

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 10/10/05		Item Number: <u>PH-2</u>	
AGENDA ITEM: Appeal of the Planning Commission's Adoption of a Mitigated Negative Declaration for the Hampton Inn and Suites Development, Located at 3954 Sepulveda Boulevard (This is a Continued Item).			
Contact Person/Dept.: Jose Mendivil		Phone Number: (310) 253-5757	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Notices were mailed on September 19, 2005 to all property owners and occupants within a 300 foot radius of the site, extended to end of city block; on September 19, 2005, the site was posted; courtesy notices were mailed on September 19, 2005, to the City Council, Planning Commission, Cultural Affairs Commission, Culver City Homeowners Association, Culver City Chamber of Commerce, CAO, and Department Heads; Master Notification List 10/5/05.			
Department Approval: Susan Evans 10/5/05		CAO Approval: Scott Bixby for Jerry Fulwood 10/4/05	
City Controller Approval: Mary Noller for Marlee Chang 10/4/05			
<u>RECOMMENDATION:</u> That the City Council deny the appeal and uphold the Planning Commission's December 8, 2004 finding of a Mitigated Negative Declaration that was adopted in conjunction with the approval of Site Plan Review, SPR P-2004126, that allows the construction of a 4-story, 77-room, 35,104-square foot Hampton Inn and Suites Hotel at 3954 Sepulveda Boulevard; <u>BACKGROUND:</u> On December 8, 2004, the Planning Commission approved a Site Plan Review to construct on a vacant lot, a 4-story, 77-room, 35,104 square foot Hampton Inn and Suites Hotel with some subterranean parking. In conjunction with the Site Plan Review approval and pursuant to the California Environmental Quality Act (CEQA) guidelines, the Commission adopted a Mitigated Negative Declaration (MND) after finding that the proposed hotel project will require mitigation measures to reduce certain impacts on the environment. On January 11, 2005, Emily Fisher (the "appellant") filed an appeal on the adoption of the MND following a discussion with staff regarding alternative types of appeal. The appellant was informed that if she appealed only the CEQA determination, and not the Site Plan Review, the Council could only consider the adoption of the MND and not the merits of the Site Plan Review. The appellant decided to challenge just the MND. No appeals were filed for the Site Plan Review. The Site Plan Review resolution (Attachment No. 6) and the Planning Commission staff report for the Site			

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Plan Review (Attachment No. 7) are presented in this agenda report for information purposes only.

On March 28, 2005, the City Council held the appeal meeting for the Hampton Inn MND. After hearing testimony from the appellant and several members of the Bentley Avenue community, the Council decided to continue the meeting to a date uncertain. They asked for the following: preparation of a traffic study, preparation of a shade and shadow study, and staff facilitation of a meeting between the applicant, the appellant, and the Bentley Avenue community. The technical studies have been completed and the community meeting was held; staff is now returning to the Council with its additional discussion based on the studies and with a final recommendation.

For a full background on the March 28th City Council appeal meeting please refer to the March 28, 2005 City Council Agenda Item Report (Attachment No. 10). All attachments to the March 28th report, which include staff's initial response to the original appeal letter, are included in this current report and in their original order. Additional attachments not part of the March 28th report include: Attachment No. 11, the staff response to the appellant's Appeal Addendum filed on March 23, 2005 by Lake & Lake Consultant, Inc., and the March 23, 2005 Appeal Addendum; Attachment No. 12, general comments/responses to the May 31, 2005 Community Meeting; and Attachment No. 13, the Traffic Study, Shade and Shadow Study, and Phase 1 Environmental Report. These technical studies were transmitted to the Council under separate cover on August 31, 2005.

DISCUSSION:

Original Appeal Letter

The appellant claims the MND was inadequate and requests that the adoption of the MND, as presented to the Planning Commission, be overturned and that a more in-depth environmental analysis be conducted. The appellant's January 11, 2005 appeal letter is included as Attachment No. 2. The appellant's argument includes issues related to traffic, pollution, and aesthetics/noise/massing. Attachment No. 3 is a summary of the appellant's January 11, 2005 appeal letter and staff's response.

Appeal Addendum filed on March 23, 2005 by Lake & Lake Consultant, Inc.

On March 23, 2005 the appellant's consultant filed an addendum to the January 11, 2005 appeal letter. Staff did not have time to prepare written responses (for the March 28, 2005 appeal meeting) to the issues raised in the addendum, but staff was ready to give oral comments. Attachment No. 11 is staff's written response to the

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various issues raised in the addendum; the addendum itself is also part of Attachment No.11.

In summary, staff disagrees with the addendum's comments and conclusions and does not believe that an Environmental Impact Report (EIR) is warranted. Nothing in the addendum's statements lead staff to believe the MND is inadequate.

May 31, 2005 Community Meeting

As part of the Council's wishes, the City facilitated a meeting between the Bentley Avenue community and the applicant. A summary of the issues raised by the community and general staff responses to those issues are included in Attachment No. 12. Generally, the community restated concerns already expressed in previous written and oral testimony. They also talked about other issues such as trash and debris on the project site and the alley, overall safety in the surrounding area, and traffic concerns. Both the traffic and shade and shadow consultants were present and took note of the community's concerns; they both explained their respective methodologies. As of the date of the community meeting, they had not completed their studies.

Staff noted trash issues on the site were addressed through code enforcement procedures and meetings with the Building Inspector. Debris in the alley and overall safety are continually addressed through City Public Works crews and the Police Department (even if the hotel project is not built on the project site). In summary, as with the addendum, issues brought up by the community at the meeting did not lead staff to a conclusion that the MND is inadequate.

TECHNICAL STUDIES:

The Council required a traffic study and shade and shadow study. In addition, at the May 31, 2005 meeting, the community asked if there had been a soils test on the site. The applicant responded to this specific community concern by conducting a Phase 1 Environmental Report (a preliminary soil analysis/review). These three technical studies, identified as Attachment No. 13, were transmitted to the City Council and the appellant on August 31, 2005. The specifics of the results are in the respective studies.

In sum, the traffic study did not reveal potential traffic impacts. Projected vehicle trip contribution due to the hotel project and projected cumulative vehicles trips after the hotel is built and operating are not high enough to indicate there will be substantial impacts. They are within and below thresholds of significance (this also holds for the project's expected contribution to freeway traffic). With regard to projected trip

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contributions to Bentley Avenue and Pigott Drive, the average daily traffic is expected to increase by 19 trips per street. The projected percent trip increase is 1% to 1.5% which is below the 12% increase threshold for potential significance.

The only suggestion the traffic study makes is the City could request the applicant to provide directions and routing information, that includes only arterial roadways and freeways (I-405, Sepulveda Boulevard, Venice Boulevard, Sawtelle Boulevard, and Washington Place), to its patrons and other vehicles accessing the site. If the Council so desires, staff could add this requirement as a mitigation measure.

The shade and shadow study determined that during the Winter solstice when shadows are the longest, there will be shading affecting the apartment to the north and the rear portions of two residential properties to the east of the site. Staff does not believe that these shadows are significant enough to require an EIR. New development always has the potential to create new shadows. However, this project complies with the code required height and setback requirement and nothing in the Zoning Code or the General Plan restricts height and massing because of the shade new developments may cause. It is only when a new development proposes heights and setbacks outside of the code requirements that shade and shadow may be identified as a significant impact.

The Phase 1 Environmental Report (preliminary soil review) determined that based on the historical uses of the site (a nursery and a vacant lot) and review of various city permits issued over time, there is no evidence of hazardous materials on the project site. Therefore, no further soil testing is required at this time.

In conclusion, the technical studies did not reveal any new environmental impacts that would require additional environmental analysis beyond the Planning Commission adopted MND.

FISCAL ANALYSIS:

There is no immediate fiscal impact resulting from this item. However, during the appeal process the Site Plan Review is on hold and no construction can occur. If the Council determines that the impacts of the project are potentially significant (regardless of the mitigations included in the MND) and that an EIR should have been prepared, the Site Plan Review would no longer be in effect. Should the project applicant then choose to proceed with the project, an EIR would have to be prepared and the EIR and Site Plan Review be acted upon by the Planning Commission. A delay in the project could result in the project not being built. If this

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is the case, any potential increase in City revenues from the development of the vacant lot will not occur.

CONCLUSION

The appellant argues that the project poses a significant threat to the health and welfare of local residents, thereby reducing the quality of life in the vicinity of the project site. Staff concludes that the project does not pose such a threat. It complies with the General Plan and Zoning Code and the Site Plan Review conditions of approval and mitigations identified in the MND reduce potential impacts to a level of insignificance. Moreover, staff concludes that the blighted, vacant lot is more of a negative impact on the community than a developed, economically functioning property and that the MND sufficiently addresses the potential environmental impacts associated with the hotel and no further environmental analysis is required.

ATTACHMENTS:

1. Draft City Council Resolution No. __ Denying the Appeal and Upholding the Planning Commission's Adoption of the Mitigated Negative Declaration (MND).
2. Appellant's January 11, 2005, appeal letter.
3. Summary of Appellant's Argument (January 11 letter) and Staff Response.
4. Mitigated Negative Declaration (MND).
5. Interdepartmental Memorandum Regarding Trip Generation.
6. December 8, 2004, Planning Commission Resolution No. 2004-P014 Approving Site Plan Review, SPR P-2004126.
7. December 8, 2004, Planning Commission Staff Report with attachments except the MND.
8. Minute excerpts for the December 8, 2004, Planning Commission meeting.
9. Caltrans Letter.
10. March 28, 2005 City Council Staff Report (without attachments).
11. Staff response to Appellant Appeal Addendum filed on March 23, 2005 by Lake & Lake Consultant, Inc., and March 23, 2005 Appeal Addendum.
12. General comments/responses to May 31, 2005 Community Meeting.
13. Traffic Study, Shade and Shadow Study, and Phase 1 Report (transmitted under separate cover on August 31, 2005).

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MOTION:

That the City Council:

Adopt Resolution No. 2005-R denying the appeal and adopt the Planning Commission's Mitigated Negative Declaration for the Hampton Inn and Suites development at 3954 Sepulveda Boulevard.

OR,

Adopt Resolution No. 2005-R denying the appeal and adopt the Planning Commission's Mitigated Negative Declaration for the Hampton Inn and Suites development at 3954 Sepulveda Boulevard with the addition of one mitigation measure that requires the Applicant to provide directions to the hotel that makes use of only key arterials and freeways.

OR,

Overturn the Planning Commission's adoption of a Mitigated Negative Declaration for the Hampton Inn and Suites development and request an Environmental Impact Report be prepared for review prior to the effective date of the Site Plan Review.