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REGULAR MEETING OF THE
PLANNING COMMISSION
CULVER CITY, CALIFORNIA

January 12, 2005
7:00 P.M.
Mike Balkman Council Chambers

MEMBERS PRESENT: D. Scott Malsin, Chair
Maureen M. Muranaka, Commissioner
Sheila M. Thomas, Commissioner
Marcus Tiggs, Commissioner

ADVISORY PRESENT: Mark Wardlaw, Deputy Community Development Director
Sherry Jordan, Senior Planner
Thomas Gorham, Senior Planner
Jose Mendivil, Assistant Planner
Masa Alkire, Associate Planner
Joseph Montoya, Associate Planner
Bryn Morley, Special Counsel
Sammy Romo, Traffic Engineer
Andy O'Connell, Senior Civil Engineer

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CALL TO ORDER

Chair Malsin called the meeting to order at 7:03 p.m.
The Pledge of Allegiance was led by Alexandra Howard, Assistant Planner.
Roll Call: Thomas, Muranaka, Tiggs, Malsin present.

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ANNOUNCEMENTS

Chair Malsin announced that Jim Lamm, Vice-Chair of the Planning Commission, resigned his position effective as of this meeting due to various personal, family, and health reasons. He noted he will be missed and has been a terrific participant in the Commission's discussions.

Mr. Wardlaw announced that Ms. Alexandra Howard will be leaving the Planning Division to pursue her career as an Associate Planner in Washington County, Oregon. She has been a productive, thorough and innovative staff member and has worked very hard on a number of controversial projects and will be missed.

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PUBLIC COMMENT

None.

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PUBLIC HEARING

PH-1. Site Plan Review, Tentative Tract Map and Negative Declaration for Eight Unit Residential Condominium, 4067 and 4073 Lincoln Avenue.

Moved by Commissioner Thomas, seconded by Commissioner Tiggs and unanimously approved, to receive and file affidavit of mailing of notices.

Mr. Alkire presented the staff report.

Chair Malsin declared the Public Hearing open.

Tom Yuge, the applicant's representative, indicated they have reviewed the staff report, concur with and accept the findings and Conditions of Approval.

Chair Malsin called on speakers who submitted comment cards.

Ms. Androtti, Lincoln Avenue resident, requested the Commissioners keep in mind the need for the City's infrastructure to stay abreast of or be ahead of planned developments. She indicated she would like to see improved mass transportation in Culver City and suggested the Commission always consider green space and traffic.

Dan Haley, Ted Okasinski, Melanie Bender and Craig Fraulino opposed the project, voicing concern it will more densely populate the area, increase traffic, compound parking problems, and create an urbanized neighborhood. Mr. Fraulino indicated the area is a small-scale authentic 1940's residential neighborhood which has been the subject of numerous studies by urban planners and it deserves special treatment that will capitalize on what exists there now.

Jane Shulman, Lincoln Avenue resident representing a number of homeowners in close proximity to the project, said they are not opposed to development on Lincoln Avenue but are concerned about the design of the proposed project, saying those concerns were addressed directly with the developer, who has been unwilling to consider any modifications to his plan. She asserted that the proposed development fails to respect, protect, and preserve the character, atmosphere, and amenity of the surrounding neighborhood and Culver City as a whole and noted, if allowed to go forward, it will set precedent for similar projects, negatively affecting Culver City's desirability as a community and compromising property values.

Chair Malsin advised that a letter containing approximately 50 signatories expressing disapproval of the condominium was received. It indicated the neighborhood is being

destroyed by numerous multi-unit structures and urged the Commission to help preserve their quiet neighborhood environment by voting not to approve this project.

Chair Malsin requested staff's response.

Mr. Alkire

- *Research indicates the area was zoned R-4 prior to 1937.*
- *There is no real uniform style to the multifamily structures on the block.*
- *The lot tie is actually a subdivision action to merge the two parcels, resulting in two separate buildings with eight units and one access rather than two, four-unit structures with individual driveways.*
- *Staff engaged in a preliminary project review process with the architect in an attempt to minimize impacts to adjacent neighbors.*

Chair Malsin closed the Public Hearing.

Commissioner Thomas moved, seconded by Commissioner Tiggs and unanimously approved, to receive and file the correspondence.

Chair Malsin asked for Commissioners' comments.

Commissioner Tiggs

- The neighbors' concerns regarding the proposed design are very valid and compelling; it would be appropriate for staff to give more thought to providing ample opportunity for residents to interact with developers and discuss proposed projects.
- The area is zoned for multi-residential so the Commission has no authority to prohibit the project.
- The fact that this is a condominium development rather than an apartment provides a stake in ownership, and, hopefully, the buyers will be interested in preserving the quiet residential character of the neighborhood.

Commissioner Muranaka

- Inquired whether there were any concessions made at the meeting on January 5th between the developer and the neighbors.
- The entire block has been zoned R-4 for many years and it would be inequitable to prohibit a property owner from developing to whatever density that zoning designation allows. Since the Commission is constrained from denying the application, design concessions can and should be explored thoroughly.
- The applicant in good faith submitted his application, went through the entire preliminary project review phase and, albeit belatedly, met with the neighbors so it would be unfair to impose major structural changes upon him; however, an easy alteration that addresses some of the aesthetics but does not create an economic hardship on the applicant would be a change to the color scheme.

Commissioner Thomas

- It is in the purview of the City's Planning Division and the Commission to take into consideration this is a special area with many historic structures in the vicinity and setting higher standards for the City's historic neighborhoods will serve to invite good architecture to Culver City.
- This is a neighborhood in transition due to the goals outlined in the General Plan and, in compliance with that, it should be anticipated that all R-4 lots in the City will go to their maximum density over some period of time.
- There are issues of design with this particular project that should be addressed; however, the very examples provided of other structures on the block makes it difficult to agree that this project is actually worse because there are some even less attractive buildings in that neighborhood.
- Although the two lots are being joined, the building is structured to provide the appearance of two, four-unit structures and some of the aesthetic concerns might be addressed without major architectural changes by using different materials, better articulation on the lower ends of the facades or some base foundation articulation which would bring the design more into character with the surrounding neighborhood.
- A neutral color palette more consistent with the architectural style of the period and the use of complementary accent colors as well as similar rather than identical colors for each of the buildings would help break up the volume. Compatible shades of gray, beige, or another primary color could be used for the mass of one building and accent of the other so that the buildings appear to have a relationship but are not exact replicas of one another.
- Palm trees are not strong enough to create adequate screening for the buildings. Tall columnar trees, such as evergreens, that would grow to the height of the buildings and project enough mass to break up the appearance would be a better landscaping choice.
- Insert in No. 16 of the Resolution the inclusion of at least four, 24-inch box specimen sized trees to the front yard of each structure.
- Insert between No's. 16 and 17 something to the effect that the primary and accent colors for both buildings be consistent with the existing historical character of buildings in that area and are subject to the approval of the Planning Manager; and, require an additional review of facade treatments to further enhance the uniqueness and create greater human scale at street level.
- Change the language in No. 28 to indicate construction, dirt hauling, and delivery of materials are limited from 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. Saturday.

Chair Malsin

- Expressed concurrence with the previous comments and noted he is very pleased the Commission agrees it is worthwhile to explore, as well as try to accommodate some of the aesthetic concerns of the neighbors.
- The City would do a great service to its citizenry by considering ways to provide incentives to encourage developers to create more interesting, higher quality projects that would be to the credit of Culver City.

- Since there is no basis on which to justify denial of this application, he urged the developer to entertain some of the foregoing comments in good faith and recognize the desire of the surrounding neighbors to have a pleasant environment in which to reside.

Commissioner Tiggs moved, seconded by Commissioner Muranaka and unanimously approved, to adopt a Negative Declaration finding for the project.

Commissioner Muranaka moved, seconded by Commissioner Thomas, to approve Site Plan Review, SPR P-2004131, and Tentative Tract Map, TTM P-2004132 (Tentative Tract Map No. 61845) subject to the amended Conditions of Approval listed in Resolution No. 2005-P001. The motion carried 4:0.

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PH-2. Conditional Use Permit Modification, Site Plan Review, Historic Preservation Certificate of Appropriateness and Mitigated Negative Declaration for Echo Horizon School, 3430 McManus Avenue.

Commissioner Tiggs moved, seconded by Commissioner Muranaka and unanimously approved, to receive and file the affidavit of mailing of notices.

Mr. Mendivil made a brief presentation of the staff report and indicated an objection to the project was submitted by phone at approximately 3:00 p.m. with the caller indicating opposition due to increased traffic and parking problems.

Chair Malsin declared the Public Hearing open and called on audience members who submitted comment cards.

The Applicant outlined the school's mission to provide a mainstream environment for a small number of hearing impaired students (approximately 10 percent of the school's enrollment), saying they would like to add a pre-kindergarten class to the elementary program targeted towards those students; to reconfigure space for their technology center; and, to include a dedicated performing arts space, noting their purpose is not to expand the existing program but to better accommodate it.

David Oliver and Robert Smith, spoke in favor saying the school has taken great care to create favorable rapport with the neighbors and maintain the property in A-plus condition; the school has provided a significant benefit to the community by opening the campus to community groups, including furnishing a meeting place for the Culver City Neighborhood Alliance and hosting a couple of City Council Town Hall meetings, and initiating an after-school program which families in the neighborhood are encouraged to participate in.

James Alamillo, voiced concern about traffic congestion, parking issues, and air quality. He requested analyses be performed with six to ten samples of traffic; he also asked

that a month-to-month dialogue with the school be required rather than the required annual meeting in order to provide feedback in a more timely manner.

Commissioner Thomas moved, seconded by Commissioner Tiggs and unanimously approved, to close the Public Hearing.

Chair Malsin requested staff's response.

Mr. Mendivil

- *No complaints have been received from the community regarding school related traffic.*
- *Three separate observations of drop-offs and pick-ups revealed relatively efficient traffic circulation patterns. The school has an aggressive carpool plan.*
- *The requested study with six to ten surveys is not required based on current traffic conditions.*

Commissioner Thomas

- The additions are in logical proportion and scale to the facility and site and the school does seem to be very conscientious about carpooling.

Commissioner Tiggs

- The staff report was very helpful especially the portion dealing with past entitlements.
- Pleased to see an applicant being so proactive in outreaching to the east Culver City neighborhood.

Chair Malsin

- The issues of traffic, parking, and infrastructure are things the City continues to consider very seriously.

Commissioner Muranaka

- Condition of Approval No. 12 change approved "be" to approved "by" in the first line and include the article "a" prior to minimum in the second line.
- Suggested clarification of language in Condition of Approval No. 26.

There was a consensus to modify Condition No. 34 to hold meetings semiannually rather than annually.

Commissioner Tiggs moved, seconded by Commissioner Muranaka and unanimously approved, to adopt a Mitigated Negative Declaration for Echo Horizon School.

Commissioner Tiggs moved, seconded by Commissioner Thomas, to approve Site Plan Review, SPR P-2004141 and Conditional Use Permit Modification, CUP/M P-2004143, subject to the amended Conditions of Approval as stated in Resolution No. 2005-P002; and, to approve Historical Preservation Certificate of Appropriateness, HPCA P-

2004142, subject to the Conditions of Approval as stated in Resolution No. 2005-P-003.
The motion carried 4:0.

PH-3. Zoning Code Amendment, (ZCA-P2004144), for PETsMART, 10900 through 11140 Jefferson Boulevard and 5711 Sawtelle Boulevard.

Commissioner Muranaka moved, seconded by Commissioner Tiggs and unanimously approved, to receive and file the affidavit of mailing of notices.

Mr. Wardlaw

- *Staff considered this seemingly simple and straightforward zoning modification request very carefully and determined the originally conceived purpose and intent of the C-3A Zone is focused on achieving a lifestyle center concept encompassing a group of related retail uses.*

Mr. Montoya presented the staff report.

Chair Malsin

- Requested differentiation of uses permitted in the C-3A and C-3B zones.
- A letter from the owner's representative indicates when the center was remodeled in 1990 it was pre-leased and those prospective tenant uses were employed as a basis for the new zoning and, although the pet store was not among the pre-leased tenants, there was no intent to preclude them.

Commissioner Tiggs

- Would PETsMART meet the ordinance if they were not including the veterinary and pet day-care components?
- How many veterinary clinics are currently located in the City and how many businesses are offering a similar pet day-care service?
- Difficulty reconciling that the staff report paraphrases parts of the land use element for commercial but omits that the land use designation is intended to focus and encourage identified ranges of uses rather than to restrict other commercial uses.

Mr. Montoya, Mr. Wardlaw, and Ms. Jordan

- *C-3A allows walk-in movie theaters and C-3B allows two types of gas stations – one with repair facilities and one without.*
- *City records indicate the ordinance to establish the C-3A and C-3B zones occurred in 1984 and, while there was a major remodeling of the center close to that time, no records leading up to the creation of the zones could be located to verify what information was used to create the listed uses.*
- *A pet store only operation is permitted in the C-3A Zone, but staff does not believe the use should be expanded to include the sale of pets, veterinary services, and dog grooming or day-care activities.*

- *In summarizing the General Plan discussion in the staff report, it was staff's intention to focus on the phrase that questioned uses as a summary and not to draw attention away from the balance of the text; staff's purpose was to separate uses they believe are incompatible with the General Plan designation.*
- *A few business tax certificates for pet day-care operations have been approved in the City; however, there is no formal classification or category for them, making it difficult to identify them as a separate field and provide an accurate number.*

Commissioner Muranaka moved, seconded by Commissioner Tiggs and unanimously approved, to receive and file the correspondence.

Chair Malsin opened the Public Hearing and called on audience members who submitted comment cards.

Allan Abshez, representing PETsMART, made a PowerPoint presentation and described the history and charitable contributions of the company, stating PETsMART would bring a much broader array of pet services and goods with the addition of the on-site veterinary and pet day-care aspects. They believe a store like the one proposed would generate approximately \$6 million in annual sales and create 40 new jobs; pet day care is a new and increasingly popular concept which provides supervised pet care by an on-site professional staff for busy pet owners; the location is perfect because it is well buffered; pet store and veterinary uses are currently permitted in the C-3 Zone.

Chair Malsin

- What proportion of PETsMART stores currently contains this type of pet day-care/veterinary facility?

Mr. Abshez: PETsMART is evaluating stores on a site-by-site basis to determine demand for the pet day-care, saying they are seeking to provide veterinary care in all locations since there is clearly a consumer desire for that convenience.

Dean Gebroe, DVM, voiced support for PETsMART; with the dog park coming into existence, a lifestyle change is happening in Culver City and PETsMART will complement that and be a well received asset to the community; they have been a major donor to the Culver City Dog Park and provide an important community service by sponsoring pet adoptions and a variety of other charitable pet-related programs; they will be a welcome tenant to the center and will provide significantly to the City's tax base.

Commissioner Muranaka moved, seconded by Commissioner Tiggs and unanimously approved, to close the Public Hearing.

Chair Malsin asked for staff's response.

Mr. Montoya and Mr. Wardlaw

- *Utilizing the General Plan as a guide for eventually updating the list of C-3A uses, it is possible many of the current uses would be discontinued because a determination*

could be made that they do not serve the needs of the regional center. While staff would certainly support continuing pet store usage, they would not recommend allowing pet care or veterinary services if that list were updated today.

Commissioner Muranaka

- PETsMART has a very admirable program and would be a wonderful addition to any City; however, voiced support of staff's recommendation to deny after much deliberation.
- After carefully reviewing the C-3A and C-3B designations, it seems apparent that the City must have had some input in developing the permitted uses with the exception of No. 42 because the description is that of a retail shopping center and the permitted uses all set forth retail uses with related services.
- If a Zoning Code change is recommended to accommodate this request accompanied by the acknowledgment there may be certain associate nuisance factors such as ventilation, sound, et cetera, the safeguards in place to address those potential nuisances would be impacted and a precedent could be set for future requests.
- The location at the end of the shopping center is not guaranteed and nothing would prohibit PETsMART from moving to a future vacancy in the center, creating a nuisance for the surrounding neighbors.
- While veterinary uses are currently permitted in the C-3 Zone, those uses are in stand-alone buildings that do not have shared HVAC systems.
- Recommended staff performs further analyses and consider including a No. 43 encompassing broader permitted uses and allowing a certain proportion of retail use with ancillary service use subject to a conditional use permit rather than granting something specific to PETsMART. This would provide the opportunity for community members to attend a public hearing and voice any concerns.

Commissioner Thomas

- Expressed mixed feelings, saying there are ideal uses for the shopping center such as a bookstore and, although this use would not be her first choice, the fact that this particular space has sat vacant for some time is a concern.
- This location is the only logical place in the center that does not have the potential to create myriad problems for the other tenants.
- The list of permitted uses is not necessarily random but neither is it inclusive of all the things the City might desire to provide in that location.
- Would be inclined to make this an entitled use with appropriate conditions to protect against some of the concerns voiced by Commissioner Muranaka rather than allowing something in perpetuity.

Commissioner Tiggs

- Opposed to staff's recommendation.
- There is no clear history as to why certain uses were omitted from the C-3A Zone.
- The potential for revenue generation is significant.
- Requiring an AUP on the pet day-care component would address and resolve the nuisance potential.

- Culver City seems to be embracing pet owners with the development of the dog park and this could be complementary to that.
- The location seems favorable because of where the building would be situated with only one adjoining wall.

Chair Malsin

- Finds little rationale in staff's logic for rejecting PETsMART's proposal and favors changing the City's Zoning Code to allow it.
- There is no particular consistency to the authorized uses in the zone and a number of permitted service-oriented businesses such as printing, lithography, and publishing would generate noise, smells, and other noxious considerations.
- The intent of the C-3A Zone is to provide appropriate retail oriented businesses and PETsMART's retail operation would be compatible with the other businesses in the center and allowing a limited portion of the store to be devoted to the other uses seems reasonable.
- PETsMART would be a good member of the community and would generate revenue for the City.
- Suggested crafting an ordinance requiring that the other use be ancillary to the retail use and limiting the amount of non-retail space allowed in the C-3A Zone.

It was the consensus of the Commission to re-notice and further consider this Public Hearing item.

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CONSENT CALENDAR

C-2. Secretary's Report.

Commissioner Muranaka moved, seconded by Commissioner Tiggs, to receive and file the Secretary's Report. The motion carried unanimously.

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C-2. Approval of Minutes.

Commissioner Muranaka moved, seconded by Commissioner Tiggs, to approve the Minutes of November 10, 2004 as amended. Commissioner Thomas abstained from approval since she was not present at that meeting.

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ITEMS FROM STAFF

Mr. Wardlaw reported on the status of the Redevelopment projects and advised the Commissioners of their upcoming meetings and agenda items.

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ITEMS FROM PLANNING COMMISSION

None.

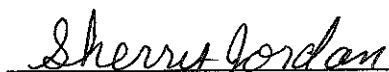
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ADJOURN

Commissioner Thomas moved, seconded by Commissioner Tiggs, to adjourn the meeting in memory of Albert Q. Rivera at 11:08 p.m. to January 26, 2005 at 7:00 p.m. in the Mike Balkman Council Chambers at City Hall. The motion carried unanimously.



D. SCOTT MALSIN, CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

ATTEST:



SHERRY JORDAN
Senior Planner