

ATTACHMENT NO. 1

RESOLUTION NO. 2009-R 066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DENYING AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN REVIEW, SPR P-2008047 FOR THE CONSTRUCTION OF A PARKING STRUCTURE AND RETAIL/RESTAURANT SPACE THEREBY APPROVING SAID APPLICATION; AT 8511 WARNER DRIVE IN THE INDUSTRIAL GENERAL (IG) ZONE.

(Site Plan Review, SPR P-2008047)

WHEREAS, on March 17, 2008, Samitaur Constructs acting for Conjunctive Points Warner Development, the property owner of 8511 Warner Drive, filed a Site Plan Review application to construct a parking structure with 775 parking spaces, 41,520 square feet of retail space, and 10,000 square feet of restaurant space, all within a 5-level, 43 foot high development, with three of the five levels being subterranean (the "Project"), located in the City of Culver City, County of Los Angeles, State of California; and,

WHEREAS, in order to implement the Project, approval of the following application is required:

Site Plan Review, SPR P-2008047: To ensure the Project complies with all 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 May 13, 2009, after conducting a duly noticed public hearing on the subject application, including full consideration of the application, plans, staff report, environmental information and all testimony presented, the Planning Commission (i) by a vote of 3 to 1, adopted a Mitigated Negative Declaration, in accordance with the California Environmental Quality Act (CEQA), finding the Project, as mitigated, will not result in significant adverse environmental impacts; and (ii) by a

1 vote of 4 to 0, conditionally approved Site Plan Review, SPR P-2008047 as set forth in
2 Planning Commission Resolution No. 2009-P002; and

3 WHEREAS, on May 27, 2009, a timely appeal of the Planning Commission's
4 approval of the project was filed with the City Clerk by Michael Wellman, Aaron Kay, Greg
5 Toomey Sr., and Scott Martin; and

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7 WHEREAS, on July 20, 2009, the City Council conducted a duly noticed public
8 hearing on the appeal of the Planning Commission's decision, fully considering the whole
9 administrative record, including, but not limited to, application, plans, staff report,
10 environmental information and all testimony presented and the City Council, by a vote of 5 to
11 0, (i) denied the appeal of the Planning Commission's adoption of a Mitigated Negative
12 Declaration for Site Plan Review, SPR P-2008047; (ii) adopted said Mitigated Negative
13 Declaration for the project, in accordance with the California Environmental Quality Act
14 (CEQA), finding that no new information has been provided regarding the project and no new
15 potentially significant environmental impacts have been identified since the Planning
16 Commission's adoption of the Mitigated Negative Declaration that would require changes to
17 the adopted Mitigated Negative Declaration or preparation of an Environmental Impact
18 Report, and the project, as mitigated, will not result in significant adverse environmental
19 impacts; (iii) denied the appeal of the Planning Commission's conditional approval of Site
20 Plan Review, SPR P-2008047; and (iv) conditionally approved Site Plan Review, SPR P-
21 2008047, as set forth in Planning Commission Resolution No. 2009-P002.
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25 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
26 CALIFORNIA, RESOLVES AS FOLLOWS:
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SECTION 1. Pursuant to the foregoing recitations and the provisions of the Culver City Municipal Code (CCMC), as outlined in CCMC Title 17, Section 17.540.020, the following findings for a Site Plan Review are hereby made:

A. 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 of the project is consistent with the Industrial General (IG) zoning district in which the site is located. The proposed project conforms to all applicable provisions of the IG zone. The proposed building will be 43 feet high at the highest point with the second level surface parking deck (open to the sky) built at 14 feet above street grade. Along the Warner Drive street frontage the project will be set back 5 feet and will include a deck area for outdoor dining or lounging. On the sides the project will be built at a zero setback with property line walls and at the rear facing the City owned-former Metro spur, a concrete wall with openings into the parking structure will be built.

The project provides adequate parking as required by the code with an additional 314 parking spaces; the proposed building meets the code requirements for height and building setbacks, and building projections are within code required height limits for architectural projections. Vehicular access to on-site parking is situated off of Warner Drive and with traffic mitigations that require lane restriping along Warner Drive and Hayden Avenue, said vehicular access to and from the site is adequate. The structure is well designed for pedestrian access from surrounding businesses with a widened sidewalk fronting the project and added on-site paving for ease of entry into the structure. Interior elevators and stair cases also provide adequate pedestrian access from the parking structure to the retail and restaurant portions of the project site. Further ease of access is facilitated through installation of a valet parking lane and valet services and two exit lanes. At the grade level northwest corner of the parking structure, sufficient area is provided for trucks to enter and maneuver along side a loading elevator.

B. The architectural design of the structure and the 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 front façade along with the green roof will offer detailed architectural

nuances such as the portion of the structure surrounding the retail restaurant space with its aluminum mullions and storefront glazing. At both the street grade and second story level at the front and along the length of the retail/restaurant structure, there will be a concrete deck/catwalk with decorative paving that will overlook the public street on one side and the subterranean courtyard on the other side. A portion of the roof over the subterranean courtyard will be open to below with the rest of the roof covered with glass, creating a canopy effect over the courtyard. In the open-to-below section over the courtyard there will be a series of crisscrossed steel beams from which laminated curved glass cylinders will be suspended. These suspended glass cylinders, at about 2 feet in diameter with varying lengths (the longest approximately 16 feet), will provide a prominent visual affect as one enters the retail/restaurant portion of the parking structure. In addition to the glass ceiling with suspended glass cylinders, the rest of the roof will have a "green roof" with extensive low profile vegetation. Overall the project will have a low profile modern look with the second level parking (surrounding the second level retail space) positioned 14 feet above grade at its highest point about. With perimeter walls the height of the second story parking will visually appear to be approximately 22 feet above grade surrounding a structure that is 43 feet above grade at its highest point – similar to the massing and height of surrounding industrial buildings. The key material features of the structure - concrete, glass, aluminum, and low profile vegetation – give the building a functional look in keeping with surrounding industrial buildings, many of which have been or are undergoing tenant improvements that both preserve their industrial design and provide modern architectural elements of clean, straight lines, similar to this project.

C. 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.

As a parking structure built to all setback limits, there is limited room for landscaping. However, the project will be subject to Public Works street tree requirements and public street trees will be planted at periodic intervals along the Warner Drive frontage that add a visual relief to the modern glass and concrete design. Given this limitation on availability of landscaping areas, a key on-site feature will be a green roof that will provide low profile and sun tolerant vegetation. This green roof will be above the second level retail space and will surround the glass roof and suspended glass cylinders. This added green roof feature will provide an aesthetic visual contrast to the concrete and glass walls and to the surrounding industrial buildings. Through the minimal landscaping features along the sidewalk and the green roof, overall visual relief will be achieved and the landscaping will offer a contrast to the straight lines, concrete,

and glass wall architectural design features of the project.

- D. 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 project site is located in the Industrial General (IG) Zone and is within an area consisting of light industrial and commercial uses. Although there are industrial uses in the areas surrounding the project site, there is a trend in the area to convert traditional industrial uses to light and clean industrial and commercial uses (office, design, and architecture). The proposed project with its restaurant and retail spaces will be consistent with this trend and will provide a resource to the nearby community by adding parking spaces, retail space, and restaurant amenities, all within a structure that meets both setback and height limit code restrictions. Such a commercial community serving resource will enhance the area and encourage further revitalization of the area rather than limit the use or future development of surrounding areas. As a low profile parking structure providing more than the code required parking and with restriping of surrounding streets and construction of a wide sidewalk, both vehicular and pedestrian access will be adequate and overall the project be in the best interest of the public health, safety, and general welfare.

In addition, at a maximum of 43 feet in height towards the center of the structure and 22 to 24 feet in height from grade to the second level parapet wall (and outside parking deck), the development will blend with surrounding single and 2-story industrial designed buildings with uses ranging from a private school and a university art school to industrial and office uses. With several buildings in the Hayden Tract having gone through façade improvements (or that are currently undergoing such improvements), this project with its modern concrete material, glass walls, and angled edges will compliment those structures that have been given façade improvements with similar modern designs, lines, and material. Such improvements and design features will not limit the use of surrounding properties that have undergone such tenant improvements. There are no residential uses within the Hayden Tract where the project is located thereby limiting any potential conflict that the project's design and layout may have with residential areas.

- E. 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 the adjoining street, traffic control

1 devices, sewers, storm drains, proposed parkways, proposed sidewalks, street
2 lights, proposed street trees, fire protection devices, and public utilities are
3 provided for adequately as confirmed by the City agencies that reviewed the
4 project during the interdepartmental review process provided certain
5 improvements are completed as part of the project. The project will require a
6 dedication along the Warner Drive frontage thereby resulting in a full width
7 pedestrian sidewalk and will require restriping of Warner Drive and Hayden
8 Avenue for left and right turn lanes. The increase in traffic due to the
9 development will flow more easily with these restriping requirements that comply
10 with Public Works Department standards and will result in an adequate traffic
11 circulation design.

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

14 The proposed project is located within the City of Culver City's Redevelopment
15 Project Component Area No. 3. As required by redevelopment law, the land uses
16 designated in the Redevelopment Plan area must be consistent with those
17 identified in the Culver City General Plan Land Use Element. The project's
18 proposed land uses are consistent with both the General Plan and the
19 Redevelopment Plan. The site has a General Plan Land Use designation of
20 Industrial and its zoning, Industrial General (IG), is consistent with the General
21 Plan Land Use designation. The proposed project will be compatible with
22 surrounding office, light/clean industrial, and school uses and will provide a
23 resource to the nearby community by adding parking spaces, retail space, and
24 restaurant amenities. Such a commercial community serving resource is
25 encouraged in the Industrial description of the Land Use Element. The project
26 as proposed is consistent with the General Plan and the Zoning Code – the
27 height, setbacks, parking, and proposed uses are all allowed in the IG Zone as
28 noted in the code.

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30 SECTION 2. Pursuant to the foregoing recitations and findings, the City
31 Council of the City of Culver City, California, hereby approves Site Plan Review, SPR P-
32 2008047, subject to all of the conditions of approval as outlined in Planning Commission
33 Resolution No. 2009-P002, as modified below.

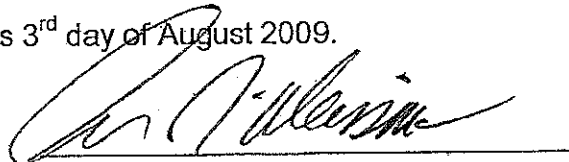
34 **Condition No. 21:** The project shall be subject to all conditions of the Public Parking
35 Covenants Affecting Real Property that was recorded on June 12, 2006, in the Los Angeles
36 County Recorder's Office as Instrument No. 061279457 that, among other things, reserves
37 242 parking spaces for availability to local businesses, at a location approved by the Culver
38 City Redevelopment Agency Executive Director prior to the issuance of a Building Permit,
39 requires temporary replacement parking during construction, and reserves among the
40 covenanted parking a certain number of parking spaces for The Willows School.

1 **Condition No. 79:** Prior to Building Permit issuance, in consultation with a Native
2 American representative, approved by the City, a Phase 1 Archaeological/Paleontological
3 Survey shall be completed and submitted to the Planning Manager and Building Official for
4 review. If the Phase 1 Archaeological/Paleontological Survey indicates the presence of
5 archaeological and/or paleontological resources, then an archaeological and/or
6 paleontological professional(s), approved by the City, shall monitor all phases of the
7 excavation for the project site. In the event that the Phase 1 Archaeological/Paleontological
8 Survey determines that no such resources exist but undetected fossil resources and/or
9 human remains, or other archaeological/paleontological resources are encountered during
10 construction activities, work in that area must be halted, and both the City of Culver City and
11 the Los Angeles County Coroners Office must be notified. Work will be halted in that area of
12 the detected resource until the City of Culver City's archaeologist, paleontologist and Native
13 American representative has been contacted to evaluate the resources and permission to
14 commence work in that area has been given by the City of Culver City. This is a Mitigation
15 Measure.

16 **Condition No. 137:** The applicant shall submit a parking plan to the Planning
17 Manager for review and approval that designates assigned parking spaces for employees of
18 the commercial uses, patrons of the commercial uses, and users of the covenanted spaces.
19 Such spaces shall be on the street level of the parking structure and shall be located closest
20 to the entrance of the parking structure. This parking plan shall also designate 150 parking
21 spaces, or a lesser number as established by the Planning Manager, from the 219 code
22 required parking spaces, to be reserved as short term hourly use.

23 **Condition No. 143:** The applicant shall make a contribution of \$25,000.00, towards
24 the total cost of studying and implementing a Neighborhood Traffic Management Plan
25 (NTMP) along Higuera Street between Lucerne Avenue and Hayden Avenue. Said funds
26 shall be paid to the City Engineer prior to the applicant requesting any Certificate of
27 Occupancy. Any funds not allocated or used by the City by the end of a five (5) year period
28 beginning from the date of issuance of the Certificate of Occupancy, shall be returned to the
29 applicant interest free.

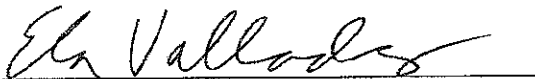
APPROVED and ADOPTED this 3rd day of August 2009.



ANDREW WEISSMAN, Mayor
City of Culver City, California

ATTESTED BY:

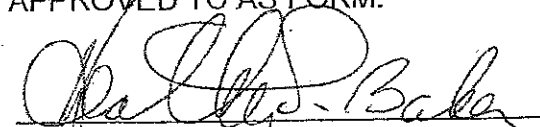
APPROVED TO AS FORM:



MARTIN R. COLE, City Clerk

A09-00276

By: Ela Valladares, Deputy City Clerk



CAROL SCHWAB, City Attorney