in Table 3-3C of the Zoning Code (Number of Parking

Spaces Required), however, it is not listed as its own land use in the Zoning Code land use tables.

Tennis, racquetball, and handball are sports played by no more than 2-4 players per court¹ (singles or doubles), whereas soccer/futsal courts would accommodate more players during practices and player development camps/clinics. Due to the unique nature of the proposed use, parking demand for the use may be less predictable. The size and shape of the Project Site may pose constraints for providing adequate code-compliant parking for the use. Installation of an outdoor futsal court could leave little to no room for on-site parking spaces. Determining parking requirements as part of the CUP process would ensure that parking requirements are tailored to demand created by the use. The CUP would provide an avenue for addressing the number of required parking spaces, which may require an off-site parking location and/or valet operations.

Interpretation:

- (1) Confirmation of the Director's determination that the use proposed by the Culver City Football Club for an indoor-outdoor or indoor-only youth soccer club and training facility is equivalent to the "Outdoor Commercial Recreation" land use established in CCMC Section 17.230 and subject to a CUP.
- (2) Confirmation that the proposed use shall be parked at the rate determined by the CUP required for Outdoor Commercial Recreation uses.

Determination:

Pursuant to Zoning Code Sections 17.120.015 – Procedures for Interpretations, the following is recorded as an official interpretation of the Zoning Code.

Under CCMC Section 17.120.010.E - Rules of Interpretation – Allowable Uses of Land, the characteristics of, and activities associated with, the proposed Culver City Football Club youth soccer club and training facility are equivalent to Outdoor Commercial Recreation, regardless of whether the proposed use is located indoors, outdoors, or both indoors and outdoors.

¹ According to the United States Handball Association, American handball is played by two, three, or four players maximum.

Development Standards:

The Planning Division will review a project application describing the proposed use and operations and related plans based upon the determination of the BZA. If the proposed land use and related site improvements are determined to be consistent with this Zoning Code Interpretation, then it shall be processed according to this determination and subject to any additional applicable development standards of the Zoning Code.

Record of Interpretation:

In accordance with Zoning Code Section 17.120.015.B.2:

1. This Zoning Code Interpretation shall be distributed to the City Council, Planning Commission, City Attorney, City Clerk and all pertinent staff; and
2. The Zoning Code shall be amended as soon as practical to reflect the Director's determination set forth in this Zoning Code Interpretation.

By:

Nancy Barba
Board of Zoning Adjustment Member

Dated

Andrew Reilman
Board of Zoning Adjustment Member

Dated

Attachments:

1. Request for Appeal of Zoning Code Interpretation
2. Proposed Project Plans

March 4, 2022.

From: Rafael Alvarez, CFO
Culver City Football Club

To: Sol Blumenfeld
Culver City Community Development Director

RE: Letter to the Culver City Planning Division for further review of the Board of Zoning Appeals "BZA" for consideration of the project located at 5659 Selmaraine Dr. Culver City Ca 90230.

Dear Mr Blumenfeld,

As requested in our last email communication and in order to schedule our matter for consideration with the BZA the attached plans are a scaled and measured parked plan for the site of the project.

The proposed project is to have a Training Facility for Members to utilize for performance, speed, agility and injury prevention training through individual and small group training sessions and small sided games.

The project as shown on the attached plans consist of two small courts the first of which is located inside the existing building with indoor space for ancillary uses and a second court on the outside. Our goal is to have both courts as described on Sheet A100-Site Plan, and the project information section on the T100-Title Sheet. We calculate that the project with one indoor court would require 5 parking spaces. Adding the additional court outside would require 2 additional spaces.

Our calculation reflects the expected use of the site based on the parking requirements for courts as stated on the CCMC of 2 per court and 1 space per every 300 SF of ancillary space. Furthermore we believe the parking to be adequate based on the limited access created by members attending a training session based on pre scheduled appointments and most participants being dropped off for their sessions.

The site also counts with vast access to public transportation not only on the surrounding streets such as Slauson, Jefferson and Sepulveda, but also a public transportation hub located on the corner of Slauson and Sepulveda near the Westfield Shopping Center.

Time of operation is also an important factor to consider for parking requirements as our peak hours are typically during the after school hours between 5pm and 10pm given the age groups that we cater to as a youth club. These peak times would not affect the surrounding businesses which in their majority operate during regular business hours.

As it pertains to the permitted use of the location, we believe that the project is best described as a Health and Fitness Facility in the sense of the definition of the code and the description of our activities previously stated. This applies specifically to the indoor court for the purpose of permitted use under the code, however when considering the parking requirements we further believe it should be treated as a court. As per the outdoor component of the project, and based on the Health/Fitness facility definition, we believe that as an extension of our training center it should also be considered part of the Health/Fitness Facility for the purpose of land use and as a court for parking requirements since an indoor or outdoor court should ultimately be considered as the same use and the parking requirements on the code does not specify indoor or outdoor use as a differentiator.

The definition for Health/Fitness Facilities on the code states the following: "Fitness centers, gymnasiums, health and athletic clubs, including any of the following: indoor sauna, spa, tanning or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor activities." It is our interpretation that while there is mention of indoor amenities that may fall under the definition it does not specifically exclude an outdoor component to these types of facilities and it is common for health and athletic clubs, and other types of gyms, etc to also have exterior components such as courts permitted, for instance a basketball court without a CUP as this is no different than having indoor and outdoor spaces at the YMCA or other gyms. Also, the facilities and their size in terms of square footage would far exceed the size of any of the courts that we propose in our plans. For example, a handball court is 12,091 SF, a tennis court is 7,200 SF and a futsal court is 11,200 SF. By comparison the indoor court for our facility is 4,782 SF which is a fraction of other courts and by no means close to being a full size court even by futsal standards.

There may be an argument made that the outdoor component should be permitted as Outdoor Commercial Recreation and require a CUP, however, the definition of these activities in the code is contained within the Commercial Entertainment and Recreation, we do not consider our project to be an entertainment or recreation center, and when interpreting the definition on the code, we find that the activities described in this definition are primarily for facilities that are for recreation and entertainment, and open to the public and are not membership based requiring appointment to access the facilities.

During the past two years, the COVID-19 pandemic has also increased the need for adequate spaces in which people can gather and have a safe place to train and keep performing the activities that they are accustomed to without major disruptions or inconvenience; and we consider that the outdoor court would be a likely way to perform adequate and safe activities for our young athletes.

Based on the arguments above we are requesting for two separate interpretations for this project:

1. Our first request is for the land use permit as a Health/Fitness Facility with one indoor court as a matter of right in the zone without a CUP as an outdoor recreation use.

2. If our first request is approved, we would like to request a separate ruling on the Outdoor Court as an outdoor health and fitness use, no different than a basketball court or other accessory use, that is NOT commercial recreation requiring a CUP.
3. For the parking requirement for the project to be parked as a court with its respective ancillary uses.
4. To our knowledge, we believe that the proposed interpretation for this project fits the code.

Should the BZA determine that our interpretation of the outdoor field still requires a CUP, we would request that the following be considered to allow us to move forward with the project.

- Phase 1. The first phase would allow us to proceed with the indoor court and ancillary spaces with the proposed parking based on the court requirements stated on the plan.
- Phase 2. Would be to have the outdoor court permitted separate from Phase 1 which would allow us to start operating with only one field with the Phase 1 permit.
- As an alternative to the parking provided during phase 1, and while considering it unnecessary, the area designated for the outdoor court could be utilized as parking should the BZA make that determination.

We are appealing to this body to make a decision as quickly as possible as our organization has been contracted on the lease for the property since November, 2021 and the financial stress placed on our non-profit organization by this obligation while not generating revenue from the project is putting the whole project at risk.

We truly appreciate your attention to this matter and look forward to meeting with you soon.
Sincerely,

Rafael Alvarez
CFO
Culver City Football Club
5659 Selmaraine Dr.
Culver City, Ca 90230
310-486-4290

PROJECT INFORMATION

PROJECT ADDRESS
5659 SELMAMARINE DRIVE
CULVER CITY, CA 90230

APN: 4134-001-003
LOTS: 10, 11
TRACT: 10678

EXISTING BUILDING AREA: 6,000 SF
SITE AREA: 9,996 SF

ZONING: INDUSTRIAL
GENERAL PLAN DESIGNATION: INDUSTRIAL GENERAL

APPLICANT

CULVER CITY FOOTBALL CLUB

CONTACT:
KRIST COLOCHO
PRESIDENT
323-695-8412
RAFAEL ALVAREZ
CFO
310-498-4200



CULVER CITY FC - TRAINING FACILITY

5659 Selmarine Drive, Culver City California 90230

SHEET INDEX

TOTAL SITE AREA, 10,000 SF
ACCESSORS IN NO. 4134-001-003
EXISTING BUILDINGS: 1 STORY - 6,000 SF,
CURRENT OCCUPANCY: B
PROPOSED OCCUPANCY: A3 / B
PARKING REQUIRED: AS / B

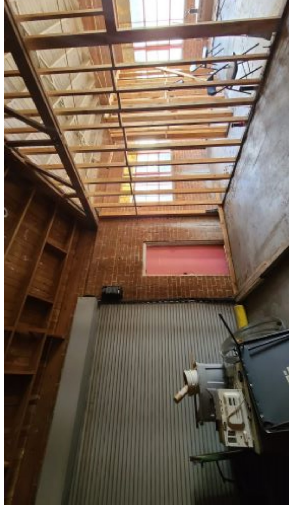
Terms accepted, transfer or other
Agreement required.
Existing Building: INDUSTRIAL, GENERAL
EXISTING BUILDING ELEVATIONS

Req. 2 spaces
Req. 3 spaces

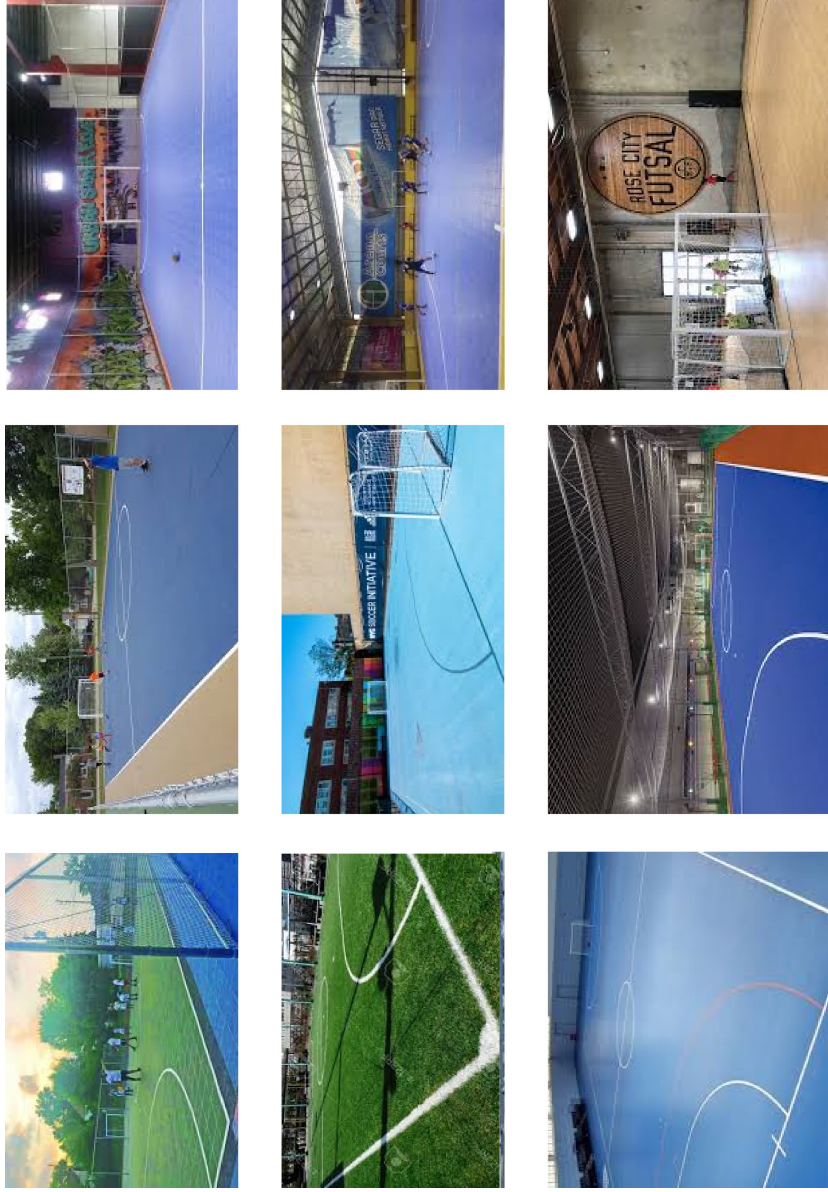
Project Information

TOTAL SITE AREA: 10,000 SF.
ACCESSORS ID NO. 4134-001-003
EXISTING BUILDINGS: 1 STORY - 6,000 SF.
CURRENT OCCUPANCY: B
PROPOSED OCCUPANCY: A3 / B
PARKING REQUIRED.

NOTES



NOTES





CULVER CITY FC

ENTITLEMENTS
5659 SELMARINE DRIVE
CULVER CITY, CA

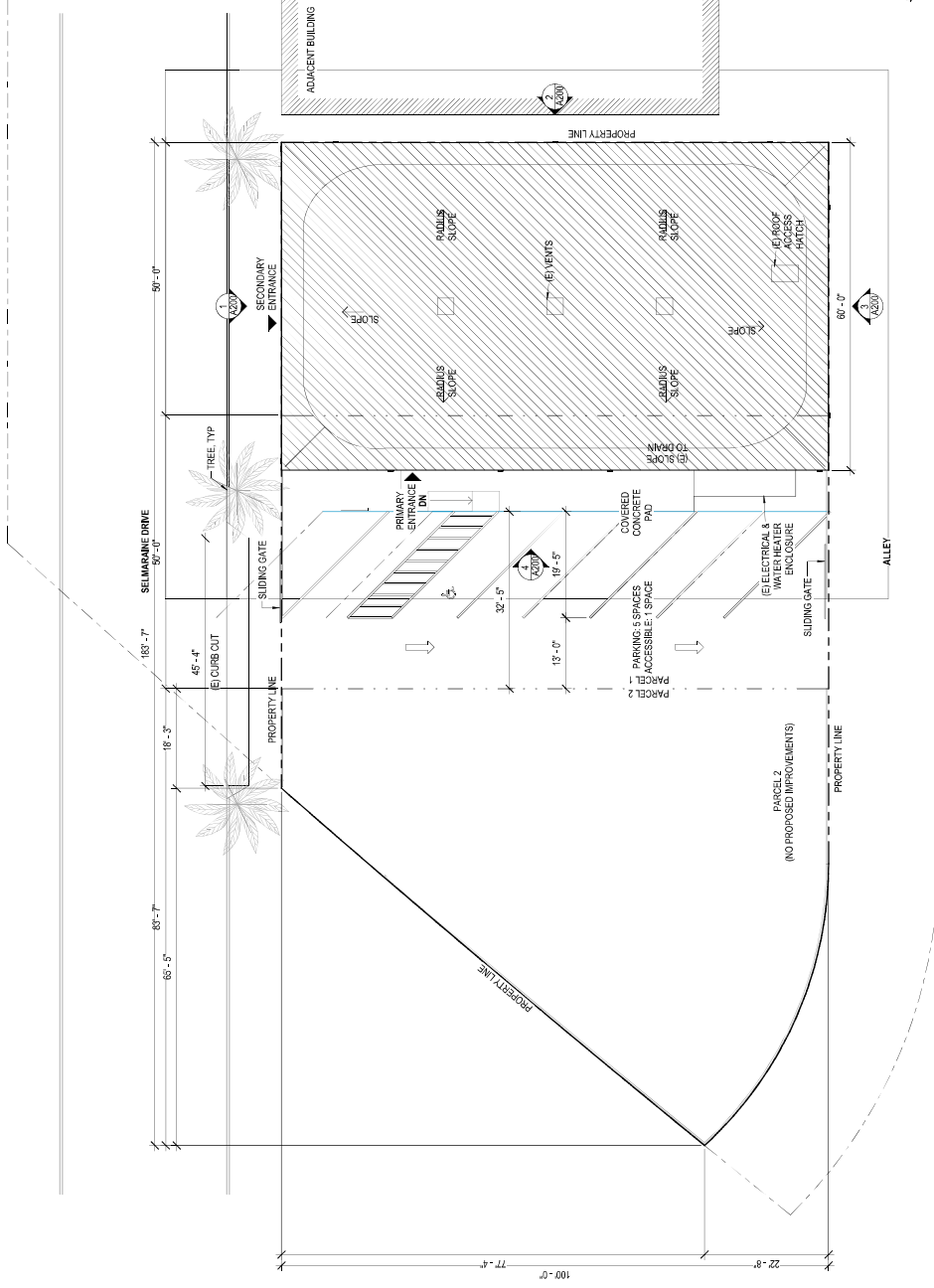
Owner:

Project Number
12.08.2021

SITE PLAN

A100

NOTES



1

SITE
2024' = 1" = 0'



CULVER CITY FC

ENTITLEMENTS
5659 SELMARINE DRIVE
CULVER CITY, CA

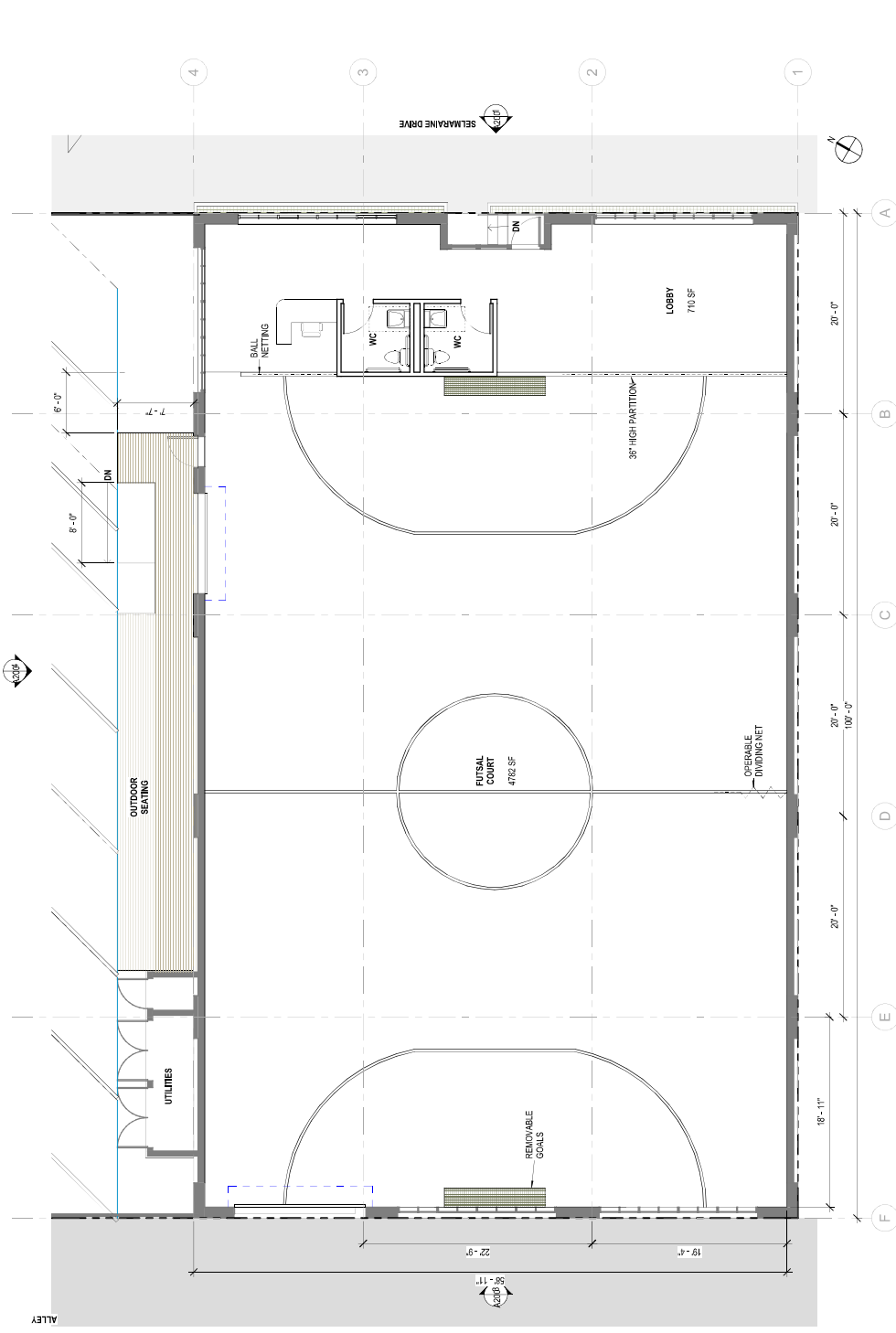
Owner

Project Number
12.08.2021

FLOOR PLAN

A101

NOTES



1ST FLOOR PLAN
3/16" = 1'-0"

1



ADDRESS
PHONE NUMBER
WEBSITE

CULVER CITY FC

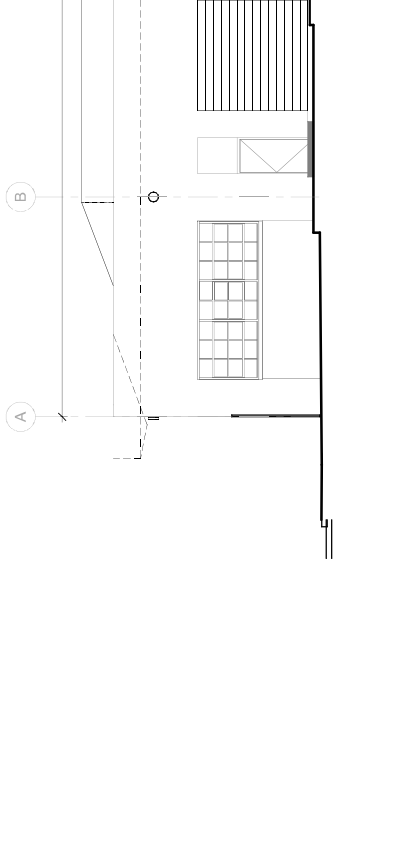
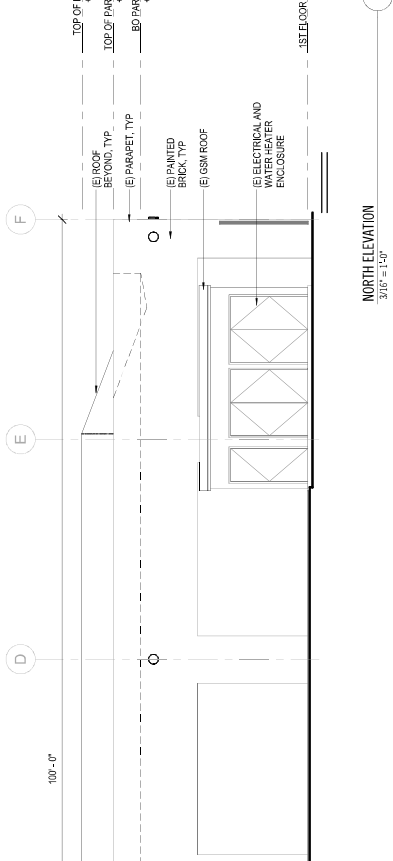
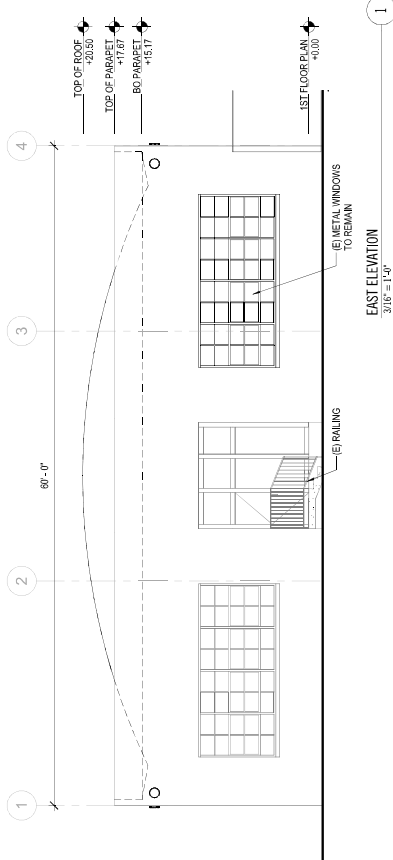
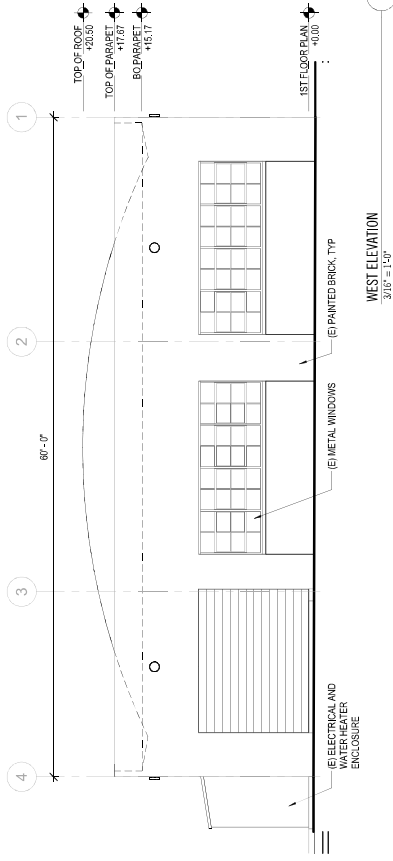
ENTITLEMENTS
5659 SELMAINE DRIVE
CULVER CITY, CA

Owner

Project Number
12.08.2021

ELEVATIONS

A200





CULVER CITY FC

ENTITLEMENTS
5659 SELMARANE DRIVE
CULVER CITY, CA

Owner

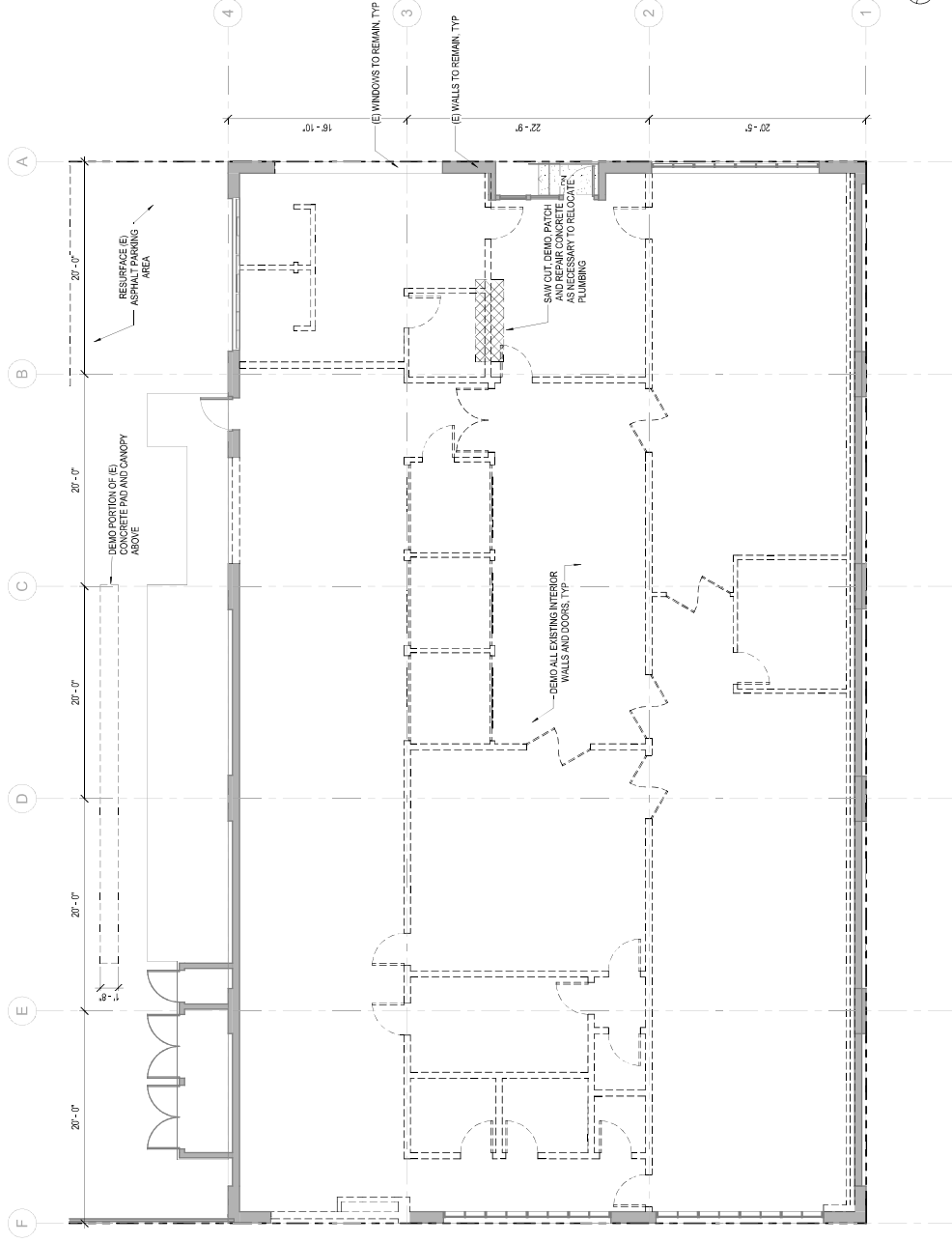
Project Number
12.08.2021

DEMO PLAN

D100

NOTES

EXISTING WATER AND SEWER LINES TO BE CAPPED
AT OR BELOW ADJACENT CONCRETE FLOOR UNO.



DEMO PLAN
3/16" = 1'-0"

1



CULVER CITY FC

ENTITLEMENTS
5659 SELMARINE DRIVE
CULVER CITY, CA

Owner

Project Number
12.08.2021

SITE PLAN - ALT

A100-ALT

NOTES

