

RESOLUTION NO. 2019-P005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT MODIFICATION, P2018-0249-CUP/MOD TO ALLOW INSTALLATION OF A MULTI-PURPOSE PLAYFIELD AND REUSE OF A STORAGE BUILDING TO A CLASSROOM BUILDING AT THE WILLOWS COMMUNITY SCHOOL LOCATED AT 8509 HIGUERA STREET IN THE INDUSTRIAL GENERAL (IG) ZONE.

(Conditional Use Permit Modification, P2018-0249–CUP/MOD)

WHEREAS, on October 19, 2018, The Willows Community School (the “Applicant” or “School”) filed an application to modify the 2012 approved Conditional Use Permit (CUP/MOD) to allow installation of a multi-purpose playfield and reuse of a storage building to a classroom building, (the “Project”). The Project site is more specifically identified by Los Angeles County Assessor’s Numbers 4205-024-002, 4205-024-005, 4205-024-011, 4205-024-014, 4205-024-018, 4205-024-020, and 4205-024-021, in the City of Culver City, County of Los Angeles, State of California; and,

WHEREAS, in order to implement the proposed Project, approval of the following application is required:

1. Conditional Use Permit Modification, for the installation of a multi-purpose playfield and reuse of a storage building to a classroom building, modifying an existing CUP, to ensure the Project complies with all required standards and City ordinances, and to establish all onsite and offsite conditions of approval necessary to address the site features and ensure compatibility of the proposed Project with the development on adjoining properties and in the surrounding neighborhood; and

WHEREAS, on October 26, 2011, the Applicant filed an application for a Conditional Use Permit Modification to allow for the phased expansion of school facilities and operations,

1 increasing enrollment from 425 students to 575 students; and a Zoning Code Text Amendment
2 to amend Section 17.230.015, Table 2-8 of the Culver City Municipal Code, to allow for the
3 expansion of existing private schools located in the Industrial General (IG) Zone, subject to
4 approval of a Modification to an existing Conditional Use Permit (CUP); and

5 WHEREAS, on August 8, 2012 the Planning Commission approved the Applicant's
6 request and recommended the City Council approve the Zoning Code Text Amendment; and
7

8 WHEREAS, on September 24, 2012, the City Council adopted the Zoning Code Text
9 Amendment; and

10 WHEREAS, pursuant to the California Environmental Quality Act guidelines, the City
11 Council on September 10, 2012, adopted a Mitigated Negative Declaration (MND) determining
12 the 2012 CUP and accompanying amendment will not have a significant adverse impact on the
13 environment; and
14

15 WHEREAS, Conditional Use Permit Modification, P2018-0249-CUP/MOD is within the
16 scope of the adopted MND and the circumstances under which the MND was prepared have
17 not significantly changed and no new significant information has been found that would impact
18 the MND, and therefore no new environmental analysis is required; and
19

20 WHEREAS, on June 12, 2019, after conducting a duly noticed public hearing on the
21 subject application, including full consideration of the applications, plans, staff report,
22 environmental information and all testimony presented, the Planning Commission, by a vote of
23 ___ to ___, conditionally approved Conditional Use Permit Modification, P2018-0249-CUP/MOD.
24

25
26 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER
27 CITY, CALIFORNIA, RESOLVES AS FOLLOWS:
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29

SECTION 1. Pursuant to the foregoing recitations and the provisions of Culver City Municipal Code (CCMC), Section 17.530.020, the following findings for a Conditional Use Permit (CUP) are hereby made:

A. The proposed use is allowed within the subject zoning district with the approval of a Conditional Use Permit and complies with all other applicable provisions of this Title and the CCMC.

The existing School was approved through previous entitlements and Zoning processes in effect at the time of those approvals. Currently, CCMC Section 17.610.010.F allows the modification and/or expansion of a private school with an existing CUP in the IG Zone through a CUP Modification. In 2012 the Applicant received approval of a CUP and Master Plan. The proposed 2019 Phase II modification will not increase student enrollment or expand the School campus beyond the approved 2012 CUP and Master Plan. The modification complies with all other applicable Zoning Code requirements such as required parking and setback development standards.

The School currently operates in compliance with the CCMC Zoning related use restrictions and is in compliance with the 2012 CUP and Master Plan. Pursuant to CCMC § 17.610.010.F, the School submitted a CUP modification request to implement the proposed 2019 Phase II modification, revised the Master Plan, and updated the economic study. Following approval of these requests, the School will continue to comply with all applicable City regulations.

B. The proposed use is consistent with the General Plan and any applicable Specific Plan.

The Project site has an Industrial General Plan Land Use Element designation and is zoned Industrial General (IG). Approval of the proposed 2019 Phase II modification to the 2012 CUP and Master Plan will not result in a new CUP entitlement, will not expand the campus or increase student enrollment beyond the 2012 Master Plan, and is allowed per the Zoning Code.

The General Plan Land Use Element includes a goal of creating economic vitality that serves the community and protects the quality of life. Objective 5, Policy C of the Element encourages the “development of cultural, educational and entertainment uses that will provide leisure activities for Culver City’s residents and enhance the image of the City.” The School complies with this goal as an educational institution. Within the Industrial General Plan land use designation, the Land Use Element notes that “commercial uses, particularly those that support or service daytime industrial employees, also would be allowed... This designation is designed and intended to support and encourage industrial businesses as a valuable component of the City’s economic base.” The City intends to protect existing and future office, industrial, and permitted uses in the Hayden Tract by: limiting the scope of the School’s expansion through the 2012 Master Plan and the proposed 2019 Phase II modification; reviewing of all future proposed modifications; and requiring a condition of

1 approval that the Applicant not object to any future proposed uses adjacent to the Property
2 that are legally permitted under the City's zoning regulations. The Project site is not subject
3 to any specific plan.

4 The 2012 and proposed 2019 Master Plan includes specific standards that, together with
5 the School's existing CUP and conditions of approval, comply with the General Plan
6 requirement that maximum building intensity, specific types of use and development
7 standards be controlled by zoning standards that are based on lot size and location. The
8 School's 2012 and proposed 2019 Master Plan as well as the CUP's conditions of approval
9 assure that the use of the subject property will be compatible with surrounding uses.

10 **C. The design, location, size, and operating characteristics of the proposed use are**
11 **compatible with the existing and future land uses in the vicinity of the subject site.**

12 The design, location, size and operating characteristics of the existing private school use,
13 the 2012 CUP and Master Plan, and the proposed 2019 Master Plan modification to
14 implement Phase II of the Plan will not have a negative impact on adjacent uses and is
15 found to be compatible with the existing and future industrial and office land uses in the
16 vicinity of the subject site.

17 Upon its approval, the 2012 CUP and Master Plan were found to be compatible with the
18 surrounding area and the existing and future industrial and office land uses. The proposed
19 2019 Phase II modification will facilitate enrollment increases from 475 students to 550
20 students and staff level increases by up to five (5) faculty and two (2) staff members,
21 consistent with the 2012 Master Plan Phase II thresholds. There are no additional student
22 increases or campus expansion in the proposed 2019 modification other than what was
23 approved as part the 2012 CUP and Master Plan. The school has operated within the
24 Hayden Tract since 1994. Over time, as the school has expanded pursuant to an approved
25 Conditional Use Permit in 1999 and subsequent modifications, the school has adhered to
26 conditions of approval imposed by the City. The completion of Phase I of the Master Plan
27 enhanced the existing campus with new and updated facilities and additional parking. The
28 acquisition of the contiguous W-VI and W-VII parcels allowed the School to assemble an
29 integrated campus between Higuera Street and Warner Drive, facilitating the School's
educational objectives. The increase in on-site parking and circulation for student drop-off
and pick-up proposed in the 2012 Master Plan, has been implemented, is currently in
operation, and serves to mitigate potential congestion issues around the property.

The Hayden Tract has been transformed into various creative uses ranging from traditional
manufacturing to design and entertainment-related firms, schools and art studios, with
commercial uses forming a key component in the area. The School complements these
uses in the surrounding area as an institution focused on use of creative arts and technology
as learning tools that encourage creative thinking.

The new play field will not result in traffic, noise, lighting, or other impacts upon adjacent
properties or nearby residential uses as demonstrated in the noise and light studies for this
Project and Project conditions of approval. The reuse of the existing building on the W-VI

property will not result in new impacts and will be less intense for the W-VI property than conceived under the 2012 Master Plan. Conditions of approval governing the use of the new multi-purpose playfield including light shielding will enforce compatibility with adjacent uses. Lastly, the Project will be subject to review prior to implementation of Phase III.

D. The subject site is physically suitable for the type and intensity of use being proposed, including access, compatibility with adjoining land uses, shape, size, provision of utilities, and the absence of physical constraints.

The proposed campus growth, in terms of student enrollment and facilities, can be accommodated as demonstrated in the approved 2012 Master Plan, through the Phased development of the property, including the successful completion of Phase I. The 2019 Phase II modification is within the student increase and campus expansion thresholds as envisioned in the approved 2012 Master Plan. As part of the Phase II modification the current staggered parking drop off and pick up plan, which is effective in minimizing impacts, will continue. Additionally, on-site dedicated special event parking provided through completion of Phase I will continue. In addition, implementation of the 2019 Phase II modification will reduce potential impacts by reusing an existing building and reducing new overall floor area when compared to the 2012 Master Plan. Technical reports submitted by the School indicate the 2019 Phase II modification will not create significant impacts regarding geology, hazards, noise, lighting, traffic, utilities, air quality, cultural resources, or land use. Conditions of approval governing the use of the new multi-purpose playfield including light shielding will enforce compatibility with adjacent uses.

Development of the School under the Master Plan, pursuant to the 2019 Phase II modifications, will not significantly impact surrounding properties and will be compatible with adjoining land uses with respect to Project access, compatibility with adjoining land uses, shape, size, provision of utilities, and the absence of physical constraints.

E. The establishment, maintenance or operation of the proposed use will not be detrimental to the public interest, health, safety, or general welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

The approved 2012 CUP allowed an addition of 150 students to the 425 student enrollment at that time through implementation of a phased Master Plan. The approved 2012 CUP was subject to conditions of approval that the School continues to impellent. The 2012 CUP and Master Plan were found to not be detrimental to the public interest, health, safety or general welfare or injurious to persons, property or improvements in the surrounding commercial zoning district or vicinity. The proposed 2019 Phase II modifications are within the scope of the 2012 CUP and Master Plan.

The School has been in existence since 1994 and its existing operations are permitted pursuant to the CCMC and the approved 2012 CUP and Master Plan. The School complements the existing mix of industrial, commercial, and creative office uses in the surrounding area with its focus on the use of innovative learning tools and the development of creative thinking. The School site is physically suitable for the type and intensity of

development proposed in the 2019 Phase II modification and will be regulated by the CUP's conditions of approval. The Project is therefore not detrimental to the public interest, health, safety or general welfare or injurious to persons, property or improvements in the surrounding commercial zoning district or vicinity.

SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby approves Conditional Use Permit Modification, P2018-0249–CUP/MOD, subject to the conditions of approval set forth in Exhibit A attached hereto and incorporated herein by this reference.

SECTION 3. This Resolution No. 2019-P005 shall supersede and replace Resolution No. 2012-P006.

APPROVED and ADOPTED this 12th day of June, 2019.

EDWARD OGOSTA, CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

Susan Herbertson, Senior Planner

EXHIBIT A
RESOLUTION NO. 2019-P005
Conditional Use Permit Modification, P2018-0249–CUP/MOD

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
GENERAL				
1.	These Conditions of Approval are being imposed on the three-phase rehabilitation and expansion project of the Willows Community School (the "Applicant") to accommodate a maximum of 575 students, a maximum of 95 teachers and staff persons, and modification to Phase II of the originally approved 2012 CUP and Master Plan (the "Project"), as more fully described in The Willows Community School Master Plan dated March 19, 2019 (the "Master Plan"), for the properties located at 8479 (W-III), 8509 (W-I), and 8525 (W-VII) Higuera Street and 8476 (W-V), 8490 (W-II), 8510 (W-VI), and 8520 (W-IV) Warner Drive, in the City of Culver City. Properties Willows I through Willows VII or W-I through W-VII, collectively, shall be referred to as "the Property". The 2019 Master Plan shall supersede the 2012 Master Plan. Modified based on 2019 Phase II Modification	All	Standard	
2.	A copy of the Resolution approving the Project, and a copy of these Conditions of Approval, shall be printed on the plans submitted as part of any building permit application for the Project.	Planning	Standard	
3.	All building permit applications for the Project shall include sufficient information and detail to clearly reflect compliance with all applicable requirements of the Culver City Municipal Code (the "CCMC") and with these Conditions of Approval.	Planning	Standard	
4.	The land use permit to which these Conditions of Approval apply (the "Land Use Permit") shall be subject to the following time limits: A. Phase I of the Master Plan is deemed exercised and completed and Phases II and III of the Master Plan shall be exercised, subject to the limitations set forth below:	Planning	Special	

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GENERAL				
	i Phase II proposed modifications are approved by the Planning Commission with this Land Use Permit and finds that the Applicant: (1) does not propose increasing the number of students, faculty and/or administrative staff beyond the number specified in the Master Plan and authorized by the Land Use Permit; (2) the proposed development footprint does not extend beyond the properties identified in the Master Plan and the Land Use Permit; and (3) the proposed development does not substantially exceed the amount of square footage proposed for Phase II in the 2012 Master Plan. ii. Prior to commencement of demolition and/or construction work under Phase III of the Master Plan, the Planning Commission shall conduct a conformance review of the plans for Phase III and shall approve said plans provided it finds the plans in Substantial Conformance with the Master Plan and all applicable Conditions of Approval of this Land Use Permit. The Planning Commission must find that the plans for Phase III are in Substantial Conformance provided the Applicant satisfies the following criteria: (1) the Applicant does not propose increasing the number of students, faculty and/or administrative staff beyond the number specified in the Master Plan and authorized by the Land Use Permit; (2) the proposed development footprint does not extend beyond the properties identified in the Master Plan and the Land Use Permit, and (3) the proposed development does not substantially exceed the amount of square footage proposed for Phase III in the Master Plan.			

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	B. The Applicant shall have two years from the date of the 2019 Phase II modification final approval to commence demolition and/or construction and tenant improvements at Willows VI and VII, in order to complete Phase II, as permitted under the Master Plan. C. The Applicant shall have five years from the date of the 2019 Phase II modification final approval to commence demolition and/or construction work required to complete Phase III, as permitted under the Master Plan. D. As provided in CCMC Section 17.595.030 –“Time Limits and Extensions”, upon written request by the Applicant, the City may administratively extend any of the termination dates described in Condition No. 4 above, for a period of one year. Modified based on 2019 Phase II Modification			
5.	The Project shall be developed pursuant to CCMC Chapter 17.300 – “General Property Development and Use Standards”.	Planning	Standard	
6.	All planted areas on the Property shall be landscaped and irrigated pursuant to CCMC Chapter 17.310 - “Landscaping”.	Planning	Standard	
7.	All parking areas on the Property shall be developed pursuant to CCMC Chapter 17.320 - “Off-Street Parking and Loading”. In addition any new parking shall be constructed with consistent with the City Council May 28, 2019, EV related amendments.	Planning	Standard Special	
8.	Signs proposed for the Project shall meet all applicable requirements of CCMC Chapter	Planning	Standard	

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GENERAL				
	17.330 - "Signs". All signs require a separate permit and approval.			
9.	All permits and licenses required in connection with the development or use of the Project shall be applied for and obtained separately.	All	Standard	
10.	All work within the public right-of-way (including but not limited to curb, gutter, sidewalk, and driveways) shall be designed and completed to the satisfaction of the City Engineer.	Public Works	Standard	
11.	Street trees shall be installed, to the satisfaction of the City Engineer, in conformity with the City's approved Street Tree Master Plan including tree wells and irrigation. All new (and existing) street trees shall be supplied with irrigation water from the overall site irrigation system which shall include a timer and a rain sensor. All new (and existing) street trees, landscaping, and irrigation shall be indicated on the overall site landscaping/ irrigation plan.	Public Works	Standard	
12.	Drainage devices, concrete curbs and gutters, sidewalks, drive approaches, and roadway pavement shall be designed in conformity with all provisions of the latest edition of the American Public Works Association Standard Plans ("APWA Standards").	Public Works	Standard	
13.	At the sole cost and expense of the Property Owner, any broken or damaged curbs, gutters, sidewalks, and street pavement resulting from construction of the Project shall be repaired and reconstructed in conformity with APWA Standards.	Public Works	Standard	
14.	Trash enclosures shall be provided and shall each have a minimum inside dimension of 10 feet x 12 feet, a gated opening that is at least 8 feet wide, and a 6 inch high by 6 inch wide concrete curb along the inside perimeter wall.	Public Works/ Fire/ Planning	Standard	

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GENERAL				
	Each enclosure shall also have at least a 6 inch thick concrete slab that drains at a one percent gradient out of the enclosure. Final approval for the size, location, and type of equipment needed for the adequate storage and disposal of all solid and recyclable waste generated by the Project shall be obtained from the City's Environmental Programs and Operations Manager. A fire suppression sprinkler system shall be provided within any covered trash enclosure area as required by the Fire Marshal. All refuse containers assigned to or otherwise used by the Project shall be stored on-site in the trash enclosures.			
15.	All Project related solid and recyclable waste material handling shall be in accordance with CCMC Section 5.01.010 – "Solid Waste Management", which outlines the Sanitation Division's exclusive franchise for this service.	Public Works	Standard	
16.	The Project shall meet all provisions of CCMC Section 7.05.015 -"Transportation Demand and Trip Reduction Measures".	Trans.	Standard	
17.	All buildings and structures to be constructed as part of the Project shall be designed and constructed in accordance with all applicable regulations and standards of the City's Building Code, Fire Code and any related codes as determined by the Building Official and Fire Marshal; and all other applicable provisions of the CCMC which are adopted and in effect at the time of issuance of a building permit.	Building/ Fire	Standard	
18.	Any new utilities shall be placed underground or enclosed within the building construction; no new overhead utilities shall be permitted.	Building/ Planning	Standard	
19.	The Project shall comply with all applicable requirement of the Culver City Green Building	Building	Standard	

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GENERAL				
	Program as set forth in CCMC Section 15.02.1100, et.seq.			
20.	The Project shall comply with the all applicable requirements relating to solar photovoltaic requirements as set forth in CCMC Section 15.02.100, et. seq.	Building	Standard	
21.	Changes to the Project or use approved as part of the Land Use Permit may only be made in accordance with the provisions of CCMC Section 17.595.035 – “Changes to an Approved Project”.	Planning	Standard	
22.	Any proposed changes to the Master Plan shall be subject to review and approval of a Modification to the Conditional Use Permit by the Planning Commission.	Planning	Special	
23.	Parking for Phase III shall be recalculated as part of the conformance review process, based upon the number of classrooms removed and added as part of the development of the Property. The parking for Phases III of development shall be calculated at the ratio for schools serving Kindergarten through Grade 9, of 1.5 spaces for each classroom. In addition, 1 space shall be required for each 200 square feet of indoor assembly. Modified based on 2019 Phase II Modification	Planning	Special	
24.	Secure short-term bicycle parking shall be provided to accommodate eight (8) bicycles in Phase 1A. All short-term spaces shall be provided on-site using four (4) City approved “Inverted - U” Bicycle Racks. Bicycle Parking shall meet the minimum standards specified in the City’s Bicycle and Pedestrian Master Plan Design Guide, Section 1.8. Additional secure short-term bicycle parking shall be	Public Works	Special	

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GENERAL				
	provided to accommodate two (2) bicycles in Phase 2, on-site using one (1) City approved “Inverted - U” Bicycle Rack. The compliance with these requirements and the final bicycle parking layout shall be approved by Public Works Administration staff, prior to issuance of any Public Works Department/Engineering Division permit for the Project.			
25.	Fifteen feet of sidewalk in front of the Willows I building along Higuera Street shall be removed and reconstructed as determined by the Public Works Department/Engineering Division.	Public Works	Special	
26.	A new drive approach for the Willows V parking lot shall be constructed per the City’s “high speed” standard and be ADA compliant as determined by the Public Works Department/Engineering Division.	Public Works	Special	
27.	Traffic Improvement Contribution Payment. The Applicant shall pay to the City a “Traffic Improvement Contribution Payment” in the total amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000) as a contribution payment toward improvements to the intersection of Higuera Street and Hayden Avenue, which payment shall be made no later than thirty (30) calendar days after the effective date of the approval of this Land Use Permit.	Public Works	Special	

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PRIOR TO BUILDING PERMIT ISSUANCE				
28.	A covenant and agreement, on a form provided by the Planning Division and in form and substance acceptable to the City Attorney, acknowledging and agreeing to comply with all terms and conditions established herein, shall be signed by the Property Owner and recorded in the County Recorder's Office. The covenant and agreement shall run with the land and shall be binding on any subsequent owners, and tenants or occupants of the Property. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Planning Division.	Planning/ City Attorney	Standard	
29.	The Applicant and Property Owner shall indemnify, hold harmless and defend (at the Applicant's and Property Owner's sole cost and expense, with legal counsel selected by the City in its sole discretion) the City, its elected and appointed officials, officers, employees, agents, contractors and consultants from and against any and all claims, lawsuits, judgments, liability, injury or damage arising from or in any manner connected to any and all permits or approvals relating to the Project, including without limitation associated and reasonably incurred attorneys' fees and court and litigation costs arising out of the defense of any such claims and/or lawsuits, and actual attorneys' fees and court and litigation costs that may be awarded by the court and required to be paid by the City. The obligations required by this Condition shall be set forth in a written instrument in form and substance acceptable to the City Attorney and signed by the Applicant and Property Owner.	City Attorney	Standard	
30.	A minimum of three sets of final landscaping and irrigation plans (separate from the plans submitted for the building permit) shall be submitted to the Planning Division for review and approval.	Planning/ Parks & Rec.	Standard	

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PRIOR TO BUILDING PERMIT ISSUANCE				
31.	Payment of New Development Impact Fees pursuant to CCMC Section 15.06.005 et. seq. shall be submitted.	Planning/ Building	Standard	
32.	A Construction Management Plan prepared by the construction contractor, which identifies the areas of construction staging, temporary power, portable toilet, and trash and material storage locations, shall be submitted to and approved by the Building Official. Prior to commencement of work the construction contractor shall advise the Public Works Inspector and the Building Inspector ("Inspectors") of the construction schedule and shall meet with the Inspectors.	Building/ Public Works	Standard	
33.	A Pedestrian Protection Plan shall be submitted to and approved by the Building Official. Such plan shall identify all areas of pedestrian protection and indicate the method of pedestrian protection or pedestrian diversion when required. When pedestrian diversion is required, the Pedestrian Protection Plan must also be approved by the Public Works Director.	Building/ Public Works	Standard	
34.	Plans submitted as part of the building permit application shall include a schedule of the special inspections anticipated, the firm proposed for the special inspections, and the resumes of all proposed special inspectors. The Building Official reserves the right to reject any special inspector at any time for the duration of the Project. All special inspection reports shall be made available to the Building Official and to any Culver City Building Safety inspector as required by the Building Official. No work shall be covered without a Culver City Building Safety inspection, whether or not a special inspection was performed on such work.	Building	Standard	
35.	A Construction Traffic Management Plan shall be prepared by a traffic or civil engineer registered in the State of California. The	Planning/ Public Works	Standard	

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	Construction Traffic Management Plan shall be submitted to the City Engineer and Planning Manager for review and approval prior to the issuance of any Project demolition, grading, or excavation permit. The Construction Traffic Management Plan shall also be reviewed and approved by the City's Fire and Police Departments. The City Engineer and Planning Manager reserve the right to reject any engineer at any time and to require that the Plan be prepared by a different engineer. The Construction Traffic Management Plan shall contain, but not be limited to, the following: A. The name and telephone number of a contact person who can be reached 24 hours a day regarding construction traffic complaints or emergency situations. B. An up-to-date list of local police, fire, and emergency response organizations and procedures for the continuous coordination of construction activity, potential delays, and any alerts related to unanticipated road conditions or delays, with local police, fire, and emergency response agencies. Coordination shall include the assessment of any alternative access routes that might be required through the Property, and maps showing access to and within the Property and to adjacent properties. C. Procedures for the training and certification of the flag persons used in implementation of the Construction Traffic Management Plan. D. The location, times, and estimated duration of any roadway closures, traffic detours, use of protective devices, warning signs, and staging or queuing areas. E. The location and travel routes of off-site staging and parking locations.			
36.	Reasonable efforts shall be used to reuse and recycle construction and demolition debris, to use environmentally friendly materials, and to	Building	Standard	

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PRIOR TO BUILDING PERMIT ISSUANCE				
	provide energy efficient buildings, equipment and systems. A Demolition Debris Recycling Plan that indicates where select demolition debris is to be sent shall be provided to the Building Official prior to the issuance of a demolition permit. The Plan shall list the material to be recycled and the name, address, and phone number of the facility of organization accepting the materials.			
37.	A vector/pest control abatement plan prepared by a pest control specialist licensed or certified by the State of California shall be submitted for review and approval by the Planning Manager and the Building Official. Said plan shall outline all steps to be taken prior to the commencement of any demolition or construction activity in order to ensure that any and all pests (including, but not limited to, rodents, bees, ants and mosquitoes) that may populate the Property do not relocate to or impact adjoining properties.	Building/ Planning	Standard	
38.	Prior to issuance of a building permit, notice of the Project construction schedule shall be provided to all abutting property owners and occupants. Evidence of such notification shall be provided to the Building Division. The notice shall identify the commencement date and proposed timing for all construction phases (demolition, grading, excavation/shoring, foundation, rough frame, plumbing, roofing, mechanical and electrical, and exterior finish).	Building	Standard	
39.	Prior to issuance of a grading permit, a comprehensive geotechnical investigation, including additional soil borings shall be submitted to the City for review and approval. The design and construction of the project shall occur in accordance with recommendations identified in the comprehensive geotechnical investigation.	Building	Special	

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DURING CONSTRUCTION				
40.	During all phases of construction, a “Construction Rules Sign” that includes contact names and telephone numbers of the Applicant, Property Owner, construction contractor(s), and the City, shall be posted on the Property in a location that is visible to the public. These names and telephone numbers shall also be made available to adjacent property owners and occupants to the satisfaction of the Planning Manager and Building Official.	Building/ Planning	Standard	
41.	The Property shall be maintained daily so that it is free of trash and litter.	Building	Standard	
42.	During construction, dust shall be controlled by regular watering or other methods as determined by the Building inspector.	Building	Standard	
43.	The Building Division may apply administrative assessments and/ or post general stop work notices for any violations of the Conditions of Approval for the Project, and any violations of the CCMC.	Building	Standard	
44.	During all phases of construction, all construction workers, contractors and others involved with the Project shall park on the Property or at designated offsite locations approved by the City, and not in the surrounding neighborhood.	Building	Standard	
45.	When foundation shoring and/or foundation piles will be part of the Project, the engineer of record shall use noise dampening measures such as the drilling of shoring supports and piles as determined by the Building Official and Planning Manager.	Building/ Planning	Standard	
46.	Prior to the commencement of any excavation, a temporary construction fence shall be installed around the site. The height and fence material	Building/ Planning/ Public Works	Standard	

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DURING CONSTRUCTION				
	is subject to approval by the City Engineer and the Planning Manager.			
47.	Hours of construction shall be limited to the following: 8:00 AM to 8:00 PM Monday through Friday; 9:00 AM to 7:00 PM Saturday; and 10:00 AM to 7:00 PM Sunday and National holidays. Dirt hauling and construction material deliveries or removal are prohibited during the morning (7:00 AM to 9:00 AM) and afternoon (4:00 PM to 6:00 PM) peak traffic periods. All construction workers shall be respectful of the surrounding neighborhood and keep non-construction related noise to a minimum prior to, during, and after permissible construction hours.	Building/ Public Works	Standard	
48.	All staging and storage of construction equipment and materials, including the construction dumpster, shall be on-site only. The Property Owner must obtain written permission from adjacent property owners for any construction staging occurring on adjacent property.	Building/ Public Works	Standard	
49.	Compliance with the following noise standards shall be required with at all times: A. No construction equipment shall be operated without an exhaust muffler, and all such equipment shall have mufflers and sound control devices (i.e., intake silencers and noise shrouds) that are no less effective than those provided on the original equipment; B. All construction equipment shall be properly maintained to minimize noise emissions; C. If any construction vehicles are serviced at a location onsite, the vehicle(s) shall be setback from any street and other	Building/ Planning	Standard	

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	property lines so as to maintain the greatest distance from the public right-of-way and from Noise Sensitive Receptors; D. Noise impacts from stationary sources (i.e., mechanical equipment, ventilators, and air conditioning units) shall be minimized by proper selection of equipment and the installation of acoustical shielding as approved by the Planning Manager and the Building Official in order to comply with the City's Noise Regulations and Standards as set forth in CCMC Chapter 9.07; and E. Stationary source equipment (i.e., compressors) shall be located so as to maintain the greatest distance from the public right-of-way and from Noise Sensitive Receptors.			
50.	In the event three citations are issued in connection with the Project for violations of these Conditions of Approval or for other violations of the CCMC, Project construction shall be stopped until such time that it is determined to the satisfaction of the Community Development Director, that causes of such violations have been eliminated or corrected and that the Project will be able to proceed in full compliance with these Conditions of Approval and the CCMC.	Building/ Planning	Standard	
51.	Flag persons with certified training shall be provided for work site traffic control to minimize impacts to traffic flow and to ensure the safe movement of vehicles into and out of the Property.	Building/ Public Works	Standard	
52.	During construction, trucks and other vehicles in loading and unloading queues must be parked with their engines off to reduce vehicle	Building	Standard	

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DURING CONSTRUCTION				
	emissions. Construction deliveries shall be phased and scheduled to avoid emissions peaks as determined by the Building Official and discontinued during second-stage smog alerts.			
53.	Construction vehicles shall not be permitted to stage or queue where they would interfere with vehicular and pedestrian traffic or block access to adjacent properties. Off-site staging shall be at locations approved by the City Engineer and shall be of sufficient length to accommodate large trucks without being unduly disruptive to traffic operations. The drivers of these trucks shall be in radio or phone communication with on-site personnel who shall advise the drivers when to proceed from the staging location to the Property. Construction-related vehicles shall not be permitted to park on public streets.	Building/ Public Works	Standard	
54.	If any archaeological materials, paleontological materials, or human remains are encountered during the course of the project development, work in that area must be halted and the City of Culver City must be notified. Prior to resumption of work, a Phase 1 Archaeological and Paleontological Survey shall be completed and submitted to the Planning Division and Building Safety Division for review. If the Phase 1 Archaeological/Paleontological Survey indicates the presence of archaeological and/or paleontological resources, then an archaeological and/or paleontological professional(s), approved by the City, shall monitor all phases of excavation for the project site. Work will be halted in that area of the detected resource until the City of Culver City's archaeologist and paleontologist have been contacted to evaluate the resources and permission to commence work in that area has been given by the City of Culver City. If the human	Planning Building & Safety	Special	

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DURING CONSTRUCTION				
	remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.			

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PRIOR TO CERTIFICATE OF OCCUPANCY OR FINAL INSPECTION				
55.	All provisions, and requirements set forth in these Conditions of Approval, in the Resolution approving the project, in the CCMC, or in any applicable written comments as provided by City representatives on November 15, 2018 at the Project Review Committee meeting on the Land Use Permit application, shall be fulfilled and satisfied to the satisfaction of all City departments before the use may be established or the Project occupied.	All	Standard	
56.	All requirements of the City's Art in Public Places Program, as set forth in CCMC Section 15.06.100, et. seq., shall be fully satisfied prior to the issuance of a certificate of occupancy; provided, that if such requirements will be satisfied by the payment of the public art in-lieu fee, the same shall be paid prior to the issuance of a building permit.	Cultural Affairs	Standard	
57.	All onsite and offsite improvements and all conditions of approval except those which are deferred pursuant to a bond or letter of credit as determined and approved by the Building Official, Fire Marshal, Planning Manager, and/or City Engineer shall be completed prior to issuance of any certificate of occupancy. Prior to issuance of any certificate of occupancy the following shall be provided to and approved by the City: A. Five full sets of as-built plans that shall include at a minimum the site plan, grading and utility plan, landscape and irrigation plan, floor plan for each level of the Project, parking structure plan, roof plan with all mechanical equipment identified as to purpose and source and all offsite improvements; and B. One set of as-built plans as described above in a digital format compatible with the City's computer system.	All	Standard	

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	C. As built plans submitted to the City may be provided as electronic files.			

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ON-GOING				
58.	The use and development of the Property shall be in substantial conformance with the plans and materials submitted with the application for the Land Use Permit as reviewed by the Planning Commission at its meeting on June 12, 2019 , excepted as modified by these Conditions of Approval.	Planning	Standard	
59.	Pursuant to CCMC Section 17.650.020 - "Inspection", the Property Owner and Applicant shall allow authorized City officials, or their designees, access to the Property where there is reasonable cause to believe the Property is not in compliance with these Conditions of Approval or other requirements of the CCMC.	All	Standard	
60.	The use and development of the Property shall comply with these Conditions of Approval and all applicable local, special district or authority, county, state and federal statutes, codes, standards, and regulations including, but not limited to, Building Division, Fire Department, Planning Division and Public Works Department requirements, and shall comply with all applicable CCMC requirements and all comments made during the City's building permit plan check review process. Failure to comply with said Conditions, statutes, codes, standards, and regulations may result in reconstruction work, demolition, stop work orders, withholding of certificate of occupancy, revocation of land use permit approval and/or any other lawful action the City might deem reasonable and appropriate to bring about compliance.	All	Standard	
61.	All graffiti shall be removed from the Property within 48 hours of its application.	Building/ Planning/ PW	Standard	
62.	The Property Owner shall maintain all street trees along the property frontage at his/her sole cost and expense.	Public Works	Standard	

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63.	All mitigation measures set forth in any environmental document relating to the Project (including any reports of the type contemplated by the California Environmental Quality Act) shall be completed as specified therein.	Planning	Standard	
64.	The Applicant covenants and agrees for itself, its successors, its assigns and every successor in interest to the Property or any part thereof that, for so long as the Property or any part thereof is used for the operation of The Willows Community School or other school use as defined in CCMC Section 17.700.010.S (“School Use”), the Developer and its successors and assigns (i) shall not officially or unofficially object to any future proposed uses adjacent to the Property or any part thereof that are otherwise legally permitted or conditionally permitted under the City’s zoning regulations, including any future amendments and revisions thereto, but for the proximity of such proposed uses to The Willows Community School or such other School Use, and (ii) shall not officially or unofficially assert, use or rely as a basis for rejection of any future proposed uses adjacent to the Property or any part thereof that are otherwise legally permitted or conditionally permitted under the City’s zoning regulations, including any future amendments and revisions thereto, on a finding regarding the presence and proximity of such proposed uses to The Willows Community School or such other School Use.	Planning City Attorney	Special	
65.	Public Benefit Contribution. The Applicant shall make the following payments to the City (the “Public Benefit Contribution”) during the time for which there is a School Use upon the Property, in the amounts and at the times set forth as follows:	CDD	Special	

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ON-GOING				
	A. The total amount of SIXTY ONE THOUSAND ONE HUNDRED DOLLARS (\$61,100) not later than thirty (30) calendar days after the date on which the City issues to the Applicant a demolition permit in connection with Property A, as outlined in the Master Plan, and annually thereafter on or before September 15 of each successive year; and B. The total amount of TWENTY ONE THOUSAND FOUR HUNDRED THIRTEEN DOLLARS (\$21,413) which amount shall be payable not later than thirty (30) Days after the later of (a) the Applicant acquiring a fee or leasehold interest in Property B or (b) the date as permitted in Section 65.D, and annually thereafter on or before September 15 of each successive year; and C. The total amount of TWENTY ONE THOUSAND FOUR HUNDRED THIRTEEN DOLLARS (\$21,413) which amount shall be payable not later than thirty (30) Days after the later of (i) the Applicant acquiring a fee or leasehold interest in Property C or (ii) the date as permitted in Section 65.D, and annually thereafter on or before September 15 of each successive year. D. During the first two (2) years following the Applicant acquiring a fee or leasehold interest in Property B or Property C, and provided that the City continues to receive annual tax revenue generated from the acquired property in an amount at least equivalent to the immediate prior five (5) year average of tax revenue received by the City, then the Applicant shall not be required to make the Public Benefit Contribution to the City for such property during such two (2) year period. However, if, at any time during the two (2) year period following the			

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	Applicant acquiring a fee or leasehold interest in Property B or Property C, the City issues a demolition or construction permit in connection with the Property B and/or Property C, then from and after the date of issuance of the permit, the Applicant shall pay the full amount of the Public Benefit Contribution for such property without any waiver referenced in this condition and notwithstanding the existence of any lease of such property. E. If the Applicant acquires a fee or leasehold interest in the Property B and/or Property C but fails to obtain a property tax exemption for such property and is required to pay property taxes for such property, then the Public Benefit Contribution shall be due and payable to the City; provided, however that the amount of the Public Benefit Contribution due for such property in any year shall be reduced by an amount equal to the taxes received by the City, applicable to such property for the immediate prior year. However, in no event shall the amount of the Public Benefit Contribution payments be reduced to an amount below zero. F. The initial annual payment of the Public Benefit Contribution calculated and payable to the City shall be subject to an annual increase based on the cumulative percentage change in the All Items Consumer Price Index for All Urban Consumers for Los Angeles County the Los Angeles-Riverside-Orange County, California metropolitan area (1982-84 =100), as published by the U.S. Bureau of Labor Statistics (hereinafter “CPI”), between August 2012 and the month immediately preceding the month in which each initial annual payment set forth in (A), (B) and (C) above is due. Each subsequent annual			

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	payment shall be subject to an increase in the percentage change in the CPI between August of the preceding year and August of the year in which the subsequent annual payment is due. In the event that the All Items Consumer Price Index for All Urban Consumers ceases to exist, City and Applicant shall mutually agree on a substitute annual inflation index covering the Los Angeles metropolitan area. In no event shall any Public Benefit Contribution to be paid annually be in an amount that is less than the immediate prior Public Benefit Contribution made to the City. G. In the event Applicant obtains a demolition permit in connection with Property A as outlined in the Master Plan on a date that is three (3) calendar years or more from the Effective Date of this Land Use Permit, or upon any event during the term of this Land Use Permit that effects the uses on the Property or the taxes generated by the Property, including without limitation changes in the tenants of Property B and/or Property C after the Effective Date of this Land Use Permit but prior to the Applicant's purchase, lease or acquisition of any property interest in said properties, as reasonably determined in the sole discretion of the City, the City shall have the right, but not the obligation, to recalculate the amount of the Public Benefit Contribution required to be made to the City as set forth in (A), (B) and (C) above and such new amount shall become the amount of the Public Benefit Contribution to be paid to the City annually subject to the annual increases as set forth in (F) above, but in no event shall the new amount of the Public Benefit Contribution to be paid annually be less than the immediate prior Public Benefit Contribution made to the City.			

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ON-GOING				
66.	The obligation of Applicant to make the Traffic Improvement Contribution Payment and the Public Benefit Contributions shall run with the land and shall be effective with respect to the Property until the cessation of operations of The Willows Community School or any successor School Use on the Property.	CDD	Special	
67.	In the event the Applicant, its successors and assigns, or all persons claiming under or through them, fails to pay the Traffic Improvement Contribution Payment as required by <u>Condition No. 27</u> and/or the Public Benefit Contributions or any portion thereof to the City when due as required by <u>Condition No. 65</u> , the delinquent amount shall bear interest, compounded, at the rate of ten percent (10%) per annum or the highest non-usurious rate of interest permitted under applicable law calculated from the date that the corresponding Traffic Improvement Contribution Payment and/or Public Benefit Contributions were due and payable, until the delinquent amount of the Traffic Improvement Contribution Payment and/or Public Contribution Payments are paid, and the City shall have a lien on the Applicant's, or its successors' and assigns', interests in the Property then owned or leased by the Applicant, or its successors and assigns, for the full amount of the delinquent amount of the Traffic Improvement Contribution Payment and/or Public Benefit Contributions that are due and payable, plus interest, until paid in full.	CDD	Special	
68.	As security for payment of the Public Benefit Contribution and the Traffic Improvement Contribution Payment, the Applicant shall post an unconditional and irrevocable Letter(s) of Credit in a form approved by the	CDD	Special	

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	City Attorney for the benefit of the City. The initial amount of the Letter of Credit shall be set at twice the Public Benefit Contribution amount due for Property A as identified in <u>Condition No. 65</u> (\$61,100 X 2 = \$122,200). The Letter of Credit shall be a term of one (1) year, subject to automatic annual renewals at least 15 days prior to the current expiration date for so long as the Property is operated as a School Use. At the time of each annual renewal, the Letter of Credit amount shall be adjusted to reflect twice the amount of the Public Benefit Contribution owed to the City at the time of such renewal, as determined by the payment schedule and inflationary rates set forth in <u>Condition No. 65</u>. Under the Letter of Credit, the City shall have the unconditional right to draw down funds i) to reimburse itself for any Public Benefit Contribution payments or the Traffic Improvement Contribution Payment accrued but unpaid by the Developer; and ii) as a penalty in the event the Property is transferred without first obtaining the City's reasonable approval. Funds may only be drawn down from the Letter of Credit after notice and a reasonable opportunity to cure the failure to timely pay or unpermitted transfer has passed.			
69.	Applicant's transfer of title of the Property shall be subject to the City's reasonable approval, provided the purchaser intends to continue to utilize the Property for School Use consistent with this Land Use Permit. City's reasonable approval of such transfer shall be conditioned on i) the Public Benefit Contribution payments being current; ii) the successor owner's agreement to all Conditions of Approval set forth in this Land Use Permit by execution of a covenant agreeing to these Conditions of Approval as	CDD	Special	

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	set forth in <u>Condition No. 28</u> ; and iii) the successor owner's submission of a letter of credit in accordance with <u>Condition No. 68</u> .			
70.	On-street parking shall not be restricted during anytime as a result of the School's drop-off and pick-up operations and queuing onto public right of ways shall be avoided. Final review of the School's future drop-off and pick-up operations associated with each Phase of the Master Plan shall be reviewed by the Planning Manager and the City Traffic Engineer to ensure the operations do not impact street parking or cause queuing onto public rights of way. Modified based on 2019 Phase II Modification	Planning Public Works	Special	
ADDITIONAL CONDITIONS FOR 2019 PHASE II MODIFICATION				
71.	The City reserves the right to administratively limit the hours for non-school users of the Phase II Multi-Purpose Play field should there be nuisance complaints related to such activity.	Planning	Special	
72.	Light fixtures for the Phase II Multi-Purpose Play field shall be selected that direct light as much as possible onto the field surface and side shields shall be installed to minimize light trespass along the west and south property lines. Additional shielding may be required for the north and east facing property lines should there be nuisance complaints regarding light and glare.	Planning	Special	

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73.	Automated stacked parking shall be installed per the 2019 Master Plan and Hayden Tract Parking District Automated Stacker Parking standards should the off-site Samitaur spaces at 8511 Warner Drive be eliminated. Should Samitaur spaces at 8511 Warner Drive be temporarily unavailable the school shall secure additional spaces either through on-site valet/managed parking or through another off-site parking mechanism that results in the parking required per the 2019 Master Plan.	Planning	Special	
74.	Parking during special events will continue to be provided at the existing Higuera Lot; Warner Lot (including the existing additional designated event parking spaces); and at the off-site Samitaur Warner parking lot (8511 Warner Drive).	Planning	Special	
75.	a. The 8510 Warner building roof shall be a minimum class A. Vinyl exterior windows are not recommended for fire resistance. b. The Applicant shall provide a hazardous materials report to building safety prior to any demolition activity at 8525 Higuera Street.	Building	Special	
76.	a. A KNOX key system shall be provided for all gates, exterior and interior doors and rooms. b. All rooms shall install indicating signs for use and have specific numbers that are part of the fire alarm system for annunciation. c. The Applicant shall expand the life safety systems to adjust for addition, reduction and modifications to buildings.	Fire	Special	
77.	a. Three (3) sets of on-site improvement plans (grading plans/Site Improvement Plans) prepared by a civil engineer registered in the State of California shall be submitted to the Engineering Division for review, approval and permitting. Among other things, the on-site	Public Works Engineering	Special	

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	improvement plans shall include detailed on-site drainage and grading of the site indicated by topographical lines and spot elevations. This plan shall be approved for on-site construction only. b. Three (3) sets of off-site improvement plans (Street-Use Plans) prepared by a civil engineer registered in the State of California shall be submitted to the Engineering Division for review, approval and permitting for all proposed improvements within the public right-of-way. Landscape and irrigation plans for the public parkway area shall be included in the street improvement plans. c. A sewer easement shall be drafted and recorded for the existing sewer line located to the east of the subject location. The Sewer easement shall be 10 feet wide (5 feet on each side of the sewer line). The Applicant shall Include the title report to the existing properties upon submittal of the formal application. d. For drainage at the proposed field it is recommended to use a CDS stormwater treatment system and dry-well instead of CMP detention system. e. The Applicant shall replace curb and gutter at proposed existing driveway removal per the latest edition of American Public Works Association (APWA) Standard Plans and ADA compliant. f. The Applicant shall replace sidewalk at the frontage of the project on Higuera Street per the latest edition of American Public Works Association (APWA) Standard Plans and ADA compliant. g. The Applicant shall reconstruct driveway approaches on Higuera Street to ADA compliance and per the latest edition of			

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	American Public Works Association (APWA) Standard Plans. h. The proposed street trees in the parkway shall comply with the Urban Forest Master Plan. i. The proposed landscaping in the parkway shall comply with the Culver City Residential Parkway Guidelines.			
78.	a. The applicant shall develop a Transportation Demand Management Program (TDM) plan for dissemination to all new school families upon entry. The TDM plan will be updated on an annual basis and disseminated to all returning school families at the beginning of each new school calendar year. The plan will include a traffic/parking circulation plan which explains vehicular ingress/egress and parking, vehicle queuing instructions and student drop - off and pick - up instructions. b. The applicant shall promote and provide educational bike and pedestrian programs in their curriculum to teach students about safety and environmental/health benefits of multimodal transportation, such as biking and walking. Classes shall include instruction on understanding rules of the road, the proper use of bikes around motor vehicles and pedestrians and teaching of basic biking skills. c. With the increase in enrollment, it is estimated that the afternoon vehicle queue could increase by 5 vehicles during the pick - up period. This estimate is based on 22 additional trips generated in the PM school peak period arriving in 4 pick - up periods. The Higuera Street driveway exit shall be restricted to right – turns only. This turn restriction will be enforced by the installation of a no left - turn sign and made a part of the School student drop - off and pick - up program. In addition, the City has ordered the following signing and curb markings:	Public Works Traffic	Special	

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	i. Installation of signs stating: "No Stopping 7:30 to 9:00 AM and 2:30 to 3:45 PM School Days" between the School's two Higuera Street driveways. ii. Painting of five feet of red curb on the west side of the School's westerly driveway, and five feet of red curb on the east side of the School's easterly driveway. d. Pursuant to condition #28 of Resolution No. 2012-P006, the applicant made a Traffic Contribution of \$25,000 toward traffic calming measures on Higuera Street. However, the applicant will continue to work with the City of Culver City to implement measures to further improve traffic flow near and around the School campus. e. The School's traffic consultant shall conduct follow-up site reviews and a report after the 75 additional students are enrolled to determine if a more efficient loading and unloading of students can be accommodated on site, without car queuing effecting Higuera Street. f. The School's traffic consultant shall conduct follow-up site reviews and a report after the full additional 100 students from combined Phases II and III are enrolled to determine if a more efficient loading and unloading of students can be accommodated on site, without car queuing effecting Higuera Street. g. If the follow-up site reviews for Phase II and III demonstrate that cars are queuing onto Higuera Street, the School will be responsible to apply additional corrective measures. h. The School shall advise parents of the no-left turn restriction at the west exit driveway.			

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	i. The School shall pay \$250 for a no-left-turn sign, which the City will post in the public right of way at the west exit driveway. j. The School shall post a sign on their property in advance of the driveway advising motorists that left turns are prohibited.			