MEETING DATE: **08.03.09**

AGENDA ITEM: **JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD AGENDA ITEM: PUBLIC HEARING (CONTINUED FROM JULY 20, 2009) – 1) City Council Consideration of an Appeal of the Planning Commission's Approval of Site Plan Review SPR P-2008047 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 (the "Project"); and 2) Redevelopment Agency Board Consideration of a Determination that the Project is Consistent with the Redevelopment Plan.**

ATTACHMENTS

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ATTACHMENT NO. 1

RESOLUTION NO. 2009-R___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DENYING AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN REVIEW, SPR P-2008047 FOR THE CONSTRUCTION OF A PARKING STRUCTURE AND RETAIL/RESTAURANT SPACE THEREBY APPROVING SAID APPLICATION; AT 8511 WARNER DRIVE IN THE INDUSTRIAL GENERAL (IG) ZONE.

(Site Plan Review, SPR P-2008047)

WHEREAS, on March 17, 2008, Samitaur Constructs acting for Conjunctive Points Warner Development, the property owner of 8511 Warner Drive, filed a Site Plan Review application to construct 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 5-level, 43 foot high development, with three of the five levels being subterranean (the "Project"), located in the City of Culver City, County of Los Angeles, State of California; and,

WHEREAS, in order to implement the Project, approval of the following application is required:

Site Plan Review, SPR P-2008047: To ensure the Project complies with all required standards and City ordinances and establish all onsite and offsite conditions of approval to reflect the site features and compatibility of the proposed project with the uses on adjoining properties; and

WHEREAS, on May 13, 2009, after conducting a duly noticed public hearing on the subject application, including full consideration of the application, plans, staff report, environmental information and all testimony presented, the Planning Commission (i) by a vote of 3 to 1, adopted a Mitigated Negative Declaration, in accordance with the California Environmental Quality Act (CEQA), finding the Project, as mitigated, will not result in significant adverse environmental impacts; and (ii) by a

vote of 4 to 0, conditionally approved Site Plan Review, SPR P-2008047 as set forth in Planning Commission Resolution No. 2009-P002; and

WHEREAS, on May 27, 2009, a timely appeal of the Planning Commission's approval of the project was filed with the City Clerk by Michael Wellman, Aaron Kay, Greg Toomey Sr., and Scott Martin; and

WHEREAS, on July 20, 2009, the City Council conducted a duly noticed public hearing on the appeal of the Planning Commission's decision, fully considering the whole administrative record, including, but not limited to, application, plans, staff report, environmental information and all testimony presented and the City Council, by a vote of _____ to _____(i) denied the appeal of the Planning Commission's adoption of a Mitigated Negative Declaration for Site Plan Review, SPR P-2008047; (ii) adopted said Mitigated Negative Declaration for the project, in accordance with the California Environmental Quality Act (CEQA), finding that no new information has been provided regarding the project and no new potentially significant environmental impacts have been identified since the Planning Commission's adoption of the Mitigated Negative Declaration that would require changes to the adopted Mitigated Negative Declaration or preparation of an Environmental Impact Report, and the project, as mitigated, will not result in significant adverse environmental impacts; (iii) denied the appeal of the Planning Commission's conditional approval of Site Plan Review, SPR P-2008047; and (iv) conditionally approved Site Plan Review, SPR P-2008047, as set forth in Planning Commission Resolution No. 2009-P002.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

ATTACHMENT NO. 1

SECTION 1. Pursuant to the foregoing recitations and the provisions of the Culver City Municipal Code (CCMC), as outlined in CCMC Title 17, Section 17.540.020, the following findings for a Site Plan Review are hereby made:

A. **The general layout of the project, including orientation and location of buildings, open space, vehicular and pedestrian access and circulation, parking and loading facilities, building setbacks and heights, and other improvements on the site, is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.**

The general layout of the project is consistent with the Industrial General (IG) zoning district in which the site is located. The proposed project conforms to all applicable provisions of the IG zone. The proposed building will be 43 feet high at the highest point with the second level surface parking deck (open to the sky) built at 14 feet above street grade. Along the Warner Drive street frontage the project will be set back 5 feet and will include a deck area for outdoor dinging or lounging. On the sides the project will be built at a zero setback with property line walls and at the rear facing the City owned-former Metro spur, a concrete wall with openings into the parking structure will be built.

The project provides adequate parking as required by the code with an additional 314 parking spaces; the proposed building meets the code requirements for height and building setbacks, and building projections are within code required height limits for architectural projections. Vehicular access to on-site parking is situated off of Warner Drive and with traffic mitigations that require lane restriping along Warner Drive and Hayden Avenue, said vehicular access to and from the site is adequate. The structure is well designed for pedestrian access from surrounding businesses with a widened sidewalk fronting the project and added on-site paving for ease of entry into the structure. Interior elevators and stair cases also provide adequate pedestrian access from the parking structure to the retail and restaurant portions of the project site. Further ease of access is facilitated through installation of a valet parking lane and valet services and two exit lanes. At the grade level northwest corner of the parking structure, sufficient area is provided for trucks to enter and maneuver along side a loading elevator.

B. **The architectural design of the structure and the materials and colors are compatible with the scale and character of surrounding development and other improvements on the site and are consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.**

The front façade along with the green roof will offer detailed architectural

nuances such as the portion of the structure surrounding the retail restaurant space with its aluminum mullions and storefront glazing. At both the street grade and second story level at the front and along the length of the retail/restaurant structure, there will be a concrete deck/catwalk with decorative paving that will overlook the public street on one side and the subterranean courtyard on the other side. A portion of the roof over the subterranean courtyard will be open to below with the rest of the roof covered with glass, creating a canopy effect over the courtyard. In the open-to-below section over the courtyard there will be a series of crisscrossed steal beams from which laminated curved glass cylinders will be suspended. These suspended glass cylinders, at about 2 feet in diameter with varying lengths (the longest approximately 16 feet), will provide a prominent visual affect as one enters the retail/restaurant portion of the parking structure. In addition to the glass ceiling with suspended glass cylinders, the rest of the roof will have a "green roof" with extensive low profile vegetation. Overall the project will have a low profile modern look with the second level parking (surrounding the second level retail space) positioned 14 feet above grade at its highest point about. With perimeter walls the height of the second story parking will visually appear to be approximately 22 feet above grade surrounding a structure that is 43 feet above grade at its highest point – similar to the massing and height of surrounding industrial buildings. The key material features of the structure - concrete, glass, aluminum, and low profile vegetation – give the building a functional look in keeping with surrounding industrial buildings, many of which have been or are undergoing tenant improvements that both preserve their industrial design and provide modern architectural elements of clean, straight lines, similar to this project.

C. **The landscaping, including the location, type, size, color, texture, and coverage of plant materials, provisions for irrigation, and protection of landscape elements has been designed to create visual relief, complement structures, and provide an attractive environment and is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located , and with all applicable development standards and design guidelines.**

As a parking structure built to all setback limits, there is limited room for landscaping. However, the project will be subject to Public Works street tree requirements and public street trees will be planted at periodic intervals along the Warner Drive frontage that add a visual relief to the modern glass and concrete design. Given this limitation on availability of landscaping areas, a key on-site feature will be a green roof that will provide low profile and sun tolerant vegetation. This green roof will be above the second level retail space and will surround the glass roof and suspended glass cylinders. This added green roof feature will provide an aesthetic visual contrast to the concrete and glass walls and to the surrounding industrial buildings. Through the minimal landscaping features along the sidewalk and the green roof, overall visual relief will be achieved and the landscaping will offer a contrast to the straight lines, concrete,

and glass wall architectural design features of the project.

D. **The design and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing or future development, will not result in vehicular or pedestrian hazards, and will be in the best interest of the public health, safety, and general welfare.**

The project site is located in the Industrial General (IG) Zone and is within an area consisting of light industrial and commercial uses. Although there are industrial uses in the areas surrounding the project site, there is a trend in the area to convert traditional industrial uses to light and clean industrial and commercial uses (office, design, and architecture). The proposed project with its restaurant and retail spaces will be consistent with this trend and will provide a resource to the nearby community by adding parking spaces, retail space, and restaurant amenities, all within a structure that meets both setback and height limit code restrictions. Such a commercial community serving resource will enhance the area and encourage further revitalization of the area rather than limit the use or future development of surrounding areas. As a low profile parking structure providing more than the code required parking and with restriping of surrounding streets and construction of a wide sidewalk, both vehicular and pedestrian access will be adequate and overall the project be in the best interest of the public health, safety, and general welfare.

In addition, at a maximum of 43 feet in height towards the center of the structure and 22 to 24 feet in height from grade to the second level parapet wall (and outside parking deck), the development will blend with surrounding single and 2-story industrial designed buildings with uses ranging from a private school and a university art school to industrial and office uses. With several buildings in the Hayden Tract having gone through façade improvements (or that are currently undergoing such improvements), this project with its modern concrete material, glass walls, and angled edges will compliment those structures that have been given façade improvements with similar modern designs, lines, and material. Such improvements and design features will not limit the use of surrounding properties that have undergone such tenant improvements. There are no residential uses within the Hayden Tract where the project is located thereby limiting any potential conflict that the project's design and layout may have with residential areas.

E. **The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) will be available to serve the subject site.**

The existing and proposed public service facilities necessary to accommodate the project such as: the width and pavement of the adjoining street, traffic control

devices, sewers, storm drains, proposed parkways, proposed sidewalks, street lights, proposed street trees, fire protection devices, and public utilities are provided for adequately as confirmed by the City agencies that reviewed the project during the interdepartmental review process provided certain improvements are completed as part of the project. The project will require a dedication along the Warner Drive frontage thereby resulting in a full width pedestrian sidewalk and will require restriping of Warner Drive and Hayden Avenue for left and right turn lanes. The increase in traffic due to the development will flow more easily with these restriping requirements that comply with Public Works Department standards and will result in an adequate traffic circulation design.

F. **The proposed project is consistent with the General Plan and any applicable specific plan.**

The proposed project is located within the City of Culver City's Redevelopment Project Component Area No. 3. As required by redevelopment law, the land uses designated in the Redevelopment Plan area must be consistent with those identified in the Culver City General Plan Land Use Element. The project's proposed land uses are consistent with both the General Plan and the Redevelopment Plan. The site has a General Plan Land Use designation of Industrial and its zoning, Industrial General (IG), is consistent with the General Plan Land Use designation. The proposed project will be compatible with surrounding office, light/clean industrial, and school uses and will provide a resource to the nearby community by adding parking spaces, retail space, and restaurant amenities. Such a commercial community serving resource is encouraged in the Industrial description of the Land Use Element. The project as proposed is consistent with the General Plan and the Zoning Code -- the height, setbacks, parking, and proposed uses are all allowed in the IG Zone as noted in the code.

SECTION 2. Pursuant to the foregoing recitations and findings, the City Council of the City of Culver City, California, hereby approves Site Plan Review, SPR P-2008047, subject to all of the conditions of approval as outlined in Planning Commission

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ATTACHMENT NO. 1

Resolution No. 2009-P002.

APPROVED and ADOPTED this _____ day of July 2009.

ANDREW WEISSMAN, Mayor
City of Culver City, California

ATTESTED BY:

APPROVED TO AS FORM:

MARTIN R. COLE, City Clerk

CAROL SCHWAB, City Attorney

A09-00276

Attachment No. 2

RESOLUTION NO. 2009-P002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING SITE PLAN REVIEW, SPR P-2008047 FOR THE CONSTRUCTION OF A PARKING STRUCTURE AND RETAIL/RESTAURANT SPACE AT 8511 WARNER DRIVE IN THE INDUSTRIAL GENERAL (IG) ZONE.

(Site Plan Review, SPR P2008047)

WHEREAS, on March 17, 2008, Samitaur Constructs acting for Conjunctive Points Warner Development, the property owner of 8511 Warner Drive, filed a Site Plan Review application to construct 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 5-level, 43 foot high development, with three of the five levels being subterranean (the "Project"), located in the City of Culver City, County of Los Angeles, State of California; and,

WHEREAS, in order to implement the Project, approval of the following application is required:

Site Plan Review 2008 P-2008047: To ensure the Project complies with all required standards and City ordinances and establish all onsite and offsite conditions of approval to reflect the site features and compatibility of the proposed project with the uses on adjoining properties; and,

WHEREAS, on May 13, 2009, after conducting a duly noticed public hearing on the subject application, including full consideration of the application, plans, staff report, environmental information and all testimony presented, the Planning Commission (i) by a vote of 3 to 1, adopted a Mitigated Negative Declaration, in accordance with the California Environmental Quality Act (CEQA), finding the Project, as mitigated, will not result in significant adverse environmental impacts; and (ii) by a vote of 4 to 0, conditionally approved Site Plan Review P-2008047 as set forth herein below.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to the foregoing recitations and the provisions of Culver City Municipal Code (CCMC), as outlined in CCMC Title 17, Section 17.540.020, the following findings for a Site Plan Review are hereby made:

A. **The general layout of the project, including orientation and location of buildings, open space, vehicular and pedestrian access and circulation, parking and loading facilities, building setbacks and heights, and other improvements on the site, is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.**

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B. **The architectural design of the structure and the materials and colors are compatible with the scale and character of surrounding development and other improvements on the site and are consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.**

The front façade along with the green roof will offer detailed architectural nuances such as the portion of the structure surrounding the retail restaurant space with its aluminum mullions and storefront glazing. At both the street grade and second story level at the front and along the length of the retail/restaurant structure, there will be a concrete deck/catwalk with decorative paving that will overlook the public street on one side and the subterranean courtyard on the other side. A portion of the roof over the subterranean courtyard will be open to below with the rest of the roof covered with glass, creating a canopy effect over the courtyard. In the open-to-below section over the courtyard there will be a series of crisscrossed steal beams from which laminated curved glass cylinders will be suspended. These suspended glass cylinders, at about 2 feet in diameter with varying lengths (the longest approximately 16 feet), will provide a prominent visual affect as one enters the retail/restaurant portion of the parking structure. In addition to the glass ceiling with suspended glass cylinders, the rest of the roof will have a "green roof" with extensive low profile vegetation. Overall the project will have a low profile modern look with the second level parking (surrounding the second level retail space) positioned 14 feet above grade at its highest point about. With perimeter walls the height of the second story parking will visually appear to be approximately 22 feet above grade surrounding a structure that is 43 feet above grade at its highest point – similar to the massing and height of surrounding industrial buildings. The key material features of the structure - concrete, glass, aluminum, and low profile vegetation – give the building a functional look in keeping with surrounding industrial buildings, many of which have been or are undergoing tenant improvements that both preserve their industrial design and provide modern architectural elements of clean, straight lines, similar to this project.

C. **The landscaping, including the location, type, size, color, texture, and coverage of plant materials, provisions for irrigation, and protection of landscape elements has been designed to create visual relief, complement structures, and provide an attractive environment and is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located , and with all applicable development standards and design guidelines.**

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D. **The design and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing or future development, will not result in vehicular or pedestrian hazards, and will be in the best interest of the public health, safety, and general welfare.**

The project site is located in the Industrial General (IG) Zone and is within an area consisting of light industrial and commercial uses. Although there are industrial uses in the areas surrounding the project site, there is a trend in the area to convert traditional industrial uses to light and clean industrial and commercial uses (office, design, and architecture). The proposed project with its restaurant and retail spaces will be consistent with this trend and will provide a resource to the nearby community by adding parking spaces, retail space, and restaurant amenities, all within a structure that meets both setback and height limit code restrictions. Such a commercial community serving resource will enhance the area and encourage further revitalization of the area rather than limit the use or future development of surrounding areas. As a low profile parking structure providing more than the code required parking and with restriping of surrounding streets and construction of a wide sidewalk, both vehicular and pedestrian access will be adequate and overall the project be in the best interest of the public health, safety, and general welfare.

In addition, at a maximum of 43 feet in height towards the center of the structure and 22 to 24 feet in height from grade to the second level parapet wall (and outside parking deck), the development will blend with surrounding single and 2-story industrial designed buildings with uses ranging from a private school and a university art school to industrial and office uses. With several buildings in the Hayden Tract having gone through façade improvements (or that are currently undergoing such improvements), this project with its modern concrete material, glass walls, and angled edges will compliment those structures that have been given façade improvements with similar modern designs, lines, and material. Such improvements and design features will not limit the use of surrounding properties that have undergone such tenant improvements. There are no residential uses within the Hayden Tract where the project is located thereby limiting any potential conflict that the project's design and layout may have with residential areas.

E. **The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) will be available to serve the subject site.**

The existing and proposed public service facilities necessary to accommodate the project such as: the width and pavement of the adjoining street, traffic control devices, sewers, storm drains, proposed parkways, proposed sidewalks, street lights, proposed street trees, fire protection devices, and public utilities are provided for adequately as confirmed by the City agencies that reviewed the project during the interdepartmental review process provided certain improvements are completed as part of the project.

The project will require a dedication along the Warner Drive frontage thereby resulting in a full width pedestrian sidewalk and will require restriping of Warner Drive and Hayden Avenue for left and right turn lanes. The increase in traffic due to the development will flow more easily with these restriping requirements that comply with Public Works Department standards and will result in an adequate traffic circulation design.

F. **The proposed project is consistent with the General Plan and any applicable specific plan.**

The proposed project is located within the City of Culver City's Redevelopment Project Component Area No. 3. As required by redevelopment law, the land uses designated in the Redevelopment Plan area must be consistent with those identified in the Culver City General Plan Land Use Element. The project's proposed land uses are consistent with both the General Plan and the Redevelopment Plan. The site has a General Plan Land Use designation of Industrial and its zoning, Industrial General (IG), is consistent with the General Plan Land Use designation. The proposed project will be compatible with surrounding office, light/clean industrial, and school uses and will provide a resource to the nearby community by adding parking spaces, retail space, and restaurant amenities. Such a commercial community serving resource is encouraged in the Industrial description of the Land Use Element. The project as proposed is consistent with the General Plan and the Zoning Code – the height, setbacks, parking, and proposed uses are all allowed in the IG Zone as noted in the code.

SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby approves Site Plan Review, SPR P2008047, subject to the following conditions:

GENERAL CONDITIONS

Planning Division:

1. The final working drawings shall conform to the development plans and colored renderings date received on June 30, 2008, and to the materials board date reviewed on March 17, 2008, except as may be noted below.

2. The resolution approving Site Plan Review, SPR P-2008047 and the conditions of approval shall be referenced on the cover sheet and repeated in full on attached additional sheets of the final working drawings.

3. Conditions of approval herein shall apply to the applicant/property owner, the contractor/builder of the project, and any successor applicant/property owner that may legally assume benefit of Site Plan Review, SPR P-2008047.

4. Site Plan Review, SPR P-2008047 shall expire unless:

   A. Actual construction, in accordance with a valid City-issued building permit, is commenced on the site within one (1) year after the effective date of the entitlements; or

   B. Prior to the entitlement's expiration date, or any previously granted extension to that expiration date, a written request for an extension, accompanied by any and all required fees, has been satisfactorily filed by or on behalf of the applicant/property owner and, thereafter, an extension is granted by the Community Development Director, or designee.

5. The City reserves the right to periodically inspect the premises without prior notification to ensure ongoing compliance with all conditions of approval.

6. The applicant and the property owner shall jointly indemnify, defend and hold harmless the City and the City's elected and appointed officials, officers, employees, agents, contractors and consultants from and against any and all claims, demands, lawsuits, judgments, liability, injury or damage which may result from or arise in connection with third party challenges to the City's approval of the Project. Said indemnification shall be set forth in a written instrument acceptable to the City Attorney, which shall be signed by the applicant and the property owner prior to a building permit being issued.

7. The applicant or property owner shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project conditions of approval. These conditions shall be enforceable through all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant / property owner on or near the project site. The applicant/property owner and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.

8. All reasonable efforts shall be employed to reuse and recycle construction and demolition debris, to use environmentally friendly materials and to provide energy efficient buildings, equipment and systems. In addition, as per a mitigation measure indentified in the CEQA Initial Study for this Site Plan Review, where practicable, double paned windows shall be used to reduce thermal loss and reduce energy demand for temperature control purposes. Further, if the applicant is able to accomplish the intended purpose of this mitigation measure which is to reduce thermal loss and reduce energy demand for temperature control purposes, through some other design strategy, then that alternative design strategy, if deemed acceptable by the Building Official, shall be considered acceptable for purposes of satisfying this mitigation measure.

9. All planted areas shall be landscaped, irrigated and maintained pursuant to CCMC Title 17 – Chapter 17.310, Landscaping. As part of the building permit filing process, a minimum of three (3) sets of detailed landscape and irrigation plans – separate from

the final working drawings shall be submitted to the Planning Division for review and approval. Said plans shall include, but not be limited to, a landscape and irrigation plan for all green building design landscape components including, but not limited to, green roofs.

10. In addition to the screening requirements for onsite parking areas and Fire Department connections, the following items shall be screened from surrounding and nearby public and private properties in a manner consistent with City standards and suitable to the subject development as approved by the Planning Manager. In general, the height of any required screening device shall be no lower on any side than the height of the highest feature requiring screening and:

    A. All exteriors of the proposed building shall be free of all un-aesthetically treated, exposed elements (i.e., plumbing pipes, electrical conduits and National Pollution Discharge Elimination System (NPDES) elements) which shall be placed within the exterior walls. Where exposed wall-mounted features or equipment may be necessary (i.e., ventilators and utility meters), recessed wall mounted cabinets or other similar devices shall be constructed within the wall, whenever possible, to accommodate such features and equipment so that they are flush with and do not project out from the main exterior wall plane. With or without recesses, the exposed portions of such features or equipment shall be of a color to blend, not contrast, with the adjoining finished building color, subject to the approval of the Planning Manager;

    B. All roof-mounted mechanical equipment, duct vents and the like shall not project above the horizontal plane of the building's lowest primary opaque architectural feature(s) (i.e., parapet walls, penthouse structures or screening walls); and

    C. All ground-mounted equipment (i.e., transformers and air conditioners) shall be located within the building or in underground vaults if the equipment is located within a street facing setback, or it shall be screened with walls and/or landscaping if not located within a street facing setback. Ground-mounted equipment shall not be located in the landscaped areas fronting any public right-of-way.

11. The public notification signs installed in accordance with the CCMC public notification requirements for this review process shall be removed within ten (10) days of the end of the appeal period or the final decision of the City Council and/or Redevelopment Agency, whichever occurs last.

12. The refuse containers assigned to or otherwise used by the building shall be stored onsite in the trash enclosure.

13. All hardscape areas along both the exterior of the building and/or within the interior of the project site shall include the use of decorative pavement (i.e., materials, finish and color) in select areas to the satisfaction of the Planning Manager.

14. The project and its operations shall comply with all applicable local, special district or authority, county and federal statutes, codes, standards and regulations including, but not limited to, Building Safety Division, Fire Department, Planning Division and Public Works Department code requirements and it shall comply with all applicable comments and code requirements as determined during the City's building permit review process.

15. The driveway, garage ramps and all floor areas used for vehicle maneuvering shall be treated with a medium broom finish in order to create an anti-skid surface.

16. All security elements along the exterior of the site shall be architecturally compatible with the project as determined by the Planning Manager.

17. A certificate of occupancy for the approved project will be issued only upon completion of all required site improvements and satisfaction of all conditions of approval.

18. All mitigation measures as identified in the Mitigated Negative Declaration adopted for this project shall be completed as specified in this resolution.

19. All parking areas shall be developed pursuant to CCMC Title 17 - Chapter 17.320, Off-Street Parking and Loading. Additionally, all parking driveways shall be provided with automatic loop detectors for exiting vehicles to open any security gate(s) from within the parking areas; said gates for all parking areas serving commercial uses shall remain in an open position during normal business hours to the satisfaction of the Planning Manager except where gates are needed in the closed position to ensure payment of parking fees.

20. Glazing shall be installed, that to the extent possible, does not produce a reflective glare.

21. The project shall be subject to all conditions of the Public Parking Covenants Affecting Real Property that was recorded on June 12, 2006, in the Los Angeles County Recorder's Office as Instrument No. 061279457 that, among other things, reserves 242 parking spaces for availability to local businesses, requires temporary replacement parking during construction, and reserves among the covenanted parking a certain number of parking spaces for The Willows School.

22. The project shall be designed and operated to conserve energy as required by Southern California Edison, Southern California Gas Company, and/or other appropriate agencies. This is a Mitigation Measure.

23. Heavy-duty trucks shall turn off their engines immediately upon reaching the loading docks in order to limit emissions during idling. This is a Mitigation Measure.

24. Proposed hours of operation for any tenant shall be subject to review and approval by the Planning Manager prior to Business Tax Certificate issuance.

Building and Safety Division:

25. The Culver City Building and Safety Division requires separate permits for building, electrical, plumbing and mechanical work.

26. The building permit application shall require the submission of five (5) sets of architectural and two (2) sets each of the structural drawings and calculations, the geotechnical report, energy forms and the mechanical, electrical, and plumbing permit applications.

27. A separate shoring permit shall be required along with two (2) sets of shoring plans and structural calculations stamped by a State of California licensed engineer. Support, notification and upgrades including, but not limited to, special backfill conditions, as may be imposed by the Building Official and/or City Engineer as part of the plan check process, of adjacent properties shall be required. The Building Safety Division and the Engineering Division shall determine what upgrades, if any, shall be the responsibility of which property owner. Shoring piles shall be drilled rather than driven to the extent feasible as determined by the Building Official and/or City Engineer.

28. All portions of the parking structure shall be a minimum two (2) hour rated, reinforced concrete construction.

29. An independent structural peer review shall be required of the overall building and shoring and any atypical structures. The cost of the structural peer review shall be in addition to any other city fees and shall be paid by the permit applicant prior to completion of the structural peer review.

30. All egress stair shafts shall be two (2) hour rated on all sides continuous to a street or public way. Stairs may be open to streets but the "building" side of stairs shall be two (2) hour rated. A driveway or a drive aisle shall not be considered a means of egress. All shafts shall be a minimum of two (2) hour rated from the foundation to the underside of the roof deck or to the top of parapet walls as part of any shaft construction.

31. Exterior east and west property line walls shall be at minimum, three (3) hour rated or reinforced concrete construction and shall include a parapet extending a minimum of thirty (30) inches above any adjacent roof, driving, or walking surface.

32. All parking areas shall be minimum two (2) hour rated to all other areas of the building and all treads, risers, handrails and other design elements inside any common area stairway shall be made of one hundred percent (100%) non-combustible construction

A continuous path of egress, at a minimum one (1) hour rated, shall be provided from all exit stairways to a street or public way.

33. All trash rooms, electrical transformer rooms, mechanical rooms, and any service rooms shall be a minimum two (2) hour rated to all other areas.

34. All utilities shall be underground or enclosed in the building construction. No overhead utilities shall be permitted.

35. All exit signage and emergency egress lighting shall have individual battery back-up and / or be self-powered in addition to any emergency generator power.

36. No opening shall be permitted without filing and prior approval of a Certificate of Occupancy (C of O) or final inspection if no C of O is to be issued by the Building Official. Any scheduled partial or full opening and accompanying advertising for such an opening occurring prior to issuance of a C of O or prior to final inspection if no C of O is to be issued by the Building Official, shall first be approved by the City.

37. The overall construction permit application drawings shall:

    A. Indicate any proposed construction staging areas; and

    B. Include a schedule of the special inspections anticipated, the firm proposed for the special inspections and the resumes of any special inspectors for this project. The City reserves the right to reject any special inspector at any time. If a City inspector is inspecting a portion of the work for which a special inspection is required, the special inspection report shall be made available to the City inspector on their arrival to the jobsite. All jobsite supervisors, contractors, and subcontractors shall give their priority to the City inspector when they are onsite. Additional special inspections of the steel/glass overhead structure will be required at the discretion of the Building Official.

38. All requirements of the City's solar photovoltaic ordinance (Ordinance No. 2008-004; codified as CCMC Section 15.02.1000) shall be satisfied.

39. The doors into the exit stairs at the garage level shall swing into the exit stairs.

40. The project shall be reviewed under the 2007 California Building Code (CBC).

41. Prior to final project design and Building Permit issuance, a geotechnical investigation shall be conducted on the subject property and a report prepared that identifies construction methods and foundation designs applicable for site conditions, pursuant to the guidelines contained in the California Geological Survey, Special Publication 117, Guidelines for Evaluating and Mitigation Seismic Hazards in California, 1997. These measures shall be included in the final project designs and prior to Building

Permit issuance in a matter meeting the approval of the Building Official. This is a Mitigation Measure.

Fire Department:

42. The project shall be designed to be in compliance with the requirements of California Title 24, the National Fire Protection Association (NFPA) and the CCMC.

43. The building shall have fire sprinklers per NFPA 13 and CCMC Section 9.02. All fire department connections (FDC's) shall be located as approved by Fire Marshal. Each FDC shall be located within 30'-0" to 50'-0" of a fire hydrant. A new fire hydrant may be required to meet this requirement as determined by the Fire Marshal. The double detector check assembly (DDCA) shall be located as required by Golden State Water Company (GSWC) and the screening of this device shall be per the Planning Division's requirements. A separate permit from the Fire Department is required along with plan review and approval for fire sprinklers. Minimum density of the fire sprinkler system shall be Ordinary Hazard Group I, 0.15 over 1,500 square feet.

44. A fire control room accessible from the exterior shall be provided on-site and all rooms on the interior and exterior of the project side shall have signage indicating room number and description. All stairs shall have signs indicating stair number, floor and either "Roof Access" or "No Roof Access".

45. An address sign viewable and legible from the public right-of-way at all times shall be provided and said address sign shall be illuminated from dusk to dawn.

46. A pre-fire plan shall be provided to the Culver City Fire Department Fire Prevention Division for review and approval prior to C of O or final inspection.

47. A fire alarm off-site reporting system for the fire alarm and sprinkler system shall be provided to the Fire Marshal for review and approval.

48. Audible and visual fire warning devices shall be provided as required by the NFPA 72 public mode throughout the entire building including as required by the Fire Marshal Said alarms shall sound with the activation of the water flow switch per NFPA and CFC Article 10.

49. A private fire hydrant(s) may be required as per review of building permits for this project by the Fire Marshal.

50. Elevators shall meet the American Society of Mechanical Engineers (ASME) A 17.1 fc ratings and operations, and be sized to allow a standard medical gurney. Access fc emergency fire and medical personnel between the street and main entrance for th building shall be provided via a paved concrete surface that allows the rolling of medical gurney. Similar access within the interior of the building between the mai entrance and all elevator lobbies shall be provided via a smooth flooring surface.

51. All exterior doors shall have locksets and handles and panic hardware on all exit passageway doors shall be installed to provide access to the public right-of-way.

52. The applicant/owner shall pay for a Fire Flow Study to be performed for the proposed project and shall comply with the recommendations of the Fire Flow Study; the applicant/owner shall pay for any necessary (fair share) improvements. This is a Mitigation Measure.

53. The project shall require emergency lights and exits lights per 2001 CBC Chapter 10 and as required by the Fire Marshal. All lights shall have integral secondary power supplies and lighting shall be required to provide coverage to the public right-of-way.

54. The project shall provide a fire department approved signage plan for driveways, parking areas and curbs.

55. The project shall provide a cooking suppression systems that is connected to the fire alarm system per NFPA requirements.

56. The project shall provide class III standpipes with 2.5 inch valves and 1.5 inch reducing caps. For all portions of the building and parking structure, the location of hose valves shall be designed for a one hundred foot (100'-0") hose and a thirty foot (30'-0") stream system. Design shall be based on all obstructions. Hoses and cabinets shall not be required.

57. The parking structure's enclosed areas and below grade levels shall have a smoke evacuation system with status and HOA controls; the fire sprinkler system shall start operation of smoke exhaust fans.

58. All fascias and parapets shall be constructed of solid materials able to support the weight of fire fighters and suppression equipment and the use of foam or other soft materials shall be prohibited.

59. All parapets and exterior walls five feet (5'-0") or higher above the roof line shall have catwalks and/or ladders screened and approved by the Fire Marshal and Planning Manager.

60. The project shall provide KNOX Box(s) contacts with quantity and locations to the Fire Marshal and all motorized gates and electric doors shall have KNOX key switches.

61. A fire department connection(s) and a double detector check assembly shall be required and shall be located and screened from public view to the satisfaction of the Fire Marshal and Planning Manager.

62. Trash compactors, if provided, shall have two and a half inch (2-1/2") swivels and caps for use by the Fire Department and trash areas within five feet (5'-0") of the building shall be protected by fire sprinklers.

63. A hazardous materials disclosure package shall be submitted to the Culver City Fire Prevention Division prior to issuance of a C of O.

64. Final inspection and acceptance of the project at completion is required by the Fire Department prior to C of O.

65. All fire roads/lanes shall be designed to support the weight of fire fighting apparatuses.

66. The applicant shall provide a fire alarm notification system for the fire sprinkler system and manual pull stations per NFPA 72 and a fire monitoring system separate from the security system. A smoke and/or heat detection system shall be provided in all mechanical, electrical, telephone and similar rooms. Heat detectors shall be provided where the environment is inappropriate for smoke detection as determined by the Fire Marshal. Audible visual devices per NFPA 72 public mode shall be provided. Connection to all duct smoke detection per CCFD regulations and for connection to Class I hood extinguishing systems shall be provided.

67. An emergency rapid entry system as approved by the Fire Marshal shall be required for access into all common rooms and common secured areas of the building and parking structure.

68. Fire extinguishers shall be provided throughout the project of a size, location and type to be determined by the Fire Marshal upon review of final building plans.

69. An emergency evacuation plan shall be submitted to the Fire Marshal for review and approval and implemented in accordance with Title 19 prior to occupancy of any portion of the building.

70. A smoke evacuation system for the parking garage shall be provided per Chapter 9 of the CBC.

71. Plans shall carry a "Fire Department Notes" section to include all life safety items. Notes shall include all Fire Department conditions of approval and any other code requirements pertaining to life safety.

72. Special submittals for review are required for green building construction along all floors, walls and roofs. One (1) hour construction with fire sprinkler system shall be provided if the roof structure has green elements restricting fire fighting operations as determined by the Fire Marshal. Smoke and heat vents may also be required pending review of final building plans.

73. Rooms used for electrical equipment shall be posted "No Storage By Order Of The Fire Marshal" and all areas in front of electrical equipment shall have floor markings indicating a clear space to be unobstructed as required by the National Electrical Code (NEC).

74. All emergency lights and exit lights shall have self contained battery backup power.

Prior to the issuance of any demolition, grading, excavation, and/or building permit:

Planning Division:

75. The following shall be submitted to the Planning Manager for review and approval:

A. An exterior light fixture and illumination plan developed pursuant to CCMC Section 17.300, General Property Development and Use Standards. Said plan shall identify the location and type of all exterior light fixtures. All lighting shall be directed onsite and light sources shall be shielded so as not to be intrusive to surrounding properties;

B. A vector/pest control abatement plan prepared by a pest control specialist licensed and/or certified by the State of California. Said plan shall outline all steps to be taken prior to the commencement of any demolition / construction activity so as to insure any and all pests [including, but not limited to, rodents, bees, ants and mosquitoes] that may populate the subject site do not relocate to or impact adjoining residences and/or businesses; and

C. A construction workers and contractors parking and equipment staging plan addressing all phases of the construction project and directing all project related vehicles to park onsite or at designated offsite location(s) as may be approved by the City Engineer and Planning Manager following receipt of prior written approval from the offsite property owner(s). The plan shall include, but not be limited to, the staging, storage and parking of all construction related equipment, trailers, materials, trash dumpsters, storage containers and vehicles. Appropriate fencing, screening, signage, illumination and security elements shall also be listed. Said plan shall prohibit the parking of any construction related vehicle, equipment and/or materials within any portion of the public right of way serving the surrounding industrial or residential area. Use of non-residential private property may be permitted if deemed to be in compliance with the CCMC by the Planning Manager. Parking within the newly constructed parking structure may be permitted following written clearance by the Building Official.

76. Prior to issuance of a building permit, the applicant/owner shall coordinate with the City to ascertain the existing wastewater capacity of the project site. The applicant/owner will pay for any (fair share) improvements that are required to provide adequate capacity at the project site. This is a Mitigation Measure.

77. In order to avoid the deposition of materials at solid waste landfills serving the County of Los Angeles, the use of suitable private sites that will accept all fill and earth materials for re-use, shall be investigated. This is a Mitigation Measure.

78. Prior to issuance of city permits, a solid waste management plan shall be developed for both the construction phase and operational phase. This plan shall be reviewed and approved by the City of Culver City Public Works Department and shall identify methods to promote recycling and reuse of materials, as well as safe disposal of solid waste; further, space shall be allocated on the project site for collection and storage of recyclable materials. This is a Mitigation Measure.

79. Prior to Building Permit issuance, a Phase 1 Archaeological/Paleontological Survey shall be completed and submitted to the Planning Manager and Building Official for review. If the Phase 1 Archaeological/Paleontological Survey indicates the presence of archaeological and/or paleontological resources, then an archaeological and/or paleontological professional(s), approved by the City, shall monitor all phases of the excavation for the project site. In the event that the Phase 1 Archaeological/Paleontological Survey determines that no such resources exist but undetected fossil resources and/or human remains, or other archaeological/paleontological resources are encountered during construction activities, work in that area must be halted, and both the City of Culver City and the Los Angeles County Coroner's Office must be notified. Work will be halted in that area of the detected resource until the City of Culver City's archaeologist, paleontologist and Native American representatives have been contacted to evaluate the resources and permission to commence work in that area has been given by the City of Culver City. This is a Mitigation Measure.

Fire Department:

80. A construction emergency access plan shall be submitted to the Fire Marshal for review and approval.

Public Works Department / Engineering:

81. Prior to the issuance of any building permits, two sets of Site Improvement and Horizontal Control Plans prepared by a civil engineer registered in the State of California, shall be submitted to the Engineering Division for review, approval, and permitting. Among other things, the Site Improvement Plan shall include detailed drainage and grading of the site indicated by topographical lines and spot elevations and indicate all existing utilities and proposed sewer and storm drain lines. This plan shall be approved for on-site construction only. Plan check fees shall be submitted with the Site Improvement as calculated from the Engineering Division's Fees and Charges.

82. A separate plan shall be submitted to the Engineering Division for review, approval, and permitting of all work required in the public right-of-way. Plan check fees shall be submitted with this plan at first plan check.

83. A final hydrology and hydraulics report shall be submitted to the City Engineer as part of the grading plan for review and approval. The 25-year storm frequency (i.e., urban flood) shall be used for the design of the on-site conveyance facilities, as the existing site is neither a natural watercourse nor a natural sump. This is a Mitigation Measure.

84. A geotechnical report from a State licensed Geotechnical Engineer or a State licensed Civil Engineer practicing in Geotechnical Engineering shall be provided, as part of the Site Improvement Plan, reporting on the suitability of the onsite soils to support the proposed construction. The report shall also include a liquefaction analysis and a determination of the adequate pavement and base requirements for the drive aisles and parking areas. The report shall also identify any special considerations necessary to satisfy California Building Code requirements.

85. Upon completion of rough grading and prior to the issuance of a Building Permit, the geotechnical and civil engineers shall submit certifications and final reports in accordance with Appendix Chapter 33 of the California Building Code. These certifications and reports shall be submitted to the Engineering Division for review prior to the issuance of any building permits.

86. Drainage devices, concrete curb and gutter, sidewalk, and drive approach, roadway pavement shall be designed to the latest edition of the American Public Works Association (APWA) Standard Plans.

87. Prior to the commencement of any excavation, the applicant shall install a temporary construction fence around the site. The height and fence material is subject to approval by the City Engineer and Planning Manager.

88. Due to the change of use and increased density, this project is subject to the City's Sewer Facility Charge. This charge shall be paid prior to the issuance of any permit.

89. A trash enclosure with minimum inside dimensions of 10 feet deep by 12 feet wide, a minimum eight feet wide clear opening with gate, and a six inch high by 6 inch wide concrete curb along the inside perimeter wall shall be provided. The enclosure shall also have a minimum 6 inch thick concrete slab that drains at a one percent gradient out of the enclosure. Final approval for the size, location, and type of equipment needed for the adequate storage and disposal of all solid and recyclable waste generated by the project shall be obtained from the City's Environmental Programs and Operations Manager. A fire suppression sprinkler(s) system shall be provided within any covered trash enclosure area as required by the Fire Marshal.

90. A Construction Traffic Management Plan shall be prepared by a traffic or civil engineer registered in the State of California. The Construction Traffic Management Plan shal

be submitted to the City's Public Works Department for review and be approved by the City Engineer prior to the issuance of any Project demolition, grading, or excavation permit. The Construction Traffic Management Plan shall also be reviewed by the City's Fire and Police Departments. The Construction Traffic Management Plan shall contain but not be limited to the following:

a. The name and telephone number of a contact person who can be reached 24 hours a day regarding construction traffic complaints or emergency situations.
b. An up-to-date list of local police, fire, and emergency response organizations and procedures for the continuous coordination of construction activity, potential delays, and any alerts related to unanticipated road conditions or delays, with local police, fire, and emergency response agencies. Coordination shall include the assessment of any alternative access routes that might be required through the Project Site, and maps showing access to and within the Project Site and to adjacent properties.
c. Procedures for the training and certification of the flag persons used in implementation of the Construction Traffic Management Plan.
d. The location, times, and estimated duration of any roadway closures, traffic detours, use of protective devices, warning signs, and staging or queuing areas.
e. The location and travel routes of off-site staging and parking locations.

This is a Mitigation Measure.

91. If drainage sump pumps are required in the subterranean garage, a civil engineer registered in the State of California shall provide calculations determining the appropriate size and capacities of the proposed sump pumps. A secondary emergency sump pump system shall also be provided.

92. All utilities that require relocation or new service to the proposed project shall be completed to the satisfaction of the City Engineer and the applicant shall be responsible to obtaining the approval from the respective agencies and/or utility company.

<u>Local Stormwater Pollution Prevention Plan</u>

93. Proof of obtaining a General Construction Activities NPDES Permit from the State Water Resources Control Board via a Waste Discharger Identification (WDID) number, ~~which would include filing a Notice of Intent (NOI) and Stormwater Pollution Prevention~~ Plan (SWPPP) with the State shall be provided. A copy of the SWPPP shall be provided to the Engineering Division and must also be kept on site and available for inspection at all times during construction. This is a Mitigation Measure.

94. Concurrently with the submittal of the site improvement plan, a Local Storm Water Pollution Prevention Plan (LSWPPP) shall be submitted for review and approval by the City Engineer. The erosion control plan shall be developed and implemented in accordance with the requirements of the Los Angeles County Stormwater Quality

Management Program, NPDES Permit No. CAS614001. The plan shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit the entry of pollutants from the construction site into the public street or storm drain system. The improvement plans shall note that the contractor shall comply with the "California Storm Water Best Management Practice Handbooks." Prior to the start of design of these plans and of necessary reports, the applicant's Civil Engineer shall meet with the City's Stormwater Program Manager to obtain information on the City-specific and LSWPPP requirements. The LSWPPP shall be approved after SWPPP is approved. Plan check fees for the LSWPPP shall be paid at the time of the initial submittal per the most current fee schedule established by the City Council.

Standard Urban Stormwater Mitigation Plan

95. Concurrently with the submittal of the site improvement plan and before the building permit is issued, a Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted for review and approval by the City Engineer as outlined in CCMC Chapter 5.05. The SUSMP shall be developed and implemented in accordance with the requirements of the Los Angeles County Municipal Stormwater NPDES Permit No. CAS614001 (Order No. 01-182). The SUSMP shall provide BMPs that adequately address the pollutants generated during the post-construction stage. The site improvement plans shall note that the contractor shall comply with the "California Stormwater Best Management Practice Handbooks". The Site Improvement Plans shall not be accepted for review unless the SUSMP is included in the submittal package, including the plan check fee associated with the SUSMP. This is a Mitigation Measure.

96. Prior to the start of design of the site these plans and necessary reports, the applicant shall retain a civil engineer registered in the State of California, who is experienced in designing SUSMP and preparing BMP reports. The civil engineer shall meet with the City's Stormwater Program Manager to obtain information on City Specific SUSMP requirements.

DURING CONSTRUCTION:

Planning Division:

97. Information that includes contact names and telephone numbers of the applicant/property owner, construction contractor(s) and City shall be posted at the project site so as to be visible to the public and of a size and location as approved by the Planning Manager. These names and telephone numbers shall be made available to adjacent property owners and residents.

98. All graffiti shall be removed within forty eight (48) hours of its application and said removal standards shall continue once the development becomes operational.

99. During all phases of construction, the applicant and property owner shall use their best efforts to assure that all construction workers and contractors park on-site or at designated off-site locations approved by the City and not in the surrounding neighborhood.

100. The following noise standards shall be complied with at all times. These are Mitigation Measures:

A. Construction equipment shall be located as far from nearby sensitive receptors, as possible. Stationary source equipment (e.g. compressors) shall be located so as to maintain the greatest distance from sensitive receptors;

B. All construction equipment shall be equipped with mufflers and sound control devices (e.g. intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have unmuffled exhaust;

C. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications to minimize noise emissions and to minimize exhaust emissions;

D. If any construction vehicles are serviced at a location onsite, the vehicle(s) shall be setback from any street and other property lines so as to maintain the greatest distance from the public right-of-way and from noise sensitive receptors;

E. Noise impacts from stationary sources (i.e., mechanical equipment, ventilators, and air conditioning units) shall be minimized by proper selection of equipment and the installation of acoustical shielding as approved by the Planning Manager and the Building Official in order that compliance with the CCMC Noise Regulations and Standards is achieved. Further, said stationary source equipment (i.e., compressors) shall be located so as to maintain the greatest distance from the public right-of-way and from noise sensitive receptors.

F. The construction contractor shall inform the Willows Community School of the construction schedule and coordinate construction activities with the Willows Community School to minimize disturbance to classes.

101. All inactive soil stockpiles shall be covered with tarps. This is a Mitigation Measure.

102. During construction, trucks and vehicles in loading and unloading queues will be kept with their engines off, when not in use, to reduce vehicle emissions. Construction deliveries shall be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts. This is a Mitigation Measure.

103. Electricity from power poles shall be used rather than temporary diesel or gasoline-powered generators, to the extent feasible. This is a Mitigation Measure.

104. Building materials, architectural coatings, and cleaning solvents shall comply with all applicable SCAQMD rules and regulations. This is a Mitigation Measure.

105. Dust fabric shall be installed to project perimeter fencing. This is a Mitigation Measure.

106. In the event that signs of contamination are found during excavation, work shall be stopped and the soil (and any groundwater) evaluated. If contaminants are found above acceptable levels, the site shall be cleaned to levels specified by regulating agencies (Fire Department, DTSC, and/or RWQCB). This is a Mitigation Measure.

Public Works Department / Engineering Division:

107. Construction hours shall be limited from 8 AM to 6 PM Monday through Friday, and from 9 AM to 6 PM on Saturdays. Construction shall be prohibited on Sundays and National Holidays. Dirt hauling and construction material deliveries or removal are prohibited during the morning (7 AM to 9 AM) and the afternoon (4 PM to 6 PM) peak traffic periods. This is Mitigation Measure.

108. All grading operations shall be terminated if wind conditions exceed 25 miles per hour. This is Mitigation Measure.

109. Approved Culver City haul routes (and schedules) must be used by all construction vehicles. This is Mitigation Measure.

110. All staging and storage of construction equipment and materials, including the construction dumpster, shall be on-site only. The applicant shall obtain written permission from adjacent property owners for any construction staging occurring on adjacent property.

111. The construction contractor shall advise the Public Works inspector of the schedule and shall meet with the inspector prior to commencement of work.

112. Vehicular and pedestrian access along Warner Drive shall be maintained at all times during construction activities.

113. Flag persons with certified training shall be provided for work site traffic control to minimize impacts to traffic flow and to ensure the safe movement of vehicles into and out of the Project Site.

114. Construction vehicles shall not be permitted to stage or queue where they would interfere with vehicular and pedestrian traffic or block access to adjacent businesses. Off-site staging locations shall be approved by the City Engineer and be of sufficient

length to accommodate large trucks without being unduly disruptive to traffic operations. The drivers of these trucks shall be in radio or phone communication with on-site personnel who shall advise the drivers when to proceed from the staging location to the site. Construction-related vehicles shall not be permitted to park on public streets.

115. All existing driveways along the project's frontage with Warner Drive shall be removed and reconstructed with curb, gutter, and sidewalk.

116. The existing sidewalk along Warner Drive adjacent to the subject site shall be removed and reconstructed to eight feet in width. A street easement shall be dedicated to the City to accommodate the new sidewalk.

117. The proposed drive approach to the project's driveway shall be handicap accessible.

118. The existing curb return at the intersection of Hayden Avenue and Warner Drive shall be reconstructed to a radius of 25 feet. The return shall have a corner cutoff, which shall be fully concreted, and a new handicap ramp. All existing utility boxes, fire hydrants, etc., shall be relocated to accomplish this construction. Adequate street right-of-way shall be dedicated to the City.

119. The existing curb and gutter along the project's frontage with Warner Drive shall be removed and reconstructed.

120. The full width of Warner Drive, from the project's easterly boundary to Hayden Avenue, shall be reconstructed. The minimum reconstruction shall be a 2 inch grind, crack sealing where necessary, placement of petromat paving fabric (or approved equivalent) and new asphalt overlay. The existing cross-gutter at the intersection of Hayden Avenue and Warner Drive shall also be reconstructed. All street striping, parking tees, stop bars, etc., disturbed by this construction shall be replaced with thermoplastic striping.

121. Street trees, tree wells, tree grates, and irrigation shall be installed and spaced at 30 to 45 feet center to center within the project's frontage along Warner Drive. A separate landscape and irrigation plan shall be submitted to the Engineering Division for review, approval, and permitting. Irrigation within the public right-of-way shall be connected to the private on-site irrigation system. Tree species, size and planting shall be to the satisfaction of the City Engineer.

122. All existing utility poles along the project's frontage with Warner Drive shall be removed and the utility lines under grounded.

123. The existing air raid siren and pole along Warner Drive shall be removed.

124. The existing street light system along the project's frontage shall be converted to low voltage. New street light conduit, wiring, pull boxes, light fixtures, and ballast shall be required.

125. All work in the public right-of-way shall be in accordance with City standards, APWA standards, and to the satisfaction of the City Engineer.

126. During construction, dust shall be controlled by regular watering and as directed by the City inspector; all exposed soils shall be watered, at a minimum, three times daily. This is a Mitigation Measure.

127. Per the Culver City Municipal Code 5.01.010, Ordinance No. 2001-011 Solid Waste Management, the Culver City Sanitation Division has the exclusive franchise for all solid and recyclable waste material handling within the City limits.

128. The applicant/owner shall participate in such onsite and offsite water services improvements as may be required by the Southern California Water Company.

129. A copy of the Local SWPPP, inspection logs, and training records shall also be kept onsite and made available for inspection at all times during construction.

130. All water backflow devices shall be located on private property and screened from view as required by the CCMC.

131. A four inch (4") solid yellow stripe shall be installed to delineate the egress/ingress of all driveways and intersections of the driveway aisles.

Traffic – All Traffic Conditions are Mitigation Measures

132. A left-turn lane providing eastbound access to the project's main driveway shall be installed in Warner Drive. Pavement transition striping shall be installed easterly of the project's main driveway to channel vehicular traffic around the left-turn lane. The existing angled parking along the south side of Warner Drive shall be removed to provide the necessary space for the left-turn lane and transition striping. Where feasible, parallel parking spaces shall be installed in-lieu of the angled parking spaces.

133. A left-turn lane and right-turn lane shall be installed on Warner Drive at Hayden Avenue to accommodate westbound traffic on Warner Drive.

134. An exclusive right-turn lane for northbound traffic and a left-turn lane for southbound traffic shall be installed on Hayden Avenue at Warner Drive. The existing angled parking spaces and landscape fingers along the east side of Hayden Avenue, both north and south of Warner Drive, shall be removed to accommodate both turn lanes. Re-paving of Hayden Avenue in those areas that require the removal of the landscape fingers shall be completed to the satisfaction of the City Engineer. Where feasible parallel parking spaces shall be installed in-lieu of the angled parking spaces.

135. Based on the approved traffic study as prepared by the KOA Corporation, dated February 23, 2009, a traffic signal is warranted at the intersection of Hayden Avenue and Warner Drive based on the forecast peak hour traffic volumes. However, the Metro Exposition LRT project, which is currently under construction, will install a traffic signal at the intersection of National Boulevard and Eastham Drive. Also, the traffic signal at National Boulevard and Jefferson Boulevard will be modified to allow left turns from Jefferson Boulevard onto National Boulevard. These changes may reduce the traffic volumes at the Hayden Avenue/Warner Drive intersection to an extent that a traffic signal would not be warranted there. Therefore, until the traffic signals at the National Boulevard/Eastham Drive and National Boulevard/Jefferson Boulevard intersections are completed, and at least a six month period has elapsed for traffic to be acclimated to this installation, the following requirements shall be met:

a. If any Certificate of Occupancy is requested prior to the Metro Exposition LRT project installing the traffic signal at the intersection of National Boulevard and Eastham Avenue and modifying the traffic signal at the intersection of National Boulevard and Jefferson Boulevard, the owner shall post a bond, in a form acceptable to the City Attorney, for the complete cost of installing a traffic signal and all appurtenant structures at the intersection of Hayden Avenue and Warner Drive. The cost estimate shall be based on an approved traffic signal plan and specifications as prepared by the applicant/owner's traffic engineer and submitted to the Engineering Division for review and approval. A bond processing fee in the amount of $1,500.00 shall be submitted with the bond.

b. At the end of the six month period following the installation of the traffic signal at the intersection of National Boulevard and Eastham Drive and the signal modification at the intersection of National Boulevard and Jefferson Boulevard, and with the project having at least 80% building occupancy, the owner shall enter into a three-party agreement with the City to hire an independent traffic engineer to conduct new traffic counts at the intersection of Hayden Avenue and Warner Drive. The cost of the three-party agreement shall include a 25% fee to cover the cost of the City to administer the contract. The new traffic counts shall be used by the owner's traffic engineer to perform a warrant analysis to determine the need for either a traffic signal or all-way stop control at this intersection. Based on the results of the warrant analysis, if a traffic signal or all-way stop control is not warranted, then no further work is required and the City shall release the traffic signal bond to the owner. However, if a traffic signal or all-way stop control is warranted, the owner shall have six months to install said traffic signal or all-way stop control after receiving an official notification from the City. Failure to install said traffic signal or the all-way stop control within the six month period, shall give cause for the City to invoke the bond to complete the required construction.

Prior to the issuance of any Certificate of Occupancy (C of O):

Planning Division:

136. All onsite and offsite landscaping and irrigation shall be completed to the satisfaction of the Planning Manager and Parks Manager.

137. The applicant shall submit a parking plan to the Planning Manager for review and approval that designates assigned parking spaces for employees of the commercial uses, patrons of the commercial uses, and users of the covenanted spaces. This parking plan shall also designate 150 parking spaces, from the code required parking, to be reserved as short term hourly use.

138. The applicant shall submit to the Planning Manager and Building Official a written record of all green building design, construction and operational elements of the project as defined by the United States Green Building Council (USGBC) or other similar organization as may be determined by the Building Official.

139. All applicable conditions of approval and required onsite and offsite improvements shall be completed to the satisfaction of the Planning Manager.

140. The City's Art in Public Places requirement per CCMC Title 15, Section 15.06.100 shall be fulfilled. The public art shall be maintained on an ongoing basis and installed or created on a material that is durable and does not fade over time.

141. Prior to Certificate of Occupancy, a security plan shall be prepared that includes on-site security; the proposed plan shall be submitted to the Culver City Police Department and the Planning Division for review and approval. Upon approval, the security plan shall be implemented as part of the project's operational procedures. This is a Mitigation Measure.

142. Pursuant to CCMC Section 7.05.015, Transportation Demand and Trip Reduction Measures, prior to issuance of a C of O, the developer shall provide and continuously maintain the following which shall be met to the satisfaction of the Planning Manager and Transportation Director:

A. A bulletin board, display case, or kiosk displaying transportation information in a prominent area accessible to the greatest number of employees shall be installed and shall include, but not be limited to, the following:

1) Current maps, routes and schedules for all public transit providers and routes serving the site;
2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency(ies), transportation management association(s) and local transit operators;

3) Ridesharing promotional material supplied by commuter-oriented organizations;
4) Bicycle route and facility information including regional / local bicycle maps and bicycle safety information; and
5) A listing of any other facilities and resources that may be available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

B. All information required by this Section shall be regularly stocked and updated on a periodic basis.

143. The applicant shall make an allocation of $25,000.00, towards the total cost of studying and implementing a Neighborhood Traffic Management Plan (NTMP) along Higuera Street between Lucerne Avenue and Hayden Avenue. Said funds shall be paid to the City Engineer prior to the applicant requesting any Certificate of Occupancy. Any funds not allocated or used by the City by the end of a five (5) year period beginning from the date of issuance of the Certificate of Occupancy, shall be returned to the applicant interest free.

Public Works Department / Engineering Division:

144. Prior to the issuance of any Certificate of Occupancy, the applicant shall submit a plan to the City Engineer regarding the repair or replacement of any damage to the public right-of-way that results from the construction of the proposed project. Such repair or replacement is to be completed to the satisfaction of the City Engineer. The applicant/owner shall be responsible for all expenses.

145. Prior to issuance of the C of O, the property owner shall construct all the stormwater pollution control BMPs and structural treatment control BMPs shown on the approved SUSMP or site-specific mitigation plan and submit a stormwater observation report based on forms obtained from the City's Stormwater Program Manager, which shall include a wet-signed and stamped certification statement by the engineer who prepared the SUSMP site plans, confirming that the SUSMP BMPs have been built as designed.

146. A covenant, to be effective in perpetuity unless terminated by the approval of the Public Works Director, shall be recorded in the Offices of the Los Angeles County Recorder. The recorded covenant shall include provisions requiring the current property owner and any and all successors-in-interest, transferees and assignees to maintain all onsite structural stormwater pollution removal devices, including, but not limited to, Detention/Sedimentation Systems, Filtration Systems, Infiltration Systems, Oil and Water Separators, Water Quality Inlets and Dry Wells, all in accordance with the Operation and Maintenance Plan approved by the Public Works Director or his/her designee. In addition, the specific structural BMPs to be utilized and maintained for the property shall be set forth in the covenant. The covenant shall be in a form approved by the City Attorney.

147. All Public Works conditions of approval shall be completed to the satisfaction of the City Engineer.

SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby approves Site Plan Review SPR P2008047.

APPROVED and ADOPTED this 13th day of May, 2009.

DAVID ROCKWELL, CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

Yvonne Hunt
Administrative Secretary

Attachment No. 3

RECEIVED
MAY 27 2009
Culver City
Planning Division

Appeal of Planning Commission Decision to the Culver City Council
Parking Structure and Retail/Restaurant Project, 8511 Warner Drive
Case Nos. P2008047, P2008048

The undersigned business and property owners appeal the May 13, 2009 decision of the Planning Commission approving the above project to the Culver City Council. This appeal is based upon the attached written narrative and appeal justification.

Michael Wellman
Howard Family Trust, Blanche Howard, 3578 Hayden Avenue

Aaron Kay
Fradelle & Aaron Kay Family Trust, 3573 Hayden Ave

Greg Toomey Sr.
8432 Steller Dr

Scott Martin
8461 Warner Drive, LLC

ATTACHMENT NO. 3

RECEIVED
MAY 27 2009
Culver City
Planning Division

I. General Statement Of The Basis For The Appeal

The appellants hereby appeal the decision of the Planning Commission approving the Project because the Mitigated Negative Declaration ("MND") is deficient and fails to properly analyze the environmental impacts resulting from the Project. Many environmental impacts are only reviewed superficially, and some impacts are not considered at all.

The MND's and underlying traffic study's analysis of traffic impacts is seriously flawed. Neither take into account the trips generated by the parking structure component of the project. Instead, they only analyze the trip generation of the retail and restaurant components. Considering that the parking structure is the primary component of the Project, this is a glaring omission which undermines the entire traffic analysis.

Several Commission members voiced concerns with this aspect of the traffic study, only to be told by staff that it would be illegal to analyze this traffic because the Institute of Traffic Engineers Trip Generation Manual ("ITE Manual") does not include a land use category for parking garage. Contrary to staff's erroneous and mechanical application of the ITE Manual, other ITE publications as well as common sense dictate that the parking structure will generate traffic. The traffic study must be redone to take this traffic into account.

The Project will eliminate 22 parking spaces on Warner Drive as a result of restriping necessary to mitigate the traffic impacts of the Project. Since the Project is creating the need for the restriping, the applicant should be required to set aside the same number of spaces as public parking in the Project. Several Commission members wanted to impose a condition requiring the applicant to set aside these spaces to mitigate the impact its Project will cause, but staff incorrectly advised the Commission that it had no power to impose such a condition. That advice was incorrect and contrary to very clear provisions in CEQA. Not only did the Commission have the power to impose a mitigation measure requiring the applicant to set aside these 22 spaces, CEQA required it to do so.

The MND ignores other environmental impacts as well. A project of this size has a clear potential to create impacts which cannot be mitigated. Therefore, CEQA requires that the City prepare an Environmental Impact Report ("EIR") to ensure that the public has an opportunity to make a fully informed decision regarding the Project.

II. Supporting Evidence

A. The Traffic Study Ignores The Traffic Generated By The Parking Garage Component of the Project

Despite the fact that the parking garage is the primary component of this Project, the traffic study does not analyze the traffic generated by the new parking spaces whatsoever. It only analyzes the traffic generated by the retail and restaurant spaces, which are small components of the Project. This is a glaring omission which dramatically underestimates the trips generated by the Project.

During the Planning Commission proceedings, Chairman Rockwell and other Commissioners voiced serious concerns about this deficiency. Staff responded that, since the ITE manual does not include a specific category for parking garages, staff could not legally consider the issue. In order words, even if common sense dictates new parking creates traffic and changes traffic patterns in the real world, the Commission could not consider the issue because the ITE Manual needed to be mechanically applied.

Staff's conclusion is based on a misunderstanding of the purpose and application of the ITE Manual. The ITE Manual does not dictate which traffic impacts are to be analyzed. Instead, the ITE Manual is simply a compilation of data based on various counts submitted throughout the United States. This data is then used to calculate estimated traffic generation rates. The ITE Manual does not include a category for every single type of land use. Indeed, each new edition reflects new land use categories added as information is collected. (ITE Manual, p. 3.) The fact that a particular land use is not listed does not mean that the traffic impacts of that use can simply be ignored. In fact, the ITE manual warns against applying it superficially or mechanically, and states, "[w]here practical, the user is encouraged to supplement the data in this document with local data that has been collected at similar sites." (*Id.* at p. 2.) Indeed, CEQA requires that the traffic study be tailored to the particular Project and based on real-world conditions. (See *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342.)

It is common practice, where, as here, the ITE manual does not list a particular use, the traffic study should be based upon counts taken at other similar facilities in the area. In this case, that should have been accomplished by surveying and performing traffic counts at other similar parking garages.

Other ITE technical materials confirm the common sense principle that parking garages do generate traffic and are required to be taken into account in any traffic study. Attached is an article from the ITE Journal entitled, "An Innovative Technique for Estimating Trip Generation for Parking Facilities" which describes how surrounding parking facilities expanded as part of a new project and how to calculate traffic generation from those facilities.[1] The article states unequivocally, "[t]he capabilities of these parking facilities to draw additional traffic (their generation rates) must be computed, in order to model the consequent trip redistribution and conduct the traffic assignment." (P. 23.) It continues that "[t]hese parking facilities will attract varying amounts of new traffic and will consequently change the traffic distribution and circulation patterns in the study area, depending on their locations and surplus capacities." (P. 24.)

CEQA also does not allow the ITE rates to be applied in a superficial way which ignores real world traffic impacts. An agency may not mechanically apply its standards so as to ignore a significant impact. (*Mejia v. City of Los Angeles*, *supra*, 130 Cal.App.4th 322, 342.) A public agency cannot apply a threshold of significance or regulatory standard "in a way that

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[1] This article is available on the "Trip Generation" Technical Publications section of ITE's website at http://www.ite.org/tripgen/triparticles.asp.

forecloses the consideration of any other substantial evidence showing there may be a significant effect." (*Id.* at 342.)

Staff also argued that the parking component of the Project has no traffic impacts because the parking serves other uses. Even assuming, for argument's sake, that is correct, the parking structure will still dramatically alter circulation patterns in the area, and this must be taken into account in the traffic study. For example, the addition of the new parking will bring new visitors and employees to the Hayden Tract, and the change in traffic circulation may impact certain intersections more than others.

In any event, the parking garage has indirect and growth-inducing impacts by providing additional parking which will promote further development in the Hayden Tract. CEQA requires that these growth-inducing impacts must be considered as part of the traffic study and MND, even if those impacts result only indirectly from the Project. (Pub. Resources Code, section 21100(b)(5); CEQA Guidelines, section 15126(d); *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 368.)

B. The MND Does Not Mitigate For The Loss of Street Parking

The MND proposes to restripe Warner Drive near the Hayden Avenue intersection in order to mitigate the traffic impacts at this intersection. This restriping will eliminate the current angled parking spaces along Warner Drive. This will result in a net loss of 22 parking spaces. (Traffic Study, p. 50.) The MND and traffic study do not propose any mitigation for this parking impact. Instead, they state that the new parking structure will include excess parking and assume that this will solve the problem. However, there are no mitigation measures requiring a certain number of spaces to be set aside for public parking. Merely relying on parking at some undisclosed location in this private parking structure is clearly inadequate to mitigate for the loss of public street parking. The current 22 public street parking spaces are available all day at no charge. In contrast, the owner of the parking garage will likely limit parking hours and will be free to charge any rate it desires for public parking. These factors cannot be ignored.

During the Planning Commission hearing, several members of the Commission stated that they wanted to impose a condition requiring the applicant to provide 22 spaces of public parking within the new parking garage to mitigate for the loss of the 22 spaces. However, staff gave incorrect legal advice and told the Commission that it had no authority to impose such a condition, and, based on that advice, the Commission found that it could not mitigate for the loss of parking.

Staff's advice to the Commission was in direct conflict with established law. Not only did the Commission have the power to impose this mitigation measure requiring the applicant to provide these 22 spaces, CEQA required it to do so. CEQA requires that all feasible mitigation measures be imposed to mitigate an impact. (Pub. Res. Code, § 21002, 21081(a).) An agency violates CEQA where it fails to impose mitigation measures based on an erroneous determination that it has no power to do so. (*City of Marina v. Board of Trustees of the Cal. State Univ.* (2006) 29 Cal.4th 341, 356-362.) Culver City had the authority under its general police power to impose a condition in order to replace these 22 spaces. (Cal. Const., art. XI, §

7:) The law is clear that the condition can be imposed as long as there is a "nexus" between the condition and the impact of the project and that the condition is "roughly proportional" to that impact. (*Nollan v. California Coastal Comm'n* (1987) 483 US 825; *Dolan v. City of Tigard* (1994) 512 US 374.) Indeed, Culver City was the respondent agency in one of the leading California Supreme Court cases on this issue, which reaffirmed that the City had the police power to tailor conditions to mitigate impacts in the City. (See *Elhrich v. City of Culver City* (1996) 12 Cal.4th 854.) Here, the nexus and proportionality between the impact created by the project (the loss of 22 parking spaces) and the proposed condition (providing 22 parking spaces with the project) is clear. There is no question the City has the power to remedy the loss of parking and is required by CEQA to do so.

C. A Noise Study Was Not Conducted

The MND does not include a quantitative noise study analyzing the construction and operational noise impacts of the Project. This deficiency is especially surprising considering the large size of the Project and its close proximity to sensitive receptors in the area.

A standard noise analysis includes measurements of existing noise in the vicinity and analysis of projected noise during construction and operation of the Project. The analysis then compares the resulting noise levels and the incremental increase in noise against established thresholds to determine whether noise impacts are significant. The MND does not contain any of this required analysis. Instead, it vaguely discusses the operational aspects of the Project and, then without any hard numbers or other quantitative analysis, concludes that noise impacts will not be significant.

The MND does not evaluate noise impacts in relation to any recognized standards. It states that Culver City does not have specific limitation as to the amount of construction noise. Even if this is true, this did not allow the City to not apply any standard at all. For example, a 3 decibel increase in noise is typically the threshold to determine whether impacts are significant. However, since the MND did not quantify existing or projected noise levels, there is no way of knowing whether the Project noise will exceed this threshold.

The MND prepared for the applicant's earlier Theater Project disclosed significant construction noise impacts. Since the same types of construction equipment will be used for the current project, there is no reason to believe that the construction impacts of the current Project will be any different. The MND for the Theater Project stated construction was anticipated to take approximately two-years and disclosed that, even when equipment is equipped with mufflers and sound control devices, construction will generate noise levels ranging from 70 to 83 dBA at 50 feet. (Theater Project MND, pgs. 23-24, attached hereto.) The Theater Project MND also concluded that, when considering that the construction equipment will travel near nearby residents and schools, these residents and schoolchildren could experience exterior noise levels as high as 83 dBA and interior noise levels of 71 dBA with open windows and 57 dBA with closed windows. (Theater Project MND, p. 23.)

This impact is significant under any established threshold. It greatly exceeds the standard noise restrictions in other jurisdictions. For example, the City of Los Angeles defines presumed ambient noise levels as 50 dBA (Day) and 40 dBA (Night) for residential zones and

65 dBA (Day/Night) for industrial zones. (See Los Angeles Municipal Code, Section 111.03, attached hereto.) The Los Angeles County Code contains similar guidelines, adding that interior noise should not exceed 45 dBA (Daytime). (County Code, Section 12.08.400 (B), attached hereto.) Furthermore, the County Code limits construction noise to 75 dBA (Single-family) and 80 dBA (Multi-family) for mobile equipment and 60 dBA (Single-family) and 65 dBA (Multi-family) for stationary equipment.

D. The MND Improperly Defers Analysis Of Geology and Soils

The Hayden Tract was developed on what was previously a marsh. Although the MND concedes that historic groundwater is only 20 feet below the surface, it defers a geotechnical investigation of the liquefaction potential of the site until prior to the final project design. (MND, p. 8.) This is improper under CEQA. The geotechnical study cannot be deferred to a later date. (See *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.) It must take place now as part of the environmental review of the Project.

The requirement that the geotechnical study be prepared now is particularly warranted because the Project includes a 3-story subterranean parking garage. It is crucial that a comprehensive geotechnical investigation take place as part of the environmental review to determine whether the proposed subterranean parking is even feasible considering the soil conditions in the area.

E. The MND Improperly Defers Analysis Of Contaminated Soils

The Hayden Tract is an industrial neighborhood and many of the properties in the vicinity of the Warner Lot suffer from soil contamination. The MND should study the potential for soil contamination because construction may release these hazardous materials into the air, impacting surrounding sensitive receptors. Rather than analyze this impact now, the MND defers an analysis until excavation. (MND, p. 10.) However, at that point, it may be too late to prevent the release of hazardous materials. The analysis of impacts from contaminated soils cannot be deferred and must take place before the Project is approved.

F. The MND Does Not Analyze Global Warming

The MND must address the potential to increase global warming though construction and operation of the Project. Following California's enactment of AB 32, this analysis is now required of all CEQA documents. (See Governor's Office of Planning and Research Technical Advisory on CEQA and Climate Change (Published June 2008); 2009 Proposed CEQA Guidelines for Greenhouse Gas Emissions.) This analysis is omitted entirely from the MND.

G. CEQA Requires That The City Prepare An EIR

CEQA mandates a strong presumption in favor of preparing an EIR. (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332.) Under CEQA, an EIR is required whenever substantial evidence in the record supports a "fair argument" that significant impacts may occur. (Pub. Resources Code § 21064.5; 14 Cal. Code Regs., §15000 et. seq. ("CEQA Guidelines"), at § 15070; *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1993) 6

Cal.4th 1112, 1123.) The fair argument standard is very different from the standard usually applied to public agencies. Under the fair argument standard, an agency's "decision not to require an EIR can be upheld only when there is no credible evidence to the contrary." (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 333.) The fair argument standard prohibits agencies from weighing competing evidence. Even if other evidence shows no significant impact, an EIR is required. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.)

Agencies are "not allowed to hide behind [their] own failure to gather relevant data." (*Sundstrom, supra*, 202 Cal.App.3d at 311.) In fact, the lack of evidence in the record to support an agency's conclusions lends support to a fair argument that the project may have adverse environmental effects. (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1382.)

ATTACHMENT NO. 3

An Innovative Technique for Estimating Trip Generation for Parking Facilities

BY LIHUANG WUNG AND BALBIR S. KINDRA

A new federal courthouse building has been proposed at the southwest corner of Vine and Elm streets in downtown Urbana (135 miles south of Chicago, population 36,350), as shown in Figure 1. The existing 190 parking spaces on the construction site will be removed. The courthouse, to be built later this year, will house 125 federal employees; however, only 75 parking spaces will be available, and they will be reserved for preferred employees and visitors. The induced additional parking demand will need to be accommodated by the adjacent existing and new parking facilities.

The City of Urbana has proposed two alternate plans to handle the new parking demand generated by the courthouse and address the shortage of available parking in the downtown area. Plan A would be implemented in two phases: Phase I (site preparation) requires removal of 190 parking spaces from the courthouse construction site and the addition of 303 new spaces to seven existing parking lots in the vicinity; Phase II (construction of the courthouse) creates demand for another 326 parking spaces in the downtown area, out of which 220 spaces will be constructed at either of two optional new locations (Option 1 and Option 2). The alternate parking improvement plan, Plan B, is exactly the same as Plan A, except that it would require closure of two street segments to improve traffic circulation.

A traffic impact study was conducted for the courthouse development and the parking facility improvement. There were two major challenges in this impact study. First, in general, a new development (such as the courthouse) generates traffic, but the parking facility attached to it does not. However, in this courthouse study case, many existing parking facilities in downtown Urbana will be expanded, and they will attract additional traffic (either pass-by traffic or new traffic). The capabilities of these parking facilities to draw additional traffic (their trip generation rates) must be computed, in order to model the consequent trip redistribution and conduct the traffic assignment.

Second, the City of Urbana has not finalized a particular parking improvement plan. In addition to Plan A and Plan B, there could be Plan C, Plan D, and so forth, and for Phase II of each plan, there could also be Option 3, Option 4, and so forth. A simplified procedure for trip generation, trip distribution, and traffic assignment needed to be developed, so that a traffic impact analysis could be performed to assess each alternate plan or option in an expeditious manner.

This paper describes how an innovative methodology was created to compute the trip generation rates for parking facilities in the study area and how the conventional procedure of traffic impact analysis was simplified to fit the local needs for quick evaluation of alternative development proposals.

Parking Analysis

The first step in conducting the impact analysis was to analyze the existing parking supply and demand in the study area. This phase of the analysis did not intend to determine the parking needs of the courthouse and other existing developments in downtown Urbana. Rather, it was designed to establish a framework of supply and demand relationships based on trip distribution patterns that could be utilized for traffic impact analysis purposes.

Parking Demand

The courthouse is estimated to generate 1,500 trips per day according to the ITE trip generation manual.[1] These 1,500 trips comprise the parking demand (after Phase II of the project is completed) that will need to be accommodated by the courthouse parking lot, as well as other adjacent parking facilities. Phase I (site preparation) of the project requires removal of 190 parking spaces currently housed at the courthouse site. The corresponding daily traffic of 1,140 trips that were observed at the entrance/exit of this parking lot is the parking demand during Phase I.

Parking Supply

There are 13 parking facilities/sites under study, as shown in Figure 1. P1 represents the new parking lot at the courthouse site, which will be constructed during Phase II of the project. P2, P6,

and P8 are existing parking lots. P3, P4, P5, and P7 are also existing facilities and are subject to expansion during Phase I and/or Phase II of the project. P9 to P11 are new facilities to be constructed by the city during Phase I. During Phase II, if Option 1 is selected, P9 will be expanded, and P12 will be constructed; if Option 2 is selected, then only P13, which is an existing parking deck, will be expanded.

These parking facilities will attract varying amounts of new traffic and will consequently change the traffic distribution and circulation patterns in the study area, depending on their locations and surplus capacities. Since the study area (the core of downtown Urbana) is relatively small (about 4 blocks square), the location is not considered a significant contributive factor to the additional use of the parking facilities. The surplus capacity hence becomes the index of the capability to accommodate additional parking demand, herein defined as "accommodation capability."

The surplus capacity of a parking facility, in this study's case, includes not only the number of new parking spaces to be added, but also those existing spaces that are underutilized. In Urbana most parking facilities are not usually fully utilized, that is, the utilization ratio is less than 100 percent. The portion that is usually underutilized could also contribute to the additional use of the parking facility to accommodate new demand. Therefore, computation of the accommodation capability of a parking facility should incorporate the added spaces, as well as the current utilization ratio.

The accommodation capability should be expressed in trips generated instead of the number of parking spaces, since the parking facilities are the destinations (or trip attractors) in the trip distribution network, and the results of the traffic assignment need to be presented in trips per day. To convert the parking supply from number of spaces to trips per day, the turnover rate could be employed. If each space in a parking facility is occupied on average by four vehicles at different time periods of the day, the turnover rate is four vehicles per space per day. Consider that each vehicle makes two trips (that is, entering and exiting the parking facility), then the turnover rate can be expressed as eight trips per space per day. If a parking usage study is not conducted, the turnover rate can be estimated by dividing the total daily traffic observed at the entrance/exit by the total spaces available in the parking facility.

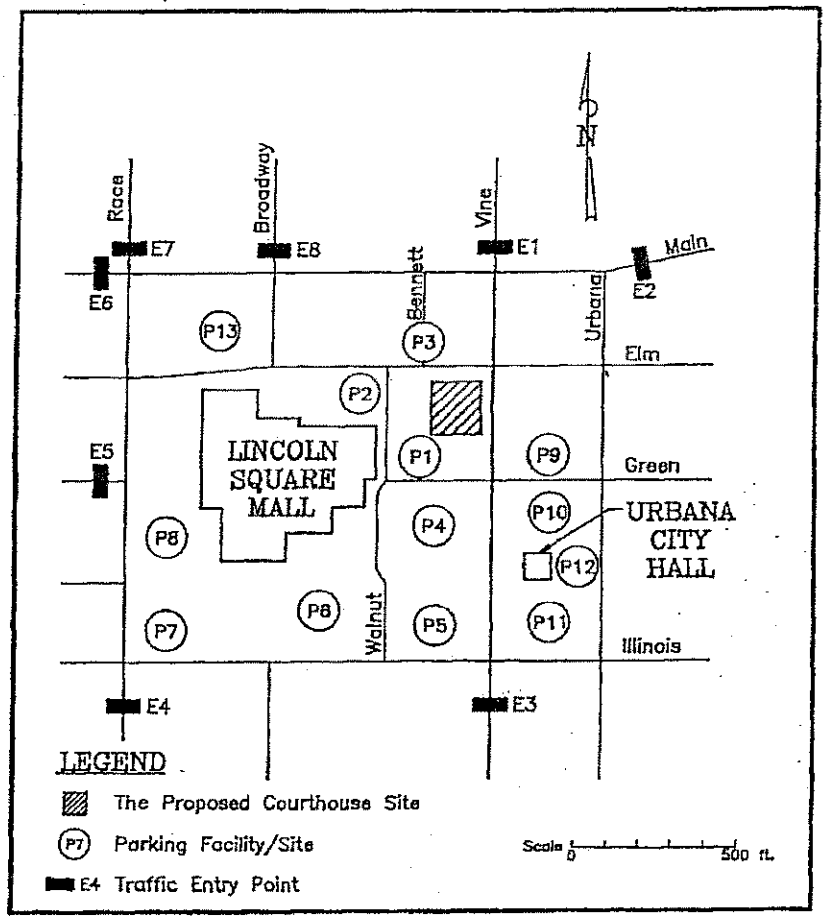

Figure 1. The courthouse site, parking facilities/sites, and traffic entry points in the study area.

Parking Accommodation Capability

Based on the preceding discussion, the computation of a parking facility's accommodation capability should use the following steps. Take parking lot P4 as an example:

Step 1: Conduct a parking usage study (or by estimation) to identify the utilization ratio (U) and the turnover rate (T). In this case, for parking lot P4, U=75 percent and T=12 trips/space.

Step 2: Calculate the spaces that can be carried over for use in Phase I of the project.

Existing capacity of P4 = 188 spaces

Spaces being utilized = 188 X U = 188 X 75 percent = 141 spaces

Carried-over spaces = 188–141 = 47 spaces

Step 3: Compute total spaces available for use in Phase I.

Carried-over spaces = 47 spaces

New spaces to be constructed = 26 spaces (given)

New spaces to be frequently utilized = 26 X U = 20 spaces

Total spaces available for use in Phase I = 47 + 20 = 67 spaces

Carried-over spaces for use in Phase II = 26–20 = 6 spaces

ATTACHMENT NO. 3

Table 1. Accommodation Capability (AC) during Phase I.

Parking Lot	Utilization Ratio [1]	Turnover Rate (Trips/ Space) [2]	Existing Spaces [3]	Carried-over Spaces for Phase I [4] = [3]−[3]×[1]	Added Spaces in Phase I [5]	Spaces Frequently Utilized [6] = [5]×[1]	Carried-over Spaces for Phase II [7] = [5]−[6]	Total Spaces Available [8] = [4]+[6]	AC (Trips) [9] = [8]×[2]	Phase I Demand (Trips) [10]	Surplus AC (Trips) [11] = [9]−[10]	Carried Over AC (Trips) [12] = [7]×[2]	Total Surplus AC (Trips) [13] = [11]+[12]
P1	75%	8	190	*	0	0	0	0	0	0	0	0	0
P2	75%	8	16	4	0	0	0	4	30	0	30	0	30
P3	75%	8	12	3	22	17	5	20	160	140	20	40	60
P4	75%	12	188	47	26	20	6	67	805	640	165	70	235
P5	75%	8	174	43	16	12	4	55	440	0	440	30	470
P6	75%	25	86	21	0	0	0	21	525	0	525	0	525
P7	75%	8	139	34	10	8	2	42	335	0	335	15	350
P8	75%	8	22	5	0	0	0	5	40	0	40	0	40
P9	75%	8	0	0	47	35	12	35	280	180	100	95	195
P10	75%	8	0	0	106	79	27	79	630	180	450	215	665
P11	75%	8	0	0	76	57	19	57	455	0	455	150	605
P12	75%	8	0	0	0	0	0	0	0	0	0	0	0
P13	75%	5	221	55	0	0	0	55	275	0	275	0	275
Total			1,048	212	303	228	75	435	3,975	1,140	2,835	615	3,450

*Spaces removed for the courthouse building.

Step 4: Convert the capacity from spaces to trips, to obtain the accommodation capability (AC) during Phase I.

$$AC = 67 \times T = 67 \times 12 = 805 \text{ trips}$$

The 805 trips are the accommodation capability, or the trip generation rate, of parking lot P4 during Phase I of the project. Table 1 illustrates the above computation procedure for all of the 13 parking facilities/sites under study. In the example case shown in Table 1, the total accommodation capability of the facilities/sites (i.e., 3,975 daily trips) exceeds the Phase I parking demand of 1,140 daily trips, as previously described in the paragraph concerning parking demand. After the 1,140 trips are accommodated by selected parking lots (in this example, P3, P4, P9, and P10), there remain 2,835 trips of surplus accommodation capability in the study area. These 2,835 trips, along with those portions of new added spaces that are not fully utilized, could be carried over for further use during Phase II of the project. The computation of the accommodation capability during Phase II follows the same step-by-step logic that was employed during Phase I. Table 2 depicts the accommodation capabilities of the parking facilities under Options 1 and 2 during Phase II. Table 2 also shows how the Phase II parking demand of 1,500 trips (as mentioned previously in the paragraph on parking demand) is accommodated.

Traffic Analysis

Before assessing the impacts of the courthouse, as well as the proposed alternative parking improvement plans, a traffic analysis was conducted following the conventional procedure of trip generation, trip distribution, and traffic assignment. Modal split was not considered necessary in this case study. The innovative techniques as outlined in Tables 1 and 2 were employed in estimating the trip generation rates for the improved parking facilities. In addition, a simplified trip table was created to help expedite the process of trip distribution and traffic assignment. To illustrate the use of these tables, this report will describe the first alternate plan, Plan A, as an example.

Trip Generation

No new trips will be generated during Phase I, but the 1,140 trips observed at the courthouse site need to be relocated to the adjacent parking facilities. During Phase II, 1,500 trips will be generated and will need to be accommodated by all the improved parking facilities in the study area.

Trip Distribution

A trip distribution pattern identifies the origins, destinations, and possible traveling routes of the trips that need to be distributed or redistributed within the study area. For simplicity, a trip distribution pattern was established using professional engineering judgment based on local experience and practices. The pattern can be described as follows:

- The subject trips enter and exit the study area through eight major selected entry points, as shown in Figure 1. These entry points are treated as trip origins. The amount of trips out of the subject trips that each entry point carries is proportionate to the current traffic volume at the entry point.
- The destinations of the subject trips are the parking facilities. The amount of trips out of the subject trips that each parking facility receives is proportionate to its accommodation capability, as computed in Tables 1 and 2.
- The most likely traveling routes connecting the origins and the destinations are determined based on engineering judgment, taking into account travel time, delay, turning constraints, convenience, motorist preference, and other locally recognized factors.
- The directional split of daily traffic is assumed at 50 percent inbound and 50 percent outbound.

This distribution pattern can be better illustrated by the simplified trip table as shown in Table 3. The trip table shows how many trips are traveling between each origin and each destination. For in-

stance, 46 trips are traveling between entry point 1 and P4.

Traffic Assignment

Under the existing condition, that is, before Phase I of the project, there were 1,140 trips observed at the entrance/exit of the parking lot P1 where the courthouse would be constructed. The 1,140 trips correlate to the eight entry points. By distributing these 1,140 trips onto the eight entry points in Table 3, and identifying P1 as the only trip destination, a one-row trip table was obtained that depicted how many trips (out of 1,140 trips) were destined between each entry point and P1. Next, these trips were assigned onto the street network in the study area. The resultant traffic counts on street segments and at intersections were referred to as the traffic assignment for the before (or existing) condition.

During Phase I of the project, parking lot P1 would be demolished in preparing for the construction of the courthouse and the 1,140 trips would need to be relocated to the other parking sites in the study area. Table 3 was again applied to distribute the 1,140 trips onto the eight entry points and identify all of the 13 parking sites except P1 and P12 as the trip destinations (P1 would be demolished and P12 would not yet be in existence during Phase 1). The accommodation capabilities of these 11 parking facilities were computed following the procedure as depicted in Table 1, and a traffic assignment was performed using the matrix of trips produced by Table 3. The resultant traffic counts in the study area were referred to as the traffic as-

Table 2. Accommodation Capability (AC) during Phase II.

				Phase II - Option 1					Phase II - Option 2				
Parking Lot	Utilization Ratio (1)	Turnover Rate (Trips/ Spaces) (2)	Phase I Surplus AC (Trips) (3)	Added Spaces (4)	Added AC (Trips) (5) = (4)×(1)×(2)	Total AC (Trips) (6)=(3)+(5)	Phase II Demand (Trips) (7)	Surplus AC (Trips) (8)=(6)−(7)	Added Spaces (9)	Added AC (Trips) (10) = (9)×(1)×(2)	Total AC (Trips) (11)= (3)+(10)	Phase II Demand (Trips) (12)	Surplus AC (Trips) (13)=(11)−(12)
P1	75%	8	0	75	450	450	125	325	75	450	450	135	315
P2	75%	8	30	0	0	30	10	20	0	0	30	10	20
P3	75%	8	60	0	0	60	15	45	0	0	60	20	40
P4	75%	12	235	0	0	235	65	170	0	0	235	70	165
P5	75%	8	470	0	0	470	130	340	0	0	470	145	325
P6	75%	25	525	0	0	525	145	380	0	0	525	160	365
P7	75%	8	350	31	185	535	150	385	31	185	535	165	370
P8	75%	8	40	0	0	40	10	30	0	0	40	10	30
P9	75%	8	195	110	660	855	235	620	0	0	195	60	135
P10	75%	8	665	0	0	665	185	480	0	0	665	205	460
P11	75%	8	605	0	0	605	170	435	0	0	605	185	420
P12	75%	8	0	110	660	660	185	475	0	0	0	0	0
P13	75%	5	275	0	0	275	75	200	220	825	1,100	335	765
Total			3,450	326	1,955	5,405	1,500	3,905	326	1,460	4,910	1,500	3,410

Table 3. Traffic between entry points and parking facilities.

Parking Facilities and Their Accommodation Capabilities			Entry Points (Origins) and Their Shares of Traffic								
			1 20%	2 5%	3 20%	4 12%	5 13%	6 15%	7 5%	8 10%	100%
P1	0	0%	0	0	0	0	0	0	0	0	0
P2	30	1%	2	0	2	1	1	1	0	1	9
P3	160	4%	9	2	9	6	6	7	2	5	46
P4	805	20%	46	12	46	28	30	35	12	23	231
P5	440	11%	25	6	25	15	16	19	6	13	126
P6	525	13%	30	8	30	18	20	23	8	15	151
P7	335	8%	19	5	19	12	12	14	5	10	96
P8	40	1%	2	1	2	1	1	2	1	1	11
P9	280	7%	16	4	16	10	10	12	4	8	80
P10	630	16%	36	9	36	22	23	27	9	18	181
P11	455	11%	26	7	26	16	17	20	7	13	130
P12	0	0%	0	0	0	0	0	0	0	0	0
P13	275	7%	16	4	16	9	10	12	4	8	79
Total	3,975	100%	228	57	228	137	148	171	57	114	1,140

signment for the after condition. It is noted that trips are assigned to parking facilities assuming that the old turnover rates under the before condition still apply. This assumption is subject to rectification, when the turnover rates under the after condition become available.

Comparison of the before and after traffic assignments resulted in the net changes (including increases and decreases) in traffic volume on street segments and at intersections, due to the Phase I developments. This procedure was subsequently repeated, by using Tables 2 and 3, to obtain net changes in traffic due to the Phase II developments.

Traffic Impact Analysis

By carefully examining the results of the traffic assignment, primary traffic impacts of the courthouse development, as well as of the parking facility improvement, were addressed. The impacts included, but were not limited to, the capacity and operation of the street system, the traffic circulation, the transit operation, the pedestrian and bicycle crossings, and the access management. The results of the traffic impact analysis are not included in this article.

Applications

In April 1989, the City of Urbana requested the first traffic impact study to address the two parking improvement plans, with each plan including Option 1 and Option 2 in Phase II. In August of the same year, the city made a second request to evaluate an additional plan, Plan C, which altered Plan B by proposing closure of only one street segment instead of two. The third request came in February 1990 and required that all three plans be reassessed, taking into account a third option, Option 3, in Phase II. Option 3 provided an alternate arrangement of parking lots, in addition to Options 1 and 2, to facilitate 220 new parking spaces. All of the requested studies and supplemental analyses have been successfully completed in an expe-

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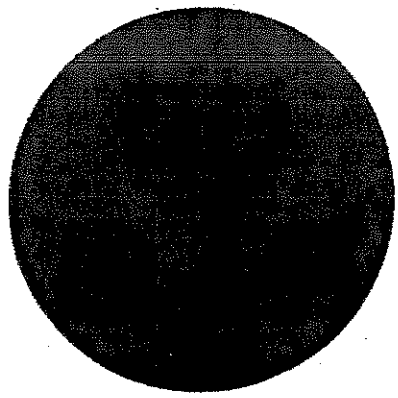

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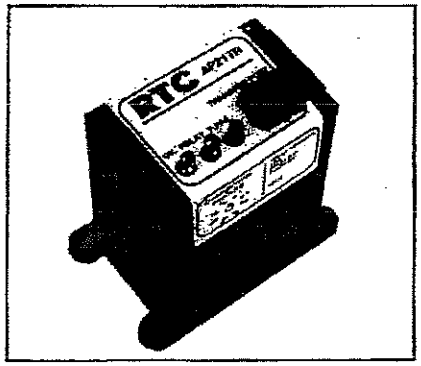

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ditious manner, by replicating the procedures outlined in Tables 1, 2, and 3.

Tables 1 and 2 provide a logical approach for converting the unit of the parking supply capacity from number of spaces to number of trips generated, so the availability of parking facilities can be quantified and utilized in the trip distribution and traffic assignment procedure. Table 3 illustrates a simplified trip table that can be easily produced and applied, based on engineering judgment. Efforts on tedious data collection for origin-destination network, socioeconomic data, population, travel time and delay, traffic controls, traffic constraints, and so forth, could be significantly reduced for a small simplified study. Further, these three tables could be stored in the regular spreadsheet program on a computer for easy replication.

The above innovative methodology of simplified procedure for traffic impact analysis has been applied in Urbana and has proven to produce reasonable outcomes. It should be reiterated, however, that the application of the methodology requires some manual traffic assignment knowledge, familiarity with local traffic conditions, and a good understanding of the local socioeconomic environment. Therefore, this methodology should be an effective and efficient tool, particularly for those jurisdictions that have limited staff and budget, but desire to perform quick traffic impact analyses for small- to medium-scale developments. Examples of these jurisdictions included small municipalities, counties, and small metropolitan planning organizations.

Reference

1. Institute of Transportation Engineers. *Trip Generation, 4th Edition.* Washington, DC: ITE, 1987. (Current edition: 5th ed., 1991)

Lihuang Wung, *P.E., is the transportation engineering coordinator for the Champaign-Urbana Urbanized Area Transportation Study (CUUATS), Illinois. CUUATS is housed at the Champaign County Regional Planning Commission, which is the designated metropolitan planning organization (MPO) for the Champaign-Urbana area. Wung is responsible for traffic signal design and operation, transportation system management, and MPO activity coordination. He has a B.S.E. from National Taiwan University and a M.S.C.E. from the University of Minnesota—Twin Cities. He is an Associate Member of ITE.*

Balbir S. Kindra, *P.E., is the director of engineering for the City of Urbana, Illinois. In this capacity, he is responsible for the Engineering Department, involving management and planning for transportation, traffic, and municipal engineering functions. He has a B.S.C.E. from Aligarh University in India, an M.B.A. from the University of Illinois, and a P.D.D. from the University of Wisconsin. He is a Fellow of ITE.*

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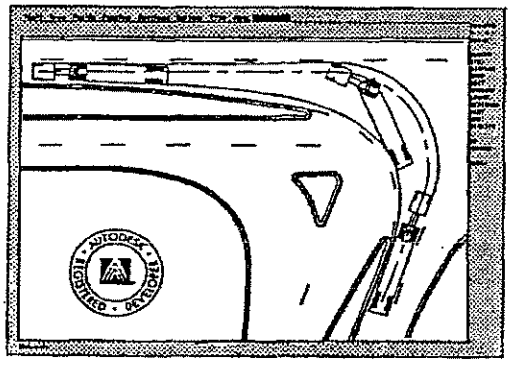

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X. MINERAL RESOURCES:

(a,b) The project site and its surrounding area are currently developed with urban uses. No mineral resource have been identified on or within the project site. Therefore, project implementation would not result i impacts associated with the loss or availability of a known mineral resource that would of value to the regio and the residents of the state. **No Mitigation Measures are Required.**

XI. NOISE:

(a-d) Sound is defined as any pressure variation detected by the human ear. Noise is defined as any unwantec sound. The preferred unit for measuring sound is the decibel (dB). The dB expresses the logarithmic ratio o the amount of energy radiating from a source in the form of an acoustic wave.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts on people, an electronic filter is used that de-emphasizes certain frequencies in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). L_{eq} is the equivalent sound level, which is used to describe average noise levels over a specified period of time. On average, noise attenuates (lessens) at a rate of six dBA for every doubling of distance from a source, depending on environmental conditions (e.g., atmospheric conditions, noise barriers, ground covering, etc.).

The proposed project is located in an area consisting of commercial/light industrial uses, with some residential, municipal and open space uses nearby. The nearby residences and the Willows Community School, which qualify as noise sensitive land uses, would potentially be exposed to noise generated from on-site construction activities.

Construction Noise

Construction noise levels at and near the project site during both the short-term and long-term project would fluctuate depending on the particular type, number, and duration of use of various pieces of construction equipment. Demolition activities are tentatively scheduled to take place between September and December 2005. Construction is scheduled to take place between July 2006 and April 2008. Table 8 shows noise levels associated with various types of construction related machinery. According to this table, noise levels as high as 83 dBA at a distance of 50 feet.

Most construction activity would be located central to the project site and away from sensitive receptors. However, construction equipment would occasionally travel along the boundary of the project site and within 50 feet of the Willows Community School and the nearest multi-family residence. The Willows Community School and the nearest residence could experience exterior noise levels of 83 dBA.[22] Buildings constructed with typical construction materials and architecture experience an outdoor to indoor noise reduction of approximately 12 dBA with windows open and a minimum 26 dBA with windows closed.[23] This would result in interior window open noise levels of 71 dBA at the Willows Community School and the nearest residence. The Willows Community School and the nearest residence would experience interior windows closed noise levels of 57 dBA.

To put these noise levels in perspective, the typical sound level that permits relaxed conversation with 100 percent intelligibility is 45 dBA. This drops to 50 percent intelligibility at 70 dBA. In addition, 50 percent of people report that noise levels of 75 dBA disturb sleep.

[22] USEPA, Bolt, Beranek, and Newman, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, U.S. Environmental Protection Agency*, 1971.

[23] American Society for Testing of Materials, *Standard Classification for Determination of Outdoor-Indoor Transmission Class*, 2003.

XI. NOISE CONTINUED:

TABLE 8
DEMOLITION AND CONSTRUCTION EQUIPMENT SOURCE NOISE LEVELS

Equipment Type	Typical Equipment at 50 ft. (in dBA)	Quieted Equipment at 50 ft. (in dBA)[a]
Air Compressor	81	71
Backhoe	85	80
Concrete Pump	82	80
Concrete Vibrator	76	70
Concrete Breaker	82	75
Truck Crane	88	80
Dozer	87	83
Generator	78	71
Loader	84	80
Paver	88	80
Pneumatic Tools	85	75
Water Pump	76	71
Power Hand Saw	78	70
Shovel	82	80
Trucks	88	83

a. Quieted equipment can be designed with enclosures, mufflers, or other noise-reducing features.

Source: Bolt, Beranek, and Newman, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, U.S. Environmental Protection Agency*, 1971.

The City of Culver City does not have specific limitation on construction noise levels. Instead, construction noise is regulated by limiting construction activity to the less noise sensitive daytime hours. The Culver City Noise Ordinance (Chapter 9.07, Section 9.07.035) requires construction to be limited to between 8 AM and 8 PM Monday through Friday, 9 AM and 7 PM Saturday, and 10 AM and 7 PM Sunday. Construction activity would occur within the time confines set forth within the Noise Ordinance and construction activity would not result in the exposure of sensitive receptors to noise levels in excess of standards established in the Noise Ordinance. However, the mitigation measures provided below would reduce the annoyance of construction noise.

The project site is located outside of the airport land use plan boundaries and is not located in the vicinity of a private airstrip. Therefore, the project would not expose people to excessive noise levels associated with airport operations and would not have an impact related to airport noise.

Mitigation Measures

Noise-1 *Construction equipment shall be located as far from nearby sensitive receptors, as possible: Stationary source equipment (e.g. compressors) shall be located so as to maintain the greatest distance from sensitive receptors.*

Noise-2 *All construction equipment shall be equipped with mufflers and sound control devices (e.g. intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have unmuffled exhaust.*

Noise-3 *All construction equipment shall be properly maintained to minimize noise emissions.*

XI. NOISE CONTINUED:

Noise-4 *All equipment servicing shall be performed so as to maintain the greatest distance from sensitive land uses.*

Noise-5 *The name and telephone number of a contact person shall be posted on-site. The construction contractor shall coordinate construction activities with the Willows Community school to minimize disturbance to classes.*

Operational Noise

Vehicular-related operational noise levels would result from parked and/or moving vehicles on the local roadway system and at the proposed project site. Parking lot noise could include occasional car alarm noise, vehicle horns, vehicle doors/trunks opening and closing, and conversation of people using the parking lots. The most disruptive of these noise sources would be associated with car alarm noise and vehicle horns because of their intermittent nature and loudness. However, the proposed parking would be located in underground garages that would reduce noise levels to less than significant levels. **No Mitigation Measures are Required.**

Project-related traffic would increase ambient noise levels in the proposed project area. Using the projected traffic levels from the traffic report for the proposed project in conjunction with the Federal Highway Administration's Noise Prediction Model,[24] projected noise levels on adjacent roadways were determined. The calculations include the project's contribution, as well as ambient growth as calculated in the traffic study. The most project-related traffic would occur during the pm peak hour. Noise levels would be as shown in Table 9. Calculated project-related traffic noise levels along adjacent streets would increase by up to 1.4 dBA, an increase that would not be discernable to the human ear. **No Mitigation Measures are Required.**

TABLE 9
SUMMARY OF POTENTIAL NOISE LEVELS IN THE PROJECT AREA*

Roadway Segment	Existing Conditions (L_{eq})	Future without Project (L_{eq})	Future with Project (L_{eq})
Higuera Street between Luceme Street and Hayden Avenue	66.9	67.6	68.2
Higuera Street between Hayden Avenue and Jefferson Boulevard	70.4	70.7	70.9
National Boulevard between Washington Boulevard and Hayden Avenue	73.2	73.6	73.8
Hayden Avenue between Higuera Street and National Boulevard	69.2	70.1	70.6

* - At 50 feet from roadway center and during the peak hour that occurs between the hours of 6 and 8 pm

Source: Federal Highway Administration, *Traffic Noise Prediction Model (FHWA-RD-77-108)*, December 1978.

[24] Federal Highway Administration, *Traffic Noise Prediction Model (FHWA-RD-77-108)*, December 1978.

XI. NOISE CONTINUED:

The pm peak hour would represent the worst case condition for traffic-related noise in the vicinity of the site. As indicated in Table 9 the project would not have a significant impact on traffic noise. It should be noted that for the purposes of this analysis, the elementary school on Warner Drive, across from the project site, would not be in session during the peak traffic noise period and, as such, would not be considered a sensitive receptor. Roadway noise levels at the completion of the proposed project would not be considered significant. **No Mitigation Measures are Required.**

Operation of the proposed amphitheater would intermittently increase ambient noise levels in the surrounding area. Noise levels at the proposed amphitheater (with amplified sound) would be expected to range between 65 and 80 dBA at the property line during live performances.[25,26] Like the vehicular operational noise, noise levels attributed to performances at the project site would typically occur outside of school hours and, as such, the school would not be considered a sensitive receptor. Therefore, the closest sensitive receptor to the proposed project would be the residences, which are located approximately 400 feet to the west. Stationary point sources of noise, including the proposed amphitheater, attenuate (lessen) at a rate of 6 to 7.5 dBA per doubling of distance from the source, depending on environmental conditions (i.e., atmospheric conditions and noise barriers, either vegetative or manufactured). Table 10 demonstrates how noise from the proposed project site would attenuate in the direction of the existing residences.

TABLE 10
DISTANCE ATTENUATION OF NOISE LEVELS AWAY FROM PROJECT SITES

Distance (feet)	Resultant Noise Levels (dBA, L_{eq})
50	65 - 80
100	59 - 74
200	53 - 68
400	47 - 62

Source: Cunniff, *Environmental Noise Pollution*, 1977 and Federal Transit Administration, 1995.

The amphitheater would be located below grade (greater than 6 feet) and surrounded with an earthen berm that would reduce sound levels by approximately 8 dBA, and noise from the amphitheater would be further lessened by the existing industrial buildings that are located between the project site and the existing residences by 4 – 8 dBA. Exterior to interior sound reduction is another 15 – 20 dBA. The HUD interior noise standard for sleep is 45 dBA. Between distance, intervening barriers and interior/exterior noise reduction sound in the nearest residences would be reduced by more than 50 dBA. Thus noise levels at the site boundary would need to be 95 dBA plus before noise from the amphitheater would be expected to interfere with sleep. Such noise levels are not expected. In addition, the proposed project would be subject to Section 9.07.055 of the City's Municipal Code, which restricts amplified noise levels and restricts the hours

[25] Range of noise levels at 50 feet estimated based on information from school performances, other amphitheraters and relative everyday noise sources. http://www.elevated.org/_downloads/project/eis/4.7.pdf retrieved online March 9, 2005, http://www.laschools.org/vista-hermosa/documents/deir/3.F.pdf retrieved online March 9, 2005.

[26] 80 dBA equvilant to noise rapid transit, Federal Transporation Authority, US Department of Transporation, April 1995.

XI. NOISE CONTINUED:

The following mitigation measure would further ensure a less than significant impact:

Mitigation Measures

Noise-6 *Sound amplification speakers shall be located below the level of the earthen berm an angled down and away from the existing residential area. Exterior noise levels a residences shall be periodically monitored to ensure that noise levels remain below 55 dB/ before 10pm and below 50 dBA after 10 pm. Noise levels shall also be monitored (if th amphitheater is used during school hours) at the nearby school to ensure no disruption o classes from the amphitheater use. The amphitheater operators will work with the schoo administration to ensure no impact to classes.*

(e,f) The proposed project would not result in the exposure of people in the project vicinity to excessive noise levels due to proximity to an airport. The proposed project site is not located within the immediate vicinity o a public or private airport. Therefore, the proposed project would not expose people residing or working in the project area or people visiting the project site to excessive noise levels from airports. No impact would result, and no mitigation measures are required.

XII. POPULATION AND HOUSING:

(a) The proposed project site is currently occupied by a Graduate School of Art building and surface parking. The proposed project would build a multiple use project with three performing arts theaters with stages, retail, restaurants and office space with subterranean parking. This would incrementally increase the number of employees at the proposed project site. The current population in Culver City is 38,984, based on projections the anticipated population in 2010 is 40,793 which in an increase of approximately 4.4 percent.[27]

According to the 2000 U.S. Census, the unemployment rate in Culver City was five percent which is an increase of one percent from the previous reporting period.[28] Further, the top three industry categories with the largest percentage of workers were educational, health and social services, professional, scientific, management, administrative (22.1%), and waste management services (18.2%) and retail trade (9.5%).[29] The proposed project would provide a range of uses including offices for professional services and retail, some of the employees for the proposed project, as well as members of the construction team, may already live in Culver City. Some of the new employees may relocate to Culver City due to employment at the proposed project site.

Population impacts are often associated with substantial increases in population from a project. Housing impacts may result directly from construction of new housing units or indirectly from changes in housing demand associated with new non-residential development, such as office, manufacturing, and industrial uses that increase employment in an area.

There are currently about 16,611 occupied housing units in Culver City,[30] and the City has an owner occupied vacancy rate of 1.2 percent and a renter occupied vacancy rate of 2.1 percent.[31] There is, sufficient residential capacity remaining in the City and surrounding area to allow for forecasted growth to occur even with potential increases in population due to the proposed project. Therefore, this is not considered to be a significant impact **No Mitigation Measures are Required.**

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[27] Southern California Association of Governments *2004 RTP Growth Forecast, City Projections.* http://www.scag.ca.gov/forecast/rtpgf2004.htm

[28] US Census, DP-3 Profile of Selected Economic Characteristics, 2000.

[29] *Ibid.*

[30] US Census, DP-1 Profile of General Demographic Characteristics, 2000.

[31] *Ibid.*

4. Noise occurring five minutes or less in any period of 60 consecutive minutes, between the hours of 7:00 a.m. and 10:00 p.m. of any day . . . . . -5
(Amended by Ord. No. 161,574, Eff. 9/8/86.)

(c) For those cases where an objectionable noise is clearly audible, but where the level of ambient noise does not permit direct quantative sound level "A" measurements of the objectionable noise, sound measurements may be performed utilizing an octave band sound analyzer to determine sound level "A" limits as indicated in the Table I below. This table is used to convert the sound pressure level meter readings in dB for each band to SPL in dB(A) for each band.

TABLE I

OCTAVE BAND NOISE VALUES CORRESPONDING TO SOUND LEVEL "A" VALUES

Sound Level	Octave Band Sound Pressure Level, dB re .0002 dyne/cm² Octave Band Center Frequency in Hz								
"A"	31.5	63	125	250	500	1000	2000	4000	8000
35	58	50	42	35	32	29	26	23	20
40	61	54	46	40	37	34	31	28	25
45	64	58	51	45	42	39	36	33	30
50	67	61	55	50	47	44	41	38	35
55	70	64	60	55	52	49	46	43	40
60	73	68	64	60	57	54	51	48	45
65	76	72	68	65	62	59	56	53	50
70	79	76	73	70	67	64	61	58	55
75	84	81	78	75	72	69	66	63	60

(d) For those cases where a sound level measurement has been made pursuant to the provisions of this chapter and two or more provisions of this chapter apply, the provision establishing the lower or lowest noise level, respectively, shall be used. **(Added by Ord. No. 156,363, Eff. 3/29/82.)**

SEC. 111.03. MINIMUM AMBIENT NOISE LEVEL.
(Amended by Ord. No. 156,363, Eff. 3/29/82.)

Where the ambient noise level is less than the presumed ambient noise level designated in this section, the presumed ambient noise level in this section shall be deemed to be the minimum ambient noise level for purposes of this chapter.

TABLE II

SOUND LEVEL "A" DECIBELS

(In this chart, daytime levels are to be used from 7:00 a.m. to 10:00 p.m. and nighttime levels from 10:00 p.m. to 7:00 a.m.)

	PRESUMED AMBIENT NOISE LEVEL (dB(A))	
ZONE	DAY	NIGHT
A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, and R5	50	40
P, PB, CR, C1, C1.5, C2, C4, C5, and CM	60	55
M1, MR1, and MR2	60	55
M2 and M3	65	65

At the boundary line between two zones, the presumed ambient noise level of the quieter zone shall be used.

SEC. 111.04. VIOLATIONS: ADDITIONAL REMEDIES, INJUNCTIONS.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court order of competent jurisdiction. **(Amended by Ord. No. 156,363, Eff. 3/29/82.)**

SEC. 111.05. ENFORCEMENT, CITATIONS.
(Added by Ord. No. 156,363, Eff. 3/29/82.)

(a) The Department of Building and Safety shall have the power and duty to enforce the following noise control provisions of this Code: Section 12.14A-6(h), Section 12.19A-4(b)(1), Section 112.02 and Section 112.04(c). **(Amended by Ord. No. 172,086, Eff. 7/30/98.)**

normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observations of moving objects. The perception threshold shall be presumed to be a motion velocity of 0.01 in/sec over the range of 1 to 100 Hertz. (Ord. 11778 § 2 (Art. 3. § 302(ee)), 1978: Ord. 11773 § 2 (Art. 3 § 302(ee)), 1978.)

12.08.360 Weekday.

"Weekday" means any day, Monday through Friday, which is not a legal holiday. (Ord. 11778 § 2 (Art. 3 § 302(ff)), 1978: Ord. 11773 § 2 (Art. 3 § 302(ff), 1978.)

Part 3 COMMUNITY NOISE CRITERIA

12.08.370 Decibel measurement--Basis.

Any decibel measurement made pursuant to the provisions of this chapter shall be based on a reference sound-pressure of 20 micropascals, as measured with a sound level meter using the A-weighted network (scale) at slow response, or at the fast response when measuring impulsive sound levels and vibrations. (Ord. 11778 § 2 (Art. 4 § 401), 1978: Ord. 11773 § 2 (Art. 4 § 401), 1978.)

12.08.380 Noise zones designated.

Receptor properties described hereinafter in this chapter are hereby assigned to the following noise zones:
Noise Zone I--Noise-sensitive area;
Noise Zone II--Residential properties;
Noise Zone III--Commercial properties;
Noise Zone IV--Industrial properties.
(Ord. 11778 § 2 (Art. 4 § 402), 1978: Ord. 11773 § 2 (Art. 4 § 402), 1978.)

12.08.390 Exterior noise standards--Citations for violations authorized when.

A. Unless otherwise herein provided, the following exterior noise levels shall apply to all receptor properties within a designated noise zone:

Noise Zone	Designated Noise Zone Land Use (Receptor property)	Time Interval	Exterior Noise Level (dB)
I	Noise-sensitive area	Anytime	45
II	Residential properties	10:00 pm to 7:00 am (nighttime)	45
		7:00 am to 10:00 pm (daytime)	50
III	Commercial properties	10:00 pm to 7:00 am (nighttime)	55
		7:00 am to 10:00 pm (daytime)	60
IV	Industrial properties	Anytime	70

B. Unless otherwise herein provided, no person shall operate or cause to be operated, any source of

sound at any location within the unincorporated county, or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the noise level, when measured on any other property either incorporated or unincorporated, to exceed any of the following exterior noise standards:

Standard No. 1 shall be the exterior noise level which may not be exceeded for a cumulative period of more than 30 minutes in any hour. Standard No. 1 shall be the applicable noise level from subsection A of this section; or, if the ambient L*50* exceeds the foregoing level, then the ambient L*50* becomes the exterior noise level for Standard No. 1.

Standard No. 2 shall be the exterior noise level which may not be exceeded for a cumulative period of more than 15 minutes in any hour. Standard No. 2 shall be the applicable noise level from subsection A of this section plus 5dB; or, if the ambient L*25* exceeds the foregoing level, then the ambient L*25* becomes the exterior noise level for Standard No. 2.

Standard No. 3 shall be the exterior noise level which may not be exceeded for a cumulative period of more than five minutes in any hour. Standard No. 3 shall be the applicable noise level from subsection A of this section plus 20dB; or, if the ambient L*8.3* exceeds the foregoing level, then the ambient L*8.3* becomes exterior noise level for Standard No. 3.

Standard No. 4 shall be the exterior noise level which may not be exceeded for a cumulative period of more than one minute in any hour. Standard No. 4 shall be the applicable noise level from subsection A of this section plus 15dB; or, if the ambient L*1.7* exceeds the foregoing level, then the ambient L*1.7* becomes the exterior noise level for Standard No. 4.

Standard No. 5 shall be the exterior noise level which may not be exceeded for any period of time. Standard No. 5 shall be the applicable noise level from subsection A of this section plus 20dB; or, if the ambient L*0* exceeds the foregoing level then the ambient L*0* becomes the exterior noise level for Standard No. 5.

C. If the measurement location is on a boundary property between two different zones, the exterior noise level utilized in subsection B of this section to determine the exterior standard shall be the arithmetic mean of the exterior noise levels in subsection A of the subject zones. Except as provided for above in this subsection C, when an intruding noise source originates on an industrial property and is impacting another noise zone, the applicable exterior noise level as designated in subsection A shall be the daytime exterior noise level for the subject receptor property.

D. The ambient noise histogram shall be measured at the same location along the property line utilized in subsection B of this section, with the alleged intruding noise source inoperative. If for any reason the alleged intruding noise source cannot be turned off, the ambient noise histogram will be estimated by performing a measurement in the same general area of the alleged intruding noise source but at a sufficient distance such that the noise from the alleged intruding noise source is at least 10dB below the ambient noise histogram in order that only the actual ambient noise histogram be measured. If the difference between the ambient noise histogram and the alleged intruding noise source is 5 to 10dB, then the level of the ambient noise histogram itself can be reasonably determined by subtracting a one-decibel correction to account for the contribution of the alleged intruding noise source.

E. In the event the intrusive exceeds the exterior noise standards as set forth in subsections B and C of this section at a specific receptor property and the health officer has reason to believe that this violation at said specific receptor property was unanticipated and due to abnormal atmospheric conditions, the health officer shall issue an abatement notice in lieu of a citation. If the specific violation is abated, no citation shall be issued therefor. If, however, the specific violation is not abated, the health officer may issue a citation. (Ord. 11778 § 2 (Art. 4 § 403), 1978: Ord. 11773 § 2 (Art. 4 § 403), 1978.)

12.08.400 Interior noise standards.

A. No person shall operate or cause to be operated within a dwelling unit, any source of sound, or allow the creation of any noise, which causes the noise level when measured inside a neighboring receiving dwelling unit to exceed the following standards:

Standard No. 1 The applicable interior noise level for cumulative period of more than five minutes in any hour; or

Standard No. 2 The applicable interior noise level plus 5dB for a cumulative period of more than one minute in any hour; or

Standard No. 3 The applicable interior noise level plus 10dB or the maximum measured ambient noise level for any period of time.

B. The following interior noise levels for multifamily residential dwellings shall apply, unless otherwise specifically indicated, within all such dwellings with windows in their normal seasonal configuration.

	Designated Land		Allowable Interior Noise

Noise Zone	Use	Time Interval	Level (dB)
All	Multifamily	10 pm–7 am	40
	Residential	7 am–10 pm	45

C. If the measured ambient noise level reflected by the L50 exceeds that permissible within any of the interior noise standards in subsection A of Section 12.08.390, the allowable interior noise level shall be increased in 5dB increments in each standard as appropriate to reflect said ambient noise level (L50). (Ord. 11778 § 2(Art. 4 § 404), 1978: Ord. 11773 § 2 (Art. 4 § 404), 1978.)

12.08.410 Correction for certain types of sounds.

For any source of sound which emits a pure tone or impulsive noise, the noise levels as set forth in Sections 12.08.390 and 12.08.400 shall be reduced by five decibels. (Ord. 11778 § 2 (Art. 4 § 405), 1978: Ord. 11773 § 2 (Art. 4 § 405), 1978.)

12.08.420 Measurement methods.

A. Utilizing the A-weighting scale of the sound-level meter and the "slow" meter response (use "fast" response for impulsive type sounds), the noise level shall be measured at a position or positions at any point on the receiver's property.
B. In general, the microphone shall be located four to five feet above the ground; 10 feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized.
C. Interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. Calibration of the measurement equipment, utilizing an acoustic calibrator, shall be performed immediately prior to recording any noise data. (Ord. 11778 § 2 (Art. 4 § 406), 1978: Ord. 11773 § 2 (Art. 4 § 406), 1978.)

Part 4 SPECIFIC NOISE RESTRICTIONS

12.08.430 Acts deemed violations when.

Notwithstanding any other provisions of this chapter, the acts set out in this Part 4, and the causing or permitting thereof, are declared to be in violation of this chapter. (Ord. 11778 § 2 (Art. 5 § 501 (part)), 1978: Ord. 11773 § 2 (Art. 5 § 501 (part)), 1978.)

12.08.440 Construction noise.

A. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between weekday hours of 7:00 p.m. and 7:00 a.m., or at any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential or commercial real-property line, except for emergency work of public service utilities or by variance issued by the health officer is prohibited.
B. Noise Restrictions at Affected Structures. The contractor shall conduct construction activities in such a manner that the maximum noise levels at the affected buildings will not exceed those listed in the following schedule:
1. At Residential Structures.
a. Mobile Equipment. Maximum noise levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment:

	Single-family Residential	Multi-family Residential	Semiresidential/ Commercial
Daily, except			

City of Culver City, California

Planning Commission Agenda Item Report

Meeting Date: May 13, 2009	Item Number: PH 1
AGENDA ITEM: 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.	
Contact Person/Dept.: Jose Mendivil, Associate Planner; Planning Division	Phone Number: (310) 253-5757
Public Hearing: [X]	Action Item: [] Attachments: [X]
Public Notification: April 22, 2009: sign posted on site; notices mailed to all the property owners and occupants in Hayden Tract and Schaefer Street (beyond 500-foot radius; and notice emailed to the Master Notification List.	
Planning Approval: Thomas Gorham, Planning Manager on 5/4/09 Sol Blumenfeld, Director	

RECOMMENDATION:

That the Planning Commission:

1. Adopt a Mitigated Negative Declaration based on the Initial Study (Attachment No. 4) finding that the project will not have a significant adverse impact on the environment provided certain mitigations are implemented; and,

2. Approve Site Plan Review, SPR P-2008047, subject to the Conditions of Approval as stated in Resolution No. 2009-P002 (Attachment No. 7).

PROCEDURES:

1. Chair calls on staff for a brief staff report and Commission poses questions to staff as desired.

2. Chair opens the public hearing, providing the applicant the first opportunity to speak, followed by the general public.

3. Chair seeks a motion to close the public hearing after all testimony has been presented.

4. Commission discusses the matter and arrives at its decision.

BACKGROUND:

The proposed project request is a Site Plan Review, 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 in the Hayden Tract at 8511 Warner Drive in the Industrial General (IG) Zone. The project proposes to include:

- Three levels of subterranean parking with some retail;
- One at-grade level with parking and retail/restaurant;
- Second level above grade with parking and retail.

Originally the site was a City owned parking lot that was sold to the applicant/owner. The applicant/owner originally planned to construct a much larger multi-story theatre complex and parking structure on the site. That project request was discontinued in favor of the proposed project. As part of the sale of the lot, the City required that the 242 parking spaces on the lot be covenanted to allow their availability to surrounding businesses.

Brief History on 8511 Warner Land Sale

On March 27, 2006 the City sold the 8511 Warner Drive parking lot to Conjunctive Points Warner Development (CPWD), the current property owner, through a Purchase and Sale Agreement. As part of the Purchase and Sale Agreement the City:

a. Preserved ownership of its half of the adjacent Spur (formally Metro right of way) area (25 feet of its 50 foot total width); and

b. Required the recording of a covenant upon the property that for a period of ten years:
   - CPWD would be required to lease the existing 242 parking spaces to the public in a fair, equitable, reasonable, and balanced manner.
   - Of the 242 parking spaces, the Willows School is specifically allocated 20 of them.
   - CPWD may relocate the 242 parking spaces anywhere else within the Hayden Tract if they find it necessary to do so.
   - CPWD is required to find substitute parking during redevelopment construction of the site.
   - CPWD may charge a parking rate that is adjusted *"from time to time to the then fair market rate based on comparable parking rates charged by public and private parking facilities within the Culver City Downtown area and Hayden Tract"* (When the Warner Parking Lot was sold to CPWD a

rate of $60 per month per space was being charged by the City. CPWD now charges $90-$100 per month, with a new reserved parking option at a cost of $120 per month).

General Information

See Attachment No. 1, Project Summary

Existing Conditions

The Hayden Tract was historically a manufacturing area that has over the years transitioned to creative office uses. The change from traditional manufacturing to creative office use has created a severe undersupply of parking since the new uses generally have occupied existing buildings without adding additional parking.

The project site, approximately 74,663 square feet in area, is a flat, surface parking lot with 242 parking spaces and is located near the center of Warner Drive, on the north side, between Hayden Avenue and Eastham Drive. The project site is surrounded by commercial, industrial, and educational institutions. More specifically, the site is surrounded to the west by the UCLA School of Art building, to the east by a single story commercial building (currently undergoing tenant improvements), to the north by the former Los Angeles County Metropolitan Transit Authority (Metro) easement (now City Owned) and single story industrial buildings beyond, and to the south by single story commercial and industrial buildings and portions of an elementary school and school gym.

Project Description

The proposed project consists of a 5-level (3 subterranean levels), 2-story, 43-foot high, commercial building and parking structure with 41,520 square feet of retail space, 10,000 square feet of restaurant space, and 775 parking spaces. The parking structure wraps around the retail/restaurant space with 16,371 square feet of retail in the first subterranean level, 5,715 square feet of retail and 10,000 square feet of restaurant in the 1st floor ground-level, and 19,434 square feet of retail on the second level. The building/parking structure has a zero setback on all sides except the front street facing façade which is setback five feet.

In the first subterranean level, the retail space surrounds an open courtyard with the first and second levels of retail/restaurant space setback to allow light to enter the subterranean courtyard. This open courtyard along with the first and

second story decks overlooking the courtyard will serve as potential outdoor dining space. At the very top, in the center of the parking structure, overlooking the second level parking (which is open to the air) is a planned green roof with vegetation and a glass canopy above the courtyard.

The project will provide: code required 119 retail parking spaces and 100 restaurant parking spaces; 242 City covenanted parking spaces to made available for lease to surrounding businesses(if not provided elsewhere in the Hayden Tract during the 10 year covenant period subject to City approval; and 314 excess parking spaces for a total of 775 parking spaces. In addition, several street parking spaces will be eliminated as a result of project related conditions that will require lane restriping and reconfiguration. These street parking spaces to be eliminated will be accommodated within the parking structure which, as noted above, has 314 excess parking spaces.

The project also provides offsite improvements including new curb, gutter, sidewalk, and street trees and will dedicate 3 feet of its street fronting property in order to accommodate an 8 foot wide public sidewalk. Currently the sidewalk fronting the project site on Warner Drive has a substandard width.

ANALYSIS:

Architectural Design

The project has been designed to conform to all applicable provisions of the Industrial General (IG) Zone and all City development standards. The proposed building will be 43 feet high at the highest point with the second level surface parking deck (open to the sky) built at 14 feet above street grade. Along the Warner Drive street frontage the project will be set back 5 feet and will include a deck area for outdoor dining or lounging. On the sides the project will be built at a zero setback with property line walls and at the rear facing the City owned-former Metro spur, a concrete wall with openings into the parking structure will be built. Currently there are no plans for pedestrian or vehicular access to the former Metro spur area and the Redevelopment Agency is exploring methods to provide additional surface parking in this area

The front façade along with the green roof will offer the most detailed architectural nuances. The portion of the structure that surrounds the retail restaurant space will have an aluminum storefront system with clear glazing, essentially a glass wall with aluminum mullions. At both the street grade and second story level at the front and along the length of the retail/restaurant structure, there will be a concrete deck/catwalk that overlooks the public street on

one side and the subterranean courtyard on the other side. A portion of the roof over the subterranean courtyard will be open and the rest of the roof will be covered with glass, creating a canopy effect over the courtyard. In the open section over the courtyard, there will be a series of crisscrossed steal beams from which laminated curved glass cylinders will be suspended. These suspended glass cylinders will be about 2 feet in diameter with varying lengths (the longest cylinders will be approximately 16 feet). The glass ceiling and suspended cylinders will satisfy the Art in Public Places requirement for this project. In addition to the glass ceiling/glass cylinders, the rest of the roof will be a "green roof" with extensive low profile vegetation to moderate temperature in the structure. Overall the project will have a low profile modern look with the second level parking (surrounding the second level retail space) positioned 14 feet above grade at its highest point about. With perimeter walls the height of the second story parking will be at most 22 feet above grade surrounding a structure that is 43 feet above grade at its highest point. The key material features of the structure are concrete, glass, aluminum, and low profile vegetation.

Parking

The project's on-site parking meets the parking requirements of the Zoning Code for commercial uses (retail and restaurant), including the total number of vehicle spaces, the dimensions of those spaces, and the drive aisle width. Per the Zoning Code, the retail portion of the project requires 119 parking spaces and the restaurant portion requires 100 parking spaces. In addition, per a Redevelopment Agency sale agreement an additional 242 parking spaces must be covenanted and made available for lease to surrounding businesses. At a total of 775 parking spaces provided, there is an excess of 314 parking spaces, thereby providing more than the minimum code required parking. The applicant intends to make the excess parking available to the public and surrounding businesses. Bicycle parking will also be provided within the parking structure.

Approximately 20 to 23 street parking spaces will be lost along Warner Drive as a result of traffic mitigations that will require re-striping of Warner Drive to add left and right turn lanes. This re-striping will require that un-metered angled street parking spaces be re-striped as parallel street parking spaces or that parallel street parking spaces be eliminated all together. Although the loss of public parking spaces may seem significant, the project as noted has 314 excess parking spaces that will be made available to the public and surrounding businesses. In addition, parallel parking is desirable from a safety standpoint, in lieu of angled parking as is the case currently on Warner Drive.

Traffic and Circulation

A traffic impact analysis was conducted for the project by KOA Corporation and reviewed and accepted for scope and content by the City's Traffic Engineer.

According to the KOA February 23, 2009 Traffic Impact Analysis (Traffic Study) for the proposed project, the project is expected to generate 2,006 Daily Trips, 43 AM Peak Hour trips, and 140 PM Peak Hour trips. This estimated future PM Peak trip count is above 50 trips and a traffic study was required for the project. The City of Culver City has established guidelines to determine if a project will have significant impact at a specific location in terms of project related increases in volume-to-capacity (V/C) ratio. The threshold criteria is as follows:

Level Of Service*	**Final V/C****	**Project Related V/C Increase (or threshold of significant impact)**
D	0.801 – 0.900	Equal to or greater than 0.040
E and F	0.901 or more	Equal to or greater than 0.020

* LOS D is Fair Traffic Movement; LOS E is Poor Traffic Movement; LOS F is Failed Traffic Movement (tremendous traffic delays).
** Final V/C is the ratio at an intersection, considering traffic from the project, ambient and related project growth, and without proposed traffic mitigations.

Of the 19 intersections studied, only one was determined to be significantly impacted in the AM Peak because of the project related traffic along with traffic from related projects and future growth. The intersection of Hayden Avenue and Warner Drive is expected to have a V/C increase of 0.028 and is further expected to go from LOS E to LOS F. The V/C increase of 0.028 is greater than the 0.020 V/C threshold of significance. None of the 19 intersections are expected to meet or exceed the V/C ratio increase level of significance for the PM peak.

Proposed mitigations that are expected to lessen the impact to less than significant includes the following restriping actions: along Warner Drive between Hayden Avenue and the project entrance, installation of a left turn lane into the project site; on westbound Warner Drive, installation of a left turn lane onto south bound Hayden Avenue; on southbound Hayden Avenue, installation of a left turn lane onto east bound Warner Drive; and on north bound Hayden Avenue, installation of a right turn lane onto east bound Warner Drive.

The Traffic Study shows that the restriping mitigations, which will result in a smoother flow of traffic, will also result in a V/C decrease for the AM Peak at the

Hayden Avenue/Warner Drive intersection of -0.068 – well below the threshold of significance. The PM Peak V/C decrease result of -0.018 is also below the threshold of significance. In addition to these mitigations, the project applicant will be required to post a bond for the future installation of a traffic signal at the Hayden Avenue/Warner Drive intersection. The Metro Exposition Light Rail Project, expected to be completed in 2010, will include signalization of National Boulevard and Eastham Drive and traffic signal modifications at National Boulevard and Jefferson Boulevard. These traffic enhancements may affect the traffic patterns at the intersection of Hayden Avenue/Warner Drive and therefore after full occupancy of the project, the City will conduct traffic counts at the intersection to determine if a traffic signal is warranted. If warranted the project applicant will be responsible for the design and construction of the signal; if not warranted the bond will be returned to the applicant.

During construction inadequate emergency access could occur because of construction related street closures and traffic delays. In order to mitigate this impact to less than significant, the applicant will be required to submit a Construction Staging and Traffic Plan prior to issuance City permits. This plan will include information on staging and local haul routes; number of truck trips such as material evacuation, steel delivery, concrete pour and other deliveries; street/lance closures; pedestrian circulation and traffic control; duration of construction activities/hours of operation; construction parking plan; prohibition of on-street parking by construction workers; and a parking plan.

With both the re-striping mitigations, the bond for a potential future Traffic Signal at Hayden Avenue and Warner Drive, and the Construction Staging and Traffic Plan, overall traffic impacts to the surrounding area will be reduced.

With regards to Congestion Management Plan (CMP) requirements, the nearest CMP arterial monitoring intersections (implemented by the Los Angeles County Metropolitan Transportation Authority - Metro) to the project site are the intersections of La Cienega Boulevard and Jefferson Boulevard and Venice Boulevard and Overland Avenue. Based on the incremental project trip generation estimates, the proposed project is not expected to add 50 or more new trips per hour to these locations in either direction during morning and afternoon peak hours which is below Metro's threshold for further CMP analysis.

With the lane restriping as noted above, access to and from the site will be adequate and traffic is expected to flow easier than had no re-striping been required. Further, parking spaces and aisle widths all meet code minimum dimensions assuring internal circulation will be adequate. With several businesses in the Hayden Tract that are within walking distance to the site, adequate public sidewalks and pedestrian crosswalks exist that will allow easy

pedestrian access and circulation to and from the site. Further, with excess parking, there exists the possibility that local businesses will have the ability to lease parking spaces at the site. This could potentially relieve street parking in the Hayden Tract, thereby lessening street parking congestion and easing circulation overall in the area.

Security

The project will be required to have in place a security plan that includes on-site security and the plan will require that it be approved by the Culver City Police Department and the Planning Division. In addition there will be lighting throughout the parking structure as well as a parking toll booth that will act as a security measure.

Area Compatibility

The project site is located in the Industrial General (IG) Zone and is within an area consisting of light industrial and commercial uses. The proposed project is consistent with the Culver City General Plan Land Use Element which has a General Plan land use designation of Industrial. Although there are industrial uses in the areas surrounding the project site, there is a trend in the area to convert traditional industrial uses to light and clean industrial and commercial uses (office, design, and architecture). The proposed project with its restaurant and retail spaces would be consistent with this trend and would provide a resource to the nearby community by adding parking spaces, retail space, and restaurant amenities. Such a commercial community serving resource is encouraged in the Industrial description of the Land Use Element. The project as proposed is consistent with the Zoning Code – the height, setbacks, parking, and proposed uses are all allowed in the IG Zone as noted in the code.

At a maximum of 43 feet in height towards the center of the structure and 22 to 24 feet in height from grade to the second level parapet wall (and outside parking deck), the development will blend in the area that has surrounding single and two story industrial designed buildings with uses ranging from a private school and a university art school to industrial and office uses. With several buildings in the Hayden Tract having gone through façade improvements (or that are currently undergoing such improvements), this project with its modern concrete material, glass walls, and angled edges will compliment those structures that have been given façade improvements with similar modern designs, lines, and material. The convex like shape of portions of the roof containing the green roof will mimic some of the bow tress roofs in the area that are common for industrial buildings. There are no residential uses in the Hayden Tract and as such the project's design should not create impacts to residential uses. The street facing façade

with the modern glass walls, courtyard, and suspended glass cylinders will provide a strong presence in the neighborhood. The parking structure portion of the project with its concrete look and straight lines is designed to be functional and consistent with surrounding bow tress, industrial and warehouse designed buildings.

Landscaping

As a parking structure surrounding retail and restaurant space there is not much room for landscaping. Public Works will require that the sidewalk fronting the project be planted with street trees consistent with the Street Tree Master Plan. A key on-site feature will be a green roof that will provide low profile and sun tolerant vegetation. This green roof will be above the second level retail space and will surround the glass roof and suspended glass cylinders. Although the applicant has not indicated that the project will be submitted for LEED certification, this added green roof feature will provide an aesthetic visual contrast to the concrete and glass walls and to the surrounding industrial buildings while moderating temperature in the building

Community Outreach

In June of 2006, the applicant sent letters to all Hayden Tract property owners informing them of their plan to develop 8511 Warner Drive and further surveyed the property owners on their current and future parking needs. Follow up correspondence and meetings have occurred with Hayden Tract property owners who are interested in acquiring more parking for their businesses. On October 28, 2008 a meeting was held with the majority of the immediately surrounding property owners who were briefed on the current proposal. According to the applicant the response of the property owners was favorable. One and one meetings with specific property owners have also occurred – according to the applicant reactions by property owners at these one on one meetings have been favorable. See Attachment No. 6 for more details. As of the writing of this staff report no community meeting with the residents of Schaefer Street has been scheduled. On May 7th (after delivery of this staff report) a meeting with the Schaefer Street residents is scheduled and staff will provide a verbal summary at the public hearing. It is the understanding of staff that the various community meetings did not result any major changes to the proposed project. Recently, a group of area business and property owners also have reviewed project plans in the Planning Division and some have expressed concern about the termination of parking covenants in several years that will allow the owner to set parking rates without price regulations. The issue of pricing for parking is not within the jurisdiction of the Commission according to Legal Counsel.

CONCLUSION:

As outlined herein staff believes the findings for a Site Plan Review can be made as outlined in proposed Resolution No. 2009-P002 (Attachment No. 7) and recommends project approval. In addition to maintaining the currently covenanted 242 parking spaces for the 10 year term (seven years remaining), the project will provide excess parking in an area that currently is deficient in parking. Further, the project will provide a community resource by adding retail and restaurant space on a currently underdeveloped lot. Such commercial community serving amenities are lacking in the Hayden Tract and once completed will partly address this deficiency and provide said amenities, within walking distance, to the nearby residential community.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) guidelines a Mitigated Negative Declaration has been prepared; the project has been determined to have less than significant impacts on the community provided certain mitigations are implemented. The project is consistent with the Zoning Code regulations, and the traffic study determined that expected increased traffic will be below thresholds of significance with appropriate mitigations.

ALTERNATIVE OPTIONS:

The following alternative actions may be considered by the Planning Commission:

1. Approve the application with the recommended conditions of approval if the application is deemed to meet the required findings.

2. Approve the application with additional or different conditions of approval, if deemed necessary to meet the required findings and mitigate any new project impacts identified at the meeting.

3. Disapprove the application if it does not meet the required findings.

ATTACHMENTS:

1. Project Summary
2. Public Notice Area Map
3. Aerial Map
4. Draft Initial Study/Mitigated Negative Declaration dated April 22, 2009
5. Traffic Study prepared by KOA, dated February 23, 2009
6. Summary Community Outreach by the Applicant
7. Draft Resolution No. 2009-P002 (SPR P-2008047)
8. Development Plans date stamped June 30, 2008

ATTACHMENT NO. 4

PROJECT SUMMARY

APPLICATION TITLE & CASE NO:

Site Plan Review, SPR P-2008047 allow the construction of a 43 foot high, commercial building and parking structure with 775 parking spaces, 41,520 square feet of retail space, and 10,000 square feet of restaurant space at 8511 Warner Drive in the Industrial General (IG) Zone.

PROJECT ADDRESS/LOCATION:	APPLICANT INFORMATION:
8511 Warner Drive Culver City, CA 90232	Samitaur Constructs 3528 Hayden Avenue, 3rd Floor Culver City, CA 92032 (310) 204-4464

PERMIT/APPLICATION TYPE:

☐ Administrative Use Permit	☐ Tentative Parcel Map
☐ Conditional Use Permit	☐ Tentative Tract Map
☐ Administrative Site Plan Review	☐ Lot Line Adjustment
☒ Site Plan Review	☐ Zoning Code Amendment - Text
☐ Administrative Variance	☐ Zoning Code Amendment -Map
☐ Variance	☐ General Plan Amendment - Text
☐ Master Sign Program	☐ General Plan Amendment - Map
☐ Certificate of Appropriateness	☐ Planned Unit Development
☐ Certificate of Exemption	☐ Specific Plan
☐ DOBI	☐ Other:

APPROVAL BODY: ☒ Public Hearing ☐ Public Meeting ☐ Administrative

☐ Administrative	☒ Redevelopment Agency
☒ Planning Commission	☐ Other:
☐ City Council	

ENVIRONMENTAL DETERMINATION AND NOTICING:

CEQA Determination	☐ Categorical Exemption, Class 32 ☐ Negative Declaration or ☒ Mitigated Negative Declaration ☐ Environmental Impact Report, Type: _____
CEQA Noticing	☐ Notice of Exemption (w/in 5 days of decision) ☒ Notice of Intent to Adopt (21 days prior to decision) ☐ Notice of Determination (w/in 5 days of decision) ☐ Fish & Game Certificate of Fee Exemption (w/in 5 days of decision) ☐ Notice of Preparation ☐ Notice of Availability ☐ Notice of Completeness

PUBLIC NOTIFICATION:

Mailing Date: 4/22/09	☒ Property Owners ☒ Occupants ☐ Adjacent Property Owners & Occupants	☐ w/in 500' foot radius ☐ w/in 500' foot radius / Extended ☒ Other: Beyond 500' radius – all of Hayden Tract and Schaefer Street
Posting Date: 4/22/09	☒ Onsite ☐ Offsite	☐ Other:
Publication Date: N/A	☐ Culver City News	☐ Other:
Courtesy Date: 4/22/09	☒ City Council ☒ Commissions ☒ Master Notification List ☐ Culver City Website ☐ Cable Crawler	☐ Press Release ☒ HOA /Neighborhood Groups ☐ Culver City Organizations ☒ Other: Chamber of Commerce, Tom Camerella, Marta Zaragoza, & Downtown Business Association.

ATTACHMENT NO. 4

PROJECT SUMMARY

GENERAL INFORMATION:	
General Plan Industrial	**Zoning** Industrial General (IG)
Redevelopment Plan Area #3	**Overlay Zone/District** NA
Legal Description Lots 30,31,32, and the West 79 feet of Lot 33 of Tract No. 13503	**Existing Land Use** Surface Parking Lot

ADJACENT ZONING AND LAND USES

Location	Zoning	Land Use
North:	IG	Former Metro Easement; now City Owned & 1-story Industrial
South:	IG	1-story commercial/industrial buildings, school gym
East:	IG	Single Story Commercial Building
West:	IG	UCLA School of Art Building

Project Data	Existing	Proposed	Required/Allowed
Lot Area	74,663 S.F.	No Change	N/A
Building Coverage:	0 S.F.	72,768 S.F.	N/A
Landscaped Area:	0 S.F.	14,410 S.F.	No min.

Project Data	Existing	Proposed	Required/Allowed
Parking:			
Covenanted	242	242	242
Retail	0	119	119
Restaurant	0	100	100
Excess	0	314	0
Handicapped (Part of Total)	*15*	*16*	*16*
Total:	**242**	**775**	**461**
Building Height:	0'	43'	43'
Building Setbacks:			
Front	N/A	5'	5'
Rear	N/A	0'	None Required
Side (East)	0'	0'	None Required
Side (West)	0'	0'	None Required

ESTIMATED FEES:		
☒ New Development Impact: $46,520 ☐ In Lieu Parkland:	☒ School District: TBD ☒ Art: TBD	☒ Plan Check: TBD ☒ Sewer: TBD

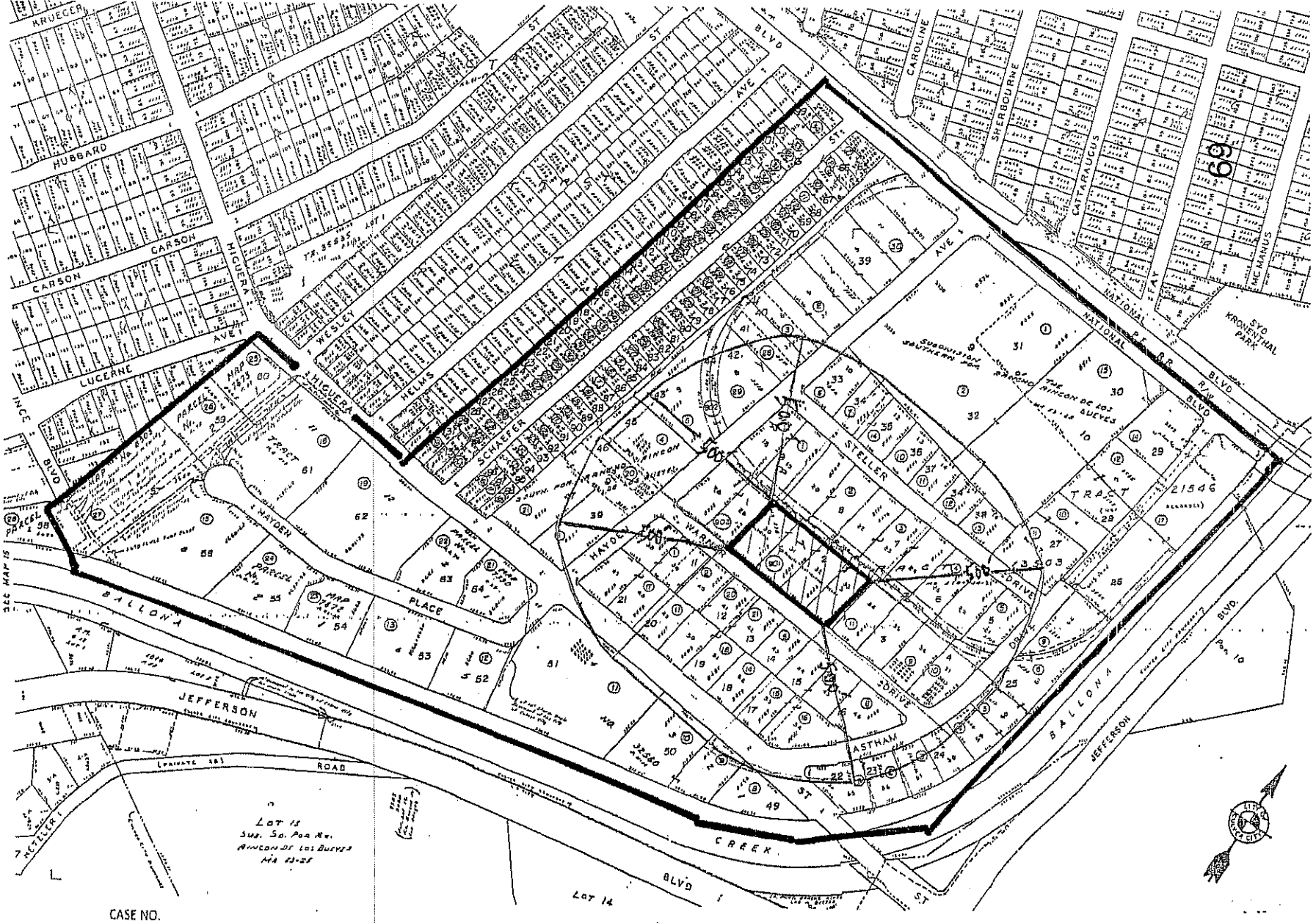
INTERDEPARTMENTAL REVIEW:

Planning, Engineering, Building & Safety, Fire Prevention, Redevelopment Agency, and City Attorney reviewed the project. Comments have been incorporated into the plans or where made part of the recommended conditions of approval.

ART IN PUBLIC PLACES:

Applies to Project

ATTACHMENT NO. 4



CASE NO.

DATE: MARCH 10, 2008

SCALE: 1" = 200'

A.P.N. 4205 – 023 – 901

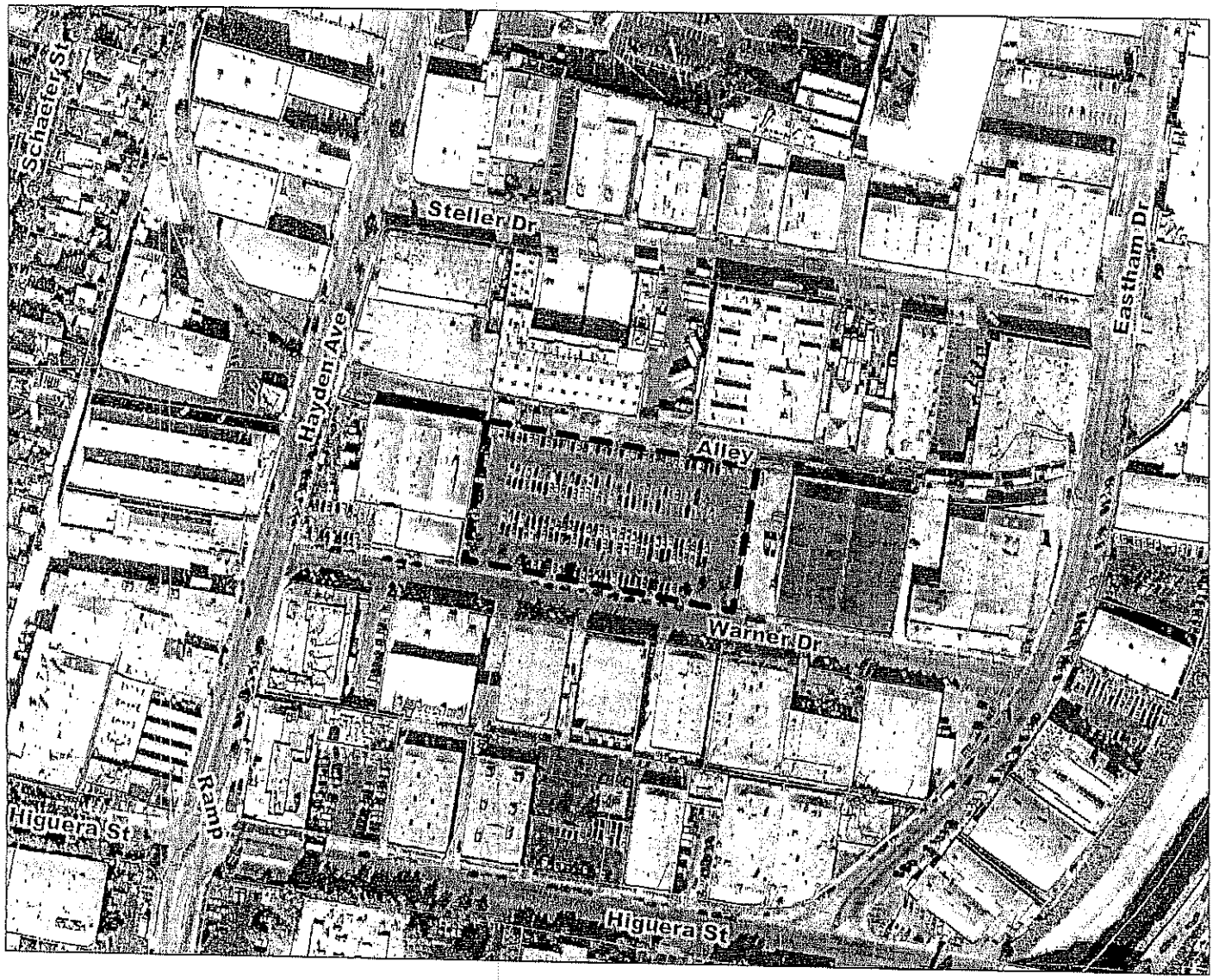
SITE ADDRESS: 8511-8535 WARNER DR.

1 = ownership number
↳ = ownership hook symbols
(902) = assessor numbers

TMG SOLUTIONS INC.
6735 Sepulveda Blvd. #265
Los Angeles, CA 90045
(310) 337-7290

ATTACHMENT NO. 4

Site Plan Review - Parking Structure



8511 Warner Drive

SPR P-2008047

Legend

Selected Properties

City of Culver City
Planning Division
Map Created: May 5, 2009

0 125 250 ft.

Scale: 1:2,500

N