

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

October 12, 2011
7:00 p.m.

Call to Order & Roll Call

The meeting of the Planning Commission was called to order
at 7:02 p.m.

Present: Anthony Pleskow, Chair
Scott Wyant, Vice Chair
John Kuechle, Commissioner
Linda Smith Frost, Commissioner

Absent: Marcus Tiggs, Commissioner (excused)

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Pledge of Allegiance

Carol Schwab, City Attorney, led the Pledge of Allegiance.

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Comments for Items NOT on the Agenda

Chair Pleskow invited public participation

No cards were received and no speakers came forward.

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Action Items

Item A-1

**Study Session - Consideration of Zoning Code Text
Amendments Affecting Residential Accessory Structures and
Residential Non-Conforming Structures**

Sol Blumenfeld, Community Development Director, provided a
summary of the material of record.

Thomas Gorham, Planning Manager, discussed the
nonconforming section of the code and accessory structures.

A discussion ensued between staff and Commissioners regarding primary setbacks; the ten-foot minimum setback from the rear; lot coverage and accessory structures vs. primary structures; relationships between constructed square footage and lot size; flexibility; using the existing house as a gauge; definition of an accessory structure; allowing a wet bar; definition of a kitchen; clarification regarding the covenant and consequences for violation; focusing on prevention rather than abatement; defining the additional space; second story additions to accessory structures; and clarification on the jog.

Chair Pleskow invited public participation.

The following speakers addressed the Planning Commission:

Lyndon Stambler read a written comment submitted by Terry Silberman.

Linda Moore indicated a desire for extra space; expressed concern with the impacts of proposed changes to properties with smaller lots; and she felt that the neighborhood should not have to be the enforcers of the code.

Hope Jacobson noted that due to the poor economy, families needed the ability to add space to accommodate extended family; she discussed mother-in-law accessory units; issues with new construction by her neighbor; and her solution to put a second story on her garage to block the neighbors from looking into her yard.

Lyndon Stambler reported issues with an accessory structure built by his neighbor; felt that Mr. Blumenfeld had withheld pertinent information from the City Council and misrepresented the facts; expressed concern that City Planners were trying to make the zoning codes fit the structure; expressed concern with homeowners who do not abide by the rules and lack of enforcement by the City; discussed a petition signed by neighbors setting forth general principles; and he questioned how changing the code would make a difference if current codes are not enforced.

Eleanor Osgood felt that reasonably sized accessory structures were important; expressed concern when accessory structures are out of proportion with neighboring structures and eliminate light and privacy; discussed the

importance of design; and she wanted to see design guidelines for neighborhood structures.

Sol Blumenfeld, Community Development Director, clarified the purpose of the hearing noting that it is about issues pertaining to the policies on accessory structures and non-conforming structures, and he discussed the dispute between the Stambler and the accessory structure built on Vinton.

Teresa Atias felt that a shower should be allowed in accessory structures.

Diane Davis questioned how many bathtubs were allowed in accessory structures noting that the accessory structure on Vinton has two full bathrooms; she questioned what a recreation room could be used for; and she asked about enforcement of the covenants.

Lyn Silman discussed the process for the 4259 Vinton addition and concern with illegal action; she asserted that the dwelling was being rented out; noted that the garage had been converted to a living room; expressed concern with loss of privacy; and she asked about follow up after a certificate of occupancy has been issued.

Sol Blumenfeld, Community Development Director, discussed enforcement; covenants; City policies; code enforcement; the abatement process; and he asserted that the comments regarding the Vinton property were not relevant to the item being discussed.

Thomas Gorham, Planning Manager, read a written comment submitted by:

Tom Camarella

MOVED BY COMMISSIONER KUECHLE, SECONDED BY VICE CHAIR WYANT, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER TIGGS) THAT THE PLANNING COMMISSION CLOSE THE PUBLIC COMMENT PERIOD.

A discussion ensued between staff and the Commission regarding the challenge of weighing competing considerations; setting up enforceable rules; concern with rules that encourage conversion of R-1 lots into R-2 properties; homeowners who can add on to their house vs. those who add on over their garages; nonconforming uses;

limiting encroachments; not allowing someone to do something in two steps that would not be allowed in one step; staff's interpretation of the code; how to allow people to reasonably expand but not build second dwelling units; formulating enforceable rules; covenants and rental uses; making it harder to convert to an illegal unit; disallowing additions on the floor above; rental agreements; examples of City prosecution of illegal units; the number of cases pursued; owner abatement of conditions; concern with allowing someone with an attached garage the ability to add on as someone can do to their house; length of time for prosecution; and the 2005 code update regarding extra parking requirements for a certain number of bedrooms vs. current parking requirements.

Carol Schwab, City Attorney, clarified the length of time for prosecution; discussed code enforcement and effectiveness; and she clarified that violating the zoning code is a misdemeanor.

Further discussion between staff and Commissioners ensued regarding whether penalties are described when the covenants are signed; adding language to the covenants regarding criminal and civil penalties; the zoning code definition of a bedroom; correlation to lot-size; size and concern with intruding on neighbors in terms of privacy, view, air and daylight; maintaining the distinction between primary and accessory units; building envelopes and setbacks; percentage of open area and open space requirements; lot coverage; the Vinton accessory unit; lot size considerations; total square footage; concern with changing setback requirements and creating non-conforming conditions; using the existing setback as a benchmark; concern with decreasing build-able area; addressing illegal use issues with respect to accessory structures; privacy and aesthetic issues; massing; location of mass; whether the important issue is usage or neighbor intrusion; disagreement with removal of the bathroom; maximum size of the entire accessory building; primary structure setbacks; eliminating the stepping setback; using a two-step process; changes to the code over the years; ground level construction vs. the second story; cost benefits of leaving the structure in place vs. visual impacts to neighbors; a suggestion that limiting the size of the structure could help with setbacks; construction costs to move existing structures; and existing accessory structures.

Additional discussion ensued between staff and the Commission regarding Commissioner consensus; non-conforming structures; floor area limitations; notification to neighbors; administrative costs; the public process; courtesy; accessory structure setback requirements; treating the accessory structure differently than the main house; existing non-conforming structures; clarification regarding changes in the law; the feeling that accessory structures generally become living units; pre-destined code enforcement issues; neighbor issues; proximity to property line; illegal units; resolving issues; denying additions; a suggestion that limiting the size of the structure could address massing issues; bathrooms in accessory structures; an 800 square foot maximum limit no matter the size of the main structure; prohibiting illegal second units; enforcement difficulties of second story units; ensuring that the unit remains an accessory to the main unit; getting an idea of what illegal units in the City have in terms of bathrooms and kitchen facilities; the letter from Dino Parks; concern with imposing onerous conditions; concern with allowing a wet bar; covenant language to outline the ramifications of non-compliance; next steps in the process; a restriction for increased set backs in the primary dwelling; and a request for public input regarding bathrooms, massing, illegal units, second story limits, and setback issues.

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Consent Calendar

Item C-1

Secretary's Report

MOVED BY COMMISSIONER KUECHLE, SECONDED BY COMMISSIONER SMITH FROST, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER TIGGS) THAT THE PLANNING 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

MOVED BY VICE CHAIR WYANT, SECONDED BY COMMISSIONER SMITH
FROST, AND UNANIMOUSLY CARRIED (ABSENT COMMISSIONER TIGGS)
THAT THE PLANNING COMMISSION APPROVE THE MEETING MINUTES OF
JULY 13, 2011.

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Items from Staff

Thomas Gorham, Planning Manager, discussed the schedule of
upcoming meetings and agenda items.

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Items from Commissioners

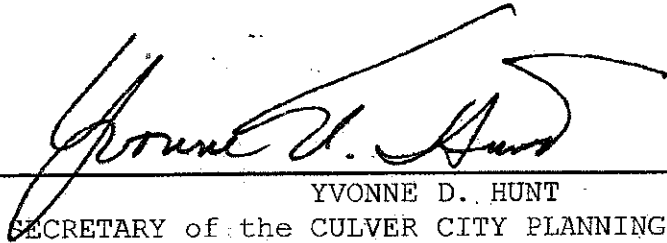
None.

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Adjournment

There being no further business, at 9:51 p.m. the Culver
City Planning Commission adjourned to the next regular
meeting on Wednesday, November 9, 2011, at 7:00 p.m. in the
Mike Balkman Council Chambers.

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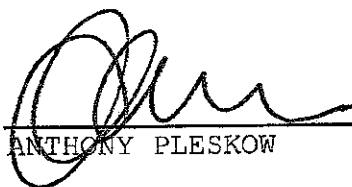


YVONNE D. HUNT

SECRETARY of the CULVER CITY PLANNING COMMISSION

APPROVED

12/14/2011



ANTHONY PLESKOW

October 12, 2011

CHAIR of the CULVER CITY PLANNING COMMISSION
City of 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, City of Culver City, California and constitute the Official Minutes of said meeting.

Martin R. Cole
CITY CLERK

1-24-12

Date

By:



Ela Valladares.
Deputy City Clerk
