

City of Culver City, California
Planning Commission Supplemental Agenda Item Report

Meeting Date July 13, 2005 Item Number PH-1

AGENDA ITEM Continuance of Conditional Use Permit, CUP P-2005019 and Administrative Use Permit, AUP P-2005018 Public Hearing to Allow the Establishment of a Private School with Tandem Parking at 3939 Landmark Street in the Light Manufacturing (M-1) Zone

Contact Person/Dept Jose Mendivil, Phone Number (310) 253-5757
Associate Planner

Public Hearing ☒ Action Item ☐ Attachments ☒

Public Notification Notices were mailed on May 17, 2005 to all property owners and occupants within a 300 radius of the site, extended to end of city block, courtesy notices were mailed to the Downtown Business Association, Culver City Homeowner Association, Tom Camarella, Marta Zaragoza, Sandi Levin, the Cultural Affairs Commissioners, and the Culver City Unified School District on May 17, 2005, and emailed to the Master Notification List on May 18, 2005

Planning Approval
Sherry Jordan, Senior Planner June 20, 2005

RECOMMENDATION

That the Planning Commission

- 1 Adopt a Mitigated Negative Declaration finding that the project will not have a significant adverse impact on the environment provided certain mitigations are required (Attachment No 6 of June 8, 2005, Agenda Packet), and,
- 2 Approve Conditional Use Permit, CUP P-2005019 and Administrative Use Permit, AUP P-2005018 to allow the establishment of a private school with tandem parking at 3939 Landmark Street, subject to Conditions of Approval as stated in Revised Resolution No 2005-P013 (Attachment No 2 of this Supplemental Agenda Report)

PROCEDURES

- 1 Chair continues the public hearing and receives public testimony
- 2 Chair seeks a motion to close the public hearing after all testimony has been presented
- 3 Commission discusses the matter and arrives at its decision

BACKGROUND

At the June 8, 2005, Planning Commission meeting, the Planning Commission opened the public hearing for Conditional Use Permit, CUP P-2005019 and Administrative Use Permit, AUP P-2005018 The California Environmental

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Quality Act (CEQA) mandated public review period for the project's Mitigated Negative Declaration (MND) was set to expire on June 15, 2005. One of the project's conditions of approval set the effective date of the CUP and AUP to be after the CEQA review period (June 15, 2005). The Commission felt it was inappropriate to act on the project before June 15, 2005.

However, they heard testimony from the applicant: several parents of children attending the school, a neighboring business, and a Culver City resident. After this testimony and some brief discussion on how the site would operate as a school, the hearing was continued and the Commission did not provide any further comments.

The testimony by the applicant generally expressed their enthusiasm in relocating to Culver City, their willingness to work with the City, and the merits of having the school in the City. They also did not object to the conditions of approval as presented that evening. The parents stated the uniqueness of the school's ability to nurture the learning potential of children with learning disabilities. Several parents noted that their children were failing school until they were enrolled at Park Century School; they also stated that the majority of Park Century School students do well in high school and eventually pursue higher education.

A representative of a neighboring business expressed general support for the project but also asked that the Commission prohibit the installation of a pedestrian gate at the rear of the property. She expressed concern over the potential hazardous conflicts that could arise between their delivery trucks and parents walking with their children. The applicant stated that they would not object to an amendment that would prohibit a pedestrian gate at the rear. The Culver City resident expressed opposition to the project, noting the private school's potential for affecting the City's public schools and the number of private schools that are already in the City.

FURTHER COMMENTS ON THE MND

No one submitted comments on the MND between the period beginning after the meeting and up to June 15, 2005.

RECOMMENDED AMENDMENTS TO CONDITIONS

On the day of the public hearing, Commissioner Muranaka provided suggested amendments to recommended Condition of Approval Nos. 28, 31, and 48. Staff

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agrees with Commissioner Muranaka's suggested amendments to Condition Nos 28 and 31. Below is Commissioner Muranaka's suggested revision to the first part of the third sentence of Condition No 48.

The annual payment shall be increased (i) at a rate of 2% of the full cash base value of 3939 Landmark Street (as the same may be increased from time to time by (ii) herein) and (ii)

The first part of the third sentence was originally written as follows: The annual payment shall be increased annually (i) based on an inflationary rate not-to-exceed 2% of the full cash value base of 3939 Landmark Street and (ii)

The Commission may wish to discuss this suggested revision to the proposed Conditions of Approval. Staff agrees with Commissioner Muranaka's revision to the second part of the third sentence and has added a new paragraph to Condition No 48. This new paragraph gives the City the authority to require the applicant to perform an assessment of the property at the applicant's expense, should substantial improvements be done on the site.

Commissioner Muranaka also asked that a condition be added that holds the City harmless should a lawsuit be filed as a result of the project. A new Condition No 50 addresses the hold harmless concern. Condition No 49 had to be revised to take into account the elimination of the CEQA review period reference. Attachment No 1 is a strike-out/underline version of the original proposed resolution that incorporates the above suggested amendments except for Commissioner Muranaka's suggestion for the first part of the third sentence in Condition No 48. Attachment No 2 contains the same proposed amended resolution without the strike-outs and underlines. Please refer to the June 8, 2005 Agenda Item Report for a full discussion on the project and for reference to all attachments.

ATTACHMENTS

- 1 Draft Revised Planning Commission Resolution No 2005-P013 in Strike-Out/Underline Form
- 2 Draft Revised Planning Commission Resolution No 2005-P013 without Strike-Outs and Underlines

CITY OF CULVER CITY

Planning Division

Attachment No 12

"We Keep the Heart of Screenland Beating"

PLANNING COMMISSION MEMORANDUM

Date August 10 2005

To Honorable Chair and Members of the Planning Commission

From Jose Mendivil, Associate Planner Planning Division JFM

Re Clarification of Condition No 43 of Resolution No 2005-P013 (CUP P-2005019 & AUP P-2005018 for 3939 Landmark Street – Park Century School)

On July 13, 2005, the Planning Commission approved the Conditional Use Permit and Administrative Use Permit applications for Park Century School, allowing the applicant to convert an existing industrial building into a private elementary school. At the July 13 2005, public hearing, the Commission discussed their desire to require a left turn pocket on westbound Washington Boulevard at the intersection of Washington Boulevard and Landmark Street. The Commission decided to amend proposed Condition No 43 of the CUP/AUP resolution to require the installation of the left-turn pocket.

The Commission was informed that a parking lane would have to be eliminated in order to accommodate the left-turn pocket and that Howard Industries on the north side of Washington Boulevard asked that westbound parking spaces along the north side of Washington Boulevard not be taken out. Delivery trucks use the parking spaces early in the morning for queuing for Howard Industries. Commissioner Malsin asked if the eastbound parking spaces on the south side of Washington Boulevard could be eliminated instead of the parking spaces on the north side. Reasons given for the elimination of parking spaces on the south side included the Howard Industries use of the parking spaces on the north side, the lack of metered parking on the south side, and the vacancy of the properties on the south side. All Commissioners agreed that a left turn pocket should be required and no one objected to the elimination of the spaces on the south side of Washington Boulevard.

It is staff's understanding that the Commission's intent was to require a left turn pocket with the elimination of parking spaces on the south side. Below is Condition No 43, worded in a manner that staff believes, complies with the wishes of the Commission.

The applicant shall install a traffic signal at the intersection of Washington Boulevard and Landmark Street. The new traffic signal shall be connected to the City's ATSAC system, contain a battery backup system, and shall be installed with a Transit Priority System (this is a mitigation measure). The applicant shall install a left turn pocket along westbound Washington Boulevard. If elimination of a parking lane is required in order to accommodate the left turn pocket, then the

eastbound parking spaces on the south side of Washington Boulevard shall be removed

However the new property owner of the properties on the south side of Washington Boulevard objects to the elimination of parking spaces adjacent to the south side properties. They are interested in potentially developing the south side properties with street level commercial uses. In their estimation, street level commercial uses will be at a disadvantage if adjacent street parking is not available. Additionally, upon further inspection of the Washington Boulevard/Landmark Street intersection, parking on the south side of Washington Boulevard is metered. The Park Century School Traffic Study erroneously indicated that south side parking spaces are not metered.

The only method of securing parking lanes on both sides of the street while maintaining two lanes of travel in both directions (and installing a new left turn pocket), would be for the City to require a dedication of land to widen Washington Boulevard. Dedication would normally be required at the time a discretionary application has been submitted (and staff had determined approval of the request will create sufficient impacts to the public right-of-way that street widening is necessary to lessen those impacts). There are no current discretionary requests from property owners on either side of Washington Boulevard at the intersection of Landmark Street.

Staff is asking for consensus in clarifying Condition No 43. The Commission could decide a final outcome based on four possibilities they are:

1. Require a left turn pocket with elimination of eastbound parking on the south side of Washington Boulevard,
2. Require a left turn pocket with elimination of westbound parking on the north side of Washington Boulevard,
3. Require a left turn pocket without language that states which parking lane should be eliminated (essentially letting staff decide which parking lane should be taken out at the permit review phase) and
4. Eliminate the requirement for a left turn pocket

Attached to this memo is draft Resolution No 2005-P013, as staff understands it to be amended by the Planning Commission. If you have any questions please call me.

Jose Mendivil
Associate Planner
(310) 253-5757

Resolution attachment enclosed with memo

RECEIVED

APPEAL TO THE CITY COUNCIL OF CULVER CITY

SF 12 2005

This Appeal is from Resolution No 2005-PO13 as amended by clarification of the ^{Culver City} ~~Planning~~ ^{Planning} Division condition of approval for CUP-2005019 and AUP-2005018-Park Century School located at 3939 Landmark Street and the Light Manufacturing (M-1) zone

Condition No 43 of the Resolution requires the applicant to install a traffic signal at the intersection of Washington Boulevard and Landmark Street. The purpose of installing the traffic signal was to provide a mitigation measure for the intensification of use and traffic that was being created on Washington Boulevard. Further, the city staff was instructed to work with the city's traffic engineer so as to minimize any impacts to the extent possible that may occur by the installation as to the west bound left turn traffic from Washington Boulevard onto Landmark.

This condition and the following clarification which will be discussed below fails to analyze the impacts and in fact creates a greater impact to the surrounding properties on both the north side and south side of Washington Boulevard, within the immediate vicinity of Landmark Street.

The clarification of Condition No 43 failed to resolve the issue, as there was no determination as to whether or not the parking lane should be eliminated when the left turn pocket is in fact striped even though discussion at the Planning Commission and the subsequent meeting lead one in that direction.

The commission further instructed the staff to work with the applicants and the effective property owners in order to minimize the impacts. A meeting took place on September 6, 2005 in order to address the issue at hand. At the meeting, alternatives were presented with respect to examining the impacts but no decisive decisions were made, nor studies ordered to determine the extent the impact would in fact import upon the adjacent owners.

Therefore, as of the date of this Appeal, there has been no Resolution as to the mitigation of the impacts and thus based upon the failure of the city to properly analyze, study or further investigate the matter it has become necessary for the owners, Abraham and Ester Winter of the property located at 8855 Washington Boulevard, Culver City, California to file this Appeal.

The Appellants are the owners of the property located at 8855 West Washington Boulevard and the property is adjacent to the left-hand turn lane pocket. If the Commission's condition is imposed and the left-hand turn pocket is provided, the parking on the north side of Washington Boulevard adjacent to the Appellant's property will be eliminated for some 200,300 feet in order to allow a pass-through lane to be constructed. The Commission realized the impact and made the determination that the traffic will be backed up to Washington and National Boulevard. Increasing the level of service at that intersection would further impact the traffic flow both as to the south bound direction at the Landmark intersection, as well as the westbound traffic on Washington Boulevard. Based upon the projection of the number of cars entering, the left-hand pocket, the sequencing of the light at that intersection, and the number of cars arriving to turn left at that intersection, along with the cars entering the new proposed development on the south side of the street, this will create not only a significant back-up to the westerly direction but also would impact the eastbound traffic. What the Commission did not do is study or analyze the

impact by a qualified traffic engineer to determine the impacts on the surrounding property owners and their property

Further, by eliminating the parking on the northbound side of Washington Boulevard in that area, in the early morning hours, i.e. 7:30 to 10:30 it would materially deprive the Appellant and others from being able to use the much needed city parking meters for their respective customers as well as the ability to queue its trucks for entry into the Appellant's property site. It should be noted that the Appellant occupies the property which was originally part of a redevelopment area in the city of Culver City as its main distribution center for all of Southern California. Part of its operation not only receives substantial inventory but also distributes substantial inventory, which needs to be dispersed before the hours of 10:00 a.m. In order to handle the distribution, the Appellant receives approximately 12 trucks between those hours, plus customers who pick-up parts and inventory.

Further, it should be understood that the business of the Appellant was induced to come to this area, as it was a blighted area, for which the Appellant has invested substantial dollars. The Appellant has moved its main plant as indicated above to this area in order to disperse the Appellant's merchandise to other areas of Southern California. To deprive this Appellant of the ability to conduct its business for the benefit of a school within an industrial area, is no longer a proper land use and as such is not compatible with other uses within the area. Proper land use requires findings to be made showing compatible uses especially if a CUP is required. This school while it may be a worthy institution is not compatible with the uses of an M-1 zone as evidenced by the limitation on number of students and staff.

Further, while there is another school within the area, that school has totally different ingress and egress patterns, which do not in any way impact traffic or the uses and others within the neighborhood. It should be noted that this school because it's in a cul-de-sac area, only has one-way in and out and as such, creates its own substantial impacts which are unmitigable without creating substantial adverse impacts for adjacent property owners. The purpose of mitigation is not only to lessen the use but to also mitigate any subsequent adverse impact that the use causes on other conforming uses within the zone.

The Commission could have without creating additional impacts create a different route that did not in any way impact the streets or the intersection by requiring right turn entry onto Landmark for the school use. While this may have required the school parents or school buses, to use a different route into the street this would not in any way impact or impair the traffic flow. There are other and better streets that already have left-hand turn pockets on them that the school buses and parents of the school could transverse. Further, other streets already have the width and capacity to handle the increased traffic and would not require either widening of the street, creation of a left-hand turn pocket and/or elimination of valuable parking and queuing area.

Further, in reviewing the traffic analysis that were presented on behalf of the desire to put the school in this area, at no time was there ever a suggestion by any traffic engineer that a left-hand turn pocket be created at this location. This was done as an after thought.

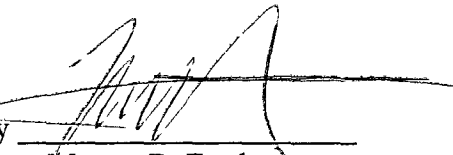
In talking to different traffic engineers, they have indicated that even with a left-hand turn traffic lane, there will be significant traffic delays and back-ups on West Washington Boulevard as it will interfere with the flow pattern. This lane would not lessen the impact but most likely increase the impact by the significant number of cars and buses, which will be entering Landmark in the morning hours.

One of the alternatives that were discussed at the September 6th meeting was the potential of widening the street on the south side of the property. While widening would materially help with the creation of the left-hand turn pocket, it would still not resolve the pass-through and parking requirements on the north side of the property.

Land use planning does not make sense when in order to lessen the impact, created by a potential user, a condition is created that will materially impose greater impacts in the area as a whole.

This Appeal is respectfully submitted by the Law Offices of Murray D. Fischer, a Professional Corporation on behalf of Abraham and Ester Winter.

LAW OFFICES OF MURRAY D. FISCHER
A Professional Corporation

By 
Murray D. Fischer

Dated 9/11/2005

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CITY CLERK
CITY OF CULVER CITY

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LATHAM & WATKINS LLP

November 4 2005

VIA MESSENGER

Mr Thomas Gorham
Mr Jose Mendivil
Planning Division
City of Culver City
9770 Culver Blvd , 2nd Floor
Culver City CA 90232

RECEIVED

NOV 04 2005

**Culver City
Planning Division**

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File No 035155 0001

Re Park Century School (CUP P 2005019 & AUP P-2005018)

Dear Mr Gorham & Mr Mendivil

Thank you for meeting with me, Sean Matsler and Murray Fischer on September 28 and October 31 2005 to discuss Howard Industries and Park Century School s options in connection with Howard Industries appeal of Conditional Use Permit P-2005019 and Administrative Use Permit P-2005018 We were encouraged by our productive meetings and look forward to reaching a speedy resolution This letter, signed by representatives from both Park Century School and Howard Industries Inc , memorializes the understandings reached by Howard Industries and the Park Century School It is our understanding that staff concurs in this approach

The sole issue raised by the appeal is the imposition by the Planning Commission of a requirement that Park Century School implement a left turn lane from westbound Washington Boulevard to Landmark Street The proposed improvement is not necessary to mitigate any impact identified in the traffic study for Park Century School and was not recommended by Transportation or Planning staff

Based on our discussions, Park Century School and Howard Industries jointly support the following revision of Condition 43

CONDITION 43 (REVISED) ¹

The applicant shall install a traffic signal at the intersection of Washington Boulevard and Landmark Street The new traffic signal shall be connected to the City s ATSAC system contain a battery backup system, and shall be installed with a Transit Priority System (this is a mitigation measure) ~~The applicant shall install a left turn pocket along westbound Washington Boulevard at the intersection City Staff, including Planning staff and the City s Traffic Engineer, shall work with the applicant and the affected property owners to minimize impacts to the extent possible that may occur with the installation of the westbound left turn pocket~~ **The applicant shall conduct and complete a traffic study ("Traffic Study") within 12 months**

¹ Deleted language is noted in strikeout and new language is noted in bold underline

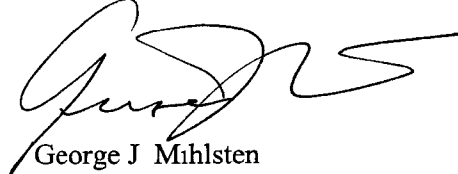
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LATHAM & WATKINS LLP

following the commencement of school operations (considered to be the first day of classes) or at an earlier date as determined by the Planning Manager. The scope of the Traffic Study shall be determined by the City's Traffic Engineer and the Planning Manager. The Traffic Study shall examine the need for a left turn lane on Washington Boulevard at Landmark Street, shall make a recommendation as to whether a left turn lane is required and, if required, shall recommend a configuration for the left turn lane. The Traffic Study shall be subject to review and approval by the Planning Division and the Public Works/Engineering Department. Prior to issuance of a building permit, the applicant shall post a bond with the City, in a form satisfactory to the Public Works/Engineering Department, in the amount of twenty five thousand dollars (\$25,000.00) to pay the cost of implementing a left turn lane on Washington Boulevard at Landmark Street should the City decide to implement such a left turn lane within a four (4) year period following the issuance of a Certificate of Occupancy. The bond shall be returned to the applicant if no such left turn lane is deemed necessary by the City within four (4) years following the issuance of a Certificate of Occupancy.

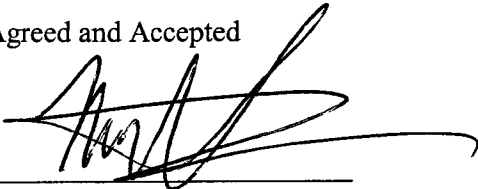
We believe that the Revised Condition 43 is consistent with the discussions we all had on September 28 and October 31. By signing below both Park Century School and Howard Industries demonstrate their willingness to proceed under the terms outlined above. Please do not hesitate to contact me at (213) 891-8196 with any questions or comments.

Very truly yours,



George J. Mhlsten
of LATHAM & WATKINS LLP

Agreed and Accepted



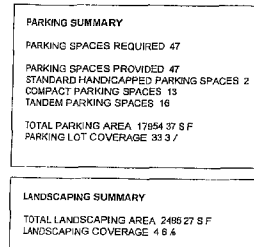
Murray Fischer, Esq
Counsel for Howard Industries

cc Ms. Susan Evans
Sean Matsler, Esq
Park Century School

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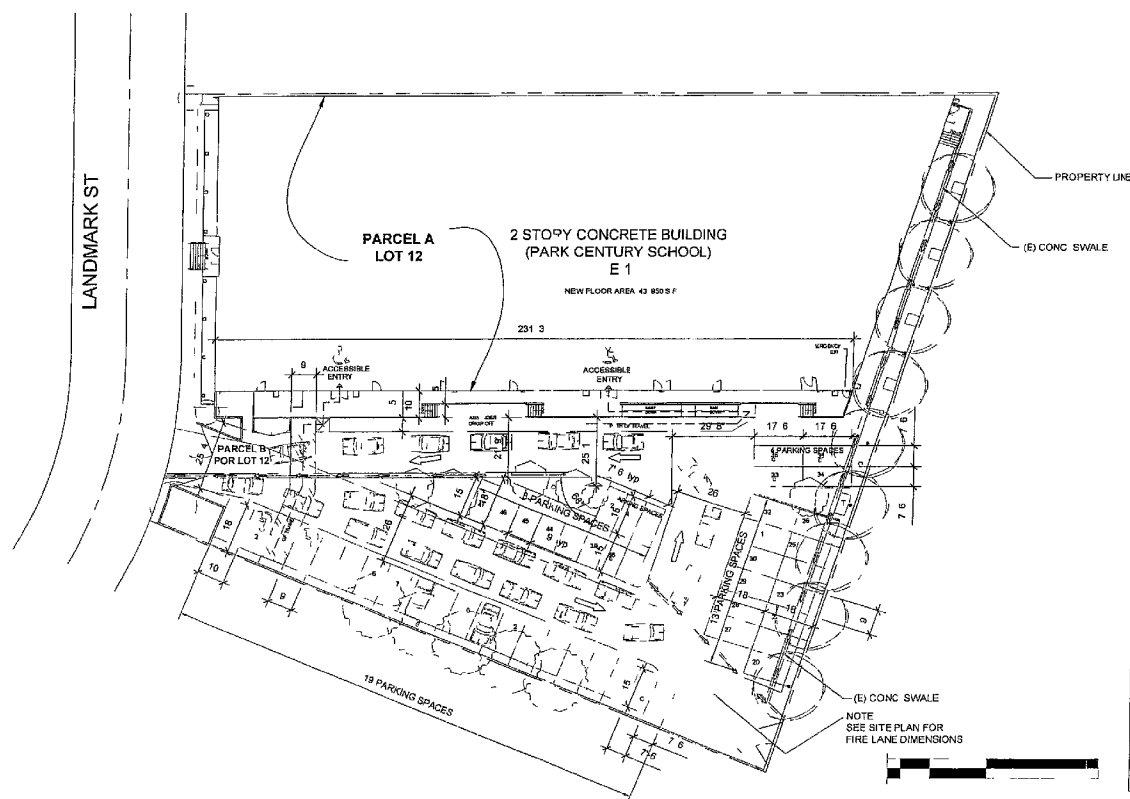


SCALE
1 20 0'

CW/

Christopher V. W.
Arch.
8080 Melrose Ave. Suite 100
Los Angeles, CA 90046
323 655 8800 323 65

PARK CENTURY SCHOOL 3939 LANDMARK ST CULVER CITY, CA 90232



PARKING SUMMARY	
PARKING SPACES REQUIRED	47
PARKING SPACES PROVIDED	47
STANDARD HANDICAPPED PARKING SPACES	2
COMPACT PARKING SPACES	13
TANDEM PARKING SPACES	15
TOTAL PARKING AREA	17954 S.F.
PARKING LOT COVERAGE	33.3 A

NOTE
SEE SURVEY FOR MORE DETAILED SITE
AND SURROUNDING INFORMATION



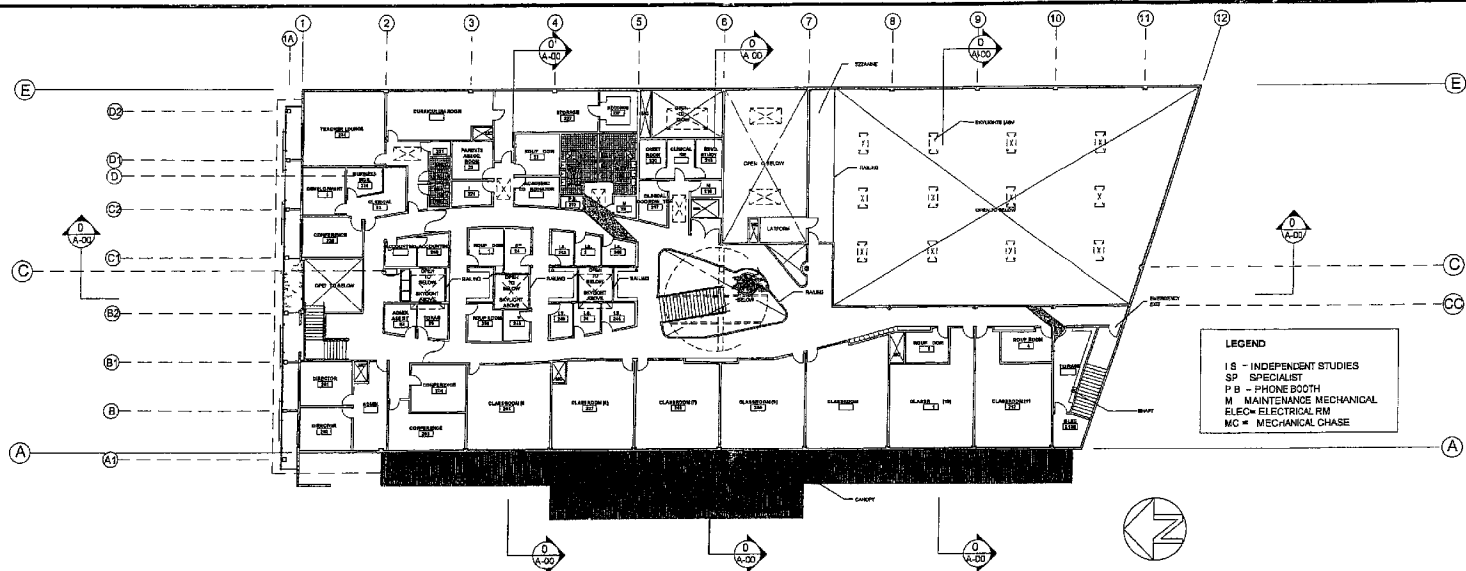
PARKING AND QUEUING PLAN

SCALE
1" = 20' 0"

Δ	AS NOTED
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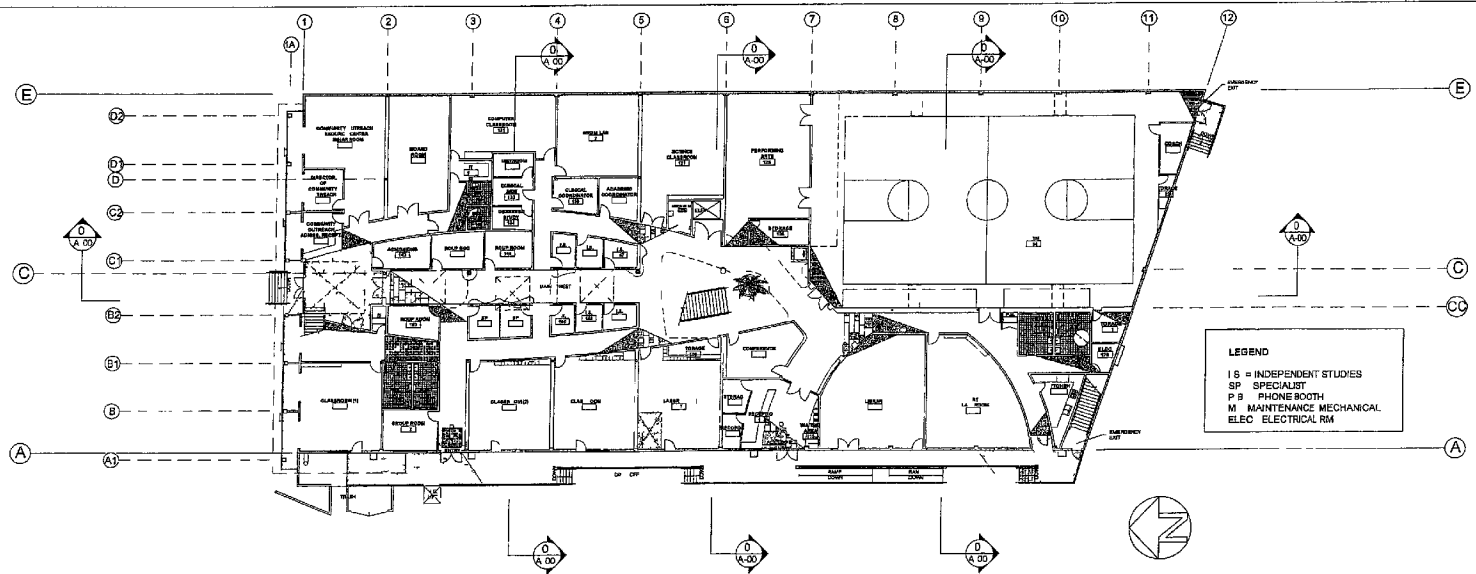
4/27/05
AS NOTED
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PARKING PLAN
23 CAR QUEUING

A-11



SECOND FLOOR PLAN

SCALE
1/16" = 1'-0"



GROUND FLOOR PLAN

SCALE
1/16" = 1'-0"

CWA

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PARK CENTURY SCHOOL
3939 LANDMARK ST
CULVER CITY, CA 90232

NO.	DESCRIPTION	DATE
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DATE	MAR 08 2005
BY	AS NOTED
CHKD	NP
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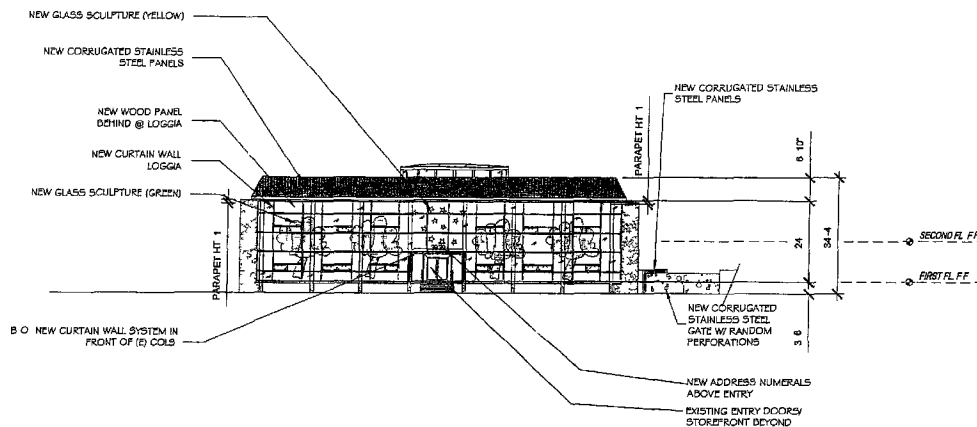
NEW FLOOR PLANS

A-2

CWA

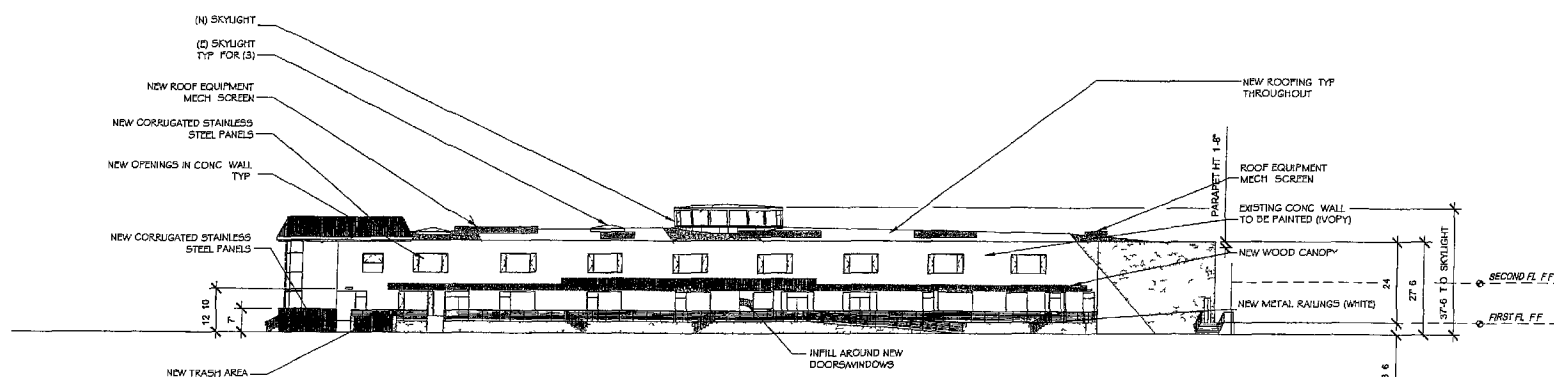
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PARK CENTURY SCHOOL
3939 LANDMARK ST
CULVER CITY, CA 90232



NEW NORTH ELEVATION

SCALE
1/16"=1'-0" (2)



NEW WEST ELEVATION

SCALE
1/16"=1'-0" (1)

DATE	08/26/2015
BY	AS NOTED
CHKD	NP
APP	
DATE	08/26/2015
BY	
CHKD	
APP	

NEW EXTERIOR ELEVATIONS

A-3

	LACOL
	SURK
	BHS TAMPA VERALE