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

December 10, 2008
7:00 p.m.

Call to Order & Roll Call

The meeting of the Planning Commission was called to order at 7:00 p.m.

Present: David Rockwell, Chair
John Kuechle, Vice Chair
Linda Smith Frost, Commissioner
Anthony Pleskow, Commissioner

Absent: Marcus Tiggs, Commissioner

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Invocation/Pledge of Allegiance

Thomas Gorham led the Pledge of Allegiance.

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Comments NOT on the Agenda

None.

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ACTION ITEMS

Item A-1

Planning Commission Committee Re-Assignments

Staff provided a summary of the material of record.

MOVED BY COMMISSIONER PLESKOW, SECONDED BY COMMISSIONER SMITH FROST, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER TIGGS) THAT VICE CHAIR KUECHLE SERVE ON THE COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE.

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER PLESKOW, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER TIGGS) TO SELECT COMMISSIONER SMITH FROST TO SERVE ON THE TRAFFIC COMMITTEE.

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PUBLIC HEARINGS

Item PH-1

Zone Code Text Amendment and Negative Declaration to Allow Carwashes as Ancillary Uses to Fueling Stations within the East Washington Boulevard Overlay Zone Subject to Approval of a Conditional Use Permit

Staff provided a summary of the material of record.

Chair Rockwell invited public participation.

The following members of the audience addressed the Commission:

Alex Coras, owner representative, was present to answer any questions.

Linda Kay reported that a Planning Commission denial of a car wash, overturned by the City Council was adversely affecting her neighborhood and she cautioned that the item should be carefully considered.

Discussion between the Commission and staff included: concern with overruling the East Washington Overlay Zone; a request for contact information of previous Commissioners to try to learn the reasoning behind their actions; differences between the areas east and west of the creek and whether the area east of the creek could be upgraded; concern with second guessing the previous Commission's decision; and support for maintaining the pedestrian friendly nature of the area.

Responding to inquiry from Vice Chair Kuechle, Alex Coras indicated that the car wash would be placed in the back and he discussed the location of parking and the proposed entrance and exit.

Benny Fadrahm, owner, Arco AM/PM, explained remodeling plans for the car wash.

Additional discussion between the Commission and staff included: reluctance to change zoning; acknowledgment that the overlay had addressed many area issues; acknowledgement that the project was limited in scope, required a CUP and that the car wash is an ancillary use; the absence of traffic issues; support for the east of the creek location; the reasoning behind consideration of a text amendment at this point in the process; concern with the previous Council overrule of the Planning Commission denial of the Valero gas station; the CUP process; differences in lot sizes and uses east and west of the creek; impact on residential uses; the economic viability of the project; concern with a structural change to the General Plan; a request for a site plan; clarification that applicant is entitled to apply for a text amendment without a CUP; upgrades already in process; clarification that additional upgrades could be requested to the car wash design; a request for additional information about the original overlay decision; concern with unintended consequences for the overlay zone; concern with setting a precedent; distances from residential to area gas stations; zoning in the area with and without the overlay; an observation that the western part of the overlay and residences were protected even with the change; interest in creating a live/work loft zone; potential redevelopment and improvements to the area; concern with making decisions that might preclude a trend that they might like to see; concern with spot zoning; mandatory findings; whether the area would go residential; and the importance of making decisions on what the area is now, not what the area will eventually be.

Benny Fadrahm noted that if the value of the property went up, a developer could buy it at any time. He asserted that they needed to put in a car wash to survive and it would not generate extra traffic.

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER PLESKOW, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER TIGGS) TO CLOSE THE PUBLIC HEARING.

Additional discussion between staff and the Commission included: direction from the Commission to the applicant to bring back a good project; an assertion that the change itself should be considered, not the project; a request for background material explaining the rationale for the original decision; a comment that the issue was much bigger than the single project; relaxing constraints since things have changed in the area; and noticing procedures.

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER FROST SMITH, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER TIGGS) TO ADOPT A NEGATIVE DECLARATION BASED ON THE INITIAL STUDY FINDING THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT AND RECOMMEND APPROVAL TO THE CITY COUNCIL OF ZONE CHANGE TEXT AMENDMENT, ZCAP2008-115 AS STATED IN RESOLUTION 2008-P013 TO AMEND SECTION 17260.035 OF THE CULVER CITY MUNICIPAL CODE TO ALLOW CAR WASHES AS AN ANCILLARY USE TO FUELING STATIONS WITHIN THE PORTION OF THE EAST WASHINGTON OVERLAY ZONE LOCATED EAST OF LA BALLONA CREEK SUBJECT TO APPROVAL OF A CONDITIONAL USE PERMIT.

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Consent Calendar

Item C-1

Secretary's Report

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER SMITH FROST, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER TIGGS) THAT THE COMMISSION RECEIVE AND FILE THE REPORT OF THE SECRETARY REGARDING POSTING OF THE AGENDA FOR THIS MEETING.

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Item C-2

Meeting Minutes

Commissioner Kuechle provided staff with a copy of changes to the minutes of October 22, 2008.

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER PLESKOW, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER TIGGS AND WITH CHAIR ROCKWELL ABSTAINING DUE TO HIS ABSENCE FROM THAT MEETING) THAT THE COMMISSION APPROVE THE MINUTES OF OCTOBER 22, 2008 AS AMENDED.

MOVED BY VICE CHAIR KUECHLE, SECONDED BY COMMISSIONER SMITH FROST, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER TIGGS AND WITH COMMISSIONER PLESKOW ABSTAINING DUE TO HIS ABSENCE FROM THAT MEETING) THAT THE COMMISSION APPROVE THE MINUTES OF NOVEMBER 12, 2008 AS WRITTEN.

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Items from Staff

Thomas Gorham, Planning Manager, reported on upcoming items.

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Items from Commissioners:

Vice Chair Kuechle reported that he and Commissioner Smith Frost had attended the first City Council/Planning Commission Subcommittee on Commissions noting that he had not received the promised summary.

Commissioner Smith Frost reported on that meeting noting that the purpose was to facilitate communications and better understanding between the Council and Commission. Issues discussed at the meeting included: the timeliness of written communication and project information; the timeliness of minutes; and the level of detail in the minutes.

Vice Chair Kuechle reported that the meeting provided the chance for the Commission to raise issues about how they are able to do their job.

Commissioner Smith Frost felt the biggest problem in the process was conveying what the Planning Commission had learned to the City Council so they would not have to start from zero, reviewing the same issues the Planning Commission had.

Discussion between the Commission and staff included: legal standards for minutes; the most efficient way of conveying the level of information necessary to the Council in terms of what was discussed in meetings and why they came to the conclusions that they did; a suggestion that staff enhance their reports to the Council to provide more background information including issues discussed, why the Commission made the findings, how issues were addressed, and conditions imposed to address specific issues with a summary of Commission and speaker concerns; length of time to do the minutes and their cost; praise for the job that Planning staff had done previously with the minutes; a request for summary type descriptions in the minutes;

different types of minutes formats; the difficulty of translating the debate onto the written page; and the fact that all meetings are available on the web.

Additional discussion between the Commission and staff included: the length of time for a Commissioner to receive a response to an email sent to Council members; issues that could use improving; how much latitude the Commission has in making decisions; clarification on the roles of the Commission and the Council; clarification that guidelines for development come as a matter of policy; a mischaracterization by the public about the Commission's awareness of their discretion; a prior agreement that staff share answers to questions from any Commissioner, to all Commissioners; clarification regarding Brown Act issues with back and forth email between Commissioners and a caution to reply solely to staff members, not the entire Commission; clarification that one-way communication is acceptable; and general guidelines from the City Council as to what they are looking for from the Planning Commission vs. maintaining Commission independence and rendering their decisions based on specific criteria.

Vice Chair Kuechle expressed concern with signing a resolution that did not contain certain items the Commission had agreed to. He questioned how to proceed if something they agreed to at a meeting can't be done and staff agreed to investigate.

Commissioner Smith Frost summarized issues that she would take back to the subcommittee: clarification of their roles as Commissioners; and a comment on the lack of response from Council members via email.

Heather Baker, Assistant City Attorney, indicated that a second subcommittee meeting would be scheduled since there are additional issues to discuss, and she described next steps in the subcommittee process.

Commissioner Pleskow questioned where the Council saw the City going from a planning perspective and what the Commission could do during the period of slow development to deal with real planning issues.

Heather Baker, Assistant City Attorney, reported that Sol Blumenfeld, Community Development Director, had discussed that issue.

Vice Chair Kuechle asked that the entire Commission receive the summary of the subcommittee meeting and that Commissioners relay their thoughts to staff so those issues can be brought up to the Council.

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Adjournment

There being no further business, at 8:52 p.m., the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, January 14, 2009, at 7:00 p.m. in the Mike Balkman Council Chambers.

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David Rockwell

David Rockwell, Chair
City of Culver City
Planning Commission

YHunt

Yvonne D. Hunt
Administrative Secretary