

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

November 13, 2019
7:00 p.m.

Call to Order & Roll Call

Chair Reilman called the regular meeting of the Culver City Planning Commission to order at 7:00 p.m. in Mike Balkman Council Chambers at Culver City City Hall.

Present: Andrew Reilman, Chair
Kevin Lachoff, Vice Chair
Dana Sayles, Commissioner

Absent: Ed Ogosta, Commissioner
David Voncannon, Commissioner

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Pledge of Allegiance

Vice Chair Lachoff led the Pledge of Allegiance.

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Public Comment - Items NOT on the Agenda

Chair Reilman invited public input.

No cards were received and no speakers came forward.

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Consent Calendar

Item C-1

**Approval of Draft Planning Commission Meeting Minutes of
September 25, 2019**

Commissioner Sayles received clarification that if the Commission did not vote unanimously on an item for this meeting it would not pass, so staff could either bring the item back when there are more Commissioners present, or the item could be taken to the City Council without a recommendation from the Planning Commission.

MOVED BY COMMISSIONER SAYLES AND SECONDED BY VICE CHAIR LACHOFF THAT THE PLANNING COMMISSION APPROVE MINUTES FOR THE MEETING OF SEPTEMBER 25, 2019.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: LACHOFF, REILMAN, SAYLES
NOES: NONE
ABSENT: OGOSTA, VONCANNON

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Order of the Agenda

Chair Reilman agreed to honor a request that item A-1 be brought forward on the agenda.

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Action Item

Item A-1

PC - Discussion of (1) Recommendation from the City Council Equity Subcommittee to Introduce an Ordinance Amending Culver City Municipal Code Chapter 3.03 Pertaining to City Commissions, to Add Equity Policy Language, and to Allow Appointment of Non-Registered Voters and Minors Age 16, and (2) Proposed Changes to the City Policy Pertaining to Commissions, Committees and Boards Pertaining to Childcare and Training of Appointed Officials; and Provide any Feedback to City Staff

Serena Wright-Black, Assistant City Manager, provided a summary of the material of record.

Chair Reilman invited public comment.

No cards were received and no speakers came forward.

Discussion ensued between staff and Commissioners regarding support for equitable accommodations; the resident requirement; appropriate age restrictions for certain Commissions; allowing participation in a non-voting capacity; the need for life experience; the Brown Act; Boards and Committees vs. Commissions; the Civil Service Commission; financial implications; unintended consequences; the spirit of inclusion; and support for providing childcare for Commissioners and audience members.

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Public Hearings

Item PH-1

PC - Consideration of a Zoning Code Amendment, P2019-0264-ZCA, Amending Culver City Municipal Code Title 17: Zoning Code; Section 17.230.015, Table 2-8 - Industrial District Land Uses and Permit Requirements, to Allow Child Day Care Centers as a Primary Use

Michael Allen, Planning Manager, introduced the item and Planning Intern Chris Minniti.

Chris Minniti, Planning Intern, provided a summary of the material of record.

MOVED BY COMMISSIONER SAYLES AND SECONDED BY VICE CHAIR LACHOFF THAT THE PLANNING COMMISSION OPEN THE PUBLIC HEARING.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: LACHOFF, REILMAN, SAYLES
NOES: NONE
ABSENT: OGOSTA, VONCANNON

Chair Reilman invited public comment.

The following members of the audience addressed the Commission:

Shane Swerdlow, Craig Lawson and Company, indicated that Bright Horizons was excited about the possibility of opening a child day care center on Playa Court; they felt the amendment was consistent with other uses in the area; he wanted childcare to be allowed as a primary use similar to private schools; he discussed adjacent sensitive receptors; residential uses abutting the zone; and he thanked the Commission for their consideration.

Josh Bernstein, Cushman and Wakefield, discussed new companies coming into the City; the demand for child care; and he felt the project would be a benefit to the City.

Carol Miller, Bright Horizons, thanked the Planning Commission for considering the text amendment; provided background on the company; discussed the influx of employers coming into the City; the demand for childcare; the process; the neighbors; drop off and pick up; and traffic.

MOVED BY COMMISSIONER SAYLES AND SECONDED BY VICE CHAIR LACHOFF THAT THE PLANNING COMMISSION CLOSE THE PUBLIC HEARING.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: LACHOFF, REILMAN, SAYLES
NOES: NONE
ABSENT: OGOSTA, VONCANNON

Discussion ensued between staff and Commissioners regarding supply; impacts; logistics; reducing conflicts; neighboring uses; sensitive receptors; future projects; the Conditional Use Permit (CUP) process; analyzing on a project to project basis; ensuring that there is not a by-right designation; non-profits; the requirement for a financial study; lost revenue from light industrial use; the text amendment; the use permit; the Fiscal Emergency declared by the City; paralleling what is required of private schools in the industrial zone; potential income from light industrial use; and unintended consequences.

MOVED BY VICE CHAIR LACHOFF AND SECONDED BY CHAIR REILMAN
THAT THE PLANNING COMMISSION: RECOMMEND TO THE CITY COUNCIL
APPROVAL OF ZONING CODE AMENDMENT P2019-0264-ZCA AS AMENDED
TO INCLUDE A FINANCIAL ANALYSIS REQUIREMENT FOR NON-PROFIT
CHILD DAY CARE FACILITIES WITHIN INDUSTRIAL ZONES.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: LACHOFF, REILMAN, SAYLES
NOES: NONE
ABSENT: OGOSTA, VONCANNON

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Item PH-2

**PC - Consideration of a City Initiated Zoning Code Amendment
P2019-0266-ZCA, Amending Culver City Municipal Code Title 17:
Zoning Code; Section 17.210.020, Table 2-4, Residential
Zoning Districts Development Standards, 17.320.020, Table 3-
3A, Number of Parking Spaces Required, and 17.400.065.G,
Mixed-Use Residential Development Standards to Allow
Residential Studio Micro-Units**

Michael Allen, Planning Manager, introduced the item and
Planning Intern Andrea Fleck.

Andrea Fleck, Planning Intern, provided a summary of the
material of record.

Discussion ensued between staff and Commissioners regarding
the application of the 25 percentage cap for studio and micro
units; the SRO category; mixed use projects; the value of
adding the new micro units category; the intention to make it
easier to produce housing units; requirements for kitchen and
bathroom facilities in SRO provision; maximum size for SROs;
creating a unit type that is more habitable; zoning; issues
encountered by Santa Monica; alternative housing options;
bridging the gap between SROs with a maximum of 350 square
feet and studios which are a minimum of 500 square feet;
concern about micro units or smallest units becoming default
affordable units; equivalency; fair housing provisions;
affordability housing covenants; Housing Division efforts;
affordable housing incentives; the zoning code standards;
entitlements; this zone text amendment versus subsidized
housing matters; state density bonus law; upcoming

inclusionary ordinance; underlying density standards; and parking requirements.

MOVED BY VICE CHAIR LACHOFF AND SECONDED BY COMMISSIONER SAYLES THAT THE PLANNING COMMISSION OPEN THE PUBLIC HEARING.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: LACHOFF, REILMAN, SAYLES
NOES: NONE
ABSENT: OGOSTA, VONCANNON

Chair Reilman invited public comment.

No cards were received and no speakers came forward.

MOVED BY VICE CHAIR LACHOFF AND SECONDED BY COMMISSIONER SAYLES THAT THE PLANNING COMMISSION CLOSE THE PUBLIC HEARING.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: LACHOFF, REILMAN, SAYLES
NOES: NONE
ABSENT: OGOSTA, VONCANNON

Additional discussion ensued between staff and Commissioners regarding the 25% cap applied to mixed use projects; building envelope; height limits; the importance of providing a variety of housing options within a development; low income or less desirable projects; support for an inclusionary model; concern with providing housing that is all micro units or studio units; doubling the density with the same mass; the 56 foot height limit vs. units per acre; zoning standards; density for different zoning; RLD zoned properties; RMD properties; RHD height limits; the General Plan, Planned Development designation; mixed use development; base density; density bonus incentives with approved community benefit; state density bonus law; and the experience of the City of Santa Monica.

MOVED BY VICE CHAIR LACHOFF AND SECONDED BY COMMISSIONER SAYLES THAT THE PLANNING COMMISSION: RECOMMEND TO THE CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT P2019-0266-ZCA ESTABLISHING USE AND DEVELOPMENT STANDARDS FOR RESIDENTIAL MICRO-UNITS WITH THE AMENDMENT THAT PARKING FOR SROS BE ALIGNED WITH MICRO UNITS AT .5 PER UNIT.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: LACHOFF, REILMAN, SAYLES
NOES: NONE
ABSENT: OGOSTA, VONCANNON

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Item PH-3

PC - Consideration of a Zoning Code Amendment, P2019-0265-ZCA, Amending the Zoning Code Section 17.400.095 as it Relates to the Standards and Requirements for Accessory Dwelling Units

Michael Allen, Planning Manager, provided a summary of the material of record noting that an email had come in from a representative of an advocacy group; he indicated that subsection b under Maximum Unit Size would be divided into three sections; and he read in the revised language for Section 1133:

Section 1:

"The maximum permitted size for an attached Accessory Dwelling Unit or an Accessory Dwelling Unit located entirely within a proposed or existing primary dwelling unit shall not exceed 850 square feet for a one bedroom unit, 1200 square feet for a two or more bedroom unit, or 50% of the gross square footage of the primary dwelling unit, whichever is less."

Section 2:

"The maximum permitted size for a detached Accessory Dwelling Unit shall not exceed 850 square feet for a one bedroom unit, and 1200 square feet for a two or more bedroom unit."

Section 3:

"Nothing in this section, Section 17.400.095b, shall prohibit an attached or detached accessory dwelling unit that is at least 800 square feet, 16 feet in height, with 4 foot side and rear yard setbacks, provided that the accessory dwelling unit is constructed in compliance with all other development standards of this title."

Discussion ensued between staff and Commissioners regarding Junior Accessory Dwelling Units; suggested vs. required provisions; stringent requirements for non-profit organizations; density requirements; parking requirements;

habitability; setbacks; sunset provisions on the state requirements; mechanical requirements; design standards; mixed use; conversions vs. new construction; and legal non-conforming structures.

MOVED BY COMMISSIONER SAYLES AND SECONDED BY VICE CHAIR LACHOFF THAT THE PLANNING COMMISSION OPEN THE PUBLIC HEARING.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: LACHOFF, REILMAN, SAYLES
NOES: NONE
ABSENT: OGOSTA, VONCANNON

Chair Reilman invited public comment.

The following members of the audience addressed the Commission:

Humberto Capiro discussed his experience designing ADUs; detached ADUs; multiple ADUs on a property; and utilizing buses and trains.

Dave Dettore discussed the RZ Overlay in Studio Estates; the current code; including ADUs in the RZ Overlay; unique setbacks; and he indicated that he wanted to build a place for his mother-in-law to live on his property.

Bill Flick discussed converting existing structures; setbacks; grandfathering; and he received clarification that the rules were becoming more relaxed.

Discussion ensued between staff and Commissioners regarding clarification that the proposed amendments would apply to all residential zones; the hillside carveout; public safety issues; Blair Hills; existing legal non-conforming structures; and clarification that new construction needs to adhere to the setbacks.

MOVED BY VICE CHAIR LACHOFF AND SECONDED BY COMMISSIONER SAYLES THAT THE PLANNING COMMISSION CLOSE THE PUBLIC HEARING.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: LACHOFF, REILMAN, SAYLES
NOES: NONE
ABSENT: OGOSTA, VONCANNON

Discussion ensued between staff and Commissioners regarding the shift in ideology; state mandates; the difficulty of navigating ADU regulations; City Council direction to facilitate ADUs; difficulty making the findings; a suggestion to defer the matter to when a full Commission would be available; automatic default to state requirements on January 1, 2020 if there is any inconsistency; state law; the interim period; the first reading scheduled for the December 9 City Council meeting; single family zoning; the purpose of the ADU ordinance; having ADUs on multi-unit properties; single family home rights; the few items the Commission has discretion over; the time frame for being out of compliance; concern with the lack of public input; timing; maximum unit size; the state allowance; the intent to create more affordable housing; size limits to create affordable housing; the General Plan Update; creating an overlay zone to prevent a single family house from having three units and no parking; conveyance; state allowance for attached and detached units; Commission agreement to limit the size to 800 square feet and 1000 square feet; opposition to allowing the sale of individual ADUs; splitting lots; small lot subdivisions; conversion of accessory residential structures; non-conforming; state mandated setbacks; loopholes; exemptions under state law; rear yard setbacks on new construction; increasing the first story setback from two feet to four feet on the amendment; litigation against cities that are adopting policies that are inconsistent with state housing policy direction; enforcement of HCDs; support for the exclusion in the hillside area; procedures; the inability to make findings; consensus to modify the staff recommendations; indicating that the Planning Commission does not support the amendment but recommends modifications; the recommendation to entertain changes in a final version that complies with state law; public notification for the meeting; lack of discretion; a suggestion to defer the matter to the City Council with comments on modifications for Council consideration; and Commission support for requiring a four foot setback for all new construction including garages.

MOVED BY CHAIR REILMAN AND SECONDED BY VICE CHAIR LACHOFF THAT THE PLANNING COMMISSION: RECOMMEND THAT THE CITY COUNCIL MODIFY ACCESSORY RESIDENTIAL STRUCTURES TO FOUR FOOT SETBACKS FOR ALL RESIDENTIAL STRUCTURES, INCLUDING GARAGES INCLUDING THE ADU SETBACK, THAT THERE BE NO

PROVISION FOR CONVEYANCE OF AN ADU, AND THAT THE MAXIMUM OF
A TWO OR MORE BEDROOM ADU BE LIMITED TO 1000 SQUARE FEET.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: LACHOFF, REILMAN, SAYLES
NOES: NONE
ABSENT: OGOSTA, VONCANNON

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Public Comment - Items NOT on the Agenda

Chair Reilman invited public input.

No cards were received and no speakers came forward.

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Receipt of Correspondence

Staff indicated that no correspondence had been received.

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Items from Planning Commissioners/Staff

Michael Allen, Planning Manager, indicated that the next meeting was scheduled for December 11.

Vice Chair Lachoff reported that the Community Development Block Grant Committee would be meeting on November 21 in the Patio Room.

Chair Reilman reported that the City Council would be discussing Reach Codes on November 18.

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Adjournment

There being no further business, at 9:27 p.m., the Culver City Planning Commission adjourned to a meeting to be held on Wednesday, December 11, 2019, at 7:00 p.m.

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SUSAN HERBERTSON
SENIOR PLANNER of the CULVER CITY PLANNING COMMISSION

APPROVED _____

ANDREW REILMAN
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.

Jeremy Green
CITY CLERK

Date