



Culver CITY

MIKE BALKMAN COUNCIL CHAMBERS

9770 CULVER BOULEVARD CULVER
CITY, CALIFORNIA 90232-0507
CITY HALL Tel. (310) 253-5710
FAX (310) 253-5721

PLANNING COMMISSION MEETING AGENDA WEDNESDAY, JUNE 24, 2015 7:00 P.M.

PUBLIC COMMENT

The Planning Commission will listen to the public on any item on the agenda or item of interest that is not on the agenda. The Planning Commission cannot legally take action on any item not scheduled on the agenda. Such items may be referred for administrative action or scheduled on a future agenda.

If you wish to speak to the Commissioners, please complete a Speaker's Card and present it to the Secretary before the agenda item is called. You will be called to the podium by name when it is your turn to speak to the Commissioners.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Persons wishing to speak on agenda items will be called at the time the agenda item is brought forward. Comments will generally be limited to five minutes per speaker; however, a three-minute limit may be declared by the Chairperson for agenda items for which many Speaker Cards have been submitted.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

A total of twenty minutes shall be devoted to audience participation at the beginning of the agenda. Speakers will be called on in the order cards were received by the Secretary. If additional time is needed, the Chairperson will allow for same at the end of the agenda.

When the Secretary calls your name, please advance to the podium and state your name and city of residence. Speakers must limit their comments to five minutes. A three-minute limit may be declared by the Chairperson if there is a large number of individuals desiring to address the Commissioners.

NOTE: AT OR ABOUT 11:00 P.M., COMMISSION MEMBERS WILL DETERMINE WHETHER TO CONTINUE WITH DISCUSSION OF REMAINING ITEMS ON THE AGENDA OR TO CARRY SOME/ALL OF THE ITEMS OVER TO A FUTURE MEETING DATE.

CELL PHONES AND OTHER DISTRACTIONS

Use of cell phones, pagers and other communication devices is prohibited while the Planning Commission Meeting is in session. Please turn all devices off or place on silent alert and leave the Chambers to use. During the meeting, please refrain from applause or other actions that may be disruptive to the speakers or the conduct of City business.

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ALD

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Culver CITY

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AGENDA
Planning Commission
Wednesday, June 24, 2015
7:00 p.m.

MIKE BALKMAN COUNCIL CHAMBERS

CALL TO ORDER & ROLL CALL

Linda Smith-Frost, Chair
Kevin Lachoff, Vice Chair
Dana Amy Sayles, Commissioner
David VonCannon, Commissioner
Scott Wyant, Commissioner

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT – Items Not On the Agenda

***PUBLIC HEARINGS**

PH-1. Conditional Use Permit CUP P-2013102: Request to permit an indoor Baseball Training and Batting Cage Facility at 3609 Hayden Avenue.
Continued From June 10, 2015

CONSENT CALENDAR *Note: Consent Calendar items are considered to be routine in nature and may be approved by one motion. Public requests to discuss Consent Calendar items must be filed with the Secretary before the Consent Calendar is called.*

C-1 Approval of Minutes of June 10, 2015.

ITEMS FROM STAFF

ITEMS FROM PLANNING COMMISSION

ADJOURN

APPEAL RIGHTS:** Decisions of the Planning Commission are subject to appeal to the City Council in accordance with the provisions of Chapter 17.640, Appeals, of the Culver City Municipal Code (CCMC). Pursuant to CCMC Section 17.640.030.A, appeals of Planning Commission decisions must be filed with the City Clerk ***within 15 calendar days of the decision date. Any person wishing to appeal a decision of the Planning Commission should refer to CCMC Chapter 17.640 to ensure that all required procedures are followed. If you have questions regarding the appeal procedures, please contact the City Clerk's Office at 310-253-5851 or city.clerk@culvercity.org.

Upcoming Public Meeting Schedule –(Tentative) – 2015

Date	Day	Time	Location
<i>City Council</i>			
<i>July 13</i>	<i>Monday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Civil Service Commission</i>			
<i>July 1</i>	<i>Wednesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Cultural Affairs Commission</i>			
<i>July 14</i>	<i>Tuesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Parks & Recreation Commission</i>			
<i>July 7</i>	<i>Tuesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Planning Commission</i>			
<i>July 8</i>	<i>Wednesday</i>	<i>7:00PM</i>	<i>Dan Patacchia Room</i>

Meetings may be added or changed.

City of Culver City, California
Planning Commission Agenda Item Report

Meeting Date: June 24, 2015		Item Number: PH-1
AGENDA ITEM: Conditional Use Permit CUP P-2013102: Request to Permit an Indoor Baseball Training and Batting Cage Facility at 3609 Hayden Avenue. (Continued From June 10, 2015)		
Contact Person/Dept.: Gabriela Silva, Associate Planner		Phone Number: (310) 253-5736
Public Hearing: ☒	Action Item: ☐	Attachments: ☒
Public Notification: On May 20, 2015, notices were mailed to all the property owners and occupants within a 500-foot radius of the site. Email to the Master Notification List was made on May 20, 2015.		
Planning Approval: Thomas Gorham, Deputy Community Development Director/Planning Manager		Department Approval: Sol Blumenfeld, Community Development Director

RECOMMENDATION:

That the Planning Commission:

EITHER:

Deny Conditional Use Permit, CUP P-2013102, as stated in Resolution No. 2015-P003 (Attachment No. 1).

OR:

Approve Conditional Use Permit, CUP P-2013102, as stated in Resolution No. 2015-P003 (Attachment No. 2)

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.

City of Culver City, California
Planning Commission Agenda Item Report

BACKGROUND:

At its June 10, 2015 meeting, the Planning Commission voted to continue the subject application to June 24, 2015 in order to allow the business operator (Mr. Danny Swartz) to submit to staff proposed operating conditions that address concerns of the Planning Commission and staff related to the compatibility, suitability, and safety of the proposed use.

On June 15, 2015, Mr. Swartz submitted to staff a list of 8 operating conditions (Attachment No. 3) that he proposes to implement to address the issues and concerns identified by the Commission and staff. In addition, staff met with Mr. Swartz at the subject site on June 15, 2015 to review the proposed operating conditions and inspect the subject premises.

The conditions proposed by Mr. Swartz will limit the hours of operation during weekdays to 5:30 p.m. – 8:30 p.m. All lessons and training shall be by appointment only, with no walk-ins allowed. In addition, operations will be limited to one-on-one lessons on weekdays, with a maximum of 2 students taking lesson at any one time. The proposed hours for weekend use are 9:00 a.m. - 4:00 p.m. with team lessons limited to Saturdays and Sundays only. Also, the proposed conditions restrict queuing or drop-off/pick-up in the vehicle access easement.

ANALYSIS:

Staff has reviewed the proposed conditions and offers the following analysis:

Based on the proposed operating hours the number of vehicles entering the site during weekdays should be minimal, and will be none during the regular operating hours of on-site and abutting businesses. By operating during “off-peak” hours in the Hayden Tract, the potential for conflicts with existing land uses on-site and in the surrounding area is minimized. In addition, the operation will control the amount of on-site vehicle circulation and the number of patrons/visitors on site at any given time by implementation of an appointment based reservation system, which will minimize the possibility of numerous patrons showing up at any given time and causing conflicts within the parking and access easement. Limiting team lessons to weekends when most businesses on the site and in the Hayden Tract are closed will help to minimize potential parking and access conflicts.

Staff believes that these proposed operating restrictions and conditions address some of the issues related to compatibility, suitability and safety of the proposed use; however, staff believes that additional operating restrictions and conditions are necessary in order make the required findings to approve the proposed use. These are as follows:

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Planning Commission Agenda Item Report

- The two (2) identified parking stalls dedicated for the subject tenant space shall be used for the purpose of dropping-off and picking-up individuals visiting the facility only. This will eliminate the need to unload/load in the drive aisle (access easement) and potential circulation conflicts.
- Lessons shall be scheduled with a minimum 10 minute gap between the end of the prior lesson and the beginning of the next lesson.
- The business operator shall secure four (4) additional off-site parking spaces in addition to the two (2) off-site spaces it currently has. The additional parking will made available to parents and patrons.
- No employee, parent, or patron parking shall be permitted on-site during the weekdays. Employees shall park in the approved off-site parking spaces. Parents and patrons shall parking in either the approved off-site parking spaces or in available on-street parking spaces.
- The business operator shall work with the property management to secure access to on-site spaces not used by existing and/or future businesses during the weekend. If said parking spaces are secured the business operator shall submit evidence of such to the Planning Manager for review and approval of their use during weekends only.
- The business operator shall submit a Parking Plan for the required off-site parking and any additional on-site parking secured for weekend use for review and approval by the Planning Manager within 30 days following the effective date of the CUP.
- The business operator shall post signs at the on-site parking spaces indicating that the spaces are for drop-off/pick-up only. Said signs shall be subject to the approval of the Planning Manager.
- No birthday parties, team events, group meetings, and/or other similar uses shall be permitted on weekdays.
- The business operator shall post parking and drop-off/pick-up instructions on the business website and at the building entrance subject the satisfaction of the Planning Manager. In addition, parking and drop-off/pick-up instructions shall be given to parents and patrons upon their first visit to the facility. All users shall sign a waiver upon each appointment acknowledging the parking and drop-off/pick-up procedures.
- A formal monitoring procedure of the parking and drop-off/pick-up operations shall conducted by a traffic consultant approved by the Planning Manager and the City's Traffic Engineer at six months and 12 months following the effective date of the CUP. The scope of the monitoring procedure shall be reviewed and approved by the Planning Manager and the City's Traffic Engineer. Staff will forward the results of the monitoring to the Planning Commission.
- Prior to operating the business, the business operator shall submit "as-built" plans to the Building Division for review and approval. The business

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shall not operate until the Building Division has issued a Certificate of Occupancy or signed off on final inspection for the tenant space to be occupied for the proposed use.

- Prior to operating the business, the business operator shall obtain a Business Tax Certificate for the proposed use from the City's Finance Department.
- If the proposed use is found to not be in compliance with the conditions of approval and/or is found to be causing negative impacts to the surrounding business or is creating any safety issues, the CUP shall be referred to the Planning Commission for possible modification or revocation.

The above conditions are included in the recommended conditions of approval attached to the draft Resolution of approval (Attachment No. 2).

CONCLUSION:

The proposed additional operating conditions and restrictions offered by the business operator and recommended by staff address the issues of compatibility, suitability and safety of the proposed use. In addition, the monitoring procedures included in the conditions will enable staff to make sure that the proposed use is operating in compliance with the proposed conditions of approval. Based on these added conditions of approval staff has drafted a resolution with the required findings for approval for the Commission's consideration (Attachment No. 2). Staff also has included the original draft resolution (Attachment No. 1) for denial if the Commission believes that the findings for approval cannot be made.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) guidelines, initial review of the project (by staff) established that there are no potentially significant adverse impacts on the environment and the project has been determined to be Categorically Exempt under Section 15332, Class 32 In-fill Development Projects, because the proposed project involves the development of a use that is consistent with the applicable general plan and zoning designation and regulations; will be located within City limits on a lot no more than five (5) acres substantially surrounded by urban uses; will be located on a site that has no value as habitat for endangered, rare or threatened species; will not result in any significant effects relating to traffic, noise, air quality, or water quality; and that will be adequately served by all required utilities and public services.

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ALTERNATIVE OPTIONS:

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

1. Deny the application as outlined in the findings contained in Resolution No. 2015-P003 (Attachment No. 1) if the Commission believes that the required findings for the CUP cannot be made.
2. Approve the application as outlined in the findings contained in Resolution No. 2015-P003 (Attachment No. 2) subject to the conditions of approval recommended by staff and any other conditions deemed appropriate by the Commission if the Commission believes that the findings for the CUP can be made.

ATTACHMENTS:

1. Resolution No. 2015-P003 Denying CUP P-2013102
2. Resolution No. 2015-P003 Approving CUP P-2013102 and Exhibit A – Conditions of Approval
3. Applicant Proposed Conditions

RESOLUTION NO. 2015-P003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, DENYING CONDITIONAL USE PERMIT CUP P-2013102 TO ALLOW AN INDOOR BASEBALL TRAINING AND BATTING CAGE FACILITY AT 3609 HAYDEN AVENUE IN THE INDUSTRIAL GENERAL (IG) ZONE

(Conditional Use Permit, CUP P-2013102)

WHEREAS, on July 10, 2013, Sue Jagodzinski of SC Land Use (the "Applicant"), on behalf of Triple Crown Baseball (Operator) filed a Conditional Use Permit application to permit an indoor baseball training and batting practice facility at 3609 Hayden Avenue, in the City of Culver City, County of Los Angeles, State of California; and

WHEREAS, on November 12, 2014, after conducting a duly noticed public hearing on the subject application, including full consideration of the application, plans, staff report, environmental information and all testimony presented, the Planning Commission by a vote of 5 to 0, continued the matter of Conditional Use Permit, CUP P-2013102, to January 28, 2015; and

WHEREAS, the meeting of January 28, 2015 was cancelled, the item was re-noticed for May 27, 2015, and subsequently rescheduled for June 10, 2015; and

WHEREAS, on June 10, 2015, after conducting a duly noticed public hearing on the subject application, including full consideration of the application, plans, staff report, environmental information and all testimony presented, the Planning Commission by a vote of 5 to 0, continued the matter of Conditional Use Permit, CUP P-2013102 to June 24, 2015 to allow the business operator additional time to address the concerns previously identified by the Planning Commission; and

1 WHEREAS, on June 24, 2015, after conducting a duly noticed public hearing on the
2 subject application, including full consideration of the application, plans, staff report,
3 environmental information and all testimony presented, the Planning Commission by a vote of
4 __to __, denied Conditional Use Permit, CUP P-2013102 and as set forth herein below.

5 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER
6 CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

7 SECTION 1. Pursuant to the foregoing recitations and the provisions of Culver City
8 Municipal Code (CCMC), the following findings are hereby made:
9

10 **Conditional Use Permit:**

11 As outlined in CCMC Title 17, Section 17.530.020, the following findings for denying the
12 Conditional Use Permit are hereby made:

13 **C. The design, location, size, and operating characteristics of the proposed use are**
14 **incompatible with the existing and future land uses in the vicinity of the subject**
15 **site.**

16 The proposed baseball training/batting cage facility use is incompatible with existing
17 and future warehouse, office, and industrial uses within the vicinity of the site. Unlike
18 the operating characteristics of the current uses at the site, the proposed facility will be
19 open to the public such that patron visits are a primary component of the business
20 operation, and will incur a significant number of non-employee visits to the site. In
21 addition, the operating characteristics of the proposed use include the need for
22 equipment unloading/loading, for which the site is not currently equipped. The uses in
23 the Hayden Tract are generally light industrial and office/media production uses, where
24 the majority of site visits are by employees of the existing businesses. Although the
25 applicant proposes to implement an appointment based operation, the additional
26 public visits that will occur do translate into a higher demand for parking and
27 circulation, and are inconsistent with the operating characteristics of the existing and
28 future land uses.

24 **D. The subject site is not physically suitable for the type and intensity of use being**
25 **proposed, including access, compatibility with adjoining land uses, shape, size,**
26 **provision of utilities, and the absence of physical constraints.**

27 The site is not physically suitable for the proposed use of a baseball training/batting
28 cage facility as there is currently a legal non-conforming parking condition that has
29 been continued in accordance with the provisions of the CCMC, and given the
continuation of similar low parking demand uses of warehouse, office, and light

industry/manufacturing. Due to this, the non-conforming on-site parking, access, and circulation conditions have been maintained and are internally manageable. However, the new use will create additional demands with regard to parking, vehicular access/circulation, and loading/unloading, as well as pedestrian access, making the existing non-conforming condition unsuitable and insufficient to support the proposed operation. In addition, the existing improvements and site conditions pose physical constraints to providing the adequate parking, access, circulation/maneuvering space, etc., as required by the CCMC.

E. The establishment, maintenance or operation of the proposed use will be detrimental to the public interest, health, safety, or general welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

The parking and circulation demands generated by the operations of the proposed use will have the potential of creating safety hazards and conditions that may be injurious to the persons and property at the site and the immediate vicinity. The increase in vehicular activity in the existing easement has the potential of causing damage to the improvements immediately north of the site, including the existing structure, equipment and trash enclosures, electric vehicle charging stations, etc., as there is currently no form of protection between these improvements and the access easement where loading/unloading and tight maneuvering is proposed to be conducted. In addition, the proposed operation will generate visits from the public (i.e. non-employees) necessitating both pedestrian circulation areas and passenger and equipment loading areas. However, existing site conditions do not allow for adequate provision of these amenities, creating conditions that will be detrimental to safety. Specifically, the conditions have the potential of being injurious to visitors/patrons as they will be required to load/unload equipment in the existing access easement which is proposed to be used as two-way circulation, while other patrons may be trying to exit or enter the site.

SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby denies Conditional Use Permit, CUP P-2013102.

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ADOPTED this 10th day of June 2015.

LINDA SMITH FROST, CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

Yvonne Hunt
Administrative Secretary

RESOLUTION NO. 2015-P003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP P-2013102 TO ALLOW AN INDOOR BASEBALL TRAINING AND BATTING CAGE FACILITY AT 3609 HAYDEN AVENUE IN THE INDUSTRIAL GENERAL (IG) ZONE

(Conditional Use Permit, CUP P-2013102)

WHEREAS, on July 10, 2013, Sue Jagodzinski of SC Land Use (the "Applicant"), on behalf of Triple Crown Baseball (Operator) filed a Conditional Use Permit application to permit an indoor baseball training and batting practice facility at 3609 Hayden Avenue, in the City of Culver City, County of Los Angeles, State of California; and

WHEREAS, in order to implement the proposed project, approval of the following application is required: a Conditional Use Permit, to ensure compliance with the required standards and City ordinances, and establish all onsite and offsite conditions of approval to reflect the site features and compatibility of the proposed project with the uses on adjoining properties ad uses.

WHEREAS, on November 12, 2014, after conducting a duly noticed public hearing on the subject application, including full consideration of the application, plans, staff report, environmental information and all testimony presented, the Planning Commission by a vote of 5 to 0, continued the matter of Conditional Use Permit, CUP P-2013102, to January 28, 2015; and

WHEREAS, the meeting of January 28, 2015 was cancelled, the item was re-noticed for May 27, 2015, and subsequently rescheduled for June 10, 2015; and

WHEREAS, on June 10, 2015, after conducting a duly noticed public hearing on the subject application, including full consideration of the application, plans, staff report,

1 environmental information and all testimony presented, the Planning Commission by a vote of
2 5 to 0, continued the matter of Conditional Use Permit, CUP P-2013102 to June 24, 2015
3 to allow the business operator additional time to address the concerns previously identified by
4 the Planning Commission; and

5 WHEREAS, on June 24, 2015, after conducting a duly noticed public hearing on the
6 subject application, including full consideration of the application, plans, staff report,
7 environmental information and all testimony presented, the Planning Commission by a vote of
8 ___to ___, approved Conditional Use Permit, CUP P-2013102 and as set forth herein below.

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10 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER
11 CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

12 SECTION 1. Pursuant to the foregoing recitations and the provisions of Culver City
13 Municipal Code (CCMC), the following findings are hereby made:
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15 **Conditional Use Permit:**

16 As outlined in CCMC Title 17, Section 17.530.020, the following required findings for a
17 Conditional Use Permit are hereby made:

18 **A. The proposed use is allowed within the subject zoning district with the approval**
19 **of an Administrative Use Permit or Conditional Use Permit, and complies with all**
20 **other applicable provisions of this Title and the CCMC.**

21 In accordance with CCMC Section 17.230.015 – Industrial District Land Uses and
22 Permit Requirements, Table 2-8 Allowed Uses and Permit Requirements for Industrial
23 and Special Purpose Zoning Districts, the Industrial General (IG) Zone allows the
24 establishment and operation of Indoor amusement/entertainment facilities, further
25 defined in Section 17.700.010 as “establishments providing indoor amusement/
26 entertainment services for a fee or admission charge, including ice skating and roller
27 skating, batting cages, pool and billiard rooms as primary uses, and bowling alleys”,
28 subject to the approval of a Conditional Use Permit (CUP). The proposed facility will
29 occupy an existing building and will not require physical changes to the structure. The
operation has been reviewed for conformance with applicable development standards
and provisions within the Zoning Code, and as conditioned will be in compliance with
applicable standards.

1 **B. The proposed use is consistent with the General Plan and any applicable**
2 **Specific Plan.**

3 The use is allowed in the IG zoning district, which corresponds with the Industrial land
4 use designation subject to the approval of a CUP and is consistent with General Plan
5 Objective 5, which indicates new business opportunities that expand Culver City's
6 economic base and serve the needs of the City's residential and business community.
7 Specifically, Policy 5.C calls for the development of cultural, educational, and
8 entertainment uses that will provide leisure activities for Culver City's residents. The
9 proposed use of an indoor baseball training and batting cage is a unique use that
10 expands the diversity of the City's economic base, and particularly in an area of the
11 City where many properties are converting to creative office and media production
12 use, while creating a recreational and leisure use for residents and local workforce,
13 consistent with the goals of the General Plan. There is no applicable Specific Plan.

14 **C. The design, location, size, and operating characteristics of the proposed use are**
15 **compatible with the existing and future land uses in the vicinity of the subject**
16 **site.**

17 The proposed indoor baseball training/batting cage facility use will be approximately
18 6,900 square feet and designed to provide a maximum of two (2) batting cages, which
19 can accommodate individual practice sessions, as well as group sessions. The
20 proposed operations will limit the hours of operation to off peak hours of the
21 surrounding creative office, media production, and light industrial uses and shall be by
22 appointment only, with no walk-ins allowed. In addition, operations will be limited to
23 one-on-one lessons on weekdays; team lessons shall be limited to Saturdays and
24 Sundays only, when the demand for on-site parking and access for the other on-site
25 businesses is less. Therefore, the number of vehicles entering the site during
26 weekdays will be minimal, and will be none during the regular operating hours of on-
27 site and abutting businesses. By operating during "off-peak" hours in the Hayden
28 Tract, the potential for conflicts with existing land uses on-site and in the surrounding
29 area are eliminated. Although the proposed facility will be open to the public such that
patron visits are a primary component of the business operation, which is in contrast
with the typical operating characteristics of the surrounding uses, these visits will occur
during alternate hours. In addition, on-site vehicular circulation will be limited to use of
two (2) clearly identified parking stalls dedicated for the subject tenant space for the
purpose of dropping-off and picking-up individuals visiting the facility; this will also
eliminate the need to unload/load in the drive aisle (access easement) and potential
circulation conflicts. Additional off-site parking will be secured and made available to
serve demand by employees and other long-term visitors. Off-site parking has
become a common practice for providing code required parking for new uses in the
Hayden Tract; therefore, this operational characteristic will be consistent with patterns
in the surrounding area. There will be no changes to the physical layout of the site.
As proposed and conditioned, the indoor baseball training/batting cage facility will be
compatible with existing and future warehouse, office, and industrial land uses in the
vicinity.

1 **D. The subject site is physically suitable for the type and intensity of use being**
2 **proposed, including access, compatibility with adjoining land uses, shape, size,**
3 **provision of utilities, and the absence of physical constraints.**

4 The site is a rectangular, flat lot, largely covered by the existing building footprint, with
5 angled parking perpendicular to the building and which parking is accessible by means
6 of a reciprocal access agreement with the northerly abutting property. The proposed
7 use of an indoor baseball training and batting cage facility will have limited operations
8 in terms of hours and number of visitors. In addition, the operation will control the
9 amount of on-site vehicle circulation and the number of patrons/visitors on site at any
10 given time by implementation of an appointment based reservation system. The site is
11 physically suitable for the proposed use of an indoor baseball training/batting cage
12 facility such as the proposed operation and as conditioned. There is currently a legal
13 non-conforming parking condition that has been continued in accordance with the
14 provisions of the CCMC, and given the establishment of a use with the same Code
15 required parking the operation would not be required to provide additional parking.
16 However, in order to address expected additional demands with regard to parking,
17 vehicular access/circulation, and loading/unloading for the new use, additional off-site
18 parking will be required to be provided. This will serve to maintain the non-conforming
19 on-site parking, access, and circulation conditions internally manageable. Two (2) on-
20 site parking stalls, accessible by means of the existing easement, will serve as short-
21 term parking for drop-off/pickup, such that the existing access and site conditions are
22 not strained by the proposed use. As conditioned, the site is physically suitable for the
23 proposed, will not create conflicts with adjoining land uses, and will not require the
24 provision of additional utilities nor create a burden on the existing infrastructure and
25 utilities.

18 **E. The establishment, maintenance or operation of the proposed use will not be**
19 **detrimental to the public interest, health, safety, or general welfare, or injurious**
20 **to persons, property, or improvements in the vicinity and zoning district in**
21 **which the property is located.**

21 The proposed use, an indoor baseball training and batting practice facility, will be
22 operated in such a manner that the existing site configuration will be adequate to
23 support the parking and circulation needs, and as conditioned its operation will not
24 present any detriment to the public interest, health, safety or general welfare, or be
25 injurious to persons or property in the surrounding area or subject zoning district.
26 Specifically, the operation will have restricted hours of operation and will be
27 appointment based in order to control and minimize the need for on-site vehicular
28 access and any potential circulation conflicts with the access easement along the
29 northerly property line. In addition, the two (2) on-site parking spaces will be limited to
short-term drop-off/pick-up which will further alleviate potential circulation conflicts,
while additional long-term/employee parking will be provided off-site. In the proposed
operational plan, potential queuing in the access easement will be eliminated as well
as any use of the 20'-0" wide parcel, previously a rail spur, abutting the westerly

1 property line of the subject parcel. By applying the proposed operational
2 standards/restrictions, the potential conflict with the abutting property's existing
3 structure, equipment and trash enclosures, electric vehicle charging stations, etc., will
4 be alleviated. Therefore, the proposed use, as conditioned will operate with regard to
5 the additional on-site and surrounding uses. As conditioned, the establishment,
6 maintenance and operation of the proposed facility will not be detrimental to the public
7 interest, health, safety, or general welfare, or injurious to persons, property, or
8 improvements in the vicinity and zoning district in which the property is located.

9 SECTION 2. Pursuant to the foregoing recitations and findings, the Planning
10 Commission of the City of Culver City, California, hereby approves Conditional Use Permit,
11 CUP P-2013102.

12 ADOPTED this 24th day of June 2015.

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LINDA SMITH FROST, CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

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Yvonne Hunt
Administrative Secretary

EXHIBIT A
RESOLUTION NO. 2015-P003
3609 Hayden Avenue
Case No. CUP-P2013102

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
1.	These Conditions of Approval are being imposed on Triple Crown Baseball Academy to allow the operation of an indoor baseball training and batting cage facility (the "Project"), for the property located at 3609 Hayden Avenue Culver City, CA 90232 (the "Property").	All	Standard	
2.	The land use permit to which these Conditions of Approval apply (the "Land Use Permit") shall expire one year from the date of final approval of said Land Use Permit, if the use has not been exercised. As provided in CCMC Section 15.595.030 – "Time Limits and Extensions", an applicant may request an extension of said expiration date by filing a written request with the Planning Division prior to the expiration of the land use permit.	Planning	Standard	
3.	The Project shall be developed pursuant to CCMC Chapter 17.300 – "General Property Development and Use Standards".	Planning	Standard	
4.	All permits and licenses required in connection with the development or use of the Project shall be applied for and obtained separately.	All	Standard	
5.	Changes to the Project or use approved as part of the Land Use Permit may only be made in accordance with the provisions of CCMC Section 17.595.035 – "Changes to an Approved Project".	Planning	Standard	
6.	The hours of operation of the subject business shall be limited to Monday – Friday 5:30 p.m. to 8:30 p.m.; and Saturday and Sunday 9:00 a.m. to 4:00 p.m.	Planning	Special	
7.	Operations shall be limited to one-on-one lessons on weekdays, with a maximum of 2 students taking lesson at any one time.	Planning	Special	
8.	Team lessons shall be limited to Saturdays and Sundays only with a maximum of one (1) team at any one time.	Planning	Special	
9.	All lessons and training shall be by appointment only, with no walk-ins allowed.	Planning	Special	

EXHIBIT A
RESOLUTION NO. 2015-P003
3609 Hayden Avenue
Case No. CUP-P2013102

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
10.	Lessons shall be scheduled with a minimum 10 minute gap between the end of the prior lesson and the beginning of the next lesson.	Planning	Special	
11.	The two (2) identified parking stalls dedicated for the subject tenant space shall be used for the purpose of dropping-off and picking-up individuals visiting the facility only.	Planning	Special	
12.	The business operator shall secure four (4) additional off-site parking spaces in addition to the two (2) off-site spaces it currently has. A total of six (6) off-site spaces shall be maintained at all times. Two (2) of the off-site spaces shall be used by employees and four (4) spaces shall be made available to parents and patrons.	Planning	Special	
13.	No employee, parent, or patron parking shall be permitted on-site during the weekdays. Employees shall park in the approved off-site parking spaces. Parents and patrons shall park in either the approved off-site parking spaces or in available on-street parking spaces.	Planning	Special	
14.	The business operator shall work with the property management to secure access to on-site spaces not used by existing and/or future businesses during the weekend. If said parking spaces are secured, the business operator shall submit evidence of such to the Planning Manager for review and approval of their use during weekends only.	Planning	Special	
15.	The business operator shall submit a Parking Plan for the required off-site parking and any additional on-site parking secured for weekend use for review and approval by the Planning Manager within 30 days following the effective date of the CUP.	Planning	Special	
16.	The business operator shall post signs at the on-site parking spaces indicating that the spaces are for drop-off/pick-up only. Said signs shall be subject to the approval of the Planning Manager.	Planning	Special	

EXHIBIT A
RESOLUTION NO. 2015-P003
3609 Hayden Avenue
Case No. CUP-P2013102

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
17.	The business operator shall post parking and drop-off/pick-up instructions on the business website and at the building entrance subject the satisfaction of the Planning Manager. In addition, parking and drop-off/pick-up instructions shall be given to parents and patrons upon their first visit to the facility. All users shall sign a waiver upon each appointment acknowledging the parking and drop-off/pick-up procedures.	Planning	Special	
18.	A formal monitoring procedure of the parking and drop-off/pick-up operations shall conducted by a traffic consultant approved by the Planning Manager and the City's Traffic Engineer at six months and 12 months following the effective date of the CUP. The scope of the monitoring procedure shall be reviewed and approved by the Planning Manager and the City's Traffic Engineer. The results of the monitoring shall be forwarded to the Planning Commission by the Planning Manager.	Planning	Special	
19.	The Applicant and Property Owner shall indemnify and agree to defend (at the Applicant's and Property Owner's sole expense, with legal counsel approved by the City) and hold harmless the City, and its elected and appointed officials, officers, employees, agents, contractors and consultants from and against any and all loss, damages, injuries, costs, expenses, liabilities, claims, demands, lawsuits, attorneys' fees and judgments, arising from or in any manner connected to any third party challenge to the City's approval of the Project. The obligations required by this Condition shall be set forth in a written instrument in form and substance acceptable to the City Attorney and signed by the Applicant and the Property Owner.	City Attorney	Standard	

EXHIBIT A
RESOLUTION NO. 2015-P003
3609 Hayden Avenue
Case No. CUP-P2013102

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
20.	The use and development of the Property shall be in substantial conformance with the plans and materials submitted with the application for the Land Use Permit as reviewed by the Planning Commission at its meetings on June 24, 2015, except as modified by these Conditions of Approval.	Planning	Standard	
21.	Pursuant to CCMC Section 17.650.020 - "Inspection", the Property Owner and Applicant shall allow authorized City officials, or their designees, access to the Property where there is reasonable cause to believe the Property is not in compliance with these Conditions of Approval or other requirements of the CCMC.	All	Standard	
22.	All graffiti shall be removed from the Property within 48 hours of its application.	Building/ Planning/ Public Works	Standard	
23.	The Property shall be maintained daily so that it is free of trash and litter.	Planning	Standard	
24.	The use and development of the Property shall comply with these Conditions of Approval and all applicable local, special district or authority, county, state and federal statutes, codes, standards, and regulations including, but not limited to, Building Division, Fire Department, Planning Division and Public Works Department requirements, and shall comply with all applicable CCMC requirements and all comments made during the City's building permit plan check review process. Failure to comply with said Conditions, statutes, codes, standards, and regulations may result in reconstruction work, demolition, stop work orders, withholding of certificate of occupancy, revocation of land use permit approval and/or any other lawful action the City might deem reasonable and appropriate to bring about compliance.	All	Standard	

EXHIBIT A
RESOLUTION NO. 2015-P003
3609 Hayden Avenue
Case No. CUP-P2013102

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
25.	No birthday parties, team events, group meetings, and/or other similar uses shall be permitted on weekdays.	Planning	Special	
26.	Prior to operating the business, the business operator shall submit "as-built" plans to the Building Division for review and approval. The business shall not operate until the Building Division has issued a Certificate of Occupancy or signed off on final inspection for the tenant space to be occupied for the proposed use.	Planning/ Building	Special	
27.	Prior to operating the business, the business operator shall obtain a Business Tax Certificate for the proposed use from the City's Finance Department.	Planning/ Finance	Special	
28.	Pursuant to Zoning Code Chapter 17.660, the Conditional Use Permit may be revoked or modified if the conditions of approval herein are not complied with or if there are adverse impacts to the surrounding community or safety issues result from operations of the use. Prior to any such revocation, timely notice and response opportunities shall be given to the Applicant.	Planning	Special	



TRIPLE CROWN BASEBALL CONDITIONAL USES:

1. MONDAY- FRIDAY 5:30 PM- 8:30 PM HOURS OF OPERATION.
2. SATURDAY & SUNDAY 9AM-4PM HOURS OF OPERATION.
3. TCBA CLIENTS WILL ONLY PARK IN ASSIGNED TCBA PARKING SPOTS. SPACES WILL BE CLEARLY MARKED.
4. ALL LESSONS WILL BE SCHEDULED AND THERE WILL BE NO WALK INS.
5. WEEKDAY LESSONS WILL ONLY BE 1ON1 SESSIONS WITH INSTRUCTORS, WITH A MAXIMUM OF 2 STUDENTS TAKING LESSONS AT ANY ONE TIME (*i.e.* IF TWO STUDENTS, THEN TWO INSTRUCTORS).
6. TEAM LESSONS WILL ONLY OCCUR ON WEEKENDS WITH A MAXIMUM OF (1) TEAM (20 PLAYERS) AT ANY ONE TIME.
7. IF THERE ARE NO TCBA SPOTS AVAILABLE, CLIENTS WILL BE DROPPED OFF AT FRONT OF THE BUILDING ON HAYDEN AVENUE IN A DESIGNATED LOADING AREA.
8. NO VEHICLE QUEUING OR DROP-OFF/PICK-UP WILL BE ALLOWED WITHIN THE EASEMENT AT ANY TIME.

REGULAR MEETING OF THE
PLANNING COMMISSION
CULVER CITY, CALIFORNIA

June 10, 2015
7:00 p.m.

Call to Order & Roll Call

Chair Smith Frost called the meeting of the Planning Commission to order at 7:01 p.m.

Present: Linda Smith Frost, Chair
Kevin Lachoff, Vice Chair
Dana Amy Sayles, Commissioner
David VonCannon, Commissioner
Scott Wyant, Commissioner

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Pledge of Allegiance

The Pledge of Allegiance was led by Thomas Gorham.

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Comments for Items NOT on the Agenda

Chair Smith-Frost invited public input.

No cards were received and no speakers came forward.

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Public Hearings

Item PH-1

Conditional Use Permit CUP P-2013102: Request to permit an indoor Baseball Training and Batting Cage Facility at 3609 Hayden Avenue

Thomas Gorham, Planning Manager, provided a summary of the material of record.

Discussion ensued between staff and Commissioners regarding clarification that the applicant had requested the continuance; the Commission had not made specific requests, rather the applicant offered to make changes to address issues; the original motion to deny; traffic drop off and circulation patterns; alternative proposals; procedures if the Commission chooses to deny; code enforcement; remedies available to the City; continuing operation; recourse of the City; concerns of adjacent property owners; specific operational issues; and evidence of business operation on the internet.

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

Chair Smith-Frost invited public participation.

The following member of the audience addressed the Commission:

Danny Schwartz, owner, provided background on the project; indicted that they were not operating or accepting money, and do not have a business license; he reported hiring an expediting company called Southern California Landuse that has not delivered on their promises; he requested a continuance to enable him to work with Thomas Gorham to come to an agreement on conditions acceptable to the City and surrounding properties; and he discussed information he had provided to his expeditor that was not forwarded to the City.

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

Discussion ensued between staff, Commissioners and Mr. Schwartz regarding contact between the expeditor and the City; financial hardship; the initial initiation of dialogue by the owner; the requested postponement; the reason for the delays; clarification that the item would have to come back if the Commission wants to approve it in order to craft conditions of approval; the desire for a meeting between staff and the owner; review by the Traffic Engineer; the original intent to allow the owner to try to address issues; the need for a public promise from Mr. Schwartz to stop all operations; the fact that activity is taking place whether or not money has exchanged

hands; the responsibility of the applicant to take control of their own project; the previous urgency and desire to expedite the matter by the owner; acknowledgement of the investment; concern that the owner is operating without permission; the desire to have matters resolved quickly; correspondence to the contrary of what has been said; and postponing to a date certain.

MOVED BY COMMISSIONER LACHOFF, SECONDED BY COMMISSIONER VONCANNON AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION: CONTINUE THE ITEM TO JUNE 24, 2015 WITH THE PROVISIO THAT THE PLANNING COMMISSION ACKNOWLEDGES THE VERBAL COMMITMENT FROM DANNY SCHWARTZ TO PADLOCK THE DOORS AND NOT USE THE BUSINESS UNTIL A DECISION HAS BEEN MADE BY THE PLANNING COMMISSION.

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Consent Calendar

Item C-1

Meeting Minutes

MOVED BY COMMISSIONER SAYLES, SECONDED BY COMMISSIONER WYANT AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION APPROVE THE MINUTES FOR THE APRIL 8, 2015 PLANNING COMMISSION MEETING.

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Items from Staff

Thomas Gorham, Planning Manager, provided an update on upcoming meetings and agenda items.

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Items from Planning Commissioners

None.

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Adjournment

There being no further business, at 7:38 p.m., the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, June 24, 2015, at 7:00 p.m.

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YVONNE D. HUNT
SECRETARY of the CULVER CITY PLANNING COMMISSION

APPROVED _____

LINDA SMITH FROST
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.

Martin R. Cole
CITY CLERK

Date