

REGULAR MEETING OF THE
PLANNING COMMISSION
CULVER CITY, CA

March 14, 2007
7:00 p.m.
Mike Balkman Council Chambers

MEMBERS PRESENT: Maureen Muranaka, Chair
 Marcus Tiggs, Vice Chair
 David Rockwell, Commissioner
 John Kuechle, Commissioner
 Andrew Weissman, Commissioner

ADVISORY PRESENT: Thomas Gorham, Planning Manager
 Heather Burton, Assistant Planner
 Jose Mendivil, Associate Planner
 Joe Pannone, Contract Attorney
 Heather Iker, Deputy City Attorney

CALL TO ORDER

Chair Muranaka called the meeting to order at 7:03 p.m.
The Pledge of Allegiance was led by Thomas Gorham.
Roll Call.

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PUBLIC COMMENT

None.

Ph-1. Tentative Parcel Map Request for Subdivision of the Symantec Office and Research Facilities located 800-900 Corporate Pointe in the Commercial Regional Business Park (CRB) Zone.

Jose Mendivil, Associate Planner, gave a brief summary of the project.

Commissioner Weissman

- Posed the Question regarding the location of the utilities. Whether or not each building has the independent ability to turn off their own utilities in the event of an emergency or maintenance event; or if all tenants have to go to one place to deal with the utilities. Also, what is meant by "all of the lines feed through Building One"?
- Asked for clarification that if these parcels had been separated and each building built independent, clearly the utilities would be separate.

- Would Symantec's request pose any difficulties should a problem develop with respect to electrical, gas and water at a later time?

Jose Mendivil explained that all of the main utilities are fed through Building One (Parcel 1), the Fire Control Room is located in the parking structure and that he would have to follow up with the Building Inspector regarding turning off the utilities in the event of an emergency or maintenance event.

The electricity and gas are mainly in Building One where the cafeteria is located, for the water there are some easements across different parcels, how the drainage works is each building feeds into one or more City lines.

There are CC&R's in place to prevent what you are describing from happening

Russ Southland and Russ Goodman (developers for the project)

- Stated that it was always the intent to separate the parcels according to the buildings and structures that were being placed on the property. There are currently four different parcels of which the buildings overlap.
- Spoke to staff regarding a lot line adjustment but it was determined that they would do a tentative parcel map instead.
- From a strategic real estate standpoint, it makes more sense to have the buildings on separate parcels.

Chair Muranaka

- Asked developers if Parcel 3 is considered to be a common area parcel.

Developer responded that Parcel 3 is a separate parcel and not a common area.

Commissioner Weissman

- Asked for clarification of questions regarding the independent ability to deal with utility issues.

Developer responded that there is a main feed from the central plant that feeds into Building 2; the feeds end up in an electrical room on each floor in two locations where there are circuit breakers and panels that control the distribution and the power in those buildings.

Regarding the Fire Inspector, there is a total 'power off' button in the control room in each individual building in the event of an emergency. Building 1 is the only one with gas requirements. There are no separate meters from each building.

Motion to close the public hearing was moved by Commissioner Kuechle, seconded by Commissioner Weissman.

Commissioner Kuechle

- The questions he raised through email correspondence have been addressed
- Is now concerned about the utilities issue; if developer had subdivided first and then constructed the buildings they would not have been allowed to do the utilities the way they were done.
- Had the understanding that it was the intention of Symantec to subdivide, why was the 'back door' approach allowed with regard to each parcel to have its own utilities.
- Feels the City should have made it known to the developer or established a covenant that the policy was to install three separate utility lines.

Jose Mendivil addressed the utilities issue by stating if the project were three separate development projects, there would be three separate utility lines and meters.

Joe Pannone (representing City Attorney's office) stated that typically when separate buildings are proposed by three separate property owners the City looks at them as three separate projects. When this project came forward, it came forward as a concept of a campus idea where everything would be run by one property owner. It did not 'have' to be maintained that way, but that was the way it was presented. The original requirements in the conditions of approval required these lots be held together. Staff wanted to assure that if there were three separate owners that all of the needs of the owners of the three separate operations were going to be operated in such a way that it would still work. Fire Safety did not want to enter Building 1 and have to go to Building 2 to get permission to do something because it would cause a problem in an emergency. The reciprocal easement was written in a way to avoid that situation.

Language has been added to make sure certain amendments cannot be made without the approval of the City. The City is named as a third party beneficiary in the REA.

Chair Muranaka

- Stated that this is not an uncommon situation; what will be drafted is in fact an REA and not a CC&R.

Commissioner Tiggs

- Is comfortable with the Reciprocal Easement Agreement and with the fire protection issues if the Fire Department is comfortable.
- Supports the project.

Commissioner Weissman

- If the fire safety concerns have been addressed and the Fire Department is comfortable and the Reciprocal Easement Agreement will adequately protect one insofar as the access issues, he is also satisfied.

Commissioner Rockwell

- Agrees with Commissioners Tiggs and Weissman.

Chair Muranaka

- Asked Joe Pannone to shepherd the REA through
- Also agrees with Commissioners Tiggs, Rockwell, and Weissman.

The Resolution was reviewed and suggested changes noted by staff. Issue was raised regarding sharing of the utilities expenses at the site. Andy O'Connell, City Engineer, confirmed that the Parcel 1 owner would bear the responsibility of maintenance. Joe Pannone stated that Public Works was concerned about all parcel owners being responsible but not honoring the obligation; Parcel 1 owner has the right to collect from the other parcel owners; language should be amended to reflect this

Motion to approve the TPM 2007-005 as modified and subject to the conditions of approval was made by Vice Chair Tiggs, seconded by Commissioner Rockwell. Vote 5-0.

Commissioner Weissman requested a copy of the Reciprocal Easement Agreement when it is been drafted for reading purposes only.

PH-2. Conditional Use Permit to allow the demolition of a repair bay and the addition of an automatic car wash and convenience market to an existing gasoline station at 10638 Culver Boulevard.

Heather Burton gave a brief summary of the project.

Jian Kerendian, (JK Architects) and Morris Pouldar (applicant and owner of Union 76 were present to answer questions.

Vice Chair Tiggs

- Requested clarification on the movement of vehicles with respect to car washing and vacuuming

Morris Pouldar responded that vacuuming is an accessory use to the car washing and that vacuums with two hoses were available. There will be a timer on the vacuums.

Jian Kerendian responded to the inquiry stating that there will be one attendant who will facilitate the flow of traffic and the propane sales, but will not be responsible for collecting money. In addition, there will be no detailing of vehicles, as the site is not designed for that use.

Commissioner Weissman

- Asked for language in Conditions of Approval stating that there will be an attendant on-site.

- Raised issues regarding the noise impact levels being below the noise equivalent level and whether the Planning Manager will address complaints from neighbors after the carwash is operational.
- Questioned the vacuum usage and circulation issues related to the vacuum.

Thomas Gorham stated language could be added to the Conditions of Approval regarding implementing more stringent compliance to the noise levels than what is contained in the General Plan. In the event the applicant does not comply, the matter will be referred back to the Planning Commission for consideration of additional conditions or revocation of the Conditional Use Permit.

Commission Rockwell

- Principal concern is the noise levels at the project site. Visited the Overland/Jefferson carwash site and determined that the noise level at that site is excessive.
- Agrees that intermittent noise can cause concerns.
- Stated backup of cars waiting for carwash or vacuums could cause problems with regard to the flow of traffic.

Jian Kerendian stated that the equipment for his project will be a newer model than the Overland/Jefferson site thereby having a lesser noise impact. Mr. Kerendian also indicated that the cement block wall can be extended beyond eight feet to alleviate the noise.

Heather Burton referenced the Negative Declaration on Page 15 of Attachment No. 4 stating that the increase in traffic is only approximately ten (10) vehicles per hour as a result of the carwash operation.

Commissioner Kuechle

- Also concerned about the noise levels and questioned the choice of landscaping.

Phillip Tangalakis (resident of 4100 block of Keystone Avenue adjacent to the project site) expressed concern that all of the residents of the block did not receive notice of this public hearing. Mr. Tangalakis read and presented a petition by the residents of that block opposing the expansion of the Union 76 gas station with concerns regarding traffic congestion and impacts on the alley, noise levels and reduction of on-street parking. Mr. Tangalakis also mentioned the Sony expansion and that traffic mitigation efforts have not been taken.

Thomas Gorham (Planning Manager) stated that staff does take into concern the effects of a project on the neighborhood and conducts noise, traffic flow and trip generation studies, if required. Mr. Gorham also stated that notices were sent to residents beyond the 300 foot radius, extended to the end of the block.

Motion to receive and file the Petition was moved by Commissioner Weissman, seconded by Vice Chair Tiggs. Vote 5-0

Marlund Hale (Acoustical Consultant for the Applicant) was present to address the concerns of the Commissioners regarding noise levels.

Thomas Gorham addressed the concerns regarding the height of the wall limits stating that the Commission has the authority to set whatever height it deems appropriate. Mr. Gorham recommended continuing the matter to a future meeting date at which time a revised resolution will be presented for approval.

Chair Muranaka requested the Planning staff conduct a shade and shadow study regarding the one residential property that may be affected, were the wall height increased substantially.

Following comments by each Commissioner, a motion was made by Commissioner Weissman and seconded by Vice Chair Tiggs to continue the item for decision to the meeting of April 11, 2007. Vote 5-0. The matter was continued to the April 11, 2007 meeting.

The key issues to be addressed:

- Address left turn onto the alley
- Backing up of cars leaving the property
- On-site attendant
- Wall height
- Noise monitoring requirement
- Define decibel levels (consider a lower level)
- Possible impact on the second story of the adjacent commercial property and clarification on its use.
- Addition of language regarding maintenance and replacement of equipment

Motion to approve the Secretary's Report was moved by Commissioner Kuechle, seconded by Commissioner Weissman. Vote 5-0.

Motion to approve minutes of January 10, 2007 was moved by Commissioner Weissman, was seconded by Vice Chair Tiggs. Vote 5-0. Motion to approve the minutes of February 14, 2007 moved by Commissioner Kuechle, seconded by Commissioner Rockwell. Vote 4-0. 1 abstention.

Thomas Gorham updated the Commission regarding the study of I-beams on future projects; all applicants should be informed that the 27-foot aisle way shall remain unobstructed.

Mr. Gorham gave an update on future meetings in particularly April 4, 2007 – 6:00 p.m. - Joint presentation of Specific Plan with Planning Commission and City Council. A draft of the Specific Plan will not be available at that meeting. There will be regularly scheduled meetings on April 11. April 25, tentatively May 9 (Specific Plan Public Hearing) and May 23, 2007.

Planning Commission Minutes

March 14, 2007

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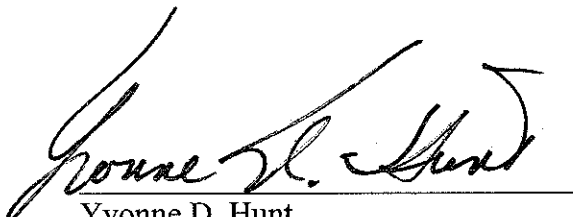
Commissioner Kuechle

- Suggested getting the residents involved on the next carwash project to avoid having to continue that item.
- Asked that the Resolution be part of the minutes for each meeting to ensure the revised language is in fact what was agreed upon.
- It was agreed by the Commission and Staff that copies of all resolutions would be emailed to each Commissioner prior to signature by the Chairperson, with the understanding that if a Commissioner had a problem with a proposed resolution that could not be resolved by Staff, that the resolution would not be signed and the matter would then be taken up at the next meeting of the Commission."

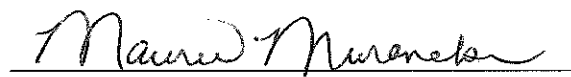
Joe Pannone stated that re-circulating the resolution and amending it without a public hearing would have legal ramifications. If the Commission adopts a resolution and the document signed is not what was agreed upon, the City will only be prevented from enforcing the condition in question. The final resolution can be routed to all of the commissioners prior to signature by the Chair.

Motion to adjourn to the April 4, 2007 presentation meeting was moved by Commissioner Rockwell, seconded by Vice Chair Tiggs. Vote 5-0.

Meeting was adjourned at 10:18 p.m.



Yvonne D. Hunt
Administrative Secretary



Maureen Muranaka, Chairperson
City of Culver City
Planning Commission