



Culver CITY

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PLANNING COMMISSION MEETING AGENDA WEDNESDAY, APRIL 23, 2008

PUBLIC COMMENT

The Planning Commission will listen to the public on any item on the agenda or item of interest that is not on the agenda. The Planning Commission cannot legally take action on any item not scheduled on the agenda. Such items may be referred for administrative action or scheduled on a future agenda.

If you wish to speak to the Commissioners, please complete a Speaker's Card and present it to the Secretary before the agenda item is called. You will be called to the podium by name when it is your turn to speak to the Commissioners.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Persons wishing to speak on agenda items will be called at the time the agenda item is brought forward. Comments will generally be limited to five minutes per speaker; however, a three-minute limit may be declared by the Chairperson for agenda items for which many Speaker Cards have been submitted.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

A total of twenty minutes shall be devoted to audience participation at the beginning of the agenda. Speakers will be called on in the order cards were received by the Secretary. If additional time is needed, the Chairperson will allow for same at the end of the agenda.

When the Secretary calls your name, please advance to the podium and state your name and city of residence. Speakers must limit their comments to five minutes. A three-minute limit may be declared by the Chairperson if there is a large number of individuals desiring to address the Commissioners.

NOTE: AT OR ABOUT 11:00 P.M., COMMISSION MEMBERS WILL DETERMINE WHETHER TO CONTINUE WITH DISCUSSION OF REMAINING ITEMS ON THE AGENDA OR TO CARRY SOME/ALL OF THE ITEMS OVER TO A FUTURE MEETING DATE.

CELL PHONES AND OTHER DISTRACTIONS

Use of cell phones, pagers and other communication devices is prohibited while the Planning Commission Meeting is in session. Please turn all devices off or place on silent alert and leave the Chambers to use. During the meeting, please refrain from applause or other actions that may be disruptive to the speakers or the conduct of City business.

MEETING INFORMATION

Planning Commission meetings are regularly scheduled for the second and fourth Wednesdays of every month. Planning Commission Agenda information is available 72 hours before each Planning Commission meeting via a tape recorded message by calling 310-253-5741.

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ALD

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AGENDA
Planning Commission
Wednesday, April 23, 2008
7:00 p.m.
Mike Balkman Council Chambers

CALL TO ORDER & ROLL CALL

Marcus Tiggs, Chair
David Rockwell, Vice Chair
John Kuechle, Commissioner
Andrew Weissman, Commissioner
Linda Smith Frost, Commissioner

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT – Items Not On The Agenda

PUBLIC HEARING

PH-1 Site Plan Review and Negative Declaration for the addition to an existing 2-story 26,414 square foot office building resulting in a 5-story 79,095 square foot office building located at 5800 Uplander Way. (Staff Report: Joseph Montoya (310) 253-5736). **Approve.**

CONSENT CALENDAR. *Note: Consent Calendar items are considered to be routine in nature and may be approved by one motion. Public requests to discuss Consent Calendar items must be filed with the Secretary before the Consent Calendar is called.*

- C-1. Secretary's Report. ***Approve Report.***
- C-2 Approval of Minutes of April 9, 2008.

ITEMS FROM STAFF

ITEMS FROM PLANNING COMMISSION

ADJOURN

**Next Planning Commission Meeting
April 23, 2008
7:00 PM**

Upcoming Public Meeting Schedule –Tentative – 2008

Date	Day	Time	Location
<i>City Council</i>			
<i>May 12</i>	<i>Monday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Redevelopment Agency</i>			
<i>May 5</i>	<i>Monday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Civil Service Commission</i>			
<i>May 7</i>	<i>Wednesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Cultural Affairs Commission</i>			
<i>May 13</i>	<i>Tuesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Parks & Recreation Commission</i>			
<i>May 6</i>	<i>Wednesday</i>	<i>7:00PM</i>	<i>Patacchia Room</i>
<i>Planning Commission</i>			
<i>May 9</i>	<i>Wednesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>

- Meetings may be added or changed.
- Times and date may be changed.

Meeting Date: April 23, 2008	Item Number: PH-1
AGENDA ITEM: Site Plan Review, SPR P2008036, and Negative Declaration for the modification of an existing two (2) story / 26,214 gross square foot (GSF) office building by demolishing 4,169 GSF and constructing three (3) stories / 57,050 GSF for a revised total of 79,095 GSF measuring 56 feet in height at 5800 Uplander Way.	
Contact Person/Dept.: Joseph Montoya, Associate Planner	Phone Number: (310) 253-5736
Public Hearing: [X]	Action Item: [] Attachments: [X]
Public Notification: On March 18, 2008, two signs were posted on the site; on March 31, 2008, notices were mailed to all the property owners and occupants within a 300-foot radius of the site extended to the end of the block; and the notice was emailed to the Master Notification List.	
Planning Review: Thomas Gorham, Planning Manager April 16, 2008	

RECOMMENDATION:

That the Planning Commission:

1. Adopt a Negative Declaration based on the Initial Study finding the project will not have a significant adverse impact on the environment; and
2. Approve Site Plan Review, SPR P-2008036, subject to the Conditions of Approval as outlined in Resolution No. 2008-P007 (Attachment No. 1).

PROCEDURES:

1. Chair calls on staff for a brief staff report and Planning Commission poses questions to staff as desired.
2. Chair opens the public hearing, providing the applicant the first opportunity to speak, followed by the general public.
3. Chair seeks a motion to close the public hearing after all testimony has been presented.
4. Commission discusses the matter and arrives at its decision.

BACKGROUND:

General Information

Please refer to the Project Summary (Attachment No. 2).

Existing Conditions

The subject site, as outlined in the Vicinity Map (Attachment No. 3) and Aerial Photograph (Attachment No. 4), is located along Uplander Way, south of Hannum Avenue and east of Bristol Parkway. The site is designated in the General Plan Land Use Element as "Regional

Center Commercial”; in the Redevelopment Plan Component Area No. 1 as “Regional Center”; and in the Existing Zoning Map as “Commercial Regional Business Park (CRB)”. Additionally, the subject site is within the “Fox Hills Business Center” which is generally bound by Hannum Avenue to the north, Buckingham Parkway to the east, Green Valley Circle to the south and Fox Hills Drive to the west. To the north and west, parcels have similar designations and are developed with office / research uses. The parcel to the south, owned by the City, is developed as Fox Hills Park. Parcels to the east [across Buckingham Parkway] are developed with multiple family / multi-floor residential uses.

As previously stated, the subject site is bordered along the northwest corner by Uplander Way at a street elevation of 95 feet. The existing building has a first floor elevation of 100 feet, is provided with both surface and subterranean parking and is bordered with landscaped planters along the north, west and south property lines. Additionally, the easterly portion of the site is developed with a sloped landscaped setback that varies from 45 feet to 50 feet in depth, measure 240 feet in length along the Buckingham Parkway frontage and descends approximately 25 feet from the top of the parking lot grade to the public sidewalk abutting Buckingham Parkway.

A review of City records indicates the subject building was originally approved via Site Plan Review, PL-1105, by the Planning Commission on April 12, 1978, as more specifically outlined in Resolution No. 1425. Building permits were issued on June 19, 1978, and the Certificate of Occupancy was issued on October 3, 1979. Thereafter, Modification No. 1 to Site Plan Review, PL-1105, for the conversion of storage space to office was denied by the Planning Commission on January 9, 1980, via minute motion; and then appealed to and denied by the City Council on January 28, 1980, via minute motion. Lastly, Modification No. 2 to Site Plan Review, PL-1105, for the construction of a mezzanine office area and additional parking was conditionally approved by the Planning Commission on January 9, 1991, via Resolution No. 91-P005. The site is owned and occupied by the applicant who operates Photonic Corporation, a electronic technology firm with applications including, but not limited to, telecommunication chips with internet applications, biomedical chips for DNA analysis and semi-conductor chips for computer and electronics use.

Request

On January 30, 2008, the applicant filed this Site Plan Review application so as to modify the existing two (2) story / 26,214 GSF building as follows:

1. Demolish 4,169 GSF and construct three (3) additional floors of office for a revised total of 79,095 GSF measuring 56 feet in height to the top of roof;
2. Increase the existing 78 parking space count by providing an additional 148 parking spaces for a revised total of 226 parking spaces; and
3. Construct other onsite and offsite improvements including, but not limited to, drive approach, trash enclosure, rooftop garden and increased landscaping within the slope along the easterly portion of the site facing Buckingham Parkway.

The proposed project is consistent with all applicable CRB development standards pertaining to setback and height as well as all other Culver City Municipal Code (CCMC) requirements pertaining to landscaping, lighting and parking as outlined herein.

ANALYSIS:

Land Use and Zoning

The General Plan Land Use Element (and Redevelopment Plan Component Area No. 1) designate the site as “Regional Center” which:

“... allows large-scale commercial uses that may share parking. It is intended to support existing and anticipated commercial developments that serve a regional market area and would serve both the residential and business community. The designation is characterized by varying height limits from two stories to 56 feet, expansive landscaping setbacks, and a minimum parcel size. This designation is applied to existing retail, office, and business park uses such as Fox Hills Mall, Studio Village Shopping Center, Corporate Pointe, and Fox Hills Business Park, and could be applied to entertainment, hotel, retail and office use of similar scale ...”.

The “Commercial Regional Business Park (CRB)” zoning district is the zoning designation which implements and is consistent with the General Plan and Redevelopment Plan designations.

Architectural Design

As outlined in the proposed preliminary development plans (Attachment No. 5) and in the proposed materials board (Attachment No. 6) to be on display at the meeting, the proposed building modification has been designed to conform to all applicable provisions of the CRB Zone and all other CCMC development standards including height and setback requirements between commercial and residential districts [i.e., across Buckingham Parkway]. Based on the sloped and landscaped configuration of the easterly portion of the site, the street facing setback along Buckingham Parkway is greater than required by the CCMC.

The existing building is generally a non-descript concrete tilt-up located within the business park established in the early 1970's. In contrast to the existing building's architectural design, the proposed project includes a modern architectural theme. The proposed multi-faceted building includes the use of plaster, stucco, glass, steel and a combination of colors [i.e., walls colored rust (“mauve”) and yellow (“ochre”); glass colored green (“solex green”); mullions colored green (“dark green”); glass block (clear) and wrought iron painted “dark green” on building and “black” as perimeter fencing]. Other site improvements [i.e., ground or wall mounted light fixtures] shall be of a color architecturally compatible with the project. Said materials and colors are intended to create an architectural style that deliberately departs from the standard box design and, instead, creates an architectural form as much art as sculpture.

The project is required to meet the photovoltaic requirements of Ordinance No. 2008-004. To meet this new requirement, the applicant proposes to include a roof mounted photovoltaic system to reduce the demand of electricity. Additionally, the applicant proposes a building design that incorporates construction, architecture and operational measures consistent with the United States Green Building Council's (USGBC) design standards. The USGBC uses a Leadership in Energy and Environmental Design (LEED) four (4) level rating system that begins with basic “certified” and then proceeds upward past “silver” and “gold” to “platinum”, the highest most efficient rating of all. It is the goal of the applicant to design, construct and operate the proposed project so as to receive a “platinum” rating by including elements such as a “green roof” to absorb storm water while also insulating the building and reducing the demand for mechanical services, the use of energy efficient windows and the installation of solar powered parking lot and site lighting.

Landscaping

Based on the extent of the site disruption during the construction phase of the project so as to construct the new subterranean garage, the majority of the landscaping within the level portion

of the site is required to be removed. To the extent possible, existing trees are to be salvaged and relocated onsite either within new landscape areas and/or within the landscaped slope facing Buckingham Parkway. As further outlined in the proposed site plan, new landscaped planters above natural dirt areas are proposed and, where possible, within planters embedded within the concrete slab of the parking structure. Other areas deemed appropriate for landscaping shall include potted trees and plants. Special landscaped areas are also proposed along the edges of the parking structure and potted trees are to be provided at various locations within the upper level of the parking structure. Lastly, as previously mentioned, the "green roof" shall include a rooftop garden.

The landscaped sloped setback facing Buckingham Parkway is of special concern not only because it provides landscaping within an unusable area due to the slope condition, but it also provides a landscaped screen of a portion of the subject building from vehicles and/or pedestrians traveling along Buckingham Parkway and from the residents located along the east side of the street. A field inspection of the slope area was performed with the Planning Division and the Park Manager who determined a need to replant a number of the existing trees and ground covers as well as a need to upgrade and repair portions of the irrigation system. Accordingly, a condition of approval is recommended to insure the continued maintenance and growth within the sloped area. Lastly, the existing landscaping within the portion of the Fox Hills Park abutting the south property line of the project will remain in place. Therefore, staff has determined the proposed installation of a metal screen for landscape purposes along this property line is not required and, instead, the applicant shall be required to replace [as deemed necessary by the City] any landscaping and irrigation that may be disrupted as a result of the required excavation and construction along the subject south property line.

Parking

The existing and proposed components of the project have been collectively calculated so as to meet all of the current CCMC parking requirements including, but not limited to, the elimination of all existing legal non-conforming compact parking spaces and the provision of all required handicapped, loading and bicycle parking spaces. The total parking for the subject project is proposed to increase by 148 parking spaces [i.e., from 78 parking spaces to 226 parking spaces]. As permitted in the CCMC, the loading parking space is to be shared with one of the standard spaces which can accommodate small trucks since larger trucks are not anticipated to be used for the project. In addition, bicycles spaces will be provided in the parking structure.

Traffic and Circulation

Based on the City's adopted traffic study criteria, a traffic study was deemed necessary by the Planning Division and Engineering Divisions. Following a memorandum of understanding approved by the City and outlining the scope of the analysis, Raju Associates, Incorporated, a state licensed traffic engineering firm, prepared the traffic study dated January 2008 and entitled Traffic Study For The 5800 Uplander Way Office Building Expansion Project (Attachment No. 7). Said traffic study analyzed the existing and proposed traffic volume to be generated by the proposed project as well as traffic patterns at nineteen (19) intersections within the surrounding area – regardless of jurisdiction. Based on the information gathered from the field investigations, the consultant proceeded with the required analysis including projected future traffic levels at the referenced intersections based on development projects currently under construction or anticipated to be constructed in the near future.

On the basis of the projected future traffic levels in the area and the trips generated by the proposed project, the traffic study concludes the increase in traffic at the studied intersections as a result of the project will be below the City's criteria for significant impacts. Traffic impacts at studied intersections [measured as volume to capacity ratios (V/C) or the number of actual vehicles to the amount of vehicles the intersection can accommodate] must increase beyond

a threshold given the Level of Service (LOS) measured for the intersections in order to be considered a significant impact. At the study intersections, the increase in the V/C ratios resulting from the project – given the LOS for those intersections – is calculated to be below what the City established as a significant impact. In other words, added traffic resulting from the project to the areas studied is expected to be small enough so as to not create significant traffic problems. Therefore, as outlined in the Executive Summary of the traffic study [Page 2], the traffic consultant has determined “... *the proposed project would not cause any significant impacts at any of the analyzed locations. Parking, access and circulation systems would function adequately. Therefore, no project mitigation measures would be required ...*”. The City's Engineering Division and consulting traffic engineers have reviewed the traffic study and determined the consultant's findings to be acceptable.

Regarding offsite circulation, sole vehicle and pedestrian access to/from the site shall be provided via the two-way driveway on Uplander Way. Onsite circulation shall be provided via 27'-0" wide aisle ways which allow vehicles to maneuver adequately in and out of parking spaces. Vertical clearance within the parking structure shall be no less than 7'-0" as required in the CCMC. As further outlined in the proposed site plan, both the Planning Division and the City's Consulting Traffic Engineers gave special attention to the various traffic movements proposed along the Uplander Way driveway location which hosts the conveyance of four (4) separate directional travel lanes [i.e., offsite to/from Uplander Way and onsite to/from the east, the south and the upper levels of the parking structure. Said plan has been designed to accommodate all of these movements so as to provide a safe vehicle and pedestrian flow.

Noise

Construction of the project shall be subject to the hours of construction as outlined in the CCMC [unless otherwise modified by the Planning Commission]. The project shall be conditioned to require the use of construction equipment with state-of-the-art noise shielding and muffling devices. Both the applicant and City contact information shall be posted on the project site to direct individuals wishing to report noise and other construction activity complaints. Following occupancy of the site, the modified project is expected to generate no more than the noise level consistent with the current use on the site. Therefore, no other special noise related conditions of approval are recommended.

Construction

The proposed project includes the extension of the existing subterranean garage and the construction of three additional floors above the existing two story high building. The proposed subterranean garage, located within close proximity to the north, south and west property lines, shall provide shoring as deemed necessary by the Building Official.

Area Compatibility

The “Regional Center Commercial” General Plan and Redevelopment Plan designations for the subject property are intended for office use developments as proposed by the applicant. The proposed building height at the subject site is consistent with that permitted on the subject site as well as on those neighboring properties, which are zoned “Commercial Regional Business Park (CRB)”. The proposed building height of 56'-0", while greater than the surrounding commercial office buildings, is within the allowable building height of the CCMC. The uses to the north, west and south are commercial and the proposed building will be set back from those adjacent properties in accordance with the CCMC. The setback along the easterly portion of the site, across the landscaped slope, will also be compliant with the CCMC. The project will provide adequate parking on the site, landscaping in excess of the code requirements, and the traffic generated by the project is not anticipated to cause a significant impact to the existing or projected traffic levels in the area. In addition, the noise levels generated by the proposed uses will be relatively low. Therefore, the proposed

development will be compatible with the uses in the vicinity. Written comments received to date have been responded to by staff (Attachment No. 8).

CONCLUSION:

Staff has paid particular attention to the design of this project as it relates to the residential neighborhood on the east side of Buckingham Parkway and has worked closely with the applicant to guide the design of the project in order to meet all applicable CCMC requirements, address community concerns and develop a project that follows good planning practice. Staff has visited the site numerous times and spoken with residents of the subject neighborhood to better understand and be able to address their concerns and has proposed numerous conditions to address the issues particularly related to construction impacts and compatibility with both the residential and non-residential uses on either side of the site. Based on the analysis contained herein, staff believes the findings for a Site Plan Review can be made as more specifically outlined in the draft resolution.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study (Attachment No. 9) was prepared. Based on the Initial Study, staff determined the project could not have a significant effect on the environment and a Negative Declaration was prepared (Attachment No. 10).

ALTERNATIVE OPTIONS:

The following alternative actions may be considered by the Planning Commission:

1. Approve the proposed project with the recommended conditions of approval if the applications are deemed to meet the required findings.
2. Approve the proposed project with additional and/or different conditions of approval if deemed necessary to meet the required findings and mitigate any new project impacts identified at the meeting.
3. Disapprove the proposed project if the applications do not meet the required findings.

ATTACHMENTS:

1. Resolution No. 2008-P007.
2. Project Summary.
3. Vicinity Map.
4. Aerial Photograph.
5. Preliminary Development Plans file dated April 14, 2008.
6. Materials Board [to be on display at the meeting].
7. Traffic Study dated January 2008.

8. Written Public Comments.
9. CEQA Initial Study.
10. CEQA Draft Negative Declaration.

Attachment No. 1

RESOLUTION NO. P-2008004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING SITE PLAN REVIEW, SPR P-2008036, FOR THE MODIFICATION TO AN EXISTING TWO (2) STORY / 26,214 GROSS SQUARE FOOT (GSF) OFFICE BUILDING BY DEMOLISHING 4,169 GSF AND CONSTRUCTION OF THREE (3) STORIES / 57,050 GSF FOR A REVISED TOTAL OF 79,095 GSF MEASURING 56 FEET IN HEIGHT AND INCREASING THE ONSITE PARKING FROM AN EXISTING 78 TO 226 PARKING SPACES AT 5800 UPLANDER WAY IN THE COMMERCIAL REGIONAL BUSINESS PARK (CRB) ZONE.

(Site Plan Review, SPR P-2008036)

WHEREAS, on February 18, 2008, Dr. Birendra Dutt, representing Uplander Properties LLC, the owner of the subject property, filed the subject Site Plan Review application for the modification to an existing office building on a property located at 5800 Uplander Way, in the Commercial Regional Business Park (CRB) Zone and described as Lot 20 of Tract No. 22864 / Map Book 880 / Pages 49 - 55 in the City of Culver City, County of Los Angeles, State of California, and

WHEREAS, in order to implement said proposed project, approval of a Site Plan Review application is required for the proposed development project to ensure compliance with the required standards and city ordinances and establish all onsite and offsite conditions of approval to reflect the site features and compatibility of the proposed project with the uses on adjoining properties; and

WHEREAS, on April 23, 2008, the Planning Commission conducted a duly noticed public hearing on this application, fully considering the application,

staff report, preliminary development plans, materials board, environmental information, a traffic study, and all testimony presented; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Planning Commission has determined the application could not have a significant effect on the environment and that a Negative Declaration finding is proper; and

WHEREAS, following conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission determined by a vote of ___ to ___ that the project would not result in any environmental impacts, that a Negative Declaration finding was appropriate and that Site Plan Review, SPR P-2008036, should be conditionally approved as set forth herein below.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to the foregoing recitations and the provisions of Culver City Municipal Code (CCMC), and subject to the Conditions of Approval herein, the following findings are hereby made for Site Plan Review, SPR P-2008036, pursuant to CCMC Title 17, Section 17.540.020:

- 1. The general layout of the project, including orientation and location of buildings, open space, vehicular and pedestrian access and circulation, parking and loading facilities, building setbacks and heights, and other improvements on the site, is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.**

The general layout and design of the revised site improvements and the massing of the expanded office building, the layout of the revised parking area, and the revised landscaping are compatible with the CRB zoning district and the existing and potential new office uses and developments abutting the site to the north and west, with the residential uses on the east side of Buckingham Parkway and the park activities at the Fox Hills

Park to the south. The preliminary development plans meet the standards for an office expansion project in the CRB Zone, including building setbacks and height, landscaping and the number and dimensions of parking spaces.

2. **The architectural design of the structures and their materials and colors are compatible with the scale and character of surrounding development and other improvements on the site and are consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.**

The proposed expanded office building has a height, massing and architectural design of materials, finishes and colors consistent with surrounding office structures and the standards of the Zoning Code. The development of the expanded office building is compatible in scale with the other office uses to the north and west as well as with surrounding properties in that said expanded office building shall not impact the residential neighborhood to the east across Buckingham Parkway or the park activities at Fox Hills Park to the south in that the surrounding buildings and uses consist of a variety of architectural styles.

3. **The landscaping, including the location, type, size, color, texture, and coverage of plant materials, provisions for irrigation, and protection of landscape elements has been designed to create visual relief, complement structures, and provide an attractive environment and is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.**

The proposed site and landscape plans show landscaped areas along the perimeter of the site and through out the interior of the surface parking lot area. Additionally, the existing sloped portion of the property abutting Buckingham Parkway [and the residential uses across the street] shall be preserved and upgraded as part of this project approval. The total land area devoted to landscaping onsite is estimated to measure in excess of 18,500 square feet [more than thirty percent (30.0%) of the site] with the majority of this landscaping located facing the residential uses across Buckingham Parkway. The proposed landscaping includes new and increased ground cover, flowering plants, shrubs and trees and is designed to complement and enhance all of the building onsite. Street trees shall be included in the landscape plan as deemed applicable by the City. Furthermore, staff shall review final landscaping and irrigation plans to ensure the landscaping is appropriate for the site and consistent with the requirements of the Zoning Code.

4. **The design and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing or future development, will not result in vehicular or pedestrian hazards, and will be in the best interest of the public health, safety, and general welfare.**

The proposed project is in the best interest of the public health, safety and general welfare because it is consistent with reference to the Fox Hills Sub-Area in the General Plan Land Use Element in that it continues to support the regional service commercial office center [i.e., the Fox Hills Business Park] which is a "... *large-scale commercial uses are attractively landscaped and blend well with large multiple family residential uses ...*" [such as the residential uses across the subject site along the east side of Buckingham Parkway]. The project meets all the applicable development standards for office developments. The proposed office building expansion will not interfere with the use or enjoyment of neighboring properties. In addition, the site continues to be designed to allow vehicles access only to / from Uplander Way through an established office district. Furthermore, the parking provided onsite meets the requirements of the Zoning Code in all applicable terms and the project also intends to eliminate the legal non-conforming compact parking spaces currently developed on the site. Lastly, the public sidewalk and driveway approach along the Uplander Way street frontage shall be redesigned in accordance with applicable public works standards.

5. **The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) will be available to serve the subject site.**

The existing and proposed public service facilities necessary to accommodate the project such as the width and pavement of Uplander Way and all other adjoining streets, traffic control devices, sewers, storm drains, parkways, sidewalks, street lights, fire protection devices and public utilities are, or shall be, provided for adequately as confirmed by the City agencies that reviewed the project during the interdepartmental review process. There are adequate existing public facilities necessary to service the project.

6. **The proposed project is consistent with the General Plan and any applicable specific plan.**

The project is consistent with the General Plan Regional Center Commercial designation and applicable General Plan policies. The project also helps to encourage the continuation of the Fox Hills Business Park by permitting the office expansion project within an area designated

for such office development and subject to all applicable development standards including height, setback and parking.

SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby approves Site Plan Review, SPR P-2008036, subject to the following conditions:

[Note: Special conditions are listed in “**bold**”].

GENERAL CONDITIONS

Planning Division:

1. The final working drawings shall conform to the revised preliminary development plans, colored renderings, materials board and traffic study stamped “Received – April 14, 2008” and approved by the Planning Commission at its meeting on April 23, 2008, except as may be noted below.
2. The resolution approving Site Plan Review, SPR P-2008036, and the conditions of approval shall be referenced on the cover sheet, and repeated in full on attached additional sheets of the final working drawings.
3. The applicant or the property owner shall provide the construction contractor(s) and each subcontractor related to the Project a copy of the final project Conditions of Approval. These conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the property owner or the applicant on or near the Project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.
4. Conditions of approval herein shall apply to the applicant, the contractor / builder of the project, the property owner and any successor property owner that may legally assume benefit of this Site Plan Review.
5. The City reserves the right to periodically inspect the premises without prior notification to ensure ongoing compliance with all conditions of approval.

6. The approval of this Site Plan Review shall expire unless:
 - A. Actual construction, in accordance with a valid City-issued building permit, is commenced on the site within one year after the effective date of the site plan review, or
 - B. Prior to the site plan review expiration date, or any previously granted extension to that expiration date, a written request for an extension, accompanied by any and all required fees, has been satisfactorily filed by or on behalf of the applicant or property owner and, thereafter, an extension is granted by the Community Development Director, or their designee or the Planning Manager.

During the period any extension request has been satisfactorily and timely filed and any decision regarding that request has been made by the City, this Site Plan Review approval shall be suspended.

7. By taking any benefit of this approval, the applicant and the property owner jointly and separately hereby agree to indemnify, defend and hold harmless the City, and the City's elected and appointed officials, officers, employees, agents, contractors and consultants from and against any and all claims, demands, lawsuits, judgments, liability, injury or damage that may result from or arise in connection with third party challenges to the City's approval of the project.
8. The applicant, property owner and contractor(s) shall use all reasonable efforts to reuse and recycle construction and demolition debris, to use environmentally friendly materials and to provide energy efficient buildings, equipment and systems.
9. All planted areas shall be landscaped and maintained pursuant to CCMC Title 17, Section 17.310, Landscaping. As part of the building permit filing process, a minimum of three (3) sets of detailed landscaping and irrigation plans – separate from the final working drawings – shall be submitted to the Planning Division for review and approval. Said plans shall include the following additional features:
 - A. Wall climbing vines shall be planted along the base of all perimeter walls and fences in a spacing to be determined by the Planning Manager and Park Manager;
 - B. A tree relocation plan, prepared by a licensed landscape architect or arborist, that contains an inventory of all onsite trees and a listing of all trees that can, to the extent feasible, either be retained in their existing location or relocated elsewhere onsite;

- C. **A plan to upgrade the existing landscaping and irrigation along the slope facing Buckingham Parkway. At a minimum, said slope area shall be cleared of all accumulated excess plant material on a regular basis, all trees and plants deemed by the City to be dead or nearing their respective expiration shall be removed and replanted in a size deemed by the City to be comparable and taking into account the area in which the item is to be planted; and**
 - D. A plan to screen and landscape the location of the backflow preventor.
10. In addition to the screening requirements for onsite parking areas and Fire Department connections, the following items shall be screened from surrounding and nearby public and private properties in a manner consistent with City standards and suitable to the subject development as approved by the Planning Manager. In general, the height of any required screening device shall be no lower on any side than the height of the highest feature requiring screening and:
- A. All exteriors of the proposed building shall be free of all un-aesthetically treated, exposed elements (i.e., plumbing pipes, electrical conduits, and National Pollution Discharge Elimination System (NPDES) elements) which shall be placed within the exterior walls. Where exposed wall-mounted features or equipment may be necessary (i.e., ventilators and utility meters), recessed wall mounted cabinets or other similar devices shall be constructed within the wall, whenever possible, to accommodate such features and equipment so that they are flush with and do not project out from the main exterior wall plane. With or without recesses, the exposed portions of such features or equipment shall be of a color to blend, not contrast, with the adjoining finished building color, subject to the approval of the Planning Manager;
 - B. All roof-mounted mechanical equipment, duct vents and the like shall not project above the horizontal plane of the building's lowest primary opaque architectural feature(s) (i.e., parapet walls, penthouse structures or screening walls); and
 - C. All ground-mounted equipment (i.e., transformers and air conditioners) shall be located within the building or in underground vaults if the equipment is located within a street facing setback, or it shall be screened with walls and/or landscaping if not located within a street facing setback. Ground-mounted equipment shall not be located in the landscaped areas fronting any public right-of-way.

11. The public notification sign(s) installed in accordance with the CCMC public notification requirements for this review process, shall be removed within ten (10) days of the end of the appeal period or the final decision of the City Council (if applicable), whichever occurs last.
12. The refuse containers assigned to or otherwise used by the building shall be stored onsite in the trash enclosure.
13. All hardscape areas along both the exterior of the buildings and/or within the interior of the project site shall include the use of decorative pavement [i.e., materials, finish and color] in select areas to the satisfaction of the Planning Manager.
14. The project and its operations shall comply with all applicable local, special district or authority, county and federal statutes, codes, standards, and regulations including, but not limited to, Building Safety Division, Fire Department, Planning Division and Public Works Department code requirements and it shall comply with all applicable comments and code requirements as determined during the City's building permit review process.
15. The driveway, garage ramps and all floor areas used for vehicle maneuvering shall be treated with a medium broom finish in order to create an anti-skid surface.
16. Minor modifications to building siting or design may be approved by the Planning Manager in keeping with the general design and content of the project approval. The minor modifications may include, but not be limited to, the reconfiguration of the new building footprint so long as the GSF of the project is not materially increased and the adjoining pedestrian and vehicle access and landscape design are approved by the Planning Manager and City Engineer. All minor modifications considered for approval shall not be in conflict with any specifically approved or required development or improvement feature, nor be in conflict with any other condition of approval or CCMC requirement.

Building Safety Division:

17. The Building Safety Division shall require separate permits for building, electrical, plumbing and mechanical work.
18. The overall building permit application shall require the submission of five (5) sets of architectural and two (2) sets each of the structural drawings and calculations, geotechnical report, energy forms, mechanical, electrical, and plumbing permit applications and plans.

19. **A separate shoring permit shall be required along with two (2) sets of shoring plans and structural calculations stamped by a State of California licensed engineer. Support, notification and upgrades of adjacent properties may be required. If upgrades to adjacent properties are required, the Building Safety Division and the Engineering Division shall determine what upgrades, if any, shall be the responsibility of which party.**
20. All portions of the parking structure shall be a minimum two (2) hour rated, reinforced concrete construction.
21. All stair shafts shall be two (2) hour rated on all sides continuous to a street or public way, and a driveway or a drive aisle shall not be considered a means of egress and it shall be a minimum two (2) hour rated from the foundation to the underside of the roof deck or to the top of parapet walls as part of any shaft construction.
22. All shafts shall be enclosed at all levels to other areas of the building.
23. All parking areas shall be a minimum two (2) hour rated to all other areas of the building. The ceiling of the parking area / floor of the first floor shall be reinforced concrete construction.
24. All treads, risers, handrails, etc. inside any common area stairway shall be one hundred percent (100%) non-combustible construction.
25. A continuous path of egress shall be provided from all exit stairways to a street or public way; a minimum one (1) hour rated.
26. Any exit-ways less than ten feet (10'-0") wide shall be a minimum one (1) hour rated with 3/4 hour openings.
27. All trash rooms shall be a minimum two (2) hour rated to all other areas.
28. Any transformer room and any service room shall each be minimum two (2) hour rated.
29. Any exterior walls within three feet (3'-0") of any property line shall be three (3) hour rated, reinforced concrete block construction and shall include a parapet a minimum of two feet six inches (2'-6") above any adjacent roof or walking surface.
30. All utilities shall be underground or enclosed in the building construction. No overhead utilities shall be permitted.

31. All exit signage and emergency egress lighting shall have individual battery back up and/ or be self powered in addition to any emergency generator power.
32. The project shall be reviewed under the 2007 California Building Codes.
33. No partial or grand opening, nor advertisement of such, shall be permitted without filing and gaining prior approval of a Certificate of Occupancy (C of O).
34. The overall construction permit application drawings shall:
 - A. Indicate any proposed construction staging areas; and
 - B. Include a schedule of the special inspections anticipated, the firm proposed for the special inspections and the resumes of any special inspectors for this project. The City reserves the right to reject any special inspector at any time. If a City inspector is inspecting a portion of the work for which a special inspection is required; the special inspection report shall be made available to City inspector on their arrival to the jobsite. All jobsite supervisors, contractors, and subcontractors shall give their priority to the City inspector when they are on site.
35. The applicant or property owner shall fully comply with all provisions of the City's solar photovoltaic power ordinance.
36. Prior to requesting any Certificate of Occupancy, the applicant shall:
 - A. **Submit to the Planning Division and Building Safety Division a written record of all "green" design, construction and operational elements of the project as defined by the United States Green Building Council (USGBC) so as to document the attainment of a Leadership in Energy and Environmental Design (LEED) "platinum" rating; and**
 - B. Perform a complete asbestos and lead survey of the onsite structures and shall submit the written report on the results of the surveys to the Building Official.
37. A geotechnical engineering design level written report shall accompany the overall construction permit application.
38. Tempered or laminated glazing shall be specified at all hazardous locations.

39. The overall construction permit application drawings shall indicate any construction staging areas proposed.

Fire Department:

40. The project shall be designed to be in compliance with the requirements of California Title 24, the National Fire Protection Association (NFPA) and the CCMC.
41. An automatic fire sprinkler system shall be provided in the building and parking structure per CCMC Section 9.02, per requirements of the National Fire Protection Association (NFPA) standard (13-D) and as required by the Fire Department. The fire sprinkler system shall be designed and installed by a California State licensed C-16 fire protection contractor who shall submit plans to the Fire Department for review, permits, and inspections prior to installation.
42. A Knox Box shall be required for access into all common rooms and common secured areas of the building and parking structure and a Knox key switch shall be provided for motorized or electrical operated / controlled gates.
43. Fire extinguishers shall be provided throughout the project of a size, type and location to be determined by the Fire Marshal upon review of final building plans.
44. A fire alarm / offsite reporting system shall be provided of a type and requirements to be determined by the Fire Marshal upon review of final building plans.
45. An offsite reporting system shall be provided for the monitoring of fire sprinklers and fire alarm system via a plan check and permit process as required by the Fire Marshal.
46. An address sign viewable and legible from the public right-of-way at all times shall be provided and said address sign shall be illuminated from dusk to dawn.
47. An emergency evacuation plan shall be submitted to the Fire Department for review and approval and implemented in accordance with Title 19 prior to occupancy of any new building area.
48. A smoke evacuation system for the parking garage shall be provided.
49. Prior to issuance of any new construction building permit, a written comprehensive review of the existing fire sprinkler system of the building, prepared by a state licensed contractor or fire protection engineer and

analyzing how said existing system is to be coordinated with the requirements of new fire sprinkler system, shall be filed with the Fire Marshal for review and approval. At a minimum, all systems shall meet the requirements of Ordinary Hazard Group One density.

50. The building shall be provided with a Class III standpipe system including hose outlets in the parking structure and the building with two and a half inch (2-1/2") valves with one and a half inch (1-1/2") reducing caps. Location of valves shall be determined by the Fire Marshal upon review of final plans.
51. The project shall be designed for a one hundred foot (100'-0") hose and a thirty foot (30'-0") stream system. Design shall be based on all obstructions. Hoses and cabinets are not required.
52. A pre-fire plan shall be submitted to the Fire Marshal for review and approval prior to requesting any final approval and occupancy.
53. All exterior doors shall have locksets and handles.
54. All fascias and parapets shall be constructed of solid materials able to support the weight of fire fighters and suppression equipment, and the use of foam or other soft materials shall be prohibited.
55. Trash compactors, if provided, shall have two and a half inch (2-1/2") swivels and caps for use by the fire department.
56. All parapets and exterior walls five feet (5'-0") or higher above the roof line shall have catwalks and/or ladders as approved by the Fire Marshal.
57. A smoke detection system shall be provided for all interior exit corridors, electrical rooms, mechanical rooms and other common storage and special use rooms.
58. Audible and visual fire warning devices shall be provided as required by the National Fire Protection Association 72, public mode throughout the entire building including, but not limited to, common areas, suites, conference rooms, lunch rooms and copy rooms as required by the Fire Marshal. Said alarms shall sound with the activation of the water flow switch per NFPA and California Fire Code Article 10.
59. Signage shall be provided for all rooms, including a room number and use. All stairs shall have signs indicating stair number, floor and either "Roof Access" or "No Roof Access".

60. Plans shall carry a "Fire Department Notes" section to include all life safety items. Notes shall include all Fire Department conditions of approval and any other Code requirements pertaining to life safety.
61. **A fifteen foot (15'-0") minimum clear width fire lane shall be provided from the Uplander Way street facing property line to the driveway terminus at the rear of the site towards the east (Buckingham Parkway) and south (Fox Hills Park). Said fire lane shall be provided with "red" color painted curbing and shall be posted on a three inch (3") diameter post painted a color to match the project and provided with "Fire Lane – No Parking" "white" color stencil lettering as determined by the Fire Marshal. The surface of the fire lane shall support the minimum weight of all applicable fire apparatus as determined by the Fire Marshal.**
62. A double detector check assembly required for the project shall be located and screened from public view in a manner to the satisfaction of the Fire Marshal and Planning Manager.

Transportation Department:

63. **Along the Buckingham Parkway frontage of the site at the current bus stop location, the applicant shall provide a bus shelter, bench replacement [if deemed necessary], trash container, map display and bus pad repair [if deemed necessary] as directed by the Transportation Department.**
64. **In accordance with CCMC Section 7.05.015, Transportation Demand and Trip Reduction Measures, prior to issuance of any certificate of occupancy or the occupancy of any portion of the new construction area, the applicant shall provide and continuously maintain the following which shall be met to the satisfaction of the Planning Manager and Director of Transportation:**
 - A. **A bulletin board, display case or kiosk displaying transportation information in a prominent area accessible to the greatest number of employees shall be installed. Such required information shall include, but is not limited to, the following which shall be regularly stocked:**
 - 1) **Current maps, routes and schedules for public transit routes serving the site;**
 - 2) **Telephone numbers for referrals on transportation information including numbers for the regional**

ridesharing agency, transportation management associations, and local transit operators;

- 3) Ridesharing promotional material supplied by commuter-oriented organizations;
- 4) Bicycle route and facility information, including regional / local bicycle maps and bicycle safety information; and
- 5) A listing of any other facilities and resources that may be available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

- B. Not less than ten percent (10%) of the employee parking area shall be located as close as is practical to the employee entrance(s) without displacing handicapped and customer parking needs. These spaces shall be reserved for use by potential carpool or vanpool vehicles. This preferential parking shall be identified on the site plan accompanying the application for a building permit. Spaces shall have signs that designate them for employee carpool and vanpool vehicles.
- C. Preferential parking spaces reserved for employee vanpool shall be accessible to vanpool vehicles. When located within a parking structure, a minimum interior vertical clearance of eight feet - two inches (8'-2") inches shall be provided for those spaces and access ways to be used by vanpool vehicles. Adequate turning radii and a minimum parking space dimension of nine feet (9'-0") wide by eighteen feet (18'-0") in length shall be provided for vanpool parking areas.
- D. Bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles for the first fifty thousand (50,000) GSF of new development, and one (1) bicycle for each additional fifty thousand (50,000) GSF of new development. Calculations which result in a fraction of one-half (1/2) or higher shall be rounded up to the nearest whole number. As used herein, "secure bicycle parking" shall consist of a fully enclosed space or a locker accessible only to the owner or operator of the bicycle which protects the bicycle from inclement weather. Specific facilities and their location (i.e., the provision of racks, bicycle storage lockers or locked room) shall be provided to the satisfaction of the Planning Manager and Director of Transportation.

- E. The subject building permit drawings shall be modified so as to indicate the location of all of the above items prior to filing said plans for plan check review.

PRIOR TO THE ISSUANCE OF ANY DEMOLITION, GRADING, EXCAVATION AND/OR NEW CONSTRUCTION BUILDING PERMIT:

Planning Division:

- 65. The applicant or property owner shall submit to the Planning Manager for approval:
 - A. An exterior light fixture and illumination plan. Said exterior lighting shall be developed pursuant to CCMC Section 17.300, General Property Development and Use Standards. The plan shall identify the location and type of all exterior light fixtures. All lighting shall be directed onsite and light sources shall be shielded so as not to be intrusive to surrounding properties;
 - B. A vector / pest control abatement plan prepared by a pest control specialist licensed and/or certified by the State of California. Said plan shall outline all steps to be taken prior to the commencement of any demolition / construction activity so as to insure any and all pests [including, but not limited to, rodents, bees, ants and mosquitoes] that may populate the subject site do not relocate to or impact adjoining residences and/or businesses; and
 - C. **The applicant shall insure the exterior of the wall abutting Fox Hills Park and facing the park is treated with either a stucco finish or of a split face block and that all landscaping and irrigation that may be disrupted on City property as a result of the onsite excavation and construction shall be subject to a separate landscape and irrigation plan as deemed appropriate by the City's Park Manager and no occupancy of the new construction area shall be permitted until and unless the City accepts all landscaping and irrigation work that may have been required within Fox Hills Park during the building permit process.**

Engineering Division:

- 66. Two (2) sets of Site Improvement and Horizontal Control Plans, prepared by a civil engineer registered in the State of California, shall be submitted to the Engineering Division for review, approval, and permitting. Among other things, the Site Improvement Plan shall include detailed drainage and grading of the site indicated by topographical lines and spot elevations, and indicate all existing utilities and proposed sewer and storm

drain lines. Plan check fees shall be submitted with the Site Improvement as calculated from the Engineering Division's Fees and Charges.

67. A final hydrology and hydraulics report for the site drainage shall be prepared by registered civil engineer in the State of California and submitted to the City Engineer as part of the grading plan for review and approval. The 25-year storm frequency (i.e., urban flood) shall be used for the design of the on-site conveyance facilities, as the existing site is neither a natural watercourse nor a natural sump.
68. The applicant shall provide a geotechnical report from a State licensed geotechnical engineer reporting on the stability of the onsite soils to support the proposed construction and shall include a liquefaction analysis. The report shall also identify any special considerations necessary to satisfy California Building Code requirements.
69. The applicant shall submit the Local Storm Water Pollution Prevention Plan (LSWPPP) for review and approval by the City Engineer. Prior to the start of design of these plans and of necessary reports, the applicant's civil engineer shall meet with the City's Stormwater Program Manager to obtain information on the City-specific and LSWPPP requirements. Plan check fee for the LSWPPP shall be paid at the time of the initial submittal, per the fee schedule established in City Council Resolution No. 2007-R024, Exhibit H-1.
70. Concurrent with the submittal of the site improvement plan, a Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted for review and approval by the City Engineer as outlined in CCMC Chapter 5.05. The SUSMP shall be developed and implemented in accordance with the requirements of the Los Angeles County Municipal Stormwater NPDES Permit No. CAS614001 (Order No. 01-182). The SUSMP shall provide BMPs that adequately address the pollutants generated during the post-construction stage. The site improvement plans shall note that the contractor shall comply with the "California Stormwater Best Management Practice Handbooks". The Site Improvement Plans shall not be accepted for review unless the SUSMP is included in the submittal package, including the plan check fee associated with the SUSMP. The applicant shall submit to the City's Stormwater Program Manager a notarized Master Covenant and Agreement (regarding on-site BMP maintenance) and fees to be recorded by the County Recorder of Los Angeles County. Prior to the notarization of the Agreement, the applicant's civil engineer shall contact the City's Stormwater Consultant to review the Agreement and for information on other requirements associated with the recording process.
71. The applicant shall submit to the City's Stormwater Program Manager a notarized Master Covenant and Agreement (regarding on-site BMP

maintenance) to be recorded by the County Recorder of Los Angeles County. Prior to the notarization of the Agreement, the applicant's civil engineer shall contact the City's Stormwater Consultant to review the Agreement and for information on other requirements associated with the recording process.

72. Any modifications to parking lot drainage devices, concrete curb, sidewalk, and driveway shall be designed to the latest edition of the American Public Works Association (APWA) Standard Plans.
73. If drainage sump pumps are required in the subterranean garage, a registered civil engineer shall provide calculations determining the appropriate size and capacities of the proposed sump pumps. A secondary emergency sump pump system shall also be provided.
74. All staging and storage of construction equipment and materials, including the construction dumpster, shall be located onsite unless otherwise allowed by the City Engineer due to site constraints. The applicant shall obtain written permission from adjacent property owners for any construction staging occurring on adjacent properties.
75. Prior to the commencement of any demolition or excavation, the applicant shall install a temporary construction fence around the site. The height and fence material shall be subject to approval by the City Engineer and Planning Manager.
76. Construction vehicles shall not be permitted to stage or queue where they would interfere with vehicular and pedestrian traffic or block access to adjacent businesses. Off-site staging locations shall be approved by the City Engineer and be of sufficient length to accommodate large trucks without being unduly disruptive to traffic operations. The drivers of these trucks shall be in radio or phone communication with on-site personnel who shall advise the drivers when to proceed from the staging location to the site.
77. **Along the Uplander Way public right-of-way, in lieu of street trees planted within the right-of-way, due to the configuration of the existing sidewalk which is to remain in place, the applicant shall instead plant one (1) street tree within the private property landscaped setback area located along each side of the driveway. The street trees shall be a minimum 24" box size. Along the Buckingham Parkway public right-of-way, the existing landscaped parkway and street trees shall be upgraded as deemed appropriate by the City Engineer and said improvements shall be maintained and irrigated by the applicant [unless otherwise maintained by the City]. Said street trees along both street frontages shall be of a species consistent with the City's Street Tree Master Plan.**

78. Due to the change of use and increased density, this project is subject to the City's Sewer Facility Charge. This charge shall be paid prior to the issuance of any permit other than the issuance of a demolition permit.
79. The trash enclosure shall have perimeter walls that are six feet (6'-0") in height, have minimum inside dimensions of twelve feet (12'-0") feet in width by ten feet (10'-0") in depth, have a six inch (6") by six inch (6") raised concrete curb along the inside wall perimeter, and a double swing gate that is eight feet (8'-0") wide and of a height equal to the height of the enclosure walls. The enclosure walls shall be of a material, or color, that matches the proposed color and architecture of the main building.
80. Per CCMC Section 5.01.010, Ordinance No. 2201-011 Solid Waste Management, the Sanitation Division has the exclusion franchise for all solid and recyclable waste material handling within the City limits.
81. Any sidewalk closing shall require prior written approval from the Engineering Division and plans shall be submitted indicating the type of pedestrian protection proposed.

DURING CONSTRUCTION:

Planning Division:

82. Information that includes contact names and telephone numbers of the applicant, property owner, construction contractor(s), and City, shall be posted at the project site so as to be visible to the public. These names and telephone numbers shall be made available to adjacent property owners and residents.
83. The applicant and property owner shall use their best efforts to ensure that all construction workers and contractors park onsite or on the street directly in front of the project site or at designated offsite locations approved by the City and not in the surrounding neighborhood.
84. All graffiti shall be removed within 48 hours of its application and said removal standards shall continue once the development becomes operational.
85. **Hours of construction shall be permitted between 8:00 AM and 6:00 PM Monday to Friday, and between 9:00 AM and 6:00 PM on Saturday. Construction shall be prohibited on Sunday and national holidays.**
86. The following noise standards shall be complied with at all times:

- A. No construction equipment shall be operated without an exhaust muffler, and all such equipment shall have mufflers and sound control devices (i.e., intake silencers and noise shrouds) that are no less effective than those provided on the original equipment;
- B. All construction equipment shall be properly maintained to minimize noise emissions;
- C. If any construction vehicles are serviced at a location onsite, the vehicle(s) shall be setback from any street and other property lines so as to maintain the greatest distance from the public right-of-way and from noise sensitive receptors;
- D. Noise impacts from stationary sources (i.e., mechanical equipment, ventilators, and air conditioning units) shall be minimized by proper selection of equipment and the installation of acoustical shielding as approved by the Planning Manager and the Building Official in order that compliance with the CCMC Noise Regulations and Standards is achieved; and
- E. Stationary source equipment (i.e., compressors) shall be located so as to maintain the greatest distance from the public right-of-way and from noise sensitive receptors.

Public Works Department / Engineering Division:

- 87. The construction contractor shall advise the Public Works inspector of the schedule and shall meet with the inspector prior to commencement of work.
- 88. Dirt hauling and construction material deliveries or removal are prohibited during the morning (7:00 AM to 9:00 AM) and afternoon (4:00 PM to 6:00 PM) peak traffic periods.
- 89. During construction, dust shall be controlled by regular watering and as directed by the Public Works Department City inspector.
- 90. The applicant shall be responsible for the expense to repair or replace any damage to the public right-of-way caused by the construction of the proposed project. Such repair or replacement shall be completed to the satisfaction of the City Engineer.
- 91. A copy of the Local SWPPP, inspection logs, SUSMP/Site specific plan and training records shall be kept on site and available for inspection at all times during construction.

PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY:

Planning Division:

- 92. **All onsite and offsite landscaping and irrigation shall be completed to the satisfaction of the City, including any work required within Fox Hills Park as noted herein.**
- 93. A Certificate of Occupancy (C of O) for the approved project shall be issued only upon completion of all applicable conditions of approval and required onsite and offsite improvements.

Public Works Department / Engineering Division:

- 94. The applicant shall submit a plan to the City Engineer regarding the repair or replacement of any damage to the public right-of-way that results from the construction of the proposed project. Such repair or replacement is to be completed to the satisfaction of the City Engineer. The applicant shall be responsible for all expenses.
- 95. The operators and or owners shall construct all the stormwater pollution control BMPs and structural treatment control BMPs shown the approved SUSMP or site-specific mitigation plan and submit a stormwater observation report which shall include a wet signed and stamped certification statement by the engineer, who prepared the SUSMP site plans, confirming that the SUSMP BMPs have been built as designed. The transfer of ownership, sale or lease of the property shall include provisions by a covenant recorded with the Los Angeles Recorder, requiring new owner and his/her successor to continue to implement measures as defined by the SUSMP site plans and BMPs.
- 96. **The applicant shall remove the existing driveway approach located along Uplander Way and reconstruct a new driveway approach, driveway, curb and gutter per APWA Standards.**
- 97. Prior to issuance of the Certificate of Occupancy, the operators and/or owners shall construct all the stormwater pollution control BMP's and structural treatment control BMP's shown on the approved SUSMP or site-specific mitigation plan and submit a stormwater observation report (may obtain form from the City's Stormwater Program Manager), which shall include a wet-signed and stamped certification statement by the engineer, who prepared the SUSMP site plans, confirming that the SUSMP BMP's have been built as designed.
- 98. After the construction of the SUSMP-related BMP's, the applicant shall submit to the City's Stormwater Program Manager a completed Stormwater Observation Report Form (stamped and signed by the civil

engineer or architect responsible for the SUSMP design) to certify, based on their observations, that all SUSMP-related BMP's have been constructed per the specifications and drawings.

99. All Conditions of Approval and public improvements shall be completed to the satisfaction of the City Engineer.

Cultural Affairs:

100. Either the applicable fee or the installation of the public art shall be made, and all required recordation completed, if the applicant or property owner decides to meet the City's Public Art requirement by installing public art onsite following the approval of the Cultural Affairs Commission.

APPROVED and ADOPTED this 23rd day of April 2008.

MARCUS TIGGS, CHAIR

PLANNING COMMISSION
CITY OF CULVER CITY,
CALIFORNIA

Attested by:

Yvonne Hunt
Administrative Secretary

PROJECT SUMMARY

APPLICATION TITLE & CASE NO:	
Site Plan Review, SPR P-2008036.	
PROJECT ADDRESS/LOCATION:	APPLICANT INFORMATION:
5800 Uplander Way. The site is located on Uplander Way, south of Hannum Avenue and east of Bristol Parkway. The Los Angeles County Assessors list the property in Book 4134, Page 005, Parcel 006. The site is listed on City Atlas Sheet No. 49.	<u>Property Owner:</u> Dr. Birendra Dutt, Uplander Properties LLC 5800 Uplander Way Culver City, California 90230 Office: (310) 417-3652 – Extension #107 Fax: (310) 670-4149 E-mail: dutt@photonic-corp.com <u>Architect:</u> Ajit Dighe, Principal, The Practice 1431 Ocean Avenue / Suite 1000 Santa Monica, California 90401 Office: (310) 458-2723 Fax: (310) 451-1052 E-mail: thepracticearchitects@gmail.com
PERMIT/APPLICATION TYPE:	
☐ Administrative Use Permit. ☐ Conditional Use Permit. ☐ Administrative Site Plan Review. ☒ Site Plan Review. ☐ Administrative Variance. ☐ Variance. ☐ Master Sign Program. ☐ Certificate of Appropriateness. ☐ Certificate of Exemption. ☐ DOBI. ☐ Tentative Parcel Map. ☐ Tentative Tract Map. ☐ Lot Line Adjustment. ☐ Zoning Code Amendment – Text. ☐ Zoning Code Amendment – Map. ☐ General Plan Amendment – Text. ☐ General Plan Amendment – Map. ☐ Planned Unit Development. ☐ Specific Plan. ☐ Other: Address Master Plan.	
APPROVAL BODY:	
☒ Public Hearing ☐ Administrative. ☒ Planning Commission [SPR]. ☐ City Council.	☐ Public Meeting ☐ Administrative ☒ Redevelopment Agency. ☐ Other: Cultural Affairs Commission.
ENVIRONMENTAL DETERMINATION AND NOTICING:	
CEQA Determination: 03/31/2008	☐ Categorical Exemption. ☒ Negative Declaration [Initial Study as of 03/06/2008]. ☐ Mitigated Negative Declaration. ☐ Environmental Impact Report.

CEQA Noticing: 03/31/2008	☐ Notice of Exemption (within 5 days of decision). ☒ Notice of Intent to Adopt (21 days prior to decision). ☐ Notice of Determination (within 5 days of decision) ☒ Fish & Game Certificate of Fee Exemption (within 5 days of decision). ☐ Notice of Preparation ☐ Notice of Availability ☐ Notice of Completeness	
PUBLIC NOTIFICATION:		
Mailing: 3/31/2008	☒ <i>Property Owners.</i> ☒ Occupants. ☒ Adjacent Property Owners & Occupants.	☐ <i>Within 300' foot radius.</i> ☒ Within 300' foot plus extended radius. ☒ Other: Always list. ☐ Other: NA.
Posting: 3/18/2008	☒ <i>Onsite.</i> ☐ <i>Offsite.</i>	☐ Other: NA.
Publication: NA	☐ Culver City News.	☐ Other: NA.
Courtesy Mailing: 3/31/2008	☒ <i>City Council.</i> ☒ Planning Commission. ☒ <i>Master Mail List and E-Mail List.</i> ☐ <i>Culver City Website.</i> ☐ Cable Crawler.	☐ <i>Press Release.</i> ☒ <i>HOA / Neighborhood Groups [Culver City Homeowners Association].</i> ☒ <i>Culver City Organizations [Chamber of Commerce, Culver City Observer, Culver City News and other individuals].</i> ☒ Others [Fox Hills Homeowners Association].

ESTIMATED FEES:		
☒ New Development Impact: \$47,881. ☐ In Lieu Parkland: NA.	☒ School District: \$TBD. ☒ Public Art: \$TBD.	☒ Plan Check: \$TBD. ☒ Sewer: \$TBD.

INTERDEPARTMENTAL REVIEW:
Preliminary plans were originally filed on January 31, 2006, and completed a Preliminary Project Review (PPR) analysis on February 16, 2006. After months spent redesigning the project and tending to other matters, the applicant filed revised preliminary plans on November 20, 2006, and completed a second PPR on December 21, 2006. Thereafter, revised plans and the required traffic study were filed on February 18, 2008 and the project completed a Project Review Committee (PRC) analysis on March 6, 2008.

ART IN PUBLIC PLACES:
Required as an office development per the CCMC.

GENERAL INFORMATION:

General Plan: Regional Center Commercial.	Zoning: Commercial Regional Business Center (CRB).
Redevelopment Plan: Regional Center Commercial.	Overlay Zone/District: NA.
Legal Description: Lot 20 of Tract 22864 / Map Book 880 / Pages 49-55.	Existing Land Use: Two (2) story / 26,214 GSF building with 78 parking spaces in both surface and subterranean configuration.

Project Description

On January 30, 2008, the applicant filed this Site Plan Review application so as to modify the existing two (2) story / 26,214 GSF building as follows:

1. Demolish 4,169 GSF and construct three (3) additional floors of office for a revised total of 79,095 GSF measuring 56 feet in height to the top of roof;
2. Increase the existing 78 parking space count by providing an additional 148 parking spaces for a revised total of 226 parking spaces; and
3. Construct other onsite and offsite improvements including, but not limited to, drive approach, trash enclosure, rooftop garden and increased landscaping within the slope along the easterly portion of the site facing Buckingham Parkway.

Adjacent Zoning and Land Uses

<u>Location</u>	<u>Zoning</u>	<u>Land Use</u>
North [Uplander Way]:	Commercial Regional Business Center (CRB)	Office.
East [Buckingham Pky]:	Residential High Density Multiple (RHD)	Multiple family residences.
South [Fox Hills Park]:	Open Space (OS).	City park.
West [Uplander Way]:	Commercial Regional Business Center (CRB)	Office.

<u>Project Data</u>	<u>Proposed</u>	<u>Required</u>
<u>Land Area:</u>		
Building Footprint:	30.0% 17,219 SF	NA
Hardscape:	37.0% 20,871 SF	NA
Landscape:	33.0% 18,575 SF	NA
Total [No dedication required]:	100.0% 56,665 SF / 1.3 Acres	NA

<u>Building Height:</u>	<u>Segment:</u>	<u>Grade:</u>
Parking structure: Grade to 3rd level rooftop parking:	20'-0"	20'-0"
Parking structure rooftop parapet:	3'-6"	23'-6"
		56'-0" maximum 5'-0" or per State (A)

Office building:	Grade to 5th floor roof:	56'-0"	56'-0"	56'-0" maximum
	Office parapet:	3'-6"	59'-6"	5'-0" or per State (A)
	Rooftop elevator:	11'-6"	67'-6"	13'-6" maximum (B)
	Rooftop elevator parapet:	1'-6"	69'-0"	13'-6" maximum (B)

(A) 5'-0" or as may be required by the State of California building code, whichever is greater.

(B) 13'-6" maximum above building height with setback per CCMC Section 17.300.025.

Building Setbacks:

Street facing / side [north to office (CRB)]:

Parking structure:	57'-0"	None
Office building:	42'-0"	None

Street facing / rear [east to Buckingham Parkway (RHD)]:

Parking structure:	44'-0"	15'-0"
Office building:	65'-0"	15'-0"

Side [facing south to Fox Hills Park (OS)]:

Parking structure:	0'-0"	None
Office building:	0'-0" to 49'-0"	None

Side [facing west to office (CRB)]:

Parking structure:	0'-0"	None
Office building:	45'-0" to 87'-0"	None

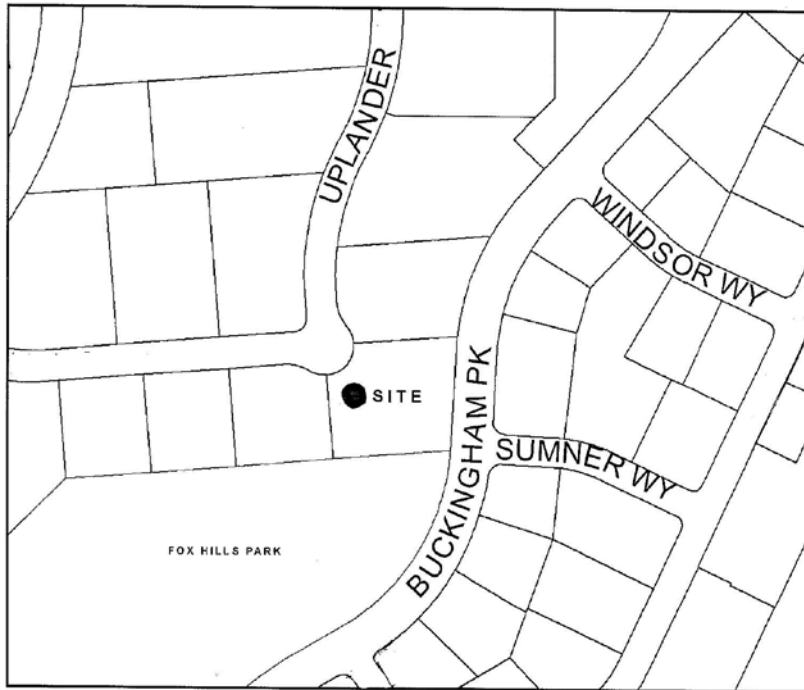
Parking Spaces [23 legal non-conforming spaces to be removed]:

Standard:	218	218 minimum
Loading [Small size per CCMC]:	1	1 minimum
Handicapped – Standard:	6	6 minimum
Handicapped – Van:	1	1 minimum
Total [79,095 GSF / 1 space per 350 GSF]:	226	226

Public Utilities:

1. Cable: Time Warner;
2. Electricity: Southern California Edison;
3. Natural Gas: Southern California Gas Company;
4. Sewer: City of Culver City [Engineering Division];
5. Telephone: AT&T;
6. Trash: City of Culver City [Sanitation Division];
7. Water: Golden State Water Company; and
8. Zip Code: Culver City 90230.

Attachment No. 3
VICINITY MAP



5800
UPLANDER WAY

Site Plan Review
SPR P-2008036

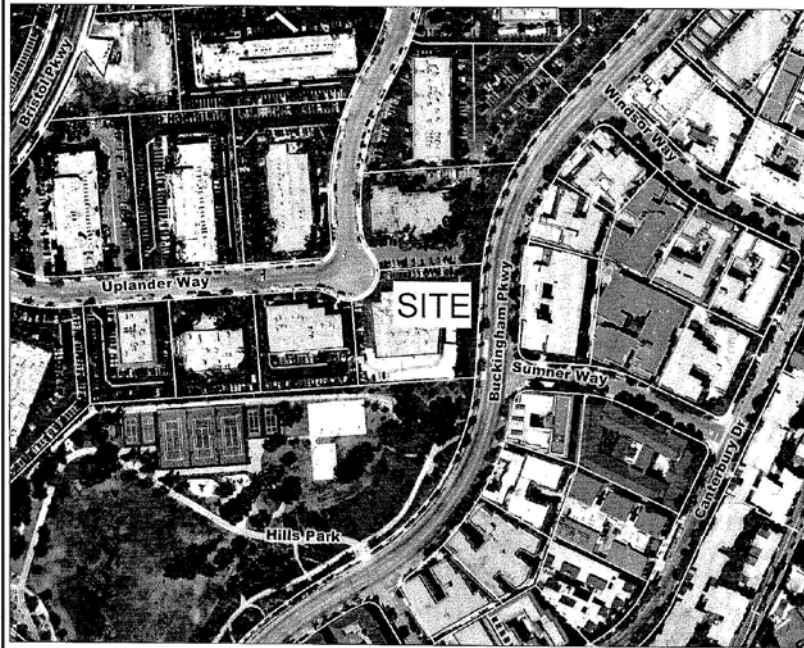
City of Calver City
Planning Division
Map Created: April 16, 2008
Meeting Date: April 23, 2008

0 200 400 Feet

scale 1: 2,500



Attachment No. 4
Aerial Photograph



5800
Uplander Way

Site Plan Review
SPR P-2008036

Legend



Selected Properties

City of Culver City
Planning Division
Map Created: Apr 16, 2008
Meeting Date: April 23, 2008

0 125 250 ft.

Scale: 1:2,500



Attachment No. 8

Montoya, Joseph

From: Monique Watts [monique4moste@yahoo.com]
Sent: Monday, April 07, 2008 9:49 AM
To: Montoya, Joseph
Subject: Re: 5800 Uplander Way - Response to Comments regarding Site Plan Review - SPR P-20008036

This is great and very thorough! Thank you for your time and response Joseph!

Monique Watts, MPA

"Montoya, Joseph" <joseph.montoya@culvercity.org> wrote:

MONIQUE:

Good morning.

The Planning Division has reviewed your comments in your e-mail listed below and offers the following responses within the body of the e-mail.

Please note that as a public document, a copy of your e-mail - and the Planning Division's responses - will be forwarded to the Planning Commission and to the applicant.

Once you have reviewed the responses listed below, and after contacting the various City department representatives regarding your concerns, if you still have any other comments, please contact me.

Here's thanking you in advance!

JOSEPH

Joseph Montoya, AICP
Associate Planner

From: Monique Watts [mailto:monique4moste@yahoo.com]
Sent: Friday, April 04, 2008 11:53 AM
To: Montoya, Joseph
Subject: Site Plan Review - SPR P-20008036

Dear Mr. Montoya:

I am writing as a Culver City resident to voice my opposition to the proposed development at 5800 Uplander Way, Culver City, California.

I oppose the project because of the following reasons:

04/16/2008

1. Because of the close proximity to the Fox Hills Park, wildlife and park activity will undoubtedly be affected. Native wildlife will be caused to relocate because of the development and the construction;

RESPONSE:

1.

Any disruption of wildlife and park activity at Fox Hills Park originating from the construction phase of the proposed project has been identified as being short term and no long term or permanent disruption potential has been identified. A review of the actual physical improvements of the park abutting the subject south property line reveals a landscaped area that is not accessed by the public. To the south of the landscaped area is a portion of the park walkway that will not be disrupted.

2.

Various conditions of approval related to wildlife [i.e., noise, hours and days of construction, landscaping] are to be recommended by the Planning Division to the Planning Commission as part of the project review process.

3.

I am forwarding your e-mail concerns regarding Fox Hills Park to the Parks Department via Patrick Reynolds, Park Manager. Since park activity is under the supervision of the City's park department, you may wish to contact Mr. Reynolds directly via e-mail regarding the Fox Hills Park.

2. Noise factor - we residents that live on Buckingham Parkway already deal with great noise factors. There is constant speeding on the street, which is NOT patrolled or monitored by the CCPD. The noise of the demolition and new construction of this building will be an added noise factor for the residents, for an area already noisy and not monitored for noise and speed;

RESPONSE:

1.

Any disruption of noise originating from the construction phase of the proposed project has been identified as being short term and no long term or permanent disruption potential has been identified.

2.

Various conditions of approval related to noise [i.e., hours and days of construction, landscaping] are to be recommended by the Planning Division to the Planning Commission as part of the project review process.

3.

I am forwarding your e-mail complaint regarding your alleged lack of traffic enforcement along Buckingham Parkway to the Police Department via Lieutenant Ron Iizuka. Since traffic enforcement is under the supervision of the Police Department, you may wish to contact Lt. Iizuka directly via e-mail regarding Buckingham Parkway.

3. Dust/Dirt Factor - undoubtedly, the construction will cause additional dust and debris to be absorbed by the neighboring residents. We are already deeply hampered by dust and dirt from the MTA buses that constantly use Buckingham.

RESPONSE:**1.**

Any disruption of dust / dirt / debris originating from the construction phase of the proposed project has been identified as being short term and no long term or permanent disruption potential has been identified.

2.

Various conditions of approval related to dust / dirt / debris are to be recommended by the Planning Division to the Planning Commission as part of the project review process.

3.

I am forwarding your e-mail complaint regarding bus traffic along Buckingham Parkway to the Transportation Department via Samantha Blackshire. Since bus activity is under the supervision of the Transportation Department, you may wish to contact Ms. Blackshire directly via e-mail regarding City and MTA bus activity along Buckingham Parkway.

4. Nature of the Business Being Conducted at 5800 Uplander Way: Upon doing research of Dutt's present business activities, his company deals with technology development. His own website http://www.photonic-corp.com/index_files/Page1048.htm illustrates employees utilizing materials and chemicals of sensitive nature which require his employees to don safety clothing and materials. What if there were to be an accident at this new facilities, such as an explosion or fire? How would the residents residing within yards of this larger facility be impacted by this sensitive chemicals?

RESPONSE:**1.**

No disruption of the surrounding community originating from the use of hazardous materials has been identified and no long term or permanent disruption potential has been identified.

2.

Various conditions of approval related to the storage, use and removal of hazardous materials [if used] are to be recommended by the Fire Department via the Planning Division to the Planning Commission as part of the project review process and via the City of Culver City Municipal Code [CCMC].

3.

I am forwarding your e-mail concerns regarding hazardous materials to the Fire Department via Inspector Christine Parra and Fire Prevention Inspector Ken Quick. Since hazardous materials enforcement is under the supervision of the Fire Department, you may wish to contact Inspector Parra or Inspector Quick directly regarding standards for the use and storage of any hazardous materials, the Fire Department's response to any explosion or any fire and their notification [if any] to any of the surrounding occupants [i.e., residential and non-residential]. Please note that while other similar commercial / office / research type businesses are located on the two adjoining parcels to the west [50 feet away] and north [80 feet away], residential uses are located below the landscaped slope and across

5. Dr. Dutt has been found guilty by the United States Courts of defrauding the government. How can we truthfully rely on the statements he is making regarding his intentions of use for the new proposed development? www.usdoj.gov/opa/pr/2000/November/649civ.htm

RESPONSE:

1.

The City's project review and approval process does not take into account any of the "alleged" actions, charges or court actions outlined in your e-mail.

2.

The applicant, as any other property owner, is required by the CCMC to abide by all conditions of approval as may be imposed by the City during the review and approval process for the subject project and, thereafter, by all other city reviews including, but not limited to, the processing of all applicable business tax certificate(s) and building inspections by the various City departments [i.e., Fire, Building Safety, Code Enforcement and Planning].

3.

Please contact me directly via e-mail if you have any further concerns regarding this issue.

-
Sincerely,
Monique Watts
310-902-7188
6100 Buckingham Pkwy.
Culver City, California 90230

Attachment No. 10

RAFT

NEGATIVE DECLARATION

Project Title:	Site Plan Review, SPR P-2008036.		
Lead Agency:	City of Culver City Planning Division 9770 Culver Boulevard Culver City, California 90232		
Contact Person:	Joseph Montoya, AICP, Associate Planner (310) 253-5736		
Project Location:	5800 Uplander Way.		
Nearest Cross Street:	east of Bristol Parkway and south of Hannum Avenue.	APN:	4134-005-006.
Project Sponsor:	Dr. Birendra Dutt, Uplander Properties LLC [Property Owner] 5800 Uplander Way Culver City, California 90230 Office: (310) 417-3652 – Extension #107 Fax: (310) 670-4149 E-mail: dutt@photonic-corp.com		
General Plan Designation:	Regional Center Commercial.	Zoning:	Commercial Regional Business Park (CRB).
Redevelopment Project Area:	Regional Center Commercial [Component Area No. 1].		
Overlay Zone / Special District:	Not applicable.		
Project Description and Requested Action: Via Site Plan Review, SPR P-2008036, the applicant proposes to modify the existing two (2) story / 26,214 gross square foot (GSF) office building by demolishing 4,169 GSF and constructing three (3) stories / 57,050 GSF for a revised total of 79,095 GSF measuring 56 feet in height. The existing 78 parking spaces will be increased by 148 for a revised total of 226 parking spaces.			
Existing Conditions of the Project Site: The subject site is developed with a two (2) story 26,214 GSF office building with surface and subterranean parking.			
Surrounding Land Uses and Setting: To the west and north, the area is developed with multi-story office buildings in the Fox Hills Business Center. To the east, across Buckingham Parkway, the area is developed with multi-story residential condominiums and apartments. Lastly, to the south, the area is developed with the ten (10) acre Fox Hills Park.			

ENVIRONMENTAL DETERMINATION:

On the basis of the Initial Study prepared for the proposed project, it has been determined that the proposed project COULD NOT have a significant effect on the environment.

Thomas Gorham
Deputy Community Development Director/Planning Manager
City of Culver City

Date