



# City of Culver City

Mike Balkman Council  
Chambers  
9770 Culver Blvd.  
Culver City, CA 90232

## Staff Report

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**File #:** 19-145, **Version:** 1

**Item #:** A-3.

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**CC - Discussion and Direction Related to 1) the Sale of County Property Zoned Open Space (OS) Adjacent to the Ballona Creek; 2) the Proposed Use and Development Standards for Such OS Zoned Properties; and 3) the Process for Developing Such OS Zoned Properties.**

**Meeting Date:** September 11, 2018

**Contact Person/Dept:** Elaine Gerety Warner/CDD  
Sol Blumenfeld/CDD

**Phone Number:** (310) 253-5777

**Fiscal Impact:** Yes ☒ No ☐

**General Fund:** Yes ☒ No ☐

**Public Hearing:** ☐

**Action Item:** ☐

**Attachments:** Yes ☒ No ☐

**Commission Action Required:** Yes ☐ No ☒ **Date:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (08/23/18)

**Department Approval:** Sol Blumenfeld, Community Development Director (08/14/18)

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### **RECOMMENDATION**

Staff recommends the City Council discuss and provide direction relating to 1) the City's position on the sale of County property zoned Open Space (OS) adjacent to the Ballona Creek; 2) the proposed use and development standards for such OS zoned properties; and 3) the process for developing such OS zoned properties.

### **BACKGROUND**

In 1996 and 2007, the Los Angeles County Flood Control District requested a determination on whether the sale of County property adjacent to residential properties between 4500 and 4538 on Jasmine Avenue conformed to the City's General Plan. The City responded that a consistency finding could be made, provided that the parcels would only be sold to property owners of the abutting Residential Single Family (R1) zoned parcels and if the lots were tied (Attachment No. 1 - 1996 Planning Commission Report).

Over the past several years, the County has sold remnant parcels abutting R1 properties along La Ballona Creek. The portions of land are approximately 15 feet in depth and are currently designated Open Space (OS) on the City's Zoning Map and Ballona Creek on the General Plan Land Use Map. Ten property owners have purchased land from the County and have executed the required lot ties to create a legal lot that includes the County's remnant. (Attachment No. 2 - County Assessor's Parcel Map). Staff has examined the OS zoned properties and has confirmed that these areas have generally been maintained as open space with some small accessory structures located within these areas that are no larger than 120 square feet.

### **DISCUSSION:**

Other than open space, the only use permitted on OS zoned property (the County remnants) is an accessory structure which includes, for example, garages, sheds, gazebos, etc., but does not include accessory dwelling units.

However, to advance the development on this portion of land, the property must: (1) rezone the property to R1; (2) the owner must process a Comprehensive Plan, pursuant to Culver City Municipal Code (CCMC) Section 17.250.030.C; or (3) the owner must be granted an exemption from approval of a Comprehensive Plan by the Community Development Director and the Parks, Recreation and Community Services (PRCS) Director pursuant to CCMC Section 17.250.030.D. The application cost for a Comprehensive Plan, is approximately \$40,000. The requirement to process a Comprehensive Plan may be waived by the Community Development Director and PRCS Director based upon factual findings.

In 1996, the Planning Commission contemplated the use of these properties and determined that reserving these excess parcels for recreational use was not warranted. (Attachment 1). However, in light of the recently approved City Council Strategic Plan regarding the Ballona Creek Revitalization project (Attachment 3 - Policies 2 and 3) staff is requesting direction for the disposition of County OS zoned property both in the Jasmine Avenue vicinity and other areas abutting Ballona Creek. The matter of future County sales of OS zoned property is currently unresolved as the County could decide to sell other abutting properties in the future.

### **Current Requests for Property Disposition:**

There are two properties currently requesting consideration related to County property sale and development. One property owner had purchased two adjacent parcels from the County, conveyed in 1996 and 2014 respectively. The first parcel has been tied and the second parcel has recently received a Certificate of Compliance for a Lot Line Adjustment. In 2017, a building permit application was submitted by the property owner in order to demolish an existing accessory structure, permitted in 1994, and construct a new accessory structure. As proposed, the new structure would be placed over the boundary of the R1 zone into the OS zoned parcel triggering the requirement for a Comprehensive Plan. The owner has requested relief from this requirement to process a Comprehensive Plan due to cost concerns. A review of Building Safety and Planning Division files

has confirmed that no other area properties have been developed in the OS zone and subject to the requirement to process a Comprehensive Plan. In general a Comprehensive Plan is required in connection with large site development in excess of 1 acre and is intended to provide more flexibility in the application of zoning standards.

In March, 2015, the County issued an initial solicitation offer to the adjacent residential property owner for the last remaining remnant in the area between 4500 to 4538 Jasmine Avenue (Attachment No. 2). The property owner has since accepted the offer and has been working with the County to complete the sale. Based upon current City Council policy direction, Staff has recently informed the County that the sale of this parcel is inconsistent with the City's General Plan and Zoning Code and is subject to the requirement to process a Comprehensive Plan. The County noted that they do not believe the area behind the property is a feasible location for recreational features such as a pocket, park, rest stop, etc. due to the area location and size. The County has requested that the sale move forward since proceedings were initiated several years ago, monies have been deposited by the property owner and the property is the last remaining un-tied remnant in the area.

Staff is requesting direction on whether the two OS zoned properties should be developed with structures rather than continue to be used as open space, and if development is permitted on the property, what type and to what extent. In the case of the second property, Staff is also requesting direction on whether to continue to advise the County that the sale is inconsistent with the City's General Plan and zoning. This would likely prevent the property sale as the property could only be used for open space purposes and would be subject to development review under a Comprehensive Plan.

Both owners require resolution of these issues as they are currently prevented from going forward after significant financial investment with the County.

### Development Standards

Currently only Accessory Residential Structures are permitted in the OS zone. Accessory Residential Structures are subject to Section 17.400.100 of the Zoning Code as noted below:

#### **17.400.100 - Residential Uses - Accessory Residential Structures**

This Section provides standards for accessory structures allowed in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards):

##### **A. General Requirements for Residential Accessory Structures.**

- 1. Relationship of accessory use to the main use.** Accessory uses and structures shall be incidental to and not alter the residential character of the site.
- 2. Allowable heights.** The maximum allowable heights of residential accessory structures are specified in Table 4-4 (Maximum Heights for Residential Accessory Structures), below.

**Table 4-4**  
**Maximum Heights for Residential Accessory Structures**

<b>Applicable Zoning District</b>	<b>Maximum Height</b>
Single-Family Residential (R1), Two-Family Residential (R2) and Three-Family Residential (R3) zoning districts.	26 ft
Low density Multiple-Residential (RLD), Medium Density Multiple-Residential (RMD) and High Density Multiple-Residential (RHD) zoning districts.	30 ft

**Table 1**  
**Summary of CCMC Section 17.400.100.3**  
**Allowable Setbacks (Accessory Structures)**

<b>Table 1: Summary of CCMC Section 17.400.100.3 – Allowable Setbacks (Accessory Structures)</b>			
Type of Structure	Side Setback	Rear Setback	Setback Coverage
Permanent – 12 feet or less in height	2 feet	2 feet	50 % maximum
Permanent – greater than 12 feet in height	5 feet (R1 Zone)	15 feet (R1 Zone)	N/A
Portable – sloped roof and 12 feet or less in height	0 feet	0 feet	50 % maximum
Portable – sloped roof and greater than 12 feet in height	5 feet (R1 Zone)	15 feet (R1 Zone)	N/A
Portable – flat roof and 8 feet or less in height	0 feet	0 feet	50 % maximum
Portable – flat roof and greater than 8 feet in height	5 feet (R1 Zone)	15 feet (R1 Zone)	N/A

Applicable Zoning District	Maximum Height
Single-Family Residential (R1), Two-Family Residential (R2) and Three-Family Residential (R3) zoning districts.	26 ft
Low density Multiple-Residential (RLD), Medium Density Multiple-Residential (RMD) and High Density Multiple-Residential (RHD) zoning districts.	30 ft

In summary, the current development standards for the subject properties allow accessory structures such as garages, sheds, gazebos, etc. (but does not include an accessory dwelling unit) and such structures may vary in height from one story to two stories (up to 26' in single family zones and up to 30 feet in multifamily zones) with corresponding setbacks related to building height and up to 50% maximum coverage of the setback area.

#### Status and Recommendations for Other Potential Property Sales

The City has requested information from the County related to future OS zoned property sales in Culver City. At this time, the County has indicated that they are only working with the aforementioned property owner and are unable to provide further information as sales are conducted on a case-by-case basis. Moving forward, the City may wish to negotiate an agreement with the County to request a first-right of refusal for future properties offered for sale in order to advance the goals of the Ballona Creek Revitalization Project. (Attachment No. 4)

#### **FISCAL ANALYSIS:**

There is no fiscal impact to the City relative to the discussion and/or policy development in connection with the potential sale, use, or development process of County property zoned Open Space,

#### **ATTACHMENTS:**

1. 1996 Planning Commission Report
2. County Assessor's Parcel Map
3. City Council Strategic Plan

4. Ballona Creek Property Atlas: County Adjacent Parcels

**MOTION**

That the City Council:

Discuss and provide direction relating to:

1. the City's position on the sale of County property zoned Open Space; and,
2. the proposed use and development standards for Open Space properties along Ballona Creek; and,
3. the process for developing Open Space zoned properties.