

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 11/14/05	Item Number: <u>PH-4</u>
AGENDA ITEM: Appeal of Condition No. 43 of Planning Commission Approved Conditional Use Permit, CUP P-2005019 and Administrative Use Permit, AUP P-2005018 that Allows the Establishment of a Private School with Tandem Parking at 3939 Landmark Street in the Light Manufacturing (M-1) Zone	
Contact Person/Dept.: Jose Mendivil	Phone Number: (310) 253-5757
Fiscal Impact: Yes ☒ No ☐	General Fund: Yes ☒ No ☐
Public Hearing: ☒	Action Item: ☐ Attachments: ☒
Public Notification: Notices were mailed on October 24, 2005, to all property owners and occupants within a 300 foot radius of the site, extended to end of city block; courtesy notices were mailed on October 24, 2005, to the City Council, Planning Commission, Cultural Affairs Commission, Culver City Homeowners Association, Culver City Chamber of Commerce, CAO, and Department Heads; Master Notification List e-mailed by the CAO's office on 11/10/05.	
Department Approval: Susan Evans, 11/2/05	CAO Approval: Jerry Fulwood 11/9/05
City Controller Approval: Marlee Chang 11/9/05	

RECOMMENDATION:

That the City Council uphold Planning staff's recommended amendment to Condition No. 43 of the Planning Commission approved Conditional Use Permit, CUP P-2005019 and Administrative Use Permit, AUP P-2005018 that allows the establishment of a private school with tandem parking at 3939 Landmark Street in the Light Manufacturing (M-1) Zone (Draft City Council Resolution – Attachment No. 7).

BACKGROUND:

On June 8, 2005, the Planning Commission opened the public hearing for a Conditional Use Permit and Administrative Use Permit request to allow a private school to operate at 3939 Landmark Street (June 8, 2005, Planning Commission Staff Report – Attachment No. 11). Due to the California Environmental Quality Act (CEQA) mandated public review period, the Commission could not act on the project that evening and after hearing public testimony, continued the hearing to July 13, 2005 (July 13, 2005, Planning Commission Staff Report – Attachment No. 11). On July 13, 2005, the Commission approved the project; in conjunction with that approval and pursuant to CEQA guidelines, the Commission adopted a Mitigated Negative Declaration (MND) after finding that the proposed project will require mitigation measures to reduce certain impacts on the environment (MND – Attachment No. 6).

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One of the mitigation measures requires the installation of a traffic signal at the intersection of Washington Boulevard and Landmark Street. At the July 13th Commission meeting, the Commissioners expressed concern that a westbound left turn pocket on Washington Boulevard should be required in addition to the traffic signal. They stated that idle vehicles waiting to turn left onto Landmark Street would create congestion and potential hazards for west bound through traffic along Washington Boulevard. The project's traffic study (Attachment No. 9) and the City's Traffic Engineer concurred that a left turn pocket was not necessary to mitigate potential impacts created by the project. However, the City's Traffic Engineer did state that such a roadway feature would be helpful with traffic flow.

The Commission then discussed the necessity to eliminate a parking lane if a left turn pocket is installed. Staff informed the Commission that Howard Industries on the north side of Washington Boulevard had expressed concern over potential elimination of the parking lane adjacent to their property. They stated that they use the westbound parking lane as a queuing lane for delivery trucks waiting to enter their site. Howard Industries reported that main usage of the parking lane for queuing occurs from about 6 AM to 3 PM. Commissioners asked if the eastbound, south parking lane could be eliminated, especially since the auto dealership sites adjacent to the eastbound parking lane (and at the intersection with Landmark Street) are vacant. Staff responded that the south (or eastbound) parking lane could be eliminated just as well the north (or westbound) parking lane, in order to accommodate the left turn pocket. The Commission voted to approve the project with an amendment to Condition No. 43 (which requires the traffic signal) adding a requirement for a left turn pocket.

Following the Planning Commission meeting, Brentwood Capital, owner and developer of the vacant auto dealerships on the south side of Washington Boulevard, told staff that in order for their future development to be successful, they would need the parking lane. They have expressed an interest in potential construction of a mixed use project that would include street level commercial/retail space and upper level residential units. Staff initiated discussions between the Applicant, Brentwood Capital, and Howard Industries to see if there could be a resolution that all parties would accept. Staff then returned to the Planning Commission on August 10, 2005, to seek clarification on which parking lane should be eliminated (August 10, 2005, Memo - Attachment No. 12).

Originally, staff was going to recommend that the Commission state clearly that the south side parking lane be taken out. Due to ongoing discussions with all parties involved, staff recommended on August 10th that the Planning Commission clarify Condition No. 43 such that they direct staff to work with all parties involved in minimizing impacts resulting from the installation of the left turn pocket and not

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designate elimination of parking on one side or the other. The Planning Commission agreed with staff and Condition No. 43 of Planning Commission Resolution No. 2005-P013 (Attachment No .10) is worded to reflect this clarification.

Subsequent discussions with the Applicant, Appellant (Howard Industries), and Brentwood Capital did not lead to a definitive resolution or decision as to which parking lane would be eliminated. On September 12, 2005, Howard Industries submitted an appeal (Attachment No. 13). They did not appeal the project as a whole and did not wish to see a reversal of the Planning Commission approval. The appeal is related to Condition No. 43, specifically the potential for the elimination of the north parking lane to make room for the Planning Commission required left turn pocket.

DISCUSSION:

After submittal of the appeal, staff continued discussions with the Applicant and Appellant to see if a compromise could be reached satisfying both parties and the City. Resulting from these discussions was a letter, jointly signed by the Applicant and the Appellant, and submitted to the City on November 1, 2005 (Attachment No. 14). The letter contains proposed amended language for Condition No. 43 that requires the Applicant to post a bond with the City to cover the cost of installation of the left turn pocket. The amended condition also requires the applicant to prepare a study on the necessity of the left turn pocket within 12 months of the school's opening and to recommend a lane configuration if the study determines that the left turn pocket is required. The 12 month delay is required so that the Applicant can monitor traffic flows created by the school over time.

The bond would be returned to the applicant if no such left turn lane is deemed necessary by the City within four years following final approval of the Project (the date the City Council votes on the appeal). The reason for the four year limit is that within this time frame, several developments (such as Brentwood Capital's proposal, Turning Point School Expansion, and the Specific Plan for the area) are expected to commence with entitlements and/or City approvals. It is anticipated that given the cumulative traffic impacts for all these projects, including Park Century School, a left turn pocket will be required to mitigate traffic impacts.

Further, during this time frame, the Appellant and Applicant hope that a final lane configuration is approved for the left turn pocket, assuming a left turn pocket is required. This could mean some street dedication, a narrowing of the sidewalks, or a combination of the two. Because no entitlement requests (other than Park Century School and Turing Point) are currently in the system, it cannot be determined at this time which side of the street should be modified in order to accommodate the left

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turn pocket, should it be needed. There are unknown variables. The bond and study are required to ensure that the school is able to open, even if the left turn pocket has not been installed, while still maintaining responsibility for the left turn pocket installation, should it be needed.

Both parties agree with this revised condition; staff believes that the spirit of the Planning Commission's intent and sufficient protection for the City are achieved through this proposed amended language.

ENVIRONMENTAL DETERMINATION

Pursuant to CEQA guidelines this project has been determined to have less than significant impacts on the community provided certain mitigations are incorporated; a Mitigated Negative Declaration (MND) was adopted by the Planning Commission on July 13, 2005. Specifically, the increased number of vehicle trips for the school and the exposure of persons to noise levels in excess of standards established in the General Plan were identified as potentially significant unless mitigated. Several mitigations have been proposed as conditions of approval; Attachment No. 6 identifies the specific mitigation measures.

The left turn pocket was not a required mitigation and was a revision to the Conditions of Approval as a whole, and not to the MND. Further revision pertaining to the left turn pocket as recommended by staff, will not affect the already adopted MND.

FISCAL ANALYSIS:

As an industrial use, the site generates property taxes for the City, the Redevelopment Agency, and other non-city agencies. Normally, this revenue source would be eliminated because the applicant, Park Century School, is a not-for-profit entity. However, the applicant agreed to pay annually, the property taxes that would normally be generated for the City and the Redevelopment Agency had an industrial use continued on the site. The applicant has agreed to pay property taxes due to the City and the Redevelopment Agency; this condition is included in Planning Commission approved Resolution No. 2005-P013 (Attachment No. 10) as Condition No. 48.

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CONCLUSION

The Planning Commission, after discussing both traffic and fiscal impacts (the non-profit status of the Applicant) approved the project. They felt that with all mitigations, the inclusion of a left turn pocket, and the acceptance by the school to pay the property tax, the project would, overall, be a benefit to the City. The Appellant did not disagree with the merits of having a school locate on the project site and was not opposed to the project. Staff believes the contents in the joint letter agreement will achieve an acceptable outcome for all parties.

ATTACHMENTS:

1. Project Summary
2. Area Map
3. Aerial Photo of Area
4. General Plan Land Use Designation Map
5. Photographs of Existing Building and Proposed Art.
6. Mitigated Negative Declaration
7. Draft City Council Resolution No. 2005-R
8. Letter to Sean T. Matsler, Esq. from Geomatrix Consultants, Inc., received March 10, 2005
9. Traffic Study for the Park Century School – Revised April 27, 2005
10. Approved Planning Commission Resolution No. 2005-P013
11. June 8, 2005, and July 13, 2005, Planning Commission Staff Reports without Attachments
12. August 10, 2005, Planning Commission Memo without Attachments
13. September 12, 2005, Howard Industries Appeal Letter
14. November 1, 2005, Joint Parties Letter with Proposed Amended Language
15. Plans dated April 27, 2005 (Date received)

MOTION:

That the City Council:

Adopt Resolution No. 2005-R that amends Condition No. 43 of Planning Commission approved Resolution No. 2005-P013, addressing the installation of a left turn pocket.

OR,

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Uphold the original Planning Commission approved Resolution No. 2005-P013, with no modifications.