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ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, (1) APPROVING ZONING CODE AMENDMENT P2018-0223-ZCA, AMENDING CULVER CITY MUNICIPAL CODE (CCMC), TITLE 17 – ZONING (ZONING CODE) CHAPTER 17.260 – OVERLAY ZONES, CREATING THE CULVER CREST/HILLSIDES OVERLAY (-CC) AND ESTABLISHING DEVELOPMENT STANDARDS FOR HILLSIDE NEIGHBORHOODS; AND (2) REPEALING URGENCY ORDINANCE NO. 2018-006 WHICH ESTABLISHED A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW BUILDING PERMITS FOR DEVELOPMENT AND CONSTRUCTION IN THE LOWER AND UPPER CULVER CREST HILLSIDE NEIGHBORHOODS.

(ZONING CODE AMENDMENT, P2018-0223-ZCA)

WHEREAS, on March 20, 2017, the City Council adopted Ordinance No. 2017-005, entitled “An Urgency Ordinance of the City of Culver City, California, Establishing a 45-Day Moratorium on the Issuance of Any New Building Permits for Development and Construction in the Lower and Upper Culver Crest Hillside Neighborhoods and Declaring the Urgency Thereof and that it Shall Take Effect Immediately” (hereinafter the “Moratorium”), in order to allow the City time to thoroughly research options for regulating the development and construction on the hillside and prepare and present recommended regulations to the Planning Commission for recommendation to the City Council; and

WHEREAS, the Moratorium, which was subsequently extended an additional 10 months and 15 days on April 18, 2017 (by Ordinance No. 2017-006) and a final 12 months on February 26, 2018 (by Ordinance No. 2018-006), will expire on March 19, 2019; and

WHEREAS on January 9, 2019, after conducting a duly noticed public hearing on City-initiated Zoning Code Amendment (P2018-0223-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code), Chapter 17.260 – Overlay Zones, creating the Culver Crest/Hillsides Overlay (-CC) and establishing development standards for hillside

1 neighborhoods, fully considering all reports, studies, testimony, and environmental information
2 presented, the Planning Commission determined, by a vote of 4 to 0 with 1 abstention, to
3 recommend to the City Council approval of Zoning Code Amendment P2018-0223-ZCA, as set
4 forth herein below.

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6 WHEREAS on February 4, 2019, after conducting a duly noticed public hearing on
7 City-initiated Zoning Code Text Amendment (P2018-0223-ZCA) amending Culver City
8 Municipal Code (CCMC), Title 17 – Zoning (Zoning Code), Chapter 17.260 – Overlay Zones,
9 creating the Culver Crest/Hillsides Overlay (-CC) and establishing development standards for
10 hillside neighborhoods, fully considering the Planning Commission’s recommendation and all
11 reports, studies, testimony, and environmental information presented, the City Council
12 determined (1) by a vote of 4 to 0 (one Council Member absent), to introduce an ordinance to
13 approve Zoning Code Amendment P2018-0223-ZCA, as set forth herein below; and (2) by a
14 vote of 4 to 0, repeal Urgency Ordinance No. 2018-006, to be effective on the effective date of
15 the Ordinance approving Zoning Code Amendment P2018-0223-ZCA (the “Ordinance”).
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18 WHEREAS, on February 11, 2019, the City Council, by a vote of __ to __, adopted
19 the Ordinance as set forth herein below.

20 **NOW, THEREFORE**, the City Council of the City of Culver City, California, DOES
21 HEREBY ORDAIN as follow:
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23 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the CCMC,
24 the following required findings for an amendment to the Zoning Code, as outlined in
25 CCMC Section 17.620.030.A, are hereby made:
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1 **1. The proposed amendment ensures and maintains internal consistency**
2 **with the goals, policies and strategies of all elements of the General Plan and**
3 **will not create any inconsistencies.**

4 The proposed Zoning Code Amendment is intended to promote sensible and
5 cohesive single family residential design and construction in the Culver Crest
6 Neighborhood. The amendments will improve the implementation of the Zoning
7 Code, which implements the goals, objectives, and policies of the General Plan. The
8 existing Zoning Code language allows for single-family residential design and
9 construction that does not take into account the unique topographical and roadway
10 capacity features of the Culver Crest Neighborhood. The proposed Zoning Code
11 Amendment will add language to the Zoning Code better regulating single-family
12 design and construction in the Culver Crest Neighborhood that respects existing
13 topographical and roadway features. The proposed Zoning Code Amendment is
14 consistent with General Plan Land Use Element Use Objective 1 to protect the low-
15 to medium-density character of residential neighborhoods throughout the City and
16 Objective 4 to maintain quality living environments throughout the City. Therefore,
17 the proposed Zoning Code Amendment does not conflict with the goals, policies, and
18 strategies of any elements of the General Plan, nor create any inconsistencies.

19 **2. The proposed amendment would not be detrimental to the public**
20 **interest, health, safety, convenience or welfare of the City.**

21 The proposed Zoning Code Amendment was drafted at the request of City Council
22 due to concerns from Culver Crest residents about overbuilding and hillside instability
23 in the Culver Crest neighborhood. The proposed amendments are a result of a study

1 conducted by John Kaliski Architects (the consultant), which determined appropriate
2 measures to better regulate single-family residential design and construction in the
3 Culver Crest Neighborhood. The proposed Zoning Code Amendment provides clear
4 language for the development standards that will regulate single-family homes
5 consistent with the development constraints of the hillside neighborhood. This will
6 ensure that new construction is not detrimental to the ability of the Culver Crest
7 neighborhood to provide high quality living conditions for residents in regards to
8 building size, slope stability, and roadway capacity. Therefore, the Zoning Code
9 Amendments will not be detrimental to the public interest, health, safety,
10 convenience, and welfare of the City.
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13 **3. The proposed amendment is in compliance with the provisions of the**
14 **California Environmental Quality Act (CEQA).**
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16 Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA),
17 the proposed Zoning Code Amendment (P2018-0223-ZCA) is considered exempt
18 because it can be seen with certainty there is no possibility that the Project to amend
19 the Zoning Code will have a significant effect on the environment. The Project, by
20 itself, does not result in any physical changes in the environment because it will only
21 amend the Zoning Code to establish regulatory standards for development and
22 construction in hillside neighborhoods. Any development project constructed
23 pursuant to the regulatory standards established by the proposed Zoning Code
24 Amendment will undergo a separate environmental review, in accordance with the
25 requirements of CEQA.
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1. **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
2 Council of the City of Culver City, California, hereby adopts the Ordinance (1)
3 approving Zoning Code Amendment P2018-0223-ZCA, amending Culver City Municipal
4 Code (CCMC), Title 17 – Zoning (Zoning Code) Chapter 17.260 – Overlay Zones,
5 creating the Culver Crest/Hillsides Overlay (-CC) and establishing development
6 standards for hillside neighborhoods, as set forth in Exhibit A attached hereto and made
7 a part hereof; and (2) repealing Urgency Ordinance No. 2018-006, to be effective on
8 the effective date of this Ordinance.
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11 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
12 take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the
13 City Charter, prior to the expiration of 15 days after the adoption, the City Clerk shall
14 cause this Ordinance, or a summary thereof, to be published in the Culver City News
15 and shall post this Ordinance or a summary thereof in at least three places within the
16 City.
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SECTION 4. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason or any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall remain in full force and effect.

APPROVED and ADOPTED this _____ day of _____, 2019.

THOMAS AUJERO SMALL, Mayor
City of Culver City, California

ATTESTED BY:

JEREMY GREEN, City Clerk

APPROVED AS TO FORM:


HEATHER BAKER, Assistant City Attorney

for

A19-00073

Chapter 17.260 - OVERLAY ZONES

Sections:

- 17.260.005 - Purpose
- 17.260.010 - Applicability of Overlay Zones
- 17.260.015 - Residential Zero Setback Overlay (-RZ)
- 17.260.020 - Commercial Zero Setback Overlay (-CZ)
- 17.260.025 - Redevelopment Project Area Overlay (-RP)
- 17.260.030 - Civic Center Overlay (-CV)
- 17.260.035 - East Washington Boulevard Overlay (-EW)
- [17.260.040 – Culver Crest/Hillsides Overlay \(-CC\)](#)

[17.260.040 - Culver Crest/Hillsides Overlay \(-CC\)](#)

A. Purpose. [The purpose of establishing the Culver Crest/Hillsides Overlay \(-CC\) is to provide the zoning regulations necessary for the sustainable development of hillside neighborhoods in Culver City.](#)

B. Allowable Land Uses and Permit Requirements. [Allowable land uses and required permits shall be established by the applicable underlying zone.](#)

C. Definitions. [The following definitions will relate to residentially zoned property in the –CC Overlay:](#)

1. Attic – [Any non-habitable space, per Building Code Standard, between the ceiling beams of the top story and the roof rafters, which may be reached by ladder and used for storage or mechanical equipment, and which is less than seventy \(70\) square feet in area and less than seven \(7\) feet in height, shall constitute an attic.](#)

2. Covered – [Any enclosed, semi-enclosed, or unenclosed building area that is covered by a solid roof.](#)

3. Dwelling Unit – [Any structure designed or used for shelter or housing that contains permanent provisions for sleeping, eating, cooking, and sanitation occupied by or intended for one \(1\) or more persons on a long term basis. A dwelling unit shall have no more than one \(1\) kitchen.](#)

4. Floor Area, Residential – [Residential floor area shall include mezzanines, covered porches, covered patios, and accessory buildings in addition to any floor area within the main dwelling unit but shall not include detached garages. Floor area shall be defined as the area confined from exterior wall to exterior wall. Areas within a ceiling height greater than one \(1\) story, as defined by this Title, will be counted twice towards floor area. Staircases, elevator shafts, and the like, shall be counted as one \(1\) plane per floor.](#)

5. Kitchen – [Any room or space within a structure containing a combination of the following facilities that are capable of being used for the preparation or cooking of food: oven/microwave oven, stove, refrigerator exceeding six \(6\) cubic feet, and sink.](#)

6. Mezzanine/Loft – [An intermediate or fractional floor area between the floor and ceiling of a main story. A mezzanine/loft floor area shall be deemed a full story when it covers more than one-third of the area of the story directly underneath said mezzanine/loft area or the floor to plate height of the mezzanine/loft exceeds fourteen \(14\) feet.](#)

7. Story – [That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above, then the space between the floor](#)

and the ceiling above. A story shall be defined as the floor to plate height and can be no taller than fourteen (14)-feet.

D. Development Requirements. Development requirements shall be regulated by Table 2-12. Wherever the –CC Overlay zone is silent on a matter, the corresponding regulation of the underlying zone shall apply.

Table 2-12
Culver Crest/Hillside Overlay Development Standards (-CC)

<u>Development Feature</u>	<u>Requirement by –CC Overlay</u>	
<u>Maximum Number of Dwelling Units Allowed per Parcel</u>	<u>1 Unit</u>	
<u>Dwelling Size (A)</u>		
<u>Maximum Area</u>	<u>Slope (B)</u>	<u>FAR</u>
	<u><15%</u>	<u>0.45</u>
	<u>15% to 30%</u>	<u>0.40</u>
	<u>>30% to 45%</u>	<u>0.35</u>
	<u>>45% to 60%</u>	<u>0.30</u>
	<u>>60%</u>	<u>0.25</u>
<u>Setbacks(C)</u>	<u>Minimum setbacks required. See Section 17.300.020 (Setback Regulations and Exceptions).</u>	
<u>Front</u>	<u>20 feet – Single Story Structure</u>	
	<u>30 feet – Second Story of Two Story Structure</u>	
<u>Side (D)</u>	<u>First Floor: 10% of lot width, but not <5 feet and not >10 feet</u>	
	<u>Second Floor (Narrow Setback): 16% of lot width, but not <8 feet and not >16 feet</u>	
	<u>Second Floor (Wide or Street-Facing Setback): 24% of lot width, but not < 12 feet and not >24 feet.</u>	
<u>Rear</u>	<u>15 Feet</u>	
<u>Height Limit(E)</u>	<u>Slope</u>	<u>Height</u>
	<u><50%</u>	<u>Flat Roof – 2 Stories and 26 feet</u>
		<u>Sloped Roof – 2 Stories and 30 feet</u>
	<u>50% to 100%</u>	<u>1 Story and 14 feet</u>
<p>(A) <u>Minimum by-right floor area in the hillside area, regardless of lot size, is 2,500 square feet.</u></p> <p>(B) <u>Existing slope is to be established with topographic survey and slope analysis of existing conditions prior to issuance of Building Permit.</u></p> <p>(C) <u>For exceptions to setback standards, see 17.260.040.E.</u></p> <p>(D) <u>Building may exceed minimum required setback but cannot reduce minimum required setback. Applicant may choose which of the two side setbacks is narrow and which is wide, but wide setback will automatically apply to a street facing side yard.</u></p> <p>(E) <u>Any parapet is included as part of the flat roof height standard.</u></p>		

E. Setback and Stepback Exceptions Findings. Exceptions to setback standards shall be reviewed by the Planning Commission. The Planning Commission shall consider and record the decision in writing with the findings on which the decision is based. The exception may be approved, with or without conditions, only after making all of the following findings:

1. There are special circumstances applicable to the property (e.g. location, shape, size, depth, surroundings, and/or topography), or to the intended use of the property, so that the strict application of this Title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.
2. Approval of the exception would not be detrimental to the public health, interest, safety, or general welfare and would not be detrimental or injurious to property or improvements in the vicinity and in the same zoning district.