

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 10/15/07		Item Number: <u>PH-1</u>	
AGENDA ITEM: Conduct a Continued Public Hearing on Appeal of the Planning Commission's Denial of a Site Plan Review; Administrative Use Permit; and Administrative Modification for a proposed Mixed Use Development of 23 Residential Units with Ground Floor Retail at 9900 Culver Boulevard (ITEM CONTINUED FROM 07/09/07, 07/23/07, 08/06/07 09/10/07 and 09/17/07) and.; Adoption of a Negative Declaration; Adoption of a Resolution approving a related amendment to the General Plan Map; Introduction of an Ordinance amending the Zoning Map; and Adoption of a Resolution granting the Applicant's appeal of the Planning Commission's denial of the proposed Project (including approval of the modified Site Plan Review and the Administrative Use Permit).			
Contact Person/Dept.: Jose Mendivil; Thomas Gorham		Phone Number: (310) 253-5710	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Applicants notified by mail (09/24/07); Notice of Public Hearing mailed (09/24/07); Site posted (09/24/07); the Gateway Homeowners Association noticed (09/24/07); e-mail notice to interested parties (9/26/07); and Master Notification List (10/10/07).			
Department Approval: Sol Blumenfeld (10/03/07)		City Attorney Approval Carol Schwab (10/09/07)	
Fiscal Impact Approval: Marlee Chang (10/10/07)		City Manager Approval: Jerry Fulwood (10/10/07)	
<u>RECOMMENDATION:</u> Pursuant to the September 19, 2007, City Council direction to staff to bring back the appropriate resolutions and ordinance granting the applicant's appeal of the Planning Commission's denial of the project described above, Staff recommends the City Council: 1. Adopt a Negative Declaration based on the Initial Study finding that the project will not have a significant adverse impact on the environment (Attachment No. 1); 2. Adopt City Council Resolution No. ____ amending the General Plan Map designation of Lot 6, of Block 17, of Tract No.1775 from Medium Density Multiple Family to Downtown pursuant to Culver City Municipal Code (CCMC), Title 17, Chapter 17.620 and approving Tentative Tract Map No. 68277 (Attachment No. 3). 3. Introduce Ordinance No.____ amending the Zoning Map's current designations for Lots 1, 2, and 6, of Block 17, of Tract No.1775 to the Commercial Downtown (CD) Zone pursuant to Title 17, Chapter 17.620 (Attachment No. 4); and,			

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4. Adopt City Council Resolution No. ____ that grants the applicant's appeal of the Planning Commission's denial and approves a modified Site Plan Review and Administrative Use Permit pursuant to findings and conditions of approval (Attachment No. 5);

PROCEDURE:

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

BACKGROUND:

On July 9, 2007 during a duly noticed public hearing, the City Council considered the appeal of the Planning Commission's denial of Uptown Lofts/SPF Architect's mixed use project at 9900 Culver Boulevard. At the appeal hearing, the City Council decided to continue the item to July 23, 2007, pending requested additional information and suggested that the applicant consider design changes to address Council and neighborhood concerns. At the July 23rd meeting, the Council decided to again continue the item to give the applicant time to consider further changes to the project that could address community concerns. At the September 17, 2007, City Council meeting, the Council voted to:

- A. Grant the appeal, overturn the Planning Commission's denial, and approve the modified Site Plan Review and Administrative Use Permit with additional conditions that require the retail parking to be open and available during normal business hours and require the applicant to install a high construction fence;
- B. Direct staff to return with the appropriate resolution(s) outlining the findings and appropriate conditions of approval (including the additional conditions mentioned in (A)); and
- C. Continue the Public Hearing to October 15, 2007 to act upon the General Plan and Zoning Map Amendments and Tentative Tract Map.

This evening, the City Council is requested to continue the Public Hearing and take action on the Negative Declaration, and the appropriate Ordinance and resolutions (including the Site Plan Review and the Administrative Use Permit).

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DISCUSSION:

Originally, the project considered by the Planning Commission during the Commission's Public Hearing included 23 residential units, 5 stories, surface level retail parking, subterranean residential parking, and 4,750 square feet of ground floor retail. Additional requests from the applicant included the use of four Downtown pooled parking spaces in order to meet the retail parking requirement and an Administrative Modification for a 10% reduction in the subterranean parking drive aisle width.

The Project the City Council considered at the September 17, 2007, City Council meeting includes the following revisions to the project originally proposed by the applicant (and subsequently denied by the Planning Commission):

- Reduction in density from 23 units to 18 units and elimination of the 5th floor.
- Reduction in maximum height from 56 feet to approximately 46 feet.
- Increase in the commercial space from 4,750 square feet to 5,500 square feet.
- Increase in the number of ground level retail parking spaces from 13 to 14 and elimination of the request for pooled parking.
- Location of all residential and guest parking within the secured subterranean parking area (eliminating the need to use Downtown pooled parking).
- Elimination of the need for an Administrative Modification related to the drive aisle widths.
- Reduction in the required residential parking spaces while still providing extra residential parking spaces.

Attachment No. 6 includes the original pre-development plans that went before the Planning Commission, the revised subterranean and surface level parking/retail levels, a concept revised floor plan, and a section. The original plans are only included for reference to general architectural design, siting, and access that may assist the Council in making the findings required for final approval of the project. Even though the original development plans include the 56 foot high structure, the approval considered by the City Council this evening would be a 4 story, 46 foot high development as noted in the proposed Conditions of Approval.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) guidelines, a Negative Declaration has been prepared; the project has been determined to have less than significant impacts on the community. The project is consistent with Mixed Use

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development standards, other zoning code regulations, and the traffic study determined that expected increased traffic will be below thresholds of significance.

FISCAL ANALYSIS:

The development of 9900 Culver Boulevard will contribute revenue to both the Culver City General Fund and the Redevelopment Agency. The City will receive sales tax, business tax, and utility user tax following the development of the site. Staff estimates that in fiscal year 2008-09 the City will receive approximately \$15,200 in tax revenue from 9900 Culver Boulevard (Attachment No. 7). In addition to General Fund revenue the Redevelopment Agency will receive Tax Increment ("TI") following the development of 9900 Culver Boulevard. Upon completion of construction, sale of the residential units, and update of the tax rolls, Treasury Department staff estimates the Redevelopment Agency will receive \$132,000 in TI from 9900 Culver Boulevard, which will increase annually by approximately two percent (2%). This project is estimated for completion and sale during Fiscal Year 2008-09. The Redevelopment Agency also entered into negotiations with the property owner and the outcome of these negotiations will be reported at the next Agency open session meeting.

ATTACHMENTS:

1. Negative Declaration/Initial Study.
2. Traffic Study For The 9900 Culver Boulevard Mixed Use Project, submitted February 13, 2007.
3. City Council Resolution No. ____ amending the General Plan Map designation of Lot 6, of Block 17, of Tract No.1775 from Medium Density Multiple Family to Downtown and approving Tentative Tract Map No. 68277.
4. Ordinance No.____ amending the Zoning Map's current designations for Lots 1, 2, and 6, of Block 17, of Tract No.1775 to the Commercial Downtown (CD) Zone.
5. City Council Resolution No. ____ upholding the applicant's appeal of the Planning Commission's denial of the Site Plan Review and Administrative Use Permit.
6. Revised Development Plans.
7. Fiscal Impact Calculation Worksheet

MOTION:

That the Council:

1. Adopt a Negative Declaration based on the Initial Study finding that the project will not have a significant adverse impact on the environment provided certain mitigations are implemented;

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2. Adopt City Council Resolution No. _____ amending the General Plan Map designation of Lot 6, of Block 17, of Tract No.1775 from Medium Density Multiple Family to Downtown pursuant to Culver City Municipal Code (CCMC), Title 17, Chapter 17.620 and approving Tentative Tract Map No. 68277 (tentative tract map is included within attachment #6).
3. Introduce Ordinance No. _____ amending the Zoning Map's current designations for Lots 1, 2, and 6, of Block 17, of Tract No.1775 to the Commercial Downtown (CD) Zone pursuant to Title 17, Chapter 17.620.
4. Adopt City Council Resolution No. _____ that grants the applicant's appeal of the Planning Commission's denial and approves a modified Site Plan Review and Administrative Use Permit pursuant to findings and conditions of approval.