



City of
Santa MonicaSM

MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF SANTA MONICA

WEDNESDAY, August 2, 2017
7:00 P.M.

CITY COUNCIL CHAMBERS
ROOM 213, CITY HALL

1. **CALL TO ORDER:** Chairperson Anderson called the meeting to order at 7:11 p.m.
2. **PLEDGE OF ALLEGIANCE:**
Paula Larmore, with the law firm of Harding, Larmore, Kutcher and Kozal, led the Pledge of Allegiance.
3. **ROLL CALL:** Present: Amy Anderson, Chairperson
Nina Fresco
Leslie Lambert
Richard McKinnon

Absent: Mario Fonda-Bonardi
Jennifer Kennedy
Jason Parry

Also Present: Laura Beck, AICP, Senior Planner, Mobility Division
Susan Cola, Deputy City Attorney
Kyle Ferstead, Commission Secretary
Tony Kim, Principal Planner, City Planning Division
David Martin, Director of Planning & Community
Development Department
Jing Yeo, AICP, Manager, City Planning Division
4. **PLANNING DIRECTOR'S REPORT:**
Mr. Martin gave the Director's Report. He announced the Commission's meeting schedule: August 16 has been cancelled; September 6 will have a number of Conditional Use Permits (CUP) - three for alcohol and one for childcare; a special meeting on September 13 with hearing items on a CUP for a car rental location and two Development Agreements for 1430 Lincoln and 1325 Sixth Street; September 20 has been cancelled; October 4 and October 18, 2017, which have no items scheduled as of this date. He stated that the October meetings will be held in the Martin Luther King Auditorium at the Main Library as will meetings for the rest of the year due to construction in City Hall. He further stated that the Auditorium will be available until 11:00 p.m. and CityTV will be televising and live-streaming the meetings.

Commissioner Lambert asked staff how often the “pipeline” project list is update. Ms. Yeo stated the document is updated monthly, usually the last week of the month. Commissioner Fresco asked if Administrative Approvals are included in the list. Ms. Yeo responded that all new construction is tracked.

Commissioner McKinnon asked why the two Development Agreements were moved from August 16 to September 13, 2017. Ms. Yeo responded that certain information was not received from the developer in time for the staff report deadline.

5. PLANNING COMMISSIONER ANNOUNCEMENTS:

Commissioner McKinnon announced he attended a Mobility event on Seventeenth Street on Sunday, July 30, 2017, which was a bike/walk between the Seventeenth Street Expo Station and Santa Monica College.

6. APPROVAL OF MINUTES:

6-A. May 18, 2017

Commissioner Lambert made the motion to approve the minutes as submitted. Commissioner Fresco seconded the motion, which was approved by voice vote.

7. STATEMENT OF OFFICIAL ACTION:

7-A. 423-429 Ocean Avenue, Development Review Permit 16ENT-0096, Variance 16ENT-0097, Vesting Tentative Tract Map 16ENT-0131.

Commissioner Fresco commented on Condition 23(A), page 19, and her recollection regarding the eaves. She asked that the condition be amended. She also commented on Condition 23(D) regarding the window shutters and that she found a 1951 photograph of the building with more shutters that are currently on the building and she has forwarded the information to staff and the consultant.

As there were only four Commissioners present and Commissioner McKinnon was not present at the hearing for this project, the Statement of Official Action was continued to September 6, 2017.

8. DISCUSSION:

8-A. **Preliminary Discussion of Zoning Ordinance Policy Issues That Have Arisen Since the Adoption of the Zoning Ordinance through Its Implementation. A public hearing will be held by the Planning Commission to begin a preliminary discussion of potential policy issues that have arisen since the adoption of the Zoning Ordinance in July 2015 through its implementation. This initial public hearing is intended solely to identify and organize these Zoning Ordinance policy issues for analysis and review at future Planning Commission hearings and to establish a process to evaluate and recommend potential changes to the Zoning Ordinance. No recommendations will be made to alter the existing Zoning Ordinance standards**

during this preliminary discussion. Formal consideration of these policy issues including recommendations to the City Council will occur at a future date to be determined. (Planner: Tony Kim)

Principal Planner Tony Kim gave the presentation. Senior Planner Laura Beck with the Mobility Division was also present to respond to Commission questions.

The following members of the public addressed the Commission:

- Hank Koning, architect, addressing street wall heights
- Robert Posek addressing R-1 standards for North of Montana
- Eoin Gubbins, with Harding Larmore Kutcher & Kozal, addressing the alcohol abandonment provision
- Paula Larmore, with Harding Larmore Kutcher & Kozal, addressing issue of street wall heights, affordability percentages and rounding for Tier 2
- Ken Kutcher, with Harding Larmore Kutcher & Kozal, addressing historic preservation
- Danilo Bach, representing the North of Montana Association [NOMA] and addressing R-1 standards

Commissioner Fresco commented that she went through the old list of policy issues from August 3, 2016, and the items for this discussion are different. Mr. Kim explained that the original list has changed over time because some items were taken care of, some were not needed after all, and some went into the different “buckets.”

Commissioner Lambert noted that only four Commissioners are present at this hearing and asked if there will be voting on the various issues. Ms. Yeo responded that there will be no voting at this hearing. Chair Anderson stated her understanding was that this hearing is for exploring options, directing staff to do further research, and returning with information.

Commissioner McKinnon asked if Mr. Koning’s e-mail items can be added to a bucket list and if a working group of architects can be convened to review these issues. Mr. Kim responded that items can always be added and staff can look into re-creating a working group to review the design standards.

The Commission reviewed and commented on issues from Attachment B of the staff report:

#16: Street Wall Height [Santa Monica Municipal Code (SMMC) Section 9.11.030] Revisit appropriateness of minimum 15-foot first-story street wall height for smaller projects

Commissioner McKinnon suggested that instead of going the Major and Minor Modification routes, the Director of Planning could instead review the modification request with appeal to the Commission or Architectural Review Board (ARB). Commissioner Fresco agreed with the suggestion but wondered how this can be

codified with so many types of slope conditions. Chair Anderson asked staff to clarify the Major and Minor Modification processes. Mr. Kim stated there is currently only a Major Modification process to address minimum street wall height which is reviewed by the Zoning Administrator. He stated the modification limit is to twelve feet. Chair Anderson asked if there is such a standard in the Downtown Community Plan (DCP). Ms. Yeo responded that there is. She suggested possibly reducing the standard after review by a Working Group which could help staff understand how this effects design. Commissioner Lambert expressed her support for the proposal. She asked how this is different from a Major Modification if it is appealable. Commissioner McKinnon responded that he doubts there will be appeals, and the proposal retains the ability to appeal the decision to either the Commission or the ARB. Commissioner Lambert suggested it be treated like a Minor Modification with appeal to the Zoning Administrator. Commissioner Fresco expressed her reservations, similar to the eleven foot height which may not be feasible for some uses like restaurants. She stated she is more comfortable with the Minor Modification option. Chair Anderson stated her understanding that in the DCP, there are no street wall requirements, just ground floor, floor-to-floor heights. She asked Commissioner Fresco if she is fine with the floor-to-floor requirement. Commissioner Fresco answered in the affirmative. Commissioner McKinnon commented on boulevard street slopes, which can be discussed another time. The Commission asked staff to return with further information for discussion.

#17: Skylights, 12-inches above roof [SMMC Section 9.21.060(A)]

Reconsider the limit on skylights at a maximum of 12" above the roof.

Commissioner Lambert asked about a five-foot height projection alternative which she would agree with. Commissioner Fresco stated she is not comfortable with adding five-feet in neighborhoods and any additional height would need to be set back. Commissioner McKinnon commented that twelve inches seems restrictive and energy efficiency would need additional height. He suggested this issue return. Mr. Kim responded that the five-foot figure came from the public but staff can review other heights and can also review setbacks. Chair Anderson asked if this provision is for single family districts. Mr. Kim stated it is for all districts and buildings. Ms. Yeo commented that staff has seen some installations that far exceed the standards and are not needed.

#18: Affordability Requirement for Tier 2 Projects [SMMC Section 9.23(a)]

Clarify that affordability levels of deed-restricted units for Tier 2 projects should be dictated by objective housing needs.

Commissioner Lambert proposed looking at this issue in a broader context with the Housing Division and other parties. Commissioner McKinnon expressed his agreement and stated there are other issues, like zero emissions and increasing mixed-use buildings on boulevards that should have joint discussions. Commissioner Lambert commented she has heard City Council wants to revisit boulevard housing. Chair Anderson asked staff if revisions to the Affordable Housing Production Program (AHPP) would return to the Commission for review.

Ms. Yeo responded that amendments to the AHPP would be reviewed by the Commission, Housing Commission, Housing and Economic Development, and several other City agencies. Commissioner McKinnon asked if there is a schedule for the revisions. Mr. Martin responded there should be a schedule in the near future. Chair Anderson asked staff to think about holding a joint meeting/workshop with the Housing Commission.

#19: Minor Modifications - Landscaping [SMMC Section 9.26.050] Minor modifications to Chapter 9.26 (Landscaping) of the Zoning Ordinance to clarify terminology and establish consistency with the recently adopted amendments to the Green Building, Landscape Design, Resource Conservation and Construction and Demolition Waste Management Standards (SMMC 8.108, Subpart A).

The Commission directed staff to return with the appropriate revisions to the Zoning Ordinance.

#20: Designated Historic Resource – Non-Conforming Uses [SMMC Section 9.27.050(B)] Whether to clarify that a nonconforming use may be allowed in a City-Designated Historic Resource only if the nonconforming use was the predominant use at the site when it was in operation, based on substantial evidence.

Commissioner Fresco explained why she wants no changes, or only minimal changes, to this standard. Chair Anderson asked if staff's concern is with the lack of clarity in this Section. Ms. Yeo answered in the affirmative, explaining this issue was raised by attorney Ken Kutcher in terms of unintended consequences. Commissioner McKinnon stated he did not agree with Mr. Kutcher's concern, but if other Commissioners feel the need to strengthen the Conditional Use Permit (CUP) process, then he will support it. Chair Anderson asked about the intent of the condition that the use be compatible with the neighborhood. Ms. Yeo responded that the intention of the condition is to preserve the interior of the designated historic resource. She commented the proposed changes to such properties are always reviewed for environmental and other City compliance. The Commission agreed that the wording can just be left as it is.

[The Commission took a break from 8:58 p.m. to 9.06 p.m.]

#21: Residential Parking – R-1 & OP Districts [SMMC Section 9.28.020(D)(1)] Consideration of the single-family residential standard that an addition of 50% or more of existing floor area, or 500 feet, whichever is greater, is an appropriate threshold for when to apply the general requirements of Chapter 9.28 of the Zoning Ordinance (Parking, Loading and Circulation), including size, location, and overall number of required parking spaces.

Commissioner Fresco stated she brought this Section forward with a suggested threshold of 2000 square feet (sf) before kicking in the need to bring parking into compliance. Commissioner Lambert asked if this applies to all houses, noting that older homes are often 1200sf or less. Ms. Yeo suggested possibly adding a filter by

year built. Commissioner Fresco commented that it seems to her people are struggling with homes that are only 800sf. Commissioner McKinnon expressed the opinion that 2000sf seems to be a reasonable trigger. Chair Anderson asked why there is concern that parking is not in compliance with current standards. Ms. Yeo responded that part of the concern will be made clear in Bucket 3 with the requirement for enclosing parking. Ms. Beck commented that one issue for additions is the existence of parking spaces which are not usable due to changes in the site. She noted other changes include having parking access from the alley instead of the street. Commissioner Lambert commented that she has seen new remodels retain their garages with street access and driveways. Ms. Yeo responded that she would assume these projects were approved under the prior Zoning Ordinance. Commissioner McKinnon stated he would argue that fewer curb cuts are better for cyclists and reduces the number of vehicles parking on the street.

Ms. Beck asked for feedback on the issue of a property with a functional garage and driveway, which is substandard, and does not have alley access. A second issue is that the section refers to the parking table, which requires two parking spaces and should be clarified. Commissioner Lambert commented that she sees no reason not to allow a carport instead of a garage off the alley. Ms. Beck stated this will be added to the Bucket 3 list. The Commission asked staff to return with further information for discussion.

#22: Use Categories in R-1 & OP / Enclosed Garage Parking [SMMC Section 9.28.070(A)(1)(a)] Distinguish use categories in R1 (and OP) districts where enclosed garage parking may not be required.

Commissioner Fresco commented that enclosed parking is not needed as long as this does not create parking lots in front of other cited uses. She stated placement is important. Commissioner McKinnon asked staff how many units this might cover. Ms. Yeo estimated 30-40 sites; however, there could be more in the future with the new standards for daycare/childcare and preschools. She stated there have only been two or three such applications in the last few years. Chair Anderson asked if there is a comprehensive list of uses. She commented that she is fine with not requiring garages for all allowed uses except single-unit dwellings. Ms. Yeo responded that the list is pretty exhaustive and the prohibition on parking in the front half of the residential parcel has not changed. The Commission directed staff to return with the appropriate revisions to the Zoning Ordinance.

#23: Minimum Driveway Widths [SMMC Section 9.28.120(B)(9)(b)(i-ii)] Minimum driveway widths should match minimum apron widths.

The Commission had no comments on this item, and directed staff to return with the appropriate revisions to the Zoning Ordinance.

#24: SMMC Section 9.28.140(A) (p. 3.89) The current Zoning Ordinance language related to the applicability of Section 9.28.140 (Bicycle Parking) appears to have an inadvertent conjunction connecting the instances of when bicycle parking

requirements apply to a project. As currently drafted, bicycle parking is required for projects that involve 1) a new building, 2) a change of use, and 3) enlarge a building by 10% or more. This statement of applicability can be interpreted to mean that all requirements must be satisfied for bike parking to be required.

The Commission was in agreement on this change, and directed staff to return with the appropriate revisions to the Zoning Ordinance.

#25: Bicycle Parking on Public Right-of-Way [SMMC Section 9.26.140(1)(b)]
Determine when required bike parking should be allowed on the public right-of-way instead of on private property.

Commissioner McKinnon expressed the opinion that allowing bike parking in the public right-of-way is not a good option for new buildings to suggest, as was done for 501 Broadway, to place required bike parking on the public right-of-way. He stated new buildings have an obligation to provide bike parking on-site and should not be allowed to pay an in-lieu fee. Commissioner Fresco stated that for older buildings that are trying to retrofit, this provision is important and there should be bike racks rather than a parking meter or sign post to lock one's bike to. Ms. Beck commented that the in-lieu fee is preferable because there are places where there may be no room to provide public right-of-way bike parking in front of the site, like on Main Street. She drew the Commission's attention to the current Code, which requires a change of use would have a minimum of four parking spaces be provided on-site and additional parking could be provided through an in-lieu fee. Ms. Yeo commented that another challenge is that new development applicants are of the opinion they can put all required short-term bike parking in the public right-of-way for new construction. She stated this is fundamentally unacceptable. Ms. Yeo also stated that if private parties install bike racks in the public right-of-way it raises a host of issues including the responsibility for liability and maintenance.

Chair Anderson stated that everyone is in agreement and supports on-site bike parking. She asked about having an in-lieu fee. Commissioner McKinnon stated a fee is needed and money should go to the neighborhood where the money was collected. Chair Anderson stated everyone concurs with this. The Commission directed staff to return with the appropriate revisions to the Zoning Ordinance.

#26: Bicycle Parking in Context of Reducing Required Parking. [SMMC Section 9.28.180 (c) and (F-G)]
Clarify policy intent of bicycle parking in context of reducing required parking.

Ms. Beck explained this standard is intended to allow existing parking lots to convert one parking space for bike parking, but that it should not be used as a credit, and the provision should be moved to another part of the Code. She stated the new Zoning Ordinance requirements are adequate to achieve bike parking. Commissioner McKinnon expressed his disagreement, citing several recent incidences where the desired bike parking was not achieved. Commissioner Fresco commented on the proposed change, which she found to be fine. Chair Anderson

asked staff if they are asking to move this Section. Ms. Beck answered in the affirmative and to clarify this standard is not a credit. Chair Anderson stated she is good with the change and the credit issue can be added to another discussion. The Commission directed staff to return with the appropriate revisions to the Zoning Ordinance.

#27: Methodology for Lapses of Rights for Alcohol Related Uses [SMMC Section 9.31.040(e)(1)(i)] Create consistency between the methodology used for determining lapse of rights for alcohol-related uses and the methodology used for determining lapse of rights for nonconforming uses.

Chair Anderson asked staff if this includes abandonment for new Conditional Use Permits (CUPs). Ms. Yeo responded that the time frame could be amended to eighteen months or two years. She stated it is not a huge issue. DCA Cola stated that by extending the time period, a finding of no over-concentration of alcohol outlets would need to be made, which could be an issue over time. The Commission agreed to this change, and directed staff to return with the appropriate revisions to the Zoning Ordinance.

#28: Existing Maximum Allowable Size for Accessory Dwelling Unit (ADU) [SMMC Section 9.31.300] Policy Topic A: Revisit the existing maximum allowable size for an Accessory Dwelling Unit (ADU). Policy Topic B: Provide additional regulations related to the conversion of existing garages to ADUs. Policy Topic C: Explore possible affordability levels for the rental of ADUs.

Policy Topic A

Commissioner McKinnon asked staff for the State law on ADUs. Mr. Kim responded that State law mentions that ADUs can be up to 1200sf. DCA Cola stated the law says an ADU “cannot exceed fifty percent of the existing living area with a maximum of 1200sf.” Chair Anderson asked if the Commission can set higher standards. DCP Cola responded there is a section of the State law which says the local jurisdiction’s authority is not limited to adopting lesser requirements. Commissioner Lambert commented that if the less than fifty percent standard is adopted, this will discriminate against smaller houses and neighborhoods. Commissioner McKinnon asked what would be a sensible size for an ADU. Chair Anderson suggested a maximum size of 800sf. Commissioner Fresco commented that lot size and coverage will self-regulate the ADU size. She expressed concern with lot sizes north of Montana Avenue. DCA Cola cautioned the Commission on recommending an onerous process for building an ADU. Commissioner Lambert suggested the provision be “in no event bigger than 1000sf.” Mr. Kim stated that the objective is to maintain the single family neighborhood quality, and the standards currently say an ADU shall be subordinate in size, location and appearance to the primary dwelling. Following some further discussion, Chair Anderson suggested staff explore sizes and return with further information for discussion.

Policy Topic B

Commissioner Fresco recommended adding a date, such a five years, before allowing conversion of a newly built garage to an ADU. Commissioner Lambert felt

the time period was too long. Commissioner McKinnon expressed the opinion it was a non-issue. Commissioner Fresco commented on the physical condition that a garage is built on the property and its conversion would impact the neighboring property. Ms. Yeo commented that State law may not allow for setting a time frame. DCA Cola cautioned the Commission on this issue and that it can be reviewed in the future. Ms. Yeo added that the property would still be required to replace the parking on-site. The Commission recommended no revisions at this time.

Policy Topic B

The Commission recommended no revisions at this time.

#29: Administrative Approval Review for Multi-Family Residential Development in Ocean Park [Sec. 9.39.020] Eliminate the requirement for Administrative Approval review for multi-unit residential development in the Ocean Park zoning districts.

Commissioner Lambert asked staff what an Administrative Approval process adds to multi-family projects. Mr. Kim responded it is the Code Compliance check and is duplicative. Staff explained the checklist review process. The Commission agreed to this amendment, and directed staff to return with the appropriate revisions to the Zoning Ordinance.

#30: Add word “allow” to [Sec. 9.48.010(A)] Add the word “allow” to Section 9.48.010(A).

The Commission had no comments on this item, and directed staff to return with the appropriate revisions to the Zoning Ordinance.

#31: Clarify language on authority to enforce Development Agreement provision [Sec. 9.48.010(B)] Add clarifying language maintaining City’s authority to enforcement Development Agreement provisions.

The Commission had no comments on this item, and directed staff to return with the appropriate revisions to the Zoning Ordinance.

#32: Revise definition of Restaurant, Limited-Service and Take-Out Land Use Classification [Sec. 9.51.030(b)(8)] Consider revising the definition of the Restaurant, Limited-Service and Take-Out land use classification to eliminate language that references ‘limited table service’ as a component of the use.

Commissioner Lambert commented on a letter received from Downtown Santa Monica Inc. and the apparent misunderstanding of the issue. Ms. Yeo explained the bigger issue is that the restaurant definitions include “take-out” and the new definition reconciles the definitions. Commissioner McKinnon commented on national food / restaurant chains in the City. Mr. Kim responded that size thresholds were introduced during the Zoning Ordinance Update to attempt to address this. Restaurants over 2500sf require a Minor Use Permit(MUP). Ms. Yeo commented

that Downtown standards offer more flexibility. The Commission agreed to this amendment, and directed staff to return with the appropriate revisions to the Zoning Ordinance.

#33: Revise Definition of Medical Marijuana Dispensary consistent w/ State Law [Sec. 9.51.030(B)(22) (e)] Revise definition of medical marijuana dispensary consistent with State law.

Mr. Martin stated that staff is working on a process for the two conditionally permitted dispensaries cited in the Zoning Ordinance. Ms. Yeo stated this process will be going to City Council on October 10, 2017, for direction. She also stated this will be part of a broader discussion as the regulations are changing constantly.

Commissioner McKinnon asked staff when the Bucket 3 policy items will be coming to the Commission. Mr. Kim responded that first Bucket 2 items have to be finished, which should be later this year. Commissioner McKinnon suggested that if there are some issues that can be quickly moved forward, that should be prioritized. Mr. Kim stated staff will return with a Resolution of Intention to set a formal hearing date.

9. **FUTURE COMMISSION AGENDA ITEMS:** *None.*
10. **WRITTEN COMMUNICATIONS:** *None.*
11. **PUBLIC INPUT:** *None.*
12. **ADJOURNMENT:** Chair Anderson adjourned the meeting at 10:20 p.m.

APPROVED: SEPTEMBER 6, 2017