

1
2 **Fire Department:**

3 109. Provide KNOX Box and Key system as approved by the Fire Marshal.
4

5 **B. Tentative Tract Map No. 69709, TTM P2007117:**

6 **Engineering Division**

7 110. The final map shall be prepared by a Land Surveyor or Civil Engineer licensed in the
8 State of California and submitted to the Los Angeles County Department of Public
9 Works for review and approval.
10

11 111. Dedicate, on the final map, a five foot wide easement to the City of Culver City for
12 sewer line purposes. Final location will be determined when Tentative Map is
13 submitted.
14

15 112. The project boundary shall be tied to at least (1) City global positioning satellite
16 (GPS) monument.
17

18 113. The final map shall conform to the conditionally approved tentative map approved
19 by the Planning Commission on April 9, 2008.
20

21 114. Durable monuments shall be set at all perimeter boundary corners. At least two
22 monuments shall be set on the northerly prolongation of the property's easterly and
23 westerly boundary with the centerlines of Irving Place and Lafayette Place. All required
24 boundary monuments shall be installed prior to the recording of the final map.
25 Centerline monuments shall be "tied" to at least three (3) points, with lead and tags,
26 and centerline tie notes filed with the Engineering Division.
27

28 115. The final map shall be recorded prior to the issuance of a Certificate of Occupancy.
29

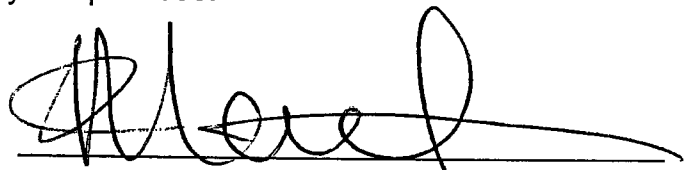
250

1
2 116. A copy of the final map in digital and mylar format shall be filed with the Engineering
3 Division prior to final acceptance by the City.
4

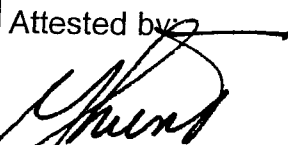
5 117. All public improvements, as required by the approved Site Plan Review, shall be
6 completed and approved prior to the final approval of the final parcel map by the City
7 Council. Otherwise, an agreement and adequate security shall be posted by the
8 subdivider, and accepted by the City, to satisfactorily complete said improvements.
9 The agreement and security shall conform to Sections 66462 and 66499 of the State
10 Subdivision Map Act.
11

12 118. The final map shall be submitted to the Los Angeles County Department of Public
13 Works for review, approval and recordation. After approval of the technical aspect of
14 the map by Los Angeles County, prior to recordation, the final map shall be approved
15 by the City Council. A copy of the first plan check package as submitted to Los
16 Angeles County shall also be submitted concurrently to the Culver City Engineering
17 Division for review.
18

19 APPROVED and ADOPTED this 9th day of April 2008.
20

21 
22

23 MARCUS TIGGS, CHAIRPERSON
24 PLANNING COMMISSION
25 CITY OF CULVER CITY, CALIFORNIA

26 Attested by
27 
28

29 Yvonne Hunt
Administrative Secretary

ATTACHMENT 5

1

Appeal of Planning Decision – 4043 Irving Place

RECEIVED

2008 APR 24 PM 4: 53

Basis for Appeal

CITY CLERK

This appeal is presented by neighbors of the proposed project. The basis for appealing the Commission's decision to approve the project consists of the following:

1. Three of the four Planning Commissioners who voted for the project failed to exercise their legal, discretionary authority.
2. The same three Commissioners ignored the stated goals, objectives and citywide land use policies mandated by the Culver City General Plan.

The aspects of the decision being appealed include the site plan and the Negative Declaration. Residents dispute the findings that this project would have no significant negative impact on the community.

During the Planning Commission meeting on April 9, 2008, three Commissioners continually referred to the Redevelopment Agency's requirements and their direction to develop the parcel as a mixed use site for condos and commercial space. These Commission members repeatedly made statements indicating they questioned that they had the authority to make any decisions counter to what had been outlined for the parcel by the Redevelopment Agency even when they acknowledged they disagreed with Redevelopment Agency decisions.

These Planning Commission members misinterpreted their own legal authority. They made the incorrect assumption that they had to defer to the Redevelopment Agency's direction dating back to 2006. Actually, the Redevelopment agency cannot determine, in advance of a public process, the specifics of a development for a particular parcel. The Planning Commission must be able to exercise its discretion and judgment in reviewing any project.

Simply rubber stamping this project makes a mockery of the very existence of the Planning Commission and denigrates any public participation. About 200 people came to the meeting to protest the development and express their valid concerns. The inability of the Commission to exercise its responsibilities appropriately, in effect, violated the legal process and eliminated the potential for residents' concerns to be addressed. An objective review process was not possible as the outcome was pre-determined.

A transcription of some of the remarks made publicly by the Commissioners is attached. (*Attachment # 1*) It clearly demonstrates these Commissioners' misunderstanding of their role and responsibilities as members of the Planning body. Agreeing with the 44 residents who made statements that the scale and scope of this project was too large, all of the Commissioners concurred that it was "too big."

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Commissioners turned to the developer and asked him if he would scale back the project. When he did not agree, three of the members voted, nevertheless, to approve the project, saying they did not think they had the authority to do otherwise. These actions are not congruent with fulfillment of the legal, discretionary authority of the Commission.

The current Culver City General Plan specifically states that the city's goal is to ensure "Residential neighborhoods that offer residents the qualities of a peaceful, small-town environment. As a nearly built-out community of low-to medium-density neighborhoods and a recognizable small-town character, development and redevelopment of housing should respect the existing neighborhood fabric. The design of new housing should complement the character and scale of its surroundings."

Objective 1 states "Protect the low-to medium-density character of residential neighborhoods." Policy 1.B states the objective to "protect the city's residential neighborhoods from the encroachment of incompatible land uses and environmental hazards which may have negative impacts on the quality of life (such as traffic, noise, air pollution, building scale and bulk, and visual intrusions.)" Policy 1. E states the objective to support a balanced respect for the character of existing residences with new...or remodeled structures."

Objective 4, Neighborhood Conditions, states the city should establish and maintain quality living environments and policy 4.B states the city "must determine appropriate standards for density, safety, and design character, consistent with existing neighborhood character." (*Attachment #2*)

This massive condo/commercial development spanning a full city block cannot be considered consistent with the existing neighborhood found on Irving and Lafayette Place. These streets primarily contain one and two story single family homes. The apartment units on these streets are primarily one and two story structures, much smaller in scale than the proposed project. The proposed project is in direct contradiction to the goals and objectives of Culver City's General Plan. The project would serve to destroy the small town character of this neighborhood and would have many negative impacts on quality of life as described below.

RFP Process and Redevelopment Agency role

The Redevelopment agency's RFP process was demonstrated to have been seriously flawed. As Mr. Aly Juma, owner of Happy Land pre-school, stated at the Commission meeting and in documents attached, (*Attachment # 3*) he spoke with a staff member of the Redevelopment Agency in 2006, telling her of his interest in submitting a bid for the purchase. The deadline for submission had not yet been closed. She told him not to submit a response to the RFP because a purchaser had already been selected. Please see attached letter from Mr. Juma.

The Redevelopment Agency Agenda Item Report of June 19, 2006 shows Metro Real Estate & Development's proposal for 18 units, not the current 26 units. (*Attachment #4*) In fact, 18 units would be more in keeping with an appropriate scale for the project.

Basing all further decisions for this project on what was an essentially flawed process to begin with, is not in the best interests of the community. The RFP process, sale and purchase arranged by Redevelopment represent a subversion of legal requirements related to the sale of this property.

1. Traffic Study

The Final Traffic Study, commissioned by the applicant/developer Mr. Sal Gonzales and carried out by Raju Associates Inc, is seriously deficient.

In an internal memo dated June 19, 2007, from Culver City Senior Civil Engineer Andy O'Connell to Paul Samaras in Planning, stated that *nine* intersections had been identified by the Engineering Department as those that should be included in the traffic report. Of these nine, only *four* were included in Raju Associates' study. (*Attachment 5*)

Mr. O'Connell's report, made after the PPR meeting on the proposed project, stated: "If the applicant proposes access to Irving Place, then prior to the submittal of the site plan review application, the applicant shall have a meeting with the surrounding neighborhood to discuss the project. The neighborhood shall extend from Culver Boulevard to Lucerne Avenue and from Duquesne Avenue to Van Buren Street, and should include the Linwood Howe School. City staff should be present at the meeting to verify the residents concerns regarding the proposed project."

No such meeting ever took place. Important stake holders were not included in the process. In February, Mr. Gonzales held two casual parking lot meetings on his property which were ill attended because of a poor notification process. Not all pertinent drawings and documents were available at that time. Many neighbors did, in fact, not receive any meeting notice.

The notice Mr. Gonzales sent out did not contain a return address from any city agency. Certainly, representatives from Linwood E. Howe Elementary School were not in attendance at these meetings. As Commissioners could see from the extremely high attendance at the Planning meeting on April 9, 2008, residents of the neighborhood are extremely concerned about this project. Community residents would have participated in a meeting if notification had been adequate.

The traffic study itself errs on several points, both in the data presented and in the methodology utilized. In addition to failing to study more than half of the intersections as requested, the traffic engineer "lost" several hundred cars. The number of estimated trips generated by the proposed development is unrealistic as a result. Owners of 2 and 3 bedroom condos often have 2 wage earners. The estimated trip numbers are out of line

with modern car usage. The report shows only 9 cars leaving the proposed condominiums in the a.m. peak hours and returning in the pm peak hours. 26 condos with potentially two adults per household would probably generate about 50 trips each a.m. and p.m. during the peak period.

As Planning Commissioner Rockwell noted during the Commission's April 9th meeting, the traffic report does not show any movements from southbound Lafayette Place left on to Braddock Drive, and does not show any eastbound movement on Braddock across Lafayette in the direction of Linwood Howe School. "These are the people that will be going to the school," Commissioner Rockwell noted in questioning the traffic engineer. Similarly, as Commissioner Rockwell noted, the report did not show any traffic going north on Lafayette and east on Braddock, again a conduit for school traffic.

The report also failed to record traffic going east on Braddock and left on Irving, a one-way street on which traffic must travel north toward Culver Boulevard. The traffic engineer stated he based his survey on parents driving south on Lafayette, turning east on Lucerne Avenue and then north on Irving to drop their children off. Commissioner Rockwell said he used to take Braddock to Irving, and drop his daughter off outside the school, as did most parents. Asked by the Commissioner if he perhaps had made a mistake in his calculations, the traffic engineer said "no," because right turns did not affect the delay at Irving and Braddock. He was gently reminded by the Commissioner that from Braddock, drivers actually must turn *left* into Irving.

The traffic engineer also appears to have "lost" several dozen cars between Braddock and Irving and Culver and Irving. His map (*Attachment 6*) shows that during morning and evening peak hours, 478 cars proceed north on Irving from the intersection with Braddock, but 500 yards later, there are only 347 vehicles listed as entering the Culver intersection. The only street between these intersections is the sparsely used "A" Street turnoff. Commissioner Rockwell joked that "aliens" may have taken the missing vehicles away or, more seriously "you may have missed some cars somewhere."

According to the traffic report, the 3,500 square feet of office space would only generate 4 vehicles arriving during the a.m. peak period and 4 leaving during the p.m. peak period. Staff for these offices would easily exceed these numbers. Certainly, the numbers do not adequately account for any trips made by clients of these offices.

Having minimized the number of additional trips the neighborhood would experience, the "Summary of Conclusions" found on page 42 of the traffic report states that the City's street segment traffic impact threshold is 8% and that the percentage of additional traffic for the proposed project is 7.4%, under the city's 8 % threshold. Adding even one more car in each category to the report's impact study would push the project over the threshold. Such a statistical analysis does not meet scientific standards for statistical validity or statistical reliability. As a result, the negative impact of traffic resulting from the proposed project was artificially minimized. The likely increase of traffic on Madison, Braddock, Duquesne, Irving and Lafayette is not sufficiently documented.

During the meeting, Commissioner Kuechle discusses the general inadequacy of the traffic studies and points to requests made by the Commissioner over a year ago to institute more reliable measures. However, inappropriate methodologies continue to be used, and decisions continue to be based on faulty reasoning. It is community residents who suffer on a long term basis as a result.

Please note that another mixed use project for 18 units and retail space is about to be built only one block away at 9900 Culver Blvd. the traffic study for that project stated that by 2009, the intersection of Duquesne and Braddock is projected to deteriorate from the current Level of Service B to Level of Service E (defined as "poor: represents the most vehicle intersection approaches can accommodate; may be long lines of waiting vehicles through several signal cycles." This is the worst level of service allowed in Culver City. The cumulative effect of these two projects must be considered "significant."

There also remains the question of ingress and egress with this project. The original proposal was for the entrance and exit from the project to be on Lafayette. Irving Place residents find that if the only entrance/exit is to be on their street, it would inherently place an unfair burden of traffic congestion.

Community residents request a more substantive analysis of traffic impacts.

2. Parking

On p. 43 of the traffic study, the report states that parking access and circulation systems were assessed and "they would all function adequately...there would be no adverse impact from the Proposed Project." On average, 50-plus cars are parked on the site of the proposed project at any given time. Historically, the site has provided parking for staff, teachers, and parents at Linwood E. Howe Elementary School as well as parents and staff at Happyland pre-school. It is now used by the schools as well as employees and patrons of downtown restaurants, shops, and theatres. Certainly, there will be parking needs met on residential streets further complicating existing traffic issues.

These cars will be displaced onto surrounding streets including Van Buren, Lafayette, Irving, Braddock, and Duquesne. These streets already have significant parking restrictions and parking shortages. Residents living on these streets report they have been experiencing a scarcity of parking spaces on adjacent streets for more than two years. As a result of previous downtown development in the city, these streets are used heavily for parking by both employees and patrons of the city's restaurants, theatres, and shops. The environmental study does not address the existing parking problems, nor does it address the expected exacerbation of parking problems which would be created by this project which concentrates so many condo units and three commercial offices on one site running from Lafayette to Irving. Future development projects in the area which are already in the hopper will only exacerbate further the parking situation for residents of this neighborhood.

Seven years ago, when Town Plaza was developed, residents of this neighborhood of Culver City were "promised" there would be "no significant negative impact" as a result of the downtown development. If there were any future negative impacts identified, residents were told, the city would "mitigate" the problem. There have been no mitigation measures instituted.

Cumulative effects of traffic and congestion are not taken into consideration by the traffic study. 37 development projects have been developed in this area in the last 3 years. More are on the way. Approving a project of this size with such potential negative impact on an already a seriously impacted residential neighborhood is irresponsible.

Traffic accidents in this neighborhood have increased significantly in the last 3 years. Additional data is being obtained from the Culver City Police Department and will be submitted once it is received. Since this proposed project is adjacent on one side to Linwood E. Howe Elementary School and on the other side to Happyland Pre-school, the potential impact of increased accidents and traffic congestion have special impacts on the safety of a large number of young children in our city.

3. Air Quality

The environmental report states there would be less than significant impact for this project while, at the same time, stating that "future new development in any portion of Culver City will contribute both at the project level and cumulatively to pollutant emissions." But "since the project is consistent with Culver City's General Plan and Zoning code, the impacts are considered to be factored into SCAQMD's regional air quality models."

This in no way reflects the immediate impact on a small area represented by this neighborhood. It should also be noted that a second mixed use of 18 condominiums plus retail stores has been approved one block away at 9900 Culver Boulevard. Air quality impacts have not been adequately addressed in this report which analyzed the impact of these developments separately although they are practically next door to one another.

4. Area Compatibility

The project is located in the middle of a residential street. For many years, it was zoned residential. After it was rezoned as commercial, it was occupied by a one story building which took up less than one third of the lot. Two thirds of the lot was used for parking. The property was never utilized for a high density project of any kind. It allowed light and air to circulate around the historic homes and allowed residents to appreciate this cultural resource.

The proposed project would be huge in scale, massing and volume. The size of the project is unprecedented for this neighborhood. It would be the only 4 story residential unit in the area adjacent to downtown Culver City. The proposed development is one full block long. The volume of the proposed building is unmodulated and unrelieved. It is a

single box which straddles the street as a wall. The building would be higher than most of adjacent Meralta office building as well as considerably higher than the landmark homes adjacent.

The project is particularly incongruent with these 12 Spanish Colonial historic landmark homes. The proposed building would dwarf them and minimize their significance. Part of the history of Culver City would be lost in the shadows of this monolith.

The landmark homes are currently eligible for placement on the National Register of Historic properties. Their eligibility could be diminished if this project were to be built. The planning department has described the impact on a valuable cultural resource as "less than significant." The community strongly disagrees with this assessment.

The site plan review's statement that "the project will complement the architectural visual character of the area" is particularly insensitive. Such a statement does not meet any community standard and flies in the face of commonly accepted architectural principles related to respecting historic structures. Putting a four story massive, block long structure next to three historic homes cannot be viewed by any reasonable person as "complementing the architectural visual character of the area."

As residents and Commissioners agreed, this project should be scaled back in size and density in order to be compatible with the residential character of the adjoining neighborhood.

5. Biological Resources

The removal of two mature ficus trees is dismissed by the environmental report as less than significant. For neighborhood residents, the impact of the loss of these trees is significant. In an increasingly urban environment, the oxygen supplied by these large trees is valuable. The removal of these Old Growth trees in order to widen this part Lafayette Place serves no identified purpose. It will simply encourage speeding next to the Happyland Pre-school where parents drop off and pick up their young children.

6. Mandatory Findings of Significance

The cumulative impacts of this project are described in the environmental report as "less than significant." A mixed use development of the proposed size in the middle of a residential street may meet zoning codes because the land parcel is listed as commercial. It certainly does not meet current General Plan Land Use policies. The environmental report does not address real impacts appropriately and does not meet community standards. Residents request that a more comprehensive EIR Report be required before final approval is given to better determine the effect of such a large project on our neighborhood.

The Planning Department has based its decision on technicalities, rather than the carefully elaborated policies of Culver City's General Plan and the actual impacts of the

proposed project. The Planning Commission has approved the project on the basis of their interpretation of the Redevelopment Agency's directives and the Planning Department's recommendations which do not represent a realistic assessment of community impact.

While the Commission has strongly protected the developer's interest, it has not acted on behalf of the best interests of the residents of Culver City. We respectfully request the City Council overturn their decision.

Submitted on behalf of the neighbors of 4043 Irving Place

For additional information, please contact:

Michael and Judith Miller

H: 310-837-3540 Cell: 310- 228-0057

Jim and Michelle Benke

H: 310-559-4590 Cell: 310-892-9944

Planning Commission Meeting April 9, 2008
Partial Transcription of Statements by Commissioners present.

Commissioner Linda Smith Frost

I have 3 things that have come out about this tonight.

My first and utmost concern is about protecting this lovely little neighborhood. I think it's charming and I want to see us be respectful of its history. We've heard 40 something speakers here tonight and what I came away with is: ***1. The personality of these historical dwellings and trying to maintain that and 2. The traffic issues we've talked about and 3. The overall size and impact of the building.***

I really do want to make sure that the conditions do really provide the utmost protection for their homes. I think we owe it to them to insure this. That being said, Culver City is growing and changing. We're not a virgin development area. Everything that happens here is in the form of urban landfill. I think the measures that have been described here tonight are continually in use in older buildings in LA and, in fact, throughout the country. I don't think these measures – the shoring and what not – they're not things that have just come up and they're things that have been suggested for this project, they're things that are typically used in these urban infill projects. I feel comfortable we are trying to do the right thing by taking care of these homes.

Secondly, the traffic. I'm really concerned about making sure condition 98 is worded properly and that we address the issue of the two way, one way traffic on Irving Place. We heard it over and over tonight, and even though I don't travel those streets myself, I'm confident there are a lot of people who do who have serious concerns about it.

Thirdly, I wanted to talk about the real big picture issue here, which is, is it lawful and does this proposal meet the findings? I think the facts here are: this is zoned for downtown general plan, commercial downtown zoning. The Redevelopment agency requested a mixed use project. These laws and plans have been in place for many years here. The zoning has been the same. Many of these residents have probably purchased these homes since these have been in place. They chose and wanted to live in a downtown area. They enjoy the amenities. It's lovely to be in walking distance of Trader Joes, cinemas, restaurants and theatres. The planning and zoning have been on the books for a long time and they're not newly conceived. People before us had reasons and put them on the books and so we have an obligation to consider that.

That aside, there's something to be said for the fact that 40 speakers showed up and said the size of the building bothers us. I think the building is legal and I think it fits what we have on our books as the zoning designation. ***I would just like to appeal to the applicant to take another look at the 40 comments we've heard here tonight about the size.*** I'm not saying you can't build what you're proposing. ***But I'm saying I think we have to take another look at it and add some sensitivity about the concerns of the people who live here.*** We really did have an outpouring of people. When you've got this many people who have been willing to stay until midnight.

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Commissioner John Kuechle

I want to start by apologizing for not being up to speed on this project as I would like to have been. I have been out of town for the last 10 days and, for some reason, staff was not able to get me an electronic copy of this so I have only been able to look at it this morning. In addition to that, I am still on East Coast time so, as late as you all think this is, it seems like 3 a.m. to me and I'm about to pass out. As a result of all that I'm relying more on my colleagues than I normally do which is pretty extensively.

My general reaction to the project is very similar to most of the people that spoke tonight. It's too big. However, my current thinking is that staff is probably correct when they conclude that the project applies with the applicable codes and meets the required tests as far as density and massing is concerned and that the findings we are required to make before we approve are such that we can make them. I absolutely understand why a number of people who spoke tonight have criticized the decision of the Redevelopment Agency to sell the property on the terms they did, but clearly that is absolutely clearly something we don't have the authority to do anything about. That's for the people who appointed us, not for us and I'm not sure that we have the authority to turn this project down.

I do have some thoughts about the excavation which I will maybe come back to after everyone else has talked if we get that far.

I just want to raise a couple of other points. First, a number of speakers talked about the problems with traffic and the absurdity that really comes out when we're supposed to be reviewing traffic reports. A number of people here, maybe all of us (referencing the Commission) agree with that. It only reinforces the urgency for staff to bring back to us a complete review and analysis of the traffic review process because what we are compelled to do now simply in many cases really doesn't make sense. But I think this project has done what they're supposed to do and meets the tests as they are before us.

I am concerned about the project exiting onto the one way street. That really does seem like a poor choice. I'm not quite sure where I go with that but I'm concerned about that. The one thing I do feel strongly enough about that I can't vote for the project unless it gets corrected is the tandem parking situation. There are really 2 issues. One relates to residential.

This is a point where I would like to urge staff to bring back to us the analysis we talked about almost a year ago, of residential tenants who have tandem parking spaces are more likely to use up street parking. It is absolutely clear to me that in the context of this site where the commercial tenants are supposed to park in tandem spaces. Then there are guest spaces for those people who come to visit the (for example) the law office, if you will. What's going to happen is that the occupants, the "lawyers and the secretaries," are not going to want to park tandemly and they are going to park one car in the tandem spot and one car in the guest spot, and the customers, the clients, will be left parking on the street, which several people have pointed out is a street which doesn't have any excess parking now. I just don't see how I can approve an administrative use permit or ordinance project unless it has enough parking to meet the code

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requirement and enough parking in a way that it actually will be used. I don't think the tandem spaces without an attendant are going to be used. I don't think the one space where you have to make a 180 degree turn, and park backwards, will be used by a guest. If I were visiting this "law office," I would park on the street rather than try to get my car into that space. I think we need enough spaces to meet the code requirements and be sure that they are designed in a way that people will use them. I think that's it, I'll go back to my nap and let you guys (the other commissioners) fill me in on what I missed."

Commissioner Rockwell

A number of speakers talked about trying to find a happy medium, and I think we can do that. I expressed concern earlier tonight about the parking, the fact that we are going to lose this parking lot, and that's going to aggravate the parking situation. I'm not sure that's something we can fix tonight, because if anything is done with this parking lot it will disappear as a parking lot and whatever the consequences are will have to be dealt with, I guess. So I still feel that statement very strongly. I still feel that we should focus more that the city not just worry about whether the parking lost are ... heavily used by the people, and if they are, let's not try to aggravate things in the future by taking away parking lots like we have here. So again, as soon as we assume that something is going to be done with this site we are going to be losing those parking spaces and that's something we can't fix tonight.

We've heard earlier Mr. Gorham talking about non-compliance with some code items ... the angle of the set-back wasn't working out right, so I think there's a commitment to fix that, and the blank wall, to do some sort of articulation with that. Several of us have asked questions about damage to the adjacent homes during the excavation. I think we have agreed that there should be some quantitative measures put into condition of approval. I would stress again we make that compliance (he meant tolerance of pile movement) as small as possible, no more than half an inch, the smaller we make it the more likelihood we will have a successful outcome.

I am not convinced the traffic study is as accurate as it could be, but I'm also not convinced it is intractable. I think the solution is not to have that one-way loop around that whole block but to develop a two-way flow on Irving. This decision has to be made by the neighborhood. I'm convinced that if we make Irving two-way from "A" Street just down to the driveway of the project that will make a big difference because the traffic – it's already too heavy – but the traffic that's associated with the school will be coming up to intersect with this traffic until the project is done, and this traffic will either be coming into or out of the project. It's only this little half block to Culver, maybe we can change the lights there.

I am not fully comfortable in voting in favor of the project tonight. I think there is a solution that would potentially address a lot of the problems; that is to remove one level of the residential property that would be approximately 10 units. The 10 units would comprise 20 parking spaces. Take away 20 parking spaces and the deeper row of tenant parking on the South side disappears, so the people, Mrs. Miller and her neighbors – if you took that last row of parking away, it now become 21 feet, so you don't need those cars any more, so that makes a huge difference to the security of those homes (from damage during excavation) so that would be one part of it.

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If you do remove 10 units, 20 parking spaces 16 to 10 parking spaces could be redistributed elsewhere (perhaps to) customers of the offices. These are things that I think could radically improve the whole situation. It makes the whole thing less massive. It drops it by roughly 11 feet, so it's not so impressive in that sense as well. I would like to suggest Mr. Gonzales work with the city, and, if you're willing, there were some people that were speaking tonight, made analogies to 9900 Culver (another project) and Town Plaza (cinema project) where some reductions to the scope of the projects were arranged with the City Council . I'd like to maybe use that as a model and see if we could, I think the solution I proposed of reducing a floor can address many, many of the issues that were raised tonight, but obviously it's got to be something that for Mr. Gonzales, that he doesn't lose millions of dollars. So it's got to be some kind of give and take with this city to work out an arrangement that works for everybody.

Marcus Tiggs, Chairperson

The suggestion that Mr. Rockwell just mentioned about reducing a level, I think I would agree, as well, that would resolve some of the core issues. We had 40+ people speak on this project. I think that was even more than Entrada (another development project.) I'd like to thank everyone for coming. Mr. Gonzalez (the developer), I'm not expecting you to say yes that makes sense, but it would be nice to know that if you were going to say that, you would raise your hand right now, but I see you taking copious notes and that's good. Whether you cut off a floor or not is not going to impact my vote. I don't believe it is, but there are some things that will impact my vote. Not in any special order, the mixed use ordinance in effect for your project allows 65 dwelling units per acre. Theoretically, you could have proposed that and I'm not even saying we would have approved it, but you could have proposed that. To reach that you would have had a height that's up to the maximum – about 56 feet. You didn't do that either. You have 26 dwelling units per acre. You have not maxed out on the height. You followed the code, stepping back at various heights. I have been on the commission for 4 years. This is one of the few projects I can recall where the developer is doing it exactly the way the code requires dealing with abutting to residential. Comparing the present design with the design that came before the design review committee which I was on is night and day – to the extent that other project – if a project doesn't fit that area, in my opinion, it would have been your other project. Though we may have different opinions about how well it fits, as far as the design as well as the massing, I think you've done as much as you can as far as the design side to reduce the massing effect on the adjacent properties. Granted, when you showed the power point presentation, people commented "it looks huge." And by the way, it does look huge from that vantage point. However, when you look at the plans, you look at the stepping back of the second and third story, it doesn't look as huge. As Commissioner Smith commented, it meets the code as far as setbacks. For me, on the parking, the code allows tandem parking. Although we might disagree about whether people use it or don't use it, it's hard for me not to approve it if it meets the code in relation to tandem parking. However, as Rockwell pointed out, there was a parking lot there, but he had a good point, where are people going (to park) (It was a parking lot before)

Further discussion on tandem parking..... Hiring an attendant

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I support the project. However, if at all, you reduce a floor that would be better.
Marcus goes on to require a bond (for repairs, damage to landmark buildings)

Commissioner Kuechle

I guess Ms. Smith-Frost and Tiggs are supporting the project. Mr. Rockwell thinks it needs to be downsized. I think it needs to be downsized, but I am not sure I have the authority to do that. That puts me on the spot in trying to figure that out -how much authority we do have. ***It would help me if the developer could say if he saw any way he could do something either as Mr. Rockwell suggested or along those lines since I have to decide fairly quickly what our authority is.***

Commissioner Smith- Frost

May I just interject here. I would like to see it downsized, too. However, I feel that it does meet the required findings. However I do concur with those of you who have said you'd like to see it downsized.

Sal, the developer speaks and says he's done all he can. He can't downsize it unless they can give him money back and they can't do that.

GOALS, OBJECTIVES AND CITYWIDE LAND USE POLICIES

LAND USE ELEMENT

GOAL: Residential neighborhoods that offer residents the qualities of a peaceful, small-town environment.

Culver City derives strength and stability from its tree-lined residential neighborhoods, the majority of which surround neighborhood parks. (See Figure LU-8, *City Neighborhoods*.) More than half of these are established single-family neighborhoods or multiple-family planned developments. These neighborhoods have strong identities, consistent quality of development and will undergo physical change very gradually over the next 20 years.

Other neighborhoods, which have been developed with single-family residential uses, are transitioning into two-family or multiple-family uses, as permitted by the underlying zoning and land use designation. Typically, these areas are surrounded by major streets and businesses and are within walking distance of transportation corridors and activity centers.

The areas of medium-density housing have higher occupancy and higher parking demand. Lots currently developed below permitted density within these neighborhoods represent the primary opportunities for additional housing opportunities within the City over the next several years.

As a nearly built-out community of low- to medium-density neighborhoods and a recognizable small-town character, the existing neighborhood fabric. The design of new housing should complement the character and scale of its surroundings. Additionally, some neighborhoods would benefit from the introduction of a uniform street tree pattern and improved access to local parks.

OBJECTIVE 1. Neighborhood Character. Protect the low- to medium-density character of residential neighborhoods throughout the City.

Policy 1.A Support residential planning efforts by neighborhoods. The City's neighborhoods shall include features, design components, themes and programs (such as parks, community gathering places, streetscape amenities, signage/graphic systems, and community beautification and celebration programs) that reflect and focus the area's identity. (See Figure LU-8, *City Neighborhoods*.)

Policy 1.B Protect the City's residential neighborhoods from the encroachment of incompatible land uses and the environmental hazards which may have negative impacts on the quality of life (such as traffic, noise, air pollution, building scale and bulk, and visual intrusions).



Culver Crest Neighborhood Character

Policy 1.C Allow the continued use of existing legal nonconforming residential structures, including the reconstruction of buildings that have been damaged by fire or other calamity in accordance with the original specifications.

Policy 1.D Allow minor physical changes to nonconforming single-family or two-family structures without requirements to correct nonconforming improvements on the site, provided the physical changes will neither increase the degree of existing nonconformity nor create any new nonconformity (pursuant to the Minor Exception Standards adopted as Planning Commission policy).

Policy 1.E Support a balanced respect for the character of existing residences with new and potentially unique design in new or remodeled structures.

Policy 1.F Continue infill planting of street trees on residential streets to establish consistent rhythm, in accordance with the Citywide Streetscape Master Plan. (See Implementation Measures, *Measure 2.A* and the General Plan Open Space Element.)

Policy 1.G Support expansion of and access to open space opportunities in neighborhoods that currently lack neighborhood parks. (See General Plan Open Space Element.)

Policy 1.H Ensure adequate parking within each neighborhood to meet parking demands.

OBJECTIVE 2. Housing Supply. Encourage the retention and creation of housing throughout the City.

Policy 2.A Continue to allow and encourage two-family development within the neighborhoods designated as Low Density Two Family.

Policy 2.B Continue to allow and encourage multiple family housing opportunities in areas designated for such development.

Policy 2.C Investigate the potential for future housing and open space opportunities in the undeveloped areas of the City.

Policy 2.D Investigate the potential for future housing and open space opportunities in the unincorporated area of Los Angeles County.

Policy 2.E Develop standards and guidelines for residential unit development in appropriate commercial areas.

Policy 2.F Develop standards and guidelines for residential unit development in industrial areas as part of Focused Special Study efforts.

Policy 2.G Require that any non-residential reuse project that removes existing dwelling units provide for the replacement of those units with similar housing opportunities within the City.

Policy 2.H Explore the development of residential uses and/or mixed uses in non-residential areas through the drafting of development standards that protect tenants from adjacent uses and reinforce the primary character and use of the areas. Street-facing ground floor development shall be maintained as non-residential with residential units encouraged to be above or behind the non-residential frontage. (See *Objective 24, Policy 24.B* and *Objective 28, Policy 28.D*.)

OBJECTIVE 3. Affordable Housing. Encourage the provision of housing opportunities for all members of the community.

Policy 3.A Provide incentives for the development of new affordable housing.

Policy 3.B Provide housing assistance programs for moderate-, low-, and very low-income groups.

Policy 3.C Support the conservation of existing affordable housing units by encouraging rehabilitation.

Policy 3.D Develop standards to regulate the conversion of apartment units to condominiums to preserve rental housing and to ensure a balance between the owner-occupied and renter-occupied housing needs of the community.

OBJECTIVE 4. Neighborhood Conditions. Establish and maintain quality living environments throughout the City.

Policy 4.A Balance opportunities for additional housing with potential effects on adjacent lower density neighborhoods.

Policy 4.B Determine appropriate standards for density, safety, and design character, consistent with existing neighborhood character.

Policy 4.C Restrict the use of mobile homes as residential units to mobile home parks, except for limited periods of time for catastrophic emergencies or during remodeling when the main dwelling unit is not habitable.

Policy 4.D Improve code enforcement in residential neighborhoods.

GOAL: *Economic vitality that serves the community and protects the quality of life.*

The non-residential areas of the City present opportunities for improving the economic vitality, attractive design, and compatible interface with nearby residential uses. (See Figure LU-9, *Commercial/Industrial Focus Areas*.) Existing business corridors need more cohesive physical development patterns and appearances, and consistent focus. Many older businesses do not have sufficient parking because of shallow lot depths and structures that are built to the property lines. Many of these same areas are devoid of street trees and other streetscape improvements that would create an attractive and inviting appearance.

"Direction 21", the community-based strategic planning process conducted in 1987-89 and updated in 1991, revealed a desire by City residents for higher quality retail shops, fine restaurants, movie cinemas and live theaters within Culver City. Although Culver City residents generally prefer to support their local businesses, the limited range of existing retail services and entertainment opportunities within the City lead many residents to go elsewhere.

Large, regional-serving commercial centers, such as Fox Hills Mall, Studio Village Shopping Center and Corporate Pointe, bring business revenues and employment opportunities into Culver City. To protect local residents, though, these benefits must be balanced with other effects associated with regional centers, such as traffic and parking impacts.

Industrial areas are turning over to commercial uses. This loss of industrial business could alter the economic diversity that provides a range of jobs.

HAPPYLAND

PRESCHOOL

teach peace, teach love, teach hope

April 24, 2008

To: City of Culver City

Re: Re-Development Plans, Irving/Lafayette Parking Lot

Dear Planning Commission,

I'm submitting this letter to your offices with the intent of sharing with the City the school's experience with the parking lot across the street from Happyland. The purpose of this letter is to encourage the City to re-evaluate the proposed use of this and other parcels of city land as the city evolves in its planning and conceptualization of the various spaces it has at its disposal.

As you may be aware, Happyland has been an integral part of the Culver City community since the 1930's. Over the last seventy years, the school has been witness to the amazing evolution of the city. We are quite proud of being part of the community and being an integral institution to the educational services offered by the city and community to its residents and neighbors. Both Happyland and Lynwood E. Howe Elementary School have benefitted from the historical use of the lot across the street from each school; recollecting on the fond experiences of field trips to the newspaper facility, the old fire department and the ease of access to either school through the walkway connecting Irving Place and Lafayette Place.

As the city evolved, technology advanced and the need for a larger infrastructure of city services emerged, the existing facilities on the property became or were deemed 'obsolete'. The resultant parking lot emerged to serve various needs of the neighborhood, to which the users seemed quite content. Fortunately or unfortunately, the City's re-development agency conducted an analysis of this and other city properties and were convinced that mixed use residential-commercial facilities would be in the best interest of the city. While on the one hand the emergence and adoption of this decision serves the city in terms of revenues, it seems a bit short sighted for several reasons.

Being an educational institution, we at Happyland emerged with several other valuable, educative, and demonstrative uses of the land. The City could have used the land as a museum celebrating and documenting the rich history of the city; as a charter school focusing on peace education or as a preparatory and feeder school for UCLA and USC's renowned schools of film and media; as a contemplative green space in the heart of Culver City's Downtown; or as an experimental preschool aimed at meeting the international protocols of preschools for all children.

While the possibilities existed and still exist to this day, the will and determination, to deem appropriate, the use of this land, seemed nefarious at best. Taken another way, it seems that the use

of this term imbues a sense of deception, corruption and slighted-ness. More appropriately, the use of this term seems befitting in this context given that City re-development agencies have as their entrepreneurial mission and objective to invigorate or re-invigorate segments of the city so as to 'uplift' the neighborhood as well as generate a substantial income to justify their raison d'être. Taken together, this form of tunnel vision or hypoxia, is appropriated when well-meaning, but unfit levels of elevation are being ascended with crescendos at a space in which hyperbole is deemed the nascent of that endeavor. Stated another way, once the ambassadors of the City re-development agency were convinced of the 'best use' of this and other properties owned by the City, the ability to see beyond the revenue's balance line became a travesty.

Even more precisely, when Alicia and the Office Manager (?) from the re-development agency visited us to inform us of the pending sale of the property, we were given notice that parents and teachers were to find alternative locations for parking and drop-off. Taken for what it was, we began to explore options for parent and family convenience. As the week unfolded, we pondered the feasibility of submitting a proposal to the re-development agency to construct a public charter school. I recall with intense energy and excitement the idea of a charter school dedicated to Peace Education and made a call to Alicia to explore with her the possibility when I was blind-sided with a response with a dual message: (A) That a school wouldn't bring in enough revenue to the city; and (B) That a purchaser had already been selected and that therefore it would be imprudent to bother submitting a proposal.

Fast-forward two years and reality is making a full circle in front of our eyes with signs of an imminent building in the works. It's amazing how Capital has its way of making and paving a path for us all; young and old alike; the educated and the uneducated; the naive and the entrepreneur; the capricious and the planner. In any case, it is our hope that this letter and the previous oral submission at a City planning meeting helps the city revisit or at minimum re-assure residents that its endeavours are with the best intentions for social, emotional, cultural, educational, economic and historic purposes.

With salutations and felicitations for all that you do to make this world a better place!

Sincerely,



Aly Juma
Director, Happyland Preschool
Asst. Director, Paulo Freire Institute, UCLA

City of Culver City, California
Redevelopment Agency Agenda Item Report

In addition SPF:a is committed to securing a notable restaurant(s), bar or retailer(s) for this site. SPF:a does not use a broker, but instead does their own personal outreach for their projects. This enabled them to secure Wilson's restaurant. Wilson's restaurant is owned by Chef Michael Wilson formerly of 5 Dudley. Wilson was interested in Culver City because of the opportunity to locate in the SPF:a project. SPF:a has committed to doing the same type of outreach to secure the right tenant(s) for the 9900 Culver project. As a result of their commitment to include high quality retail in this project, which staff sees as very beneficial, their offer amount is less because the amount of retail which they are providing requires an extra level of parking which is an added cost to the project.

Another benefit to selling the property to SPF:a is that because they do not have any other development projects in their pipeline, they will be able to devote a significant amount of time to this project which will enable it to move along faster than some of the other proposals.

The proposals for this site were shared with ACOR at their May 4, 2006, meeting. ACOR felt that a hotel would be best suited for this site because it would best activate the Downtown. However, reservations were raised about the size of this site for a hotel and how important it was for a hotel to have a full service restaurant, bar, pool, gym and spa for it to be successful.

After lengthy review, staff believes that this site is too small for a hotel and that the amenities required for a hotel to be successful would not have been able to be provided at this site due to its small size.

Members of ACOR did state that the retail uses proposed by SPF:A were the types of uses that they expected to see in a site of this size.

4043 Irving Place

Staff received three high quality development proposals for the 4043 Irving Place property. Below is a brief description of each response. A more detailed analysis of the responses is provided in Attachment Number 5.

Firm	Type of Project	Offer (appraised value \$3,600,000)	Number of Units	Ground Floor Use
Second Street Ventures	Stacked Flats over Office Space	\$3,500,000	34	Office
Metro Real Estate & Development	Live-Work	\$3,600,000	18	Live Work use

Samaras, Paul

From: O'Connell, Andy
Sent: Tuesday, June 19, 2007 7:28 AM
To: Samaras, Paul
Cc: Herbertson, Charles; Gaspar, Mate; Garcia, Gabe; Paetzold, Max; Kurtz, Barry; Evans, Christopher; Jeng, Elaine
Subject: Mixed Use Project Proposed for 4043 Irving Place

Paul,

After the PPR meeting on the above project, Engineering Division staff had concerns that the project's only access would be from Irving Place. Since the project proposes 3,500 sf of office space and 28 residential units, this could be perceived as a significant increase in traffic to the local neighborhood. Irving Place is one-way towards Culver Boulevard, which would require all of the residents of the new development to circle the block in order to gain entry on all return trips. Although Engineering Division staff's preferred access to this project would be from Lafayette Place, it is understood that due to the configuration of the property (50 ft. in width at Irving Place vs. 100 ft. in width at Lafayette Place) a Lafayette Place access would reduce the number of parking spaces that could be realized on the first floor of the subterranean parking garage. This would reduce density or require another level of underground parking. An alternative for the Irving Place access was discussed which would change Irving Place into a two-way street between "A" Street and Braddock Drive. Staff reviewed the project site and then met with Charles Herbertson to discuss the access options for this project. After a thorough discussion of these issues, Charles has concluded (with staff's concurrence) the following:

1. The Public Works Department prefers access to this project to be from Lafayette Place. We request that the Planning Division mentions this in the staff report for Planning Commission review.
2. The Public Works Department does not support changing Irving Place from a one-way street to a two-way street between "A" Street and Braddock Drive. Although there might be some traffic mitigation to the neighborhood with this change, a prime factor in the original approval of converting Irving Place to a one-way street was for the safety of the students of the Linwood Howe School.
3. Prior to the submittal of the formal application for the site plan review, the applicant shall have prepared a traffic study for the review and approval by the Engineering Division Staff. The study shall analyze the project circulation and potential impacts at the following intersections.
 - Culver Boulevard and Washington Boulevard.
 - Culver Boulevard and Irving Place.
 - Culver Boulevard and Lafayette Place.
 - Culver Boulevard and Duquesne Avenue.
 - Duquesne Avenue and Braddock Drive.
 - Duquesne Avenue and Lucerne Avenue.
 - Duquesne Avenue and Jefferson Boulevard.
 - Lucerne Avenue and Ince Boulevard.
 - Lucerne Avenue and Higuera Avenue

The applicant shall submit a traffic study review fee in the amount of \$1,500.00 with

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- the submittal of the traffic study.
4. If the applicant proposes access to Irving Place, then prior to the formal submittal of the site plan review application the applicant shall have a meeting with the surrounding neighborhood to discuss the project. The neighborhood should extend from Culver Boulevard to Lucerne Avenue and from Duquesne Avenue to Van Buren Street, and should include the Linwood Howe School. City staff should be present at the meeting to verify the residents concerns regarding the proposed project.
 5. The notification of the project for the public hearing by the Planning Commission shall include the neighborhood as defined in 5. above.

Thanks,

Andy O'Connell

Senior Civil Engineer
Public Works Department
Engineering Division
(310) 253-5606 Office
(310) 344-2020 Cell
(310) 253-5626 Fax

- Existing (2007) Baseline Conditions - The analysis of existing traffic conditions is intended to provide a basis for the remainder of the study. The existing conditions analysis includes an assessment of streets, traffic volumes, and operating conditions.
- Cumulative Base (2008) Conditions - Future traffic conditions without the proposed project has been developed for the year 2008. The objective of this analysis is to project future traffic growth and operating conditions, which could be expected to result from regional growth and related projects in the vicinity of the study area by the year 2008.
- Cumulative Plus Project (2008) Conditions - The traffic expected to be generated by the proposed project is estimated and added to the Cumulative Base (2008) traffic forecasts. The impacts of the proposed project on future traffic operating conditions are then identified.

For this traffic study, four locations were defined as study intersections. Two of the four study intersections are controlled by traffic signals. The following intersections (see Figure 1) were analyzed for the scenarios described above:

1. Lafayette Place / Culver Boulevard
2. Lafayette Place / Braddock Drive (unsignalized)
3. Irving Place / Culver Boulevard
4. Irving Place / Braddock Drive (unsignalized)

A detailed Memorandum of Understanding (MOU) was prepared in coordination with the City of Culver City staff. The MOU includes among other details, a description of the Proposed Project and its trip generation characteristics. A copy of the MOU is attached in Appendix A of this report.

In addition, as part of the MOU process, the City of Los Angeles was contacted for their input on study intersections and related projects.

ORGANIZATION OF REPORT

An executive summary presenting key details of the traffic study is provided at the beginning of this report. The rest of the report is divided into seven chapters. Chapter I presents an introduction and provides details of the various elements of the study. Chapter II describes the

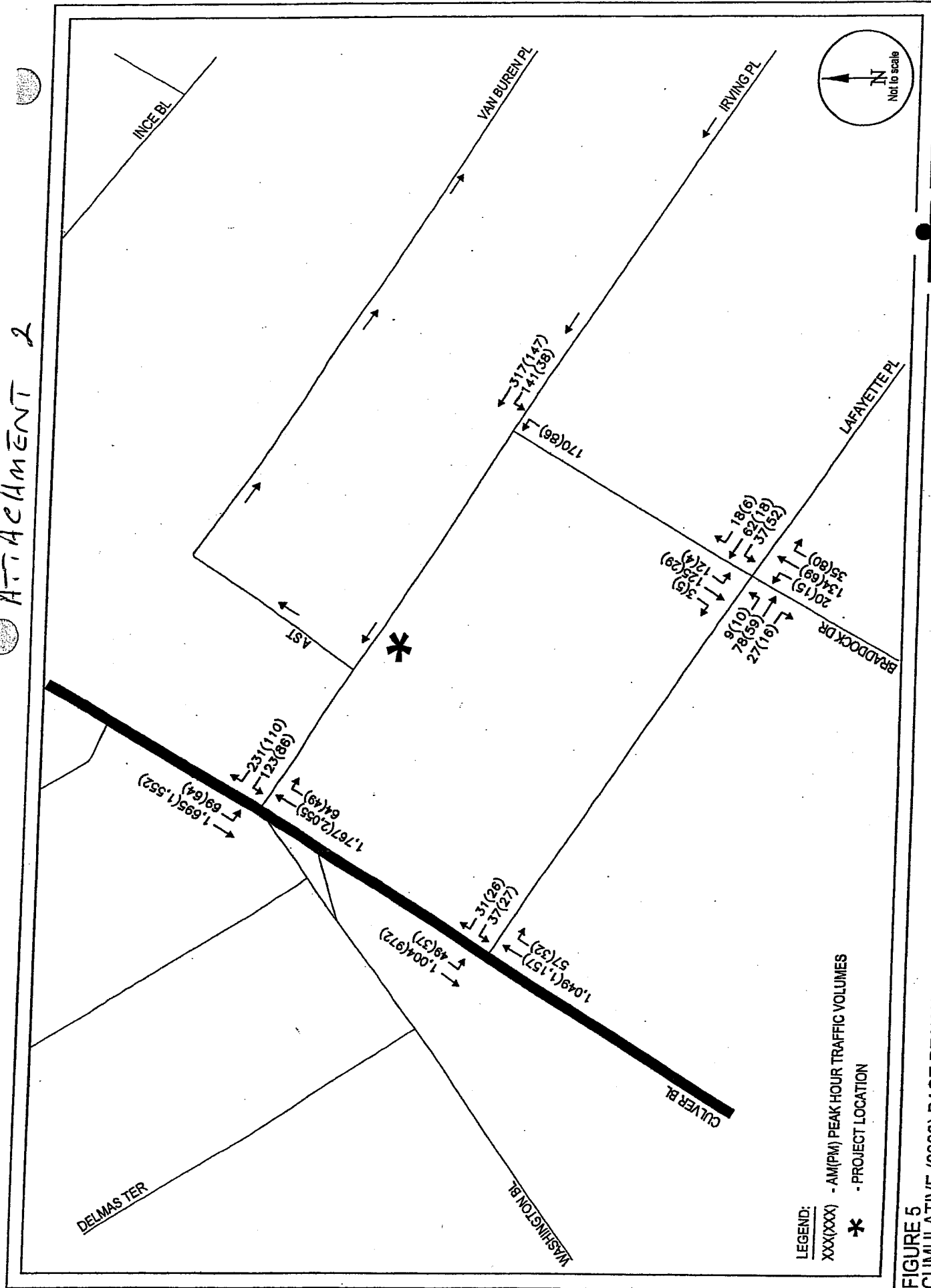


FIGURE 5
 CUMULATIVE (2008) BASE PEAK HOUR TRAFFIC VOLUMES

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Tomas Gorham, Deputy Director
Planning Department
Culver City Hall

April 27, 2008

RECEIVED
APR 28 2008
Culver City
Planning Division

Re: Proposed Development - 4043 Irving Place

Dear Thomas,

On the advice of our attorney, I am attaching a revised copy of the appeal against the Planning Commission's decision for 4043 Irving Place.

Please note the attachments to the original appeal are still relevant.

Thank you for your attention.

Sincerely,



Judith Miller

Appeal of Planning Decision – 4043 Irving Place

Basis for Appeal

This appeal is presented by neighbors of the proposed project. The basis for appealing the Commission's decision to approve the project consists of the following:

1. Three of the four Planning Commissioners who voted for the project failed to exercise their legal, discretionary authority.
2. The same three Commissioners ignored the stated goals, objectives and citywide land use policies mandated by the Culver City General Plan.
3. The Negative Declaration is in error. The facts clearly show that this project would have significant negative impact on the community.

During the Planning Commission meeting on April 9, 2008, three Commissioners continually referred to the Redevelopment Agency's requirements and that Agency's direction to develop the parcel as a mixed use site for condos and commercial space. These Commission members repeatedly made statements indicating their belief that they had no authority to make any decisions counter to what had been outlined for the parcel by the Redevelopment Agency even though they disagreed with the Redevelopment Agency decisions.

These Planning Commission members misinterpreted their own legal authority. They made the incorrect assumption that they had to defer to the Redevelopment Agency's direction dating back to 2006. Actually, the Redevelopment agency cannot determine, in advance of a public process, the specifics of a development for a particular parcel. The Planning Commission must be able to exercise its discretion and judgment in reviewing any project.

Simply rubber stamping this project makes a mockery of the very existence of the Planning Commission and denigrates any public participation. About 200 people came to the meeting to protest the development and express their valid concerns. The inability of the Commission to exercise its responsibilities appropriately violated the legal process and eliminated the potential for residents' concerns to be addressed. An objective review process was not possible as the outcome was pre-determined.

A transcription of some of the remarks made publicly by the Commissioners is attached. (*Attachment # 1*) It clearly demonstrates these Commissioners' misunderstanding of their role and responsibilities as members of the Planning body. Agreeing with the 44 residents who made statements that the scale and scope of this project was too large, all of the Commissioners concurred that it was "too big."

Commissioners turned to the developer and asked him if he would scale back the project. When he did not agree, three of the members voted, nevertheless, to approve the project, saying they did not think they had the authority to do otherwise. These actions are not congruent with fulfillment of the legal, discretionary authority of the Commission.

Because the Planning Commission failed to exercise the responsibilities imposed upon it by state law and the Municipal Code, the decision granting approval for the project must be vacated.

In this appeal, the City Council has two options: It may reverse the Planning Commission's decision and deny approval for the project. The record amply demonstrates that the project violates the general plan, and the Negative Declaration is legally insufficient. In the alternative, the Council may remand the matter to the Planning Commission with instructions to exercise the discretion enjoined upon them by law.

Discussion

The current Culver City General Plan specifically states that the city's goal is to ensure "Residential neighborhoods that offer residents the qualities of a peaceful, small-town environment. As a nearly built-out community of low-to medium-density neighborhoods and a recognizable small-town character, development and redevelopment of housing should respect the existing neighborhood fabric. The design of new housing should complement the character and scale of its surroundings."

Objective 1 states "Protect the low-to medium-density character of residential neighborhoods." Policy 1.B states the objective to "protect the city's residential neighborhoods from the encroachment of incompatible land uses and environmental hazards which may have negative impacts on the quality of life (such as traffic, noise, air pollution, building scale and bulk, and visual intrusions.)" Policy 1. E states the objective to support a balanced respect for the character of existing residences with new...or remodeled structures."

Objective 4, Neighborhood Conditions, states the city should establish and maintain quality living environments and policy 4.B states the city "must determine appropriate standards for density, safety, and design character, consistent with existing neighborhood character." (*Attachment #2*)

This massive condo/commercial development spanning a full city block cannot be considered consistent with the existing neighborhood found on Irving and Lafayette Place. These streets primarily contain one and two story single family homes. The apartment units on these streets are primarily one and two story structures, much smaller in scale than the proposed project. The proposed project is in direct contradiction to the goals and objectives of Culver City's General Plan. The project would serve to destroy the small town character of this neighborhood and would have many negative impacts on quality of life as described below.

RFP Process and Redevelopment Agency role

The Redevelopment agency's RFP process was demonstrated to have been seriously flawed. As Mr. Aly Juma, owner of Happy Land pre-school, stated at the Commission

meeting and in documents attached, (*Attachment # 3*) he spoke with a staff member of the Redevelopment Agency in 2006, telling her of his interest in submitting a bid for the purchase. The deadline for submission had not yet been closed. She told him not to submit a response to the RFP because a purchaser had already been selected. Please see attached letter from Mr. Juma.

The Redevelopment Agency Agenda Item Report of June 19, 2006 shows Metro Real Estate & Development's proposal for 18 units, not the current 26 units. (*Attachment #4*) In fact, 18 units would be more in keeping with an appropriate scale for the project.

Basing all further decisions for this project on what was an essentially flawed process to begin with, is not in the best interests of the community. The RFP process, sale and purchase arranged by Redevelopment represent a subversion of legal requirements related to the sale of this property.

1. Traffic Study

The Final Traffic Study, commissioned by the applicant/developer Mr. Sal Gonzales and carried out by Raju Associates Inc, is seriously deficient.

In an internal memo dated June 19, 2007, from Culver City Senior Civil Engineer Andy O'Connell to Paul Samaras in Planning, stated that *nine* intersections had been identified by the Engineering Department as those that should be included in the traffic report. Of these nine, only *four* were included in Raju Associates' study. (*Attachment 5*)

Mr. O'Connell's report, made after the PPR meeting on the proposed project, stated: "If the applicant proposes access to Irving Place, then prior to the submittal of the site plan review application, the applicant shall have a meeting with the surrounding neighborhood to discuss the project. The neighborhood shall extend from Culver Boulevard to Lucerne Avenue and from Duquesne Avenue to Van Buren Street, and should include the Linwood Howe School. City staff should be present at the meeting to verify the residents concerns regarding the proposed project."

No such meeting ever took place. Important stake holders were not included in the process. In February, Mr. Gonzales held two casual parking lot meetings on his property which were ill attended because of a poor notification process. Not all pertinent drawings and documents were available at that time. Many neighbors did, in fact, not receive any meeting notice.

The notice Mr. Gonzales sent out did not contain a return address from any city agency. Certainly, representatives from Linwood E. Howe Elementary School were not in attendance at these meetings. As Commissioners could see from the extremely high attendance at the Planning meeting on April 9, 2008, residents of the neighborhood are extremely concerned about this project. Community residents would have participated in a meeting if notification had been adequate.

The traffic study itself errs on several points, both in the data presented and in the methodology utilized. In addition to failing to study more than half of the intersections as requested, the traffic engineer "lost" several hundred cars. The number of estimated trips generated by the proposed development is unrealistic as a result. Owners of 2 and 3 bedroom condos often have 2 wage earners. The estimated trip numbers are out of line with modern car usage. The report shows only eleven cars leaving the proposed condominiums in the a.m. peak hours and returning in the p.m. peak hours. The City Council can take judicial notice that this is a completely manufactured number, having no relation to reality. Twenty-six condos with potentially two adults per household would probably generate at least about fifty trips each a.m. and p.m. during the peak period. And that doesn't even factor in employee and customer trips to the three offices in the project.

As Planning Commissioner Rockwell noted during the Commission's April 9th meeting, the traffic report does not show any movements from southbound Lafayette Place left on to Braddock Drive, and does not show any eastbound movement on Braddock across Lafayette in the direction of Linwood Howe School. "These are the people that will be going to the school," Commissioner Rockwell noted in questioning the traffic engineer. Similarly, as Commissioner Rockwell noted, the report did not show any traffic going north on Lafayette and east on Braddock, again a conduit for school traffic.

The report also failed to record traffic going east on Braddock and left on Irving, a one-way street on which traffic must travel north toward Culver Boulevard. The traffic engineer stated he based his survey on parents driving south on Lafayette, turning east on Lucerne Avenue and then north on Irving to drop their children off. Commissioner Rockwell said he used to take Braddock to Irving, and drop his daughter off outside the school, as did most parents. Asked by the Commissioner if he perhaps had made a mistake in his calculations, the traffic engineer said "no," because right turns did not affect the delay at Irving and Braddock. He was gently reminded by the Commissioner that from Braddock, drivers actually must turn *left* into Irving.

The traffic engineer also appears to have "lost" several dozen cars between Braddock and Irving and Culver and Irving. His map (*Attachment 6*) shows that during morning and evening peak hours, 478 cars proceed north on Irving from the intersection with Braddock, but 500 yards later, there are only 347 vehicles listed as entering the Culver intersection. The only street between these intersections is the sparsely used "A" Street turnoff. Commissioner Rockwell joked that "aliens" may have taken the missing vehicles away or, more seriously "you may have missed some cars somewhere."

According to the traffic report, the 3,500 square feet of office space would only generate 4 vehicles arriving during the a.m. peak period and 4 leaving during the p.m. peak period. Staff for these offices would easily exceed these numbers. Certainly, the numbers do not adequately account for any trips made by clients of these offices.

If the Planning Commission or the City Council truly believes these are credible numbers, they should legally restrict the project to the estimate. Mitigation fines should be levied for every "unanticipated" vehicle trip in excess of these numbers.

Having minimized the number of additional trips the neighborhood would experience, the "Summary of Conclusions" found on page 42 of the traffic report states that the City's street segment traffic impact threshold is 8% and that the percentage of additional traffic for the proposed project is 7.4%, under the city's 8 % threshold. Adding even one more car in each category to the report's impact study would push the project over the threshold. Such a statistical analysis does not meet scientific standards for statistical validity or statistical reliability. As a result, the negative impact of traffic resulting from the proposed project was artificially minimized. The likely increase of traffic on Madison, Braddock, Duquesne, Irving and Lafayette is not sufficiently documented. During the meeting, Commissioner Kuechle discusses the general inadequacy of the traffic studies and points to requests made by the Commissioner over a year ago to institute more reliable measures. However, inappropriate methodologies continue to be used, and decisions continue to be based on faulty reasoning. It is community residents who suffer on a long term basis as a result.

Please note that another mixed use project for 18 units and retail space is about to be built only one block away at 9900 Culver Blvd. the traffic study for that project stated that by 2009, the intersection of Duquesne and Braddock is projected to deteriorate from the current Level of Service B to Level of Service E (defined as "poor: represents the most vehicle intersection approaches can accommodate; may be long lines of waiting vehicles through several signal cycles." This is the worst level of service allowed in Culver City. The cumulative effect of these two projects must be considered "significant."

There also remains the question of ingress and egress with this project. The original proposal was for the entrance and exit from the project to be on Lafayette. Irving Place residents find that if the only entrance/exit is to be on their street, it would inherently place an unfair burden of traffic congestion.

Community residents request a more substantive analysis of traffic impacts.

2. Parking

On p. 43 of the traffic study, the report states that parking access and circulation systems were assessed and "they would all function adequately...there would be no adverse impact from the Proposed Project." On average, 50-plus cars are parked on the site of the proposed project at any given time. Historically, the site has provided parking for staff, teachers, and parents at Linwood E. Howe Elementary School as well as parents and staff at Happyland pre-school. It is now used by the schools as well as employees and patrons of downtown restaurants, shops, and theatres. Certainly, there will be parking needs met on residential streets further complicating existing traffic issues.

These cars will be displaced onto surrounding streets including Van Buren, Lafayette, Irving, Braddock, and Duquesne. These streets already have significant parking restrictions and parking shortages. Residents living on these streets report they have been experiencing a scarcity of parking spaces on adjacent streets for more than two years. As a result of previous downtown development in the city, these streets are used heavily for parking by both employees and patrons of the city's restaurants, theatres, and shops. The environmental study does not address the existing parking problems, nor does it address the expected exacerbation of parking problems which would be created by this project which concentrates so many condo units and three commercial offices on one site running from Lafayette to Irving. Future development projects in the area which are already in the hopper will only exacerbate further the parking situation for residents of this neighborhood.

Seven years ago, when Town Plaza was developed, residents of this neighborhood of Culver City were "promised" there would be "no significant negative impact" as a result of the downtown development. If there were any future negative impacts identified, residents were told, the city would "mitigate" the problem. There have been no mitigation measures instituted.

Cumulative effects of traffic and congestion are not taken into consideration by the traffic study. 37 development projects have been developed in this area in the last 3 years. More are on the way. Approving a project of this size with such potential negative impact on an already a seriously impacted residential neighborhood is irresponsible.

Traffic accidents in this neighborhood have increased significantly in the last 3 years. Additional data is being obtained from the Culver City Police Department and will be submitted once it is received. Since this proposed project is adjacent on one side to Linwood E. Howe Elementary School and on the other side to Happyland Pre-school, the potential impact of increased accidents and traffic congestion have special impacts on the safety of a large number of young children in our city.

3. Air Quality

The environmental report states there would be less than significant impact for this project while, at the same time, stating that "future new development in any portion of Culver City will contribute both at the project level and cumulatively to pollutant emissions." But "since the project is consistent with Culver City's General Plan and Zoning code, the impacts are considered to be factored into SCAQMD's regional air quality models."

This in no way reflects the immediate impact on a small area represented by this neighborhood. It should also be noted that a second mixed use of 18 condominiums plus retail stores has been approved one block away at 9900 Culver Boulevard. Air quality impacts have not been adequately addressed in this report which analyzed the impact of these developments separately although they are practically next door to one another.

4. Area Compatibility

The project is located in the middle of a residential street. For many years, it was zoned residential. After it was rezoned as commercial, it was occupied by a one story building which took up less than one third of the lot. Two thirds of the lot was used for parking. The property was never utilized for a high density project of any kind. It allowed light and air to circulate around the historic homes and allowed residents to appreciate this cultural resource.

The proposed project would be huge in scale, massing and volume. The size of the project is unprecedented for this neighborhood. It would be the only 4 story residential unit in the area adjacent to downtown Culver City. The proposed development is one full block long. The volume of the proposed building is unmodulated and unrelieved. It is a single box which straddles the street as a wall. The building would be higher than most of adjacent Meralta office building as well as considerably higher than the landmark homes adjacent.

The project is particularly incongruent with these 12 Spanish Colonial historic landmark homes. The proposed building would dwarf them and minimize their significance. Part of the history of Culver City would be lost in the shadows of this monolith.

The landmark homes are currently eligible for placement on the National Register of Historic properties. Their eligibility could be diminished if this project were to be built. The planning department has described the impact on a valuable cultural resource as "less than significant." The community strongly disagrees with this assessment.

The site plan review's statement that "the project will complement the architectural visual character of the area" is particularly insensitive. Such a statement does not meet any community standard and flies in the face of commonly accepted architectural principles related to respecting historic structures. Putting a four story massive, block long structure next to three historic homes cannot be viewed by any reasonable person as "complementing the architectural visual character of the area."

As residents and Commissioners agreed, this project should be scaled back in size and density in order to be compatible with the residential character of the adjoining neighborhood.

5. Biological Resources

The removal of two mature ficus trees is dismissed by the environmental report as less than significant. For neighborhood residents, the impact of the loss of these trees is significant. In an increasingly urban environment, the oxygen supplied by these large trees is valuable. The removal of these Old Growth trees in order to widen this part Lafayette Place serves no identified purpose. It will simply encourage speeding next to the Happyland Pre-school where parents drop off and pick up their young children.

6. Mandatory Findings of Significance

The cumulative impacts of this project are described in the environmental report as "less than significant." A mixed use development of the proposed size in the middle of a residential street may meet zoning codes because the land parcel is listed as commercial. It certainly does not meet current General Plan Land Use policies. The environmental report does not address real impacts appropriately and does not meet community standards. Residents request that a more comprehensive EIR Report be required before final approval is given to better determine the effect of such a large project on our neighborhood.

The Planning Department has based its decision on technicalities, rather than the carefully elaborated policies of Culver City's General Plan and the actual impacts of the proposed project. The Planning Commission has approved the project on the basis of their interpretation of the Redevelopment Agency's directives and the Planning Department's recommendations which do not represent a realistic assessment of community impact.

While the Commission has strongly protected the developer's interest, it has not acted on behalf of the best interests of the residents of Culver City. We respectfully request the City Council overturn their decision.

Submitted on behalf of the neighbors of 4043 Irving Place

For additional information, please contact:

Michael and Judith Miller
H: 310-837-3540 Cell: 310- 228-0057

Jim and Michelle Benke
H: 310-559-4590 Cell: 310-892-9944

RECEIVED**Appeal of Planning Decision – 4043 Irving Place**

MAY 20 2008

Basis for Appeal

Culver City
Planning Division

This appeal is presented by neighbors of the proposed project. The basis for appealing the Commission's decision to approve the project consists of the following:

1. Three of the four Planning Commissioners who voted for the project failed to exercise their legal, discretionary authority.
2. The same three Commissioners ignored the stated goals, objectives and citywide land use policies mandated by the Culver City General Plan.
3. The Negative Declaration is in error. The facts clearly show that this project would have a significant negative impact on the community.

During the Planning Commission meeting on April 9, 2008, three Commissioners continually referred to the Redevelopment Agency's requirements and that Agency's direction to develop the parcel as a mixed use site for condos and commercial space. These Commission members repeatedly made statements indicating their belief that they had no authority to make any decisions counter to what had been outlined for the parcel by the Redevelopment Agency even though they disagreed with the Redevelopment Agency decisions.

These Planning Commission members misinterpreted their own legal authority. They made the incorrect assumption that they had to defer to the Redevelopment Agency's direction dating back to 2006. Actually, the Redevelopment agency cannot determine, in advance of a public process, the specifics of a development for a particular parcel. The Planning Commission must be able to exercise its discretion and judgment in reviewing any project.

Simply rubber stamping this project makes a mockery of the very existence of the Planning Commission and denigrates any public participation. About 200 people came to the meeting to protest the development and express their valid concerns. The inability of the Commission to exercise its responsibilities appropriately violated the legal process and eliminated the potential for residents' concerns to be addressed. An objective review process was not possible as the outcome was pre-determined.

A transcription of some of the remarks made publicly by the Commissioners is attached. (*Attachment # 1*) It clearly demonstrates these Commissioners' misunderstanding of their role and responsibilities as members of the Planning body. Agreeing with the 44 residents who made statements that the scale and scope of this project was too large, all of the Commissioners concurred that it was "too big."

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Commissioners turned to the developer and asked him if he would scale back the project. When he did not agree, three of the members voted, nevertheless, to approve the project, saying they did not think they had the authority to do otherwise. These actions are not congruent with fulfillment of the legal, discretionary authority of the Commission.

Because the Planning Commission failed to exercise the responsibilities imposed upon it by state law and the Municipal Code, the decision granting approval for the project must be vacated.

In this appeal, the City Council has two options: It may reverse the Planning Commission's decision and deny approval for the project. The record amply demonstrates that the project violates the general plan, and the Negative Declaration is legally insufficient. In the alternative, the Council may remand the matter to the Planning Commission with instructions to exercise the discretion enjoined upon them by law.

Discussion

The current Culver City General Plan specifically states that the city's goal is to ensure "Residential neighborhoods that offer residents the qualities of a peaceful, small-town environment. As a nearly built-out community of low-to medium-density neighborhoods and a recognizable small-town character, development and redevelopment of housing should respect the existing neighborhood fabric. The design of new housing should complement the character and scale of its surroundings."

Objective 1 states "Protect the low-to medium-density character of residential neighborhoods." Policy 1.B states the objective to "protect the city's residential neighborhoods from the encroachment of incompatible land uses and environmental hazards which may have negative impacts on the quality of life (such as traffic, noise, air pollution, building scale and bulk, and visual intrusions.)" Policy 1. E states the objective to "support a balanced respect for the character of existing residences with new...or remodeled structures."

Objective 4, Neighborhood Conditions, states the city should establish and maintain quality living environments and policy 4.B states the city "must determine appropriate standards for density, safety, and design character, consistent with existing neighborhood character." (*Attachment #2*)

This massive condo/commercial development spanning a full city block cannot be considered consistent with the existing neighborhood found on Irving and Lafayette Place. These streets primarily contain one and two story single family homes. The apartment units on these streets are primarily one and two story structures, much smaller in scale than the proposed project. The proposed project is in direct contradiction to the goals and objectives of Culver City's General Plan. The project would serve to destroy the small town character of this neighborhood and would have many negative impacts on quality of life as described below.

RFP Process and Redevelopment Agency role

The Redevelopment agency's RFP process was demonstrated to have been seriously flawed. As Mr. Aly Juma, owner of Happy Land pre-school, stated at the Commission meeting and in documents attached, (*Attachment # 3*) he spoke with a staff member of the Redevelopment Agency in 2006, telling her of his interest in submitting a bid for the purchase. The deadline for submission had not yet been closed. She told him not to submit a response to the RFP because a purchaser had already been selected. Please see attached letter from Mr. Juma.

The Redevelopment Agency Agenda Item Report of June 19, 2006 shows Metro Real Estate & Development's proposal for 18 units, not the current 26 units. (*Attachment #4*) In fact, 18 units would be more in keeping with an appropriate scale for the project.

Basing all further decisions for this project on what was an essentially flawed process to begin with, is not in the best interests of the community. The RFP process, sale and purchase arranged by Redevelopment represent a subversion of legal requirements related to the sale of this property.

1. Traffic Study

The Final Traffic Study, commissioned by the applicant/developer Mr. Sal Gonzales and carried out by Raju Associates Inc, is seriously deficient.

An internal memo dated June 19, 2007, from Culver City Senior Civil Engineer Andy O'Connell to Paul Samaras in Planning, stated that *nine* intersections had been identified by the Engineering Department as those that should be included in the traffic report. Of these nine, *only two* were included in Raju Associates' study. The other two included had not been requested by staff. (*Attachment 5*)

Mr. O'Connell's report, made after the PPR meeting on the proposed project, stated: "If the applicant proposes access to Irving Place, then prior to the submittal of the site plan review application, the applicant shall have a meeting with the surrounding neighborhood to discuss the project. The neighborhood shall extend from Culver Boulevard to Lucerne Avenue and from Duquesne Avenue to Van Buren Street, and should include the Linwood Howe School. City staff should be present at the meeting to verify the residents concerns regarding the proposed project."

No such meeting ever took place. Important stake holders were not included in the process. In February, Mr. Gonzales held two casual parking lot meetings on his property which were ill attended because of a poor notification process. Not all pertinent drawings and documents were available at that time. Many neighbors did, in fact, not receive any meeting notice.

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The notice Mr. Gonzales sent out did not contain a return address from any city agency. Certainly, representatives from Linwood E. Howe Elementary School were not in attendance at these meetings. As Commissioners could see from the extremely high attendance at the Planning meeting on April 9, 2008, residents of the neighborhood are extremely concerned about this project. Community residents would have participated in a meeting if notification had been adequate.

The traffic study itself errs on several points, both in the data presented and in the methodology utilized. In addition to failing to study more than half of the intersections as requested, the traffic engineer "lost" several hundred cars. The number of estimated trips generated by the proposed development is unrealistic as a result. Owners of 2 and 3 bedroom condos often have 2 wage earners. The estimated trip numbers are out of line with modern car usage. The report shows only eleven cars leaving the proposed condominiums in the a.m. peak hours and returning in the p.m. peak hours. The City Council can take judicial notice that this is a completely manufactured number, having no relation to reality. Twenty-six condos with potentially two adults per household would probably generate at least about fifty trips each a.m. and p.m. during the peak period. And that doesn't even factor in employee and customer trips to the three offices in the project.

As Planning Commissioner Rockwell noted during the Commission's April 9th meeting, the traffic report does not show any movements from southbound Lafayette Place left on to Braddock Drive, and does not show any eastbound movement on Braddock across Lafayette in the direction of Linwood Howe School. "These are the people that will be going to the school," Commissioner Rockwell noted in questioning the traffic engineer. Similarly, as Commissioner Rockwell noted, the report did not show any traffic going north on Lafayette and east on Braddock, again a conduit for school traffic.

The report also failed to record traffic going east on Braddock and left on Irving, a one-way street on which traffic must travel north toward Culver Boulevard. The traffic engineer stated he based his survey on parents driving south on Lafayette, turning east on Lucerne Avenue and then north on Irving to drop their children off. Commissioner Rockwell said he used to take Braddock to Irving, and drop his daughter off outside the school, as did most parents. Asked by the Commissioner if he perhaps had made a mistake in his calculations, the traffic engineer said "no," because right turns did not affect the delay at Irving and Braddock. He was gently reminded by the Commissioner that from Braddock, drivers actually must turn *left* into Irving.

The traffic engineer also appears to have "lost" several dozen cars between Braddock and Irving and Culver and Irving. His map (*Attachment 6*) shows that during morning and evening peak hours, 478 cars proceed north on Irving from the intersection with Braddock, but 500 yards later, there are only 347 vehicles listed as entering the Culver intersection. The only street between these intersections is the sparsely used "A" Street turnoff. Commissioner Rockwell joked that "aliens" may have taken the missing vehicles away or, more seriously "you may have missed some cars somewhere."

According to the traffic report, the 3,500 square feet of office space would only generate 4 vehicles arriving during the a.m. peak period and 4 leaving during the p.m. peak period. Staff for these offices would easily exceed these numbers. Certainly, the numbers do not adequately account for any trips made by clients of these offices.

If the Planning Commission or the City Council truly believes these are credible numbers, they should legally restrict the project to the estimate. Mitigation fines should be levied for every "unanticipated" vehicle trip in excess of these numbers.

Having minimized the number of additional trips the neighborhood would experience, the "Summary of Conclusions" found on page 42 of the traffic report states that the City's street segment traffic impact threshold is 8% and that the percentage of additional traffic for the proposed project is 7.4%, under the city's 8 % threshold. Adding even one more car in each category to the report's impact study would push the project over the threshold. Such a statistical analysis does not meet scientific standards for statistical validity or statistical reliability. As a result, the negative impact of traffic resulting from the proposed project was artificially minimized. The likely increase of traffic on Madison, Braddock, Duquesne, Irving and Lafayette is not sufficiently documented.

During the meeting, Commissioner Kuechle discussed the general inadequacy of the traffic studies and pointed to requests made by the Commissioner over a year ago to institute more reliable measures. However, inappropriate methodologies continue to be used, and decisions continue to be based on faulty reasoning. It is community residents who suffer on a long term basis as a result.

Please note that another mixed use project for 18 units and retail space is about to be built only one block away at 9900 Culver Blvd. the traffic study for that project stated that by 2009, the intersection of Duquesne and Braddock is projected to deteriorate from the current Level of Service B to Level of Service E (defined as "poor: represents the most vehicle intersection approaches can accommodate; may be long lines of waiting vehicles through several signal cycles." This is the worst level of service allowed in Culver City. The cumulative effect of these two projects must be considered "significant."

There also remains the question of ingress and egress with this project. The original proposal was for the entrance and exit from the project to be on Lafayette. Irving Place residents find that if the only entrance/exit is to be on their street, it would inherently place an unfair burden of traffic congestion. Community residents request that entrance and egress to the project be divided between Lafayette and Culver to reduce the traffic burden on Irving.

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Traffic Accidents

The Culver City Police Department reports 20 traffic accidents involving 24 injuries in the area around 4043 Irving in 2006. This number almost doubled in 2007 to 39 accidents resulting in 39 injuries. As the area becomes more congested with vehicles from 2 projects within one block of each other, our streets will be even more dangerous. Because the project is adjacent to three schools and 5 Culver City-owned housing units for mentally handicapped adults on Lafayette and Braddock, a very large, vulnerable group of Culver City citizens will be significantly impacted by increased traffic.

Community residents request a more substantive analysis of traffic impacts.

2. Parking

On p. 43 of the traffic study, the report states that parking access and circulation systems were assessed and "they would all function adequately...there would be no adverse impact from the Proposed Project." On average, 50-plus cars are parked on the site of the proposed project – currently a parking lot - at any given time. Historically, the site has provided parking for staff, teachers, and parents at Linwood E. Howe Elementary School as well as parents and staff at Happyland pre-school. It is now used by the schools as well as employees and patrons of downtown restaurants, shops, and theatres. Certainly, there will be parking needs to be met on residential streets further complicating existing traffic issues.

These cars will be displaced onto surrounding streets including Van Buren, Lafayette, Irving, Braddock, and Duquesne. These streets already have significant parking restrictions and parking shortages. Residents living on these streets report they have been experiencing a scarcity of parking spaces on adjacent streets for more than two years. As a result of previous downtown development in the city, these streets are used heavily for parking by both employees and patrons of the city's restaurants, theatres, and shops. The environmental study does not address the existing parking problems, nor does it address the expected exacerbation of parking problems which would be created by this project which concentrates so many condo units and three commercial offices on one site running from Lafayette to Irving. Future development projects in the area which are already in the hopper will only further exacerbate the parking situation for residents of this neighborhood.

Seven years ago, when Town Plaza was developed, residents were "promised" there would be "no significant negative impact" as a result of the downtown development. If there were any future negative impacts identified, residents were told, the city would "mitigate" the problem. There have been no mitigation measures instituted.

Cumulative effects of traffic and congestion are not taken into consideration by the traffic study. 37 development projects have been developed in this area in the last 3 years. More are on the way. Approving a project of this size with such potential negative impact on an already a seriously impacted residential neighborhood is irresponsible.

3. Air Quality

The Environmental Report states there would be "less than significant" impact for this project while, at the same time, stating that "future new development in any portion of Culver City will contribute both at the project level and cumulatively to pollutant emissions." But "since the project is consistent with Culver City's General Plan and Zoning code, the impacts are considered to be factored into SCAQMD's regional air quality models."

This statement in no way reflects the immediate impact on a small area represented by this neighborhood. It should also be noted that a second mixed use development of 18 condominiums plus retail stores has been approved one block away at 9900 Culver Boulevard. Air quality impacts have not been adequately addressed in this report which analyzed the impact of these developments separately although they are practically next door to one another.

Children at Risk

The streets immediately surrounding this project contain 3 schools:

Linwood E. Howe Elementary School	500 students
Happyland Pre-School	60 students
Office of Child Development Pre-School	57 students

Total:	617 students
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These students are all under the age of 12. As has been well documented, young children are particularly susceptible to the dangers of pollution caused by vehicle emissions.

A fact sheet prepared by the Office of Environmental Health Hazard Assessment (OEHHA), the California Air Resources Board (ARB), and the California Department of Health Services (DHS) outlines the issues related to traffic pollution and children's health.

"Scientists have found that the exhaust from cars, trucks, and buses contains chemicals that can be harmful. Air pollution can cause breathing problems and asthma attacks and contributes to risk of heart attacks among people with heart disease. Some of the chemicals from vehicle exhaust may contribute to risk of cancer.

Recent studies in the US and abroad have found that children living near busy roads may have more asthma symptoms and bronchitis. It makes sense to reduce children's exposures to air pollution from nearby traffic whenever possible. Children are a particularly vulnerable to air pollution impacts due to their rapid lung development and increased amount of time spent outdoors. Also, outdoor air pollutants enter indoor spaces through open windows and doors, ventilation systems, and infiltration through cracks and leaks."

Since young children may spend a significant part of the day in childcare, exposures at childcare centers both indoors and outdoors can be an important part of a child's overall exposure to traffic pollutants."

The California Environmental Protection Agency, California Air Resources Board Handbook points out that "the proposed location of a project is a major factor in determining whether it will result in localized air quality impacts." "Distances in mixed use space communities...should be adequate to avoid health risks." It adds: "Cumulative air pollution impacts can occur from a concentration of multiple sources that individually comply with air pollution control requirements or fall below risk thresholds, but in the aggregate may pose a health risk."

The Environmental Report for the proposed project has not adequately studied the impact of air quality on the area around this project. The community asks for a comprehensive report on air quality in light of the cumulative effects of this and other already approved projects in the area.

4. Area Compatibility

The project is located in the middle of two residential streets. For many years, it was zoned residential. After it was rezoned as commercial, it was occupied by a one story building which took up less than one third of the lot. Two thirds of the lot was used for parking. The property was never utilized for a high density project of any kind. It allowed light and air to circulate around the adjacent historic homes and allowed residents to appreciate this cultural resource.

The proposed project would be huge in scale, massing and volume. The size of the project is unprecedented for this neighborhood. It would be the only 4 story residential unit in the area adjacent to downtown Culver City. The proposed development is one full block wide. The volume of the proposed building is unmodulated and unrelieved. It is a single box which straddles the streets as a wall. The building would be higher than most of the adjacent Meralta office building as well as considerably higher than the landmark homes adjacent. The need for additional office space in the city is completely undocumented. Given that the Meralta building has had ongoing vacancies for several years, the concept of adding office space to a residential structure seems unwarranted.

The site plan review's statement that "the project will complement the architectural visual character of the area" is particularly insensitive. Such a statement does not meet any

community standard and flies in the face of commonly accepted architectural principles related to respecting historic structures. Putting a four story massive, block long structure next to 12 Spanish Colonial style historic homes cannot be viewed by any reasonable person as "complementing the architectural visual character of the area."

Historic Resources

The project is particularly incongruent with these 12 landmark homes. The proposed building would dwarf them and minimize their significance. Part of the history of Culver City would be lost in the shadows of this monolith. Building a subterranean garage only three feet from their walls and foundations, while "possible," is ill advised if they are to be preserved.

The landmark homes are currently eligible for placement on the National Register of Historic properties. Their eligibility could be diminished if this project were to be built. The planning department has described the impact on a valuable cultural resource as "less than significant." The community strongly disagrees with this assessment.

As residents and Commissioners agreed, this project should be scaled back in size and density in order to be compatible with the residential character of the adjoining neighborhood.

5. Biological Resources

The removal of two mature ficus trees is dismissed by the environmental report as less than significant. For neighborhood residents, the impact of the loss of these trees is significant. In an increasingly urban environment, the oxygen supplied by these large trees is valuable. The removal of these Old Growth trees in order to widen this part Lafayette Place serves no identified purpose. It will simply encourage speeding next to the Happyland Pre-school where parents drop off and pick up their young children.

6. Mandatory Findings of Significance

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proposed project. The Planning Commission has approved the project on the basis of their interpretation of the Redevelopment Agency's directives and the Planning Department's recommendations which do not represent a realistic assessment of community impact.

While the Commission has strongly protected the developer's interest, it has not acted on behalf of the best interests of the residents of Culver City. We respectfully request the City Council overturn their decision.

Submitted on behalf of the neighbors of 4043 Irving Place

For additional information, please contact:

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Jim and Michelle Benke
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ATTACHMENT 6

REGULAR MEETING OF THE
PLANNING COMMISSION, CITY OF CULVER CITY,
CALIFORNIA

April 9, 2008
7:00 P.M.

Call to Order & Roll Call

Present: Marcus Tiggs, Chair
 David Rockwell, Vice Chair
 John Kuechle, Commissioner
 Linda Smith Frost, Commissioner

Absent

(Recused): Andrew Weissman, Commissioner

Staff Present:

Thomas Gorham, Deputy Community Development Director/
 Planning Manager
Heather Baker, Assistant City Attorney
Max Paetzold, Traffic Engineer
Chris Evans, Management Analyst/Economic Development

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Pledge of Allegiance

The Pledge of Allegiance was led by Thomas Gorham.

Items Not on the Agenda

Karen Kurokawa
Invited the public to attend Gateway Neighborhood Association's
six-week study session covering issues of developments in
Culver City.

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PH-1. Site Plan Review, Tentative Tract Map, Administrative Use
Permit and Negative Declaration for a 4-story Mixed-Use
Building with 26 Residential Condominium Units and 3,370
Square Ft. of Office Space located at 4043 Irving Place.

Thomas Gorham gave a brief staff report on the project.

Public Speakers:

Araceli Perez	Louie Apodaca	Jerry Rubin
Terry Smith	Pam Portillo	McGregor Douglas
Jerry Ferro	Steven Smith	Susan Ste. Marie
Robin Provart-Kelly	Loni Anderson	Karen Kurokawa
Steve Gertz	Michelle Souza	Jessica Beagles-Roos
Betty Rostamian	Barbara Vowles	Judith Miller
Jacki Lee	Dan Milder	Jeannine Stehlin
Hilary Groner	Art Nomura	Jeffrey Thaler
Disa Lindgren	Jon Andersen-Miller	John Aguilar
Linda Finnegan	Frank Savino	Catherine Yanda
Karl Manheim	Simon Anthony	Gary Abrems
Aly Juma	Ann Douglas	Cory Anderson (DVD)
Cecily Gardner Freedson		

Summary of Community Comments:

- Project is too large
- Damage to historical properties during excavation
- Parking
- Destruction of the ficus trees and climate disruption
- Traffic
- Safety of pedestrian traffic
- Inaccurateness of the traffic study
- Project is not characteristic of the neighborhood
- Construction hours and days of operation
- Dust invasion on the neighborhood for the two-year construction period
- Preferable new construction would be 'cottage' style homes to be consistent with the area
- Loss of integrity of the neighborhood
- Effect of increased traffic on effectiveness of emergency vehicles
- Density
- Negative effect on neighboring schools

Comments Read into the Record:

Teri Markson
Monica Granados
Kazuko Kato
Barbara Kline
Dr. Janet Hoult (w/poem)

Present for the Applicant:

Sal Gonzales	Applicant/Developer (Metro Real Estate)
Lance Simon	Architect (JS Egan Design Architects)
Peter Erdelyi	Structural Engineer
Ron Silverman	Attorney
Julio Lozano	Soil Engineer
Mo Sahebi	Civil Engineer
Srinath Raju	Civil Engineer/Traffic

Comments from Commissioners:

Commissioner Smith Frost

- Inquired whether applicant was required to build the project as 'mixed use'.
- Traffic concerns;
- Asked why fence was not installed around the project site for 16 months after the sale.
- Not comfortable with phrase "to the extent possible" in Condition 53 regarding the preservation of the historical properties.
- Questioned the term of the bond if one is required of the applicant.
- Inquired about applicant's willingness to re-core the deteriorating street if project is approved.
- Asked if historical properties in the project area qualify for national historical properties status.

Commissioner Kuechle

- Questions regarding traffic impact, data sources and setbacks.
- Inquired where the underground utility lines are located with respect to the property lines.
- Agrees that project is too big;
- Concerns regarding egress onto a one-way street and tandem parking.
- Inquired about applicant's willingness to downsize the project.
- Concerns regarding exiting project on a one-way street.

Vice Chair Rockwell

- Parking concerns

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- Blank wall, setback and angle issues should be addressed;
- Tandem parking concerns.
- Quantitative measures should be addressed in the condition of approval.
- Questioned how the number of 'use' units was derived.
- Concerns and questions regarding the footing, reflectors and applicant's willingness to install steel columns.
- Concerned about vibrations caused by excavation during construction.
- Inquired when the traffic study was conducted and how the traffic estimates were generated.
- Stated the traffic study excludes all of the 'realistic' routes utilized by daily traffic.
- Recommended the applicant reduce the project by ten (10) units and twenty (20) parking spaces and inquired about applicant's willingness to do this.
- Inquired about the possibility of preserving the ficus trees.

Max Paetzold stated the possibility of the ficus trees being blown down by strong winds.

Thomas Gorham suggested having an arborist conduct a inspection of the trees and make a recommendation to the city regarding the removal of the trees.

Chair Tiggs

- Questioned how the decision regarding ingress and egress was made.
- Inquired if photo voltaic panels would be used for energy and if any other green elements will be used for the project.
- Concerns about damage to historical homes during construction, and whether the applicant could be required to post a bond.
- The concept of reducing project by one floor and ten (10) units could result in reduced project impacts.
- Project meets the code regarding tandem parking.

Motion to approve the Negative Declaration, as amended, was moved by Commissioner Smith Frost, seconded by Commissioner Kuechle. **Vote 3-1.** (Rockwell-no)

Motion to approve the Site Plan Review and Tentative Tract Map, as amended, was moved by Commissioner Smith Frost, seconded by Commissioner Kuechle. **Vote 3-1** (Rockwell-no).

Consent Calendar

Item C-1

Secretary's Report

That the Planning Commission approve the Secretary's Report was moved by Commissioner Kuechle, seconded by Commissioner Rockwell. **Vote 4-0.**

Item C-2

Motion to approve the minutes of March 26, 2008, as amended was moved by Commissioner Kuechle, seconded by Commissioner Rockwell. **Vote 4-0.**

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ITEMS FROM STAFF

Thomas Gorham announced the following:
The next scheduled Planning Commission meetings will be April 23, 2008.

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ADJOURNMENT

There being no further business, at 1:28 a.m., the Planning

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