City of Culver City

Staff Report

File #: 19-829, **Version:** 1   **Item #:** PH-2.

CC - PUBLIC HEARING: Adoption of a Resolution Approving an Exception to Culver City Municipal Code Subdivision Design Standard Requiring Lot Frontage Along a Dedicated Public Street as Part of a Planning Commission Approved Tentative Parcel Map that Allows the Development of a 2-Unit Townhome Style Subdivision at 4225 La Salle Avenue in the Two-Family Residential (R2) Zone.

Meeting Date: February 11, 2019

Contact Person/Dept: William Kavadas/Assistant Planner
                                       Michael Allen/Current Planning Manager

Phone Number: (310) 253-5706 / (310) 253-5727

Fiscal Impact: Yes []   No [X]   **General Fund:** Yes []   No [X]

Public Hearing: [X]   **Action Item:**   []   **Attachments:** [X]

Commission Action Required: Yes [X]   No []   **Date:** 01/09/19

Public Notification: (E-Mail) Meetings and Agendas - City Council (02/06/19); (Posted) City Website (01/16/19); (Mailed) Property owners and occupants within a 500 foot radius of the Project site (01/16/19); (Sign) Posted on the site (01/21/19)

Department Approval: Sol Blumenfeld, Community Development Director (02/05/19)

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RECOMMENDATION:

Staff recommends the City Council 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 2-Unit Townhome Style Subdivision at 4225 La Salle Avenue in the Two-Family Residential (R2) Zone (Project).

PROCEDURE:

1. The Mayor seeks a motion to receive and file the affidavit of publication and posting of the public hearing notice.

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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/DISCUSSION:

On October 18, 2018, WDEM, LLC (Applicant) submitted an application for a Tentative Parcel Map to allow the development of two (2) abutting townhome style residential units. The Project requires approval of the following:

*   A Tentative Parcel Map to allow the creation of a Two (2) Unit Townhome Style Subdivision.

*   An 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 January 9, 2019, the Planning Commission adopted Resolution No. 2019-P001 (Attachment No. 2) approving Tentative Parcel Map (TPM), P2018-0243-TPM, and recommending City Council approval of the exception to the subdivision design standard as noted above. No appeals were filed on the TPM and the Planning Commission decisions on those items are final.

City Council is requested to act only on the exception as described above. A detailed review of the Project may be found in Attachment Nos. 3 through 6 (Planning Commission Staff Report, Preliminary Development Plans, Tentative Parcel Map, and Planning Commission Minutes).

Analysis:

The State Subdivision Map Act and CCMC Chapter 15.10 regulate land subdivisions and require submittal of a tentative parcel map for subdivisions resulting in four (4) or fewer parcels. In addition, CCMC Section 17.210.020 - Table 2-3, Residential District Development Standards (R1, R2, and R3), 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 site maintains its current lot area of 6,750 square feet. The overall 50 foot lot

width and 135 foot lot length will not change. The overall Project lot configuration; area, width, and length complies with the R2 development standards. The proposed Project includes two (2) small land lots for townhome style development, created within the existing conforming lot through this subdivision process.

The tentative parcel map discretionary process provides the City an opportunity to review the proposed subdivision to ensure necessary improvements and requirements are provided. The Public Works Department has reviewed the tentative parcel map (part of Attachment No. 5) 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).

Exception Request

The proposed subdivision is comprised of a rear lot without the required minimum street frontage of a 10 foot wide stem required for adjoining flag lots providing street frontage through a stem (CCMC Section 15.10.700.C). 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. The front lot will provide the standard minimum street frontage.

In lieu of the flag lot or stem design, the Project provides a ten (10) foot wide driveway easement for both lots on which the dwellings will be located. If the Project were a standard condominium development, the Project as designed would not require an exception. In condominium developments, the driveway along with the land surrounding the units is held in common, and vehicular access easements would be secured through the condominium association Covenants, Restrictions, and Conditions (CC&Rs). The proposed Project does not include any land area owned in common.

CCMC 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 (Findings outlined in Attachment No. 1 and 2).   If developed in accordance with the CCMC standards, the existing 50 foot wide lot, inclusive of a 10 foot wide stem with a 20 foot wide driveway servicing both lots, and a 5 foot side setback, significantly reduces the landscaped front yard and minimizes the potential viable living spaces oriented towards the street. Consequently, the applicant is requesting an exception to the subdivision requirements in order to facilitate a design and orientation consistent with the Multi-family Neighborhood Design Guidelines.

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 ten (10) 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 both lots have required access to the public right-of-way. Also the Project site containing the two (2) small lots, as a whole, complies with R2 development standards such as setbacks, height, and parking 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.

Environmental Review:

Pursuant to the California Environmental Quality Act (CEQA) guidelines, a Categorical Exemption Class 15 - Minor Land Division, was adopted by the Planning Commission on January 9, 2019, 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 that 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 is harmonious with the neighborhood because it creates two separate buildings on two lots that is consistent with surrounding multi-family developments.

Based on the conditionally approved 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 resolution.

ATTACHMENTS:

1. Proposed City Council Resolution
2. Planning Commission Resolution No. 2019-P001 with Exhibit A - Conditions of Approval
3. January 9, 2019, Planning Commission Staff Report (without attachments)
4. Preliminary Development Plans Dated October 17, 2018
5. Tentative Tract Map No. 82444

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 2-Unit Townhome Style Subdivision.