

**City of Culver City, California  
Agenda Item Report**

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| Meeting Date: 03/26/13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | Item Number: C-4                                                                       |  |
| <b>CITY COUNCIL AGENDA ITEM: Adoption of an Ordinance Amending Title 17, Zoning, of the Culver City Municipal Code, Section 17.400.100 – Residential Uses – Accessory Residential Structures and Section 17.610.020 – Nonconforming Structures (Zoning Code Amendment ZCA P-2011100).</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                        |  |
| Contact Person/Dept.:<br>Thomas Gorham                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | Phone Number:<br>310-253-5727                                                          |  |
| Fiscal Impact: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | Fiscal Impact: Yes                                                                     |  |
| Public Hearing: <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | Action Item: <input type="checkbox"/> Attachments: <input checked="" type="checkbox"/> |  |
| Commission Action Required: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | Date: 01/25/12                                                                         |  |
| Planning Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                                                        |  |
| Public Notification: (Email) Meetings and Agendas – City Council (03/19/13)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                                        |  |
| Department Approval:<br>Sol Blumenfeld: (03/12/13)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | City Attorney Approval:<br>Carol Schwab (by H. Baker) (03/19/13)                       |  |
| Chief Financial Officer Approval:<br>Jeff Muir (03/19/13)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | City Manager Approval:<br>John M. Nachbar (03/19/13)                                   |  |
| <p><b><u>RECOMMENDATION:</u></b></p> <p>Staff recommends the City Council adopt the proposed Ordinance (Attachment No. 1) amending Title 17, Zoning (the “Zoning Code”), of the Culver City Municipal Code (CCMC) Section 17.400.100 – Residential Uses – Accessory Residential Structures and Section 17.610.020 – Nonconforming Structures (Zoning Code Amendment ZCA P-2011100).</p> <p><b><u>BACKGROUND / DISCUSSION:</u></b></p> <p>At its meeting of January 25, 2012, the Planning Commission recommended to the City Council approval of the proposed Ordinance including ZCA P-2011100, amending certain Zoning Code provisions affecting residential accessory structures and nonconforming structures as outlined in Exhibit A to the proposed Ordinance.</p> <p>At the City Council meeting of March 11, 2013, the City Council unanimously approved for introduction the proposed Ordinance approving Zoning Code Amendment ZCA P-2011100. During its deliberation on the proposed Ordinance, the City Council agreed that the use of the term nonconforming should be clarified to reflect the reference to “legal” nonconforming structures. After further review of the entire Chapter 17.610, Nonconforming Uses, Structures, and Parcels, by staff and the City Attorney’s Office, it is suggested that such clarification is not necessary. The intent is clearly stated in the existing language of Section 17.610.005, Purpose:</p> |  |                                                                                        |  |

**City of Culver City, California**  
**Agenda Item Report**

“This Chapter establishes regulations for **legal nonconforming** land uses, structures, and parcels.” (Emphasis added.) In addition, the definitions of Nonconforming Structure and Nonconforming Use, as set forth in Section 17.700.010 of the Zoning Code, make the intent clear:

Nonconforming Structure. A structure that was **legally** constructed and which does not conform to current code provisions/standards prescribed for the zoning district in which the structure is located. (Emphasis added.)

Nonconforming Use. A use of a structure (either conforming or nonconforming) or land that was **legally** established and maintained prior to the adoption of this Title, and which does not conform to current code provisions governing allowable land uses for the zoning district in which the use is located. (Emphasis added.)

Staff also reviewed the sections of other cities’ municipal codes regarding nonconforming uses and structures, including the cities of Beverly Hills, West Hollywood, Los Angeles, El Segundo, Manhattan Beach, Hermosa Beach and Santa Monica. None of these cities use the term “legal” in the title of their chapters pertaining to nonconforming uses and structures. In fact, most of these cities’ provisions are similar to the CCMC in that the term “legally established” appears in the “purpose” section and/or other parts of the regulations, and many of these cities use the same definition for nonconforming use and nonconforming structure set forth in the CCMC.

Therefore, staff recommends the City Council adopt the ordinance as originally introduced.

**ATTACHMENTS:**

Proposed Ordinance, including Exhibit A – Proposed Text Changes

**MOTION:**

That the City Council:

Adopt the proposed Ordinance (Attachment No. 1) amending Title 17, Zoning (the “Zoning Code”), of the Culver City Municipal Code (CCMC) Section 17.400.100 – Residential Uses – Accessory Residential Structures and Section 17.610.020 – Nonconforming Structures (Zoning Code Amendment ZCA P-2011100).