

RESOLUTION NO. 2019-R__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING AN EXCEPTION TO CULVER CITY MUNICIPAL CODE CHAPTER 15.10: SUBDIVISIONS; TO ALLOW THE CONSTRUCTION AND CREATION OF TWO DETACHED TOWNHOME STYLE RESIDENTIAL UNITS ON TWO LOTS AT 4116 HIGUERA STREET IN THE TWO-FAMILY RESIDENTIAL (R2) ZONE.

(Subdivision Exception Related to Tentative Parcel Map, P2018-0279-TPM and Administrative Modification P2018-0279-AM)

WHEREAS, on November 15, 2018, F Bar and A Kendall 1997 Revocable Trust and Nicolas Kendall-Bar (the "Applicant") filed an application for a Tentative Parcel Map to construct a two-story, 2-unit, townhome style residential project, with at-grade parking, by creating two (2) abutting townhome style dwelling units on two new lots within one existing residential lot at 4116 Higuera Street (the "Project"). The Project site is legally described as Lot 102 of Tract No. 4161 in the City of Culver City, County of Los Angeles, State of California; and,

WHEREAS, on January 23, 2019, after conducting a duly noticed public hearing on the subject applications, including full consideration of the applications, plans, staff report, environmental information and all testimony presented, the Planning Commission (i) adopted a Class 15 Categorical Exemption, in accordance with the California Environmental Quality Act (CEQA), finding the Project will not result in significant adverse environmental impacts; and (ii) adopted Resolution No. 2019-P002, conditionally approving Tentative Parcel Map, P2018-0279-TPM and Administrative Modification, P2018-0279-AM and recommending to the City Council approval, pursuant to CCMC Section 15.10.085, of an exception to a subdivision design standard requiring lot frontage along a dedicated public street or access to a dedicated public street with the "stem" of a "flag lot" (CCMC Section 15.10.700.C), and;

1 WHEREAS, on February 25, 2019, after conducting a duly noticed public hearing
2 on the aforementioned exception request, including full consideration of the applications, plans,
3 staff reports, environmental finding, Planning Commission recommendation, and all testimony
4 presented; the City Council (i) by a vote of ___ to ___, determined that no new information has
5 become available and no changes in the proposed Project have been made since the Planning
6 Commission adopted the Class 15 Categorical Exemption and, therefore, no additional
7 environmental analysis is required; and (ii) by a vote of ___ to ___, approved an exception to
8 a subdivision design standard requiring lot frontage along a dedicated public street or access
9 to a dedicated public street with the "stem" of a "flag lot" (CCMC Section 15.10.700.C), subject
10 to Conditions of Approval referenced herein below.
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13 NOW, THEREFORE, the City Council of the City of Culver City, California, DOES
14 HEREBY RESOLVE as follows:

15 Section 1. Pursuant to the foregoing recitations and the provisions of Culver
16 City Municipal Code (CCMC) Section 15.10.085, the following findings for an exception to
17 subdivision requirements are hereby made:
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19 **A. The conditions affecting the property warrant and require that an exception be made.**

20 The Zoning Code requires a minimum lot area of 5,000 square feet, or the average area of
21 residential lots within a 500-foot radius of the proposed subdivision, and further states that
22 condominium, townhome, or planned development projects may be subdivided with smaller
23 parcel sizes for ownership purposes, with the minimum lot area determined through the
24 subdivision review process. The overall project will maintain its current 5,436 square foot
25 lot area. The overall 45 foot lot width and 120.82 foot lot length will not change. Through
26 the subdivision process, two (2) small land lots for townhome style development will be
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1 created within the existing conforming lot. CCMC Section 15.10.700 sets forth general
2 design standards governing the approval of any subdivision map. Specifically, CCMC
3 Section 15.10.700.C, requires that all lots front on a dedicated public street or have access
4 to same via a private street or the "stem" of a "flag lot". Flag lots shall be allowed only when,
5 in the opinion of the Commission, there is no reasonable alternative. The Project lots cannot
6 accommodate the City Subdivision standard minimum of a 10 foot stem (for stems which
7 are contiguous for 50% or more of their length) per CCMC Section 15.10.700.C. The
8 Project is providing a sixteen (16) foot wide shared driveway easement for both lots on
9 which the dwellings will be located similar to a standard condominium or townhome
10 development. The Project is consistent in design and function with condominium and
11 attached townhome developments. The key difference is that each dwelling, as well as the
12 land around it, is for ownership as opposed to both dwellings owning the land around them
13 in common. The 45 foot wide lot with a 10 foot wide stem resulting in a 20 foot wide
14 driveway along with the 4 foot side building setback on the opposite side would limit the
15 ability to construct viable living spaces.

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19 Conditions affecting the Project as described above -- mainly the lot width limiting the ability
20 to provide a 20 foot wide driveway and sufficient living area - warrant and require that an
21 exception be made to the requirement for public street frontage and the minimum stem size
22 required for access to the public street via a flag lot.

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24 **B. The exception is not an exception to any requirement of the Subdivision Map Act.**

25 The exception does not violate the Subdivision Map Act because a sixteen (16) foot wide
26 easement for common driveway purposes is provided assuring public right-of-way access
27 for both lots within the development.
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1 **C. The exception will not be materially detrimental to the public welfare nor injurious to**
2 **the property or improvements in the immediate vicinity.**

3 All required subdivision findings can be made for the Project and all required vehicular,
4 pedestrian, and utility/drainage easements will be made a part of the final map assuring
5 both lots have required access to the public right-of-way. This exception will not be
6 materially detrimental to the public welfare nor injurious to the property or improvements in
7 the immediate vicinity.
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9 SECTION 2. Pursuant to the foregoing recitations and findings, the City Council
10 of the City of Culver City, California, hereby approves an exception to a subdivision design
11 standard requiring lot frontage along a dedicated public street or access to a dedicated public
12 street with the "stem" of a "flag lot" (CCMC Section 15.10.700.C), subject to the conditions as
13 set forth in Exhibit A to Planning Commission Resolution No. 2019-P002.
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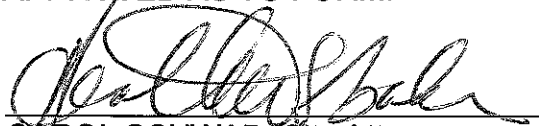
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16 APPROVED and ADOPTED this 25th day of February, 2019.
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19 _____
20 THOMAS AUJERO SMALL, Mayor
21 City of Culver City, California

22 ATTESTED BY:

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24 _____
25 JEREMY GREEN, City Clerk
26 A19-00095
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APPROVED AS TO FORM:


30 CAROL SCHWAB, City Attorney
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