



ATTACHMENT NO 9

CITY OF CULVER CITY

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ZONING CODE INTERPRETATION AND REFERRAL TO BOARD OF ZONING ADJUSTMENT ZCI 18-03

Date: March 28, 2018

From: Sol Blumenfeld, Community Development Director

Subject: Zoning Code Interpretation:

1. Confirmation that additions to existing structures and new or replacement structures on legally established nonconforming parcels are eligible for an Administrative Modification request.

Code Sections:

- (1) Chapter 17.120: Interpretation of Zoning Code Provisions;
- (2) Chapter 17.550: Variances, Administrative Modifications, Reasonable Accommodations; and
- (3) Chapter 17.610: Nonconforming Uses, Structures, and Parcels.

Background:

The property owners of 5961 Smiley Drive located in the R2 Zone submitted building permit plans to demolish an existing one-story, single family house and construct a new two-story, single family house. The lot, legally created on January 30, 1923, is substandard in area, depth, and width. It has a width of 45 feet instead of the required 50 feet, a depth varying between 54 feet to 61 feet instead of the required 100 feet; an area of 2,632 square feet instead of the required 5,000 square feet; and is considered a nonconforming parcel.

The purpose of the subject interpretation is to determine whether or not the Administrative Modification provisions apply to proposed construction on legally established nonconforming parcels. Consistent with Zoning Code Section 17.120.A, the Director shall have the responsibility and authority to interpret the requirements of this Title. Further, per Section 17.120.015.C, the Director may also refer any interpretation to the Board of Zoning Adjustment (BZA) for a determination.

Project Description/Request:

The property owners submitted a written request to the Board of Zoning Adjustment for an interpretation of the Zoning Code as the Administrative Modification provisions do not include modifications to nonconforming parcels. Specifically, the property owners are requesting a ten percent (10%) reduction in the length of the driveway, reducing it from 20 feet to 18 feet and a 10% reduction in the rear setback, reducing it from 10 feet to 9 feet. The request states that due to the small size and irregular size dimensions of the lot, they believe that a 10% reduction is warranted. The Administrative Modification provisions allow up to a 10% modification of code standards such setbacks and driveway dimensions "...if the strict application the Zoning Code standards creates an unnecessary, involuntarily created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards".

Pursuant to Zoning Code Section 17.610.035 – Nonconforming Parcels, a nonconforming parcel is considered a legal building site. As a "legal building site" construction of a single family dwelling to current code standards is allowed. However, this section does not specifically state that additional or replacement construction on such parcels can be built with a maximum 10% modification from applicable development standards upon approval of an Administrative Modification.

Interpretation: Confirmation that additions to existing structures and new or replacement structures on legally established nonconforming parcels can be built to modified standards upon approval of an Administrative Modification in accordance with Chapter 17.550: Variances, Administrative Modifications, Reasonable Accommodations.

Determination: Pursuant to Zoning Code Sections 17.120.015 – Procedures for Interpretations, the following is recorded as an official interpretation of the Zoning Code.

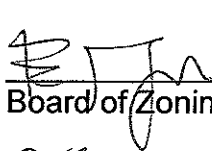
Under Chapter 17.550: Variances, Administrative Modifications, Reasonable Accommodations, additions to existing structures and new or replacement structures on legally established nonconforming parcels can be built with a maximum 10% modification from applicable development standards upon approval of an Administrative Modification.

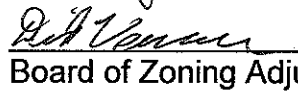
Development Standards: The Planning Division will review Administrative Modification applications on nonconforming parcels. If the application is determined to be consistent with this Zoning Code Interpretation then it shall be processed according to this determination and subject to any additional applicable development standards of the Zoning Code.

Record of Interpretation: In accordance with Zoning Code Section 17.120.015.B.2:

1. This Zoning Code Interpretation shall be distributed to the City Council, Planning Commission, City Attorney, City Clerk and all pertinent staff; and
2. The Zoning Code shall be amended as soon as practical to reflect the Director's determination set forth in this Zoning Code Interpretation.

By:

 3/28/18
Board of Zoning Adjustment Member

 3/28/18
Board of Zoning Adjustment Member