

**City of Culver City, California
Agenda Item Report**

Meeting Date: 02/10/14		Item Number: <u>A-1</u>	
CITY COUNCIL AGENDA ITEM: Consideration of Additional Information Related to the Culver City Ice Arena and Direction to Staff as Deemed Appropriate (Continued)			
Contact Person/Dept.: Sol Blumenfeld/Community Development Department Chris Sellers/Fire Department		Phone Number: (310) 253-5700 (310) 252-5910	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☐ No ☐ Date: _____			
Public Notification: (E-Mail) Meetings and Agendas – City Council (02/05/14); Persons who Spoke at the City Council Meeting of 01/13/14 or 1/27/14 and Provided an E-Mail Address (02/05/14)			
Department Approval: Sol Blumenfeld (02/05/14) Chris Sellers (02/05/14)		City Attorney Approval: Carol Schwab (02/05/14)	
Chief Financial Officer Approval: Jeff Muir (02/05/14):		City Manager Approval: John Nachbar (02/05/14)	

RECOMMENDATION

Staff recommends the City Council consider the additional information in this report and direct staff as deemed appropriate.

BACKGROUND

At the January 27, 2014 City Council meeting, the City Council received a staff report and heard public comment regarding the proposed closing of the Culver City Ice Arena located at 4545 Sepulveda Boulevard, Culver City (the Property). City staff presented information related to the Facility Closure Plan required under the California Fire Code, the abatement of potential hazardous materials located on the Property, and zoning and development considerations related to the Property. Following public comment, the City Council continued the matter to the next regular Council meeting in order to receive an update from staff on the status of potential hazardous material abatement actions and zoning issues.

City staff has been working on numerous issues relating to the proposed change of use of the Culver City Ice Arena and has located City files and records regarding the land use status of the Property. That review of City records has disclosed that a Use Variance was issued in 1960 which allowed development and use of the Property as an ice rink and associated parking extending into the R-1 (Single-Family Residential)

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Zone. The Use Variance was required because the front portion of the Property is zoned commercial while the rear portion is zoned residential (R-1).

The Use Variance runs with the land, i.e. remains in effect; however, it is expressly limited to the ice rink use and does not allow other commercial uses, without further City approvals. (See Attachment No. 1).

DISCUSSION

Facility Assessment

As of February 2, 2014, the Culver Ice Arena was closed to the public. However, the physical plant (generators, cooling system, etc.) remains operational while the equipment and cooling system are being evaluated and a Facility Closure Plan is prepared and implemented. The Property owner has been ordered to ensure that all necessary utilities for the maintenance and operation of the Ice Arena's refrigeration system continue to be provided until such time the system is safely taken out of service pursuant to an approved Facility Closure Plan. Staff has been in contact with Southern California Edison and Golden State Water Company to ensure the utilities remain operational throughout the process.

A Facility Closure Plan is being prepared by an environmental consulting company hired by Planet Granite and is due to be submitted to the City no later than February 7, 2014. The plan is being formulated in response to Notices and Orders issued by the Fire Department to the Property owner. Staff will provide an oral update of the status of the Facility Closure Plan at the February 10th City Council meeting. Although Planet Granite has agreed to facilitate the Facility Closure Plan, staff is awaiting further confirmation with regard to the contractor who will implement the Plan.

Upon receiving the Facility Closure Plan, the Fire Department and its consultants will review the plan to ensure that all of the required components adhere to California Fire Code §5001.6.3 and any other applicable statutes and regulations. The Facility Closure Plan must demonstrate that hazardous materials which are stored, dispensed, handled, or used on or at the facility will be transported, disposed of, or reused in a manner that eliminates the need for further maintenance and any threat to public health and safety. The Facility Closure Plan must also include a timeline of events, including but not limited to:

1. Date of evacuation, including disposition of the anhydrous ammonia evacuated from the refrigeration system, and the name of the contractor, with contact information, who will perform the work;
2. Date of removal and disposition of refrigerant oil, calcium chloride, and all other hazardous materials located on the premises;
3. Date of soil sample testing (soil contamination and permafrost depth);

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4. Date of sample testing of the cooling medium of calcium chloride, (contaminants).
5. Any other dates relevant to the closing of the current facility.

To assist City staff in this specialized effort, outside consultants have been retained. These include an environmental consultant and technical experts. A refrigeration specialist hired by the City is conducting an independent assessment and overall evaluation of the cooling system and related equipment at the facility. This evaluation will determine the usable life of the system, any recommended equipment upgrades and replacement to meet regulatory compliance, and a life safety assessment. This information will help the City in evaluating current or future operations from a health and safety standpoint.

In order to preserve the public health, safety, and welfare, the City remains prepared to perform any necessary hazardous abatement should the property owner fail to comply.

Potential Historic Designation of the Ice Arena

The City's Historic Preservation Program provides a process for designation of cultural resources. The general process for nomination and designation described in Culver City Municipal Code Chapter 15.05 is as follows:

- 1) Applications for nomination for designation can be submitted by a resident, an owner, the Cultural Affairs Commission, or the City Council;
- 2) The Community Development Director then prepares an evaluation of the proposed designation and makes a recommendation to the Cultural Affairs Commission, which shall set a hearing for consideration of the designation;
- 3) If recommended by the Cultural Affairs Commission, it then goes to the City Council for review; the City Council will either accept, modify or disapprove the recommendation;
- 4) Threshold criteria for designation are: a) fifty years old and a publically accessible or visible exterior; b) special importance to the City; and/or c) architectural, historical or cultural significance;
- 5) If determined to be a cultural resource, the structure would be classified under one of three categories of designation, with different criteria, including: Landmark, Significant and Recognized;

On January 31, 2014, the City received a nomination from a Culver City resident to designate the Property a cultural resource. The City is proceeding with an evaluation of the proposed designation as part of the Community Development Director's recommendation to be considered by the Cultural Affairs Commission. Designation as a cultural resource does not prevent reuse of the Property. However, if designated as a Significant or Landmark structure/resource, the Property owner and

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tenant would be required to comply with the Secretary of Interior Standards to avoid impacting the building's character defining features as determined through the Property historic survey. (Please see Attachment No. 2).

Zoning and Land Use Restrictions for the Property

The current property lessee, Planet Granite, has previously indicated that it plans to utilize the existing ice rink building and related surface parking to accommodate a climbing and fitness gym. The City's Zoning Code distinguishes a climbing gym (fitness gym) from an ice rink (indoor amusement facility) and the climbing gym would require a new discretionary approval for a Zone Change. (Please see attachment No. 3). A discretionary approval is also required due to the restrictions of the existing Use Variance, which requires the Property to remain an ice rink unless a new application is presented to the Planning Commission for consideration.

Consistent with state law, a Use Variance is no longer permitted under the Culver City Municipal Code. Therefore, an application for a Zone Change must be submitted to the City in order to permit the proposed use in the R-1 Zone. The Planning Commission considers Zone Change applications and provides a recommendation to the City Council. The City Council has ultimate approval authority for the Zone Change. The processing of these discretionary approvals would require compliance with the California Environmental Quality Act, including evaluation of the Property's historical and archeological significance.

In addition, questions have been raised by the community as to whether any new construction on the Property would be subject to the City's height restriction. The Property is located in Project Area Component Area No. 4, which is specifically excluded from exemptions to building height under the Zoning Code. Therefore, a height exemption would **not** be permitted, and any new construction would be subject to the City's height restrictions.

As of the publication of this staff report, the City has not been informed as to whether Planet Granite or Property owner Mike Karagozian intends to submit an application to the City regarding a Zone Change for the R-1 portion of the Property.

SUMMARY:

The City has taken steps to ensure that in the event the Ice Arena is decommissioned, it is performed in compliance with all Federal, State, County, regional and local requirements. City staff has fully reviewed these requirements with the owner and the lessee. The City is prepared to invoke whatever powers are necessary to ensure the public's health, safety, and welfare are protected.

The Property owner and the Lessee have represented they have entered into a lease agreement for the use of the Property as a climbing and fitness gym. City staff has reviewed the land use restrictions and requirements for establishing a new use on the

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Property, and any application for a new use shall be processed in accordance with these restrictions and all other applicable provisions of the Zoning Code.

ATTACHMENTS

1. City Planning Commission Resolution No. 311 – Use Variance -
4545 Sepulveda Boulevard
2. Notice for Nomination to Preserve Cultural Resource and
Related Correspondence
3. Culver City Zoning Ordinance, Section 17.220.015, Table 2-5

MOTION

That the City Council:

Consider the additional information related to the Culver City Ice Arena and direct staff as deemed appropriate.