



City of Culver City

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Staff Report

File #: 18-0203, **Version:** 1

Item #: PH-1.

CC - PUBLIC HEARING: Adoption of a Resolution Approving an Exception to a Subdivision Design Standard (Culver City Municipal Code Section 15.10.700.C) Requiring Lot Frontage Along a Dedicated Public Street or Access to a Dedicated Public Street with the “Stem” of a “Flag Lot” as Part of Planning Commission approved Administrative Site Plan Review, P2017-0062-ASPR, and Tentative Parcel Map, P2017-0062-TPM, that Allows the Development of a 4-Unit Townhome Style Subdivision at 4118 Wade Street in the Residential Low Density Multiple (RLD) Zone.

Meeting Date: September 11, 2017

Contact Person/Dept: Jose Mendivil/PW
Michael Allen/PW

Phone Number: (310) 253-5757

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☒

Action Item: ☐

Attachments: ☒

Commission Action Required: Yes ☒ No ☐

Date: 07/12/17

Public Notification: (Mailed) Property owners and occupants within a 500 foot radius of the Project site (08/17/17); (Sign) Posted on the site (08/17/17); (E-Mail) Meetings and Agendas - City Council (09/07/17); (Posted) City Website (08/21/17).

Department Approval: Sol Blumenfeld, Community Development Director (08/25/17)

RECOMMENDATION:

Staff recommends the City Council, after conducting a public hearing, adopt a resolution approving an exception to a subdivision design standard (Culver City Municipal Code or CCMC Section 15.10.700.C) requiring lot frontage along a dedicated public street or access to a dedicated public street with the “stem” of a “flag lot” (Attachment No. 1) in order to allow construction of a 4-Unit Townhome Style Subdivision at 4118 Wade Street in the Residential Low Density Multiple (RLD) Zone (Project).

PROCEDURE:

1. The Mayor seeks a motion to receive and file the affidavit of publication and posting of the public hearing notice.
2. The Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired.
3. The Mayor seeks a motion to declare the public hearing open and the City Council receives public comment.
4. The Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. The City Council discusses the matter and arrives at its decision.

BACKGROUND:

On March 30, 2017, Ben Adams Studio (Applicant) submitted an application for an Administrative Site Plan Review and Tentative Parcel Map to allow the development of four detached townhome style residential units. The Project requires approval of an:

- Administrative Site Plan Review to build four residential units;
- Tentative Parcel Map to allow the creation of a 4-Unit Townhome Style Subdivision.
- Exception to the 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”.

On July 12, 2017, the Planning Commission, after considering the staff report, the application materials, applicant presentation, and providing for an opportunity for public comment, adopted Resolution No. 2017-P012 (Attachment No. 2) approving Administrative Site Plan Review (ASPR), P2017-0062-ASPR and Tentative Parcel Map (TPM), P2017-0062-TPM, and recommending the City Council approve the exception to the subdivision design standard as noted above. No appeals were filed on the ASPR and TPM and the Planning Commission decisions on those items are final. For this agenda item, the City Council is requested to act only on the exception noted above. Please see Attachment Nos. 3 through 5 (Planning Commission Staff Report, Preliminary Development Plans, and Planning Commission Minutes) for a detailed review of the Project.

ANALYSIS:

The State Subdivision Map Act and CCMC Chapter 15.10 regulate land subdivisions and require the submittal of a tentative parcel map for subdivisions. In addition, CCMC Section 17.210.020 - Table 2-4, Residential District Development Standards (RLD, RMD, and RHD), requires a minimum lot area of 5,000 square feet or the average area of residential lots within a 500-foot radius of a proposed subdivision. However, this section also states that condominium, townhome, or planned development Projects may be subdivided with smaller parcel sizes for ownership purposes, with the minimum lot area determined through the subdivision review process, provided that the overall development site complies with the minimum lot size requirements of the Zoning Code.

The overall Project will maintain its current 12,320 square foot lot area with a reduction to 11,900 square feet after a six (6) foot dedication for future widening of Wade Street. The overall 70 foot lot width will not change and the overall lot length of 176 feet will be reduced to 170 feet after the six (6) foot dedication noted above. The overall Project lot configuration; area, width, and length will comply with the RLD development standards. Four (4) small land lots for townhome style development will be created within the existing conforming lot through the subdivision process

A main objective of the tentative parcel map process is to allow the City to review the proposed subdivision to ensure all necessary improvements and requirements are provided. The Public Works Department has reviewed the tentative parcel map (part of Attachment No. 4) for the proposed subdivision and found it to be in compliance with all applicable State and local regulations as more specifically outlined in the Planning Commission approved conditions of approval (Attachment No. 2).

Three of the four lots will not have the City Subdivision standard minimum street frontage of a 10 foot wide stem required for adjoining flag lots that provide street frontage through a stem (CCMC Section 15.10.700.C). The fronting lot will provide the standard minimum street frontage. A flag lot is defined in the CCMC as a lot having access to a public street by means of a privately owned right-of-way area of land; this private right-of-way area is the stem of the flag lot. Often times flag lots take the shape of a flag and the stem can be viewed as the pole that the flag is attached to. The bottom of the pole is where the lot adjoins a public street thereby providing vehicular access to the flag lot. Additionally in the hillside areas of Culver City, there are flag lots that are often next to each other; that is, they are adjoining flag lots. These lots cannot share one stem and each must have its own stem (which can be adjoining). Per CCMC Section 15.10.700.C, each adjoining stem (attached to a specific flag lot) must be at least 10 feet wide.

CCMC Section 15.10.700.C requiring street frontage for standard lots or street frontage for flag lots through a minimum 10 foot wide stem (for adjoining flag lots) is more applicable to single family lots. The Project provides a 10 to 12 foot wide driveway easement for all four lots on which the dwellings will be located. If the Project were a standard condominium or townhome development where all four units are attached, the Project as designed would not require an exception. In condominium or townhome developments, the driveway along with the land surrounding the units are held in common and vehicular access easements would be secured through the condominium association Covenants, Restrictions, and Conditions (CC&Rs).

For this Project the key difference is that each dwelling is for ownership as well as the land around it as opposed to all four dwellings owning the land around them in common. The Project is consistent in design and function with condominium and attached townhome developments and does not have single lot design and functionality attributes. The 70 foot wide lot with three 10 foot wide adjoining stems resulting in a 30 foot wide driveway along with the 10 foot side setback on the opposite side and the minimum 10 foot separation between buildings would limit the ability to construct viable living spaces.

City Subdivision ordinance section 15.10.085 provides an exception process if the Planning Commission determines that conditions affecting the site warrant such exceptions to portions of the Subdivision ordinance. The Commission makes findings and recommends approval of the exception to the City Council. The exception findings are in the City Council resolution and Planning Commission Resolution No. 2017-P012 (Attachment Nos 1 and 2 respectively). Pursuant to CCMC

Section 15.10.085, the applicant is requesting an exception to the subdivision requirements, because conditions affecting the Project as described above - mainly the lot width constricting the ability to provide a 30 foot wide driveway and sufficient living area - warrant and require that an exception be made to CCMC Section 15.10.700.C. Except for the street fronting lot, the Project's lots do not front on a dedicated public street and cannot accommodate the City Subdivision standard minimum of a 10 foot stem each as described above.

An exception may only be made if it is not an exception to any requirement of the Subdivision Map Act. The requested exception does not violate the Subdivision Map Act because a 10 to 12 foot wide easement for common driveway purposes is provided assuring public right-of-way access for each lot within the development. All required subdivision findings can be made for the Project and all required vehicular, pedestrian, and utility/drainage easements will be made a part of the final map assuring the four lots have required access to the public right-of-way. Also the Project site containing the four small lots, as a whole, complies with RLD development standards such as setbacks, height, parking, internal separation between dwellings, and open space, thereby resulting in no impacts to adjacent and surrounding residents. This exception will not be materially detrimental to the public welfare nor injurious to the property or improvements in the immediate vicinity. For these reasons, findings can be made that the conditions affecting the property warrant and require that an exception be made to the requirement for public street frontage and the minimum stem size required for access to the public street via a flag lot. The Planning Commission recommended approval of the exception is subject to final approval by the City Council.

ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act (CEQA) guidelines, a Categorical Exemption Class 32 - In-Fill Development Projects, was adopted by the Planning Commission on July 12, 2017, which determined that the Project will not have a significant adverse impact on the environment. The exception is within the scope of the adopted Categorical Exemption (CE) and the circumstances under which the (CE) was prepared have not significantly changed and no new significant information has been found that would impact the CE, and therefore no new environmental analysis is required.

CONCLUSION:

This is a unique Project for Culver City in that it provides a townhome style development on separate small land lots instead of the more common condominium project on a lot with airspace units. The Project design is harmonious with the neighborhood and the immediately abutting properties and minimizes massing to ensure greater compatibility with surrounding multi-family developments.

Based on the conditionally approve site plan and tentative parcel map and recommended approval of the exception, staff considers the Project to be compatible with the surrounding neighborhood; adequately served by public facilities; and, consistent with the General Plan, Zoning Code, and all CCMC and State subdivision requirements and believes the findings for the exception to certain subdivision design standards can be made as outlined in the City Council Resolution (Attachment No. 1).

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the proposed ordinance.

ATTACHMENTS:

1. Proposed City Council Resolution
2. Planning Commission Resolution No. 2017-P012 with Exhibit A - Conditions of Approval
3. July 12, 2017, Planning Commission Staff Report (without attachments)
4. Preliminary Development Plans Dated April 28, 2017
5. July 12, 2017, Planning Commission Minutes

RECOMMENDED MOTION(S):

That the City Council:

Adopt a resolution approving an exception to a subdivision design standard (CCMC Section 15.10.700.C) requiring lot frontage along a dedicated public street or access to a dedicated public street with the “stem” of a “flag lot” in order to allow construction of a 4-Unit Townhome Style Subdivision.