



# City of Culver City

## Staff Report

File #: 23-437, Version: 1

Item #: PH-3.

**PC - PUBLIC HEARING:** Consideration of a Site Plan Review, Administrative Modification, and Administrative Use Permit (P2022-0062), to allow a Three-Story, 47.3-ft high, 35,073 sq. ft. Commercial/Office Development with Outdoor Dining, Subterranean Parking, and associated Site Improvements at 8570 National Boulevard (Project) and a Class 32 CEQA Exemption.

**Meeting Date:** December 14, 2022

**Contact Person/Dept:** Gabriela Silva, Associate Planner  
Erika Ramirez, Current Planning Manager

**Phone Number:** (310) 253-5736 / (310) 253-5727

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**

**Action Item:** [ ]

**Attachments:**

**City Council Action Required:** Yes [ ] No

**Date:** N/A

**Public Notification:** (Mailed) Property owners and occupants within a 500-foot radius and extended (11/22/2022); (Email) Public Notifications-Planning Commission (11/23/2022), Meetings and Agendas - Planning Commission (12/08/2022); (Posted) City website (11/23/2022), Onsite Sign (11/21/2022)

**Department Approval:** Jesse Mays, Assistant City Manager (12/05/2022)

### RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2022-P024, adopting a Class 32 Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Section 15332 In-Fill Development Projects, and approving Site Plan Review, P20222-0062-SPR, Administrative Modification, P2019-0062-AM, and Administrative Use Permit, P2022-0062-AUP, for a new commercial/office Project with recommended setback revision and subject to conditions of approval.

### PROCEDURES

1. Chair calls on staff for a brief staff report and the Planning Commission poses questions to staff as desired.
2. Chair opens the public hearing, providing the applicant the first opportunity to speak, followed by the general public.
3. Chair seeks a motion to close the public hearing after all testimony has been presented.

4. Planning Commission discusses the matter and arrives at its decision.

## **BACKGROUND**

### Project Site/Existing Conditions

The Project site (Site) is located at 8570 National Boulevard, on the southeast corner of National Boulevard and Schaefer Street (see Vicinity Map, Attachment No. 2). The Site is comprised of two parcels measuring a total of 17,767 square feet, is generally flat in topography and irregular in shape. The Site is currently vacant as the formerly existing structures were demolished in 2021 and has been most recently used as a staging area for the construction that occurred on the abutting site to the south (3512-3516 Schaefer Street); the easternmost parcel is a remnant of a larger parcel that was reconfigured and was primarily used as surface parking. Vehicular access to the existing parcels is provided by two existing driveways on National Boulevard and a third driveway on Schaefer Street. The existing streetscape along the subject frontages consists of a five-foot wide sidewalk along National Boulevard and 10-foot-wide sidewalk along Schaefer Street, with street parking and no existing street trees along both frontages.

The Land Use Element of the City's General Plan designates this site as Industrial, which is consistent with the site's zoning designation of Industrial General (IG). Surrounding properties along National Boulevard (east and west) are designated Industrial; properties to the north (across National Blvd) beyond the Metro rail right-of-way are designated Low Density Two Family; properties to the south are designated Industrial followed by Low Density Two Family. Properties surrounding the Site are also generally flat and are primarily rectangular in shape. The surrounding zoning and land uses are as listed below.

- North: Transportation (T) Zone (Metro Rail right-of-way, across Robertson Boulevard); Residential Medium Density (RMD) Zone (one- and two-story single and multi-family residential neighborhood across National Boulevard and beyond Metro Rail right-of-way)
- South: Industrial General (IG) Zone (multi-story commercial/office) followed by Residential Two Family (R2) Zone (one- and two-story single- and multi-family residential uses)
- East: Industrial General (IG) and Transportation (T) Zone (office, media production, and similar uses in the Hayden Tract)
- West: Industrial General (IG) Zone (office, across Schaefer Street)

### Request

On March 4, 2022, an application was submitted by Redcar Properties, Ltd. (the Applicant) for a Site Plan Review (SPR), Administrative Modification, and Administrative Use Permit to allow the construction of a three-story, 47.3-ft high, 35,073 sq. ft. commercial/office building, with outdoor dining and subterranean parking as permitted below:

- Site Plan Review (SPR) - to construct a project of 5,000 square feet or more, as further detailed below; and
- Administrative Modification (AM) - to reduce the minimum required number of parking spaces, minimum required parking stall dimensions and minimum driveway width and parking drive aisles/backup; and for an increase in the maximum allowable height in the IG Zone; and
- Administrative Use Permit (AUP) - to implement outdoor dining/seating for potential future food retail uses.

As further described below, the applicant is also requesting interpretations from the Planning Commission

regarding certain Zoning Code provisions.

### Project Description

The site is currently vacant, and the applicant proposes to construct a three-story, 47.3-ft high, 35,073 square foot commercial development, including 9,907 square feet of general commercial ground floor area and 12,853 square feet of office area on each of the second and third floors, with associated site improvements, including open space, outdoor dining/seating, and subterranean parking, as illustrated in the project plans (Attachment No. 4) and summarized in the Project Summary (Attachment No. 3). The proposed commercial development has been designed as a single structure, located above a subterranean parking garage. The subterranean garage is proposed to include 91 parking spaces to support the proposed floor area and uses, which reflects a request for a 10% reduction from the minimum required number of parking spaces, inclusive of parking required for outdoor dining. Although the applicant has not defined the tenants for the ground floor, outdoor dining/seating is proposed for potential future food retail tenants. In addition, the applicant proposes for certain parking spaces to be reduced from the minimum required dimensions in width and length, as well as reductions in driveway/drive aisle/backup widths. Similarly, the proposed 47.3-ft height reflects a request for a 10% increase above the maximum allowable height of 43-feet in the IG Zone. The building is proposed to incorporate a rooftop deck with a solar trellis structure, as well as various other rooftop projections for stairwells, elevators, equipment rooms, and screening. The proposed building also incorporates building articulation that is proposed to encroach 3 feet into the required 5-foot street-facing setback along, for which the applicant seeks a determination from the Planning Commission affirming the articulation is a bay window.

## **ANALYSIS/DISCUSSION**

### Architectural Design

The Project structure is a three-story building over 3 levels of subterranean parking, and is characterized by a modern architectural style, incorporating straight lines and right angles, with a flat roof with flat parapets and guardrails. The building is set back a minimum of 5 feet at the ground floor, with additional setbacks at select locations, and with the upper floors cantilevering over beyond the ground floor at select places, primarily along the eastern portion of the building, and including at the articulation feature along Schaefer Street. The building also incorporates significant articulation using material and color variation. The ground floor is enclosed by a divided light aluminum storefront system, with segments of weathered metal panels interjected and spanning up to the second and third floors. The upper floors also incorporate a significant amount of window glazing and incorporate a weathered steel grate screen material. The screen material is also applied to the 2 articulation features projecting into the required street-facing setback on Schafer Street (west façade), which the applicant requests the Planning Commission deem as bay windows as further discussed below. The south façade is a plain blank wall for the length that abuts the building located along the southerly property line, and incorporates weathered metal panels at the segment that continues beyond into the remnant parcel area. The subterranean garage is accessed from the southernmost point of the site along Schaefer Street, to minimize its prevalence in the building's design. The color palette consists primarily of a rust color and other dark earth tones in a subdued contemporary style.

The building will include rooftop projections for the stairwell, elevator, guardrails/parapets, as well as a solar trellis that will also serve as shade on the rooftop deck. The projection heights will vary from 42 inches for guardrails/parapets, 13'-6" feet for stairwells, equipment rooms, screening, and solar trellis, and 19'-6" for the elevator. The solar trellis will be a weathered steel frame structure to match the material and color palette of the building façades and is proposed to span the length of both street-facing façades. The rooftop deck will incorporate landscaping along the building edge to soften the building architecture, as well as 6 trees within the deck area.

The overall design and street view are maintained in a modern style and massing from the rooftop projections

are set back from the building edges. Building entries to the building are oriented to the street and, along with the proposed front landscape, seating, and bicycle parking, aid in maintaining communication with the street and contributes to the pedestrian-oriented quality of the streetscape. The Project design strives to be compatible with the character of new non-residential development within the surrounding area and will serve as a catalyst to revitalize this street segment. The building design and massing is consistent with the zoning standards of the IG Zone and intent of the SPR and AM required findings.

### *Bay Windows*

The Zoning Code also provides for allowable projections into setbacks for a number of architectural features (balconies, porches, awnings), site improvements (e.g. fences), and equipment (e.g. meters, a/c units), as detailed in Section 17.300.020 - Setback Regulations and Exceptions in addition to minimum setback requirements. Specifically, for bay windows, Table 3-1 - Allowed Projections into Setbacks allows bay windows in non-residential zones to project into a required setback up to 3 feet or 25% of required setback, whichever is greater. The applicant proposes to encroach 3 feet into the required 5-foot street facing setback along Schaefer Street with portions of the building on the second and third floors and to install seating/benches into those interior segments so that they are used in a similar fashion as bay windows.

The Zoning Code does not have a specific definition or figure for a bay window; Article 7 - Definitions indicates "If a word is not defined in this Article, or in other provisions of the Title, the most common dictionary definition is presumed to be operative". Accordingly, a dictionary definition of a bay window is "*a window or series of windows forming a bay in a room and projecting outward from the wall*". Although this is a broad definition, given the traditional understanding of a bay window, staff believes the proposed building articulation **does not** qualify as a bay window, but rather is simply an extension of the building's second and third floors, and may not project into the required setback.

Staff recommends the building maintain its proposed façade articulation but that it be pushed back by the necessary distance to meet the 5-foot setback along the Schaefer Street façade. As a consensus was not reached with the applicant on this matter, staff is requesting that the Planning Commission make a determination as to whether the building design shall be modified to conform to the IG Zone required setbacks prior to Plan Check submittal **or** if the proposed articulation in question is consistent with the definition and architectural understanding of a bay window.

### *Public Art Sculpture*

During their meeting of October 18, 2022, the City's Cultural Affairs Commission approved a concept for the fulfillment of the public art requirement for the project at 3512-3516 Schaefer Street and the subject site as illustrated in the art concept plans (Attachment No. 7). Based on these plans, a roof-mounted sculpture with 2 hanging light fixtures is proposed at the northwest corner of the proposed building. The sculpture is designed to sit at the proposed 47.3-foot high roofline, projecting up to 4 feet above the roofline and up to 2 feet from the building face into the required street facing setbacks, with the light fixtures hanging down to the underside of the second floor. The Zoning Code provides that "*in non-residential zones, architectural features that are non-habitable design elements, such as spires, turrets, bell towers, clock towers, cupolas and similar design elements as determined by the Director, shall be allowed, up to a maximum of 13 feet, 6 inches above the height of a building, and are limited to 15% of the total roof area*". Accordingly, the proposed height projection for the sculpture complies with this provision of the Zoning Code.

As noted above, the Zoning Code provides for allowable projections into setbacks for several architectural features as detailed in Section 17.300.020 - Setback Regulations and Exceptions, and there is no listing for a feature of this type. The proposed sculpture would encroach 2 feet from the building face, which as proposed is already encroaching 3 feet into the required 5-foot street facing setback along Schaefer Street. Accordingly, the sculpture would have a zero setback on Schaefer Street and only 3 feet setback on National Boulevard.

### Building Height

The maximum allowable height for the IG Zone is 43 feet, while the Project proposes 47.3-feet through a request for an Administrative Modification, which allows a maximum 10% increase in the allowable building height. The requested height increase will allow for floor-to-ceiling heights that are typical of new office and retail developments, as they are more desirable to prospective tenants. The additional height would not adversely affect the streetscape or cast shadow on any sensitive use given the location of the Project along an arterial street, facing the Metro Rail right-of-way. The additional proposed rooftop projections would be allowed above the 47.3-ft building height as allowed by the Zoning Code.

### Landscaping

The majority of the proposed landscape is located in the internal easterly area of the site due to the building footprint and site shape and size, as well as necessary allocations for driveways and walkways. Additional landscape will include low planters along select portions of both street frontages and rooftop landscape. The planters along the street frontages will contain low ground cover and medium shrubs; the rooftop will have low groundcover plantings along the perimeter edge and 3 internal planters containing a combination of low groundcover, medium shrubs, and 2 trees each. The remnant area along the easterly edge of the site will contain most of the site landscape and will include low ground cover and medium and tall shrubs, as well as a minimum of 4 trees. Landscaping will also include several street trees in the public right-of-way, in accordance with the City's Urban Forest Master Plan; permanent irrigation will be required to be provided to the parkway as part of the on-site irrigation. Preliminary landscape information is included in the preliminary development plans made part of this report (Attachment No. 4). Final landscape and irrigation plans will be submitted for review during the plan check process.

### Outdoor Dining

The tenanting for the building has not solidified but is anticipated to include food retail tenants on the ground floor. The applicant proposes outdoor dining on the ground floor along both street frontages and a portion of the easterly interior of the site as shown on the plans. The IG Zone allows for the establishment of outdoor dining subject to an Administrative Use Permit as outlined in CCMC Section 17.320.015, and the proposed outdoor dining complies with all other applicable provisions regarding outdoor dining land use standards as stipulated in CCMC Section 17.400.070. Two outdoor dining/seating areas are planned, 1 measuring 250 square feet and the other 650 square feet. Outdoor dining areas will be assigned to commercial tenants abutting the subject areas and that are food retail establishments (or restaurant as may be allowable per the Zoning). These outdoor dining areas are intended to foster pedestrian oriented activity and enhance the streetscape frontage. Future tenant improvement plans and operations plans will be reviewed for further compliance with applicable Zoning Code requirements and to ensure proposed operations and amenities (e.g. furniture, railing/fence) are compatible and of high quality design.

### Traffic, Circulation, Parking, and Mobility

The existing public right-of-way, National Boulevard, which is classified as a secondary artery in the Circulation Element of the City's General Plan, has been deemed to be of adequate width to serve the site and the proposed development. Any sidewalk along the project's frontage which is not in compliance with the Americans with Disabilities Act (ADA) will be removed and replaced to comply, along with removal of all existing driveways and installation of streetscape improvements. The proposed development will not create any significant traffic impacts as indicated in the Traffic Analysis within the Categorical Exemption Report (Attachment No. 5), and there are no required mitigation measures.

At the time of the application submittal, the Zoning Code requirement for off-street parking was one (1) space per 350 square feet of gross floor area based on anticipated uses of office, media production, retail, food retail, and outdoor dining. Although the applicant has not solidified the tenanting for the project, they anticipate creative office and/or media production uses for most of the building, including a portion of the ground floor area at the rear of the building. The ground floor along the street frontages is anticipated to be divided into

multiple tenant spaces for retail and food retail uses but may also include other uses allowed in the IG Zone provided they meet all applicable requirements. The applicant plans for 2 food retail uses, each with an outdoor dining area, for which an Administrative Use Permit is requested; for each tenant a maximum of 250 square feet of outdoor dining area may be provided without additional parking with area above 250 required to be parked at the same rate as the use it serves. One of the planned outdoor dining areas is proposed to exceed the 250 square feet by an additional 400 square feet. Given the proposed building area of 35,073 square feet and 400 square feet of excess of outdoor dining area proposed, the Project is required to provide a total of 101 spaces. The applicant requests a 10% reduction of the required parking through an Administrative Modification and proposes 91 spaces within a subterranean garage. This reduction will be consistent with the City's goals to reduce parking footprints, and the recent Zoning Code Amendment that has eliminated minimum required parking. Due to the site size and irregular shape, the applicant requests a reduction (not to exceed 10%) in the width and length of the standard parking stall dimension, providing a stall measuring 8-feet by 17-feet, rather than 8.5-feet by 18-feet for 43 of the 69 standard stalls; the remaining 22 spaces are proposed to be compact, measuring the required minimum of 7.5-feet by 15-feet. The applicant also requests a reduction (not to exceed 10%) in the minimum required driveway and backup/aisle width for the subterranean parking, to provide a 23-foot wide driveway/ramp width rather than the required 25 feet, and a backup/aisle width of 23 feet and 21'-10" rather than the required 24-foot width; the maximum 10% reduction would yield 22.5 feet for the driveway/ramp and 21.6 feet for the backup/aisle. This will be sufficient to provide adequate turning radius and circulation area to maneuver in and out of each parking stall and exit back onto the public right-of-way in a forward direction.

Vehicular access will be from the southernmost end of the site along Schaefer Street, by a new proposed 23-foot-wide driveway/ramp along the southerly property line. The proposed driveway slopes at 1% for the first 24.5 feet, then 9% for 9 feet, then 19% for 53 feet, transitions back to 10% for 8 feet, and then level with the parking area. This complies with the Zoning Code provisions indicating the ramp must not exceed 20% at any point and should not exceed 3% slope for the first 20 feet or another configuration may be provided as determined appropriate.

The garage is designed to provide a minimum height clearance of 8'-6" throughout, meeting the minimum Zoning Code required clearance of seven (7) feet at any vehicular access area. Additional height is not required as other projects, since the refuse enclosure area will be located at grade, accessible from the proposed driveway. The refuse area and access has been reviewed and confirmed to comply with applicable requirements by the Environmental Programs and Operations (EPO) Division. Pedestrian access to/from the subterranean garage to the ground level is provided by two (2) stairways, including one (1) within the building, accessing all floors up to the roof, and a second at the northeast corner rear of the site, near National Blvd; ADA access will be provided by a central interior elevator.

The Project incorporates several mobility measures that includes 10 electric vehicle (EV) charging stations, plus 10 stalls with EV ready infrastructure and 19 stalls with EV capable infrastructure, which complies with the Zoning Code, which requires 10% charging stations, 10% EV ready, and 20% EV capable, based on the proposed reduced required parking of 91 spaces. In addition, 11 long-term bicycle parking spaces will be provided in the garage, with an additional 5 short-term spaces at the ground level distributed along both frontages, in conformance with the conditions of approval for the project. Mobility features are proposed for the Project to reduce peak hour vehicular traffic and air emissions; these include compliance with CCMC Section 7.05.015, as well as reserved on-site area for ground floor micro-transit, transit passes for employees, and guaranteed ride home program as incorporated in the Conditions of Approval.

### Construction Management

The applicant is required to submit a final Comprehensive Construction Management Plan, including Pedestrian Protection Plan, and Construction Traffic Management Plan to minimize the potential for disruptions resulting from the construction related activities for the Project. Per the Conditions of Approval,

said plans will incorporate measures for noise reduction and dust control, and will specify detailed construction phases and timelines, construction and crew vehicle parking, on-site staging areas, pedestrian path of travel and coordination of construction deliveries.

A preliminary construction management plan prepared by the applicant indicates no lane closures will be necessary for the project construction. In addition, the preliminary plan anticipates use of the sidewalk and parking lane directly along the project frontage during construction, including during repair and/or reconstruction to the sidewalk. During this time, the contractor will provide a Pedestrian Protection and Diversion Plan as required by the Public Works Engineering Division. The contractor will assess the site conditions to determine the best method for pedestrian diversion and protection during any sidewalk closure. At all times of construction, a temporary fencing system will be installed at the perimeter of the site to ensure construction activities and materials do not encroach into the public right-of-way or abutting properties. In addition, the developer will ensure all construction and crew vehicles are parked within the project site or at designated off-site locations with applicable City approvals as a Condition of Approval.

### **PUBLIC OUTREACH**

As part of the review process, two (2) community meetings were held virtually for the project. The first meeting was held on Thursday, March 18, 2021, 7:00 pm, during the preliminary review phase, and the second meeting was held Thursday, October 27, 2022, 7:00 pm, during the application review phase of the process (Attachment No. 7). The applicant sent invitations two weeks before each meeting, to property owners and occupants within a 500-foot radius and extended area from the site, inviting interested persons to learn about the development project, provide comments and feedback, as well as to share any concerns regarding the proposed Project.

#### **Community Meeting 1 - March 18, 2021, 7:00 pm (5 attendees)/Topics of discussion:**

- Overview of project proposal
- Questions comments/concerns centered on traffic, parking, building size/scale, construction activity in the neighborhood, demand for office space post-pandemic
- One comment was made complimenting the project, and another expressing a desire to have new retail and café uses in the neighborhood

#### **Community Meeting 2 - October 27, 2022, 7:00 pm (5 attendees)/Topics of discussion:**

- Overview of project, background from prior community meeting, and expected next steps
- Questions and comments/concerns centered on construction activity and timelines, parking and vehicle access to the site, traffic and street circulation and safety, existing street parking conditions and use of street parking by existing commercial uses

Attendees of both meetings appeared to be primarily nearby residents. Based on the comments and questions there were clear concerns about existing negative parking and traffic conditions and the potential for the project to exacerbate those conditions. Community reception of the project seemed generally unsupportive with neighbors continuing to have reservations regarding parking overspill and traffic and pedestrian circulation/safety. The applicant also received a written comment by email, expressing opposition to the Project due to a desire for affordable housing development to be prioritized before non-residential development projects.

#### **Comments Received During Public Comment Period**

As of the writing of this report, staff received one (1) written comment via email in response to the public notification of the public hearing for this item. The comment indicated that no additional commercial development should be approved in Culver City without an equal amount of floor area of affordable housing

(Attachment No. 8).

## **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, initial review of the Project by staff established that there are no potentially significant adverse impacts on the environment and the proposed Project has been determined to be a Class 32 Categorical Exemption as an “In-Fill Development Project” (Section 15332), as further detailed in the CEQA Technical Memorandum (Attachment No. 5). As outlined herein, the Project involves the construction of one (1) three-story structure containing 35,073 square feet of floor area for office, retail, and food retail uses, with outdoor dining, subterranean parking, and associated site improvements and amenities (e.g., landscape, bicycle parking). Further, the proposed project is consistent with the General Plan Land Use Designation of Industrial and with the corresponding IG Zone; located within Culver City surrounded by urban uses, and has no value as a habitat for endangered, rare, or threatened species as it was formerly developed with multiple one-story non-residential structures (industrial and restaurant uses), paved vehicle circulation and walkways, and vegetation consistent with adjacent non-residential development. Based on the scope and size of the development, the Project will not have significant traffic impacts or peak hour vehicle trips exceeding established thresholds. As a commercial development surrounded by a mix of non-residential and residential development, noise and air quality impacts generated by the Project will be within established thresholds. Implementation of public works storm water run-off standards will result in less than significant impacts to water quality; and the project can be adequately served by utilities and public services.

## **FISCAL ANALYSIS**

There is no fiscal impact to the City from the proposed Project.

## **CONCLUSION**

The proposed development will replace a currently vacant site and make use of an existing remnant parcel area and result in a project that provides complementary commercial uses to development in the nearby TOD district and Hayden Tract. Based on the proposed preliminary development plans, recommended changes to the building street facing setback for the building pop outs, and recommended conditions of approval, staff considers the project to provide a layout, architectural design and landscape consistent with applicable development standards and guidelines, with adequate public facilities, and consistent with the Culver City General Plan and the requirements of the Zoning Code, and as further allowed through the Administrative Modification process. The findings for Site Plan Review, P2022-0062-SPR, Administrative Modification, P2022-0062-AM, and Administrative Use Permit, P2022-0062-AUP, are made as outlined in Resolution No. 2022-P024 (Attachment No. 1).

## **ATTACHMENTS**

1. Proposed Resolution No. 2022-P024, including Exhibit A: Conditions of Approval and Exhibit B: Standard Code Requirements
2. Vicinity Map
3. Project Summary

4. Preliminary Development Plans dated June 10, 2022
5. CEQA Class 32 Report (including Transportation Analysis) dated August 29, 2022
6. Preliminary Construction Management Plan dated December 6, 2022
7. Public Art Concept Approved by Cultural Affairs Commission dated September 20, 2022
8. Community Meeting Summaries
9. Public Comments

### **MOTION**

That the Planning Commission:

Adopt Resolution No. 2022-P024 adopting a Class 32 Categorical Exemption pursuant to CEQA and approving Site Plan Review, P2022-0062-SPR, Administrative Modification, P2022-0062-AM, and Administrative Use Permit, P2022-0062-AUP, for a new commercial office Project, with staff's recommended revision to the plans such that the building is not encroaching into any required street facing setback, subject to the Conditions of Approval.