ATTACHMENT No.3

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

April 11, 2012
7:00 p.m.

Call to Order & Roll Call

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

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

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Pledge of Allegiance

Sol Blumenfeld, Community Development Director, led the Pledge of Allegiance.

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Comments for Items NOT on the Agenda

Chair Pleskow invited public participation

No cards were received and no speakers came forward.

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Public Hearing

Item PH-1

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

Staff provided a summary of the material of record.

A discussion ensued between staff and Commissioners regarding property taxes; obligations when considering a modified Conditional Use Permit (CUP); the effect of the whole project vs. the incremental increase; noise regulations; exemptions; traffic study recommendations; requirements for restriping in the City of Los Angeles vs. restriping in Culver City; restricted parking; mitigating impacts outside of Culver City; Los Angeles Department of Transportation review of the traffic report; conditions of approval; clarification that all recommendations in the traffic study are required; coordinating conditions with the City of Los Angeles; the Yellow Cab Supervisor; the existing Traffic Management Program; changes to property tax income with the change of use; business tax receipts; history of the taxes; the vacancy rate; the rooftop play area; the potential change from an 8-foot high wall to a 14-foot high wall; landscaping; existing ambient noise levels; playground noise levels and proposed mitigations; City noise standards; and sound generation on the proposed rooftop playground.

Chair Pleskow invited public comment.

The following members of the audience addressed the Commission:

Dr. Barbara Firestone, The Help Group, provided background on the organization; discussed their goals; escalating needs; converting the building; securing financing for the project; the redevelopment district; their civic involvement in the City; the recent college fair; the Silver Lining boutique and vocational training center; the relocation of tenants; positive impacts to local businesses; relationships forged with local establishments; the Center for Disease Control report on the prevalence of autism; and she requested their support of the project.

Art Bannick, architect, provided a slide presentation on the project.

Heather Baker, Assistant City Attorney, pointed out that normal policy was to provide the applicant with 15 minutes and she recommended that any additional speakers submit cards to speak with the public.

David Waite, Land Use Counsel for the Help Group, commented on the original approval of the project noting that it included the two-story building and he clarified that the current project did not include a new use.

Larry Greene expressed concern with traffic and parking intrusion into the neighborhood.

Alan Corlin expressed concern with removing valuable property from the tax rolls; the significant increase in size; he noted the importance of basing the decision on the impact of the entire project rather than the impact of the proposed increase; he discussed impacts to City services; the 2012 financial condition of the City; and the original 1999 agreement.

Maria Milagro expressed support for the Help Group.

Kathryn Hedger expressed concern with a proposed driveway at the back of the property; property values; adding a large number of people to an already congested area; misuse of the area; noise issues; taxi drivers; and the safety of the children.

Thomas Gorham, Planning Manager, clarified that two-way use of the driveway was currently permitted but the proposed plan would make it one-way with buses no longer allowed to use it.

Gordon Gardiner discussed his involvement in the project; concerns and mitigations; the assertion that there are no complaints about the traffic; double-parked mini-vans on Washington; the Grandview parking lot; traffic; the first CUP; and the route of the mini-vans.

David Hauptman expressed support for the Help Group.

Tom Comp discussed the exit point from the west parking lot onto Grandview; concerns of the neighbors on Herbert Street in the original CUP; accommodations to the neighbors; vehicles exiting from the easterly parking lot through the alley; the new plan; and he addressed concerns regarding the loss of property tax revenue.

A discussion ensued between the speaker and Commissioners regarding traffic in the alley; the relocation of the queuing area; clarification regarding pick up and drop off of students at the west end; the existing traffic management program; different traffic issues with Summit vs. Village Glen; space issues; the new traffic management plan; earlier implementation of the new plan; clarification regarding the increase in the number of students and the number of increased cars and vans; and the issue of backing up onto Washington.

A discussion ensued between staff, Scott Sato, Traffic Engineer for the Help Group, and Commissioners regarding the number of trips in and out during peak hours; clarification regarding drop off volumes; the feasibility of the proposed traffic flow; afternoon traffic flow; previous issues with cabs stacking up; the gate; the new traffic management plan; queuing on Washington; a suggestion to stage off-site; current queuing issues; safety issues; the parking structure; the student pick up and drop off site plan; and a suggestion to have buses queue on Washington Boulevard.

Discussion ensued between Art Bannick and Commissioners regarding clearances between buses; turning radius; accommodating the buses; the parking structure; addressing neighbor concerns; clarification that the new plan resulted from discussions with the neighbors; the parent pickup route; the proposed bridge; tenant access; the extra parking spaces; staff parking; and clarification regarding impacts of the expansion vs. impacts of the total project.

A discussion ensued between staff and Commissioners regarding policies of the City Traffic Engineer and clarification that he found no issues with the report; and clarification that the task at hand for Commissioners is to consider whether they can approve a 650 student project rather than to consider only the increase.

Further discussion ensued between staff, Commissioners, and Scott Sato regarding cumulative development; consideration of other potential projects in the area; and significant impacts.

Additional discussion ensued between Commissioners and Help Group representatives regarding types of buses; the current situation and the proposed plan; whether a test run had been conducted; pick up procedures; where buses exit; the independent contract for buses; the Yellow Cab Company; staff interaction and supervision of pick up procedures; and the route of the buses.

A discussion ensued between Commissioners and Shane Kastovani, Acoustical Engineer, regarding studies conducted; noise measurements; ambient conditions; average noise levels; noise patterns; peak periods; composition of the wall; and concern that the sound studies reflected current levels but did not project noise levels for additional students.

Discussion continued between Commissioners and representatives of the Help Group regarding use of the rooftop playground; rooftop studies; noise attenuation; clarification that new students will be utilizing the rooftop playground; Commission discretion regarding the 14-foot wall; the 8-foot wall; changes necessary to accommodate a 14-foot wall and the amount of sound reduction it would result in; the City sound ordinance; Environmental Impact obligations; the sound study; acceptable noise for residential uses; and the rooftop playground.

Dr. Barbara Firestone, The Help Group, clarified the staggered use of the playgrounds; discussed the community meeting; the warm line to address neighbor issues; the sound study; the sound wall; and the reason that the roof was not considered in the sound study.

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

Discussion ensued between staff and the Commission regarding loss of revenue to the City; income per student; increased revenue to the school; impacts to infrastructure; adding a condition regarding signage for tenants; clarification regarding permitted use in the zone; differences with other schools in the area; the purpose of the CUP; the traffic study; internal circulation; the significant increase in vehicles; the original CUP; concern that requests for incremental changes add up; the current request for a major change to the CUP; concern that the traffic plan is overly optimistic; concern with having to make the finding that the expansion is compatible with existing land use; efforts to transform the neighborhood into a walk-able retail oriented area; addressing recurring issues; and formulating a global position on school expansion.

Commissioner Kuechle disclosed that he had spoken with Vice Chair Wyant about the issue and had also met with the applicant and had toured the facility.

Further discussion ensued between Commissioners and staff regarding the fact that this is an issue that will come before the Commission again and again; concerns regarding schools in Culver City that cater to non-residents; the number of school-aged residents vs. the number of students served in the City; the expensive nature of schools; generating taxable income for the City; concern with schools that mislead the City regarding their intentions to expand; a suggestion that the City study the full extent of the costs and lost revenue from school uses; whether all schools can be legally required to make contributions to the City as a condition for the CUPs to make up for the shortfall that they are causing; concern with shortchanging the City; average amount of taxes received per square foot; basing recovery on the entire project rather than incrementally; concern with being able to make the findings to approve the item; whether the staff report and traffic study considered the entire impact of the project; parking restrictions; a feeling that the City should not donate its resources so the applicant can mitigate their issues; the need for a policy; compensation for parking spaces; using a portion of Washington Boulevard; mitigating impacts; the proposed sound wall; testing mitigations; a request for the presence of the City's Traffic Engineer when items like this are being considered; maintaining the retail component in the new plan; fully integrating the project into the community; length of time to conduct the proposed study; next steps in the process; whether the City can be reimbursed for lost revenue; supportable findings and reasonable basis to deny the application; whether to request that the applicant address traffic and circulation issues; a desire for additional information; precedents set by other schools; the purpose of a CUP; the basis of land use decisions; radically changing the CUP; whether the use is fitting or can be modified to make it fitting; incrementalism; and the importance of a large policy review.

David Waite, The Help Group, agreed to continue the hearing but questioned the purpose; he asserted that in 1999 the same issues were fully vetted during the General Plan Amendment process and the Zone Change; and he objected to having to wait for a decision on larger policy issues but agreed to come back with further refinements on how the project would work on the site.

Further discussion ensued between staff and Commissioners regarding procedures for continuing the matter; possible dates; and a request for a revision of the staff report and environmental document to make it clear that the entire project is being considered rather than just the addition.

MOVED BY COMMISSIONER TIGGS, SECONDED BY COMMISSIONER SMITH FROST AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION CONTINUE THE MATTER TO MAY 9, 2012.

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Consent Calendar

Item C-1

Secretary's Report

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

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Item C-2

Meeting Minutes

MOVED BY COMMISSIONER TIGGS, SECONDED BY VICE CHAIR WYANT AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION APPROVE THE MINUTES OF MARCH 14, 2012 AS WRITTEN.

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Items from Staff

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

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Items from Commissioners

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

May 9, 2012
7:00 p.m.

Call to Order & Roll Call

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

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

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Pledge of Allegiance

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

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Comments for Items NOT on the Agenda

Chair Pleskow invited public participation

No cards were received and no speakers came forward.

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

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Public Hearing

Item PH-1

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

Staff provided a summary of the material of record.

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

Chair Pleskow invited public comment.

The following members of the audience addressed the Commission:

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

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

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

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

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

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

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

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

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

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

Commissioner Smith Frost disclosed that she had been contacted by Ben Resnick, Counsel for The Help Group, who indicated that he had spoken to other Commissioners. She reported cautioning him that she could not discuss anything that might have been discussed with any one else, he complied, and they had a discussion.

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

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

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

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

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

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

Additional discussion ensued between staff and Commissioners regarding impact of the total number of students on the premises; the entitlement process; the process to evaluate impacts; circumventing the intent of the traffic study; the true build out of a project; the need for a conversation regarding the ground rules for Commission consideration; impacts to be mitigated; consideration of incremental increases vs. the entire project; actions of the City Council to examine requiring that non-profit schools contribute to the well-being of the City; concern with getting ahead of the City Council; definitive information as to whether the entire project can be considered; the possibility of a moratorium; permit streamlining and the time frame for making a decision; the issue of vesting; traffic, parking and noise; the threshold to establish that there is a reduction in service; degradation of services; guidelines for determining impacts; grading of the intersection; the sound wall; working with the neighbors; policy issues; concern with holding up the applicant; mutually acceptable mitigation methods; working with Los Angeles regarding jurisdiction; maintaining the mature landscaping; and whether a variance is required.

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

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

Commissioner Kuechle received clarification regarding the Negative Declaration.

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

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

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

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Consent Calendar

Item C-1

Secretary's Report

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

June 13, 2012
7:00 p.m.

Call to Order & Roll Call

The meeting of the Planning Commission was called to order at 7:01 p.m.

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

Absent: Anthony Pleskow, Chair (excused)

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Pledge of Allegiance

David Voncannon led the Pledge of Allegiance.

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Comments for Items NOT on the Agenda

Vice Chair Wyant invited public participation.

No cards were received and no speakers came forward.

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Public Hearing

Item PH-1

Reconsideration of Conditional Use Permit Modification (CUP/M 2011-175) - The Help Group To permit the addition of 250 students to an existing 400 student private school located at 12095-12101 Washington Boulevard

Thomas Gorham, Planning Manager, indicated that the Help Group had requested that the item be continued to June 20, 2012 when the Chair could be present.

Vice Chair Wyant opened the public hearing and invited public comment.

The following member of the audience addressed the Commission:

Katherine Hedger reported that the Help Group had requested that neighbors sign a permit approving a vinyl fence next to the block wall; she indicated that research had indicated that a vinyl piece on top of the wall would not mitigate sound issues; and she reported that the Help Group had not notified the neighbors about the three days of graduation ceremonies.

MOVED BY COMMISSIONER TIGGS AND SECONDED BY COMMISSIONER KUECHLE THAT THE PLANNING COMMISSION CONTINUE THE PUBLIC HEARING TO JUNE 20, 2012 AT 7:00 P.M. IN COUNCIL CHAMBERS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	Kuechle, Smith Frost, Tiggs, Wyant
NOES:	None
ABSENT:	Pleskow
ABSTAIN:	None

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Item PH-2

Zoning Code Amendment (ZCA P-2011154), Conditional Use Permit Modification (CUP/M P2011-156) - The Willows School

Thomas Gorham, Planning Manager, indicated that staff had requested that the item be continued to July 11, 2012 in order to allow additional time for staff to get the packet together.

MOVED BY COMMISSIONER TIGGS AND SECONDED BY COMMISSIONER KUECHLE THAT THE PLANNING COMMISSION CONTINUE THE PUBLIC HEARING TO JULY 11, 2012 AT 7:00 P.M. IN COUNCIL CHAMBERS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	Kuechle, Smith Frost, Tiggs, Wyant
NOES:	None
ABSENT:	Pleskow
ABSTAIN:	None

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

June 20, 2012
7:00 p.m.

Call to Order & Roll Call

The meeting of the Planning Commission was called to order at 7:01 p.m.

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

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Pledge of Allegiance

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

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Comments for Items NOT on the Agenda

Heather Baker, Assistant City Attorney, discussed Brown Act issues noting that all requirements had been met; she clarified that the hearing had been continued; and she discussed proper public hearing noticing procedures.

Commissioner Kuechle received clarification regarding notice regarding the continuation of the meeting.

Vice Chair Wyant invited public participation.

No cards were received and no speakers came forward.

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Public Hearing

Item PH-1

Reconsideration of Denial of Conditional Use Permit Modification (CUP/M 2011-175) – to permit the addition of 200 students to an existing private school located at 12095-12101 Washington Boulevard

Thomas Gorham, Planning Manager, provided a brief summary of the material of record.

Discussion ensued between staff and Commissioners regarding annual payments and adjustments; reimbursement for the cost of police and fire calls; and lost property and business tax revenue.

Vice Chair Wyant opened the public hearing and invited public comment.

Thomas Gorham, Planning Manager, read a written statement submitted by Alan Corlin.

The following member of the audience addressed the Commission:

Carlene Brown provided background on herself and expressed support for The Help Group.

Dr. Barbara Firestone, The Help Group, expressed appreciation to the Commission for its reconsideration of the item; summarized proposed mitigations; and noted that the student population would be gradually increased.

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

Discussion ensued between staff and Commissioners regarding a belief that the project should go before the City Council for their consideration; best interests of the City; negative impacts of numerous schools in the City that consume resources but do not pay property taxes; analyzing relevant policy issues; the offer of annual payments to offset certain losses; the last minute offer by The Help Group; careful consideration of proposals; whether the estimate of tax losses is adequate; clarification that the site is zoned for commercial use; clarification that the tax reimbursement figure is only for the additional students; the need for a full and complete legal analysis; power of the Commission; legal risks of imposing a property tax recovery fee; the Emerald Estates lawsuit; whether the Commission can make the findings called for by the zoning code; the sound study; noise levels of the outdoor graduation ceremonies; noise impacts of the project after mitigation; the noise element of the Culver City General Plan; the true traffic impact of the project; incremental increases; clarification that The Help Group studied only the increase rather than the entire project; language regarding conflicts between vehicles; original concerns; concern that The Help Group obscures facts to give their project a better chance; The Help Group assertion that they would waive any future right to increase the number of students; appearing to give concessions without doing so; the purchase of adjacent property for future expansion; and a suggestion to adopt the denial resolution and add language regarding noise concerns.

Additional discussion between Commissioners and staff ensued regarding rumors; making the necessary findings; appreciation to the Help Group for their concessions; City Council changes regarding non–profits; support for the project; the Emerald Estates matter; public parking spaces; the established land use; time necessary to consider the issues; the need for long-term planning; traffic and parking concerns; the five on-street parking spaces; reevaluation of the flow of traffic and parking; the need to observe the situation; additional mitigation measures; street impacts; the City threshold for significant impact; the location of waiting vehicles; alerting parents that they are not to arrive more than 10 minutes early for pick up; students picked up by other than parents; and regulating pick up procedures.

Discussion continued between Commissioners, staff and Help Group representatives regarding where buses and cabs wait for pick up; space within campus to accommodate all vehicles; clarification that buses and cabs currently wait all over the neighborhood; concern with getting the cars in and out in an efficient manner; a previous condition that cabs and buses not park in metered parking; the current plan vs. the future plan; the three story parking structure; and when the new parking plan would be implemented.

Further discussion ensued between staff and Commissioners regarding concern that the decision is a City Council level decision but Commissioners are being called upon to decide anyway; concern with causing undue burden for the Help Group; the importance of the matter; concern with being asked to make a judgment without being able to ask all the questions; concern with setting a precedent; policy issues vs. the specific project; concern with denying the project to make a broader point; the response of the Help Group to mitigate issues; imposition of fees vs. voluntary agreement; concern with legal issues; and the 6-month and 12-month evaluation periods for circulation.

MOVED BY COMMISSIONER TIGGS AND SECONDED BY CHAIR PLESKOW THAT THE PLANNING COMMISSION APPROVE THE CUP/M P-2011175 TO ALLOW FOR A 600-STUDENT PRIVATE SCHOOL FOR SPECIAL NEEDS STUDENTS AT 12095-12101 WASHINGTON BOULEVARD IN THE COMMERCIAL GENERAL (CG) ZONE SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT A, AND APPROVAL OF THE NEGATIVE DECLARATION. THE MOTION FAILED BY THE FOLLOWING ROLL CALL VOTE:

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

Commissioner Kuechle added language regarding being unable to make the findings with regard to noise for the Denial Resolution which included: on page 3 of the resolution on the first line where it says ‘related to traffic’ inserting the words ‘noise on abutting residential neighborhoods and’ before the word traffic; and in the second line of the finding in paragraph E add ‘and increased noise’ after ‘increased traffic around the school site’.

MOVED BY COMMISSIONER KUECHLE AND SECONDED BY VICE CHAIR WYANT TO ADOPT RESOLUTION 2012-P0015 WITH THE CHANGES DESCRIBED ABOVE.

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

Thomas Gorham, Planning Manager, explained appeal procedures.

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Consent Calendar

Item C-1

Secretary's Report

Thomas Gorham, Planning Manager, read the Secretary's Report and noted that it was no longer required that the Planning Commission receive and file them anymore.

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

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Item C-2

Meeting Minutes – May 9, 2012 and May 23, 2012

A discussion ensued between staff and Commissioners regarding a statement in the May 23, 2012 meeting minutes indicating that a portion of the meeting was inaudible; whether a recording of that portion of the meeting exists; providing coverage in the minutes for that portion of the meeting; and agreement to bring back revised minutes with the missing portion of the meeting included.

MOVED BY COMMISSIONER SMITH FROST, SECONDED BY COMMISSIONER TIGGS AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION APPROVE THE MINUTES OF MAY 9, 2012.

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Items from Staff

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

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Items from Planning Commissioners

Commissioners thanked fellow Commissioner Tiggs for his service to the Commission as this was his last meeting.

Commissioner Tiggs thanked his fellow Commissioners, staff and the City Council for the chance to serve.

Thomas Gorham, Planning Manager indicated plans to honor Commissioner Tiggs before the July 11, 2012 Commission meeting.

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Adjournment

There being no further business, at 8:24 p.m. the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, July 11, 2012, at 7:00 p.m. in the Mike Balkman Council Chambers.

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YVONNE D. HUNT
SECRETARY of the CULVER CITY PLANNING COMMISSION

APPROVED ______________________

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

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

Martin R. Cole	Date
CITY CLERK	