

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

November 15, 2017
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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Vice Chair Lachoff wished Chair Sayles a Happy Birthday.

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Pledge of Allegiance

Michael Allen, Planning Manager, led the Pledge of Allegiance.

Chair Sayles announced that Michael Allen had been officially hired as the Planning Manager.

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Public Comment for Items NOT on the Agenda

Chair Sayles discussed meeting procedures and invited public input.

No cards were received and no speakers came forward.

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Presentations

None.

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Order of the Agenda

No changes were made.

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Consent Calendar

None.

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Public Hearings

Item PH-1

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

Sol Blumenfeld, Community Development Director, reported a request that the item be continued and he indicated that the item would be re-noticed when it comes forward.

MOVED BY COMMISSIONER VONCANNON, SECONDED BY VICE CHAIR OGOSTA AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION CONTINUE ITEM PH-1.

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Item PH-2

PC - Review of Recommendations Related to Hillside Density and Consideration of a Zoning Code Amendment (P2017-0224-ZCA), Amending Chapter 17, Zoning, of the City of Culver City Municipal Code (CCMC), Section 17.400.095 - Residential Uses - Accessory Dwelling Units (ADUs)

Michael Allen, Planning Manager, provided a summary of the material of record.

Discussion ensued between staff and Commissioners regarding reasons for the high fire designation; liquefaction zones; the recommendation to disallow; density vs. building intensity; hazardous conditions; locational requirements in prohibitions in certain areas; staff agreement to make formatting and phrasing of the conditions that apply to access and safety more consistent; ensuring against extra density which is potentially a problem; moving recitals and findings into the body of the ordinance; and making a permanent change to the zoning code.

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

Chair Sayles invited public comment.

The following members of the audience addressed the Commission:

Nicholas Cregor discussed his proximity to 10753 Cranks Road noting that the steepest parts of the hills are where the narrowest parts of the road are; he reported that the proposed development would overhang the narrowest road in the hills; he discussed restrictions by the City of Los Angeles on hillside areas; noted vehement opposition in the neighborhood to the proposed ADU at 10735 Cranks Road; the 2005 landslide; the history of collapses on the unstable hillside; the problem of applying the same building standards to hillside areas as those for flatlands; he requested responsible restrictions on hillside development; he asserted that the proposed restrictions in the draft order were a minimal first step; he discussed the Hazard Mitigation Plan; the Sonoma fires; the importance of access; and he asked for approval of the restrictions to ADUs in the Culver Crest hillside area.

Paul Asai commended City staff for their work on the issue; discussed the need to address significant safety concerns; expressed support for adoption of the amendment; asserted that the revision should be one part of a City-wide re-evaluation of the code concerning the state law enacted in 2016; he asked staff and the Commission to address concerns regarding: minimum lot size for ADUs, privacy issues with a second story ADU over a garage, setback and view obstruction issues, the discretionary nature of Section L that does not

comply with state law, and the need for further study into limiting ADUs in the Blair Hills area; and he urged the passage of the amendment.

Sean Veder provided background on himself; echoed comments of previous speakers; wanted to preserve the neighborhood and keep it safe; and he urged the passage of the amendment for no ADU development on the Crest.

Susan Yun, Senior Planner, read comments submitted by:

Selma Calmes

Daniel Mayeda thanked the Commission for listening to residents of Culver Crest; discussed the dangers of construction on the hillside; recognition of the issue of substandard road widths; limited access to houses on the Crest; major slope failure incidents over the past 27 years; the last incident that blocked traffic for three years; the dangers of blocked access; the state policy to encourage the construction of ADUs; affordable housing; and he urged the Commission to send the item on to the City Council in its current form.

Melina Piller discussed fault zones in the area; allowable building intensity; four landslides within four decades; the existing illegal ADU in the interior of the home; the pursuit of an additional exterior ADU; the galvanization of the community against the ADU for the safety of the area; and she asked for the prohibition of ADUs in the hillside area.

Steve Gourley discussed the location of his home; urged the City to address issues in Blair Hills and offer the same protections; reported studying the history of Blair Hills; discussed the four landslides on the Crest; he commended staff on their quick action; questioned how the Public Works Director approved anything to do with new construction on the hill; reported making a public records act request to the City Attorney that yielded information about an area in the City identified as the most dangerous building site from Baldwin Hills to the ocean; and he questioned the lack of due diligence by staff in not acting on that information.

Robin Turner, former Planning Commissioner, expressed agreement with the previous speakers; reported efforts over the last 30 years to create hillside ordinances; the recent installation of fire hydrants; being reactive rather than

proactive; the inapplicability of state support of ADUs to provide affordable housing in this case; and she explained the reason for revocation of the past City requirement that speakers provide their addresses when addressing the City Council or Commissions.

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

Heather Baker, Assistant City Attorney, felt it more appropriate to delete Section N and instead, modify Section E to have two subsections with subsection 1 reading: "Except as provided in this section, no more than one accessory dwelling unit is allowed on a property.", and subsection 2: "Accessory dwelling units shall be prohibited in the hillside area shown on map 4-2."; and she noted that findings made in Section N would be in the ordinance itself with the rest of the recitals in the resolution.

Discussion ensued between staff and Commissioners regarding the feeling that changing density is similar to adding a family member; agreement that it is ill-advised to add additional units to a property given the conditions in the area; whether to include the area at the base of the Crest; right of way and curb to curb sizing; the reasonableness of going from the moratorium to a restriction on ADUs; appreciation for the public input and historical context; pushing the envelope; the resulting study; awareness of conditions in the area; support for the proposed ordinance; the street network in the area; adding to the inventory of the region; clarification on which lots are included on the map; the portion of the lower Crest that is subject to liquefaction; clarification regarding what lots in the lower Crest should be included; including lots above Stever Court due to being served by a substandard road and being part of a liquefaction area; emergency ingress and egress; the high fire area; the confluence of risks; concern that the Commission does not have enough information to make changes to the map; the exclusion of the corner of Overland and Ranch; acknowledgement that the area is fully developed; whether the restriction is about rental stock or limits; the larger lot size in the area; clarification that Los Angeles does allow ADUs in their hillside areas; other hillside areas with substandard streets; density issues; safety concerns; concern with taking absolute measures and the lack of

flexibility; and whether there are places to add discretion where appropriate.

MOVED BY COMMISSIONER REILMAN, SECONDED BY COMMISSIONER LACHOFF AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION RE-OPEN THE PUBLIC HEARING.

Robin Turner noted that the existing map is incorrect; pointed out a wall restricting access; she discussed fire department access; and asserted that the map was not to scale.

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

Additional discussion ensued between staff and Commissioners regarding adding an indication that the map is not to scale; clarification regarding measurements; right of way measurements and curb to curb measurements; clarification on standard roadway width; the General Plan Circulation Element; the curb to curb average for other area cities; building in something to accommodate family members; the prohibition on a separate dwelling unit with a separate entrance; the ability to build a second kitchen; City zoning to limit density; addressing the issue of density in the hillside area; studying Blair Hills; mansionization regulations; applying the currently proposed regulations in other hillside areas; the larger study; safety vs. aesthetics; and Fire Department preparation of the hazard plan.

Commissioner Voncannon proposed a motion to recommend that the City Council approve the ordinance as written with modifications suggested by the City Attorney.

Chair Sayles clarified that changes by the City Attorney included deleting section N and modification of Section E to include subsections 1 and 2, moving all of the items in Section N to recitals and the resolution for the City Council.

Additional discussion ensued between staff and Commissioners regarding hesitation due to the fact that the study was initiated as a response to mansionization; fire and safety concerns; areas not served by standard street widths and that have additional fire and safety issues; allowing for conditional use applications; clarification that there cannot

be discretionary permits for ADUs, they are a ministerial act; density; and confidence in the meticulous consultant who prepared the report.

MOVED BY COMMISSIONER LACHOFF, SECONDED BY VICE CHAIR OGOSTA AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION: RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE AS WRITTEN WITH MODIFICATIONS SUGGESTED BY THE DEPUTY CITY ATTORNEY TO DELETE SECTION N AND MODIFY SECTION E TO INCLUDE SUBSECTIONS 1 AND 2 AS STATED BY THE CITY ATTORNEY MOVING ALL OF THE ITEMS IN SECTION N TO RECITALS AND THE RESOLUTION OF THE CITY COUNCIL.

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Item PH-3

PC: Adoption of a Resolution Recommending to the City Council Approval of Zoning Code Amendment (P2017-149-ZCA) Amending Culver City Municipal Code, Title 17 - Zoning Section 17.700.01 - Definitions of Specialized Terms and Phrases, Section 17.220.015 - Commercial District Land Uses and Permit Requirements, Section 17.230.015 - Industrial District Land Uses and Permit Requirements, and 17.210.015 - Residential Zoning District Land Uses and Permit Requirements

Michael Allen, Planning Manager, provided a summary of the material of record.

Discussion ensued between staff and Commissioners regarding the cultivation area shown on the map on the last page of the resolution; the allowable number of establishments in the IG zone; clarification that City cultivation restrictions mirror state law; the Conditional Use Permit (CUP) component; the application process for store front vendors; the Task Force process; City Council consideration; conditioning the land use component vs. conditioning business operations; providing additional opportunity for public input; mitigation measures through the CUP process; limiting the CUP so that it does not run with the land in perpetuity; CUP renewal scenarios; revocability; clarification on the task before the Commission; an inquiry into the difference between industrial hemp and cannabis; clarification on map; the ability to remove or add proximity buffers; and Los Angeles cannabis locations near Culver City borders.

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

Chair Sayles invited public comment.

The following members of the audience addressed the Commission:

Michael Hsu asked for clarification regarding outdoor residential cultivation.

Damian Martin clarified what industrial hemp is, and he questioned whether the map of the cultivation area applied to manufacturing as well.

Michael Jensen asked about the data used for the map and whether it considers youth centers, noting the broad definition in the state code.

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

Michael Allen, Planning Manager, addressed the question on personal cultivation and discussed standards to comply with; reported that the map was being removed from the resolution for an update and that staff and the consultant would have to reassess the findings related to the cultivation only use; and he reviewed the parks and playgrounds definition.

Discussion ensued between staff, and Commissioners regarding clarification that the City Council exceeded state law requirements by adding parks and playground buffer zones in addition to youth centers; wording regarding licensing; clarification that the median on Culver Boulevard is not considered a park; efforts of the Task Force; the pro-cannabis direction of the Task Force; concern with retail facilities in Culver City; whether retail cannabis would benefit the City; potential impacts; relatively low revenue opportunities for the City; access; conflicted views on the issue; public health, safety and welfare issues; looking at the product by separating the use; the pending deadline for decisions as the state will issue licenses starting January 1, 2018 and if Culver City has not established regulations, the state minimums will be the only criteria considered; City Council consideration of a temporary ban; concern with some

of the findings in the resolution; the current schedule; the interim ordinance being brought forward to the City Council on December 11, 2017; clarification on the impact of not coming to a decision; review of Commission options on actions to take on the item; defining retail establishments; land use recommendations and approval by the Commission; review of potentially intrusive uses for compatibility; regulatory approval; 73 potential dispensary locations identified by a retailer; the parks overlay; the limited approved area on the map; concern with potential bias; requirements of other cities; operating conditions; use permits rather than a CUP; tax information; length and complexity of the ordinance; appreciation for the work put in by the Task Force; an observation that 4 out of 5 Commissioners live within a few lots of the green zone; concern that the issue of distancing between the dispensaries was dropped; concern with the ordinance as written; consideration of the ordinance without the final map to refer to; changing the retail store definition; the CUP reference within the resolution and negative declaration; alternatives to a CUP; a suggestion to substitute language indicating a discretionary permit rather than a CUP; City Council feedback on the CUP; starting with stricter conditions that can be relaxed later; yearly reviews; comparisons to an alcohol CUP; putting a period of time on the CUP of five to ten years rather than annually; the CUP termination provision if the operator loses their license; a suggestion for a five-year time line; regulatory permit findings; City Council determination that a previously approved site is no longer desirable; the CUP as a mechanism to help ensure neighborhood compatibility; clarification on ramifications of actions taken; modification on the Mitigated Negative Declaration (MND); revising the cannabis definition; potential parking impacts when delivery service is part of a retail store; delivery specific uses; and changes previously discussed were reviewed and included: revised language on section 17.220.015 reflecting CUP changes discussed by the Commission, a correction to a typo that refers to the 90 freeway as the 91 freeway, deletion of the amendments to 17.23015 and map 2.10, and the changes to the definition of cannabis.

Additional discussion ensued between staff and Commissioners regarding concern with the findings within the resolution on the retail component; a suggestion to move on everything except retail as a way forward; potential revision of the findings to clarify the need for the definitions in the code; protecting existing businesses and quality of life;

clarification that the finding is based on the General Plan goal of economic diversity; the sentence within the finding that is of concern; ensuring land use compatibility; the annual permit process; and possible rewording.

Further discussion ensued between staff and Commissioners regarding serving the public interest; the finding on the retail component; the effect of separating retail from the rest of the issue on the outcome of the vote; retail issues and concerns shared amongst multiple Commissioners; placement of dispensaries in retail centers to buffer against residential; an observation that certain types of adult establishments are not allowed in Culver City; the established precedent for not allowing certain types of businesses in the City; the lack of restrictions in Los Angeles; maintaining control; having a mechanism to evaluate things as they come; whether it is better to show the City Council what the Commission thinks than to give no recommendation at all; concern with the retail component being allowed in the City; the feeling that the City Council will bring the retail to the City no matter what the Commission recommends; options on moving forward with the item; ways to handle the retail aspect separately by modifying the resolution; whether to re-word the resolution given the knowledge that the City Council will proceed anyway; conditions; moving the item forward; and a reminder the Commission action is a recommendation not an adoption.

Heather Baker, Deputy City Attorney, read proposed changes to the resolution which included: Section 1, finding 1 in the sentence regarding economic diversity, objective 5, change encourage to accommodate; put a period after economic base and strike the remainder of the sentence up through additionally; on page 5, add language to the definition of cannabis to indicate "except as specified herein,..."; page 10, Section 17.220.015b, change language to read "Concurrent with a commercial cannabis business permit required by Chapter 11.32, all cannabis dispensary retail storefront facilities shall be required to obtain a Conditional Use Permit pursuant to Chapter 17.530, subject to renewal every five years,"; adoption of the negative declaration subject to revisions being made and no further impacts to be found; and delete 17230015 and delete map 2.10.

MOVED BY COMMISSIONER REILMAN AND SECONDED BY CHAIR SAYLES
THAT THE PLANNING COMMISSION: APPROVE THE ATTACHED RESOLUTION
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING CODE

AMENDMENT (P2017-0149-ZCA), AMENDING CULVER CITY MUNICIPAL CODE (CCMC) SECTION 17.220.015 COMMERCIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS; 17.230.015 INDUSTRIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS; 17.210.015 RESIDENTIAL ZONING DISTRICT LAND USES AND PERMIT REQUIREMENTS AND SECTION 17.700.010 - DEFINITION OF SPECIALIZED TERMS AND PHRASES, IN ORDER TO ALLOW COMMERCIAL CANNABIS BUSINESSES THROUGH A MINISTERIAL APPROVAL AND ESTABLISHING THE DEVELOPMENT STANDARDS TO BE IN COMPLIANCE WITH CURRENT STATE LAW WITH CHANGES AS STATED BY THE DEPUTY CITY ATTORNEY.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: OGOSTA, REILMAN, SAYLES
NOES: LACHOFF
ABSTAIN: VONCANNON

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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

Sol Blumenfeld, Community Development Director, announced that the mixed-use ordinance/TOD item would be considered at the next meeting on November 22.

Discussion ensued between staff and Commissioners regarding a request for advance information on the Culver Studio comprehensive plan update and the Fox Hills project.

Commissioner Lachoff apologized to his wife for growing a mustache for Movember to highlight awareness of Men's Health.

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Adjournment

There being no further business, at 10:39 p.m., the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, November 22, 2017, at 7:00 p.m.

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SUSAN YUN
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