

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

December 9, 2009
7:00 p.m.

Call to Order & Roll Call

The meeting of the Planning Commission was called to order
at 7:04 p.m.

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

Absent: Anthony Pleskow, Commissioner (excused)

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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, Deputy City Attorney, reported that
Commissioner Pleskow was recused from the meeting as his
children attended the Willows School.

Chair Kuechle welcomed Commissioner Tiggs back from a year
in Kosovo.

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PUBLIC HEARINGS

Item PH-1

Zoning Code Amendment ZCA P-2009069 and Negative
Declaration to amend the Culver City Municipal Code to
allow for the expansion of existing private schools located
in the Industrial General zone subject to approval of a
modification to an existing Conditional Use Permit

Staff provided a summary of the material of record.

Discussion between staff and the Commission included: precedent for the Zone Code Amendment (ZCA); the economic study; nonprofit use and economic benefits provided; fees to offset costs lost to the City; clarification that no taxes were derived from the school; tools available to capture lost revenue to the City; voluntary tax loss compensation by the applicant and concerns with potential lawsuits; a suggestion to adopt a general rule to guide the process rather than making a specific rule for this instance; distinguishing factors; processes for imposing a new tax; the CUP process; consistency with the General Plan; concern with a lack of information necessary to make an informed decision; notice of preparation and environmental review; the purview of the Commission; clarification that there is no physical change to the property; the feasibility of requiring a traffic study; the extent of the changes to the property; traffic figures, impacts, and mitigation measures; impacts to the use of recreational facilities; permits for park usage; imposing conditions of approval; land use; clarification that the ZCA would not have a physical impact; whether the document is adequate pursuant to CEQA; the Hayden Tract; and the feasibility of adopting an umbrella policy for schools to pay a property tax.

Chair Kuechle invited public participation.

The following members of the audience addressed the Commission:

Comments from the first three speakers were mostly inaudible.

Jeff Seymour provided background on the project and discussed independent schools and impacts to the area.

Lisa Rosenstein's comments to the Commission were inaudible.

Paul Silverin, Willows School, discussed: the fact that public schools are permitted without any review in the IG zone; the evolution of the Hayden Tract; changes in the profile of the demand for goods and services; the school's contribution to the City's economic base; he noted the school attracts employees to the City who then patronize

the City; and he clarified that the school paid a range of taxes that benefit the City and the school district.

Steven Gorley, Culver City School Board President, reported that when the Willows School came into the City there was an understanding that the school would not take up additional revenue producing land for their facilities.

David Freitag supported the ZCA; asserted that the school had added huge value to the City and the area and helped command higher rents; felt they were a good neighbor and had consistent operations and traffic management; and he asserted that industrial could not afford to be in the area anymore.

Scott Zeidman, Culver City Unified School District (CCUSD), opposed the ZCA as he felt it would not help the City's public schools; he discussed the stated goals of the City zoning code; reported declining resident enrollments and decreased funding in CCUSD; he felt the proposed expansion would detract from the City's economic base and decrease the limited supply of industrial land; and he expressed concerns with increased traffic.

Lorena Barrientos expressed support for the ZCA and discussed the Willows School's community service learning program.

David Al Fatale, Chief Financial Officer, CCUSD, expressed opposition to the ZCA citing issues with budget cuts and concern with reduced enrollment resulting in reduced funding.

Eileen Lichtman expressed support for the ZCA noting that the school offered an alternative for her children and also provided a camp available for all children.

Gwenas Lora, Assistant Superintendent, CCUSD, expressed opposition to the ZCA and discussed achievements of the district noting the importance of community support of the district and academic achievement.

James Alamillo expressed opposition to the ZCA; asserted that the Negative Declaration was insufficient in its analysis; he cited traffic concerns; felt that more information on environmental impacts was necessary; he cautioned the Commission that approving the amendment could

prevent them from looking at the cumulative impacts later; he felt it was impossible to know the true impact with the information provided; and he suggested using the CEQA process.

Daniel Mayeda expressed support for the ZCA; he discussed the value of providing educational options;C and he discussed changes in the City and the Hayden Tract transformation.

Zoenda MacIntosh expressed support for the ZCA noting that the Willows School was an asset to the City.

Georgia Funnel expressed support for the ZCA and discussed her experience attending the Willows School.

Richard Saltzman expressed support for the ZCA noting that his business was next to the school which is a good neighbor that has helped the City's revitalization.

Ron Raider commercial real estate broker, expressed support for the ZCA.

Thanda Belker expressed support for the ZCA noting that the future of the school depended on its educational involvement.

Seth Wellish, commercial real estate broker, expressed support for the ZCA.

Claire Peaps expressed support for the ZCA.

Michael Hackman expressed support for the ZCA; spoke of his personal investments in the City due to his involvement with the Willows School; he discussed the IG Zone; and he clarified that the ZCA simply allowed plans to be made.

Natalie Bergman urged support of the ZCA and she discussed the school's commitment to the community.

Scott Volz, ACOR Member, expressed support for the ZCA citing the value of educational options and noting the economic power of the school and improvements to the area.

Cary Anderson noted sound issues at the beginning of the meeting and suggested the first three speakers reiterate their comments as they were inaudible; he discussed parking

issues in the downtown area including the expansion; he suggested the school's economic power be used to fund a parking analysis and a new parking enforcement officer; he discussed drop-off zones and light rail expansion; and he asserted that an expansion of the school would strain infrastructure in an area already strained by other projects.

Bill Catcoff supported the ZCA and read a letter from Eric Owen Moss who expressed support for the amendment.

Lisa Gilmore expressed support for the ZCA and for providing educational opportunities.

Debbie Siegal expressed support for the ZCA and for educational choice.

Julia Alexander expressed support for the ZCA.

Michelle Hill, Josephson Academy of Gymnastics, expressed support for the ZCA.

Mark Weiss, Willows School Athletic Director, expressed support for the ZCA.

Simon Free expressed support for the ZCA and he discussed efforts to clean up the site.

Chair Kuechle read comments into the record from:

Dr. Marina de Cote, CCUSD
Linda Shehanian

Paul Silverin, Willows School, rebutted comments from Linda Shehanian noting that the tract had transitioned away from industrial, and he addressed school district comments alluding to threats to the financial well-being of the school district if the ZCA is approved.

Discussion between staff, the Commission, and Willows representatives included: Planning Commission understanding upon original the approval that the item would not come before them again and the school would not choose to grow; percentage of Culver City residents at the school; different requirements for different uses within the IG zone; and different requirements for public and private schools.

MOVED BY COMMISSIONER WYANT, SECONDED BY COMMISSIONER TIGGS, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER PLESKOW) TO CLOSE THE PUBLIC HEARING.

Chair Kuechle called a brief recess from 9:18 p.m. to 9:30 p.m.

Discussion between staff and the Commission included: support for the schools; the process and purview of the Commission; decisions made in 2005; land-use issues and procedural questions; consequences of the pending decision; educational options; questions about the type of expansion planned; concerns with being inflexible; the existing CUP; traffic and parking; clarification that the issue is not CCUSD vs. private schools; added value to the City; the general plan, policies and procedural issues; negative declaration issues; concern that there is no project to review; inability to make findings based on inadequate information provided; whether this is the right land use decision for the City; the Hayden Tract as a valuable asset and concern with using it for other than its unique purpose; and next steps in the process.

MOVED BY COMMISSIONER WYANT AND SECONDED BY COMMISSIONER SMITH FROST TO RECOMMEND THAT THE CITY COUNCIL NOT ADOPT THE PROPOSED NEGATIVE DECLARATION. THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: KUECHLE, SMITH FROST, WYANT
NOES: TIGGS
ABSENT: PLESKOW

MOVED BY COMMISSIONER SMITH FROST AND SECONDED BY COMMISSIONER WYANT TO RECOMMEND THAT THE CITY COUNCIL NOT APPROVE THE INITIAL STUDY AND THE NEGATIVE DECLARATION AND THAT THE CITY COUNCIL DISAPPROVE THE PROPOSED ZONING CODE AMENDMENT BASED ON NOT BEING ABLE TO MAKE FINDINGS RELATED TO GENERAL PLAN CONSISTENCY AND FINDINGS ONE AND TWO. THE MOTION PASSED BY THE FOLLOWING VOTES:

AYES: KUECHLE, SMITH FROST, WYANT
NOES: TIGGS
ABSENT: PLESKOW

Thomas Gorham, Planning Manager, indicated that staff would prepare written findings for Commission review before adoption of the resolution.

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CONSENT CALENDAR

Item C-1

Secretary's Report

MOVED BY COMMISSIONER WYANT AND SECONDED BY COMMISSIONER SMITH FROST THAT THE PLANNING COMMISSION RECEIVE AND FILE THE REPORT OF THE SECRETARY REGARDING POSTING OF THE AGENDA FOR THIS MEETING. THE MOTION PASSED BY THE FOLLOWING VOTE:

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

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Item C-2

Meeting Minutes

MOVED BY COMMISSIONER SMITH FROST AND SECONDED BY COMMISSIONER WYANT TO APPROVE THE MEETING MINUTES OF JUNE 17, 2009, JUNE 30, 2009 AND OCTOBER 28, 2009. THE MOTION PASSED BY THE FOLLOWING VOTE:

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

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Items from Staff

Thomas Gorham, Planning Manager, announced that the next meeting was scheduled for January 13 with design guidelines returning at that date; he indicated that staff was reviewing proposed edits and revisions from the neighborhood group with Chair Kuechle's comments and staff recommendations, with the revised document to be sent to Commissioners in late December; and he discussed the upcoming meeting schedule with the goal of meeting once per month for budget reasons unless a time sensitive issue is pending.

Heather Baker, Deputy City Attorney, wished everyone happy holidays.

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Items from Commissioners

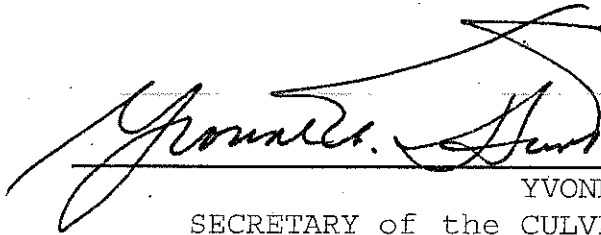
Chair Kuechle expressed concern with the lateness of the accompanying information for item PH-1 and suggested that the meeting be postponed if information is not provided by the applicant in a timely manner.

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Adjournment

There being no further business, at 10:05 p.m. the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, January 13, 2010, at 7:00 p.m. in the Mike Balkman Council Chambers.

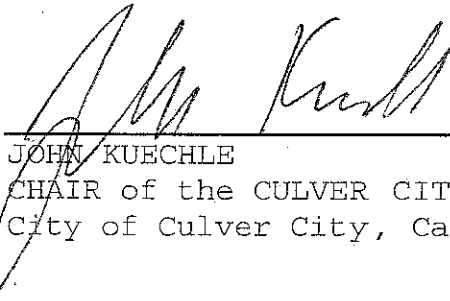
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YVONNE D. HUNT

SECRETARY of the CULVER CITY PLANNING COMMISSION

APPROVED 3-24-10



JOHN KUECHLE

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
CITY CLERK

3-25-10

Date

By: Ela Valladares
Ela Valladares
Deputy City Clerk
