

MEETING DATE: **02.09.09**

AGENDA ITEM: Adoption of a Resolution Granting an Appeal in Part but Modifying the Planning Commission's Approval of Site Plan Review, SPR P2007116, and Negative Declaration for the Construction of a Mixed-Use Building with 28 Residential Condominium Units and 1,403 Square Feet of Office Space Located at 4043 Irving Place; and Approval of Tentative Tract Map TTM-P2007117.

ATTACHMENTS

1. Resolution No. 2009-R

Pages
1-33

ATTACHMENT 1

RESOLUTION NO. 2009-R____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, GRANTING AN APPEAL IN PART AND MODIFYING THE PLANNING COMMISSION'S APPROVAL OF A SITE PLAN REVIEW, SPR P-2007116, ADMINISTRATIVE USE PERMIT, AUP P-2007115 THEREBY APPROVING SAID APPLICATIONS; AND APPROVING TENTATIVE TRACT MAP NO. 69709, TTM P-2007117, FOR A MIXED USE PROJECT CONSISTING OF 28 RESIDENTIAL CONDOMINIUM UNITS AND 1,403 SQAURE FEET OF OFFICE SPACE LOCATED AT IRVING PLACE IN THE COMMERCIAL DOWNTOWN (CD) ZONE.

(Site Plan Review, SPR P-2007116)
(Administrative Use Permit, AUP P-2007115)
(Tentative Tract Map No. 69709, TTM P-2007117)

WHEREAS, on July 5, 2007, Sal Gonzales for 4043 Irving Place Investors, LLC, as the property owner of 4043 Irving Place, submitted Tentative Tract Map, Site Plan Review and Administrative Use Permit applications to construct a mixed use project consisting of two buildings with 26 residential and three office units, on the project site described more fully as Lots 3, 30 and 21, in Block 21 of Tract No. 1775, in the City of Culver City, as per map recorded in Book 21 pages 190 and 191 of Maps, in the Office of Recorder of the County of Los Angeles, State of California; and,

WHEREAS, in order to implement said proposed project, approval of the following applications are required:

1. Tentative Tract Map No. 69709, TTM P-2007117: For the subdivision of the project site into one lot for condominium purposes;
2. Site Plan Review, SPR P-2007116: For proposed development project to ensure compliance with the required standards and city ordinances and establish all

ATTACHMENT 1

onsite and offsite conditions of approval to reflect the site features and compatibility of the proposed project with the uses on adjoining properties; and,

3. Administrative Use Permit, AUP P-2007115: For residential and non-residential tandem parking;

WHEREAS, on April 9, 2008, after conducting a duly noticed public hearing on the subject applications, the Planning Commission (i) adopted a Negative Declaration, in accordance with the California Environmental Quality Act (CEQA), finding the project will not result in significant adverse environmental impacts; and adopted Planning Commission Resolution No. 2008-P005, thereby approving Administrative Use Permit, AUP P-2007115, and Site Plan Review, SPR P-2007116, and recommending City Council approval of Tentative Tract Map No. 69709, TTM P-2007117; and

WHEREAS, Michael and Judith Miller and Jim and Michelle Benke submitted a timely appeal to the City Clerk on April 24, 2008, appealing the Planning Commission's decision; and

WHEREAS, the appeal hearing before the City Council was continued from August 18, 2008; September 15, 2008; October 20, 2008; November 17, 2008; in order for the applicant to address neighborhood concerns over the project; and

WHEREAS on December 8, 2008, the City Council conducted a duly noticed public hearing on the appeal of the Planning Commission's decision and consideration of Tentative Tract Map No. 69709, TTM P-2007117, and upon conclusion of deliberations directed staff to meet with Metro Real Estate Development (the "Developer") and the

ATTACHMENT 1

1 Downtown Neighborhood Association (DNA) in hopes of identifying a project scope that
2 satisfied each party; and

3 WHEREAS, staff met with the Developer and the DNA during four meetings
4 that occurred over 10 hours in an effort to build consensus on a redesign of the project that
5 was mutually acceptable to both parties; and

6
7 WHEREAS, the project was modified to accommodate core concerns of the
8 DNA related to building height and massing; and

9 WHEREAS, following conclusion of the meetings between staff, the Developer
10 and the DNA consensus was reached on the modified project which includes a reduced
11 building height; the reduction of building massing through the use of building setbacks and
12 stepbacks; the installation of a partial cul-de-sac on Irving Place to address neighborhood
13 traffic issues; and a reduction in the amount of commercial square footage to minimize the
14 number of vehicle trips to and from the project; and

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17 WHEREAS, on January 15, 2009, a notice was posted at City Hall and the
18 project site indicating that the January 20, 2009 public hearing had been continued to
19 January 26, 2009; and

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21 WHEREAS, on January 26, 2009 the City Council conducted a duly noticed
22 public hearing on the appeal of the Planning Commission's decision and consideration of
23 Tentative Tract Map No. 69709, TTM P-2007117, fully considering the whole administrative
24 record, including, but not limited to, the application, modified plans, staff report,
25 environmental information and all testimony presented, and the City Council, by a vote of 4 to
26 0, (i) determined the project, as mitigated, will not have significant impacts on the
27 environment and that a Mitigated Negative Declaration finding is appropriate, in accordance
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ATTACHMENT 1

1 with CEQA; (ii) granted the appeal in part and modified the Planning Commission's decision;
2 (iii) approved Site Plan Review, SPR P-2007116, Administrative Use Permit, AUP P-
3 2007115, and Tentative Tract Map No. 69709, TTM P-2007117; and (iv) directed staff to
4 return with the appropriate resolution consistent with the above findings.

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

7 SECTION 1. Pursuant to the foregoing recitations and the provisions of the
8 Culver City Municipal Code (CCMC), the following findings are hereby made:
9

10 **Tentative Tract Map No. 69709:**

11 As outlined in CCMC Title 15, Section 15.10.265, the following required findings for a
12 Tentative Tract Map are hereby made:

13 **A. The proposed map is consistent with the General Plan.**

14 The proposed tentative tract map is consistent with the General Plan Land Use
15 Element in that the proposed subdivision shall provide for the creation of new
16 housing in the City, which is consistent with objective 2 of that Element,
17 specifically with Policy 2.B which states that the City should "continue to allow
18 and encourage multiple housing opportunities in areas designated for such
19 development."

20 **B. The design of the proposed subdivision is consistent with the General
21 Plan.**

22 The design of the proposed subdivision is consistent with the General Plan Land
23 Use Element as indicated above and with the Zoning Code development
24 standards. The project design incorporates features such as progressively
25 increased setbacks from the adjacent residential properties to make it more
26 compatible with them. The proposed uses are consistent with the objectives of
27 the General Plan Downtown land use designation that encourages mixed use
28 housing opportunities within the Downtown area.

29 **C. The site is physically suitable for the type of development.**

The site is physically suitable for the proposed subdivision in that the project
complies with all zoning standards and the proposed structure shall meet all
applicable development standards [i.e., setback, height, density, parking and
use].

ATTACHMENT 1

D. The site is physically suitable for the proposed density of development.

The site is physically suitable for the density of the proposed project in that the site allows for the number of floors and building area that are proposed. The proposed building includes four levels in one building and three levels in the second. The mixed use standards allow up to 35 residential units on the 24,089 square foot property, but the project consists of only 26 residential units. The project is 10 feet shorter than the maximum height of 56 feet permitted in the CD zone. The project also consists of a subterranean one-level garage for 68 parking spaces, while meeting all the applicable Zoning Code development standards.

E. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The proposed tentative tract map subdivision together with the onsite and offsite improvements shall not cause any known environmental damage and shall not damage any fish and/or wildlife habitats because such fish and/or wildlife habitats do not exist on or near the site. The site currently is completely paved and has served until recently as a public parking lot, which does not serve as a habitat for fish or other wildlife. Two trees located in the public right-of-way may be removed to allow for the widening of Lafayette Place. However, project conditions require the trees to be inspected and evaluated by an arborist to determine the feasibility of maintaining said trees.

F. The design of the subdivision is not likely to cause serious public health problems.

The proposed tentative tract map subdivision together with the onsite and offsite improvements shall not cause any known serious public health problems because all applicable zoning code development standards shall be met, and the applicant is required to meet all of the conditions of approval that the reviewing agencies of the City, such as the Fire Prevention Division, Planning Division, Building and Safety Division and the Engineering Division have recommended for the project. The uses proposed for this subdivision are consistent with Downtown land uses allowed in the Zoning Code.

G. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The proposed commercial tentative tract map subdivision and the onsite and offsite improvements shall not conflict with any existing and/or proposed

ATTACHMENT 1

easements. An existing sewer easement was identified during the project review and the project has been designed to not interfere or conflict with said easement.

Site Plan Review:

As outlined in CCMC Title 17, Section 17.540.020, the following required 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 modified project is consistent with the Commercial Downtown (CD) zoning district in which the site is located and with the mixed use development standards (CCMC 17.400.065). The project provides adequate parking as required by the code, a total of 66 spaces. The proposed building as modified will meet 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 Irving Place via the installation of a partial cul-de-sac. The project buildings are designed to provide easy pedestrian access to the office and residential components of the project from the street and from the subterranean parking garage.

- 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 modified building's height has been reduced to 34'-6" to 45' through use of a flattened roof and depressing the subterranean garage. The building's massing has been reduced through the use of building setbacks and stepbacks. The building street facing setbacks have been increased to 15' on both Irving Place and Lafayette Place. This design will be compatible in scale with the residential and commercial buildings in the area.

- 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**

ATTACHMENT 1

district in which the site is located ,and with all applicable development standards and design guidelines.

The proposed landscaping is consistent with the intent of the code. The project includes approximately 2,128 square feet of landscaping at the ground level, which is spread along the building frontage on Lafayette and Irving Place, along the south property line (next to the residential neighbors), and in a courtyard between the project buildings. New trees will be planted along the south property line in order to provide a buffer and screen between the new building and the adjacent residential uses. The project also includes new landscaping within the public right-of-way. The onsite landscaping features in addition to the street trees required for the project will complement the architectural theme for this site.

- 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 proposed location of the building will not result in conflicts with uses in the existing adjacent residential neighborhood and commercial area. The office uses are located at the ground level fronting on Irving Place with pedestrian access off of the sidewalk and vehicular access as well. The installation of a partial cul-de-sac on Irving Place will reduce traffic through the neighborhood.

Primary access to the site will be provided via a two-way driveway on Irving Place which will allow only right turns in and left turns out of the site. No pedestrian hazards will result from the design and layout of the proposed project.

The proposed project includes the construction of a subterranean parking garage. The proposed subterranean garage will require shoring and lagging for temporary excavation during construction. Due to the proximity of 3 historic residences on the property to the south, the design of the shoring will specifically acknowledge and address the close proximity of these residences. A Preliminary Soils Investigation prepared by Hu Associates, Inc dated April 17, 2007 was prepared for the proposed project and includes a number of recommendations for excavation, shoring and construction of the proposed subterranean garage. Project conditions of approval will require the shoring plans for the project to include the recommendations made in said report and that shoring, foundations, and structure of the proposed project be specifically designed to preserve to the extent feasible the historic residences with no damage during either the construction phase or after the project is completed.

- E. The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities,**

ATTACHMENT 1

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.

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

The proposed project is consistent with the General Plan. Land Use Element Objective 2 "Housing Supply" identifies the creation of housing throughout the City as desirable. Objective 2; Policy 2.H furthermore states that street-facing ground floor development with residential units above or behind the commercial frontage is the encouraged form of mixed use development. The ground floor commercial space is consistent with Objective 5. Economic Diversity, because it will encourage new business opportunities that will potentially serve the both the nearby residential neighborhood as well as the projects residential occupants. Objective 6 will be implemented by taking a currently vacant site and revitalizing it with both commercial and residential users. The mixed use project will provide a balance between small office tenant spaces and residential units that help to compliment each other and mutually compatible land uses as called for in Objective 16. Land Use Compatibility. This project both protects and enhances residential and business uses by its nature as a mixed use development. In addition, the proposed uses are consistent with the Downtown designation for the site which is intended to support mixed-use housing opportunities within the Downtown area.

Administrative Use Permit:

As outlined in CCMC Title 17, Section 17.530.020, the following required findings for an Administrative Use Permit are hereby made:

A. The proposed use is allowed within the subject zoning district with the approval of an Administrative Use Permit and complies with all applicable provision of this Title and CCMC.

The Commercial Downtown (CD) zoning designation allows the proposed use of tandem parking subject to an Administrative Use Permit as outlined in CCMC Section 17.320.035.C.1.b, and the proposed tandem parking layout complies with all other applicable provisions regarding parking design and layout guidelines. Each stall is nine (9) feet in width and 36 feet in depth and a proper

ATTACHMENT 1

aisle width is provided.

B. The proposed use is consistent with the General Plan and any applicable Specific Plan.

The proposed use of tandem parking to facilitate in the development of a commercial project is consistent with the "Downtown" General Plan Land Use Designation. The Downtown designation is intended to support mixed use housing opportunities in the downtown area. Each pair of tandem spaces will be assigned to one residential unit, which will facilitate their full use. Adequate parking is left unassigned to accommodate visitors to the residential and office uses.

C. The design, location, size and operating characteristics of the proposed use are compatible with the existing and future land use in the vicinity of the subject site.

The proposed use, design, location, size and operating characteristics of the tandem parking spaces will not have an impact on adjacent uses and are therefore found to be compatible with the existing and future residential and commercial land uses in the vicinity of the subject site. Each pair of tandem spaces will be is assigned to one residential unit. Further, each tandem pair is nine (9) feet in width by 36 feet in length, sufficient for two vehicles to maneuver into and out of said spaces.

D. The subject site is physically suitable for the type and intensity of use being proposed, including access, compatibility with adjoining land uses, shape, size, provision of utilities and the absence of physical constraints.

The generally flat configuration of the site, the vehicular access to the site from Irving Place, the adequate design of the ramp down into the subterranean parking where the tandem parking is located, and the proposed onsite parking configuration is physically suitable to accommodate tandem parking. The tandem parking is compatible with the adjoining commercial and residential uses because of its assignment to one residential unit per tandem pair. The tandem parking will not impact any utilities and there are no physical constraints that would prevent the use of tandem parking.

E. The establishment, maintenance or operation of the proposed use will not be detrimental to the public interest, health, safety or general welfare or injurious to persons, property or improvements in the vicinity and zoning district in which the property is located.

The establishment of tandem parking on the site through this approval subject to the conditions of approval will not be detrimental to the public interest, health, safety or general welfare or injurious to persons, property or improvements in the surrounding

ATTACHMENT 1

commercial zoning district or vicinity since said tandem parking will not generate any onsite or offsite impacts.

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-2007116, Administrative Use Permit, AUP P-2008115; and Tentative Tract Map No. 69799, TTM P-2007117, as modified and subject to all of the conditions of approval as outlined herein:

A. ADMINISTRATIVE USE PERMIT AND SITE PLAN REVIEW

GENERAL CONDITIONS

Planning Division:

1. The final working drawings shall conform to the modified development plans dated January 26, 2009, presented to and reviewed and approved by the City Council at its meeting on January 26, 2009, including the following:

A. A cul-de-sac shall be created on Irving Street (relocating the existing traffic barrier at A Street) to reduce traffic in the neighborhood through a required street dedication. Approval of said cul-de sac shall be provided through the Neighborhood Traffic Management Plan (NTMP) process. Final design shall be approved by the City Engineer. All fee's and cost associated with the cul-de-sac shall be paid for by the applicant and/or owner.

B. Subterranean encroachment within the newly dedicated right-of-way (beneath the sidewalk) to accommodate a portion of the subterranean parking structure. Said encroachment shall require the submittal of engineered drawings for Public Works Department review and approval. All fee's and cost associated with the encroachment shall be paid for by the applicant and/or owner.

C. A definition of the "amenity room" on the first floor of the project plans shall as a portion of the common area on the Tentative Tract Map.

ATTACHMENT 1

2. The Planning Manager is authorized to make the following administrative approvals:

- A. Allowance of a single elevator to serve both the commercial and residential uses due to the minimal amount of commercial space pursuant to Zoning Code Section 17.400.065.F.6.c.
- B. Relief from the requirement to separately gate commercial from residential parking due to the minimal amount of commercial space pursuant to Zoning Code Section 17.400.065.I.1.b.
- C. Relief from the requirement to provide separate trash area for commercial and residential uses due to minimal amount of commercial space pursuant to Zoning Code Section 17.400.065.F.9.

3. The final working drawings shall comply with building setback requirements adjacent to a residential zone as outlined in Table 4-2 and Figure 4-5 of the Culver City Zoning Code.

4. This resolution approving Site Plan Review SPR P-2007116 and Administrative Use Permit AUP P-2007115 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.

5. The applicant or the 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 property owner or the applicant 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.

ATTACHMENT 1

6. Conditions of approval herein shall apply to the applicant, the contractor/builder of the project, the property owner, and any successor property owner that may legally assume benefit of this Site Plan Review and Administrative Use Permit.
7. The City reserves the right to periodically inspect the premises without prior notification, to ensure ongoing compliance with all conditions of approval.
8. The approval of this Site Plan Review and Administrative Use Permit shall expire unless (i) actual construction, in accordance with a valid City-issued building permit, is commenced on the site within three years after the effective date of this approval, or (ii) prior to the 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 or property owner and, thereafter, an extension is granted by the Community Development Director, or their designee or the Planning Commission. During the period any extension request has been satisfactorily and timely filed and any decision regarding that request has been made by the City, this Site Plan Review approval shall be suspended.
9. 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.
10. The applicant, property owner and contractors shall use all reasonable efforts to reuse and recycle construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment and systems.

ATTACHMENT 1

11. All planted areas shall be landscaped and irrigated pursuant to CCMC Title 17 – Chapter 17.310 Landscaping. Prior to issuance of the building permit, a minimum of three (3) sets of detailed landscaping and irrigation plans separate from the final working drawings shall be submitted to the Planning Division for review and approval.
12. An arborist report shall be submitted for review and approval by the Planning Manager and the Parks Manager prior to issuance of a building permit. Said report shall evaluate the feasibility of protecting and maintaining the two mature ficus trees on Lafayette Place.
13. All new (and existing) street trees shall be supplied irrigation water from the overall site irrigation system which shall include a timer and a rain sensor. All new (and existing) street trees, landscaping, and irrigation shall be indicated on the overall site landscaping/ irrigation plan. The property owner shall maintain all street trees.
14. In addition to the screening requirements for onsite parking areas including loading areas, refuse storage / trash compacter facilities, 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:
 - All exteriors of the proposed buildings 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

ATTACHMENT 1

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.

- 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)
- 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.

15. 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 (if applicable), whichever occurs last.

16. All refuse containers assigned to or otherwise used by the complex shall be stored on-site in the trash enclosures.

17. All hardscape areas along both the exterior of the buildings and/or within the interior of the project sites shall include the use of decorative pavement [i.e., materials, finish and color] in select areas to the satisfaction of the Planning Manager.

ATTACHMENT 1

18. 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.

19. Each pair of residential tandem parking spaces shall be assigned and designated to a single residential unit. Each pair of commercial tandem parking spaces shall be assigned and designated to a single commercial airspace unit. The Community Development Director or his/her designee may make a determination, under Section 17.320.35 (B) (1) (b) (ii) of the Zoning Code, that attended parking is not required for either the residential or commercial tandem parking spaces, only if each pair of tandem spaces has been assigned and designated to a single residential or commercial airspace unit, to the satisfaction of the Director. The Director may rescind such determination at any time (in which event attended parking shall thereafter be required). If attended parking is required, the applicant or property owner shall submit an attended parking plan to the Director for review and approval.

20. The perimeter walls of the project shall be no more than six feet in height of which the top two feet shall be open iron work. Wall height shall be measured from the existing grade of the abutting property as approved by the Planning Manager. Said walls shall be provided with a stucco finish on both sides matching the building unless some other architectural treatment is approved by the Planning Manager.

ATTACHMENT 1

21. The parking areas shall be developed pursuant to CCMC Title 17 - Chapter 17.320, Off-Street Parking and Loading. All vehicle surfaces shall be provided with an anti-squeal finish. All parking areas shall be provided with signs announcing the applicable parking restrictions for resident, guest and commercial parking spaces to the satisfaction of the Planning Manager. Residential guest parking spaces shall be available 24 hours and shall be appropriately signed and reserved for residential guest parking.

Fire Department

22. The applicant shall provide Offsite reporting per the 2007 CA Fire Code.

Building Safety Division

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

PRIOR TO THE ISSUANCE OF ANY DEMOLITION, GRADING, EXCAVATION, AND/OR BUILDING PERMIT:

Planning Division:

24. All exterior lighting shall be developed pursuant to CCMC Title 17, Chapter 17.300, General Property Development and Use Standards. The applicant or property owner shall submit to the Planning Manager for approval of an exterior light fixture plan. The 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.

25. By taking any benefit of this approval, the applicant and the property owner jointly and severally hereby agrees to 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,

ATTACHMENT 1

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.

Cultural Affairs Division:

26. The City's Public Art Requirement shall be fulfilled prior to issuance of a Certificate of Occupancy. Should the applicant or property owner decide to pay the in public art in- lieu fee, this payment must be made prior to issuance of a Building Permit.

Public Works/ Engineering:

27. 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. Plan check fees shall be submitted with the Site Improvement as calculated from the Engineering Division's Fees and Charges.

28. A final hydrology and hydraulics report for the site drainage shall be prepared by registered civil engineer in the State of California and 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.

29. The applicant shall provide a geotechnical report from a State licensed geotechnical engineer reporting on the stability of the onsite soils to support the

ATTACHMENT 1

1 proposed construction and shall include a liquefaction analysis. The report shall
2 also identify any special considerations necessary to satisfy California Building
3 Code requirements.

4
5 30. Concurrent with the submittal of the site improvement plan, a Standard Urban
6 Storm Water Mitigation Plan (SUSMP) shall be submitted for review and
7 approval by the City Engineer as outlined in CCMC Chapter 5.05. The SUSMP
8 shall be developed and implemented in accordance with the requirements of the
9 Los Angeles County Municipal Stormwater NPDES Permit No. CAS614001
10 (Order No. 01-182). The SUSMP shall provide BMPs that adequately address
11 the pollutants generated during the post-construction stage. The site
12 improvement plans shall note that the contractor shall comply with the "California
13 Stormwater Best Management Practice Handbooks". The Site Improvement
14 Plans shall not be accepted for review unless the SUSMP is included in the
15 submittal package, including the plan check fee associated with the SUSMP.

16
17 31. Prior to the issuance of any demolition, grading, excavation and/or building
18 permit, the applicant shall submit the Local Storm Water Pollution Prevention
19 Plan (LSWPPP) for review and approval by the City Engineer. Prior to the start
20 of design of these plans and of necessary reports, the applicant's Civil Engineer
21 shall meet with the City's Stormwater Program Manager to obtain information on
22 the City-specific and LSWPPP requirements.

23
24 32. A Plan check fee for the LSWPPP shall be paid at the time of the initial
25 submittal, per the fee schedule established in City Council Resolution No. 2007-
26 R024, Exhibit H-1.

27
28 33. The LSWPPP package shall be submitted to the attention of the Storm Water
29 Program Manager.

ATTACHMENT 1

34. The applicant shall intercept the upstream public sewer main and adequately convey the flow from interception point to the sewer lateral at the main building of Fire Station No. 1 (along Culver Boulevard). The existing public sewer main and manhole located northerly of the project and that portion of the public sewer main that traverses through the project limits shall be abandoned to the satisfaction of the City Engineer. A new public manhole shall be installed at the downstream connection. Any existing public sewer easements within the project's boundary shall be properly vacated.

35. The applicant shall install a properly designed sewer lift station to adequately convey the upstream public sewerage flow to the sewer lateral at the main building of Fire Station No. 1. The station shall be designed with an adequately sized wet well and two alternately operating submersible pumps. The pumps shall have Teflon coated non-clog impellers and be capable of handling three-inch solids. The station shall include a NEMA I rated, wall mounted float switch control panel. The control panel shall include, at a minimum, the following components: Hand-Off-Automatic selector switches, amber "Pump On" indicating lights, induction type relays for motor moisture sensing probes, red "Motor Seal Failure" indicating lights, 4" alarm bell/horn mounted on enclosure "Push to Silence" button and automatic reset circuit, and a "Push to Test" button for seal failure relays. The station shall employ a wireless type, battery or solar powered operated emergency notification, as approved by the City. The emergency notification shall automatically notify qualified personnel on a 24-hour basis of high water failure.

36. If it is determined by the Public Works Director that the two mature ficus trees located in front of the project site on Lafayette Place cannot be saved pursuant to Condition No. 12 noted herein; then Lafayette Place along the project's

ATTACHMENT 1

frontage shall be widened to align with existing curb to the north. New curb, gutter and sidewalk shall be constructed to the satisfaction of the City Engineer. In addition, five (5) new street trees shall be planted along the Lafayette Place frontage at a minimum 48-inch box size.

37. Applicant shall install street trees per the City's approved Street Tree Master plan including tree wells and irrigation along Irving Place and Lafayette Place (if applicable pursuant to Condition No. 36) to the satisfaction of the City Engineer.

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

39. 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.

40. 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.

41. Applicant shall remove the existing driveway approaches located along Lafayette Place and reconstruct sidewalk curb, and gutter per APWA Standards.

42. Applicant shall repair any broken or damaged curb, gutter, sidewalk, and street pavement along the street frontage of the proposed development and shall be reconstructed per APWA Standards.

ATTACHMENT 1

43. Applicant shall provide trash enclosures with minimum inside dimension of 10' x 12' minimum. However, the location and required number of bins for the proposed development must be approved by the Public Works/Sanitation Division Manager, (310) 253-6400. The proposed trash enclosure shall include a minimum eight feet wide clear opening, six inch concrete curb along the perimeter wall of the trash enclosure, and a gate.

44. Per the Culver City Municipal Code CCMC Section 5.01.010, Ordinance No. 2201-011 Solid Waste Management, the Culver City Sanitation Division has the exclusive franchise for all solid and recyclable waste material handling within the City limits. To arrange for waste management activities, contact Sanitation representative at (310) 253-6400.

Fire Department:

45. The applicant shall provide a NFPA 13 Fire Sprinkler system throughout.

46. The applicant shall provide fire alarm system per 2007 CA Fire Code. System shall include smoke detection in EXIT corridors.

47. Fascia and wall tops shall support weight of fire fighters and equipment, and no soft materials shall be used.

48. Parapets five feet or higher shall have cat walks approved by Building and Safety and the Fire Marshal.

49. The project shall provide class three standpipe system with 2 1/2" valves and 1 1/2" reducing caps, the locations of which shall be reviewed and approved by the Fire Marshal.

ATTACHMENT 1

50. The project shall meet the Fire Department requirements for Duct Smoke Detectors.

51. The applicant shall provide a pre-fire plan to the Fire Department for review and approval prior to request for final inspection or use.

52. The applicant shall submit plans to the Fire Department indicating the location and controls of photovoltaic cell arrays, which shall be approved by the Fire Marshal prior to installation.

53. The project shall provide a Smoke Evacuation System in enclosed parking areas, system shall be activated by fire sprinkler system.

54. All plans shall have "Fire Department Notes:" to include all life safety requirements.

Building Safety Division

55. The overall building permit application shall submit 5 sets architectural, 2 sets structural drawings and calculations, 2 sets geotechnical report, 2 sets energy forms.

56. The mechanical, electrical, and plumbing permit applications shall submit 2 sets each.

57. The shoring plans for the project shall include the recommendations made in the Preliminary Soils Investigation Report prepared by Hu Associates, Inc dated April 17, 2007 on file with the City to the satisfaction of the Building Official. Shoring.

ATTACHMENT 1

foundations, and structure of the proposed project shall be specifically designed to preserve the three abutting historic residences (identified as 4052 A, 4052 B, and 4052 C Lafayette Place) and with no damage during either the construction phase or after the project is completed. The applicant shall agree to indemnify the owners of the historic residences for damage resulting from excavation activities and shall, to the extent commercially available, provide insurance, a bond, or other security reasonably satisfactory to the City Attorney to secure the applicant's performance.

58. The applicant must submit a structural engineering report prepared by a licensed structural engineer and a letter stamped and wet signature stamped attesting that the shoring attendant to the project will prevent undermining of the adjacent property. Said report shall include consideration of the "Limited Geotechnical Assessment" dated April 1, 2008 prepared by L.A. Private Eyes Geotechnical Engineers for the property owners of 4052 A, B, and C Lafayette Place and the "Site and Residence Investigation" dated April 7, 2008 prepared by Pina Structural Engineering on file with the City and will be subject to the Building Safety Divisions structural peer review.

59. A separate shoring permit shall be required. Submit 2 sets shoring plans and structural calculations stamped by a licensed engineer. Support of adjacent properties may be required. Notification and upgrades of adjacent properties may be required. If upgrades to adjacent properties are required, the Culver City Building Safety Division and the Culver City Engineering Division will determine what upgrades, if any, shall be the responsibility of which party.

60. The shoring installation shall be continuously observed and monitored by the soil engineer of record for the proposed construction. Monitoring of the movements of the shoring system and of the ground surface behind the shoring

ATTACHMENT 1

1 in areas where adjacent structures may be affected is required. The monitoring
2 shall consist of survey points and/or the installation of inclinometers to be
3 installed behind the shoring system. Said monitoring shall start before
4 excavation has begun and shall continue until the basement walls have been
5 constructed and braced. The monitoring shall be subject to an independent peer
6 review chosen by the City and paid for by the applicant.

7
8 61. Prior to the start of construction, a video and photographic survey of the exterior
9 as well as the interior of the 3 abutting historic structures shall be made at the
10 applicants expense and submitted to the City. The purpose of this
11 documentation is to catalog a list of existing damage to be compared with any
12 new damage caused by the proposed construction.

13
14 62. A vibration monitoring system shall be implemented to the satisfaction of the
15 Building Official during all phases of construction to ensure that ground vibrations
16 during construction are not damaging to the adjacent historic structures.

17
18 63. If movement of the shoring system in excess of 1/2" occurs during excavation
19 and/or construction potentially causing damage to the adjacent historic
20 structures, work shall immediately be stopped and additional measures shall be
21 undertaken to reinforce the shoring system so as to reduce the potential for
22 further movement of the existing structures as approved by the soil engineer of
23 record and the Culver City Building Safety Division.

24
25 64. The applicant shall be responsible for relocation of any utilities on the abutting
26 properties required as a result of the projects excavation activities.

27
28 65. All portions of the parking structure shall be minimum 2 hour rated, reinforced
29 concrete construction.

ATTACHMENT 1

66. All shafts shall be minimum 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.

67. All shafts shall be enclosed at all levels to other areas of the building.

68. All commercial areas shall be minimum 2 hour. rated to all residential areas; walls and floor/ ceilings.

69. All parking areas shall be minimum 2 hour rated to all other areas of the building. The ceiling of the parking area/ floor of the 1st floor shall be reinforced concrete construction.

70. All treads, risers, handrails, etc. inside any common area stairway shall be 100% non-combustible construction.

71. A continuous path of egress shall be provided from all exit stairways to a street or public way; minimum 1 hour rated.

72. Any exit-ways less than 10' wide shall be min 1 hr. rated w/ 3/4 hour openings.

73. All trash rooms shall be minimum 2 hour rated to all other areas.

74. The transformer room and any service rooms shall each be minimum 2 hour rated.

75. Each residential unit shall be minimum 1 hour rated top, bottom, and sides to any other adjacent residential unit.

ATTACHMENT 1

- 1 76. The south wall of the far western unit (on the south prop. line) at the 2nd, 3rd,
2 and 4th floors shall be 3 hour rated reinforced concrete block construction.
3
- 4 77. All utilities shall be underground or enclosed in the building construction. No
5 overhead utilities shall be permitted.
6
- 7 78. All exit signage and emergency egress lighting shall have individual battery
8 back up and/ or be self powered in addition to any emergency generator power.
9
- 10 79. The building codes the project will be reviewed under shall be the 2007
11 California Building Codes.
12
- 13 80. The initial construction permit application review time shall be a minimum of 60
14 calendar days and may be extended at the option of City staff.
15
- 16 81. The overall construction permit application drawings shall indicate any
17 construction staging areas proposed. The Culver City Engineering Division may
18 require a separate permit for the temporary use of any City right of way.
19
- 20 82. The overall permit application drawings shall include a schedule of the special
21 inspections anticipated, the firm proposed for the special inspections, and the
22 resumes of any special inspectors for this project. Culver City Building Safety
23 reserves the right to reject any special Inspector at any time.
24
- 25 83. If a C.C.B.S. Inspector is inspecting a portion of the work for which a special
26 inspection is required; the special inspection report shall be made available to
27 the C.C.B.S. Inspector on his arrival to the jobsite.
28
29

ATTACHMENT 1

1 84. All jobsite supervisors, contractors, and subcontractors shall give their priority to
2 the C.C.B.S. Inspectors when they are on site.

3
4 85. Based on the preliminary plans it appears 3.93kw of solar photovoltaic power
5 will be required to be provided. (39,337 s.f. / 10,000 s.f. per 1 kw of photovoltaic
6 power required).

7
8 86. The solar photovoltaic power requirement may be processed as an electrical
9 permit as part of the overall building electrical permit or may be processed as a
10 separate electrical permit.

11
12 87. The applicant shall verify all proposed photovoltaic panel locations with Culver
13 City Fire Prevention

14
15 88. The required amount of solar photovoltaic power will be based on the final plans
16 submitted for building permit.

17 18 DURING CONSTRUCTION:

19 **Planning Division:**

20 89. During all phases of construction, information that includes contact names and
21 telephone numbers of the applicant, property owner, construction contractor(s),
22 and City, shall be posted at the project site so as to be visible to the public.
23 These names and telephone numbers shall be made available to adjacent
24 property owners and residents.

25
26 90. During site construction, lead impacted soil must be separated from excavated
27 clean soils and transported to an appropriate disposal facility. **This is a**
28 **Mitigation Measure.**

ATTACHMENT 1

1 91. Confirmation testing must be completed during excavation to confirm the
2 removal and proper disposal of all lead impacted soils above Preliminary
3 Remediation Goals the Suitable threshold Limit Concentration. **This is a**
4 **Mitigation Measure.**

5
6 92. During all phases of construction, the applicant and property owner shall use
7 their best efforts to ensure that all construction workers and contractors park
8 onsite or at designated offsite locations approved by the City and not in the
9 surrounding neighborhood.

10
11 93. Hours of Construction shall be limited to 8:00 A.M. to 6:00 P.M. Monday to
12 Friday, and 9:00 A.M. to 6:00 P.M. on Saturday. Construction shall be prohibited
13 on Sundays and National Holidays.

14
15 94. During all phases of construction and once the development becomes
16 operational, all graffiti shall be removed within 48 hours of its application.

17
18 95. The following noise standards shall be complied with at all times:

19 A. No construction equipment shall be operated without an exhaust muffler,
20 and all such equipment shall have mufflers and sound control devices (i.e.,
21 intake silencers and noise shrouds) that are no less effective than those
provided on the original equipment;

22 B. All construction equipment shall be properly maintained to minimize noise
23 emissions;

24 C. If any construction vehicles are serviced at a location onsite, the vehicle(s)
25 shall be setback from any street and other property lines so as to maintain the
26 greatest distance from the public right-of-way and from Noise Sensitive
Receptors;

27 D. Noise impacts from stationary sources (i.e., mechanical equipment,
28 ventilators, and air conditioning units) shall be minimized by proper selection of
29 equipment and the installation of acoustical shielding as approved by the

ATTACHMENT 1

Planning Manager and the Building Official in order that compliance with the
CCMC Noise Regulations and Standards is achieved; and

- E. 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.

Public Works Department – Engineering Division

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

97. Dirt hauling and construction material deliveries or removal are prohibited during the morning (7:00 A.M. to 9:00 A.M.) and afternoon (4:00 P.M. to 6:00 P.M.) peak traffic periods.

98. During construction, dust shall be controlled by regular watering and as directed by the Public Works Department City inspector.

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

100. A copy of the Local SWPPP, inspection logs, SUSMP/Site specific plan and training records shall be kept on site and available for inspection at all times during construction.

PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY (CO):

Planning Division:

101. Pursuant to CCMC Title 15, Section 15.10.755, parkland dedication or payment of an in-lieu parkland fee will be required.

ATTACHMENT 1

102. The applicant shall fulfill the City's Art in Public Places requirement per CCMC Title 15, Section 15.06.100 et seq.

103. The declaration of covenants, conditions and restrictions (CC&Rs), the owners' association bylaws and, if applicable, the condominium plan (Condo Plan) shall be submitted to the City Attorney and approved. Additionally, the applicant shall record with the Los Angeles County Recorder, concurrently with the recordation of the final map, the City approved CC&Rs and, if applicable, the Condo Plan.

104. All onsite and offsite landscaping and irrigation shall be completed to the satisfaction of the City.

105. If prior to the issuance of a building permit for the proposed project, the City adopts an ordinance requiring onsite generation of solar photovoltaic power, then notwithstanding the fact that said ordinance may, by its terms, not be applicable to projects that have already received site plan review, the applicant or property owner shall nevertheless fully comply with all provisions of said ordinance as if it did apply to the project.

Public Works – Engineering Division:

106. The applicant shall initiate an amendment to the adopted Neighborhood Traffic Management Program (NTMP) for the Lynwood Howe Elementary neighborhood to create a cul-de-sac shall on Irving Street (relocating the existing traffic barrier at A Street) to reduce traffic in the neighborhood through a required street dedication. If the required number of NTMP advisory survey petitions are returned and identify a particular configuration of Irving Place, then the applicant shall be responsible for all expenses to implement the traffic operation changes along Irving Place as approved by the City Council.

ATTACHMENT 1

1
2 107. The applicant shall submit a plan to the City Engineer regarding the repair or
3 replacement of any damage to the public right-of-way that results from the
4 construction of the proposed project. Such repair or replacement is to be
5 completed to the satisfaction of the City Engineer. The applicant shall be
6 responsible for all expenses.

7
8 108. All conditions of Approval shall be completed to the satisfactory of the City
9 Engineer.

10
11 109. The operators and or owners shall construct all the stormwater pollution
12 control BMPs and structural treatment control BMPs shown the approved
13 SUSMP or site-specific mitigation plan and submit a stormwater observation
14 report which shall include a wet signed and stamped certification statement by
15 the engineer, who prepared the SUSMP site plans, confirming that the SUSMP
16 BMPs have been built as designed. The transfer of ownership, sale or lease of
17 the property shall include provisions by a covenant recorded with the Los
18 Angeles Recorder, requiring new owner and his/her successor to continue to
19 implement measures as defined by the SUSMP site plans and BMPs.

20
21 110. As the project nears completion no partial or grand openings shall be
22 permitted without applying for and gaining approval of a CO or TCO. Do not
23 schedule any partial or full openings or advertise any openings without City
24 approval.

25 26 Fire Department:

27 111. Provide KNOX Box and Key system as approved by the Fire Marshal.
28

29 B. Tentative Tract Map No. 69709, TTM P2007117.

ATTACHMENT 1

Engineering Division

112. The final map shall be prepared by a Land Surveyor or Civil Engineer licensed in the State of California and submitted to the Los Angeles County Department of Public Works for review and approval.

113. Dedicate, on the final map, a five foot wide easement to the City of Culver City for sewer line purposes. Final location will be determined when Tentative Map is submitted.

114. The project boundary shall be tied to at least (1) City global positioning satellite (GPS) monument.

115. The final map shall conform to the conditionally approved tentative map approved by the City Council on February 9, 2009.

116. Durable monuments shall be set at all perimeter boundary corners. At least two monuments shall be set on the northerly prolongation of the property's easterly and westerly boundary with the centerlines of Irving Place and Lafayette Place. All required boundary monuments shall be installed prior to the recording of the final map. Centerline monuments shall be "tied" to at least three (3) points, with lead and tags, and centerline tie notes filed with the Engineering Division.

117. The final map shall be recorded prior to the issuance of a Certificate of Occupancy.

118. A copy of the final map in digital and mylar format shall be filed with the Engineering Division prior to final acceptance by the City.

ATTACHMENT 1

119. All public improvements, as required by the approved Site Plan Review, shall be completed and approved prior to the final approval of the final parcel map by the City Council. Otherwise, an agreement and adequate security shall be posted by the subdivider, and accepted by the City, to satisfactorily complete said improvements. The agreement and security shall conform to Sections 66462 and 66499 of the State Subdivision Map Act.

120. The final map shall be submitted to the Los Angeles County Department of Public Works for review, approval and recordation. After approval of the technical aspect of the map by Los Angeles County, prior to recordation, the final map shall be approved by the City Council. A copy of the first plan check package as submitted to Los Angeles County shall also be submitted concurrently to the Culver City Engineering Division for review.

APPROVED and ADOPTED this 9th day of February 2009.

D. SCOTT MALSIN, Mayor
City of Culver City, California

ATTESTED BY:

MARTIN R. COLE, City Clerk

APPROVED TO AS FORM:

CAROL SCHWAB, City Attorney