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

May 13, 2009
7:00 p.m.

Call to Order & Roll Call

The meeting of the Planning Commission was called to order at 7:15 p.m.

Present: David Rockwell, Chair
John Kuechle, Vice Chair
Linda Smith Frost, Commissioner
Linda Shahinian, Commissioner

Absent: Anthony Pleskow, Commissioner

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Invocation/Pledge of Allegiance

Thomas Gorham, Planning Director, led the Pledge of Allegiance.

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Comments for Items NOT on the Agenda

None.

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PUBLIC HEARING

Item PH-1

Site Plan Review and Mitigated Negative Declaration to Allow the Construction of a 43 Foot High, Commercial Building and Parking Structure with 775 Parking Spaces, 41,520 Square Feet of Retail, and 10,000 Square Feet of Restaurant at 8511 Warner Drive in the Industrial General (IG) Zone

Vice Chair Kuechle disclosed that his law firm had represented Mr. Smith in legal matters over fifteen years ago but he did not feel it would impact his judgment.

Staff provided a summary of the material of record and noted late correspondence received.

John Malloy, Conjunctive Points Warner Development, introduced members of the team and provided a presentation on the project.

Eric Moss, representing the owners, spoke regarding: parking and traffic issues; code requirements; design of the building; the scale and height of the project; he noted that the majority of the building is below grade; stated that they were proposing to build substantially less than is allowed by current zoning; he discussed automobile access to the site; the roof structure and color; pedestrian access; the courtyard; and integration into the area.

Amy Grayhack discussed: the benefits of the green roof design; drainage and water recycling; landscaping; conservation; a bike sharing system; conservation and reduction; the courtyard; reducing energy demand; photovoltaics used to provide power to the building; and building materials.

Discussion between staff, the Commission and the applicants included: clarification regarding the survey to determine parking demand; the number and type of retail and restaurant uses; gray water issues; public notification and input; the aspiration to meet the LEED standards; the soil study; submittal requirements of the building permit process; the absence of environmental effects; the loss of 22 parking spaces and whether free replacements would be provided; the number, costs, and uses of long and short term parking spaces; projected occupancy rates; pre-existing traffic issues; code requirements for parking; revenue from other amenities; the projected opening date; and clarification regarding the ten-year covenant.

Chair Rockwell invited public participation.

The following members of the audience addressed the Commission:

Marta Zaragoza, East Culver City Neighborhood Alliance, expressed concerns with public notification and non-compliance with ADA requirements at existing applicant-owned sites; she requested that the item be deferred until the applicant resolves outstanding issues; she asserted that the EIR being used pertained to a totally different project and she requested that a new one be conducted; she expressed concern with the likely presence of arsenic in the soil; she expressed concern with types of businesses and hours of operation; pointed out that the covenant had not been adhered to; she expressed concern with using gray water; and asked about state controls.

Don Barr felt that the lot should be available for the public in perpetuity; felt the project should be compatible with the needs of the public and the City; suggested adding more parking; questioned why an old EIR was being used; he suggested requiring that restaurant and retail flooring be engineered so that if they fail cars can be parked there; he expressed concern with fairness in rate setting; asked about landscaping requirements; and suggested providing a passenger loading area for buses from the MTA stop.

Sheila McWilliams, representing 8520 Warner Drive, read a statement expressing concern about the elimination of parking spaces along Warner Drive; reported receiving no notice of the hearing or of the community outreach meeting; and expressed concern with insufficient time to review the materials.

Michael Wellman, 3578 Hayden Avenue, echoed previous concerns; wanted to ensure that the impact to the neighborhood would be reasonable; questioned where the 243 parking spaces would be located during construction; expressed concern with the use of old studies; and asked that the project be postponed until additional information could be obtained.

David Freitag, 3623 East Hayden Avenue, expressed concern with: parking issues and the amount of people that would be drawn to the area; school traffic in the area; eliminating parking previously available to neighborhood property owners; the scope of the project; and he requested further consideration of the project to address issues raised.

Yvonne Hunt, Administrative Secretary, read written comments from:

Sadie Certa
Michael Hackman

Chair Rockwell reported receipt of an email from Rep King.

Heather Baker, Deputy City Attorney, reported that the letter had been received late in the day and was not required to be read into the record. She noted that the essence of the letter challenged the validity of the Mitigated Negative Declaration (MND) and suggested that the City is required to prepare an EIR. She stated that the letter was a legal challenge and could not be responded to at that point.

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER SMITH FROST, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER PLESKOW) TO CLOSE THE PUBLIC HEARING.

Staff responded to public comments with regard to: concern regarding the use of parking; pricing of the parking and providing additional parking; and the MND which is for this specific project, not for the previous project.

A discussion between staff and the Commission ensued regarding: the significant impact during AM peak hours noted on the traffic report; the expected timeframe of Metro LRT traffic signal installations and changes to National and Jefferson; concerns with public notification; parking concerns above and beyond the project of interest; parking issues related to past projects; how the City could replace eliminated spaces; the inevitability of the removal of all angled parking due to increased accident potential and the resulting loss of spaces; City policy regarding free parking vs. metered parking; clarification that the Commission can not regulate the price of parking; clarification that the success of the project is contingent on the success of the retail businesses; the feasibility of designing the retail use to double as parking; traffic generated by parking spaces; and code demand vs. existing supply.

Chair Rockwell read a letter submitted by absent Commissioner Pleskow expressing opposition to the project and requesting a continuance to allow time to formulate a better solution.

Vice Chair Kuechle received clarification from Heather Baker, Deputy City Attorney, that the Commission could continue the matter but not based upon Commissioner Pleskow's comments and if Commissioner Pleskow wanted to participate in future hearings regarding this matter he would have to watch a DVD of the meeting.

Additional discussion between staff and the Commission included: acknowledgement that if the MND failed, the project failed; a recommendation to require an archaeological and paleontological survey for Planning Manager to review prior to building permit issuance with professional monitoring required if artifacts are found; discretion of the Commission; a conflict of wording regarding storm water runoff; minor changes to wording and typos; clarification regarding the time frame for the follow-up traffic study; conditions of approval; traffic generated by the project; a suggestion to provide an amendment and subsequent mitigation to have the project analyzed using a different trip generation; methods used to determine impacts to traffic; a suggestion to request a voluntary condition to evaluate the project after occupancy and apply a mitigation measure as part of the conditions of approval; past experience with projects; state, local and national criteria; whether mitigation measures mitigate traffic; impacts to Los Angeles and Culver City intersections; clarification that the property is not City-owned; empty buildings in the area that may fill up as a result of available parking; the necessity of using established traffic guidelines; and incremental impacts.

MOVED BY COMMISSIONER SHAHINIAN AND SECONDED BY COMMISSIONER SMITH FROST TO ACCEPT THE PROPOSED MND WITH AMENDMENTS AND CORRECTIONS TO TYPOS AND WORDING.

Additional discussion ensued reiterating previous comments with clarification that a grading and drainage plan will be required and any impacts regarding hydrology will be less than significant, and changes to wording indicating that traffic mitigation measure 4 would include a deadline.

THE MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Kuechle, Shahinian and Smith Frost
NOES: Rockwell
ABSENT: Pleskow

Further discussion between staff and the Commission included: the role of the Commission in this item; frustration with the lack of a consistent approach to dealing with parking and traffic issues; developer expectations that the City help fund their mitigation measures by using City parking spaces; the need for a policy; cost issues; developer reimbursement to the City when they eliminate City property such as parking spaces; adding a condition requiring a certain number of temporary spaces in perpetuity; using the elimination of the 20 parking spaces from the street to justify further development; appreciation for the innovative approach to the parking lot; acknowledgement that the project meets a need for parking; concern with the loss of the 22 parking spaces and the limited ability to measure traffic; a suggestion for a goodwill compromise on the eliminated parking spaces; concern with the erosion of the ten-year covenant; the Art in Public Places requirement; whether the parking should have been the City's responsibility; whether the project is compatible with the area; growth in the area generating additional traffic; the realities of urban living; limiting hours of operation, operating conditions and discretionary permits; establishing regulations through the permit process; conditions regarding street tree placement; and the validity of the arsenic issue.

Staff discussed additional conditions including: a transportational demand trip reduction measure; an addition to Condition 26 regarding shoring; and a voluntary condition regarding contribution to the Higuera Neighborhood Transportation Management Program.

John Malloy, Conjunctive Points Warner Development, stated that the condition was an unfair imposition but they would comply.

Heather Baker, Deputy City Attorney, clarified that if there is a comment on record from the applicant registering a protest then it is clearly not voluntary and the Commission should not impose it.

John Malloy, Conjunctive Points Warner Development, reported being instructed by his attorney to accept the voluntary condition and he requested that it count for their other properties on Hayden and Higuera as well.

Discussion between the applicant, staff and the Commission included: spreading the costs proportionately between developers; the time frame for payment; clarification that the condition could not be doled out onto other properties; whether to set the amount or wait to see what the actual costs are; and advice to set a voluntary contribution.

Commissioners provided wording changes to the resolution and discussed: whether the architect should be included in the responsibility of conditions; who determines whether the alternative design strategy is acceptable; shoring piles; construction schedules to be provided to explain possible noise impacts; clarification that any changes in the MND mitigations would be reflected in the conditions; submission of the bond for constructing the traffic signal and adding a deadline using 80% of the occupancy of the project; whether traffic counts will be studied to determine whether the project has increased traffic; hours of operation being reviewed by staff as part of tenant improvements submitted; a suggestion that the loss of the 22 parking spaces can not be used to justify future development; conditioning 22 spaces as short-term parking; the number and location of short-term parking spaces; identifying users; a condition requiring that 150 of the 219 spaces be hourly parking; and the definition of short-term.

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER SHAHINIAN, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER PLESKOW) TO APPROVE SITE PLAN REVIEW SPRP 2008-047 SUBJECT TO THE CONDITIONS OF APPROVAL STATED IN RESOLUTION 2009P002 ATTACHMENT 7 AS AMENDED.

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Consent Calendar

Item C-1

Secretary's Report

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER SMITH FROST, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER PLESKOW) THAT THE PLANNING COMMISSION RECEIVE AND FILE THE REPORT OF THE SECRETARY REGARDING POSTING OF THE AGENDA FOR THIS MEETING.

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Items from Staff

Heather Baker, Deputy City Attorney, announced that the Canine Aquatics hearing would be held on June 10, 2009 and that she and Vice Chair Kuechle would be unable to participate in that meeting due to conflicts.

Thomas Gorham, Planning Manager, provided a preview of upcoming issues to be considered by the Planning Commission.

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Items from Commissioners

None.

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Adjournment

There being no further business, at 12:01 a.m. Thursday, May 14, the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, June 10, 2009, at 6:00 p.m. in the Mike Balkman Council Chambers.

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David Rockwell
David Rockwell, Chair
City of Culver City
Planning Commission

Yvonne D. Hunt
Yvonne D. Hunt
Administrative Secretary