

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 01/14/2008		Item Number: <u>PH-3</u>	
AGENDA ITEM: PUBLIC HEARING: Appeal of the Planning Commission's Approval of a Conditional Use Permit for the Conversion of an Existing Motel into an Emergency Family Shelter Located at 12841 Washington Boulevard.			
Contact Person/Dept.: Paul Samaras; Thomas Gorham		Phone Number: (310) 253-5706 (310) 253-5727	
Fiscal Impact: Yes ☐ No ☒ General Fund: Yes ☐ No ☒			
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Notices mailed to all property owners and occupants within a 300-foot radius of the site extended to the end of each block (12/24/07); speakers from the October 24, 2007 Planning Commission meeting (12/24/07); persons who submitted written comments, Councilman Bill Rosendahl – City of Los Angeles 11 th District, Del Rey Neighborhood Council, Mar Vista Community Council (12/24/07); Master Notification List (01/09/08).			
Department Approval: Sol Blumenfeld (01/03/08)		City Attorney Approval: Carol Schwab (by H. Baker) (01/08/08)	
Fiscal Impact Review: Jeff Muir (by M. Noller) (01/09/08)		City Manager Approval: Jerry B. Fulwood (01/09/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council deny the appeal and uphold the Planning Commission's approval with five additional and/or modified conditions. <u>PROCEDURE:</u> 1. Mayor calls on staff for a brief staff report. 2. Mayor opens the public hearing to allow for public comment, if any. 3. Receive comment from the applicant and public. 4. Mayor seeks a motion to close the public hearing after all testimony has been presented. 5. Council discusses the matter and arrives at its decision. <u>BACKGROUND:</u> On October 24, 2007, the Planning Commission held a public hearing regarding the applicant's request for a Conditional Use Permit to allow conversion of an existing motel into an emergency family shelter located at 12841 Washington Boulevard in the Commercial General (CG) Zone. At the public hearing the Planning Commission adopted Resolution No. 2007-007 including conditions of approval (Attachment No. 2) approving the Conditional Use Permit.			

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On November 8, 2007, Michael Feeney, a Culver City resident, submitted an appeal of the Planning Commission's decision (Attachment No. 3).

Attachment No. 4 contains the Planning Commission staff report, which includes discussion on the action requested, traffic, circulation and parking, landscaping, noise, the facility operations, and comments received during the public comment period. Attachment No. 8 is the Negative Declaration adopted by the Planning Commission for the project.

DISCUSSION:

Planning Commission

The Commission received input from 46 members of the public in favor of and 20 in opposition to the proposed shelter. In addition to the oral comments, written comments submitted prior to and during the meeting were read into the record. Those in favor emphasized the positive purpose and impact of the proposed shelter and the need for low-income housing in the area. Those opposed to the proposal recognized the positive purpose of the shelter, but expressed concern about the location and its impact on the surrounding neighborhood. The Commission on a 3 to 1 vote approved the project. The dissenting Commissioner expressed two concerns. First, he stated the impact to local schools had not been adequately considered. Second, he believed the proposed facility did not meet the definition of an emergency shelter and thus could not be permitted at the proposed location.

Following thorough discussion of the matter, the Commission noted that the concerns raised by the public were sufficiently addressed in the applicant's proposal, the proposed facility's rules and requirements, and the conditions of approval, including two conditions added by the Commission.

- First, to address a concern regarding the emergency nature of the shelter and the length of residents' stay there, the Commission limited the maximum length of stay at the facility to 90 days.
- Second, to ensure the facility's continued compliance with the conditions of approval, the Commission required the applicant to submit a yearly report to the Planning Manager on the facility's operations and compliance with the conditions of approval.

With the additional conditions, the Planning Commission determined that the required findings could be made and voted to approve the project.

Attachment No. 13 contains the minutes of the meeting.

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Residents' Appeal

The appeal (Attachment No. 3), which was timely filed, states the project does not meet the required findings necessary to support approval of a Conditional Use Permit. The concerns raised in the appeal documentation can be placed in four broad categories and are discussed below (paraphrased from the applicant's appeal letter):

1. The proposed location is inadequate.

The site is too close to a residential neighborhood and other locations are better suited for the proposed use. The West Washington area is already challenged with traffic and crime which make the location unsafe for children. The City has had plans to redevelop with commercial projects, but the proposed use is not commercial and will worsen an already challenged area.

2. The proposed use and its operations are problematic.

The density of the use is high, and the facility residents may have family and/or personal problems (alcohol, drugs...) that will affect the neighborhood. Some of the potential impacts will be an increase in crime, parking, and traffic problems, overcrowding of schools, and a decline in property values. These impacts may be exacerbated by a lack of cooking facilities, play area for children, staff supervision and security.

3. The findings of approval.

The project does not meet finding C, because the proposed emergency shelter is substantially different from the existing motel and will generate more traffic. The shelter is not consistent with the commercial uses along Washington Boulevard; it is more similar to a multiple-family residential use.

The project does not meet finding D, because the access to the site is inadequate. Restricting access only to Beethoven Street will worsen the traffic along this street, which is already congested.

The project does not meet finding E, because the proposed use will be detrimental to the general welfare and the neighborhood.

4. Additional conditions needed.

- a. Include a specific time when the nightly curfew ends.

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- b. The security cameras should operate 24 hours a day.
- c. There should be more than one staff person onsite overnight for security.
- d. The rules should prohibit residents from putting anything on the windows, except curtains.
- e. The room doors should have sensors to alert onsite staff when doors open and close.
- f. The maximum number of people in each unit should be two.
- g. The wrought iron fence should have greenery planted on it or it should be replaced by shrubs to make the property look less institutional.
- h. No resident or staff parking should be permitted on the street.

Response to appellant comments

The proposed use is allowed in the Commercial General (CG) zone with a Conditional Use Permit and the project, as proposed, meets all the Zoning Code requirements for emergency shelters in the CG zone.

The proposed use will not have significant crime, noise, or other behavioral impacts to the neighborhood, because its operations, the programs rules and requirements, and the conditions of approval will regulate it sufficiently. The number of residents at the facility is proposed to be a maximum of 60, the residents are pre-screened offsite before being accepted into the program, and Upward Bound House staff will be in daily contact with them to ensure the facility operates successfully. The facility will have both indoor and outdoor common areas for the residents, a 9 PM curfew will be enforced, and violations of the facility's rules will not be tolerated, as required by the Upward Bound House operating procedures.

On October 24, 2007, the Planning Commission approved the proposed facility on the condition (PC Resolution Condition No. 15) that "no more than 55 residents (including adults and children) shall be served by the facility at any one time." The facility would have 72 beds (four bed spaces per unit), but the maximum number would be restricted to 55. After the Planning Commission meeting, the applicant requested that the maximum number be raised to 60. The reason for this request is that a part of the facility's funding is contingent upon its serving 60 residents. Staff believes that the additional number of residents will not significantly affect the findings of approval or the project's environmental impacts. As a result, staff has included a condition in the proposed resolution to reflect this requested change.

The facility will provide adequate parking onsite consistent with the Zoning Code requirements. A sufficient number of residents at the facility will not own personal vehicles and will use public transportation, which will limit the demand for parking onsite. The primary access to the site on Beethoven Street will be adequate for the

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staff and residents. Washington Boulevard is served by Culver Citybus, with two lines passing directly by this location and a third connecting at Centinela Avenue one-half mile to the east. The Santa Monica bus system also runs along Centinela Avenue as well as on Venice Boulevard heading east and on Lincoln Boulevard approximately one-half mile to the west. The Los Angeles Metro bus system provides east-west service on Venice Boulevard approximately one-third mile to the north of the location. The proposed physical improvements to the property, such as the additional landscaping, the painting, and the removal of existing signs, will have a positive aesthetic impact onsite and in the immediate area.

In addition, recent legislation, SB 2 (Cedillo), now requires cities to demonstrate in their Housing Element that they have met their “fair share” of the need for emergency shelters. With the adoption of SB 2, which became effective on January 1, 2008, the State has become more active in protecting emergency housing developments and requiring cities to approve such developments unless unusual and special circumstances are present, similar to the manner the State has limited a city’s ability to prohibit affordable housing developments.

CONCLUSION:

It is staff’s recommendation that the Planning Commission approval be upheld and that in order to address some of the concerns raised by the appellant the following conditions be added and/or modified to clarify the conditions adopted by the Planning Commission:

- 1) The curfew for residents at the facility shall extend from 9 PM to 6 AM.
- 2) The security cameras shall operate 24 hours a day.
- 3) The rules and requirements shall be modified to prohibit foil and any other material on the windows, with the exception of curtains or screens.
- 4) The applicant shall submit a landscaping plan to the Planning Division for review and approval, which will indicate appropriate plants along the perimeter that will screen the wrought iron fencing.

In addition, the following condition should be added/modified to clarify the issue of maximum number of occupants as requested by Upward Bound:

- 5) No more than one family (of up to four persons) shall occupy any unit. Although 72 beds shall be allowed within the facility, no more than 60 residents (including adults and children) shall be served by the facility at any one time.

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A draft resolution is attached to this report for the City Council's consideration (Attachment 1).

FISCAL ANALYSIS:

This is a private nonprofit venture project with no City or Redevelopment Agency funds reserved for the development.

The project will only marginally contribute to the customer base of the area and could require the provision of additional emergency services by the City. The actual amount of both the revenues and expenditures resulting from both sources are difficult to estimate at this time.

ATTACHMENTS:

1. Draft City Council Resolution
2. Planning Commission Resolution No. 2007-P016
3. Planning Commission Adopted Initial Study/Negative Declaration
4. Appeal filed on November 8, 2008
5. October 24, 2007, Planning Commission Staff Report
6. Project Summary
7. Area Map
8. Aerial Photo
9. Development Plans
10. Upward Bound House Executive Summary
11. September 20, 2007 Community Meeting Summary
12. Written Comments
13. Minutes of the October 24, 2007 Planning Commission Public Hearing

MOTION:

That the City Council:

1. A. Determine that no additional environmental information is needed because the Planning Commission adopted a Negative Declaration finding that the approval of the Conditional Use Permit will not have a significant adverse impact on the environment;

AND

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B. Adopt a resolution denying the appeal and upholding the Planning Commission's approval of the Conditional Use Permit (including the additional conditions stated in the staff report).

OR,

- 2 Grant the appeal and overturn the Planning Commission's approval, denying the Conditional Use Permit, and direct staff to return to the Council with the appropriate resolution outlining the findings for denial.