



# City of Culver City

## Staff Report

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**File #:** 18-01429, **Version:** 1

**Item #:** PH-2.

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**..title**

**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.**

**Contact Person/Dept:** **Jose Mendivil**, Associate Planner / CDD  
**Michael Allen**, Current Planning Manager / CDD

**Phone Number:** (310) 253-5757 / (310) 253-5727

**Fiscal Impact:** Yes  No  **General Fund:** Yes  No

**Public Hearing:**  **Action Item:**  **Attachments:**

**Public Notification:** (Mailed) Property owners and occupants within a 500 foot radius of the Project Site (5/22/18); (Sign) Posted on the Site (5/23/18); (E-Mail) Meetings and Agendas - Planning Commission (5/23/18); (Posted) City Website (5/23/18); (Published) Culver City News (5/24/18).

**Department Approval:** **Sol Blumenfeld**, Community Development Director (06/04/2018)

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### **RECOMMENDATION:**

Staff recommends 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 (Attachment No. 4); 2) Approve an 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 (Attachment No. 1); 3) Recommend to the City Council approval of General Plan Map Amendment and Zoning Code Map Amendment (Attachment No. 5); and 4) Recommend to the City Council approval of a reduction in required parking spaces by twenty-four (24) parking spaces through the use of an in-lieu fee.

### **PROCEDURES:**

1. Chair calls on staff for a brief staff report and Planning Commission poses questions to staff as desired.
2. Chair opens the public hearing, providing the Applicant the first opportunity to speak, followed by the general public.
3. Chair seeks a motion to close the public hearing after all testimony has been presented.
4. Commission discusses the matter and arrives at its decision.

**CONTINUATION OF MEETINGS:**

At the request of the applicant the scheduled hearing for this item at the August 23, 2017, Planning Commission meeting was continued to a date uncertain(Attachment No. 13). The scheduled hearing for this item at the October 25, 2017, Planning Commission meeting was continued at the request of the applicant to the November 15, 2017, Planning Commission meeting. At the November 15, 2017 meeting the applicant requested another continuance and the item was continued to a date uncertain. In all these prior meetings the Planning Commission did not open the public hearing. The item was scheduled for the February 28, 2018 public hearing and at that meeting the item was continued again after the hearing was opened and comments heard.

**BACKGROUND:**

Request

On January 27, 2017, Clarett West Development (Applicant/Property Owner) submitted an application for an Administrative Modification, Administrative Use Permit, Site Plan Review, General Plan Map Amendment, and Zoning Code Map Amendment to allow the development of an office, retail, and restaurant Project, and a request to reduce the number of required parking spaces by twenty-four (24) parking spaces.

Opposition/Response and the February 28, 2018 Planning Commission Meeting

On August 21, 2017, the attorney representing Prospect Medical Holdings, Inc. ("Prospect") which is the owner of the Southern California Hospital at Culver City ("SCH-CC" or "Hospital") submitted a letter of opposition (Attachment No. 12) based upon the project environmental review. On September 28, 2017, ESA PCR, environmental consultants provided a response to the opposition letter.

The opposition letter stated the Mitigated Negative Declaration (MND) was inadequate pursuant to the California Environmental Quality Act (CEQA); and more specifically in the areas covering Geological and Soil/Seismic Safety, Traffic, Noise, and Public Services. The opposition letter concluded that the Project Entitlements are not supported by the required findings and requested that the City prepare an Environmental Impact Report (EIR). ESA PCR, in consultation with the various consultants who prepared individual technical studies (soils, traffic, and noise) and with the City's Traffic Engineer, provided responses to each topic addressed in the opposition letter. The response letter in Attachment No. 14 summarized each issue and provided a corresponding response. To address the Hospital's concerns, revisions were made to noise related mitigations.

On February 27, 2018, prior to the February 28, 2017, Planning Commission Hearing, the attorneys representing Prospect and the Hospital submitted another letter of opposition (Attachment No. 17). They did not agree with the revised noise mitigations

Similar to the first opposition letter, the February 27<sup>th</sup> opposition letter stated the MND was inadequate as an overall environmental document, pursuant to CEQA, and that an EIR should be prepared. The Hospital provided a peer review of the MND by its noise consultant, Veneklasen Associates, to the opposition letter. The letter specifically states that:

- a) The Hospital's engineers and the Office of Statewide Health Planning and Development (OSHPD) did not have sufficient time to review the Project's construction plans. Under Geological and Soil/Seismic Safety concerns, the MND does not adequately address excavation and shoring effects on the Hospital

which could be shut down by OSHPD if the Project's structural design is not modified such that support, underpinnings, and shoring comply with OSHPD's requirements.

- b) The Traffic Study does not adequately address Project traffic impacts on emergency vehicles using Delmas Terrace including use of Delmas Terrace by Project related construction traffic (including construction haul route traffic) and Project operational traffic.
- c) The MND does not present a complete and accurate analysis of potential noise and vibration related impacts on the Hospital especially impacts from groundborne vibrations and that a detailed vibration analysis needs to be done to ensure the safety of Hospital patients undergoing delicate procedures occurring near the Project.
- d) A vibration monitoring control plan is needed during construction and a more effective noise barrier is required to reduce construction related noise.
- e) The project is not compatible with surrounding hospital uses and the MND does not adequately address the Project's impacts on the Hospital as a sensitive use.
- f) The MND did not adequately address air quality impacts during construction affecting the Hospital as a sensitive receptor.
- g) The City cannot make findings for an Administrative Modification for reduced parking and parking stall dimensions and findings for an Administrative Use Permit for shared parking and tandem parking.

At the February 28<sup>th</sup> Planning Commission meeting, the Planning Commission heard comments by the Applicant and the Hospital and also expressed concern that there was not sufficient time to review the Hospital's opposition letter. The Applicant discussed their efforts at addressing the original August 21, 2018 opposition letter from the Hospital as stated in the revised mitigations included in the February 14, 2018 and September 28, 2017 Applicant response. The Hospital and Hospital representatives reiterated their comments from the February 27, 2018, opposition letter. The Planning Commission continued the hearing to a date uncertain and asked the Applicant and the Hospital to resolve issues raised by the Hospital and come to an agreement on mitigation measures that would address the Hospital's concerns. The February 28, 2018 Planning Commission draft minutes are included in Attachment No. 20.

Over a period of three months, the Applicant and Applicant consultants had discussions with the Hospital and their consultants that included engineers and noise/vibration experts from both teams. OSHPD was given shoring plans to review and on April 11, 2018, a tour of the Hospital was organized so that the Developer team could review the site, assess if there were any new impacts, and revise the MND if necessary. City staff attended as observers.

### *OSHPD Concerns*

OSHPD provided two letters to the City; the first dated March 27, 2018 and the second dated May 14, 2018 (Attachment No. 19). The first letter commented on the Developers shoring plans and states that pursuant to the 2016 California Building Code, Section 1804A, a non-hospital building cannot support a hospital building; they did not accept the shoring plans as compliant with this State code. The May 14<sup>th</sup> letter reported that on April 20, 2018, OSHPD teleconferenced with the Developer and the Hospital to discuss construction methods that will ensure excavation, shoring, and permanent foundation systems are consistent with the California Building Code and that will ensure the safety of patients, staff, and visitors. The letter stated that OSHPD will continue to work with all interested parties. Further, the Developer reported that they would agree to the following construction conditions related to OSHPD's concerns. Staff has reviewed these conditions and recommends the Planning Commission incorporate the following as project Conditions of Approval:

1. The Applicant shall notify representatives of the adjacent Southern California Hospital - Culver City (Hospital) and the California Office of Statewide Health Planning and Development (OSHPD) at least thirty days prior to any modification to the project's permanent foundation wall along the shared property line (Foundation Wall), wholly or in part, if the adjacent building remains a licensed healthcare facility under the jurisdiction of OSHPD.
2. The geotechnical report, and any other studies or reports relevant to the design and construction of the shoring and Foundation Wall shall be sent to OSHPD and the Hospital by the Applicant. The reports and studies shall include geotechnical design parameters for shoring and the Foundation Wall due to gravity as well as the seismic lateral load exerted by the Hospital building on the shoring and Foundation Wall as required by the California Building Standards Code, for SPC-2 and SPC-4D requirements for the Hospital building.
3. An OSHPD Structural Engineer will be designated to supplement Culver City's review and will participate in the plan review process at the Culver City Building Department, specifically to review the shoring and Foundation Wall to verify that it complies with the California Building Standards Code for hospitals in order to ensure that the hospital building is adequately protected against detrimental lateral and/or vertical movements. Details of this supplemental review will be coordinated with the Culver City Building Department and agreed to by the Applicant. The City shall not grant any permits relating to excavation or foundation work until OSHPD has determined that the shoring system and foundation wall are compliant with the California Building Code, especially as it relates to the SPC-2 and SPC-4D requirements of the Hospital building.
4. The OSHPD Structural Engineer will make periodic site visits with the Applicant's Structural Engineer to verify that the shoring is accomplished in accordance with the approved construction plans.
5. Copies of all special inspections and test results for work associated with the shoring and Foundation Wall shall be sent to OSHPD by the Applicant.
6. OSHPD will have no other involvement in the development adjacent to the Hospital other than its review of the shoring and Foundation Wall as specified in items (a) through (e) above.

#### *Project Construction Traffic Impacts*

On May 22, 2018, the Developer met with the Hospital and City Public Works/Engineering and Community Development/Planning staff. At the meeting the Developer presented a haul route for excavation and construction material delivery that was acceptable to both the Hospital and the City. The route will come from Venice Boulevard going southwest on Culver Boulevard with materials delivery or excavated dirt pick on Washington Boulevard adjacent to the Project site and then continue to Clarrington Avenue north and then to Venice Boulevard. The Developer also provided a construction staging plan that includes the closure of northbound Delmas Terrace, including the sidewalk for the portion adjacent to the Project site and the portion of the Washington Boulevard number two lane and sidewalk adjacent to the Project site. Southbound Delmas Terrace traffic will remain open under this scenario. The Hospital emergency vehicle entrance is off of Hughes Avenue and exits onto Delmas Terrace north of the proposed closure area. With closure of the northbound portion south of the emergency exit, Hospital related traffic will still be able to turn left or right (north or south) on Delmas Terrace. The Hospital had no issues with this proposal and stated they would send information flyers to Hospital staff prior to construction and partial closure of northbound Delmas Terrace. A Haul Route condition will be added that states: the portion of Delmas Terrace north of the Project site, and the portion of Hughes Avenue between Washington Boulevard and Venice Avenue, shall not be used by trucks for hauling or deliver of materials during construction.

Public Works staff does have concerns regarding the proposed partial closure of Washington Boulevard which would last for approximately 18 to 20 months during construction. They asked the Developer to consider lessening the width of the closure, allowing sidewalk pedestrian access during construction, and partial lane closures of the street when absolutely necessary. Project conditions in the draft resolution require that prior to building permit issuance, the Developer must submit for City approval a Construction Management Plan, a Pedestrian Protection Plan, and a Construction Traffic Management Plan. Final approval of these plans will be made during the building permit plan check review after entitlements are approved. City staff will consider the Hospital's acceptance of the current proposed construction/staging plan in its approval of the final Construction Management Plan, Pedestrian Protection Plan, and Construction Traffic Management Plan.

With regard to operational traffic, the Project Traffic Study was reviewed and accepted by the City's Traffic Engineer and there are no proposed traffic mitigations.

### *Noise and Vibration*

After review of the noise and vibration concerns recently expressed by the Hospital, the City has concluded that the MND is adequate and there is no need to prepare an EIR. The MND analysis and mitigations as originally prepared are sufficient, as supplemented below, to reduce impacts to a less than significant level; a detailed response to Noise and Vibration comments is included in Attachment Nos. 18 and 23. Analysis of the February 27<sup>th</sup> opposition letter did not result in identification of new impacts necessitating new mitigations. The proposed revised or replacement Noise Mitigations are more effective than the Noise Mitigations as originally drafted. They are included in Strike Out/Underline in the response (Attachment Nos. 18 and 23) and in Attachment No. 15 (the Mitigation Monitoring and Reporting Program, or MMRP).

In the April 30 and June 21, 2018 response, Mitigation Measures NOISE 1, 3, 4, and 5 were updated based on additional analyses of the noise and vibration impacts to the adjacent sensitive receptors (hospital and residential uses). Additional Mitigation Measure Noise 6 was added. Based on the revised analysis and mitigations, the impact conclusions in the MND remain the same. Mitigation Measures NOISE 1, 3, 4, and 5 and additional Noise 6 have been further refined to address noise/vibration impacts. The revised noise mitigations are meant to further reduce potential construction noise and vibration related impacts than the originally drafted noise mitigations, as follows:

- Mitigation Measure NOISE-1 has been modified to require noise reduction strategies that reduce construction related noise levels to less than 63 dBA Leq measured at the building façade of the nearest: (i) adjacent patient room at the hospital and (ii) residential use. Strategies will include use of compact, small, or mini model versions of construction equipment and vehicles, consistent with the Federal Highway Administration (FHWA) standards; on-site documentation of construction equipment noise levels, shielding, and muffling; staging of equipment as far as possible from the Hospital and apartment building; with hospital's consent, placement of sound blanket screens on patient room windows; if warranted, addition of a 10-foot long angled extension to the required 20-foot tall noise barrier; and on-going on-site noise monitoring to adjust noise levels during all construction phases.
- Mitigation Measure NOISE-2 remains unchanged.
- Mitigation Measure NOISE-3 has been modified to prohibit operating more than one piece of motorized equipment simultaneously within 15 feet of adjacent sensitive receptor property lines (the hospital and a nearby apartment building) during construction and demolition activities. The Building Official will monitor compliance with this mitigation.
- Mitigation Measure NOISE-4 has been modified to explicit require a 20-foot high noise barrier during construction along the northwestern and northeastern project boundaries. This will ensure noise

protection for both the Hospital and the nearby apartment building. Revised Mitigation Measure NOISE -1 above may require a height extension of the barrier.

During the Hospital tour, the Hospital and the Developer's team noted the location of an outdoor break area and patient rooms on Hospital floors 2 through 6 next to the Project site. The mitigations above are meant to provide sufficient noise level reductions at the Hospital and the adjacent apartment building. Further, construction related interior noise for the hospital and apartment building will not exceed acceptable thresholds.

The Wilson IHRIG noise and vibration study concluded that construction vibration would not exceed applicable thresholds for structural damage or acceptable vibration levels for Hospital operating rooms with implantation of modified Mitigation Measure Noise-5:

- Mitigation Measure NOISE-5 has been modified to require construction contractors to place vibration generating equipment such as a hoe ram at least 30 feet from the Hospital property line and a concrete mixer truck at least 10 feet from that property line. Two continuously operational automated vibrational monitors within the hospital basement and adjacent to the residential building will be required throughout all ground disturbing significant impact construction activities. The monitoring system must produce real time specific alarms (via text message and/ or email to onsite personnel and selected Hospital representatives) when vibration velocities are approaching, but prior to, the applicable vibration threshold, as outlined in Mitigation Measure NOISE 6. In the event of an alarm after steps have been taken to reduce vibratory levels, work in the vicinity shall be halted and potential adjustments to the construction program assessed to ensure that vibration thresholds would not be exceeded upon continuation of construction activity. In the event that the structural damage threshold is exceeded, the adjacent hospital and residential buildings shall be inspected for damage, as applicable. In the event damage occurs due to construction vibration, repairs will be arranged by the project contractor in consultation with the hospital and/or residential apartment and the Building Official. Further the revised measure will require that the Building Official, or designated representative, conduct periodic site visits to ensure compliance with vibration elated requirements. Vibration monitoring data will be collected and reported to the Building Safety Division on a weekly basis.

New Mitigation Measure NOISE-6 was added to clarify procedures for implementing the noise vibration monitoring required per NOISE-5 above. Mitigation Measure NOISE-6 will:

- Require the contractor to provide a noise and vibration monitoring plan, prepared by a qualified acoustical consultant for City review and approval prior to the start of project construction. Mitigation measure NOISE 6 ensures that there is a means in place to verify that the actual noise and vibration control is retained and meets the requirements during the course of construction and that the hospital is suitably protected from noise and vibration.

Per CEQA Guidelines Section 15073.5 (c) recirculation of the MND is not required if mitigation measures are replaced with equivalent or more effective mitigation measures. The revised Noise Mitigations are more effective than the previous noise mitigations and no new impacts have been identified that would necessitate new mitigations. Further per CEQA 15074.1 (b)(2), the City is required to make a finding that the replacement noise mitigation measures are equivalent or more effective in mitigating or avoiding potential significant effects impacts and that the replacement noise measures themselves will not cause any potentially significant effect on the environment. As noted, the revised Noise Mitigations will more effectively reduce noise impacts to the Hospital and nearby apartment; and, with a reduction in noise and vibrations generated by construction equipment, the revised mitigation measures themselves would not cause any potentially significant effect on the environment. Mitigation Measure Noise-6 clarifies implementation of Mitigation Noise-5 vibration monitoring requirements. The Planning Commission Resolution and attached Conditions (Attachment No. 1)

are revised to add the above noted finding and the revised Noise Mitigations in the Conditions of Approval.

The project scope remains the same and the revised Noise Mitigations were made more effective as a result of these meetings. No further details on the outcome of negotiations with the Hospital or on meeting dates were provided.

#### *Compatibility with Surrounding Hospital Sensitive Uses*

The revised noise mitigations along with the rest of the mitigations and the analysis in the MND address impacts to surrounding uses. Further the project proposed commercial use and project design are consistent with the Commercial Downtown and Commercial General surrounding Zones. Project compatibility is more fully discussed in the February 28<sup>th</sup> Planning Commission staff report (Attachment No 21).

#### *Air Quality Impacts*

The MND includes results of both an air quality study and a greenhouse gas study and no impacts requiring mitigations were identified. Further the updated noise and vibration study did not identify new impacts after the closure of the MND public comment period.

#### *Administrative Modification and Administrative Use Permit Findings*

A fee for reduced parking is required and an Administrative Modification for reduced parking is not necessary; the fee is discussed in the February 28<sup>th</sup> Planning Commission staff report (Attachment No 21). The staff report also addresses the reduction in parking stall dimensions and tandem parking; the City believes findings for an Administrative Use Permit for reduced parking stall dimensions and tandem parking can be made as noted in the staff report.

#### *February 28<sup>th</sup> Planning Commission Comments*

At the February 28<sup>th</sup> Planning Commission meeting, the Planning Commission stated their desire to amend certain project conditions related to:

- Bicycle Parking;
- Uber/Lift Drop-off and Pick-Up Zones;
- EV Ready Parking Spaces; and
- Designation of Narrow Spaces as Compact.

Project conditions in Attachment No. 1, Draft Resolution, have been modified to reflect these changes.

#### *In-Lieu Parking Condition No. 18*

The Applicant has submitted correspondence regarding the required in-lieu parking fee payment (Condition No. 18) which requires the following:

Subject to City Council approval in accordance with CCMC Section 17.320.025 - "Alternative Parking Provisions", the number of required parking spaces shall be reduced by twenty four (24) parking spaces through the use of an in-lieu fee to be paid by Applicant. The in-lieu fee shall be deposited in a fund administered by the City for the purpose of future development of remote parking facilities outside of the immediate downtown area or other mobility measures as necessary to reduce vehicle trips and traffic congestion that are associated with under parked older Downtown developments. Subject to approval by City Council resolution, the in-lieu fee: (a) would address the project code required parking

shortage; (b) would be based upon a construction contract supplied by the Applicant for cost of the total Project parking and the cost per space, and would be calculated as the cost per space multiplied by the net reduction of twenty-four 24 parking spaces; and (c) would be paid to the City in an amount not less than 2/3 of the cost that would otherwise apply to construct the 24 parking spaces prior to Certificate of Occupancy.

The Applicant is concerned that the amount of the in-lieu payment required in Condition No. 18 is not proportional to the size of the project and unfairly burdens the project with a cost that was not anticipated; and that the Developer's proposed measures, including the provision of 24 "surplus" parking spaces during "off-peak" periods for use by the Downtown Business Association for a valet parking program, should be considered to meet the in-lieu parking obligation under CCMC Section 17.320.025. The off-peak parking would be established by covenant. Instead of providing a pro-rated cost per stall for the in lieu parking payment, the Applicant is requesting that the City consider basing the payment on a cost per square foot of development as has been done with some recently entitled Culver City projects <sup>1</sup>

Condition No. 18 is intended to allow a prorated in lieu parking payment so that the Applicant is receiving a discount of one-third of the cost of providing the code required parking. Arguably the applicant must be capable of meeting the obligation imposed upon the development, since without discretionary approval to reduce the required parking under Condition No. 18, or unless there is other relief from the parking requirement, the full cost of providing the required parking would apply to the development.

The applicant is requesting relief from code required parking through a shared parking analysis; however, the method by which the City approves a reduction in parking is at the City's discretion. The City may choose to accept the analysis and approve the shared parking alternative to address the reduction in parking; or it may disapprove the request and require other measures to meet code required parking such as participation in an in lieu parking program pursuant to CCMC 17.320.025.A (In Lieu Fees). It is an incorrect assumption that the provision of code required parking would necessarily be waived without other considerations. The Applicant's in lieu parking payment would be used by the City to fund the cost to provide remote parking facilities outside of the downtown to reduce traffic congestion and overall downtown parking demand and to improve downtown mobility.

Regarding the second point, CCMC Section 17.320.025 is intended to allow for reductions in the amount of required parking when it can be demonstrated that project peak and off-peak parking demand can be adequately handled with a reduced parking supply. The parking reduction results in cost savings which the Developer indicates was a consideration in moving forward with the project. Without approval of the shared parking program, the Applicant indicates they will need to scale back the project by eliminating a roof top dining area and other restaurant space in the Project which creates an additional 24 space parking demand.

Arguably the roof dining deck is a project amenity that will contribute to the downtown's ambience and it would negatively impact the project if it was eliminated, though it may be possible to manage the on-site parking to address that parking demand. It is also arguable, that shared parking between peak and off-peak project uses is consistent with current City policy.

Regarding the third point, the Applicant's offer to contribute 24 project off-peak parking spaces to the Downtown Business Association valet parking service at no cost is a benefit to the downtown and will help in managing the downtown parking supply facilitating downtown business operations. The parking offered at no charge to the DBA is estimated by the Developer to result in \$73,000 in foregone parking revenues per year. In addition, the Applicant's offer to provide a voluntary payment of \$2.00 per square foot of project development as a substitute for an in-lieu parking payment will provide approximately \$136,000 toward the construction of remote parking facilities but it is significantly less than the amount proposed in lieu parking payment required in Condition No. 18.

**EXISTING CONDITIONS, PROJECT DESCRIPTION, AND ANALYSIS/DISCUSSION:**

Please refer to the February 28, 2018 Planning Commission Staff Report (Attachment No. 21) for a complete discussion on the Project Existing Conditions, Description, and Analysis.

**PUBLIC OUTREACH**

As part of the Project review process, two community meetings were held on Tuesday, October 18, 2016, and Thursday, April 20, 2017, both at 7:00 pm, at the Project Site in the bank building. The Applicant invited interested persons to learn about the development Project, provide comments and feedback, and share any concerns regarding the proposed Project. Four community members attended the first community meetings and one community member attended the second meeting. A summary of the meetings are provided below:

October 18, 2016. Attendees commented and asked about the restaurant space, Project parking, the main Delmas Terrace fronting entrance, Green Building strategies, and construction timing. There was no apparent opposition to the Project.

April 20, 2017. The one person who attended the meeting and who lives in an adjacent apartment building was concerned about construction noise and construction timing (the length of construction). Although he did not express opposition to the Project he was concerned about construction impacts even after he was informed of construction related conditions of approval that include both hours of construction and noise mitigations.

More detailed notes provided by the Applicant are included in Attachment No.11.

**Comments Received During Public Comment Period**

As of the writing of this report, no comments have been submitted to the City.

**CONCLUSION/SUMMARY:**

This Project will enhance the Downtown and replace a vacant building with a new office and retail development. Its location near bike routes, bus lines, and the Metro Expo line will make use of alternate modes of transportation convenient to Project tenants. Furthermore, the Project is sustainable with incorporation of Transportation Demand Management Program measures and green building features.

Based on the proposed preliminary development plans and recommended conditions of approval, staff considers the Project to be compatible with the surrounding neighborhood; adequately served by public facilities; and, consistent with the General Plan, Zoning Code, and all CCMC and State subdivision requirements. Staff believes the findings for Administrative Modification, Administrative Use Permit, Site Plan Review, General Plan Map Amendment, and Zoning Code Map Amendment, Case No. P2017-0021, CEQA required findings for replacement mitigations, and findings for the reduction in the required number of parking spaces can be made as outlined in Resolution No. 2017-P015 (Attachment No. 1).

**ENVIRONMENTAL DETERMINATION:**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared for this Project. The Initial Study determined that the Project could result in significant impacts on the environment.

However, the potential for such significant impacts could be mitigated to a less than significant level with implementation of the prescribed mitigation measures. In conjunction with the Initial Study, a Mitigated Negative Declaration (MND) has been prepared pursuant to the CEQA guidelines (Attachment 4).

Conditions of Project approval require that the Applicant implement the prescribed mitigation measures for “potentially significant” impacts on the environment generally addressed in the MND, as follows:

1. Biological Resources - Impacts to nesting and/or migratory birds species during the breeding season.
2. Cultural Resources - Impacts to previously unknown archaeological and paleontological resources, as well as Native American human remains, that could unexpectedly be discovered during Project construction activities.
3. Geology and Soils - Impacts pertaining to seismic and ground and soil stability hazards during the design and construction phases of the Project.
4. Hazards and Hazardous Materials - Impacts pertaining to the removal and/or treatment of asbestos containing materials (ACMs) and lead-based paint (LBP) during demolition of existing on-Site structures.
5. Hydrology/Water Quality - Impacts pertaining to the proper treatment and disposal of removed ground water beneath the Site during potential construction-related dewatering activities.
6. Noise - Impacts from construction related noise such as noise-generating equipment to the Hospital and residents in the vicinity of the Project Site.
7. Public Services - Impacts regarding emergency response times and emergency access during construction activities.

The prescribed mitigation measures are listed in a Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment C in the Draft MND and also incorporated within Exhibit A, Conditions of Approval, to the Planning Commission Draft Resolution No. 2017-P015. The revised Noise Mitigations in strike out/underline are included in Attachment No. 15 (the revised MMRP only) and in Condition No. 62 of Exhibit A (also in Strike Out/Underline).

The Draft MND was circulated for public review from August 2, 2017 to August 23, 2017. A “Notice of Availability & Intent to Adopt a Mitigated Negative Declaration” for the Project was mailed at the commencement of the public review period to owners and occupants within a 500 foot radius of the Project Site. Copies of the Draft MND were made available to the public within the City’s Planning Division Office at City Hall and on the City’s website at [www.culvercity.org](http://www.culvercity.org) <<http://www.culvercity.org>>. Pursuant to CEQA Guidelines Sections 15073.5(c) and 15074.1, recirculation of the MND is not required because the replacement mitigation measures are more effective than the original measures.

### **ALTERNATIVE OPTIONS:**

The following alternative actions may be considered by the Planning Commission:

1. Approve the proposed Project with the recommended conditions of approval if the applications are deemed to meet the required findings.
2. Approve the proposed Project with additional and/or different conditions of approval if deemed necessary to meet the required findings and mitigate any new Project impacts identified at the meeting.
3. Disapprove the proposed Project if the applications do not meet the required findings.

### **ATTACHMENTS:**

1. Draft Resolution No. 2017-P015 and Exhibit A - Conditions of Approval.
2. Project Site Vicinity Map.
3. Project Summary.
4. CEQA Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, dated August 2, 2017.
5. General Plan Map Change and Zone Map Change Exhibits.
6. Traffic Impact Analysis prepared by Crain & Associates, December 22, 2016.
7. Shared Parking Demand Study by Crain and Associates, December 16, 2016.
8. Preliminary Development Plans dated July 27, 2017.
9. Traffic Summary.
10. Stacked Parking Analysis and Operations Plan.
11. Summary of Community Meetings.
12. Prospect Medical Holdings CEQA Opposition dated Letter August 21, 2017.
13. Applicant Request for Continuance dated August 23, 2017
14. Response to CEQA Opposition dated February 14, 2018 and September 28, 2017
15. Revised Mitigation Monitoring and Reporting Program in Strike Out/Underline.
16. Comments Received on or after October 25, 2017.
17. Prospect Medical Holdings Opposition Letter dated February 27, 2018.
18. ESA/PCR Updated Noise Memorandum dated April 30, 2018.
19. OSHPD March 27<sup>th</sup> and May 14<sup>th</sup> 2018 Letters.
20. February 28, 2018 Planning Commission Meeting Draft Minutes.
21. February 28, 2018 Planning Commission Staff Report.
22. June 5, Applicant Continuance Request
23. June 21, 2018 ESAPCR Noise Memorandum Update
24. June 20, 2018 Applicant Request Regarding Condition No.18

## **MOTION**

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; 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).

## **NOTES:**

1. Comprehensive Plan Amendment No. 7 - The Culver Studios contributed \$2.00 per square foot of net new development to a mobility fund in under the project Development Agreement.