

ATTACHMENT NO. 10

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

June 27, 2018
7:00 p.m.

Call to Order & Roll Call

Chair Sayles called the meeting of the Culver City Planning Commission to order at 7:00 p.m.

Present: Dana Sayles, Chair, AICP
Ed Ogosta, Vice Chair
Kevin Lachoff, Commissioner
Andrew Reilman, Commissioner
David Voncannon, Commissioner

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Pledge of Allegiance

Albert Vera led the Pledge of Allegiance.

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Comments for Items NOT on the Agenda

Chair Sayles invited public input.

No cards were received and no speakers came forward.

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Presentations

None.

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Consent Calendar

None.

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Order of the Agenda

No changes were made.

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Public Hearings

Item PH-1

Consideration of Zoning Code Amendment P2017-0227-ZCA, Amending Culver City Municipal Code (CCMC) Title 17: Zoning Code; Chapter 17.610 - Nonconforming Uses, Structures, and Parcels

Jose Mendivil, Associate Planner, provided a summary of the material of record.

Discussion ensued between staff and Commissioners regarding clarification on wording regarding occupied floor area; demolition; non-conforming setbacks; maintaining grandfathered setbacks; consistency with Commission intent; a suggestion to implement the timeframe for cumulative projects provision used by Santa Monica; increasing square footage without demolishing the original footprint; ensuring the non-conforming is not increased; addressing area as well as perimeter; occupiable floor area; Commission agreement to delete the following language: "... floor area being occupied..." with agreement to keep the parenthetical language: "(measured from exterior wall to exterior wall)"; defining interior vs. exterior; adding the following cumulative time period language: "...at any time over a five year period, more than 50% of the structure..." as section b; agreement to approve the amendment to 3a to delete the floor area being occupied clause and direct staff to include an item b that identifies a cumulative time period of 5 years; staff agreement to relay Commission concerns to the City Council; Section 2b: minor improvements defined; the 10% or at least \$50,000 threshold; annual CPI adjustments; the lack of a base tied to the item; clarification that while the section refers to improvements to non-conforming multiple family and non-residential primary structures, it does not have anything to do with R-1, R-2 or R-3 structures; and revisiting the item on a separate track

but not including that in the amendment since the issue was not noticed.

Chair Sayles invited public comment.

No cards were received and no speakers came forward.

MOVED BY COMMISSIONER LACHOFF, SECONDED BY COMMISSIONER VONCANNON AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION ADOPT RESOLUTION NO. 2017-P024 RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING CODE TEXT AMENDMENT P2017-0227-ZCA RELATED TO NONCONFORMING USES, STRUCTURES, AND PARCELS AS AMENDED.

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Item PH-2

PC: Administrative Modification, Administrative Use Permit, Site Plan Review, General Plan Map Amendment, and Zoning Code Map Amendment, Case No. P2017-0021 for the Development of a 3 to 4 Story Office Building with Ground Floor Retail and Restaurant at 9735 Washington Boulevard, and Request for Reduction in the Number of Required Parking Spaces

Jose Mendivil, Associate Planner, provided a summary of the material of record and read corrections to noise related conditions including: Attachment No. 1, Resolutions and Conditions, page 45, Condition 62, the word "barriers" should be added between the words "noise" and "at" in Noise 4; Attachment No. 1, Condition 62 the words "where possible" should be removed from Noise 5; and in the Resolution, Condition 62, the text in the source should read Noise 1-6, not Noise 1-5 as noted.

Sol Blumenfeld, Community Development Director, discussed the shared parking analysis; justification for Condition 18; in lieu parking; mobility measures; peripheral parking outside of the downtown area; area congestion and parking problems; other mobility tools; microtransit; shared transit; the in lieu parking fee to address the parking shortfall; savings for the applicant; the process; proportionality; other measures to address parking requirements; the downtown business district valet parking program; benefits to the City; the developer assertion of the need to eliminate amenities if required to provide shared parking; alternative methods to calculating the fee; and he clarified that staff

disagreed with the arguments with respect to Condition 18 but supported the project.

MOVED BY COMMISSIONER VONCANNON, SECONDED BY VICE CHAIR OGOSTA AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION OPEN THE PUBLIC HEARING.

The following members of the audience addressed the Commission:

Frank Stephan, DLJ Real Estate Capital Partners, provided background on the project; discussed accommodation of specific requests made by the Commission at the last hearing; parking as suggested in the original staff report; he asserted that their proposal was more in line with the economics and meeting the needs of the City and the community; discussed retail and restaurant employees seeking parking in the neighborhood; concerns and complaints; the commitment to parking all employees on site; providing an inventory of free parking to offsite employees to help address issues; the \$2 per square foot contribution to the mobility fund; allocation of 24 parking spaces in the parking garage to the Downtown Business Association (DBA) for employees or for the valet program in the evening, covenanted for 10 years; projected lost revenue; value of the total proposal; addressing underlying concerns regarding lateral support; meetings with the Office of Statewide Health Planning and Development (OHPD); agreement by all parties on six conditions; noise and vibration; the process to develop finer tuned mitigation measures; the collaborative effort to address hospital concerns; traffic and haul route concerns; and he noted unique issues faced by the project.

Discussion ensued between Mr. Stephan and Commissioners regarding new noise standards; preliminary noise data gathered at the site; development of the monitoring plan; and establishing ambient measurement for noise and vibrations.

James Phillips, Wilson Ihrig, discussed realistic noise levels; energy equivalent levels; averages; and the survey conducted during off hours.

Chair Sayles and Commissioner Voncannon disclosed conversations with project representatives to receive clarification on certain issues.

Discussion ensued between Applicant Representatives and Commissioners regarding concern with setting unrealistic noise levels; the opportunity to establish the ambient level; the detailed noise plan; sensitive uses below grade on the property line and related noise conditions; consideration of the tower and the patient rooms; haul routes; and the agreement with OSHPD.

Daryl Menthe, DBA, expressed support for the Brick and Machine project; discussed long-term evening and weekend parking issues in the downtown area; clarification that there are no more long-term parking spaces available in City parking lots; and he felt that the proposal to provide places for employees and the DBA would be quite helpful.

Colin Diaz, Culver City Chamber of Commerce, reported a vote taken by the Board in support of the project noting that Commissioner VonCannon was not present and Commissioner Lachoff had recused himself from the vote; and he expressed support for the 24 shared parking spaces, coordination with the hospital, the new restaurant and retail space, new jobs brought to the City, use of a Culver City architect, and the extra effort made toward cyclists and ridesharing.

Seena Samimi, Jeffer, Mangels, Butler and Mitchell, thanked the Commission and the applicant for their efforts on the project; he discussed OSHPD conditions; changing conditions over time; he wanted to ensure that future requirements would be taken into account; noted the importance of continued collaboration; discussed honoring the conditions; Noise 6; the monitoring plan; flexibility; avoiding impacts; and hauling routes.

Discussion ensued between Applicant Representatives, staff and Commissioners regarding the underpinning system for the shoring; overlap in the review and approval process; and involving OSHPD on a foundation wall entirely on private property.

Additional discussion ensued between Daryl Menthe, staff and Commissioners regarding usage of the parking spots; the non-profit nature of the DBA; valet use; defraying costs; employee parking; current monthly parking operations; whether the DBA is the right vehicle to maximize the value of the parking spaces; City support of the DBA; accommodating needs of the DBA with valet parking on the right of way; reducing the need for the DBA to rent spaces elsewhere; operator

profit; the valet parking as a public service; charges to cover costs; determination of the valuation; financial incentives for the City; assumptions about parking occupancy and monthly rates; and maximizing the parking for the City.

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

Additional discussion ensued between staff and Commissioners regarding Condition 18; concern with penalizing people for taking alternative transit; incentivizing people to get out of their cars; traffic as a different issue than parking; appreciation for the off-site parking offer; justification for the dollar value given; the 2/3 calculation; appreciation to the hospital and to the applicant for working out issues; appreciation for the flexibility of the City on the project; code requirements for parking; clarification that the applicant request for a reduction subjects them to requirements suggested by the City; concern with appropriateness of the Commission being involved in negotiation; concern with setting a precedent for future projects; abiding by City recommendations; mobility funds as accomplishing much of the same things as the DBA offer is accomplishing; concern with punishing projects for providing less parking; the importance of following the code; putting the fee toward non-car related solutions; mobility measures; upcoming development adding additional employees to the workforce in downtown; peripheral parking as part of the solution; discouraging parking in the downtown area; microtransit; the overall strategy; first mile/last mile solutions; in lieu parking fees; additional study regarding the mobility fund; implementation; cost per space; recoupment of costs over time with the building of spaces; revenue generated; offsets; costs the developer would prefer not to incur; the 1/3 cost savings for the developer; determination of the cost per stall; developer elimination of amenities; the allowance in the code to request a 10% reduction; concern that the code is antiquated and the need to update it; bike reductions to parking used in other cities; measures to offset parking not provided by the developer; the method for calculating the 24 spaces required; concern with offering the parking reduction to a third party; the shared parking analysis; surplus parking for nighttime uses even with the alternate proposal; tradeoffs; worthwhile offsets; value of the rooftop restaurant; the \$2 per foot calculation; the mobility fee; precedent set by the Culver Studios;

clarification that in lieu parking is usually based on cost per stall; setting a precedent; a recommendation to support the in lieu payment at some level, taking into consideration the other proposals the applicant has made without giving a precise number; providing a general recommendation to signal intent to the City Council; the public benefit of valet parking; quantifying the value of use of the 24 spaces during the evening vs. the in lieu payment; concern that if everything is a negotiation then the code is not clear; adding value to the project; additional costs incurred by the developer with the OSHPD requirements; concern with killing the project; support for seeing the project move forward with amenities; support for consistency; and concern with passing the issue off to the City Council.

Commissioner Lachoff proposed asking the developer to provide an additional 13 spaces thereby bringing the total to 37 so that the total value of the parking and the \$2 per square foot would equal the \$800,000 discussed.

Discussion ensued between the Applicant Representative and Commissioners regarding clarification that the economic delta equated to 13 additional parking spaces plus \$150 per month, amounting to \$800,000 in value.

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Recess/Reconvene

Chair Sayles called a brief recess from 8:46 p.m. to 8:57 p.m. to allow Applicant Representatives to consider the proposal.

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Item PH-2
(Continued)

PC: Administrative Modification, Administrative Use Permit, Site Plan Review, General Plan Map Amendment, and Zoning Code Map Amendment, Case No. P2017-0021 for the Development of a 3 to 4 Story Office Building with Ground Floor Retail and Restaurant at 9735 Washington Boulevard, and Request for Reduction in the Number of Required Parking Spaces

The Applicant Representative indicated examination of the economic burden; discussed the \$150 per month figure;

escalation; and he indicated that they would increase the number of spaces from 24 to 30, noting ongoing operating expenses for the spaces despite putting them in the pool, free of charge.

Discussion ensued between staff and Commissioners regarding available options; operating costs and maintenance for the parking deck; efforts to achieve economic equality; the \$136,000 contribution into the fund; moving the code toward reducing parking; skepticism that the project would not work if the fee is required given the location and current real estate environment; the need for clarity and consistency moving forward; the importance of thinking about the issue globally; efforts to create a clear cut recommendation; alternatives to consider; efforts to grow mobility measures; peripheral parking; promotion of mobility; solving problems with the DBA; helping grow the mobility fund; addressing parking need through supply; addressing the same issue as it comes up on other projects; making use of the 10% reduction in parking; clarification that the City Council will make the final decision; implementation; ensuring that the project is operational before the 10 year period starts; support for offering parking in off hours and full utilization of resources; sustainability; and carbon footprint.

Responding to inquiry regarding the logistics of the valet parking garage with the City, the Applicant Representative suggested allowing self-parking after hours.

Chair Sayles noted that the Commission agreed to approve the motion with modification to Condition 18c identifying that instead of a 2/3 payment, the developer make a payment equivalent to \$2 per foot, as well as language directing the pool parking to be part of the condition, including modifications to the Noise Conditions previously indicated by staff.

Sol Blumenfeld, Community Development Director, asked that discretion be given to staff to incorporate the ideas discussed.

The Applicant Representative indicated that workable language had been provided as an attachment in the staff report.

Chair Sayles stated that staff would have the discretion to take the language and develop the condition.

MOVED BY CHAIR SAYLES, SECONDED BY VICE CHAIR OGOSTA AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION:

- 1) ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, BASED ON THE INITIAL STUDY FINDING THAT THE PROJECT, WITH MITIGATION MEASURES INCORPORATED, WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT;
- 2) APPROVE ADMINISTRATIVE MODIFICATION, ADMINISTRATIVE USE PERMIT, AND SITE PLAN REVIEW, CASE NO. P2017-0021, SUBJECT TO THE CONDITIONS OF APPROVAL AS STATED IN RESOLUTION NO. 2017-P015 WITH AGREED UPON AMENDMENTS AND CORRECTIONS; AND
- 3) RECOMMEND TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN MAP AMENDMENT AND ZONING CODE MAP AMENDMENT, CASE NO. P2017-0021; AND
- 4) RECOMMEND TO THE CITY COUNCIL APPROVAL OF A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES BY TWENTY-FOUR (24).

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Public Comment for Items Not on the Agenda

None.

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Receipt of Correspondence

None.

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Items from Planning Commissioners/Staff

Michael Allen, Planning Manager, reported that zone text amendments would be coming forward including initial work on the parking provisions, EV charging stations and bicycle requirement; upcoming summer field trips; he congratulated Chair Sayles on her reappointment; and discussed upcoming Commissioner rotations.

Commissioner Lachoff thanked all of the Commissioners who made recommendations to the City Council.

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Adjournment

There being no further business, at 9:14 p.m., the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, July 11, 2018, at 7:00 p.m.

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SUSAN HERBERTSON
SENIOR PLANNER of the CULVER CITY PLANNING COMMISSION

APPROVED _____

DANA SAYLES, AICP
CHAIR of the CULVER CITY PLANNING COMMISSION
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, Culver City, California and constitute the Official Minutes of said meeting.

Jeremy Green
CITY CLERK

Date