

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

Meeting Date: 01/27/14		Item Number: <u>A-1</u>	
CITY COUNCIL AGENDA ITEM: Consideration of Additional Information Related to the Culver City Ice Arena and Direction to Staff as Deemed Appropriate			
Contact Person/Dept.: Sol Blumenfeld/Community Development Department Chris Sellers/Fire Department		Phone Number: (310) 253-5700 (310) 252-5910	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☐ No ☐		Date: _____	
Public Notification: (E-Mail) Meetings and Agendas – City Council (01/22/14); Persons who Spoke at the City Council Meeting of 01/13/14 and Provided an E-Mail Address (01/22/14)			
Department Approval: Sol Blumenfeld (01/22/14) Chris Sellers (01/22/14)		City Attorney Approval: Carol Schwab (01/22/14)	
Chief Financial Officer Approval: Jeff Muir (01/22/14)		City Manager Approval: John M. Nachbar (01/22/14)	

RECOMMENDATION

That the City Council consider the additional information in this report and direct staff as deemed appropriate.

BACKGROUND

This report provides background information and a response to questions received during public comments at the City Council meeting of January 13, 2014 in connection with the proposed decommissioning and reuse of the Culver City Ice Arena ("Ice Arena") located at 4545 Sepulveda Boulevard ("Property"). (For purposes of this report, the entire facility is referred to as the Arena, which includes the ice rink itself ("ice rink").)

According to reports available in the media and based upon public comment received at the City Council meeting of January 13, 2014, the Property has been leased by an entity called Planet Granite, which is proposing to repurpose the Ice Arena as a climbing and fitness gym. The following questions were raised regarding the proposed project:

1. How will the City manage the decommissioning process and potential release of hazardous materials that may result from the demolition of the ice rink, itself, resulting from the repurposing of the site?

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2. How does historic designation of the property impact the proposed project?
3. How do the zoning restrictions on the property affect its repurposing?
4. What project options can be considered relative to the land use restrictions?

DISCUSSION

Decommissioning the Ice Rink and Hazardous Materials

The Culver City Fire Department, working with the Los Angeles County Health Hazardous Materials Division, is the lead agency authorized to oversee the storage, handling, and removal of hazardous materials as part of the decommissioning of the ice rink. Hazardous materials are regulated pursuant to Federal, State, County and City laws. The ice rink currently uses and stores hazardous materials as part of their business operations, and refrigerants and refrigerant by-products used for the ice rink are extremely hazardous materials that must be carefully controlled as part of the ice rink closure.

As part of the decommissioning process, the property owner or lessee must:

- Prepare a Facility Closure Plan for Culver City Fire Department approval at least 30 days prior to closure of the facility.¹
- Obtain a Culver City Fire Department permit to remove all hazardous materials from the site based on the Facilities Closure Plan. Retain a qualified hazardous materials contractor for removal and disposal of the material at an approved location.
- Perform a “Preliminary Endangerment Assessment” as specified in California Health and Safety Code 25319.5. A preliminary endangerment assessment includes all of the following activities:
 - (a) Sampling and analysis of a site.
 - (b) A preliminary determination of the type and extent of hazardous material contamination of a site.
 - (c) A preliminary evaluation of the risks the hazardous materials contamination of a site may pose to public health or the environment.
- After obtaining all required permits, site remediation shall be performed following an approved Remedial Action Plan with oversight from Los Angeles County Fire Department Health Hazardous Material Division.

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- A final report shall be submitted to the Culver City Fire Department demonstrating that all hazardous materials have been removed from the property including a certified manifest showing the type and quantity of the hazardous materials removed, and the name and location of the accepting hazardous waste facility.

The Culver City Fire Department has been notified by the ice rink operator that they will cease operating and shut off power to the Culver City Ice Rink on February 15, 2014. CCFD issued a Notice on January 17, 2014 to the ice rink operator, and mailed to the property owner via certified mail, that there are hazardous materials on site and that hazardous materials are regulated pursuant to Federal and State requirements (CAL-ARP) and local regulations and further that a Facility Closure Plan must be submitted to the Fire Department for approval prior to shutting down the facility per the 2013 California Fire Code (CFC), Section 5001.5.¹

The facility operator has also been notified that in order to avoid the possibility of releasing any hazardous materials into the environment through a premature shut down of the equipment, the ice rink cooling equipment must remain operational until the Facility Closure Plan has been approved. The Facility Closure Plan must be prepared by a qualified engineer or specialist in accordance with CFC Section 104.7.2 and submitted to the Fire Department for approval. The Closure Plan must be submitted at least 30 days prior to the facility closure.²

The Plan shall demonstrate that hazardous materials which are stored, dispensed, handled or used in the facility will be transported, disposed of or reused in a manner that eliminates the need for further maintenance and any threat to public health and safety.³ To date, no plan has been submitted for Culver City Fire Department approval.

The property owner or lessee is required to remediate any hazardous materials that are released as a result of property repurposing and is required to remove all hazardous materials prior to obtaining a building permit for site repurposing pursuant to State law.

Potential Historic Designation of the Ice Arena

The City's Historic Preservation Program provides a process for designation of historic/cultural resources. The stated purpose is "to protect the City's architectural history and patterns of cultural development. It is also intended to encourage and facilitate public knowledge, understanding and appreciation of the City's historic past and cultural resources." In 1987, a Historic Resources Survey was conducted, which surveyed buildings that met minimum requirements of being fifty years old or were shown to have special importance to the City. Final designations as historic/cultural resources were made by the City Council in 1991. The Ice Arena was not included in the Survey.

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As the Ice Arena is now more than fifty years old, under the City's Historic Preservation Program, it clearly meets at least one threshold criteria for nomination for designation as a historic/cultural resource. The general process for nomination and designation, described in CCMC Chapter 15.05 is as follows:

- 1) Applications for nomination for designation can be submitted by a resident, an owner, the Cultural Affairs Commission, or the City Council;
- 2) The Community Development Director then prepares an evaluation of the proposed designation and makes a recommendation to the Cultural Affairs Commission, which shall set a hearing for consideration of the designation;
- 3) If recommended by the Cultural Affairs Commission, it then goes to the City Council for review; the City Council will either accept, modify or disapprove the recommendation;
- 4) Threshold criteria for designation are: a) Fifty years old and a publically accessible or visible exterior; b) Special importance to the City; and/or c) Has architectural, historical or cultural significance; and,
- 5) Depending on the level of significance, the designation would be Landmark, Significant or Recognized.

It should be noted, that regardless of the designation, the new owner ultimately will be permitted to change the interior use, which would include decommissioning the ice rink and remodeling the interior. However, if the nomination process is instituted, there could be some delays in the issuance of demolition and construction permits, pending the designation process. Pursuant to Culver City Municipal Code Section 15.05.035 (D), once a nomination for a Landmark or Significant structure has been initiated, no permits for alterations to that structure can be issued, until a final designation decision has been made.

If designated as a Landmark or Significant structure, there is a process which will allow an owner to apply for a "Certificate of Appropriateness" requiring that certain findings be made prior to demolishing, removing, or making alterations to the exterior. If that occurs, the review and consideration of a Certificate of Appropriateness shall be a discretionary action by the City triggering a review under the California Environmental Quality Act (CEQA) which requires review of historical resources. CEQA would also apply if the tenant applies for other discretionary permits from the City such as a Conditional Use Permit, Variance, or Administrative Use Permit. It is not known, however, whether the new tenant will be applying to the City for any such discretionary permits. In addition, many aspects of the interior remodel can be done with permits that are considered "ministerial", not requiring any discretionary action. CEQA does not require that the original use be maintained, but requires a review of the impact of a project on an historic resource.

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If the City Council determines that it would like further information or action to be taken regarding the potential historic aspect of the Ice Arena, it should direct staff as it deems appropriate.

Zoning and Land Use Restrictions for the Property

The site is 2.71 acres or 118,048 square feet in area. The building contains approximately 30,000 sq. ft. of gross floor area (GFA).⁴ The first 100 feet of property street frontage is zoned Commercial General (CG) and the rear 250 feet is zoned Single Family Residential (R1). The commercial use of the Property is located within the CG zone and the rear portion of the property is used for surface parking. The ice rink is currently legal non-conforming to parking since it has 179 parking stalls and 300 stalls are required under the Parking Code requirement of 1:100 of GFA.⁵

If a health and fitness use was to replace the Ice Arena, the parking requirement would be 1:200 sq. ft. GFA (or 150 parking stalls). If the current parking stalls are maintained as part of the proposed repurposing, the parking would be conforming. There is currently no application on file with the Planning Division for the proposed climbing and fitness gym to determine if it will conform to zoning regulations.

The Commercial General designation permits a variety of commercial uses and the R1 zoning permits single family development. The entire site has a General Plan designation of Commercial General. In order to utilize the rear portion of the site for an alternative use, the Property would require rezoning to conform to the General Plan, or the City would need to approve an alternative land use designation through a General Plan Amendment.

Suggested Project Options:

During public testimony at the January 13, 2014 City Council meeting there were several suggestions for trying to preserve the ice rink. These included:

1. Retain the ice rink and develop the climbing gym behind it. The climbing gym could locate behind the existing ice rink which would necessitate providing structured parking since there would be less land area available for surface parking. The property owner or lessee would have to agree to absorb the added cost to construct a new building and structured parking. The new lessee has indicated that it is not financially feasible to construct a new building and provide structured parking and is apparently unwilling to do so.
2. Retaining the ice rink and develop a mixed use commercial / residential project and have the current lessee relocate to an alternative site. If the site was rezoned to conform to the General Plan, a mixed use project could be developed and proceeds from the residential development could be used to support the ice rink. However, the property owner may not be inclined to develop a mixed use project or any other project on the Property. Also the new lessee has been pursuing reuse of

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an existing building rather than constructing a new building and would not likely choose to relocate to develop a new building for the gym due to the significant cost increase for the project. Further, the combined site area required to accommodate the proposed gym use and related parking is approximately 1.75 acres, and there have been no alternative sites of this size identified in the City for development and developing on a smaller site would require the significant added cost for structured parking.

3. Provide zoning incentives with new development to retain the ice rink. The current zoning and development standards permit commercial development up to 56' in height with 0' setbacks and required parking for the proposed use. The types of zoning incentives that generally apply to development involve additional building height (building intensity), additional density (for residential development) or parking reductions. The City's height limit was established by referendum and may only be exceeded if the City Council grants a height exception pursuant to Section 17.300.025 of the Zoning Code; however these provisions do not apply to Redevelopment Component Area No. 4 in which the ice rink is located. Also, due to the impacts to the surrounding area, the adjacent residential neighborhood may share with the City Council its views on the impacts on their neighborhood resulting from any further undersupply of project parking and increased density for residential development. Therefore there are few realistic zoning incentives that can be applied to the property.

SUMMARY:

The property owner and the lessee have entered into a lease agreement for the Culver City Ice Arena. The City has limited influence or ability to maintain the existing ice rink since the owner and lessee have entered into a private real estate transaction. The City has no financial resources that can be allocated to purchase the property or maintain the ice rink. Pursuant to the City's Historic Preservation Program in Chapter 15.05 of the Culver City Municipal Code, the City may designate the ice rink building a historic resource. However, if so designated, the designation would preserve the building but not the use. Finally, the City will comply with all Federal, State, County, regional and local requirements relative to the ice rink closure and, in the event that it is found that any hazardous material has been released as a consequence of decommissioning the ice rink, the property owners and lessee will be responsible for any required clean-up.

ATTACHMENTS

1. Assessor's Map
2. Property Description

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MOTION

That the City Council:

Consider the additional information related to the Culver City Ice Arena and direct staff as deemed appropriate.

NOTES

1. Per California Fire Code Section 5001.6.3, the Facility Closure Plan shall demonstrate that hazardous materials which are stored, dispensed, handled or used in the facility will be transported, disposed of or reused in a manner that eliminates the need for further maintenance and any threat to public health and safety. 2013 California Fire Code (CFC) Section 104.7.2. and Section 5001.5
2. California Fire Code Section 2701.6. California Health and Safety Code 101480.
3. California Health and Safety Code, Chapter 6.95. The Los Angeles County Fire Department administers the reporting, storage and handling of hazardous materials through the Certified Unified Program Agency (CUPA) California Health and Safety Code 101480.
4. Requires verification with floor plan
5. Culver City Zoning Ordinance, Section 17.320.020, Table 3-3C