



# City of Culver City

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## Staff Report

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**File #:** 19-735, **Version:** 1

**Item #:** 1.

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**..title**

**PC:** Status Report and Extension for Site Plan Review, SPR P-2008047 - Conjunctive Points Warner Development, LLC.

**Meeting Date:** January 9, 2018

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

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

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

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

**Public Notification:** (E-Mailed) Project Applicant (12/12/18); (E-Mail) Meetings and Agendas - Planning Commission (01/03/19).

**Department Approval:** Sol Blumenfeld, Community Development Director (01/03/19)

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### **RECOMMENDATION**

Staff recommends that the Planning Commission either:

1) Review and consider the Developer Status Report and consider the Initial Grading and Shoring Permit application and Preliminary Soils Review application adequate to grant a one year extension for Site Plan Review, SPR P-2008047;

Or

2) Review and consider the Developer Status Report and consider the Initial Grading and Shoring Permit application and Preliminary Soils Review application insufficient to grant a one year extension for Site Plan Review, 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:**

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 Conditions of Approval as originally approved by the Planning Commission (the "Entitlement"). Attachment Nos 1 and 2 include respectively approved City Council Resolution No. 2009-R066 and approved Planning Commission Resolution No. 2009-P002.

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 commence construction. 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 a development permit for an additional 12 months, providing proper notice of the Director's decision is given to both the Planning Commission and the City Council.

On October 15, 2018 the applicant submitted a timely request for an extension of the Project permit approved by the City Council on August 3, 2009. To date, eight 1-year extensions to the Entitlement have been granted pursuant to Section 17.585.030. The Director referred the ninth extension request directly to the Planning Commission based upon the repeated applicant requests for permit extensions and on January 10, 2018 meeting, the Planning Commission granted a ninth 1-year extension to January 10, 2019 with the requirement that the applicant report back on the project status and that staff refer all future request for permit extensions to the Commission. (Please see Attachment No. 3, January 10, 2018 Planning Commission Staff Report and Attachment No. 4 meeting minutes). On October 15, 2018, the applicant submitted a progress report and a request for another one year extension. To date the applicant has not secured building permits and has not begun construction. (Please see Attachment No. 5, applicant's permit extension request and progress report).

### **DISCUSSION:**

The applicant's permit extension request provides an update on the permit status. In sum the actions include:

- The inability to negotiate tie-back agreements with neighboring properties, necessitating a shoring system utilizing a raker-type system over the past two to three years as indicted in their prior requests.
- Completion of the raker-system design and submission of revised shoring plans currently under review with the City and the applicant's shoring consultant;
- Removal of excess parking due to statements by the Rancho Higuera Neighborhood Association at the January, 2018 Planning Commission (as reflected in the minutes) that there was too much parking;
- Submission of grading plans that were contingent upon a final tie back design currently under review with the City and the applicant's shoring consultant (submitted to Building Safety on November 1, 2018; corrections from Building on November 6, 2018; Building Safety Outside Consultant Review - November

7, 2018; approved by Engineering on November 14, 2018; Approved by Planning on December 11, 2018; Building Outside Review Corrections and notification to applicant on December 19, 2018; Plans picked up by Applicant on December 20, 2018; Awaiting applicant resubmittal);

- Updated geotechnical reports due to revised design tie-back raker-system, reduced parking resulting, and removal of one subterranean level currently under review with the City and the applicant's consultant;
- Ongoing review of dewatering issues based on removal of one subterranean level (The project was intended to meet increased parking demand in the Hayden Tract and removal of one parking level will eliminate the project's excess parking. This will affect the ability for Hayden Tract properties to continue the ongoing conversion from light industrial uses to office uses);
- Continued project development with the design build contractor;
- Continued design, engineering, and testing of glass cylinder mock-ups in preparation of the project's glass courtyard;
- Temporary use of the site as a staging area for the UCLA Graduate Art Studies tenant improvements;
- Continued negotiations with prospective lenders for construction financing (the applicant request did not include evidence of continued negotiations); and,
- Continued work with brokers to assess market needs and position of the project site in relation to market demands (the applicant request did not include evidence of continued work with brokers).

#### Status of Building Permits:

On November 1, 2018, the applicant submitted a revised soils report review application (Building Permit No. B18-0875) and an initial grading and shoring permit application (Building Permit No. B18-0876) for excavation for the subterranean project parking. The revised soils report application is currently under review by the Building Safety Division. Current Planning staff has approved the initial grading and shoring permit application; the Building Safety Division required structural corrections. The applicant is in receipt of the plan review corrections (as of December 20, 2018) and has not resubmitted corrected plans.

The soils report review and grading/shoring permit applications, if approved, will not constitute building permits for actual construction. Condition No. 4 of Planning Commission Resolution No. 2009-P002 (Attachment No. 2) entitling the project states that:

Site Plan Review, SPR P-2008047 shall expire unless:

- A. Actual construction, in accordance with a valid City-issued building permit, is commenced on the site within one (1) year after the effective date of the entitlements; or
- B. Prior to the entitlement's 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/property owner and, thereafter, an extension is granted by the Community Development Director, or designee.

Issuance of a separate building permit with architectural drawings, structural plans, and structural calculations is required to commence construction. However, approved soils report review and grading/shoring permit applications are a necessary prerequisite for building permit and may be considered to be compliance with

Condition No. 4 in light of the applicant's stated reasons preventing further project progress.

**SUMMARY:**

The applicant has requested a 10<sup>th</sup> one year development permit extension based upon the reasons provided in their correspondence and noted above. Permit applications, currently under review may be taken into consideration by the Commission as evidence of the applicant's efforts to commence construction. If so determined by Commission, it may grant the Permit extension.

**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. January 10, 2018 Planning Commission Staff Report Extension for 8511 Warner.
4. January 10, 2018 Planning Commission Minutes Extension for 8511 Warner.
5. October 15, 2018 Developer Progress Update 8511 Warner

**MOTION**

That the Planning Commission either:

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Or

2) Review and consider the Developer Status Report and consider the Initial Grading and Shoring Permit application and Preliminary Soils Review application insufficient to grant a one year extension for Site Plan Review, SPR P-2008047