



Sol Blumenfeld
Community Development Director

CITY OF CULVER CITY

9770 Culver Boulevard, Culver City, California 90232

310 253-5700
310 253-5779 Fax

ATTACHMENT NO. 8

October 20, 2016

Mr. Dolan Daggett
Eric Owen Moss Architects
8557 Higuera Street
Culver City, CA 90232

**NOTICE OF DECISION: EXTENSION OF TIME REQUEST FOR SITE PLAN REVIEW,
SPR P-2008047 Conjunctive Points Warner Development. LLC ("CPWD")
8511 Warner Drive, in the Industrial General (IG) Zone.**

Dear Mr. Daggett:

On October 13, 2016 you submitted a timely request for an extension of Site Plan Review, SPR P-2008047 for the construction of a parking structure with 775 parking spaces, 41,520 square feet of retail space, and 10,000 square feet of restaurant space within a five level, 43 foot high development (the "Project") approved by the City Council on August 3, 2009 (the "Entitlement"). Six 1-year extensions to the Entitlement have previously been granted.

Request for Extension

Pursuant to Culver City Municipal Code§ 17.595.030.0.2, prior to approving a request for a further extension, the Community Development Director must notify the Planning Commission and the City Council of such request. Section 17.595.030.D.2 specifically states as follows:

"The burden of proof is on the applicant to establish, with substantial evidence that the zoning approval should be extended. Upon determination that the applicant has made a good faith effort to establish the permit, the Director may extend the time to establish an approved permit for up to an additional 12 months, unless the conditions of approval authorize longer extensions. Whenever an extension is requested after approval of a first extension, the Director shall notify the Commission and Council of such request prior to acting upon same."

According to your extension request, CPWD has been making progress on the following:

- **Project Review with City** – Upon receipt of Entitlement Extension Approval #6, CPWD held a meeting with Building Safety, Planning and Public Works at the start of October, 2015 to discuss permitting and construction schedules.
- **Ongoing Project Development with Design Build Contractor** – CPWD's project team has completed 100% Design Development Documentation. Team includes Bomel (Design Build General Contractor), Culp & Tanner (Structural), M. Ludvik (Structural-Glazing), DRC Engineering (Civil), OMB Engineering (Electrical), ACCO (Mechanical), Plumbing (Pocock Design Solutions), and Dry Utilities (Butsko).
- **Geotechnical Submittal and Conditional Approval** - CPWD submitted a Geotechnical Report (by Geotechnologies, Inc.) to the City in October, 2015.
- **Shoring Permit Submittal** - CPWD submitted Shoring Plans (by Earth Support Systems) to Building & Safety in May, 2016 under Plan Check Number B16-0354. A response to corrections is currently being prepared, primarily involving procurement of written tie-back approval from adjacent property owners.
- **Requests for Tie-Back Approval and Project Coordination with Hayden Tract Property Owners Association (HTPOA)** – CPWD initiated contact with the HTPOA and Spur property owners to discuss potential use of the Spur for installation of tie-back shoring, pedestrian access to the Spur and approval for shoring on their respective properties. Negotiations are ongoing and resolution is targeted for December, 2016.
- **Site Improvement/Grading Permit Submittal** – CPWD submitted for a Site Improvement/Grading Permit in May, 2016 to Public Works/Engineering. Responses to corrections received on June 30, 2016 are currently being developed. Resubmittal is targeted for December, 2016.
- **State Water Board Permit Registration Submittal and Conditional Approval**– CPWD submitted to the Water Board in May, 2016, establishing an Active Storm water Permit under ID# 4 19C376260. DRC Engineering developed the NOI, Lid Plan, and SWPPP which were submitted to the Board as well as Culver City Engineering.
- **Dewatering** – CPWD has contracted with Hydroquip to perform on-site groundwater Flow Rate Testing. Field investigations were performed on October 10, 2016 and an updated report is currently being finalized. Results of the report will define dewatering requirements during construction.
- **SCE Utility Design** –Customer Service Design for 8511 Warner has been developed in coordination with Butsko Utility Design, Inc. and OMB Electrical Engineering Consultants. Initial plans have been provided to SCE Inspector for review prior to submittal for plan check.

- **Financing** – CPWD has continued to progress in negotiations with various prospective lenders for construction financing.
- **Brokerage** – CPWD has continued to work with its brokers to assess market needs and position the 8511 Warner project to take advantage of current market demand. CPWD has been in preliminary negotiations with possible tenants and will continue its marketing efforts as plans progress.
- **Project Schedule** – CPWD intends to complete the balance of construction documents and secure all project permits in advance of an intended construction start date in the First Quarter, 2017.

Decision

Pursuant to the administrative authority provided in Culver City Municipal Code § 17.595.030.D.2, I believe a 12 month extension of the Entitlement is warranted due to the delay created by your on-going discussions with the HTPOA to obtain approval for project shoring tie backs and the above-described actions CPWD has undertaken which demonstrates due diligence and a good faith effort to implement the project entitlements, including retention of the necessary professional services to complete the required City plan submittals and a reasonable project schedule which includes a proposed construction start date in the First Quarter of 2017..

Based upon the above findings, an additional 1-year extension is approved from August 18, 2016 to August 18, 2017, subject to all conditions of approval contained in Planning Commission Resolution No. 2009-P002 dated May 13, 2009 and City Council Resolution No. 2009-R066 dated August 3, 2009 and subject to any applicable new planning or Zoning Code regulations that might come into effect prior to issuance of the building permit for the project.

Appeal

I will be providing a copy of this decision to the City Council and Planning Commission and my decision is subject to appeal by either body, the public or CPWD in accordance with Chapter 17.640 of the Zoning Code. Any one member of either body may request the opportunity to discuss the decision; however, a majority vote of that body is required to formally initiate an appeal of the decision. If the vote to initiate an appeal passes, the matter will be scheduled for a public hearing before the body that initiated the appeal. Pursuant to Zoning Code Section 17.640.020, in the event that members of both the Council and Commission initiate an appeal of the decision, the Council will determine whether the appeal shall be considered by the Council or Commission.

An appeal by the Council or Commission must be initiated within 15 days after the decision date identified in this notice of decision. An appeal by the public or CPWD must be filed with the Planning Division within 15 days of the decision date.

Sincerely,

A handwritten signature in black ink, appearing to read "Sol Blumenfeld", written over the printed name.

Sol Blumenfeld,
Community Development Director

Copy: Mayor and Councilmembers
Chair and Planning Commissioners
City Manager
Planning Manager



CITY OF CULVER CITY

9770 Culver Boulevard, Culver City, California 90232

Sol Blumenfeld
Community Development Director

310 253-5700
310 253-5779 Fax

September 11, 2015

Mr. Dolan Daggett
Eric Owen Moss Architects
8557 Higuera Street
Culver City, CA 90232

**NOTICE OF DECISION: EXTENSION OF TIME REQUEST FOR SITE PLAN REVIEW,
SPR P-2008047 Conjunctive Points Warner Development, LLC ("CPWD")
8511 Warner Drive, in the Industrial General (IG) Zone.**

Dear Mr. Daggett:

On August 18, 2015 you submitted a timely request for an extension of Site Plan Review, SPR P-2008047 for the construction of a parking structure with 775 parking spaces, 41,520 square feet of retail space, and 10,000 square feet of restaurant space within a five level, 43 foot high development (the "Project") approved by the City Council on August 3, 2009 (the "Entitlement"). Five 1-year extensions to the Entitlement have previously been granted.

Request for Extension

Pursuant to Culver City Municipal Code§ 17.595.030.0.2, prior to approving a request for a further extension, the Community Development Director must notify the Planning Commission and the City Council of such request. Section 17.595.030.D.2 specifically states as follows:

"The burden of proof is on the applicant to establish, with substantial evidence that the zoning approval should be extended. Upon determination that the applicant has made a good faith effort to establish the permit, the Director may extend the time to establish an approved permit for up to an additional 12 months, unless the conditions of approval authorize longer extensions. Whenever an extension is requested after approval of a first extension, the Director shall notify the Commission and Council of such request prior to acting upon same."

According to your extension request, CPWD has been making progress on the following:

- Retaining Bomel Construction Company to provide Project budgeting and scheduling
- Retaining Culp and Tanner for Project structural engineering design, civil engineering and shoring design
- Obtaining geotechnical services from Geotechnologies to update Project geotechnical reports
- Continued pursuing financing with prospective Project lenders
- Prepared a Project construction schedule for grading and shoring with expected City plan submittals by September 15, 2015, completion of construction documents in anticipation of a construction start date of Summer 2016.

Decision

Pursuant to the administrative authority provided in Culver City Municipal Code § 17.595.030.D.2, I believe a 12 month extension of the Entitlement is warranted due to the changing development and economic environment of the Hayden Tract that has necessitated Project reevaluation to ensure its future success and financial viability. In addition, the above-described actions CPWD has taken demonstrates due diligence and a good faith effort to implement the project entitlements, including retention of the necessary professional services to complete the required City plan submittals and a reasonable project schedule. Although the previous extension was granted with the understanding that any further extensions would be referred to the Planning Commission, CPWD has demonstrated significant progress since the granting of the last extension, which I have determined warrants an administrative decision in this case.

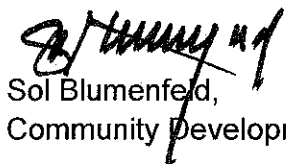
Based upon the above findings, an additional 1-year extension is approved from August 18, 2015 to August 18, 2016, subject to all conditions of approval contained in Planning Commission Resolution No. 2009-P002 dated May 13, 2009 and City Council Resolution No. 2009-R066 dated August 3, 2009 and subject to any applicable new planning or Zoning Code regulations that might come into effect prior to issuance of the building permit for the project.

Appeal

I will be providing a copy of this decision to the City Council and Planning Commission and my decision is subject to appeal by either body, the public or CPWD in accordance with Chapter 17.640 of the Zoning Code. Any one member of either body may request the opportunity to discuss the decision; however, a majority vote of that body is required to formally initiate an appeal of the decision. If the vote to initiate an appeal passes, the matter will be scheduled for a public hearing before the body that initiated the appeal. Pursuant to Zoning Code Section 17.640.020, in the event that members of both the Council and Commission initiate an appeal of the decision, the Council will determine whether the appeal shall be considered by the Council or Commission.

An appeal by the Council or Commission must be initiated within 15 days after the decision date identified in this notice of decision. An appeal by the public or CPWD must be filed with the Planning Division within 15 days of the decision date.

Sincerely,


Sol Blumenfeld,
Community Development Director

Copy: Mayor and Councilmembers
Chair and Planning Commissioners
City Manager
Planning Manager



Sol Blumenfeld
Community Development Director

CITY OF CULVER CITY

9770 Culver Boulevard, Culver City, California 90232

310 253-5700
310 253-5779 Fax

August 29, 2014

Mr. Dolan Daggett
Eric Owen Moss Architects
8557 Higuera Street
Culver City, CA 90232

**NOTICE OF DECISION: EXTENSION OF TIME REQUEST FOR SITE PLAN REVIEW,
SPR P-2008047 Conjunctive Points Warner Development, LLC ("CPWD")
8511 Warner Drive, in the Industrial General (IG) Zone.**

Dear Mr. Daggett:

On August 14, 2014 you submitted a timely request for an extension of Site Plan Review, SPR P-2008047 for the construction of a parking structure with 775 parking spaces, 41,520 square feet of retail space, and 10,000 square feet of restaurant space within a five level, 43 foot high development (the "Project") approved by the City Council on August 3, 2009 (the "Entitlement"). Four 1-year extensions to the Entitlement have previously been granted.

Request for Extension

Pursuant to Culver City Municipal Code § 17.595.030.D.2, prior to approving a request for a further extension, the Community Development Director must notify the Planning Commission and the City Council of such request. Section 17.595.030.D.2 specifically states as follows:

"The burden of proof is on the applicant to establish, with substantial evidence that the zoning approval should be extended. Upon determination that the applicant has made a good faith effort to establish the permit, the Director may extend the time to establish an approved permit for up to an additional 12 months, unless the conditions of approval authorize longer extensions. Whenever an extension is requested after approval of a first extension, the Director shall notify the Commission and Council of such request prior to acting upon same."

According to your extension request, CPWD is continuing to pursue development of the Project; however, progress has been slowed by a need to evaluate the changing development and economic environment with respect to public and private parking improvements in the area. In addition, you have demonstrated that it has been difficult to obtain financing for the Project and CPWD is exploring potential modifications to the Project in order to make it more financially feasible. In light of the above conditions CPWD requires additional time to allow resolution of the aforementioned issues in order to evaluate their impact on the future success and financial viability the Project.

Decision

Pursuant to the administrative authority provided in Culver City Municipal Code § 17.595.030.D.2, I believe a 12 month extension of the Entitlement is warranted due to the changing development and economic environment of the Hayden Tract including planned increases in parking facilities within the tract and the slow recovery of the economy. These factors necessitate that the applicant re-evaluate the Project as proposed to ensure its future success and financial viability. Based upon the above findings, an additional 1-year extension is approved from August 3, 2014 to August 3, 2015, subject to all conditions of approval contained in Planning Commission Resolution No. 2009-P002 dated May 13, 2009 and City Council Resolution No. 2009-R066 dated August 3, 2009 and subject to any applicable new planning or Zoning Code regulations that might come into effect prior to issuance of the building permit for the project.

Appeal

I will be providing a copy of this decision to the City Council and Planning Commission and my decision is subject to appeal by either body, the public or CPWD in accordance with Chapter 17.640 of the Zoning Code. Any one member of either body may request the opportunity to discuss the decision; however, a majority vote of that body is required to formally initiate an appeal of the decision. If the vote to initiate an appeal passes, the matter will be scheduled for a public hearing before the body that initiated the appeal. Pursuant to Zoning Code Section 17.640.020, in the event that members of both the Council and Commission initiate an appeal of the decision, the Council will determine whether the appeal shall be considered by the Council or Commission. An appeal by the Council or Commission must be initiated within 15 days after the decision date identified in this notice of decision. An appeal by the public or CPWD must be filed with the Planning Division within 15 days of the decision date.

Future Extension Requests

The Zoning Code is unclear on the number of permit extensions that may be administratively granted for a project. Based on this uncertainty in the Zoning Code, as well as the fact that there have been multiple extensions of the entitlements, I will be

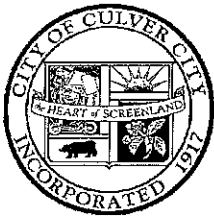
referring any future extension requests directly to the Planning Commission for consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sol Blumenfeld", written over the printed name.

Sol Blumenfeld,
Community Development Director

Copy: Mayor and Councilmembers
Chair and Planning Commissioners
City Manager
Planning Manager



Culver CITY

PLANNING DIVISION

(310) 253-5710
FAX (310) 253-5721

SOL BLUMENFELD
Community Development
Director

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

October 10, 2013

Mr. Dolan Daggett
Eric Owen Moss Architects
8557 Higuera Street
Culver City, CA 90232

**NOTICE OF DECISION: EXTENSION OF TIME REQUEST FOR SITE PLAN REVIEW,
SPR P-2008047 Conjunctive Points Warner Development, LLC ("CPWD")**

8511 Warner Drive, in the Industrial General (IG) Zone.

Dear Mr. Daggett:

On August 7, 2013 you submitted a timely request for an extension of Site Plan Review, SPR P-2008047 for the construction of a parking structure with 775 parking spaces, 41,520 square feet of retail space, and 10,000 square feet of restaurant space within a five level, 43 foot high development (the "Project") approved by the City Council on August 3, 2009 (the "Entitlement").

Request for Extension

Pursuant to Culver City Municipal Code § 17.595.030.D.2, prior to approving a request for a further extension, the Community Development Director must notify the Planning Commission and the City Council of such request. Section 17.595.030.D.2 specifically states as follows:

"The burden of proof is on the applicant to establish, with substantial evidence that the zoning approval should be extended. Upon determination that the applicant has made a good faith effort to establish the permit, the Director may extend the time to establish an approved permit for up to an additional 12 months, unless the conditions of approval authorize longer extensions. Whenever an extension is requested after approval of a first extension, the Director shall notify the Commission and Council of such request prior to acting upon same."

According to your extension request, CPWD is continuing to pursue development of 8511 Warner Drive; however, project progress has been slowed by the need to evaluate the changing development and economic climate of the Hayden Tract with respect to public and private parking improvements in the area. In light of these changing

conditions and the protracted economic recovery CPWD requires additional time to evaluate the future success and financial viability the Project.

Decision

Pursuant to the administrative authority provided in Culver City Municipal Code § 17.595.030.D.2, I believe a 12 month extension of the Entitlement is warranted due to the changing development and economic conditions of the Hayden Tract including planned increases in parking facilities and the prolonged recovery of the economy. These factors have required further evaluation of the proposed project to ensure its financial viability. Based upon the above findings, an additional 1-year extension is approved from August 3, 2013 to August 3, 2014, subject to all conditions of approval contained in Planning Commission Resolution No. 2009-P002 dated May 13, 2009 and City Council Resolution No. 2009-R066 dated August 3, 2009 and subject to any applicable new planning or zoning code regulations that might come into effect prior to issuance of the building permit for the project.

Appeal

Please note that this decision is subject appeal by the City Council, Planning Commission or a member of the public or CPWD in accordance with Chapter 17.640 of the Zoning Code. Any one member of either body may request the opportunity to discuss the decision; however, a majority vote of that body is required to formally initiate an appeal of the decision. If the vote to initiate an appeal passes, the matter will be scheduled for a public hearing before the body that initiated the appeal. Pursuant to Zoning Code Section 17.640.020, in the event that members of both the Council and Commission initiate an appeal of the decision, the Council will determine whether the appeal shall be considered by the Council or Commission. An appeal by the Council or Commission must be initiated within 15 days after the decision date identified in this notice of decision. An appeal by the public or CPWD must be filed with the Planning Division within 15 days of the decision date.

Sincerely,



Sof Blumenfeld,
Community Development Director

Copy: Mayor and Councilmember
Chair and Planning Commissioners



(310) 253-5710

FAX (310) 253-5721

PLANNING DIVISION

THOMAS GORHAM
Deputy Community
Development
Director/Planning Manager

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

October 23, 2012

Mr. Dolan Daggett
Eric Owen Moss Architects
8557 Higuera Street
Culver City, CA 90232

**NOTICE OF DECISION: EXTENSION OF TIME REQUEST, ET P-2012106, FOR SITE
PLAN REVIEW, SPR P-2008047**

8511 Warner Drive, in the Industrial General (IG) Zone.

Dear Mr. Daggett:

We have reviewed your request for a third extension of your August 3, 2009, City Council approval of Site Plan Review, SPR P-2008047. The project involves the construction of 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 five level, 43 foot high development. Three of the five levels are subterranean. We have made the following findings:

1. On May 13, 2009, the Planning Commission approved Site Plan Review, SPR P-2008047.
2. On May 27, 2009, a timely appeal of the Planning Commission's approval was filed with the City Clerk.
3. On August 3, 2009, the City Council denied the appeal and upheld the Planning Commission decision with modifications to certain conditions of approval, per City Council Resolution No. 2009-R066.
4. On August 26, 2010, the Culver City Planning Division received a request for a one year extension of the entitlement expiration and said extension was granted on September 13, 2010.
5. On August 12, 2011, the Culver City Planning Division received a second request for a one year extension of the entitlement expiration and said extension was granted on September 6, 2011.
6. On August 2, 2012, the Culver City Planning Division received a third request for a one year extension of the entitlement expiration.

7. As of this date there have been no changes in the Culver City zoning regulations that would necessitate additional or revised conditions of approval.
8. The extension request is due to the changing development and economic environment of the Hayden Tract including planned increases in parking facilities within the tract and the continuing national economic crisis. These factors necessitate that the applicant re-evaluate the project as proposed to ensure its future success and financial viability.

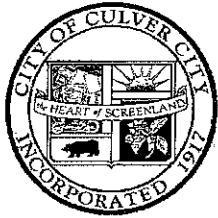
Based on the above findings and the desire to ensure that there is sufficient time for the project to be built, Site Plan Review, SPR P-2008047 shall expire on August 3, 2013, and said extension approval shall become effective immediately. If you have any questions, please contact Jose Mendivil, Associate Planner, at (310) 253-5757.

Sincerely,



Thomas Gorham
Deputy Community Development Director/Planning Manager

Copy: **Case File**
Notice of Decision Binder



Culver CITY

PLANNING DIVISION

(310) 253-5710
FAX (310) 253-5721

THOMAS GORHAM
Deputy Community
Development
Director/Planning Manager

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

September 6, 2011

Mr. Dolan Daggett
Eric Owen Moss Architects
8557 Higuera Street
Culver City, CA 90232

**NOTICE OF DECISION: EXTENSION OF TIME REQUEST, ET P-2011120, FOR SITE
PLAN REVIEW, SPR P-2008047**

8511 Warner Drive, in the Industrial General (IG) Zone.

Dear Mr. Daggett:

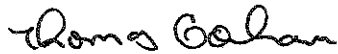
We have reviewed your request for a second extension of your August 3, 2009, City Council approval of Site Plan Review, SPR P-2008047. The project involves the construction of a parking structure with 775 parking spaces, 41,520 square feet of retail space, and 10,000 square feet of restaurant space, all within a five level, 43 foot high development. Three of the five levels are subterranean. We have made the following findings:

1. On May 13, 2009, the Planning Commission approved Site Plan Review, SPR P-2008047.
2. On May 27, 2009, a timely appeal of the Planning Commission's approval was filed with the City Clerk.
3. On August 3, 2009, the City Council denied the appeal and upheld the Planning Commission decision with modifications to certain conditions of approval, per City Council Resolution No. 2009-R066.
4. On August 26, 2010, the Culver City Planning Division received a request for a one year extension of the entitlement expiration and said extension was granted on September 13, 2010.
5. On August 12, 2011, the Culver City Planning Division received a second request for a one year extension of the entitlement expiration.
6. As of this date there have been no changes in the Culver City zoning regulations that would necessitate additional or revised conditions of approval.

7. The extension request is due to on-going negotiations between the applicant and the City over financial participation and the current economic climate's affect on securing funding for the project.

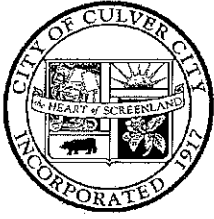
Based on the above findings and the desire to ensure that there is sufficient time for the project to be built, Site Plan Review, SPR P-2008047 shall expire on August 3, 2012, and said extension approval shall become effective immediately. If you have any questions, please contact Jose Mendivil, Associate Planner, at (310) 253-5757.

Sincerely,



Thomas Gorham
Deputy Community Development Director/Planning Manager

Copy: Case File
Notice of Decision Binder



Culver CITY

PLANNING DIVISION

(310) 253-5710

FAX (310) 253-5721

THOMAS GORHAM
Deputy Community
Development
Director/Planning Manager

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

September 13, 2010

Mr. Dolan Daggett
Eric Owen Moss Architects
8557 Higuera Street
Culver City, CA 90232

**NOTICE OF DECISION: EXTENSION OF TIME REQUEST, ET P-2010138, FOR SITE
PLAN REVIEW, SPR P-2008047**

8511 Warner Drive, in the Industrial General (IG) Zone.

Dear Mr. Daggett:

We have reviewed your request for an extension of your August 3, 2009, City Council approval of Site Plan Review, SPR P-2008047. The project involves the construction of 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 five level, 43 foot high development. Three of the five levels are subterranean. We have made the following findings:

1. On May 13, 2009, the Planning Commission approved Site Plan Review, SPR P-2008047.
2. On May 27, 2009, a timely appeal of the Planning Commission's approval was filed with the City Clerk.
3. On August 3, 2009, the City Council denied the appeal and upheld the Planning Commission decision with modifications to certain conditions of approval, per City Council Resolution No. 2009-R066.
4. On August 26, 2010, the Culver City Planning Division received a request for a one year extension of the entitlement expiration.
5. As of this date there have been no changes in the Culver City zoning regulations that would necessitate additional or revised conditions of approval.
6. The extension request is due to on-going negotiations between the applicant and the City over financial participation, processing of a separate application for interim tandem parking on the site, and the current economic climate's affect on securing funding for the project.

Based on the above findings and the desire to ensure that there is sufficient time for the project to be built, Site Plan Review, SPR P-2008047 shall expire on August 3, 2011, and said extension approval shall become effective immediately. If you have any questions, please contact Jose Mendivil, Associate Planner, at (310) 253-5757.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Gorham". The signature is fluid and cursive, with the first name "Thomas" and last name "Gorham" clearly distinguishable.

Thomas Gorham
Deputy Community Development Director/Planning Manager

Copy: Case File
Notice of Decision Binder