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REGULAR MEETING OF THE
PLANNING COMMISSION
CULVER CITY, CALIFORNIA

January 26, 2005
7:00 P.M.
Mike Balkman Council Chambers

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

ADVISORY PRESENT: Sherry Jordan, Senior Planner
Thomas Gorham, Senior Planner
Bryn Morley, Special Counsel

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CALL TO ORDER

Chair Malsin called the meeting to order at 7:02 p.m.
The Pledge of Allegiance was led by Charles McCain.
Roll Call. Thomas, Tiggs, Malsin present.
Commissioner Muranaka's absence was excused.

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PUBLIC COMMENT

None.

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PUBLIC HEARING

PH-1. Zoning Code Amendment (ZCA P-2004152) for Open Space Zone.

- *Mr. Gorham presented the staff report with a brief summary of the methodology of the comprehensive plan process and staff's responses to some of the recommendations made by the Planning Commission and Parks and Recreation Commission.*
- *Major and minor modifications are defined in the text of the Open Space Zone and, if the findings can be made, a modification will be considered minor; if not, it will be considered major.*
- *A definition of rest area has been included in the Development Standard Section; a provision has been created to allow rest areas adjacent to residentially zoned parcels only if 75 percent of residents living on parcels immediately abutting the path and within 200 linear feet from the boundaries of the proposed rest areas support them; alternate language has been drafted to address explicit consent for the*

property directly abutting the proposed rest area in addition to the 75 percent requirement; and, location criteria and design requirements for rest areas have been incorporated.

- *Alternate language has been drafted to address the issue of existing access from residential properties abutting the trail so as not to preclude that access and to except access points and easements for utility and maintenance services.*
- *Development standards for wireless communication facilities are being revised as part of the Zoning Code update.*
- *Language has been added requiring notice be provided to neighbors within a 300-foot radius of any exemption proposed for an existing park or a major modification to an existing comprehensive plan.*

Chair Malsin called on Commissioners for their questions and comments.

Commissioner Tiggs

- Complimented the staff report.
- A 60-day notice period seems too long and a 15 day notice is arbitrary; suggested a 30-day notice might be appropriate.

Mr. Gorham

- *A 15-day notice is similar to a Site Plan Review; 21 days is a required legal notice of an action; 30 days might inhibit or impede a minor change needing to be addressed in a short period of time. Staff would support 21 days which would likely be the maximum number of days that would be sufficient.*

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

Bobbi Gold

- Prepared a slide show presentation and asserted that the east side of Overland Avenue provides a potential rest area location which would not pose a threat to the quality of life of nearby residents.
- Expressed concern about the 75 percent requirement.

Ron Wiertzema

- Supported Dr. Rockwell's submitted revisions.
- Indicated Ms. Gold's presentation was very nice but that proposed rest area would be very close to his property.
- Requested residents have continued opportunity to provide input in considering these issues.

David Rockwell, President of the Culver City Creekside Neighborhood Alliance

- Supported improving the creek but voiced concern about the safety, security, and quality of life of the adjacent residents.

- Suggested rest stops be precluded along the residential areas which include only approximately 10 percent of the total creek bank.
- Requested different notice periods for an exemption to an existing comprehensive plan and a revision or minor change to one, saying an existing plan is presumed to have gone through the complete review process and any exemption from that should provide sufficient notice to allow public participation.

Jackie McCain

- Concerned about landscaping in the rest areas and requested consideration be given to installing plant material that will not create a problem for the individuals responsible for maintaining the area.

Cathi Lamm

- Presented a two-minute video of an urban flood channel improvement project along the Santa Rosa Creek in California, suggesting some ideas might be gleaned for beautifying the Ballona Creek area.

Jim Lamm, President of the Ballona Creek Renaissance

- Recommended that the requirements and guidelines be developed in a manner that will not cause the project to fall short of the potential the site provides.
- Advised that two-thirds of the creek frontage of the Culver City Library, including the bike path to Overland, is zoned R-1 and suggested that be kept in mind as creek improvements related to zoning are considered.
- Suggested using graphic aids to assist the public in understanding how the provisions relate to the actual creek environment.
- Rest areas and points of access are well defined and provide flexibility.
- Asserted the 75 percent threshold is virtually unachievable in planning situations and could create a problem.
- Recommended considering the potential of the area on the northeast side of Overland.

Kathy Murphy, Jasmine Avenue resident

- Asserted the creek alongside residential properties should not be used as a destination but a path from one destination to another.
- The 75 percent approval seems appropriate but provides no protection to future homeowners.
- Urged reconsideration of the language in Item G.1.f which is unclear and could impact current physical situations.
- A 15-day calendar notice is insufficient.

Steve Sheftel

- Voiced concern about rest areas near residential properties and the 15-day notice period.

Amy Rosenstein, 4900 Overland resident

- As a resident of a condominium complex immediately adjacent to the creek, welcomed any improvements to the creek side area and advised that the majority of the complex abutting the creek is a parking structure, saying development of a rest area there would have minimal impact on the residents if appropriate consideration is given to maintaining security.
- Urged reduction of the 75 percent approval to two-thirds.

June Walden, Ocean Drive resident

- Declared that creek improvements, bike and walking paths, rest stops, and connections would be a wonderful addition to Culver City and would not be an attraction to crime.
- The 75 percent threshold should be reduced.
- Provide enough flexibility to safeguard people in the future by enlisting public comment rather than implementing broad prohibitions.

Gerald Sallus, Raintree resident

- The area adjacent to the Culver City Library would be an ideal location for a rest stop.
- 75 percent is too high a threshold when most other approvals require only a simple majority.

Chair Malsin read correspondence from Marianne Webster requesting user-friendly amenities, pleasant rest stops, that environmental safeguards be required and observed, and better signage such as distances to key points and interpretative signs regarding the birds and flora be provided; Jean Mills supporting prohibiting rest stops adjacent to residential property and providing language assuring safety and security for creek side residents; David Bergman advocating amending the proposed code to facilitate development of the creek side into a park-like environment as a benefit to the entire community; Cathy Flannagan voicing concern about G.1.f prohibiting access currently enjoyed by private property owners abutting the creek; Karen Lilliengren, looking forward to enjoying the natural beauty of the creek once vegetation is restored along the banks, reminded that the creek improvements are for Culver City's residents as a whole and opined the 75 percent neighboring approval for minor improvements such as rest stops is excessive.

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

Chair Malsin asked for staff's response.

Mr. Gorham

- *Staff is not opposed to changing the 75 percent approval threshold; however, notices for exemptions or modifications should have the same noticing period since*

they are essentially the same process. 21 days is the maximum given to other entitlement projects and would be appropriate.

Chair Malsin asked Commissioners for their comments.

Commissioner Thomas

- Concerned that the requirement for professional safety and security consultants in Section C.3 places an onerous burden on anyone preparing a plan. These types of consultants generally deal with the protection of major facilities such as airports and rail stations. Suggested that, since landscape architects and civil engineers are licensed professionals who routinely perform safety evaluations, leaving that task to them in conjunction with an assessment and approval by the Culver City Police Department would be more efficient and cost effective for the City. Recommended changing the wording in C.3 to professional safety security consultant "or" an evaluation by the Culver City Police Department.
- In Section C.3.d add low maintenance which tends to include plants that produce less debris and also the phraseology to address that it be subject to approval of the Environmental Maintenance Manager and other City staff who normally deal with these issues in the approval process.
- Recommended using the State's terminology of "health, safety, and welfare," since that language has some precedence rather than "quality of life" which is ambiguous to define.
- The residents or property owners directly abutting the property boundary in a single-family residence or duplex should have a higher vesting in whether or not a rest stop is located immediately behind their residence; however, the language does not address multi-family dwellings and the 75 percent threshold becomes problematic in that instance. Equal weight should not be given to someone technically within the 200-foot radius that is not creek adjacent.
- Limited to a single family or duplex property, suggested rather than 75 percent within 200 feet, saying those directly abutting the rest area or within 50 to 100 feet either side of the residence immediately adjacent must agree unanimously. Ascribing a percentage beyond that would be fine but applying a higher percentage to a more narrow physical distance seems most appropriate.
- Advocated a simple majority for multi-family residences of more than two to three units immediately abutting the creek. Suggested considering an exemption subject to a separate evaluation for the property along Overland Avenue since there are very few really good sites along the creek and this one is ideal because it is adjacent to a parking structure.

Commissioner Tiggs

- Suggested language in Section C.3 saying including but not limited to the Culver City Police Department.
- Suggested inserting Mr. Rockwell's language, "proposed development of safety, security, and quality of life for residential properties," in E.

- Include another Roman numeral in D that would say something to the effect that the City determines the proposed rest area does not degrade safety and security for adjacent residential properties.

Chair Malsin

- Agreed that the point Commissioner Thomas made is quite valid but indicated the reference to safety and security consultant was something the City Council very specifically instructed be included; therefore, he does not support the suggestion the wording be changed, fearing it will find itself back into the document.
- Clarify the language in D.1 by adding the word "other" significant impacts.
- Clarify the language in D.2.d since traffic is different from capacity.
- Expressed concern that broadly applying statements such as quality of life to all the parks in the City would allow a single property owner the ability to claim that something such as a ball field which the City decided to install in response to the needs of the community impairs their quality of life. Would rather not fixate on language that applies so specifically to the creek that it impacts administration of the parks in a sensible fashion.
- Seems like a reasonable approach to give explicit consent to properties directly adjacent to the creek; suggested requiring a simple majority approval of the next linear 100 feet beyond each of those abutting properties.
- This is an extraordinary granting of approval rights to a public project on public land that does not exist for any other type of project within Culver City. It is sensible because the creek is not currently developed as park space and it does an effective job of protecting residents with legitimate concerns while not precluding people in areas where there is a consensus from having improvements occur.
- Rejected the comment regarding protection of future homeowners, saying anyone purchasing or moving into a property has the right to expect only that which is then in existence.
- Include landscaping among the listings in H.3.

Mr. Gorham

- *Advised that the language in No. 3 addresses the preparation of a comprehensive plan and suggested it might be changed to say the following: at the discretion of the Community Development Director, the Comprehensive Plan team shall include a safety and security consultant.*
- *Staff will change D.2.d to say proposed changes will not significantly increase traffic levels.*
- *The term "quality of life" is subjective and staff would prefer not to include that language.*
- *For multiple family residential zones, suggested approval of the association of the complex if there is one and modifying the language separately for rental, ownership or association.*

There was a consensus of Commissioners on the following:

- Accept the written language changes submitted by Chair Malsin.

- Include Commissioner Thomas's landscaping suggestion.
- Keep the existing language in C.3.I.
- Include the language safety and security but not quality of life.
- Provide explicit consent to those properties directly abutting the proposed rest area boundary and those properties on either side of that abutting property and a simple majority approval of those properties 100 feet beyond each of those properties.
- Require a simple majority of abutting multi-family housing of three or more units within 200 feet.
- Change the language to "public access trails" in G.1.f.
- Include language to the effect that the City determines the proposed rest area does not degrade safety and security for adjacent residential properties.
- Allow a 21-day notice period for exemptions and minor changes.

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

Commissioner Thomas moved, seconded by Commissioner Tiggs, to adopt Resolution No. 2005-P005, recommending to the City Council approval of Zoning Code Amendment, ZCA P-2004152, establishing an Open Space Zone and rules and regulations regarding Open Space Zone as revised by comments of the Planning Commission this evening.

The motion was approved 3:0.

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CONSENT CALENDAR

C-1. Secretary's Report.

Commissioner Tiggs moved, seconded by Commissioner Thomas and unanimously approved, to receive and file the secretary's affidavit of mailing of notices.

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ITEMS FROM STAFF

Ms. Jordan advised the Commissioners of their upcoming meetings and agenda items.

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ITEMS FROM PLANNING COMMISSION

None.

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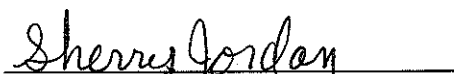
ADJOURN

Commissioner Tiggs moved, seconded by Commissioner Thomas, to adjourn the meeting at 9:13 p.m. to February 9, 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