



City of Culver City

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Staff Report

File #: 22-1179, **Version:** 1

Item #: A-1.

BZA - ACTION ITEM: Review and Discuss Applicability of Zoning Code Section 17.610.020 - Non-Conforming Structures at 4121 Charles Avenue and Other Through Lots with Unique Geographic Circumstances and Provide Direction to Staff as Deemed Appropriate.

Meeting Date: July 6, 2022

Contact Person/Dept: Andrea Fleck, Planning Technician
Erika Ramirez, Current Planning Manager

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Fiscal Impact: Yes ☐ No ☒ **General Fund:** Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☒

Public Notification: (E-mail) Public Notices (07/05/22); (Posted) City Website (07/05/22)

Department Approval: Sol Blumenfeld, Community Development Director (07/05/2022)

RECOMMENDATION

Staff recommends that the board of Zoning Adjustment consider the intent of the provisions of Culver City Municipal Code Section 17.610.020.A.1 - Non-Conforming Structures relative to expansions of legal non-conforming accessory structures at 4121 Charles Avenue and on other through lots on the 4100 block of Charles Avenue and provide direction to staff on possible code amendments to allow for reduced driveway length and a reduced front yard setback along Milton Avenue.

BACKGROUND

4121 Charles Avenue is an irregularly shaped through lot located in the R2 Zone, currently developed with a 2-story single-family dwelling, and a detached garage. Per Culver City Municipal Code (CCMC) Section 17.700.010 - Definitions, a through lot is defined as a property that has frontages on two generally parallel streets. Further, the CCMC definition of Front Lot Line indicates that a through lot has two front lot lines and has no rear lot line.

Figure 7-1
Examples of Lot Types



On December 14, 2021, the property owner of 4121 Charles Avenue submitted building permit plans to expand the existing legal non-conforming detached 2-car garage structure which is accessed from Milton Avenue, and construct a new Accessory Dwelling Unit (ADU) above. The existing garage is legal non-conforming because it was legally constructed, however the building setbacks, driveway length, and interior garage width do not conform to current code standards. As shown in Attachment No. 1, the proposed plan specifically involves;

- A ground-level 277 square-foot expansion of the existing 363 square-foot garage, 13 feet, 10 inches toward the south of the property. The existing double-wide garage door opening would be replaced by two single-wide openings. A portion of the garage door opening would be located on the newly extended wall. The expansion would bring the interior dimensions of the 2-car garage into conformance and provide additional space for storage.
- A second story ADU meeting or exceeding the minimum 4-foot side setbacks and 2-foot setback from one front lot line along the property line that is of greater distance from the primary residence and/or the property line separating the parcel from the street of a higher classification or designation.

Per CCMC Section 17.610.020.A.1. - Nonconforming Structures, alterations or additions to legal non-conforming structures shall be allowed if the work results in an increase or enlargement of the area, space, or volume of the structure only if the structure is nonconforming with respect to setbacks, height, distance between structures, architectural projections, staircase and landing area encroachments, and the requirements of the Uniform Building Code are met. New additions and replacement structures shall meet the setback and height requirements of the zoning district in which the nonconforming structure is located except replacement structures required pursuant to Section 17.610.025 - Exemptions and Exceptions.

Chapter 17.120 of the Zoning Code authorizes the Director to interpret zoning requirements in order to resolve questions about the meaning or applicability of various code provisions. Furthermore, the Director may refer questions to the Board of Zoning Adjustment (BZA) for determination in compliance with CCMC Section 17.120.015.C.

The purpose of referring this matter to the BZA is to receive direction on whether Staff should pursue a Zoning Code Text Amendment to address the unique geographic circumstances of the through lots on the 4100 block

of Charles Avenue that front Milton Avenue. The amendment would establish development standards that would be applicable to the expansion of existing legal non-conforming accessory structures and to the property currently under consideration at 4121 Charles Avenue, including:

1. A reduced front setback from one front lot line along the property line that is of greater distance from the primary residence, and
2. A reduced minimum driveway length leading to parking spaces.

DISCUSSION/ANALYSIS

Current code standards allow the existing legal non-conforming garage to remain, but any replacement or new walls proposed as part of the accessory structure (garage) expansion would need to meet current code standards, including building setbacks and driveway length, and minimum interior garage width. The proposed ADU is subject to code standards specific to ADUs, including relaxed setback requirements as required by State law.

Comparison Between Existing Conditions and Current Code Requirements		
	4121 Charles Ave – Existing Legal Non-Conforming Condition	Current Code Requirement
Accessory Structure Building Setback – Front	Varies (9.75 feet to 17.75 feet)	15 Feet Minimum
Accessory Building Setback – Side	1.5 feet	4 Feet Minimum
Driveway Length Leading to Parking	Varies (9.75 feet to 17.75 feet)	20 feet Minimum
2-Car Garage Interior Width	17 feet, 3 inches	20 feet, 6 inches Minimum

The below table compares the existing garage conditions with the code standards that would be applicable to the proposed expansion.

As shown in the figure below, the layout of the street network on the 4100 block of Charles Avenue creates parcels of irregular shapes and sizes. While the front lot lines along Charles Avenue are perpendicular (90-degrees) to the side lot lines, the front property lines along Milton Avenue are angled such that each side property line is shorter than the side property line directly north of it. As a result, the existing garage at 4121 Charles Avenue has varying building setbacks from the front lot line along Milton Avenue, ranging from approximately 9.75 to 17.75 feet. The proposed expansion would extend southward toward the shorter side of the property. As proposed, the expansion would not be able to meet the minimum required 20-foot driveway leading to parking, and minimum required 15-foot building setback for accessory structures facing a public street right-of-way. The expanded area would have a setback and driveway length that is closer to the front property line along Milton Avenue than the existing non-conforming conditions.



Staff proposed some plan alternatives to the property owner that would meet code requirements, while continuing to allow for a second story ADU. Plan alternatives presented include the following:

- Expanding the existing structure east, toward the existing single-family dwelling on-site, maintaining a 4-foot side setback, and 5-foot separation from the residence.
- Expanding the existing structure south but maintaining a minimum 15-foot front setback from Milton Avenue. This would create an upside-down “L” shaped structure.
- A combination of the above two alternatives.
- Expanding the first floor of the garage for ADU purposes. The first-floor expansion would be internally connected to the second story ADU.
- Maintain the existing garage on the ground-floor and construct a second story ADU above, to be supported by structural columns where needed.

Compliance with the minimum requirements would result in a project that does not meet the goals and needs of the property owner which are (1) to widen his garage to fit his vehicles, (2) maintain space in the garage for multi-purpose uses and (3) maintain the space between his garage and residence as open space.

Based on a visit to the 4100 block of Charles Avenue and estimated measurements using GIS mapping tools, staff found that all through lots on Charles Avenue have garages accessed from Milton Avenue with existing non-conforming driveway lengths, and the majority of the lots have existing non-conforming building setbacks from the front lot line along Milton Avenue.

Per CCMC Section 17.610.005 - Non-Conforming Uses, Structures, and Parcels - Purpose, it is the intent of the non-conforming provisions of the code to encourage the continuing improvement of the City, by limiting the extent to which non-conforming structures and uses may continue to be used, expanded, or replaced, while

allowing for improvements in their appearance.

The matter for consideration by the BZA is whether unusual geographic circumstances impact the 4100 block of Charles Avenue that warrant specific standards to be established for expansions to existing legal non-conforming accessory structures that are less restrictive than the standards established in CCMC Section 17.610.020 to address the unusual property conditions. Since there are several similarly impacted properties, it may be prudent to change the relevant Zoning Code provisions rather than require each impacted owner to apply for a Variance under Zoning Code Section 17.550.015 which is a costly and time-consuming process and a less efficient way to address the unique property conditions. If a Zoning Code Text Amendment recommended by Planning Commission is approved by the City Council, then property owner of 4121 Charles Avenue following the amendment's effective date, would be able to apply for necessary building permits to proceed with the proposed project.

The following options are available to the BZA:

1. Provide direction to staff on a possible Zoning Code amendment to allow for a reduced driveway length and a reduced front yard setback along Milton for this block, or
2. Leave the code as is requiring the properties on this block to be subject to the same standards as other properties in the same zoning district.

ATTACHMENTS

1. Proposed Project Plans for 4121 Charles Avenue
2. CCMC Section 17.400.100 - Residential Uses - Accessory Residential Structures
3. CCMC Section 17.610 - Nonconforming Uses, Structures, and Parcels