

REGULAR MEETING OF THE
PLANNING COMMISSION
CULVER CITY, CALIFORNIA

August 13, 2014
7:00 p.m.

Call to Order & Roll Call

Chair Wyant called the meeting of the Planning Commission to order at 7:00 p.m.

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

Absent: Kevin Lachoff, Commissioner (excused)

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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 Wyant invited public input.

There were no cards received and no speakers came forward.

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Action Items

Item A-1

**Administration of the Oath of Office to Appointed/Re-Appointed
Commission Member Dana Sayles**

Yvonne Hunt, Administrative Secretary, administered the Oath of Office to Dana Sayles.

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Item A-2

Election of Officers and Appointment of Committees

MOVED BY CHAIR WYANT AND SECONDED BY VICE CHAIR SMITH FROST THAT THE PLANNING COMMISSION APPOINT KEVIN LACHOFF TO SERVE AS VICE CHAIR OF THE PLANNING COMMISSION FOR 2014-2015. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: SAYLES, SMITH FROST, VONCANNON, WYANT
NOES: NONE
ABSENT: LACHOFF

MOVED BY COMMISSIONER SAYLES AND SECONDED BY CHAIR WYANT THAT THE PLANNING COMMISSION APPOINT LINDA SMITH FROST TO SERVE AS CHAIR OF THE PLANNING COMMISSION FOR 2014-2015. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: SAYLES, SMITH FROST, VONCANNON, WYANT
NOES: NONE
ABSENT: LACHOFF

Sol Blumenfeld, Community Development Director, provided background on the Community Development Block Grant Committee.

Discussion ensued between staff and Commissioners with consensus that Commissioner VonCannon serve as Member and Commissioner Sayles serve as Alternate on the Community Development Block Grant Committee, and that Vice Chair Lachoff and Commissioner Wyant serve on the Board of Zoning Adjustment.

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Item A-3

**Zoning Code Interpretation 2014-01: Board of Zoning Adjustment
Referral of Zoning Code Interpretation Regarding Section
17.400.095 - Accessory Dwelling Units**

Discussion ensued between staff and Commissioners regarding notice to the owner and agreement to defer the item to later in the meeting to provide a chance for the applicant to arrive.

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Item A-4

**Review of Culver City Commission, Committee, and Board
Application Form**

Discussion ensued between staff and Commissioners regarding making the application specific to the Commission; outlining what the Commission does; asking about what inspires people to get involved; the number of meetings attended and their experience at them; workplace experience; more questions specific to the job function; whether the applicant knows how to read drawings; reading the zoning code; the General Plan; and things that are fundamental to the purview of the Planning Commission.

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Item A-3
(Continued)

**Zoning Code Interpretation 2014-01: Board of Zoning Adjustment
Referral of Zoning Code Interpretation Regarding Section
17.400.095 - Accessory Dwelling Units**

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

Heather Baker, Assistant City Attorney, discussed discretion in granting accessory dwellings; ministerial processing of permits; ensuring that provisions are consistent with state law; clarification that the technical correction does not change the issue before the Commission; ministerial handling of the process; failure to meet locational requirements; the limited scope of the Commission to make a zoning code interpretation; and disagreement by the applicant with the determination by staff.

Commissioner Wyant received clarification regarding the definition of ministerial.

Thomas Gorham, Planning Manager, provided a review of the applicable development standards.

Heather Baker, Assistant City Attorney, discussed the role of the Commission.

Discussion ensued between staff and Commissioners regarding clarification that if the building was built without the Accessibility Dwelling Unit (ADU) it would be legal; carving out a portion of the existing structure, lot size, parking requirement and minimum unit size; the far reaching nature of any interpretation made; the need for a separate kitchen; the code definition of a kitchen; the difference between an ADU and a duplex; clarification that R2 zoning allows for more density; and clarification that the ADU can be no larger than half of the primary unit.

Chair Smith Frost invited public comment.

The following members of the audience addressed the Commission:

Bill Adams, architect for Mr. Jackson, provided a slide presentation on the project; discussed the Zoning Code Interpretation; single family homes; the state Granny Flat law; adoption into the Culver City Planning Code; non-discretionary review; the existing house; the second story addition; issues requiring clarification; challenges associated with converting existing buildings; location of the ADU; and the intent of the law.

Troy Jackson discussed the meaning of ministerial; the definition of attached; the definition of behind; he felt that the project complied with the ADU ordinance; felt staff was being conservative; and he pointed out that the City had never approved an attached ADU in the City.

Carl Smith indicated that he had ceded his time to the two previous speakers.

Discussion ensued between staff and Commissioners regarding purview of the Commission; working with the applicant to help the design conform or considering the project as is; support of the neighbors; whether new construction should be allowed; the definition of behind; having the ADU enclosed within the structure; attached vs. within; the design of the unit; visibility from the street; the entrance; things in the code that are not expressed; sympathy to the applicant but acknowledgement of the need to be circumspect; modifying the code to permit conversions; the design code interpretation; procedures; the staff interpretation; alternatives; the Board;

operating under the provisions of the code; interpretation of non-declarative or ambiguous items; the meaning of attached and accessory; separation from the main dwelling; updating the code; the relevance of codes from other cities; the relevance of neighbor support; the policy that items in the code that are not expressed are not permitted; conversion vs. new construction; resubmission of plans as a single family residence; the decision before the Commission and options to move forward; whether the current code allows for a conversion; Commission consensus that the staff determination is correct but that the code should be updated; the code regarding illegal units vs. conforming units; converting existing structures into other things; the mechanism vs. the end product; the location; remodeling vs. conversion; the issue at hand for the Commission; and correspondence received from Commissioner Lachoff.

Heather Baker, Assistant City Attorney, provided a correction to the last paragraph in the zoning code interpretation in Attachment 1 to indicate: "Accessory dwelling units must be either attached to or detached from, and located behind the primary dwelling unit."

Commissioner Sayles questioned whether there was anything in the ADU Ordinance that expressly stated that it must be new construction or that it can't be a conversion, and she disagreed with the terminology indicating that in no instance could it be part of a conversion.

Further discussion ensued between staff and Commissioners regarding allowing conversions; the procedure for staff interpretations; caution not to stray from the code; clarification that conversion is not permitted because it does not show up in the code; distinctions in the code; non-conforming accessory structures; and ADU provisions of other cities

MOVED BY COMMISSIONER WYANT AND SECONDED BY CHAIR SMITH FROST THAT THE PLANNING COMMISSION ACCEPT THE ZONING CODE INTERPRETATION AS PROVIDED BY STAFF WITH CORRECTIONS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: SMITH FROST, VONCANNON, WYANT
NOES: SAYLES
ABSENT: LACHOFF

Additional discussion ensued between staff and Commissioners regarding additional consideration of language and allowing conversions; staff time to prepare the item; and concern with allowing Commissioners sufficient time to do due diligence with information submitted to them in a timely manner.

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Public Hearings

None.

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Consent Calendar

Item C-1

Meeting Minutes

MOVED BY COMMISSIONER SAYLES AND SECONDED BY COMMISSIONER VONCANNON THAT THE PLANNING COMMISSION APPROVE THE MINUTES OF JUNE 11, 2014. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: SAYLES, SMITH FROST, VONCANNON, WYANT
NOES: NONE
ABSENT: LACHOFF

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Items from Staff

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

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Items from Planning Commissioners

Commissioner Sayles reported that a building tour was being offered to Councilmembers, Commissioners, staff and any interested parties for a building that she is involved in on Duquesne.

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Adjournment

There being no further business, at 8:33 p.m., the Culver City Planning Commission adjourned to the next regular meeting on Wednesday, September 10, 2014, 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



09/10/14

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

Martin R. Cole
CITY CLERK

26 SEP 2014

Date