

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 07/09/07		Item Number: <u>PH-1</u>	
AGENDA ITEM: Public Hearing on Appeal of the Planning Commission's Denial of a Site Plan Review; Administrative Use Permit; and Administrative Modification for a proposed Mixed Use Development of 23 Residential Units with Ground Floor Retail at 9900 Culver Boulevard.			
Contact Person/Dept.: Jose Mendivil; Thomas Gorham		Phone Number: (310) 253-5710	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Applicants notified by mail (06/18/07); Notice of Public Hearing was published in the Culver City News (06/21/07); Notice of Public Hearing was mailed (06/18/07); Site was posted (06/18/07); Master Notification List (07/03/07).			
Department Approval: Sol Blumenfeld (06/21/07)		City Attorney Approval Carol Schwab (by H. Iker) (06/27/07)	
City Controller Approval: Marlee Chang (07/02/07)		City Manager Approval: Jerry B. Fulwood (07/03/07)	
<u>RECOMMENDATION:</u> Staff recommends the City Council consider the applicant's appeal of the Planning Commission's denial of the Site Plan Review, Administrative Use Permit and Administrative modification and either: A. Deny the Appeal and uphold the Planning Commission's denial. (If the City Council upholds the Planning Commission's denial, staff will return with the appropriate resolution outlining the findings for denial.) OR, B. Grant the Appeal and overturn the Planning Commission's denial and approve the Site Plan Review, Administrative Use Permit and Administrative Modification. If the City Council overturns the denial, staff will return with the appropriate resolution outlining the findings and conditions of approval. Further, the associated General Plan Map Amendment, Zoning Map Amendment and Tentative Tract map would be brought before the Council for approval. <u>PROCEDURE:</u> 1. Mayor calls on staff for a brief staff report and Council poses questions to staff as desired.			

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2. Mayor opens the public hearing, providing the applicant the first opportunity to speak, followed by the general public.
3. Mayor seeks a motion to close the public hearing after all testimony has been presented.
4. Council discusses the matter and arrives at its decision.

BACKGROUND:

On April 25, 2007, SPF Architects/Uptown Lofts went before the Planning Commission regarding their request for several entitlement approvals: a General Plan Map Amendment and Zone Map Amendment to change a portion of the project site from Medium Density Residential to Commercial Downtown; a Site Plan Review to allow the construction of a 5-story, 56-foot high, mixed use development consisting of 23 residential condominiums, ground floor retail (4,750 square feet), 12 surface parking spaces, and 46 subterranean parking spaces; a Tentative Tract Map for condominium purposes; an Administrative Use Permit for tandem parking; and an Administrative Modification for a drive aisle width reduction.

At a public hearing before the Planning Commission, the Commission denied the Site Plan Review, Administrative Use Permit, Administrative Modification and recommended denial of the General Plan Map Amendment, Zoning Map Amendment, and Tentative Tract Map. (See Planning Commission Resolution No. 2007-P005 – Attachment No. 1). On April 30, 2007, that applicant submitted a timely appeal to the Planning Commission's decision (Attachment No. 2).

Planning Commission Staff Report/Staff Recommendation

Attachment No. 3 contains the Planning Commission staff report with all attachments. The staff reports contains discussions on the actions requested, site plan and architecture, traffic and circulation, parking, height, noise, and area compatibility. A traffic study is part of the attachments to the Planning Commission staff report and is included therein.

Notwithstanding the Planning Commission denial of the project, staff believes, as outlined in the Planning Commission staff report, that the project should be approved. The project is consistent with Zoning Code standards and regulations and with the General Plan Land Use Element for the Downtown area. Its height, setbacks, and parking all meet Code standards and limits. In order to create a buffer between the adjoining residential zone to the south, the building is setback 30 feet, which is 20 feet more than the 10-foot code requirement. Parking is sufficient with four of the required parking spaces to be provided in Downtown pooled parking as allowed in the Code. The traffic to be generated by this project is not expected to

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create significant impacts as discussed in the traffic study that was reviewed by City staff for accuracy. Design and height for this project is compatible with surrounding buildings, including City Hall, the multi-story Sony office building, and the Kirk Douglas Theatre.

Mixed use for this site is optimal and compatible with various downtown businesses and restaurants, theaters, City Hall, and the Post Office, as it provides pedestrian accessibility for residents and retail tenants of the project.

DISCUSSION:

At the April 25th public hearing, the Commission expressed concern over traffic, area compatibility, density, and parking as summarized below:

- Uncertainty about the traffic study's conclusion that the amount of traffic expected to be generated by the project would be less than significant, among other things due to the means and methods of the calculations, the thresholds for determining significant impacts and the cumulative traffic impacts in the immediate area.
- The massing of the building and its density was in conflict with the adjoining residential area.
- Although the project complies with code required parking, the Commission did not believe the site has sufficient parking for the anticipated uses of the entire site.
- The inappropriateness of using tandem parking for multi-family residential developments.
- The use of the Downtown pooled parking system to provide four required off-site parking spaces and the unlikelihood of their use because of their distance from the project.

Attachment No. 4 contains the draft minutes of the meeting.

In summary, the Planning Commission resolution denying the Site Plan Review and, by default, the Administrative Use Permit and Administrative Modification included the following formal finding:

“The site location of the commercial and residential components of the project will conflict with the existing adjacent residential neighborhood because the high

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density and retail uses of the project will place a burden on local streets. Excess traffic on local streets caused by the project's uses will diminish the potential for local residents to enjoy their neighborhoods."

Further, the Commission's resolution recommended denial of the General Plan Map Amendment, Zoning Map Amendment, and Tentative Tract Map based on the following formal findings:

"The proposed General Plan Land Use Element and Zone Change amendment is detrimental to the public interest, health, safety, convenience and welfare of the City. The proposed level of residential density resulting from the amendment are not in the public interest, health, safety, convenience or welfare of the City. "

"The site is not physically suitable for the density of the proposed commercial and residential "mixed use" subdivision in that absent the required General Plan Land Use Element and Zone Change Amendment, the zoning of the site does not permit the proposed residential density."

The foregoing formal findings alone were sufficient legal grounds to support the Planning Commission's decision on this project. However, all the Commissioners also stated one or more of the concerns identified in the bullet points above as further grounds to support their denial.

The applicant's appeal (Attachment No. 2) states the project is compatible with the surrounding area. It is proposed to not exceed 56 feet in height, the Code limit. They state the project is compatible with the height of City Hall (approximately 56 feet), the Kirk Douglas Theatre, and is less in height than the multi-story Sony Office Building. The project's code required density limit is 26 residential units, they are proposing 23 units. The ground floor retail is situated at the north east corner of the site facing other non-residential downtown uses. Although only required by Code to have a 10 foot setback at the rear facing the residential neighborhood, the project's rear setback is 30 feet. The appeal also states that the development has sufficient parking and that the project is compliant with the mixed uses development standards and all code requirements. The applicant further states that if the Council wishes, they will reduce retail space in order to reduce the need for the four off-site pooled parking spaces.

FISCAL ANALYSIS:

This is a private venture project with no City or Agency funds reserved for the development. If the project is approved, then the City would gain both commercial and residential taxes once the development is operational.

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ATTACHMENTS:

1. Planning Commission Resolution No. 2007-P005
2. Applicant's Appeal filed April 30, 2007.
3. Planning Commission Public Hearing Staff Report Including all Attachments as Listed Below:
 - Project Summary
 - Area Map
 - Aerial Photo
 - Draft Initial Study/Negative Declaration dated March 21, 2007
 - Traffic Study For The 9900 Culver Boulevard Mixed Use Project, submitted February 13, 2007.
 - Resolution No. 2007-P005 (GPMA P-2006150, ZMA P-2006149, SPR P-2006147, TTM P-2006148, AUP P-2006146, and AM P-2007034)
 - Development Plans Date Received January 10, 2007
4. Draft Minutes to the 04/25/07 Planning Commission Public Hearing.

MOTION:

That The Council either:

- A. Deny the Appeal and uphold the Planning Commission's denial of a Site Plan Review; Administrative Use Permit; and Administrative Modification for a proposed Mixed Use Development of 23 Residential Units with Ground Floor Retail at 9900 Culver Boulevard and direct staff to return to the Council with the appropriate resolution outlining the findings for denial.

OR,

- B. Grant the appeal and overturn the Planning Commission's denial and approve the Site Plan Review, Administrative Use Permit and Administrative Modification and direct staff to return to the Council with the appropriate resolution outlining the findings for approval.