



# City of Culver City

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## Staff Report

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**File #:** 18-0665, **Version:** 1

**Item #:** A-1.

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**PC:** REQUEST FOR A TIME EXTENSION OF SITE PLAN REVIEW, SPR P-2008047-CONJUNCTIVE POINTS WARNER DEVELOPMENT, LLC

**Meeting Date:** January 10, 2018

**Contact Person/Dept:** Jose Mendivil, Associate Planner / CDD

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

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☐ **Action Item:** ☒ **Attachments:** ☒

**Public Notification:** (Mailed) Project Applicant (11/22/17); (E-Mail) Meetings and Agendas - Planning Commission (11/22/17); (Posted) City Website (11/22/17).

**Department Approval:** Sol Blumenfeld, Community Development Director (11/30/17)

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### **RECOMMENDATION**

Staff recommends that the Planning Commission either:

- 1) Approve a one year extension of Site Plan Review, SPR P-2008047, with or without conditions and instruct staff to return to the Planning Commission to a date certain with a draft resolution; or
- 2) Deny a one year extension and instruct staff to return to the Planning Commission to a date certain with a draft resolution expiring SPR P- 2008047.

### **PROCEDURES:**

1. Chair calls on staff for a brief staff report and Planning Commission poses questions to staff as desired.
2. Chair invites the Applicant to speak, followed by the general public.
3. Commission discusses the matter and arrives at its decision.

### **BACKGROUND:**

This project was scheduled for the December 13, 2017, Planning Commission meeting but was continued at the request of the Applicant/Developer. The Planning Commission continued the Action Item to January 10,

2018. .

On May 13, 2009, the Planning Commission approved Site Plan Review, SPR P-2008047 (the “Warner Parking Structure”) for construction of a parking structure with 775 parking spaces, 41,520 square feet of retail space, and 10,000 square feet of restaurant space within a five level, 43 foot high development (the “Project”). After an appeal to the Planning Commission decision, the City Council, on August 3, 2009, approved the Project with revisions to four of the 147 Conditions of Approval as originally approved by the Planning Commission. For a complete background on the project see Attachments 1 through 5 that include:

1. Approved City Council Resolution No. 2009-R066 with Conditions of Approval.
2. Approved Planning Commission Resolution No. 2009-P002 with Conditions of Approval.
3. August 3, 2009 City Council Staff Report without attachments
4. May 13, 2009 Planning Commission Staff Report without attachments
5. Preliminary Development Plans dated June 30, 2008.

Pursuant to Culver City Municipal Code (CCMC) Section 17.595.030 - Time Limits and Extensions, applicants are given one-year from entitlement approvals to submit all necessary City permits and have substantial construction begun. In some cases applicants are unable to secure permits and begin construction during the one year period (or the period stated in the entitlement conditions of approval which could be more than one year if granted at the discretion of the decision making body). Pursuant to CCMC Section 17.595.030.D, applicants may request extensions of entitlement deadlines. As stated in this section the burden of proof is on the applicant to establish, with substantial evidence that the approval should be extended. The section further states that the Director may extend the time to establish an approved permit for an additional 12 months. To date the Warner Parking Structure applicant has not secured building permits and has not begun construction.

### **DISCUSSION:**

On October 20, 2017 the developer submitted a request for an extension of the Project (Attachment No. 6). Seven 1-year extensions to the Entitlement have been granted in the past. Attachment No. 8 includes previous extension approvals.

The first extension approvals issued in 2010 and 2011 were based on:

- Ongoing negotiations with the City over financial participation in construction of the Project (the City previously owned the project site and secured 242 covenanted parking spaces at the site for general use in the area after its sale. The covenant securing the parking has since expired);
- Economic downturn affecting overall funding for the Project.

Following those extensions, subsequent approvals issued in 2012, 2013, and 2014 were based on:

- Changing developments in the Hayden Tract including planned increases in parking facilities such as the Apple Beats parking structure at 8550 Higuera Street and the Spur parking spaces which are designed to provide parking for Hayden Tract businesses similar to this project;
- Economic downturn affecting overall funding for the Project;
- Applicant evaluation of the project based on planned increased Hayden Tract parking by other developments affecting parking demand and the general economic downturn;
- Applicant analysis of potential modifications to the overall Project as originally approved.

The extension approval issued in 2015 was based on:

- Changing developments in the Hayden Tract including planned increases in parking facilities resulting

- in applicant analysis of potential modifications to the overall project as originally approved;
- Applicant demonstration of due diligence in obtaining City permits such as retention of geotechnical and engineering professional services to complete required City permit submittals.

The last extension approval issued in 2016 was based on:

- Delay created by on-going discussions with the Hayden Tract Property Owners Association (HTPOA) to obtain approval for project shoring tie-backs which would encroach into adjacent properties;
- Applicant demonstration of due diligence in obtaining City permits such as retention of geotechnical and engineering professional services to complete required City permit submittals.

The current extension request submitted on October 9, 2017 (Attachment No. 6), summarizes issues that were similar to the issues from the previous year and which are listed in the 2016 extension approval. Key reasons for the delay in project implementation noted in the latest extension request include:

- Inability to secure tie-back agreements with neighboring properties complicating the permit issuance;
- Inability to finalize a dewatering approach resulting in reconsideration of constructing the lowest parking level;
- Consideration of market trends due to new Hayden Tract parking constructed since the 2009 entitlement.

This request is being referred to the Planning Commission because of uncertainties noted in the latest applicant correspondence, the issuance of seven previous extensions by the Director and lack of clarity within the CCMC as to how many extensions may be granted by the Director.

### **SUMMARY:**

The Planning Commission is asked to approve, modify or disapprove the extension request. If desired, the Commission may also wish to continue the Action in order for the Applicant to provide additional information related to their request. Based upon direction, staff will return to the Commission at a subsequent meeting with a resolution implementing the Commission direction.

### **ATTACHMENTS:**

1. Approved City Council Resolution No. 2009-R066 with Conditions of Approval.
2. Approved Planning Commission Resolution No. 2009-P002 with Conditions of Approval.
3. August 3, 2009 City Council Staff Report without attachments
4. May 13, 2009 Planning Commission Staff Report without attachments
5. Preliminary Development Plans dated June 30, 2008.
6. October 9, 2017, Developer Request for 8<sup>th</sup> entitlement extension.
7. November 13, 2017, Staff Response to 8<sup>th</sup> entitlement extension request.
8. Previous Extension Approvals.

**MOTION**

That the Planning Commission either:

1) Approve a one year extension of Site Plan Review, SPR P-2008047, with or without conditions and instruct staff to return to the Planning Commission to a date certain with a draft resolution;

Or

2) Deny a one year extension of Site Plan Review, SPR P-2008047 and instruct staff to return to the Planning Commission to a date certain with a draft resolution.