

REGULAR MEETING OF THE
PLANNING COMMISSION
CULVER CITY, CALIFORNIA

September 16, 2015
7:00 p.m.

Call to Order & Roll Call

Chair Lachoff called the meeting of the Planning Commission to order at 7:06 p.m.

Present: Kevin Lachoff, Chair
David VonCannon, Vice Chair
Ed Ogosta, Commissioner
Dana Amy Sayles, 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 Lachoff invited public input.

No cards were received and no speakers came forward.

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Action Items

Item A-1

(1) Discussion of the Subject of Large Single Family Developments ("Mansionization") in the City and (2) Direction to the Staff on Potential Regulatory Measures

Chair Lachoff reminded everyone that the Commission did not have the authority to enact a moratorium; he discussed prior study sessions; Commission inclination; expressed appreciation to staff for their work; he noted that the recommendations continued to keep them in line with best practices of other communities; and acknowledged the affects of proposed changes to residents across the City.

Heather Baker, Assistant to the City Attorney, discussed concerns regarding conflicts of interest; the task of the Commission; the Public Generally Exception; affects to development potential; and she indicated that it had been determined that there was no legal conflict of interest triggered for any members of the Planning Commission or the City Council.

Sol Blumenfeld, Community Development Director, provided a summary of the material of record; discussed what other local jurisdictions are doing; net developable area; addressing privacy issues; side yard options and regulating larger single-family homes.

Thomas Gorham, Planning Manager, summarized proposed text changes as previously proposed by the Planning Commission; discussed possible repercussions; and he compared different lot sizes and what current regulations allow vs. what would be allowable with the proposed changes.

Commissioner Sayles received clarification regarding accessory structures; teardowns vs. remodels; and the definition of remodels.

Chair Lachoff invited public comment.

The following members of the audience addressed the Commission:

Timothy Lowe expressed support for an independent study and a moratorium; noted that the Commission had the ability to recommend those actions to the City Council; discussed research; noted that he is a commercial real estate appraiser; discussed existing conditions; the number of single family residences in the City; average home, FAR and lot size; the magnitude of the change going on in the City; he stated that 68% of all the homes range between .18 - .35 with the top 10% having an FAR of greater than .37; he referenced comments made by Commissioners that the issue is complex noting that an independent analysis is necessary; and he noted that a

moratorium would not stop the process but would rather subject large projects to public input and approval.

Eric Spies wanted to retain the right to build a multi-generational dwelling; discussed nearby transit oriented developments; impacts to traffic in the neighborhood; and he asked that the issue of R-1 and R-2 properties be separated.

Ross Hawkins expressed concern with rehab facilities in the City; the City's ability to regulate community care facilities; and he urged the City to make sure that facilities not be permitted to transition without the City's input to protect its residents.

Philip Lilyveld discussed the assertion that large homes were needed to accommodate Millennials; he provided information from Real Estate Magazine on *What Millennials Want*; discussed the unfortunate use of the term mansionization; the focus on size; rules governing light, air circulation and privacy to balance existing codes that allow one neighbor to take those things from others; he wanted to see a balanced process that would accommodate the most people; discussed public comments; the need for community outreach and data gathering; the 2014 Housing Element Update; the need for a comprehensive review of residential building codes; preserving the character, quality and scale of residential neighborhoods; translating the objectives into action; he encouraged the Commission to reconsider recommending a comprehensive review to the City Council with an outside consultant; noted the need to gather data on what people want in their neighborhoods; and inevitable changes to residential areas.

Ken Mand discussed the conflict in zoning designation in his neighborhood; he wanted the Commission to recommend that signage be placed on properties in development to indicate that properties are up for public review by the neighbors regarding how they will be impacted; he reported an issue with a friend who is being evicted so that the landlord can make changes to his property before any changes are made to address mansionization; and he expressed concern that instances like that would continue until actions are taken by the City.

Iain Gulin expressed appreciation to staff for the release of information but indicated that more was needed; he presented data that he had gathered regarding development in the City; comparisons between existing FAR vs. FAR after construction; expressed concern that the most problematic homes would not be

affected by proposed changes; he observed that it is now a City-wide problem; discussed the misalignment of the Commission view vs. public opinion; and he expressed concern with the staff misrepresentation of public opinion.

John Kuechle asked the Commission to reconsider their support of expanding the side and rear yard setbacks; he discussed underestimating the difficulty of homeowners if most of the lots in the City become non-conforming; issues with addressing non-conforming conditions; permits; the process; expenses; concern that issues can not be addressed by tweaks to the code; the impact on immovable improvements; and he strongly encouraged the Planning Commission not to impose requirements that would make most of the City non-conforming in an effort to prevent mansionization.

Staff read comments submitted by:

Jennifer Chen

Troy Jackson expressed support for comments made by Mr. Kuechle; concern with the accuracy of the data presented; he provided examples of markedly reduced habitable areas that could result from the proposed changes; discussed roof slope; and adding a third floor for storage that does not count in the total square footage.

Stephen Erickson, Living Culver Neighborhood Action Coalition, commented on the slide of the three story house presented by the previous speaker; expressed support for a moratorium to handle the complicated nature of the issue; discussed the need for an outside consultant to address the issue properly; he reported that 18 mansions had been approved in Carlson Park this year; discussed awareness; legal consequences for the City; and he felt that investing in doing the job properly would benefit the City in the long run.

Mark Ambrose discussed zoning in Los Angeles; he suggested limiting consideration to R-1 properties; he proposed that plans require approval before properties are torn down; he questioned how many stories would be allowed if 7 foot ceilings are used; and he expressed concern with developers rushing to get projects approved before a moratorium.

Mary Anne Thomas recommended careful consideration of protections for residents from developments that are not in accord with the neighborhood; noted that careful regulations

are necessary; discussed issues with long-time evictions in Venice; she urged the Commission to take the opportunity to protect residents; and noted that profit was compelling development.

Staff read comments submitted by:

Victoria Manley
Paula Carlson
Michael Yuen

Discussion ensued between staff and Commissioners regarding the FAR figures cited by Timothy Lowe; the number of houses in Carlson Park; the number of houses affected by development; differing numbers; signage; courtesy notifications to the neighbors; non-conforming structures; potential unforeseen circumstances; clarifying what is considered a remodel; the building code; building inspectors; review of conditions; harmonizing requirements between building and planning codes; habitable space and ceiling height; storage; height and mass; volume; methods to ensure that storage spaces are not turned into living spaces; potential measures to consider; and process.

Commissioner Sayles discussed research and trends; she provided a copy of a table to Commissioners; read an excerpt from an article from May 19, 2015 from the National Association of Home Builders and a blog by Moya K. Mason called *Housing Then and Now*; she asserted that what Culver City is experiencing is nothing more than other cities are experiencing; discussed the increase in average home size; national trends; and living space.

Additional discussion ensued between staff and Commissioners regarding consolidating Commissioner opinions into a matrix; The Brown Act; confirming bullet points; whether the matrix still reflects Commissioner concerns; staff suggestions for recommended code changes; increased building setbacks and side yards; rear yards; review of properties subject to the legal non-conforming ordinance; required setbacks; providing incentives to builders; allowing the garage and driveway to be part of the setback; inclusion of the garage in the FAR; preserving privacy and neighborhood look and feel; concern with penalizing someone for having an attached garage; requiring an additional foot on the side yards if there is an attached garage; standard 10 foot separation; promoting standards seen in other places; concern with mandating detached garages; the

interplay between the FAR and setbacks; the cumulative effect of requirements; concern with creating something that is overly reactive; incentivizing maintaining a one story building with a 10 foot rear yard setback; reducing the number of existing non-conforming situations; evaluating a 20 foot setback which is consistent with other cities; required building separation; starting with a theoretical maximum; providing incentives to create more space; actions of Beverly Hills; concern with equity and fairness; clarification that garages do not count as habitable space; concern with changing the characteristics of the neighborhood; the rear garage driveway model; impacts to curb level parking; length of the driveway; curb cuts; street parking; the importance of rear yard setbacks; keeping homes further toward the street; major intrusion; presenting options to the homeowner/builder; improving privacy; allowable height for fences between houses; a suggestion that a larger than required side yard should warrant that the garage square footage be excluded; parking in front of the garage; maintaining the existing minimum of 20 feet in front of the garage; parking options; requirements vs. options; height limits; the difficulty of plan check with variations on regulations; accessory structures; concern with implications; and staff review of requirements.

Further discussion ensued between staff and Commissioners regarding discouraging second stories; building to the entire envelope; lot coverage; allowable square footage for the second floor; providing setbacks and reducing massing; absolute requirements resulting in uniform design; the cumulative effect of each restriction; architectural choices; difficulty of stepping back the sides on the second story; respecting the average height on the block; concern with restricting design and creativity; the use of second floor balconies; upper story decks; articulation; applying the percentage reduction in the front of the building; clarification that decks would not be prohibited; an observation that other cities have a provision that if there is no step back on the second floor the set back on the ground is increased; design guidelines in multi-family zones; clarification that there are no restrictions in the code on upper story decks; front modulation; ensuring that there is not large front massing facing the street; corner lots; mitigating the potential for step back areas to be utilized as occupy-able area; trading off step back for set back; and concern with a wedding cake appearance.

The Planning Commission took a brief recess from 9:57 p.m. to 10:09 p.m.

Staff provided visual examples of set back vs. step back.

Discussion continued between staff and Commissioners regarding concern with a large blank wall even with a large set back; architectural features; what constitutes articulation; incentivizing articulation; requiring a 25 foot setback if the second floor is not stepped back; buildable area of the first floor; clarification that the reduction in height brings down the massing on a flat roof structure; disincentivizing areas that impact other people; concern with a blanket FAR and making large lots more permissible; the recommendation not to change the current calculation for 8,000 square feet or larger; and the staff recommendation to keep figures at 1,500 +40% for R-2 and R-3; the potential developable pad on larger lots; height limits vs. how many stories a building contains; the current code; habitable space; concern with over massing; mezzanines; definitions of what constitutes a story; and instances with a combination of roofs.

General Commission consensus was achieved for side yard setbacks of 5 feet; an increase to rear yard setbacks from 10 to 15 feet; an incentive of not including the garage area in the FAR for detached garages built at the rear of the property; anything greater than 12 feet for a one story home would have to have an additional setback requirement; including 100% of the attached garage as part of the FAR; support for a .6 FAR; a 20 foot setback if there is a five foot step back on the second floor, if there is not a 5 foot step back on the second floor then a 25 foot setback as required with no 75% requirement for the second floor; excluding basements from ground floor calculations; height limits of 30 feet for a sloped roof and 26 for a flat roof; and agreement not to apply changes to R-2 and R-3 zones.

Additional discussion ensued between staff and Commissioners regarding the matrix list; policy; items addressed; proportionality of the second floor; corner lot regulations; surveys prior to teardowns; accessory structure limits; building coverage restrictions; privacy issues; shade and shadow; reduced building height; discouraging lot assembly; teardown limitations; average prevailing front setbacks on the block; side setbacks for the second floor; sample FAR and impacted neighborhoods; overall numbers in neighborhoods; scheduling and the process; monitoring of large home permits; whether to enact a moratorium; applying standards to all R-1 zones in neighborhoods; neighborhood guidelines; discretionary actions; outside consultants; legal non-conforming impacts;

incentives to use the driveway along the side yard; separate thresholds for smaller lots; notification and signage for the neighbors; courtesy notices vs. physically posting a sign on the property; notification for legal non-conforming structures; construction rules; notification of immediate neighbors for a 50% addition or all new construction; state mandates; sun access for solar panels and solar collectors; CEQA mandates; front entry for corner lots; character defining features of the home; two sided articulations; minimum distance of the garage from the corner; agreement by staff to bring back additional information; a suggestion from staff that they provide a draft resolution for approval; trying to keep to the schedule; concern that the need for a moratorium has not been addressed; the number of permits over the last 4 years; the complicated nature of the issue; Commissioner qualifications and purview; staff competency; encouragement to residents to talk to neighbors about concerns; and the time involved with using a consultant.

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Public Comment for Items Not on the Agenda

Chair Lachoff invited public comment.

The following members of the audience addressed the Commission:

Mark Ambrose discussed hiring a consultant; garages; incentivizing wider setbacks; unintended consequences; loopholes; balconies; leaks; and Google Earth.

Ken Mand questioned why the R-2 issue was not being addressed at all and he expressed concern that developers would be pushed into R-2 areas.

Chair Lachoff indicated that the Commission was not asked to consider R-2 and could not discuss it as it was not agendaized and no notice was provided to R-2 owners.

Troy Jackson asked about projects already in progress and the ability of the Commission to make recommendations.

Sol Blumenfeld, Community Development Director, noted that the issue is a City Council and policy issue; he clarified that the Commission can make recommendations; he discussed the mixed use ordinance; and the complicated nature of the process.

Discussion ensued between staff and Commissioners regarding the City's established vesting policy; current regulations when the permit was submitted; and language in the code regarding projects in process.

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Consent Calendar

Item C-1

Meeting Minutes

MOVED BY COMMISSIONER WYANT, SECONDED BY VICE CHAIR VONCANNON AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION APPROVE MINUTES FOR THE MEETING OF AUGUST 26, 2015.

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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

Vice Chair VonCannon thanked staff for their hard work and the members of the public for their input.

Commissioner Sayles expressed appreciation to La Ballona Elementary School for their celebration of Mexican Independence Day.

Chair Lachoff thanked La Ballona for their program as well.

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Adjournment

There being no further business, at 11:11 p.m., the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, October 14, 2015, at 7:00 p.m.

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YVONNE D. HUNT
SECRETARY of the CULVER CITY PLANNING COMMISSION

APPROVED _____

KEVIN LACHOFF
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