

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

May 27, 2020
7:00 p.m.

Call to Order & Roll Call

Chair Reilman called the regular meeting of the Culver City Planning Commission to order at 7:01 p.m.

Present: Andrew Reilman, Chair
Kevin Lachoff, Vice Chair
Ed Ogosta, Commissioner
Dana Sayles, Commissioner
David Voncannon, Commissioner

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Pledge of Allegiance

Chair Reilman led the Pledge of Allegiance.

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Public Comment - Items NOT on the Agenda

Chair Reilman invited public comment.

Ruth Martin del Campo, Administrative Clerk, discussed procedures for making public comment and she reported that no cards had been received for Public Comment - Items Not on the Agenda.

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Consent Calendar

Item C-1

Approval of Draft Planning Commission Meeting Minutes of April 22, 2020

MOVED BY COMMISSIONER VONCANNON, SECONDED BY COMMISSIONER OGOSTA AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION APPROVE MINUTES FOR THE PLANNING COMMISSION MEETING ON APRIL 22, 2020.

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Order of the Agenda

Item PH-2 was brought forward on the agenda.

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Public Hearings

Item PH-2
(Out of Sequence)

PC - Consideration of a Conditional Use Permit to allow the Off-site Consumption and Sale of Alcoholic Beverages as part of a Bar/Tap Room (Project) located within the Ivy Station Development at 8809 Washington Boulevard, Suite 132-133

William Kavadas, Assistant Planner, provided a summary of the material of record.

Discussion ensued between staff and Commissioners regarding a tap room vs. a bar vs. a brewery; license type; allowing for beer, not liquor; clarification that the request for a type 23 license is the first for the area; and Alcoholic Beverage Control (ABC) regulations.

MOVED BY COMMISSIONER OGOSTA, SECONDED BY COMMISSIONER VONCANNON AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION OPEN THE PUBLIC HEARING.

Chair Reilman invited public comment.

Andrew Fowler, Los Angeles Ale Works, provided background on the company; discussed the type 23 license; and expressed appreciation to staff for their help.

Vice Chair Lachoff received clarification that the Culver City location would be their second location.

Ruth Martin del Campo, Administrative Clerk, invited anyone participating in the meeting to raise their hand to speak; indicated that emailed comments had been provided to Commissioners; and she read public comment submitted by:

Dasha Dorland: provided background on herself and expressed support for Los Angeles Ale Works.

Thomas Wulf: thanked Commissioners and staff for their efforts on the item; asked that the Commission reconsider several of the Conditions for the Conditional Use Permit (CUP); he requested that the applicant be allowed to keep the outdoor patio and roll up doors open until 11:00 p.m. with the understanding that they would consider earlier restrictions if noise becomes a nuisance to the residents; discussed the lease and affidavit required of residents moving into the area; portable or temporary space heaters; and consistency with other dining establishments in the City.

MOVED BY COMMISSIONER VONCANNON, SECONDED BY COMMISSIONER SAYLES AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION CLOSE THE PUBLIC HEARING.

Michael Allen, Current Planning Manager, discussed the request from Lowe for changes to Conditions 21 and 22; consideration of residents directly above; reducing potential noise conflicts; ambient noise levels; and the ability to modify the conditions if the applicant can demonstrate that sound is not an issue.

Discussion ensued between staff and Commissioners regarding abating nuisances with Conditions; modifying the Condition; Culver City Police Department (CCPD) service calls; active space; ambient noise; eliminating or minimizing a potential nuisance; addressing the problem in the event it occurs; the overall entitlement; the tenant mix; the location; and changing the Condition so the item does not have to be revisited.

Andrew Fowler requested permission to speak and received clarification that the public hearing had been closed.

Further discussion ensued between staff and Commissioners regarding the restrictions; the location; encouraging vibrant uses; allowances for open patios in other locations in town; concern with handicapping a use before it has a chance; use of the roll up doors; proximity to the train tracks; the unique nature of the Ivy Station project; ambient noise; ensuring that the applicant is responsive to self-regulation; City noise regulations; Code Enforcement; construction; difficulty of implementation; giving the applicant the opportunity to be good operators and respond if complaints are made; allowing the applicant to self-police; adding a look-back condition; the Downtown Business Association (DBA); the appeals process; administration of the Conditions by a different body; agreement to allow patio use with both roll-up doors open until 11:00 p.m. with any unresolved complaints referred to the Board of Zoning Adjustment (BZA); clarification regarding the number of roll-up doors; Commission review vs. staff review; establishing criteria; establishing a repeat pattern of nuisance; allowing for flexibility; the subjective nature of noise issues and difficulty of enforcement; bringing issues before the BZA for mitigation measures; and Commission ability to ask clarifying questions of the applicant.

Responding to inquiry, Andrew Fowler discussed experiences at the Hawthorne location, and he agreed to keep track of noise complaints in an incident log.

Additional discussion ensued between staff and Commissioners regarding keeping a log to monitor noise complaints; Los Angeles Police Department (LAPD) policy; crafting a policy to remove the burden from staff and the Commission; annual review; requiring staff to get an annual report of calls from the CCPD; deleting Condition 21-22 and adding detail to Condition 30 to specify the new requirement; "patio and doors can stay open until 11:00 p.m. and the applicant shall agree to provide the Planning Commission with an annual report from CCPD regarding nuisance complaints"; the need for broad language to cover other places that noise complaints go to including Code Enforcement and the City; including any other information that could indicate a noise issue; ascertaining whether there is one sensitive neighbor, or whether a neighborhood is being affected; staff evaluation as to whether the issue rises to the level of a nuisance and warrants BZA consideration; suggested language to indicate: "The Applicant shall provide an annual report of nuisance complaints from CCPD, and/or other City departments and such reports shall be reviewed by the Director,

for possible referral to the BZA"; live entertainment; amplified music; allowing what other restaurants have; prohibiting live amplified entertainment without a permit from the City; consistency with the Municipal Code; heaters; propane tank storage; Fire Department regulations; language prepared by Tom Wulf indicating that propane tanks would be stored inside prior to closing each day; changing use of public space; and social distancing.

Andrew Fowler, Los Angeles Ale Works, indicated that they did not plan on storing very much propane and would just keep what was needed on site in the storage room.

Additional discussion ensued between staff and Commissioners regarding storage in enclosed spaces; a suggestion to add a Condition to indicate that propane would not be stored on the outdoor patio or in a location visible to the public; alternative forms of heating; changing wording for Condition 10 to indicate that: "portable space heaters are allowed subject to any propane tanks used in connection with the outdoor heaters shall not be stored on the patio and shall be stored away from public view in compliance with any Fire Department regulations"; and agreement to allow Condition 11 to remain as is.

Further discussion ensued between staff and Commissioners regarding Condition 24: exterior advertising; deterring interior signs that are directly visible from the exterior; and agreement to work with the applicant on the item.

Andrew Fowler, Los Angeles Ale Works, received clarification that the menu would not be included in the Condition and is not considered advertising.

Additional discussion ensued between staff and Commissioners regarding the ability to display the menu outside if advertising is not included; the prohibition on exterior chalkboard stands; fixed signage on the patio railing or within the patio space; potential trip hazards; off-site advertising; the Master Sign Program; sign standards; compliance with what the property owner wants; the need for additional conversation between staff and the applicant; and support for the project with the elimination of Conditions 21 and 22 and revising Condition 30 to reflect the review of nuisance logs from the CCPD and other sources with the modification of Condition 10 to reflect the allowance of the heaters, but elimination of propane storage from public sight and Condition 25 regarding amplified music.

Heather Baker, Assistant City Attorney, read modified wording for Condition 30: "The applicant shall provide an annual report on noise and nuisance complaints from the CCPD, such report along with other available information shall be evaluated by the Director for possible referral to the Board of Zoning Adjustment for a determination on whether additional project conditions are warranted to address noise and nuisance impacts."

MOVED BY COMMISSIONER VONCANNON, SECONDED BY COMMISSIONER SAYLES AND UNANIMOUSLY CARRIED, THAT THE PLANNING COMMISSION: ADOPT A CLASS 3 CEQA CATEGORICAL EXEMPTION AND APPROVE A CONDITIONAL USE PERMIT TO ALLOW THE OFF-SITE CONSUMPTION AND SALE OF ALCOHOLIC BEVERAGES AS PART OF A BAR/TAPROOM WITH CHANGES AS DISCUSSED.

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Item PH-1

PC - Consideration of an Administrative Site Plan Review and Tentative Tract Map No. 82973 for the Construction of an Eight (8) Unit Condominium Subdivision located at 3336 and 3340 Helms Avenue

Commissioners Sayles and Ogosta indicated the need to recuse themselves from the item and disconnected from the teleconference.

Gabriela Silva, Associate Planner, provided a summary of the material of record.

Discussion ensued between staff and Commissioners regarding the transformer; the recommendation from Southern California Edison (SCE); limited opportunities for placement of the equipment; encroachment on the setbacks; architectural detail; shading; existing street trees; and current site conditions.

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

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Chair Reilman invited public comment.

Alan Dana, Modative, summarized a slide show presentation on the project; discussed location; surrounding area; design; an overview of the site plan; window trim elements; visual accents; and setbacks.

Discussion ensued between staff and Commissioners regarding the semi-subterranean garage; location of transformer; requirements for underground service; energy efficiency; existing street trees; solar-ready areas; solar requirements; the plan check; entitlements; clarification that the plan approval is subject to the code cycle in place when the entitlement was granted; and staff review with the Building Safety Division.

Ruth Martin del Campo, Administrative Clerk, read public comment from:

Sonja Trauss: submitted a letter from YIMBY Law informing the Planning Commission of their obligation to abide by all relevant state housing laws and cited the Housing Accountability Act prohibiting denial of housing development projects compliant with the locality's Zoning Ordinance or General Plan at the time the application was deemed complete unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

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

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Discussion ensued between staff and Commissioners regarding the transformer and setback; undergrounding public utilities for new construction; whether alternate locations are feasible for the transformer; impacts on the environment; screening the transformer; using landscaping to shield the transformer; memorializing the change to Condition 56 with language to address potential questions as to why the transformer is in the setback; indicating that in this scenario subject to Title 5, the transformer can be located as shown in the plans; adding language to indicate: "...all above ground utilities shall not

be located in setbacks except as permitted pursuant to Section 5.04.065.b"; the solar requirements; Planning Commission purview related to applicable Building Codes; support for the project; the roof layout; and roof area vs. roof deck.

MOVED BY COMMISSIONER VONCANNON AND SECONDED BY VICE CHAIR LACHOFF THAT THE PLANNING COMMISSION: ADOPT A CLASS 32 CEQA CATEGORICAL EXEMPTION AND APPROVE AN ADMINISTRATIVE SITE PLAN REVIEW AND RECOMMEND TO THE CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 82973, FOR AN 8 UNIT CONDOMINIUM COMPLEX, SUBJECT TO THE CONDITIONS OF APPROVAL PER THE PROPOSED RESOLUTION WITH THE MODIFICATION TO CONDITION 56 TO ALLOW FOR AN EXCEPTION FOR THE SCE TRANSFORMER IN THE FRONT SETBACK GIVEN ITS ABILITY TO BLEND IN.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

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Public Comment - Items NOT on the Agenda

Chair Reilman invited public comment.

No public comment was received.

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Receipt of Correspondence

Staff indicated that no additional correspondence had been received.

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Items from Planning Commissioners/Staff

Michael Allen, Current Planning Manager, discussed upcoming items to be considered and continued virtual meetings during the pandemic.

Commissioners expressed appreciation to staff for their efforts to keep everything moving forward.

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Adjournment

There being no further business, at 8:46 p.m., the Culver City Planning Commission adjourned to a meeting to be held on June 10, 2020.

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SUSAN HERBERTSON
SENIOR PLANNER of the CULVER CITY PLANNING COMMISSION

APPROVED 06/24/2020



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