

REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF CULVER CITY,
CALIFORNIA

May 9, 2012
7:00 p.m.

Call to Order & Roll Call

The meeting of the Planning Commission was called to order
at 7:02 p.m.

Present: Anthony Pleskow, Chair
Scott Wyant, Vice Chair
John Kuechle, Commissioner
Linda Smith Frost, Commissioner
Marcus Tiggs, Commissioner

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Pledge of Allegiance

Heather Baker, Assistant City Attorney, led the Pledge of
Allegiance.

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Comments for Items NOT on the Agenda

Chair Pleskow invited public participation

No cards were received and no speakers came forward.

MOVED VICE CHAIR WYANT, SECONDED BY COMMISSIONER TIGGS AND
UNANIMOUSLY CARRIED, THAT THE WHEN THIS MEETING IS
ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF ZACH SOLOMON.

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Public Hearing

Item PH-1

Conditional Use Permit Modification (CUP/M 2011-175) - The
Help Group to permit the addition of 250 students to an
existing private school located at 12095-12101 Washington
Boulevard

Staff provided a summary of the material of record.

A discussion ensued between staff and Commissioners regarding attorney client privilege; the ability to discuss portions of a confidential document; concern with Commissioner liability; clarification that Commissioners are free to discuss the issue and conclusion in general terms but details should not be included; clarification that the Planning Commission can not consider items in closed session; concern with Commissioners having to self-censor; Commissioner concern with instruction not to quote from the memo; the importance of protecting the City from potential liability; the difficulty of discussing the issue in a public venue; and agreement that the Commission be allowed to discuss the document.

Chair Pleskow invited public comment.

The following members of the audience addressed the Commission:

Dr. Barbara Firestone, The Help Group, discussed the increasing numbers of children diagnosed with autism; provided a presentation on one family dealing with autism; and she requested approval of their request.

Tom Komp, Senior Vice President of the Help Group, discussed steps taken since the last meeting; review of their original proposal; drop off and pick up procedures; procedures used at the Sherman Oaks location; efficiency; and the importance of the bridge.

Discussion ensued between Commissioners and Mr. Komp regarding length of time to load the cabs; the maximum number of students loaded at one time; clarification that buses and cabs can arrive up to 20 minutes early; procedures for cabs that arrive early; and consistency of drivers.

Carl Sylvester reported that the Help Group had converted a parking lot into a playground that abuts his property; discussed current noise issues; expressed concern with increased noise and exhaust fumes if an expansion is granted; questioned emergency procedures; felt The Help Group were uncooperative neighbors; expressed concern with broken promises; and he discussed the proposed sound wall.

May 9, 2012

Discussion ensued between staff, Commissioners and Mr. Sylvester regarding the location of his home; the wall between his home and the playground; the original approval of the plans with the area as a parking lot; concern that the children promised to play on the roof playground will end up in the regular playground; jurisdictional issues with Los Angeles; entitlements and ceding authority; and the Los Angeles resolution.

Rick Hedger noted that the wall between his home and the school was 5 ½ feet tall; he discussed the proposed sound wall; he did not feel that The Help Group were good neighbors; he expressed concern with noise issues; discussed actions he had taken to reduce noise; and he expressed concern with skewed sound testing.

Tom Komp clarified that the playground was also used for a pick up and drop off area but was always meant to be a playground; he discussed the sound wall discussions at the community meeting; and the sound study.

A discussion ensued between Commissioners and The Help Group sound engineer regarding the reduction of sound levels with a taller wall; acceptable decibel levels for the rear of a house vs. the front of a house; and when measurements were taken.

Dan Resnick, Counsel for The Help Group, clarified that a ~~14-foot sound wall would require a variance from the City~~ of Los Angeles; noted that in 1999 Los Angeles had ceded authority to Culver City; he discussed costs associated with a larger sound wall; and the fact that the noise study was within acceptable levels.

A discussion ensued between staff, Commissioners and Help Group representatives regarding height of the proposed sound wall; the variance with Los Angeles; the ability to park in the lot; clarification that Los Angeles approved the area for playground use and did not cede jurisdiction to Culver City; location of the sound wall; extending the height of the wall using solid, light material; applicant willingness to extend the wall; side yard issues; allowances for walls; special adjustment approvals and full variances; and confusion regarding ceding jurisdiction.

Commissioner Smith Frost disclosed that she had been contacted by Ben Resnick, Counsel for The Help Group, who

indicated that he had spoken to other Commissioners. She reported cautioning him that she could not discuss anything that might have been discussed with any one else, he complied, and they had a discussion.

Further discussion ensued between staff, Commissioners, and Help Group Representatives regarding the number of Culver City residents served by the school; clarification regarding decibel levels; the noise element vs. the noise ordinance; enforcement; whether schools are exempt from the noise ordinance; the best interests of the health and welfare of the neighbors; Commission prerogative; determining compliance with the General Plan; school exemptions; applying mitigations necessary to address neighborhood consistency concerns; statistical levels; noise anomalies; noise sources; focusing on noise made by the children; ambient noise; length of the spike in noise levels; what 80 decibels is comparable to; emergency procedures; noise exemptions; whether the spike was an anomaly; stationary vs. non-stationary sources; scope of the noise study; neighbor concerns; approval of the initial studies; additional vehicles; clarification that the school is located in a commercial zone; direction to consider issues unique to the use; reasonable conditions to impose on the applicant; other services the City provides to non-residents; existing use; night time events; holding events indoors whenever possible; whether contributions of the Help Group are comparable to the demands placed upon the City; use of City Services; and the number of times police and fire services have been used by the campus in the past ten years.

MOVED BY COMMISSIONER KUECHLE, SECONDED BY VICE CHAIR WYANT AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION CLOSE THE PUBLIC HEARING.

Discussion ensued between staff and the Commission regarding circulation issues; pick up and drop off; the six month review; active community members; the traffic study; the impact of the playground use on residents; the scope the applicant was given; applicant agreement to build a higher sound wall; recouping costs from the applicant for City services; lost meter revenue; movement of the store; sales tax revenues; clarification that the Commission supports the work of the Help Group; the job of the Commission to make sure that the project is in the best interests of the residents of Culver City; the percentage

of residents being served by the Help Group; concern with the request for a large population increase; and difficult financial issues faced by the City;

Vice Chair Wyant expressed appreciation to staff for working with him to go over details of the item and to The Help Group for their efforts to address concerns raised at the previous Commission meeting, and he reported that he had discussed the matter with Commissioner Kuechle.

Further discussion ensued between staff and the Commission regarding parking and traffic issues; the use of taxi cabs and buses; the five parking places reserved in front of the school; original CUP requirements; the location where buses wait; the queue of cars and taxis blocking Washington Boulevard traffic; changes to Washington Boulevard; concern that cars will be towed away to clear the five parking spots; privatizing public parking places; adjacent parking in commercial districts; affects to businesses in the area; removing public parking spaces to make a project work; non-specific language addressing corrective measures if the traffic plan does not work; and concern with incrementalism.

Barry Kurtz, City Traffic Engineer, clarified that cued up cars would be located on the school site, reservation of the five parking spaces had been recommended as a precaution to address possible spillover into the street, and he suggested not imposing parking restrictions and observing the situation to see if there is actually spillover.

Additional discussion ensued between staff and Commissioners regarding impact of the total number of students on the premises; the entitlement process; the process to evaluate impacts; circumventing the intent of the traffic study; the true build out of a project; the need for a conversation regarding the ground rules for Commission consideration; impacts to be mitigated; consideration of incremental increases vs. the entire project; actions of the City Council to examine requiring that non-profit schools contribute to the well-being of the City; concern with getting ahead of the City Council; definitive information as to whether the entire project can be considered; the possibility of a moratorium; permit streamlining and the time frame for making a decision; the issue of vesting; traffic, parking and noise; the threshold

to establish that there is a reduction in service; degradation of services; guidelines for determining impacts; grading of the intersection; the sound wall; working with the neighbors; policy issues; concern with holding up the applicant; mutually acceptable mitigation methods; working with Los Angeles regarding jurisdiction; maintaining the mature landscaping; and whether a variance is required.

MOVED BY COMMISSIONER TIGGS AND SECONDED BY CHAIR PLESKOW THAT THE PLANNING COMMISSION APPROVE THE PROJECT, NEGATIVE DECLARATION, AND CONDITIONS, WITH ADDITIONAL CONDITIONS OF APPROVAL PROPOSED BY CHAIR PLESKOW TO MEET THE REQUIRED FINDINGS AND MITIGATE NEW PROJECT IMPACTS IDENTIFIED AT THE MEETING. THE MOTION FAILED TO PASS BY THE FOLLOWING VOTE:

AYES: PLESKOW, TIGGS
NOES: KUECHLE, SMITH FROST, WYANT
ABSENT: NONE
ABSTAIN: NONE

Commissioner Kuechle received clarification regarding the Negative Declaration.

MOVED BY COMMISSIONER KUECHLE AND SECONDED BY COMMISSIONER SMITH FROST THAT THE PLANNING COMMISSION CAN NOT MAKE FINDINGS C, D AND E, CAN NOT SUPPORT THE NEGATIVE DECLARATION, AND THAT THE PLANNING COMMISSION DISAPPROVE THE PROJECT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: KUECHLE, SMITH FROST, WYANT
NOES: PLESKOW, TIGGS
ABSENT: NONE
ABSTAIN: NONE

Thomas Gorham, Planning Manager, indicated that the applicant had 15 days to appeal the decision to the City Council.

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Consent Calendar

Item C-1

Secretary's Report

MOVED BY VICE CHAIR WYANT, SECONDED BY COMMISSIONER TIGGS AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION RECEIVE AND FILE THE REPORT OF THE SECRETARY REGARDING POSTING OF THE AGENDA FOR THIS MEETING.

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Item C-2

Meeting Minutes

MOVED BY VICE CHAIR WYANT, SECONDED BY COMMISSIONER TIGGS AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION APPROVE THE MINUTES OF JANUARY 25, 2012, FEBRUARY 22, 2012, AND APRIL 11, 2012.

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Items from Staff

Thomas Gorham, Planning Manager, discussed the schedule of upcoming meetings and agenda items.

Discussion ensued between staff and Commissioners regarding the zoning code amendments and a request that Commissioners to receive information earlier.

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Items from Commissioners

None.

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Adjournment

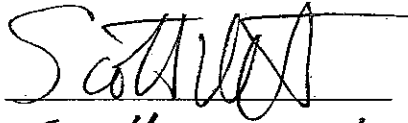
There being no further business, at 9:55 p.m. the Culver City Planning Commission adjourned in memory of Zach Solomon to the next regular meeting on Wednesday, May 23, 2012, at 7:00 p.m. in the Mike Balkman Council Chambers.

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YVONNE D. HUNT
SECRETARY of the CULVER CITY PLANNING COMMISSION

APPROVED

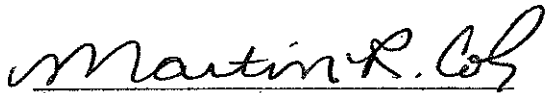


Scott Wyant- chair

7/11/12

SCOTT WYANT
VICE CHAIR of the CULVER CITY PLANNING COMMISSION
City of Culver City, California

I declare under penalty of perjury under the laws of the State of California that, on the date below written, these minutes were filed in the Office of the City Clerk, City of Culver City, California and constitute the Official Minutes of said meeting.



Martin R. Cole
CITY CLERK

30 JUL 2012
Date