

MEETING DATE: January 26, 2009

AGENDA ITEM: JOINT PUBLIC HEARING CONTINUED FROM THE 12/08/09 COUNCIL MEETING: 1) City Council Consideration of the Appeal of the Planning Commission's Approval of Site Plan Review, SPR P2007116, and Negative Declaration for the Construction of a Mixed-use Building with 28 Residential Condominium Units and 1,403 Square Feet of Office Space Located at 4043 Irving Place; and 2) Redevelopment Agency Consideration of the Project as it Relates to the Redevelopment Plan. (Public Hearing Continued from August 18, September 15, October 20, November 17, December 8, 2008 and January 20, 2009).

ATTACHMENTS:

	<u>Pages</u>
1. Planning Commission approved project digital renderings.	1-4
2. Revised project digital renderings.	5-8
3. Revised project plans dated January 26, 2009.	9-17
4. December 8, 2008, City Council and Redevelopment Agency Agenda Item Report.	18-31



LAFAYETTE PLACE



LAFAYETTE PLACE

LANDMARK DESIGNATED
HISTORIC HOMES







LANDMARK
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LAFAYETTE PLACE

LAFAYETTE PLACE

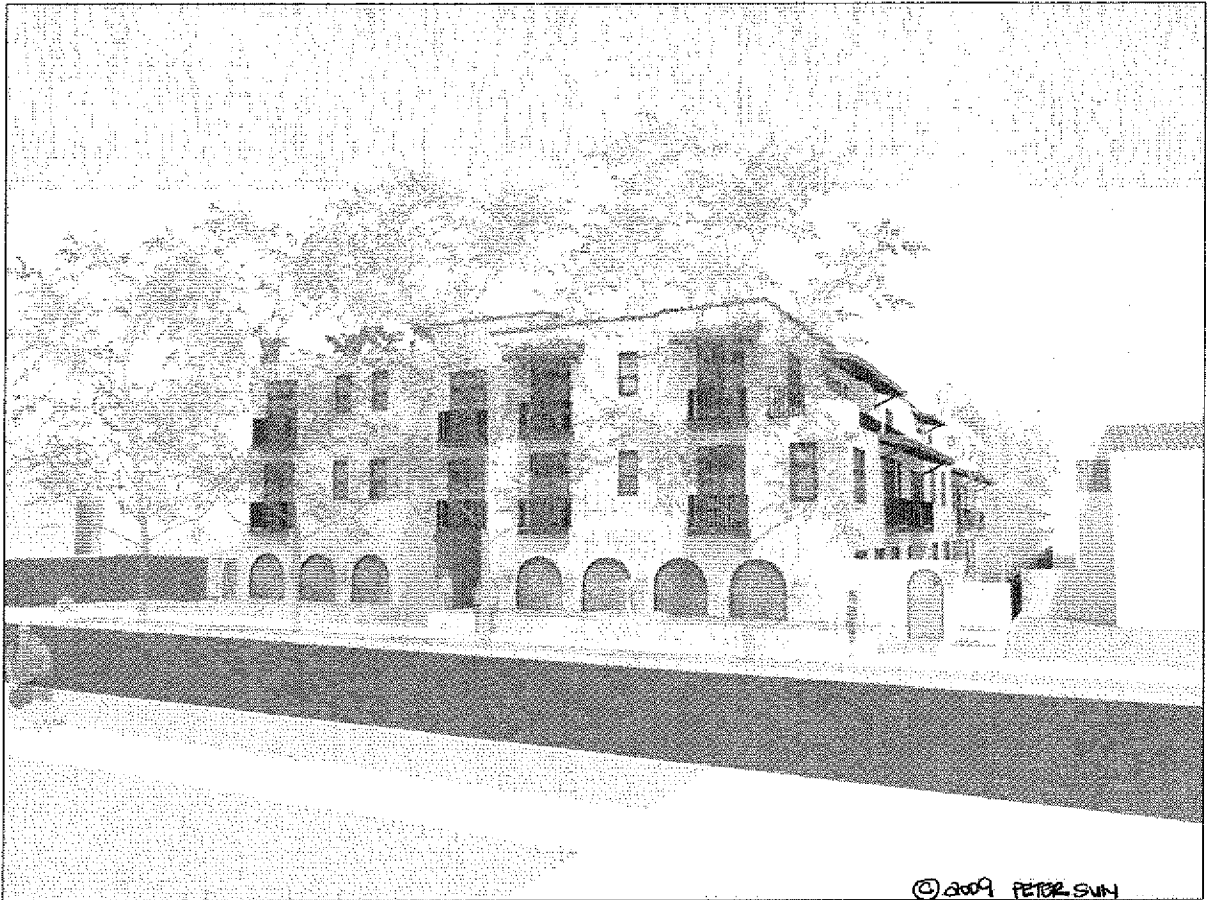
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IRVING PLACE RESIDENCES

4043 IRVING PLACE
CULVER CITY, CALIFORNIA



APPEAL HEARING SUBMITTAL

01.26.2009

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A 3.10	SECTIONS (DEFERRED SUBMITTAL)

ARCHITECT:

JS EGAN DESIGN
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310.306.7804 OFFICE 310.326.9072 FAX

DEVELOPER:

4043 IRVING PLACE INVESTORS, LLC
10866 WASHINGTON BOULEVARD, SUITE 512, CULVER CITY, CALIFORNIA 90232
310.636.8942 OFFICE



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PROJECT SUMMARY TABLE

PROPERTY ADDRESS:
4043 IRVING PLACE
CULVER CITY, CA 90232

LEGAL DESCRIPTION:
LOTS 3, 20, AND 21 OF BLOCK 21 OF TRACT NO. 1775 ACCORDING TO M.B.
21190-191, ON FILE AT THE RECORDER'S OFFICE OF LOS ANGELES
COUNTY.

APN: 4207-007-907

FLOOD CRITERIA:

ZONE: C
B.F.E.: XXX

LOT AREA:

LOT	AREA
LOT 3	8,035.42 SF
LOT 20	8,026.82 SF
LOT 21	8,026.82 SF
TOTAL	24,089.06 SF = 5530 ACRE

SITE COVERAGE: 24,089.06 SF (SITE AREA)
12,990.00 SF (BUILDING FOOTPRINT)

BUILDING AREA: 24,080 BASEMENT
12,998 1ST FLOOR
12,021 2ND FLOOR
11,025 3RD FLOOR
2,493 LOFT LEVEL
93,617 SF TOTAL GROSS FLOOR AREA

OF UNITS: 28 RESIDENTIAL CONDOMINIUMS
1 OFFICE

PARKING REQUIREMENTS:

REQUIRED	PROVIDED
RESIDENTIAL 22 units @ 2 spaces/unit = 44 6 units [1BR-500] @ 1 space/unit = 6	44 [TANDEM @ 22x2] 2 [2 SINGLE] 8 [TANDEM @ 4X2]

RESIDENTIAL GUEST
26 units @ 1 space/4 units = 7

OFFICE/COMMERCIAL
1,455 SF @ 3.4 spaces/1000 SF = 5

TOTAL PARKING SPACES 62 66 PROVIDED

LOADING [17,330,050]

All Doors <5' Wide 1small 1*
*LOADING SPACE, PER 17,330,050 C.I.B. SHALL BE SHARED WITH COMMERCIAL SPACE AND USE
TIMES LIMITED. (SUBJECT TO DIRECTOR APPROVAL)

BICYCLE PARKING [17,320,045]

MULTI-FAMILY
RESIDENTIAL: 10% of Req. Parking = 6
COMMERCIAL: 5% of Req. Parking = 2
TOTAL BICYCLE PARKING SPACES 7 8 PROVIDED

HANDICAP PARKING PROVIDED (INCLUDED IN TOTALS ABOVE)

STANDARD PARKING	2
VAN ACCESSIBLE SPACE	1
TOTAL HANDICAP PARKING	3 PROVIDED

ZONING CLASSIFICATION:

CD-Commercial Downtown District [17,220] Prevails
MU-Mixed Use District [17,400,065] for Residential Development Standards

SETBACKS:

	CD ZONE REQUIRED	PROPOSED/ PROVIDED
UNDERGROUND:	NONE	NONE
FRONT/STREETWALL:	NONE	15'-0"
REAR: TYPICAL	NONE	10'-0"
ADJ. TO R-ZONE HEIGHT <15'-0"	NONE	10'-0"
>15'-0"	60' CLEAR ZONE	60' CLEAR ZONE
SIDES: TYPICAL	NONE	5'-0" @ NW, 9'-0" @ NE 14'-0" AT SW, 18'-0" AT NE WITH SCREENING 60' CLEAR ZONE
ADJ. TO R-ZONE HEIGHT <15'-0"	NONE	10'-0"
>15'-0"	60' CLEAR ZONE	60' CLEAR ZONE

HEIGHT LIMIT: 50'-0"
SW BUILDING MAX. IS 33'
<15% BELOW ALLOWED
NE BUILDING MAX. IS 45'
20% BELOW ALLOWED
NW BUILDING MAX. IS 43'
20% BELOW ALLOWED

DENSITY [17,330 & 17,300,040]
65 DWELLING UNITS(DU) PER ACRE
65 DU x .5530 ACRE = 35 DU ALLOWED
28 DU PROPOSED
20% BELOW ALLOWED

LANDSCAPE REQUIREMENTS: [17,310,025]

REQUIRED	PROVIDED
LANDSCAPE AREA [17,310,025 B.1.e. Number of Trees] 1. PARKING AREAS Subterranean = 0	2,142 s.f. 0
ii. 1 per 250 s.f. of Landscape Area Lafayette Place = 0 s.f. Irving Place = 44 s.f.	0 1
iii. 1 per 500 s.f. of Landscape Area 1,610 s.f. = 3	32
iv. 1 per 25 f.f. of Street Frontage Lafayette Place 100' = 4 Irving Place 50' = 2	4 2

OPEN SPACE BREAKDOWN: [17,400,065 C.3.]

REQUIRED	PROVIDED
OPEN SPACE: A) MIN. 75 S.F. OF COMMON AND/OR PRIVATE OPEN SPACE PER UNIT MIN. 15'-0" DIMENSION B) COMMON OPEN SPACE AREAS, INCLUDING SETBACKS C) MIN. PRIVATE OPEN SPACE AREA DIMS. 5'-0" AND 30 S.F., WHERE FEASIBLE.	26 x 75 = 2,100 S.F. YES 745 S.F. @ 1st FLOOR AMENITY ROOM YES YES VIA PRIVATE BALCONIES AND TERRACES

PARKING POLICY CHECKLIST: [17,320]

1. PARKING STANDARDS [SEC. 17.300]
A. COMMINGLED PARKING
1) RESIDENTIAL, LIVE/WORK, COMMERCIAL DESIGNATED WITH SIGNS
2) RESIDENTIAL, LIVE/WORK REQUIRE 10 OR FEWER SPACES EACH
3) ONE REQUIRES <10, NO SEPARATION OK BY DIRECTOR
B. GATED PARKING
1) COMMON INGRESS PERMITTED
2) IF COMMON EGRESS, PARKING MUST BE FREE
3) CANNOT INCONVENIENCE RESIDENTS
C. RESIDENTIAL GUEST PARKING LOCATION
1) RES. GUEST PARKING MAY BE IN COMMERCIAL
2) RES. GUEST PARKING ACCESSIBLE 24/7
3) RES. GUEST PARKING FREE
4) RES. GUEST PARKING APPROPRIATELY SIGNED

BUILDING AREAS:

BASEMENT	FIRST FLOOR
# OF BICYCLE SPACES: BICYCLE PARKING REQ. 7 PROV. 8 # OF PARKING SPACES: REQ. 44 PROV. 52 GUEST: COMMERCIAL: TOTAL: 52 *LOADING: (SHARED WITH COMMERCIAL PER 17,330,050 C.1.b.)	RESIDENTIAL UNIT AREA: UNIT 101 = 767 UNIT 102 = 1,820 UNIT 103 = 1,324 UNIT 104 = 1,297 UNIT 105 = 1,445 UNIT 106 = 1,442 UNIT 107 = 1,261 UNIT 108 = 696 TOTAL = 9,902 SF # OF RESIDENTIAL UNITS: 1 BEDROOM = 2 2 BEDROOM = 1 3 BEDROOM = 2 TOTAL = 5 OFFICE AREAS: OFFICE A = 1,403 TOTAL = 1,403 SF

SECOND FLOOR

RESIDENTIAL UNIT AREA:	GROSS AREA:
UNIT 201 = 960 UNIT 202 = 1,699 UNIT 203 = 1,222 UNIT 204 = 1,258 UNIT 205 = 1,288 UNIT 206 = 557 UNIT 207 = 1,256 UNIT 208 = 1,453 UNIT 209 = 1,452 UNIT 210 = 1,898 TOTAL = 12,385 SF	RESIDENCES = 9,852 OFFICES = 1,403 AMENITY ROOM = 1,692 VERT. CIRC. = 426 STORAGE = 168 TRASH RUM = 54 TOTAL GROSS = 12,998 SF OTHER AREAS: PLANTERS = 1,844 PATIOS = 2,354 CONC. WALK = 4,779 TOTAL = 9,977 SF

THIRD FLOOR

RESIDENTIAL UNIT AREA:	GROSS AREA:
UNIT 301 = 894 UNIT 302 = 1,889 UNIT 303 = 1,339 UNIT 304 = 1,323 UNIT 305 = 1,017 UNIT 306 = 567 UNIT 307 = 1,048 UNIT 308 = 1,272 UNIT 309 = 1,271 UNIT 310 = 600 TOTAL = 10,510 SF	RESIDENCES = 10,510 STAIR 1 = 199 STAIR 2 = 112 ELEVATOR = 96 TRASH = 64 TOTAL GROSS = 11,025 SF OTHER AREAS: CONC. WALKS = 2,339 SF

LOFT LEVEL/ROOF

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UNIT 301 = 894 UNIT 302 = 1,889 UNIT 303 = 1,339 UNIT 304 = 1,323 UNIT 305 = 1,017 UNIT 306 = 567 UNIT 307 = 1,048 UNIT 308 = 1,272 UNIT 309 = 1,271 UNIT 310 = 600 TOTAL = 10,510 SF	RESIDENCES = 10,510 STAIR 1 = 199 STAIR 2 = 112 ELEVATOR = 96 TRASH = 64 TOTAL GROSS = 11,025 SF OTHER AREAS: CONC. WALKS = 2,339 SF

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4043 IRVING PLACE

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OWNER:

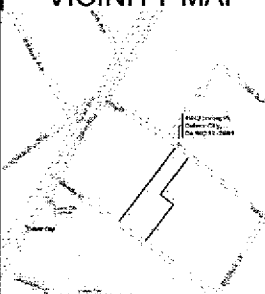
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CULVER CITY, CA

Revisions

No.	Issue	By	Date

KEY PLAN

VICINITY MAP



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APPEAL HEARING SUBMITTAL JANUARY 26, 2009

Project

IRVING PLACE CONDOMINIUMS

Sheet Title

SITE PLAN

Scale: 1/16" = 1'-0"

Drawn By: LS

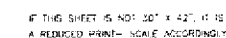
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Job # 8,001.02

XX OF XX Sheets

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4043 IRVING PLACE
CONDOMINIUMS
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SUBMITTAL
JANUARY 26, 2009**

Project
IRVING PLACE CONDOMINIUMS
Sheet Title
SITE DEMOLITION PLAN

Scale: 3/32"=1'-0"
 Drawn By: XX
 Chkd By: XX
 Date: JAN 26, 2005

Job # 8001.02
 A0.30
 XX OF XX Sheets

- NOTES:

1. RECONSTRUCT SIDEWALKS PER CULVER CITY PUBLIC WORKS SPECIFICATIONS
SEE PROPOSED SITE PLAN FOR NEW LAYOUT.
2. ALL OFF-SITE DEMOLITION SHALL BE COORDINATED WITH CULVER CITY PUBLIC WORKS
AND APPLICABLE UTILITIES.
3. ALL NEW OFF-SITE WORK SHALL BE COORDINATED WITH CULVER CITY PUBLIC WORKS
AND APPLICABLE UTILITIES.
4. THOROUGHLY DOCUMENT ALL EXISTING CONDITIONS OF ADJACENT SITES PRIOR TO COMMENCEMENT OF WORK.
5. PROVIDE PROPER SHORING FOR ALL ELEMENTS TO REMAIN.
6. DRAWING DOES NOT REFLECT PROPOSED CUL-DE-SAC AND RELATED DEDICATION/EASEMENT.

PROPOSED SITE DEMOLITION PLAN
SCALE: 3/32"=1'-0" FILE:



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Project:
IRVING PLACE CONDOMINIUMS

Sheet Title:
1ST FLOOR PLAN

Scale: 3/32"=1'-0" Job #: 8.001.02

Drawn By: xx

Chkd By: xx

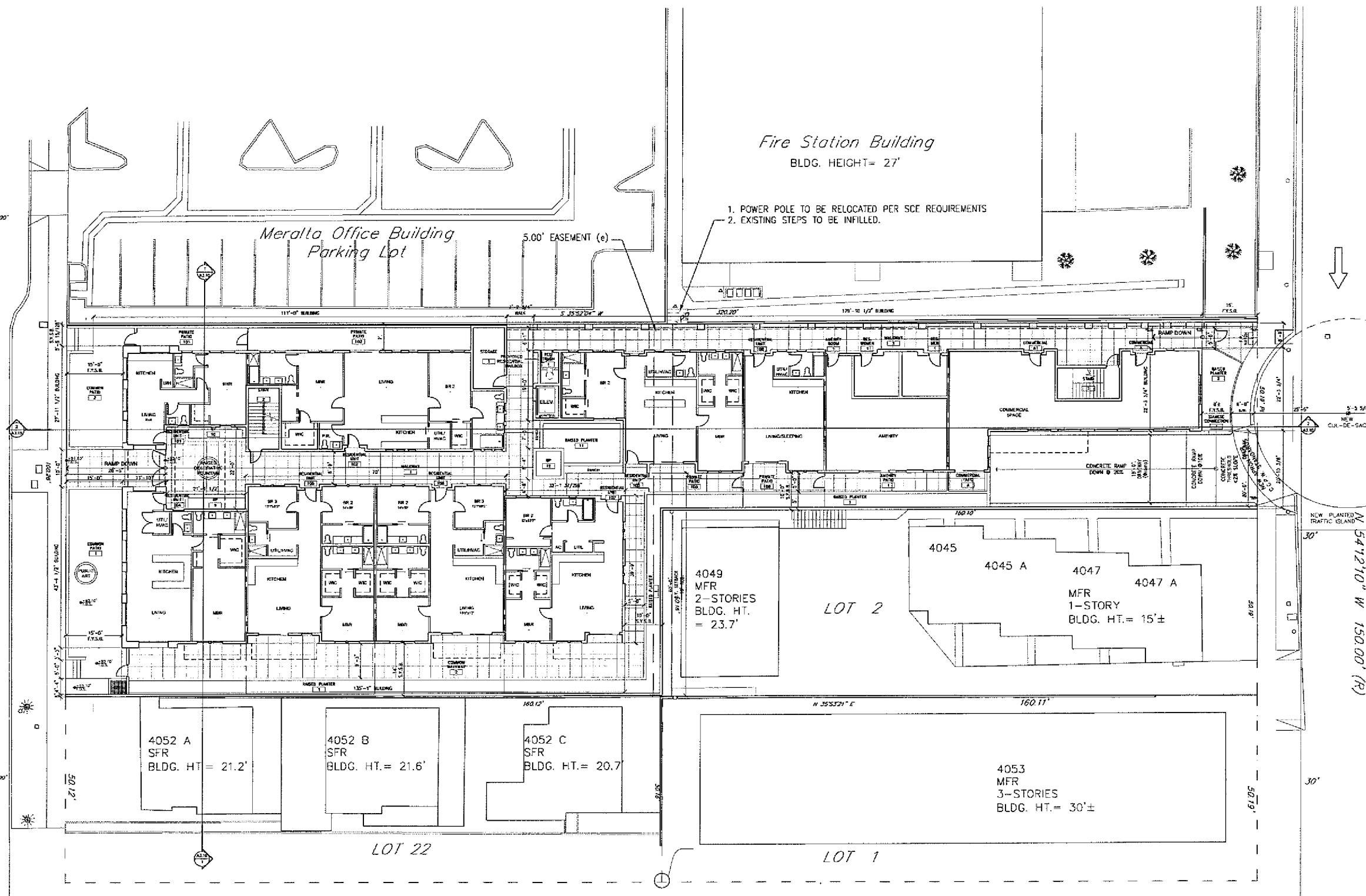
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xx Of xx Sheets

LA FAYETTE PLACE

N 54°12'10" W



Fire Station Building
BLDG. HEIGHT= 27'

1. POWER POLE TO BE RELOCATED PER SCE REQUIREMENTS
2. EXISTING STEPS TO BE INFILLED.

Meralto Office Building
Parking Lot

5.00' EASEMENT (e)

4049
MFR
2-STORIES
BLDG. HT. = 23.7'

4045
4045 A
4047
4047 A
MFR
1-STORY
BLDG. HT. = 15'±

4052 A
SFR
BLDG. HT. = 21.2'

4052 B
SFR
BLDG. HT. = 21.6'

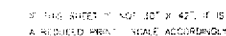
4052 C
SFR
BLDG. HT. = 20.7'

4053
MFR
3-STORIES
BLDG. HT. = 30'±

FIRST FLOORPLAN
SCALE: 3/32"=1'-0"

FILE:

1



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SUBMITTAL
JANUARY 26, 2009**

Project

IRVING PLACE CONDOMINIUMS

Sheet Title
SECOND FLOOR PLAN

Scale: 3/32"=1'-0"	Job # 8-001.02
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APPEAL HEARING SUBMITTAL JANUARY 26, 2009

Project

IRVING PLACE CONDOMINIUMS

Sheet Title

THIRD FLOOR PLAN

Scale: 3/32"=1'-0"

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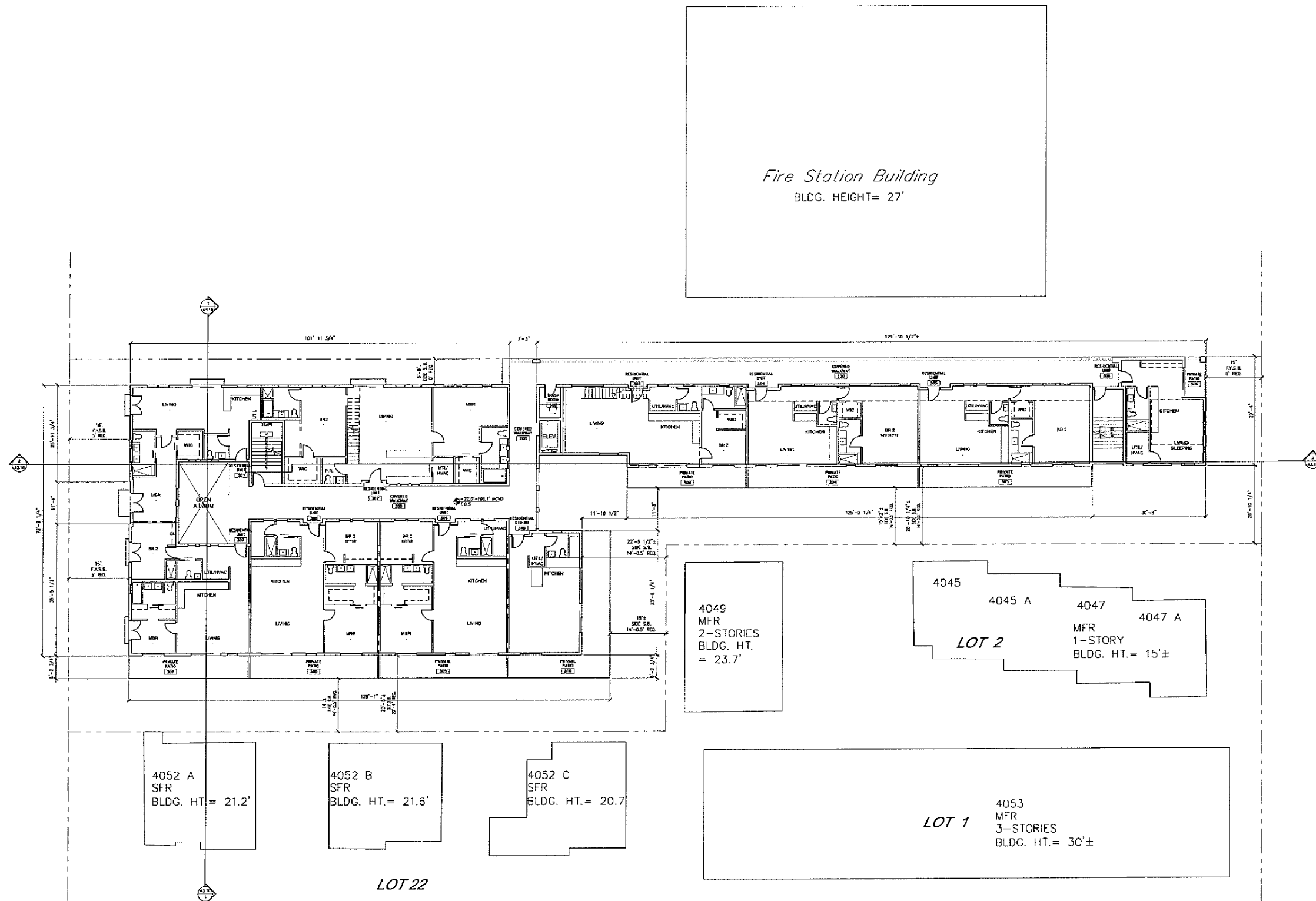
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THIRD FLOORPLAN
SCALE: 3/32"=1'-0"

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IRVING PLACE CONDOMINIUMS

Sheet Title

LOFT LEVEL FLOOR PLAN

Scale: 3/32"=1'-0"

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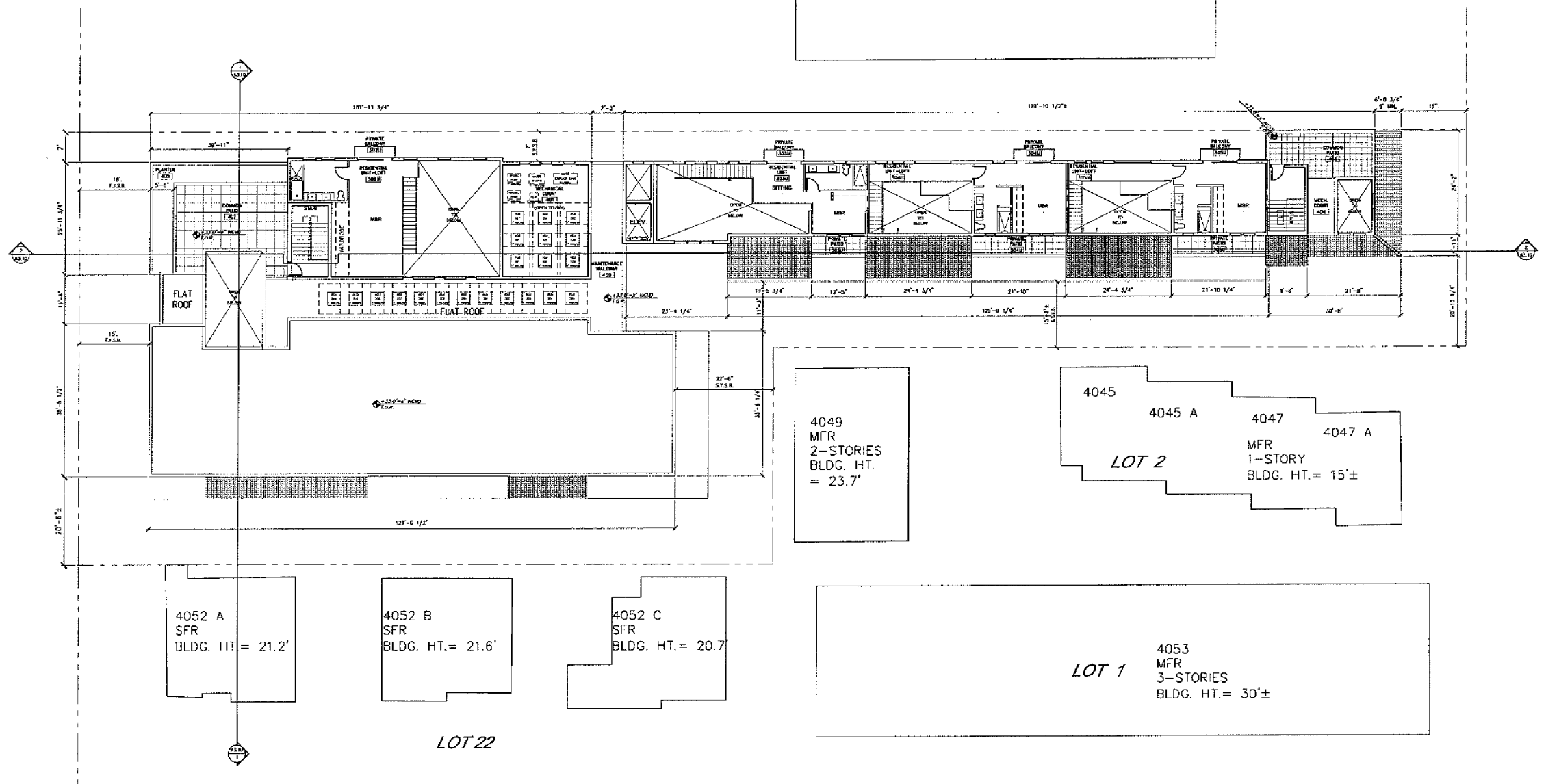
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Fire Station Building
BLDG. HEIGHT= 27'



FOURTH FLOOR PLAN
SCALE: 3/32"=1'-0"

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APPEAL HEARING SUBMITTAL JANUARY 26, 2009

Project

IRVING PLACE CONDOMINIUMS

Sheet Title
ROOF PLAN

Scale: 3/32\"/>

Drawn By: LS

Chkd By: LS

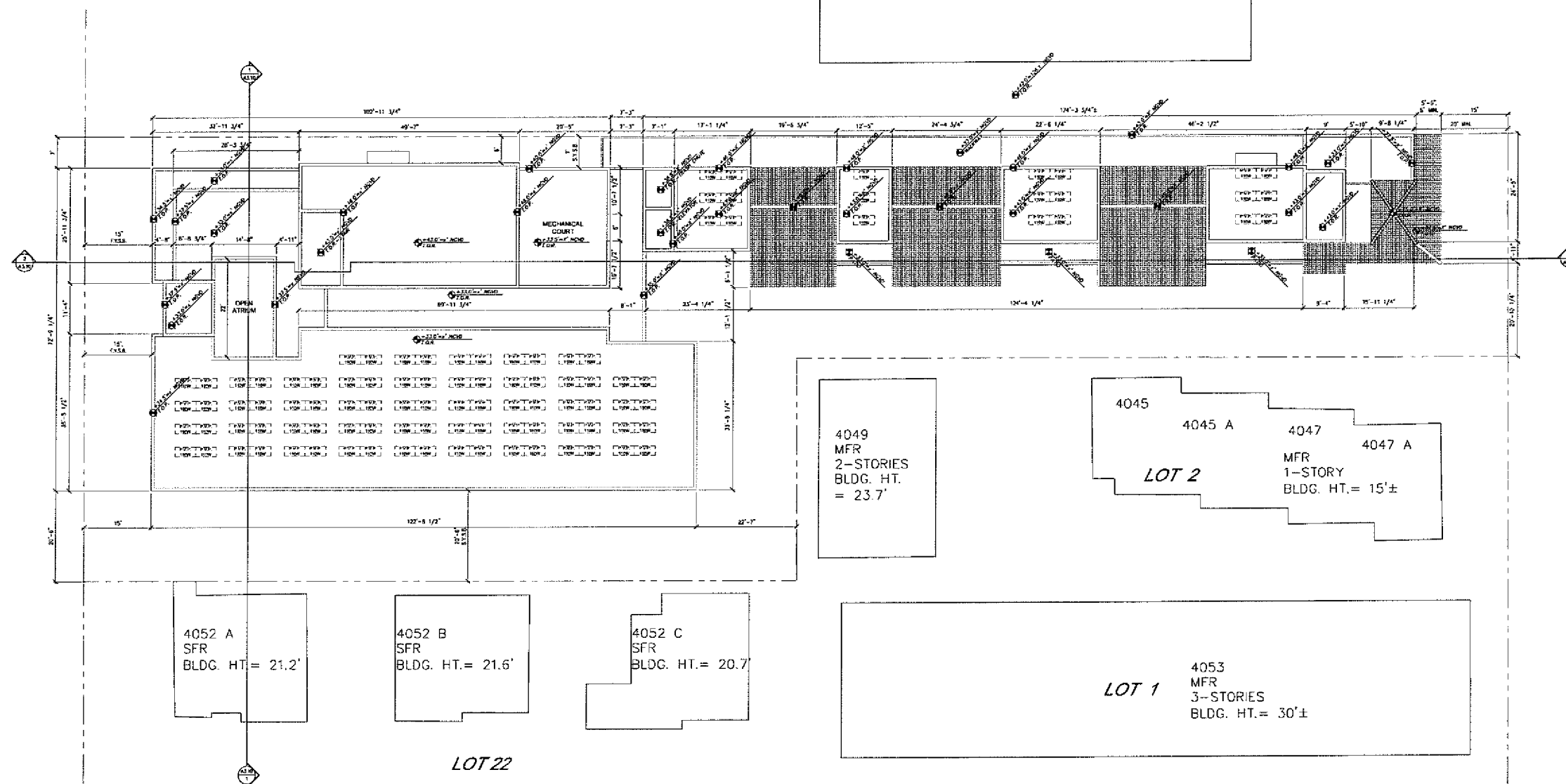
Date: JAN 26, 2009

Job # 8.001.02

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XX OF XX SHEETS

Fire Station Building
BLDG. HEIGHT= 27'



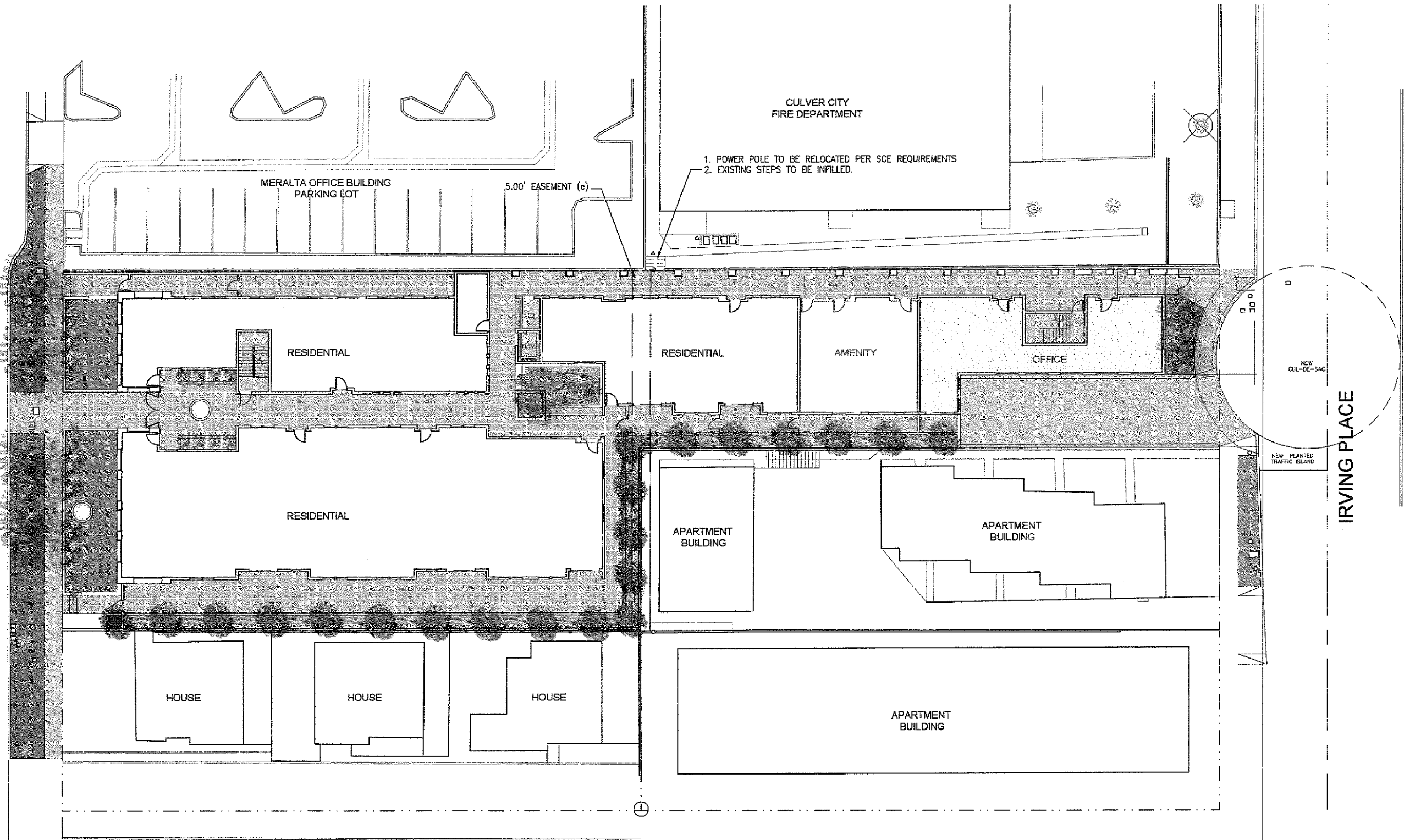
ROOF PLAN

SCALE: 3/32\"/>

FILE: 8.001 A2-05

- ALL ELEVATIONS ARE REFERENCED TO THE PODIUM AT 0.0' = +93.1' N.G.V.D.
- SOLAR PANEL OUTPUT TO MEET CULVER CITY REQUIREMENTS

LAFAYETTE PLACE



IRVING PLACE

COLORED SITE PLAN
SCALE: N.T.S.

City of Culver City, California
City Council and Redevelopment Agency Agenda Item Report

Meeting Date: 12/08/2008		Item Number: PH-1	
AGENDA ITEM: JOINT PUBLIC HEARING CONTINUED FROM THE 11/17/08 COUNCIL MEETING: 1) City Council Consideration of the Appeal of the Planning Commission's Approval of Site Plan Review, SPR P2007116, and Negative Declaration for the Construction of a Mixed-use Building with 26 Residential Condominium Units and 3,370 Square Feet of Office Space Located at 4043 Irving Place; and 2) Redevelopment Agency Consideration of the Project as it Relates to the Redevelopment Plan. (Public Hearing Continued from August 18, September 15, October 20, and November 17, 2008).			
Contact Person/Dept.: Thomas Gorham, Planning Manager, Sol Blumenfeld, Director		Phone Number: (310) 253-5727	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Notices were mailed regarding the Public Hearing to all of the property owners and occupants within a 300-foot radius of the site extended to the end of each block; speakers from the April 9, 2008 Planning Commission meeting; and persons who submitted written comments (07/28/08 and 08/18/08); Master E-Mail Notification List (07/28/08 and 08/18/08, 09/10/08, 10/16/08, 11/13/08, and 12/03/08).			
Department Approval: Sol Blumenfeld, Director (12/02/08)		City Attorney Approval: Carol Schwab (by H. Baker (12/02/08))	
Fiscal Impact Review: Jeff Muir (12/02/08)		City Manager Approval: Jerry B. Fulwood (12/02/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council consider the appeal of the Planning Commission's approval of the Negative Declaration and Site Plan Review, and either: A. Based upon a report from the City Manager indicating a negotiated settlement was not reached, remand this item to the Planning Commission for reconsideration; or B. Deny the Appeal and uphold the Planning Commission's approval. If the City Council upholds the Planning Commission's approval, staff will return with the appropriate resolution adopting the Mitigated Negative Declaration and outlining the findings for denial of the appeal. C. Grant the appeal in part, but modify the Planning Commission's approval of the Project and direct staff to return to the Council with the appropriate resolution adopting the Mitigated Negative Declaration and outlining the findings for modifying the project; or			

City of Culver City, California
City Council and Redevelopment Agency Agenda Item Report

D. Grant the Appeal and **overturn** the Planning Commission's approval.

If the City Council overturns the Planning Commission's approval, staff will return with the appropriate resolution outlining the findings for denial of the Site Plan Review.

Redevelopment Agency (if necessary)

If the City Council denies the appeal and upholds the Planning Commission's approval of the project (or takes action to approve a modified project), then Staff recommends the Redevelopment Agency determine that the proposed project (as presented or modified by the City Council) is consistent with the Redevelopment Plan for Component Area No.3, the Downtown Culver City Design for Development ("DFD") and applicable Agency documents. Should the City Council grant the appeal, then staff recommends the Agency take no action on this item.

PROCEDURE:

1. Mayor calls on staff for a brief staff report.
2. Mayor seeks a motion to open the public hearing to allow for public comment, if any (completed on 11/17/08).
3. Receive comment from the applicant and public (begun on 11/17/08).
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.
6. Agency discusses the matter and arrives at its decision (if necessary).

BACKGROUND:

On November 17, 2008 the City Council considered the subject project and after receiving lengthy public testimony, continued the hearing to December 8, 2008 in order to provide time for the City Manager to meet with the appellants and applicants to determine if there was a compromise solution that could be developed which could inform the decision making of the City Council.

On November 20, 2008 staff met with the applicant, Metro Real Estate, and discussed potential measures to make the project more acceptable to the appellants. In response to the appellants letter of July 30, 2008, the applicant indicates that the number of residential units may be reduced to 24, though they indicated Agency participation would be required, and offered to reduce the building height by depressing the floor level of the building one foot below the

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finished building grade elevation and reconfiguring the building framing to reduce the building height to 37' to the building parapet. The original plans are attached. (Attachment No. 1)

On November 24, 2008 staff met with the appellants and discussed their most recent letter (dated November 22, 2008) in which they indicated their position on the design for the project. The requirements include:

1. Reduce the number of dwelling units to 19 from 24 units (indicated in DNA letter of July 30, 2008).
2. Reduced maximum building height to 32 feet.
3. Project driveway entrances on Lafayette Place and Irving Place.
4. 20' building setback on Lafayette Place and Irving Place.
5. 20' building setback from southerly property line of the project
6. 3' subterranean parking garage setback from the southerly property line.
7. 6' maximum height property line wall measured from the current building grade at the southerly property line.
8. Limitation of the number of parking spaces to the requirement for the project (no extra parking).

The appellant's reasons for these new requirements are detailed on New Attachment No. 1.

During staff's meetings with the appellants they indicated all of the above requirements must be included in the project design with the exception of item No. 6, which could be reduced to a 0' subterranean setback if the developer can demonstrate to the appellant's satisfaction that the shoring design will not result in displacement of the grade of their property and damage to their property.

On December 2, 2008, the City Manager met with the appellants and applicants to discuss the issues related to the project appeal. Based upon these discussions it was concluded that the gap between the parties was still too large to resolve and though the parties were sincere, agreement on a mutually acceptable development program could not be reached.

At the meeting of November 17, 2008, the majority of the City Council expressed its desire to negotiate agreement on the development or if no agreement could be reached, to consider remanding the matter back to the Planning Commission for consideration. It is important to note that should the matter be remanded to the Planning Commission, the decision of the Commission can and may likely be appealed to the City Council by either the appellant or the applicant depending upon the Commission's decision.

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Project History:

On April 9, 2008, the Planning Commission held a public hearing regarding Sal Gonzales' (the "Applicant") request for Site Plan Review approval to allow the construction of a mixed-use project varying from 3 and 4 stories and ranging in height from 37 to 46 feet with 26 residential condominium units, 3,380 square feet of office space and subterranean parking (the "Project"); a Tentative Tract Map to subdivide the property into 26 residential and three commercial condominium airspace units; and an Administrative Use Permit to allow tandem parking spaces. At the public hearing the Planning Commission adopted Resolution No. 2008-P005 adopting a Negative Declaration finding pursuant to the California Environmental Quality Act (CEQA) and approving the Site Plan Review, Tentative Tract Map and Administrative Use Permit for the Project subject to the conditions of approval contained therein (Attachment No. 4).

On April 24, 2008, Culver City residents Michael and Judith Miller and Jim and Michelle Benke (the "Appellants"), filed a timely appeal of the Planning Commission's decision with subsequent revisions received on April 28 and May 20, 2008 (Attachment No. 5).

Project Modifications

The project was continued from August 18th, September 15th October 20th and November 17th in order to provide an opportunity for the developer to address neighborhood concerns. Staff and the applicant have had on-going meetings with the appellants and neighbors in the project area and the revised plans reflect the developer's efforts to address their concerns. The project has been revised to eliminate the 4th floor, changing the roofline of the northerly building so that the maximum building height is 41 feet.

The revisions are proposed by the developer with the understanding that a portion of the project commercial space will be reduced and converted to two residential units. These plan revisions are only proposed if the conversion of space is favorably considered by City Council. The revised project plans are shown as Attachment No. 1.

Because there have been changes to the project from initial project submittal to the present, staff has summarized the changes to the development program in the table on Attachment No. 2.

Planning Commission Staff Report

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Attachment No. 3 contains the April 9, 2008 Planning Commission staff report, with all attachments including the Negative Declaration and Initial Study. The report describes the Project in detail, including analysis on architectural design, parking, traffic and circulation, landscaping, noise, construction and area compatibility.

DISCUSSION:

Planning Commission

The Commission received input from approximately 40 members of the public at the April 9, 2008 hearing. The majority were opposed to the Project. Primary concerns were related to compatibility of the Project to the surrounding neighborhood, parking and traffic. In addition there was a concern raised over construction impacts to the adjoining historical residential structures.

Following thorough discussion of the matter, the Commission recognized the concerns raised by the public, but felt that they were sufficiently addressed in the Applicant's proposal and the conditions of approval. The Commission on a 3 to 1 vote adopted the Negative Declaration finding that the Project would not have an adverse effect on the environment and approved the Project determining that the required findings could be made. The dissenting Commissioner expressed concerns over the Project's size and its compatibility with the surrounding neighborhood.

Attachment No. 6 contains the minutes of the meeting.

Residents' Appeal

The concerns raised in the appeal documentation (Attachment No. 5) can be placed in three categories and are discussed below (paraphrased from the Appellant's letter):

1. The Planning Commission failed to exercise its legal, discretionary authority. The Appellants contend the Commission made statements "...indicating their belief that they had no authority to make any decisions counter to what had been outlined for the parcel by the Redevelopment Agency..." and that the outcome was "pre-determined."

Response:

The Commission reviews Project applications and renders decisions pursuant to the Zoning Code, General Plan and the California Government Code. The Redevelopment Agency implements the City's Redevelopment Plans pursuant to California Redevelopment Law. Though there is coordination between these

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decision making bodies, their responsibilities are unique and their decisions independent. The Agency sold the property at 4043 Irving Place to a developer to ensure that it was developed with a building that is consistent with the property zoning and the General Plan and included deed restrictions reiterating the maximum development standards allowed under the City's land use laws. The Agency was engaged in a real estate transaction that has no bearing on the entitlements for the property. The authority to approve or deny the Project, resides exclusively with the Planning Commission and City Council, if appealed. The Commission lawfully considered the Project by conducting a public hearing at which public testimony was received and based upon its deliberations approved the Project consistent with its discretionary authority.

2. The Project is not consistent with the City's General Plan.

The Appellants contend the project is not consistent with the existing neighborhood located on Irving Place and Lafayette Place in that the neighborhood is made up of one and two story single family homes and apartment structures that are "much smaller in scale than the proposed project," and the Project is "in direct contradiction to the goals and objectives of Culver City's General Plan."

Response:

The Project was designed pursuant to the requirements of the General Plan and the Zoning Code. The property is zoned CD -Commercial Downtown and designated "Downtown" under the General Plan which allows mixed use development. The Mixed Use Ordinance in effect when the Project application was filed permits development at 65 units per acre with a maximum building height of 56 feet providing the Project conforms to all setback and step-back requirements. The Project is designed to meet these requirements since it varies from 3 to 4 stories and ranges in height from 37 feet to 46 feet. Further it is to be developed at 47 units per acre with 26 residential units and three commercial condominium units. The Project application includes a request for an Administrative Use Permit (AUP) to allow 54 tandem parking spaces which may also be approved under the requirements of the Zoning Code. The "Downtown" designation of the property "is intended to support desirable existing and future commercial uses and mixed use housing within the Downtown areas and to encourage a pedestrian friendly environment." The proposed development is consistent with this goal. Therefore the project is consistent with the General Plan.

The area is comprised of projects that are smaller in scale, though not necessarily less dense than the proposed Project. Further the Project height is proposed to be 46 feet which is 10 feet less than the maximum height limit and in many instances is consistent with building heights in the area since the commercial property to the

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north of the project is constructed to a height of 46 feet. The historic designation for property to the south of the Project was considered in Project design with portions of the building close to the interior property lines next to the historic residential properties being shorter producing the effect of a gradual increase in height ranging from 11 feet at the ground floor with a 10 foot setback from the property line, 22 feet at the second floor with a 16 foot setback from the property line, and 33 feet at the third floor with a setback of 22 feet from the property line increasing to a maximum of 37 feet at the pitched roof peak setback 38 feet from the property line. Staff surveyed the surrounding properties to ascertain prevailing setbacks on Lafayette Place and Irving Place south to Braddock Drive and found that the average setback for the residential properties on Lafayette Place is 18 feet and on Irving Place is 16 feet. The Meralta Plaza building has a 10 foot setback along Lafayette Place and the City Fire Station has a 5 foot setback along Irving Place. The proposed project has a 5 foot setback along both the Lafayette Place and Irving Place frontages. The fact that the project is dissimilar to other surrounding properties is not necessarily grounds for denying the project since the minimum standard for review of the application is consistency with the General Plan and Zoning Code. As outlined above, the Project as proposed is consistent with the "Downtown" designation of both the General Plan and the Zoning Code and meets all of the applicable development standards of said designations.

3. The Negative Declaration is in error.

The Appellants contend the Project would have a significant negative environmental impact on the community and that the negative declaration did not adequately address impacts in the following areas: traffic; parking; air quality; area compatibility; historic resources; biological resources; and cumulative impacts and an EIR should be required.

Response:

The California Environmental Quality Act or CEQA is California's environmental assessment law. The Act applies to all state and local agencies in California. Under CEQA, an "Initial Study" (preliminary analysis) is used to determine if a project will have a "significant" effect on the environment. The Initial Study is comprised of a list of objective criteria that the City must use in evaluating the potential environmental effects of a project. The Initial Study provides detailed information to use as the basis for deciding whether to prepare an EIR or Negative Declaration or Mitigated Declaration for the project. The project was evaluated pursuant to CEQA and it was determined that the project would not have a significant impact upon the environment since it is consistent with the General Plan, the proposed development primarily consists of residential uses which are low traffic generators, the project is fully parked, the project does not eliminate or

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disturb historic resources and it does not create impacts upon biological resources and cumulative impacts and therefore the Planning Commission adopted a Negative Declaration.

Subsequent to the adoption of the Negative Declaration by the Planning Commission, additional information was discovered pertaining to potential hazardous materials on the subject site. Phase I and Phase II studies prepared as part of the original initial study, identified hazardous material (including asbestos, lead, and other chemicals) at the site and a Remediation Action Plan (RAP) was prepared. When the Agency purchased the property in 1996 and demolished the old Coast Media building, all hazardous substances were removed from the building and the surface of the site pursuant to the RAP prior to the site being paved for use as a parking lot. Lead that had leached into the soil was not removed.

Subsequently, in January 2007 the applicant/developer conducted a "Further Site Characterization" study to address the release of lead into the soil (Please see Attachment No. 13). A total of 16 soil samples were analyzed and traces of lead were found to exist that were below the threshold to pose a threat to human health if left undisturbed. The study determined that the excavation of the site should be sufficient to remediate that portion of the site soil which still contains lead with the provision that the soils must be properly disposed of. Based on the findings of the Site Characterization Study staff has revised the initial study and prepared a Mitigated Negative Declaration with two mitigations added requiring that the impacted soil be separated from the excavated clean soil; that it be transported to an appropriate disposal facility; and that further confirmation testing be completed during excavation to confirm the removal and disposal of all lead impacted soil. On that basis a Mitigated Negative Declaration will be recommended and all development impacts will have been fully addressed. This analysis is summarized in Attachment No. 14.

Review of Neighborhood Concerns

Staff has met numerous times with both Appellants and the Applicant. The Appellants have expressed their primary concern is related to the size and density of the proposed Project and its alleged incompatibility with the residential neighborhood. They have asked that the height of the project be lowered and that the building be setback further to comport to the existing setbacks in the neighborhood. In addition they have asked that vehicular access be provided from both Lafayette Place and Irving Place to help address their traffic concerns.

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Staff has relayed the Appellants' concerns to the Applicant and has asked the Applicant to study other design options that would reduce the Project's scale and mass. Staff suggested that lowering the building height by removing the upper level loft component may address the concerns related to the mass of the building. Further, staff suggested an increased setback along Lafayette Place in order to be more compatible with the prevailing setbacks in the neighborhood. In response the applicant provided revised drawings which showed a reduced building height for the northern most building along the Lafayette frontage from 46 feet to 34 feet for a distance of 42 feet where the building would then step back to 46 feet in height. No increased setback at the ground level was proposed. This modification resulted in the loss of two residential units on the top floor. The Applicant proposed to replace these lost units by changing two of the three ground floor commercial tenant spaces into residential units. Staff presented this plan was presented to the neighbors who felt it did not go far enough to address their concerns. This proposed revision was rejected by the neighbors.

Staff also drafted a modified project plan that provided a greater building setback on the Lafayette Avenue side providing an approximately 20 foot setback area consistent with the prevailing neighborhood setbacks. This setback area would provide landscaping and an open courtyard leading up to the building entrance. The applicant was not receptive to this plan as the increased setback would result in reduction in the residential unit sizes and potentially a reduction in the number of units.

From July through October, the applicant met with the appellants and other neighbors, now part of the Culver City Downtown Neighborhood Association (DNA) to discuss their concerns. The DNA expressed continued concern over the scale of the building and outlined its request for modifications in a letter dated July 30, 2008 (Attachment No. 8). The request includes the following:

- The building should be no higher than 32 feet in height with not more than 24 total residential and/or commercial units.
- Excavation adjacent to the Spanish Colonial houses should be limited to 3 feet from the property line.
- Setbacks on Lafayette Place and Irving Place should match the prevailing neighborhood setbacks.
- Vehicle access should be provided from both Lafayette Place and Irving Place.

The attached correspondence lists the areas of agreement and disagreement between the applicant and the appellant. (Attachment No. 9)

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Redevelopment Agency

The proposed development is consistent with the land use designation for this site and other applicable provisions of the Redevelopment Plan for the Culver City Redevelopment Project Component Area No. 3.

The property is within the Downtown Culver City Design for Development (DFD). The DFD has provisions relating to height, setbacks, parking, landscaping, architectural design, building exteriors (Downtown storefront guidelines) signs, refuse areas, security fencing and uses. The proposed development is in conformance with all applicable provisions of the DFD as it complies with each of these development provisions.

On January 31, 2007, the Agency closed escrow on the sale of 4043 Irving to Metro Real Estate and Development. At the time of sale a restriction was placed on the grant deed that limited the use of the Site to a mixed use project consisting of 28 residential units and 3,500 sq.ft of office. The deed restriction ensured that the developer would not increase the number of residential units or commercial square footage beyond what Metro Real Estate and Development had proposed at the close of escrow.

The project approved by the Planning Commission on April 9, 2008 consists of 26 residential units and 3,370 square feet of office, which is consistent with the deed restrictions.

Discussion of Project Traffic Impacts

On August 12, 2008 the Applicant submitted a Supplemental Traffic Analysis (Attachment No. 10) which updated the existing morning (AM) peak traffic counts contained in the original traffic study presented to the Planning Commission. The counts in the previous analysis were conducted in June of 2007 during the last week of school and there was some discussion regarding these traffic volumes during the Planning Commission hearing. In order to address these concerns, new weekday AM peak hour counts were taken on May 21, 2008 during a typical school week. Using these new counts the AM peak hour traffic analysis was updated. The analysis concludes that the resulting conditions are similar to the previous analysis based on the 2007 counts and that none of the analyzed intersections or residential street segments would be significantly impacted by the Project. The City's Consulting Traffic Engineer has reviewed the supplemental analysis and concurs with its conclusions.

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Additionally, the City' Consulting Traffic Engineer has prepared a memo (Please See Attachment No. 15) further discussing the methodology used in the traffic analysis done for the project.

CONCLUSION:

The Project that was approved by the Planning Commission has been redesigned to attempt to address issues of neighborhood compatibility and conforms with all applicable provisions of the CG Zone and all City development standards including the height and special setback requirements between commercial and residential districts. Although the site allows for a 56 foot high building, the building has been redesigned to be 37 feet high at the highest point in the latest design iteration. The Zoning Code requires the 'stepping back' of the building to reduce the impact of a mixed use building located adjacent to residential zones. The Project complies with this requirement by reducing the height of portions of the building close to the interior property lines next to the historic residential properties where they gradually increase in height ranging from 11 feet at the ground floor with a 10 foot setback from the property line, 22 feet at the second floor with a 16 foot setback from the property line, and 33 feet at the third floor with a setback of 22 feet from the property line increasing to a maximum of 37 feet at the pitched roof peak setback 38 feet from the property line. In addition, the Project is proposed at a residential density of 47 units per acre, less than the 65 dwelling units per acre permitted in the zone.

CEQA FINDING:

The initial study conducted for the project dated March 27, 2008 determined there were no potential significant environmental impacts associated with the project that could not be mitigated to a level of insignificance. The initial study utilized four technical studies: (1) Traffic Study dated December 31, 2007 to assess the projects potential traffic impacts; (2) Preliminary Soil Investigation dated April 17, 2007 to access potential impacts related to excavation and shoring; (3) & (4) Phase I Environmental Site Assessment from 1993 and a Phase II Environmental Site Assessment from 1995 that analyzed potential hazardous material that may have previously existed on the site.

As noted above, additional information pertaining to potential hazardous materials on the site was discovered after adoption of the Negative Declaration by the Planning Commission. Therefore, staff has revised the initial study (Attachment No. 11) and prepared a Mitigated Negative Declaration (Attachment No. 12) with mitigations requiring that the impacted soil be separated from the excavated clean

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soil; that it be transported to an appropriate disposal facility; and that further confirmation testing be completed during excavation to confirm the removal and disposal of all lead impacted soil. Should the project be approved, staff recommends that the City Council adopt the Mitigated Negative Declaration. These requirements will also be part of the project resolution.

SUMMARY OF MEETING OF NOVEMBER 17, 2008

As mentioned earlier in this report, the City Council considered this item and heard significant public testimony on November 17, 2008. After over six hours of testimony, the City Council adopted a motion that (1) continued this public hearing to December 8, 2008 and (2) directed the City Manager to meet with the applicant and the appellants to provide an additional opportunity for a negotiated settlement between the applicant and appellants and for the City Manager to present the results of those meetings to the City Council on December 8, 2008.

The City Manager met with both the applicant and appellants and reports there are a significant number of major points which could not be resolved between the applicant and the appellants.

At the meeting of the City Council on November 17, 2008, it was expressed the City Council may determine to remand this item to the Planning Commission in the event the City Manager reported that a negotiated resolution could not be reached. Therefore, staff has included a motion for the City Council's consideration that would remand this item to the Planning Commission.

FISCAL ANALYSIS:

The Redevelopment Agency sold the subject property to the developer in FY 2006-07 for approximately \$3.1 million. This is a private venture project with no financial participation by the City or Agency. If the Project is approved, then the City would gain both commercial and residential taxes (i.e. business tax, sales tax, utility users tax, and additional tax increment) once construction is completed, all the units are sold, and all commercial/office space is leased.

Additionally, there is staff time associated with the initial processing the Site Plan Review (and related entitlement applications) and the appeal of that review. A portion of the cost of staff's time is recovered through user fees and charges, as those fees and charges are approved by City Council.

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With the currently proposed project design, the city will derive somewhat less commercial revenue which will be offset by the added property tax revenues from the two additional dwelling units.

ATTACHMENTS:

1. Letter from Appellants, November 22, 2008 (noted as New Attachment No. 1).

To conserve resources, the following attachments shown with an asterisk, are not reproduced since they have been previously distributed with the November 17 staff report:

1. Revised Project Plans*
2. Development Comparison Table*
3. April 9, 2008 Planning Commission Staff Report Including all Attachments as Listed Below:
 - Area Map*
 - Aerial Photo*
 - Project Summary*
 - Negative Declaration*
 - Initial Study (Attached in the November 10, 2008 staff report)*
 - Traffic study for the 4043 Irving Place Mixed-Use Project prepared by Raju Associates, Inc. received on December 31, 2007 (Attached In November 10, 2008 staff report*
 - Preliminary Soil Investigation prepared by Hu Associates, Inc. dated April 17, 2007. (Attached In November 10, 2008 staff report*
 - Written Public Comments (Attached in the November 10, 2008 staff report)*
4. Planning Commission Adopted Resolution No. 2008-P005*
5. Appeal filed on April 24, 2008*
6. Minutes of the April 9, 2008 Planning Commission Public Hearing *
7. Planning Commission Approved Plans*
8. July 30, 2008 Culver City Downtown Neighborhood Association Letter*
9. Correspondence between applicant and appellant*
10. Supplemental Traffic Analysis*
11. Revised Initial Study*
12. Proposed Mitigated Negative Declaration*
13. Further Site Characterization Summary Letter- January 30, 2007*
14. Correspondence to Meghan Sahli Wells - October 27, 2008*
15. City Consulting Traffic Engineer Memo - October 14, 2008*

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MOTION(S):

That the City Council:

- A. Remand this item to the Planning Commission for reconsideration; or
- B. Deny the Appeal and **uphold** the Planning Commission's approval of the project; and direct staff to return to the Council with the appropriate resolution adopting the Mitigated Negative Declaration and outlining the findings for denial of the appeal and approval of the Project; or
- C. Grant the appeal **in part** but **modify** the Planning Commission's approval of the Project and direct staff to return to the Council with the appropriate resolution adopting the Mitigated Negative Declaration and outlining the findings for modifying the project; or
- D: Grant the appeal and **overturn** the Planning Commission's approval of the Project and direct staff to return to the Council with the appropriate resolution outlining the findings for denial of the Project.

AND (only if necessary)

That the Redevelopment Agency (only in the case of Motion A or B):

Determine that the proposed project at 4043 Irving is consistent with the Redevelopment Plan for Component Area No. 3 of the Culver City Redevelopment Project and the Project is consistent with the Downtown Culver City Design for Development.