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UNTIL APPROVED BY THE
CITY COUNCIL

REGULAR MEETING OF THE
CITY COUNCIL, CITY OF CULVER CITY
CALIFORNIA

September 10, 2012
6:00 p.m.

Call to Order & Roll Call

The meeting of the City Council was called to order at 6:00 p.m.

Present: Andrew Weissman, Mayor
Jeffrey Cooper, Vice Mayor
Jim B. Clarke, Councilmember
Micheál O'Leary, Councilmember
Meghan Sahli-Wells, Councilmember

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Closed Session

At 6:00 the City Council recessed to Closed Session to discuss the following items:

CS-1 Conference with Legal Counsel – Anticipated Litigation
Re: Significant Exposure to Litigation – (1 item)
Pursuant to Government Code Section 54956.9(b)(1)

CS-2 Conference with Legal Counsel – Anticipated Litigation
Re: Initiation of Litigation – 1 Matter
Pursuant to Government Code Section 54956.9(c)

CS-3 Conference with Legal Counsel – Existing Litigation
Re: City of Culver City, et al. v. Ugo Pascarella, et al.
Case No. SC115351
Pursuant to Government Code Section 54956.9(a)

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Reconvene

The City Council reconvened its meeting at 7:03 p.m. with all Councilmembers present.

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Invocation/Pledge of Allegiance

The Invocation was given by Martin Cole, Assistant City Manager/City Clerk and the Pledge of Allegiance was led by Booker Pearson.

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Report on Action Taken in Closed Session

Mayor Weissman indicated nothing to report from closed session.

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Community Announcements By City Council Members/Information Items From Staff

MOVED BY COUNCILMEMBER CLARKE, SECONDED COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT WHEN THIS MEETING IS ADJOURNED THAT IT BE ADJOURNED IN MEMORY OF THE VICTIMS OF 9/11.

Councilmember Clarke announced a memorial service on Tuesday, September 11 in front of City Hall at 6:45 a.m.

Councilmember O'Leary reported attending the League of California Cities conference.

Councilmember Sahli-Wells wished her son Lucien a Happy Birthday; announced Coastal Cleanup Day on September 15 at Ballona Creek; invited everyone to join the Culver City Bicycle Coalition clean up site at the bike path by Duquesne; reported that she would be serving on a panel for the first Women's Bicycling Summit in Long Beach on September 13; she noted that WestDoc was underway at the Culver Hotel; and she announced a Police Department Open House on September 15.

Vice Mayor Cooper encouraged everyone to attend the memorial for 9/11 victims in the City Hall Courtyard, and he noted how much the world had changed since then.

Mayor Weissman added that the memorial was also an opportunity to honor those serving in the armed services in the aftermath of 9/11, and he announced the Culver City Historical Society celebration of the 95th anniversary of the founding of the City with Meet Me in Culver City on September 23 at the Culver Hotel hosted by Margaret O'Brien.

Vice Mayor Cooper announced EarthFest L.A. at West Los Angeles College on September 15.

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Joint Public Comment – Items Not on the Agenda

Mayor Weissman invited public comment.

The following members of the audience addressed the City Council:

Marta Zaragoza encouraged continued support for the fight to mitigate issues created by Expo, MTA, and the Construction Authority; she expressed concern with Councilmember statements regarding Expo issues; she discussed serving as a representative vs. serving as an alternate; Culver City Police Department response to noise complaints; and permit parking enforcement.

Susan Elaine Wheeler discussed labeling and Genetically Engineered Foods (GMOs), and she requested City Council support for Proposition 37.

Ken Ruben thanked Art Ida for his tour of the transit yard and for a ride on one of the new buses; he requested a bus bench and a crosswalk to reduce jaywalking near the Expo station; he discussed noise issues and grants for street furniture; and he reported that Metro would take over from Expo on November 19.

Booker Pearson, Upward Bound House, thanked the City Council for their extension of the rental assistance program.

Jerri Speed requested support for Proposition 37 requiring labeling of food if it contains genetically engineered ingredients.

Larry Brownstein expressed support for Proposition 37, the California Right to Know Genetically Engineered Food Act, and he requested that the City Council add it to the agenda for consideration of support at the next City Council meeting.

David Church, Culver City Chamber of Commerce, thanked the Sanitation Division for proactively working to implement Assembly Bill 341, a new piece of legislation requiring mandatory recycling for commercial businesses.

Bambi Njamfa, Food and Water Watch, expressed support for the passage of Proposition 37 and invited the community to the free screening of Gasland on September 15 at West Los Angeles College as part of EarthFest.

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Receipt and Filing of Correspondence

This item was considered at the end of the City Council meeting.

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Joint Consent Calendar

Item JC-1

JOINT CITY COUNCIL, HOUSING AUTHORITY AND SUCCESSOR AGENCY AGENDA ITEM: Cash Disbursements

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL APPROVE CASH DISBURSEMENTS FOR AUGUST 4, 2012 – AUGUST 31, 2012.

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Consent Calendar

Martin Cole, Assistant City Manager/City Clerk, reported that a correction requested by Councilmember Sahli-Wells had been made to the meeting minutes.

Councilmember Sahli-Wells indicated that she would have to abstain from voting on the minutes of August 13, 2012 due to her absence from that meeting.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL

APPROVE CONSENT CALENDAR ITEM C-1 WITHOUT THE MINUTES OF AUGUST 13, 2012 INCLUDED, AND ITEMS C-2 THROUGH C-5.

Item C-1

Meeting Minutes

THAT THE CITY COUNCIL APPROVE MINUTES FOR THE REGULAR MEETING OF JUNE 11, 2012, SPECIAL MEETING OF JUNE 18, 2012, SPECIAL MEETING OF JULY 2, 2012, SPECIAL MEETING OF JULY 16, 2012, REGULAR MEETING OF JULY 23, 2012, AND SPECIAL MEETING OF AUGUST 6, 2012.

MOVED BY COUNCILMEMBER CLARKE AND SECONDED BY VICE MAYOR COOPER, THAT THE CITY COUNCIL APPROVE MINUTES FOR THE REGULAR MEETING OF AUGUST 13, 2012. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: CLARKE, COOPER, O’LEARY, WEISSMAN
NOES: NONE
ABSENT: NONE
ABSTAIN: SAHLI-WELLS

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Item C-2

(1) Acceptance of Work Performed by J.D.C. Inc.; (2) Authorization to File a Notice of Completion; and (3) Authorization to Release the Retention Payment after the Expiration of the 35-Day Lien Period, for the Ballona Creek Rain Garden Project, P-497

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY J.D.C., INC. FOR THE BALLONA CREEK RAIN GARDEN PROJECT, P-497; AND

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE NOTICE OF COMPLETION AND SUBMIT IT TO THE LOS ANGELES COUNTY RECORDER’S OFFICE; AND,
3. AUTHORIZE THE CITY MANAGER TO RELEASE $15,588.32 IN RETENTION FUNDS TO J.D.C, INC. AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-3

1) Acceptance of Work Performed by Pacific Hydrotech Corporation; 2) Authorization to File the Notice of Completion; and 3) Authorization to Release Retention Funds after the Expiration of the 35-Day Lien Period, for the Construction of the Braddock Pump Station Upgrade Project, P-873

THAT THE CITY COUNCIL:

1) ACCEPT THE WORK BY THE CONTRACTOR PACIFIC HYDROTECH CORPORATION FOR THE BRADDOCK PUMP STATION UPGRADE PROJECT, PROJECT P-873; AND,

2) AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE NOTICE OF COMPLETION AND SUBMIT IT TO THE LOS ANGELES COUNTY RECORDER’S OFFICE FOR RECORDATION, AND;

3) AUTHORIZE THE RELEASE OF $111,804.42 IN RETENTION FUNDS TO PACIFIC HYDROTECH CORPORATION AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-4

(1) Acceptance of Work Performed by All American Asphalt; (2) Authorization to File a Notice of Completion; and (3) Authorization to Release the Retention Payment after the Expiration of the 35-Day Lien Period, for the Sherbourne Drive Street Resurfacing Project, P-955, CDBG #601392-11

THAT THE CITY COUNCIL:

1. ACCEPT THE WORK PERFORMED BY ALL AMERICAN ASPHALT FOR THE SHERBOURNE DRIVE STREET RESURFACING PROJECT, P-955, CDBG #601392-11; AND

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE NOTICE OF COMPLETION AND SUBMIT IT TO THE LOS ANGELES COUNTY RECORDER’S OFFICE; AND,

3. AUTHORIZE THE CITY MANAGER TO RELEASE $6,078.40 IN RETENTION FUNDS TO ALL AMERICAN AFTER THE EXPIRATION OF THE 35-DAY LIEN PERIOD.

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Item C-5

Adoption of a Resolution Approving an Encroachment Agreement with Time Warner Cable for Use of the Public Rights-of-Way on Cardiff Avenue and Culver Boulevard

THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT WITH TIME WARNER CABLE; AND,

2. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY DOCUMENTS; AND,

3. AUTHORIZE THE CITY MANAGER TO EXECUTE THE DOCUMENTS ON BEHALF OF THE CITY.

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Item C-6

Approval of a Parking License Agreement with Century Wilshire Incorporated for the Culver Hotel's Use of Parking Spaces at Certain City-Owned Parking Facilities

This item was pulled and no action was taken by the City Council on this item.

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Order of the Agenda

No changes were made.

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Public Hearings

Item PH-1

Introduction of an Ordinance Amending Section 17.230.015, Table 2-8 and Section 17.610.010 of the Culver City Zoning Code to Allow for the Expansion of Existing Private Schools Located in the Industrial General (IG) Zone, Subject to

Approval of a Modification to an Existing Conditional Use Permit (Zoning Code Amendment ZCA P-011154)

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

Mayor Weissman invited public input.

The following members of the audience addressed the City Council:

Mark Armbruster thanked the Planning Commission for their support, expressed support for the staff recommendation, and indicated that he was present to answer any questions.

Lisa Rosenstein, Willows Community School, expressed appreciation to the City for their assistance and hard work.

Carlene Brown, Culver City Progress blog, shared several quotes; discussed the Willows Community School and Fiesta La Ballona; and she requested support of the item.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVITS AND POSTING OF PUBLIC NOTICE AND CORRESPONDENCE RECEIVED.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING.

Martin Cole, Assistant City Manager/City Clerk, stated that the record would indicate that all public comment would be contained within the confines of the public hearing.

Cary Anderson discussed public vs. private schools; CUPs; penalties for CUP violations; the turnover of public schools to private schools; and consideration of whether actions are good for the community and whether the community is protected.

Mayor Weissman pointed out economic components to the item.

Jeremy Green, read a comment card submitted by:

Zoenda McIntosh

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER

CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

Martin Cole, Assistant City Manager/City Clerk, indicated that emailed comments received earlier in the day were provided to the City Council and would become part of the public record.

Discussion ensued between staff and Councilmembers regarding the opportunity cost; participation in community activities; appreciation to the Planning Commission for their work; the introduction of a master plan; the 3.5 acre limitation; the ability of the other two schools to expand and concern that they will now want to expand to the 3.5 acre maximum; authority of the Planning Commission; zoning code language; spot zoning; clarification that any expansion has to go through a public hearing; sensitive receptors; concern with affects to adjacent industrial and commercial development; economic impacts to the City; protecting the City’s future economic viability; support for the school; the economic study; the loss of redevelopment; creating a tool to address the potential expansion by the other schools; and clarification that expansion is not allowed in the IG zone.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. DETERMINE THAT NO ADDITIONAL ENVIRONMENTAL INFORMATION IS NEEDED BASED ON THE PLANNING COMMISSION’S ADOPTION OF A MITIGATED NEGATIVE DECLARATION FINDING THAT ZONING CODE AMENDMENT, PLANNING COMMISSION ZCA RESOLUTION NO. 2012-P005, WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT; AND,

2. INTRODUCE THE PROPOSED ORDINANCE AMENDING SECTION 17.230.015, TABLE 2-8 (ALLOWED USES AND PERMIT REQUIREMENTS) AND SECTION 17.610.010 (NONCONFORMING USES), TO ALLOW FOR THE MODIFICATION AND/OR EXPANSION OF NONCONFORMING PRIVATE SCHOOL USES IN THE INDUSTRIAL GENERAL ZONE SUBJECT TO APPROVAL OF A MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT.

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<u>Item PH-2</u>

Consideration of an Appeal of Planning Commission Denial of Conditional Use Permit Modification (CUP/M 2011-175) to Allow the Addition of 200 Students to The Help Group Private School Facility at 12095-12101 Washington Boulevard

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVITS AND POSTING OF PUBLIC NOTICE AND CORRESPONDENCE RECEIVED.

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

Discussion ensued between Councilmembers and staff regarding the wall and the City of Los Angeles; clarification that the study was done on the entire project, not just on the incremental increase; incremental development; whether the City is receiving a fair share of revenue; the voluntary contribution; property and business taxes; clarification that the taxpayers would not be subsidizing the expansion of the Help Group; a modification to limit expansion beyond the current campus; the approved site plan; and the medical building.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY COUNCILMEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING.

Mayor Weissman invited public input.

The following members of the audience addressed the City Council:

Dr. Barbara Firestone, The Help Group, discussed the establishment of the school in 1999; the need to expand programs and services; the challenges of autism; their work with the City and the state; bond funding; their demonstrated commitment to the City and neighbors; access to educational opportunity; and publicly funded tuition.

Susan Osborne discussed her experiences with Village Glen West.

Ben Reznik, of Jeffer, Mangels, Butler and Mitchell, discussed the condition dealing with the number of staff and he thanked the City for their efforts.

Discussion ensued between Councilmembers and Mr. Reznik regarding the specific definition of future plans for the site; concern with flexibility to the number of staff; Help Group intent not to trigger any impacts; traffic studies and parking capacity; the new location for Silver Lining; the way that staff is counted; the definition of full-time equivalent staff; impacts; trip generation; and substitute language.

Carlene Brown discussed the Silver Lining resale store; a clip of the Help Group graduation ceremony; sensitivity to neighbors complaints; and mutual benefits.

Larry Green requested that the City Council uphold the denial and he expressed concern with increased traffic and parking in the neighborhood.

Wally Marks expressed support for the project and urged approval of the Help Group request noting that concerns had been addressed.

Cary Anderson indicated that he could see both sides of the issue; he asked about staff parking on campus; discussed the cost of the wall; whether additional students would be new students or students from other campuses; and the original intent of the Help Group when opened in 1999.

Doris Green expressed opposition to the expansion of The Help Group due to parking and traffic issues; she discussed the number of buses and taxis on site; and she expressed concern with the size of the yard.

Mayor Weissman received clarification that a condition could be added that the Help Group discourage parents from parking in the neighborhood.

Michelle Krupkin expressed support for the Planning Commission denial of the CUP; she expressed concern that the traffic report did not fully address certain issues in the neighborhood; she discussed use of a private road on the property; safety issues; the existing parking structure; the number of buses and taxis; staging areas; concern with taxis and cars blocking driveways; noise issues; and the number of parking spaces available for staff.

Vice Mayor Cooper exited the dais.

Jeremy Green, Management Analyst, read a written comment submitted by:

Marta Zaragoza

MOVED BY COUNCILMEMBER O'LEARY AND SECONDED BY COUNCILMEMBER CLARKE THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	CLARKE, O'LEARY, SAHLI-WELLS, WEISSMAN
NOES:	NONE
ABSENT:	COOPER
ABSTAIN:	NONE

Martin Cole, Assistant City Manager/City Clerk, reported that correspondence received earlier in the day had been distributed to Councilmembers and would become part of the official record.

Vice Mayor Cooper returned to the dais.

Discussion ensued between staff and Councilmembers regarding the original 1999 approvals; the original intent of The Help Group; Help Group purchase of the property; Planning Commission denial of the project; sound levels in the playground; noise studies; working with Los Angeles to address issues; concentrating on the number of students rather than the number of staff; the voluntary contribution; decals for staff cars to discourage neighborhood parking; support from state and county officials for The Help Group; adding a condition to address noise issues; length of the process; due diligence; support for the process; improvements to the area; traffic mitigations; support for adding 250 students; monitoring and enforcement; concern with driveways and safe access; an assertion that estimated traffic is more than will actually be present; and whether there is a history of accidents in the area.

Discussion ensued between the City Council and Ben Reznik regarding the original intent of The Help Group to expand and make use of the medical building when the need arose and funding became available; how the proposed number of staff was arrived at; full time equivalent language; clarification that staff could be as many as 230; the reduction of the expansion from 250 students to 200 students; playground noise exemptions; and clarification that the new students will play on a rooftop playground.

Additional discussion ensued between Councilmembers and staff regarding adding 250 students rather than 200; impacts to emergency services; clarification that the traffic study considered 600 students; base traffic; conditions of approval; adding a condition that any additional mitigation would be paid for by The Help Group; suggested language to address the number of staff; concern with repeated studies and updates; setting a cap on staffing levels; having The Help Group take affirmative steps to prohibit parking on the adjacent residential streets; adequate parking in the structure to accommodate staff and parents.

Councilmember O'Leary moved to grant the appeal. Vice Mayor Cooper seconded the motion and the discussion continued.

Further discussion ensued between Councilmembers and Help Group staff regarding the number of taxis and buses; hours when taxis and buses are dropping off and picking up; the three public parking spots on Grandview; turning radius of the bus and visibility; provided parent parking; and placing a hard cap on adding 200 students.

Dr. Susan Berman, The Help Group, indicated that they would appreciate the ability to expand as the need continues to rise.

Additional discussion ensued between Councilmembers and staff regarding expanding to the originally requested 250 students; a suggestion that if the expansion to the 600 level is successful that the opportunity to add 50 additional students be allowed; including additional language in Condition 53 that would enable The Help Group to submit a request to increase the number by going through a similar analysis; evaluating impacts to the number of students; the importance of agreeing upon a cap; the CUP process; and concern that the information for the agenda item was based on the 200 student cap.

Ben Reznik indicated that the school would be satisfied with the 600-student cap, the CPI flexibility and voluntary payment, and he suggested that The Help Group could take back their statement that they would never expand beyond

600 students and return for additional consideration if there is a need for 50 more students.

Further discussion ensued between staff and the City Council regarding concern with changing consideration of the item to 650 students; removal of Condition 59; and agreement to cap staffing levels to 230 with additional modifications regarding noise and parking.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

2.A ADOPT A NEGATIVE DECLARATION, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), FINDING THE PROJECT WILL HAVE LESS THAN SIGNIFICANT IMPACTS ON THE ENVIRONMENT; AND

2.B. ADOPT RESOLUTION NO. 2012-R______, GRANTING THE APPEAL AND (I) REVERSING THE PLANNING COMMISSION'S DENIAL OF THE CONDITIONAL USE PERMIT MODIFICATION FOR THE INCREASE IN ENROLLMENT OF THE HELP GROUP SCHOOL AND (II) APPROVING CONDITIONAL USE PERMIT MODIFICATION CUP/M 2011-175.

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Recess

At 9:58 p.m. the City Council took a brief recess.

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Reconvene

The City Council reconvened its meeting at 10:03 p.m. with all Councilmembers present.

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Item PH-3

Consideration of Appeal of Planning Commission Approval of an Administrative Site Plan Review to Allow the Development of a One-Story Retail Building with 2,500 Square Feet of Floor Area and 12 On-Site Parking Spaces Located at 4436 Sepulveda Boulevard

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY VICE MAYOR COOPER

AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF PUBLICATION.

Sol Blumenfeld, Community Development Director, provided a summary of the material of record.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING.

MOVED BY COUNCILMEMBER SAHLI-WELLS, SECONDED BY COUNCILMEMBER O'LEARY AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

Martin Cole, Assistant City Manager/City Clerk, reported that correspondence received earlier in the day had been distributed to Councilmembers and would become part of the official record.

Mayor Weissman explained procedures for the hearing.

Rob Katherman, 7-11, provided background on the project and the process; discussed the architecture element; he indicated agreement to the conditions and to pay for additional improvements required as the result of scheduled reviews; he acknowledged a suggestion for a speed hump installation; agreed to post signage for a 24-hour hotline during construction and for normal operation; reported submission of a petition in support of the project; and he noted potential traffic concerns.

Robert Kahn, RK Engineering Group, Traffic Consultants, provided background on the company; discussed work with staff; traffic studies and the lack of a significant impact from a traffic standpoint; the gap study; mitigation measures for the project; and he indicated that there would be a follow-up evaluation at 6 months and one year with any adverse traffic impacts mitigated at that time.

Discussion ensued between Councilmembers and the speaker regarding the proposed speed hump and previous traffic studies conducted for 7-11 stores.

Fahwad Ursani, 7-11 Franchisee, indicated that he operated a 7-11 at Sepulveda and Berryman and he discussed their participation in community service events.

Aaron Swerdlow, Equitas Engineering, discussed the nature and challenges of corner projects; appropriate tenants; the uniqueness of the property; the pedestrian gap study; the current project; the efforts of staff; maximizing the potential of the property and improving the area; adherence to zoning; and he urged approval of the project.

David Schwartz, appellant, provided a Powerpoint presentation; reported attending many meetings opposing the development; expressed concern with increased risk to the City based on insufficient discovery, testing and evaluation; discussed the proximity of other 7-11s; expressed concern with traffic in the area; he discussed nearby schools; access to other businesses in the alley; accident data for nearby intersections; Taco Bell; concern with inadequate traffic studies; he read excerpts from the Planning Commission hearing; discussed the Planning Commission resolution; and he expressed opposition to the project.

Richard Rownak discussed the accuracy of the traffic and pedestrian studies; expressed concern for the safety of the area students; he noted that problems with the project were compounded by existing circumstances; discussed the bus stop in front of the business; he requested that the City Council not allow a development that would generate a high volume of business at that location; discussed residential input regarding alley access; concern with access to the property; delivery trucks; required sight lines; attempts to get a copy of the traffic study; concern with cut-through traffic in the neighborhood; improvements to the Sepulveda corridor; the formula for generating the number of visits per hour; and he requested that the City Council reject the project.

Alexandra K. Mells asserted that information submitted in the traffic study was inaccurate; expressed concern with a potential lawsuit against the City; discussed the standard for legal lawsuits regarding negligence; and she requested valid, efficient traffic studies.

Discussion ensued between Councilmembers and the appellants regarding what business would be appropriate for the parcel.

Marcello Cavallero discussed his previous experiences living next to a 7-11; recent observations at the Sepulveda and Berryman 7-11; pro-social and anti-social places; he expressed concern with undesirable individuals congregating at the 7-11; children passing the store on the way to school; and proximity to the school and availability of alcohol and cigarettes.

P. Chris Grossman discussed the abandoned gas station noting that the 7-11 has been the only proposed development for many years; he asserted that the development would make no statistical difference to the traffic in the area; he discussed the dead-end alley adjacent to the proposed development; he expressed support for the project; discussed potential property and sales tax revenue to the City; felt that the project would increase property values as the vacant lot would be gone; and he felt that if the project were not built there would be many more years of an empty lot.

Tom Oliva expressed opposition to the project due to concerns with safety and increased traffic in the area.

Cary Anderson discussed the petition; the proposed flower shop; he noted that there were 25 7-11s within 3.6 miles; he discussed allowable amounts of panhandling and legal obligations; what the owner is willing to put in writing; graffiti; whether fresh fruit would actually be available and who would enforce that; the agreement not to have vending machines; and community service events.

Barbara Effros Schwartz expressed concern with adding to an already chaotic corner; discussed cars lined up around the corner for the Taco Bell; density; the moveable bus stop; proximity to the YMCA and nursing home; City planning and development; and the Sepulveda corridor.

Helen Pinkston discussed things that influence a community; alley access; traffic; she asserted that Sepulveda is a major highway and Braddock is a small street; she discussed environmental impacts; she expressed hope that the total impact of the project is considered; and she read a letter from a neighbor expressing concern that this development would preclude development of a better project on the site.

Diana Aceves expressed support for the development.

Mark Trapnell expressed disappointment in another 7-11 approved for the community; concern with proximity to schools and increased trash; questioned what provisions were in place and who would be accountable if there is an accident or traffic is worsened; and he felt that small businesses made the City unique.

Steve Rose, Chamber of Commerce, reported that 7-11 is a member of the Chamber of Commerce; provided a brief history of the area; asserted that franchisees were small business owners; discussed the civic involvement of Mr. Ursani; and expressed support for the development.

Marie Malahi indicated that her property abutted the proposed development; discussed access to her property; accuracy of the traffic study; Braddock; Taco Bell deliveries; existing issues; and she submitted a list of mitigations if the project is to go forward.

Jeremy Green, Management Analyst, read written comments submitted by:

Nicole Sims
Kate Agosta
Carole Myers
Robert Ishida

Discussion between staff and the City Council ensued regarding use of the property; accuracy of the traffic study; and the level of increase based on the project.

Alexandra Mells clarified that there are no driveways out onto Elenda.

Discussion continued between staff and Councilmembers regarding the pedestrian count; school-aged pedestrians; clarification regarding a typo in the appendix; Exhibit B; bicycles and pedestrians; pedestrians in the gap study; the Taco Bell driveway; legal non-conforming use; cut-through traffic in the alley; driveways on Elenda between Barman and Lindblade; and pedestrians and California Law.

Rob Katherman, 7-11, discussed delivery schedules; evaluation of the operation after 6 months to a year; alcohol and tobacco sales; the speed hump at the Braddock exit; the petition; and he clarified that the use is approved by the code and by the Planning Commission.

Vice Mayor Cooper received clarification regarding delivery times.

David Schwartz, appellant, took issue with comments by the Traffic Engineer regarding the Taco Bell alley and discussed addressing current conditions before adding another business that would cause additional issues.

Alexandra Mells expressed concern with the typographical error in the appendix, questioning how many more errors there were, and she requested that the traffic study be done again correctly.

Richard Rownak expressed concern with inaccuracies in the traffic study; discussed alternate projects; consequences for actions taken; and he urged the City Council to deny the project.

MOVED BY COUNCILMEMBER O'LEARY, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

Discussion ensued between staff and Councilmembers regarding the traffic study; levels of service; perception; the gap study; accident history; whether the Taco Bell was analyzed; Taco Bell traffic issues; history of the Taco Bell property; ingress on to the property; alley access; legal repercussions; physical design recommendations; circulation on the Taco Bell site; a better use for the property; uniqueness of the property; limitations to usages; the importance of reducing costs and adding revenue; a reminder that the lot was vacant for 14 years; how to make the project work for the neighborhood; mitigations; evaluation after 6-12 months; installing a barrier to prevent left turns onto the property from Sepulveda Boulevard; making an entrance only on Braddock; the importance of revitalizing the corner; placing trust in the Traffic Engineer; concern with accepting the project if the alley has not been considered; concern with the gap study and typos; acknowledgement that the developers want to move forward and the site needs to be developed; cumulative impact; concern with the best interests of the health and safety of residents; length of the report; required findings; the grading of intersections; the design and layout of the proposed project; concern with a statement regarding conducting a gap study to placate residents; previous 7-11s considered by the City Council; an observation that concerns have not transpired with the other new 7-11s that have opened in the City; the true traffic impacts; the proposed follow-up study; paying for mitigations to address impacts; design of the project; concerns with opportunistic children and food choices; conclusively proving impacts for specific businesses; daily variations; police department data; maintenance issues with median barriers; requiring the developer to maintain a median; addressing issues with the owner of Taco Bell; and whether to make Braddock an entrance only access.

Aaron Swerdlow, Equitas Engineering, expressed concern with restricting access; noted the importance of relying on the traffic studies; and agreed to remediate impacts at their cost.

Further discussion ensued between staff and Councilmembers regarding staff agreement to look at options regarding the alley and request additional traffic enforcement; what mitigations can be implemented; a request for neighborhood consideration in the future and not to implement this type of use in the future; restrictions in place in the downtown area; placing conditions for speed humps and the 24-hour hotline number; Condition 72; and adding maintenance to the conditions.

MOVED BY COUNCILMEMBER CLARKE, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT RESOLUTION NO. 2012-R____ DENYING THE APPEAL AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF ADMINISTRATIVE SITE PLAN REVIEW, ASPR P-2011127, FOR THE CONSTRUCTION OF A 2,500 SQUARE FOOT CONVENIENCE STORE AT 4436 SEPULVEDA BOULEVARD WITH THE ADDITIONAL ALTERNATE CONDITION 72 AS AMENDED TO REQUIRE A 6-MONTH AND 12-MONTH STUDY AFTER OPERATION TO DETERMINE ANY MITIGATION TO ADDRESS ISSUES IN THE NEIGHBORHOOD INCLUDING MAINTENANCE OF ANY NECESSARY MITIGATION MEASURES AND A SEPARATE CONDITION TO REQUIRE THE INSTALLATION OF A SPEED HUMP IN THE DRIVEWAY ON THE BRADDOCK SIDE OF THE PROPERTY AND A 24-HOUR HOTLINE.

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Receipt and Filing of Correspondence

MOVED BY VICE MAYOR COOPER, SECONDED BY COUNCILMEMBER CLARKE AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE ALL CORRESPONDENCE RECEIVED FOR ALL BODIES MEETING THIS EVENING.

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Public Comment for Items NOT On the Agenda (Continued)

Mayor Weissman invited public input.

The following members of the audience addressed the City Council:

Philip Eriksson reported that after 17-19 hours of being awake, humans have reduced cognitive capacity equivalent to a blood alcohol level of .05% and he encouraged everyone to drive home safely.

Cary Anderson discussed conditions of approval and expressed concern with enforcement noting that it is not the responsibility of the citizens to make sure that conditions are abided by.

Councilmember O'Leary noted the importance of residential input.

Angela Campbell expressed disappointment with the approval of the 7-11 project; agreed with the entrance only proposal for the 7-11; discussed the difficulty of accessing her property; noted that the project would hugely impact their lives; she added that the traffic study was taken on an atypical day; and she discussed the frequency of near miss accidents.

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Items from the City Council

None.

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Adjournment

There being no further business, at 1:00 a.m. on Tuesday, September 11, the City Council adjourned its meeting in memory of the victims of 9/11 to a meeting on Monday, September 24, 2012 at 7:00 p.m.

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Martin R. Cole
CITY CLERK of the City of Culver City, California
EX-OFFICIO CLERK of the City Council
City of Culver City, California

ANDREW WEISSMAN
MAYOR of the City of Culver City, California