

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE), SECTION 17.300.020 – SETBACK REGULATIONS AND EXCEPTIONS, AS SET FORTH IN EXHIBIT “A” ATTACHED HERETO.

(Zoning Code Amendment, P2017-0117-ZCA)

WHEREAS on July 12, 2017, after conducting a duly noticed public hearing on a City-initiated Zoning Code Amendment (P2017-0117-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code), Section 17.300.020 – Setback Regulations and Exceptions, and fully considering all reports, studies, testimony, and environmental information presented, the Planning Commission adopted by a vote of 4 to 0, Resolution No. 2017-P014, recommending to the City Council approval of Zoning Code Amendment P2017-0117-ZCA, as set forth herein below; and

WHEREAS, on September 25, 2017, after conducting a duly noticed public hearing on a City-initiated Zoning Code Amendment (P2017-0117-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code), Sections 17.300.020 – Setback Regulations and Exceptions, fully considering all reports, studies, testimony, and environmental information presented, the City Council, by a vote of ___ to ___, introduced an ordinance approving Zoning Code Amendment P2017-0117-ZCA (the “Ordinance”), as set forth herein below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to the foregoing recitations and the provisions of the Culver City Municipal Code (CCMC), the following required findings for an amendment to the Zoning Code, as outlined in CCMC Section 17.620.030.A, are hereby made:

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 address existing trends in
5 residential home improvement and existing field conditions throughout residential
6 neighborhoods. The proposed amendment is specifically addressing freestanding
7 trellises in front yards so as to not create any conflicts with the existing Zoning
8 Code standards for residential accessory structures. In addition, the proposed
9 standards for freestanding front yard trellis structures are modeled after some of
10 the standards for front yard fences, so as to ensure there is no conflicting
11 language. Thus, the proposed amendment maintains internal consistency across
12 different sections within the Zoning Code, in order to improve the implementation
13 and enforcement of the Zoning Code, which implements the goals, objectives, and
14 policies of the General Plan. The existing Zoning Code language addresses the
15 subject of allowable projections into setbacks, as well as allowable residential
16 accessory structures within setbacks. The proposed amendment will simply add
17 these types of structures which are already prevalent in residential neighborhoods
18 in the City and provide practical standards for allowing these in a safe and orderly
19 manner. The proposed amendment create guidelines consistent with General Plan
20 Land Use Element Objective 4, *Neighborhood Conditions*; by specifying standards
21 and restrictions for freestanding front yard trellis structures including size, location,
22 and quantity, which serves to maintain a high quality living environment throughout
23 the City. Therefore the proposed Zoning Code Amendment does not conflict with
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1 the goals, policies and strategies of any elements of the General Plan, nor create
2 any inconsistencies.
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4 **2. The proposed amendment would not be detrimental to the public**
5 **interest, health, safety, convenience or welfare of the City.**

6 The proposed Zoning Code Amendment will help ensure that the Zoning Code is
7 clear and internally consistent with regard to freestanding front yard trellis
8 structures, which are already prevalent in the residential community. It will also
9 provide a mechanism for allowing these structures under specific criteria. The
10 amendment will serve to improve the implementation and enforcement of the
11 Zoning Code. Further, the proposed amendment will continue to apply specific
12 necessary development standards and restrictions to ensure freestanding front
13 yard trellis structures are allowed and approved in a manner consistent with the
14 orderly and attractive character desired for the City, and in support of the public
15 interest, health, safety, convenience and welfare of the City.
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20 **3. The proposed amendment is in compliance with the provisions of the**
21 **California Environmental Quality Act (CEQA).**

22 Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act
23 (CEQA), Zoning Code Text Amendment (P2017-0100-ZCA) is within the scope of the
24 Culver City General Plan Update Program EIR approved on September 24, 1996
25 (PEIR 1) and the Culver City Redevelopment Plan Amendment and Merger Program
26 Subsequent EIR approved on November 16, 1998 (PEIR 2). The circumstances
27 under which PEIR 1 and PEIR 2 were prepared have not significantly changed and no
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1 new significant information has been found that would impact either PEIR 1 or PEIR 2;
2 therefore, no new environmental analysis is required.
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4 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
5 Council of the City of Culver City, California, hereby introduces the Ordinance
6 approving Zoning Code Amendment P2017-0117-ZCA, amending Culver City
7 Municipal Code (CCMC), Title 17 – Zoning Code, Section 17.300.020 – Setback
8 Regulations and Exceptions, as set forth in Exhibit A attached hereto and made a part
9 thereof.
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13 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
14 take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
15 and 621 of the City Charter, prior to the expiration of fifteen days after the adoption,
16 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in
17 the Culver City News and shall post this Ordinance or a summary thereof in at least
18 three places within the City.
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22 **SECTION 4.** The City Council hereby declares that, if any provision, section,
23 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or
24 declared invalid or unconstitutional by any final action in a court of competent
25 jurisdiction or by reason of any preemptive legislation, then the City Council would
26 have independently adopted the remaining provisions, sections, subsections,
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1 paragraphs, sentences, phrases or words of this ordinance and as such they shall
2 remain in full force and effect.
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4 APPROVED and ADOPTED this ____ day of _____, 2017.
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7 JEFFREY COOPER, MAYOR
8 City of Culver City, California

9 ATTESTED BY:

APPROVED AS TO FORM:

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12 JEREMY GREEN, City Clerk

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12 CAROL SCHWAB, City Attorney

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17.300.020 - Setback Regulations and Exceptions

This Section establishes standards to ensure the provision of open areas for access to and around structures, access to natural light and ventilation, landscaping, recreation, separation of incompatible land uses, and space for privacy, traffic safety, and visibility.

A. Setback Requirements.

1. All structures shall conform to the setback requirements identified for each zoning district by Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards), and with any special setbacks established for specific uses by this Title.
2. All setbacks shall be open and unobstructed from the ground upward, except for trees and other plant materials and except as provided in this Section.

B. Exemptions from Setback Requirements. The minimum setback requirements of this Title shall apply to all uses/structures except for the following:

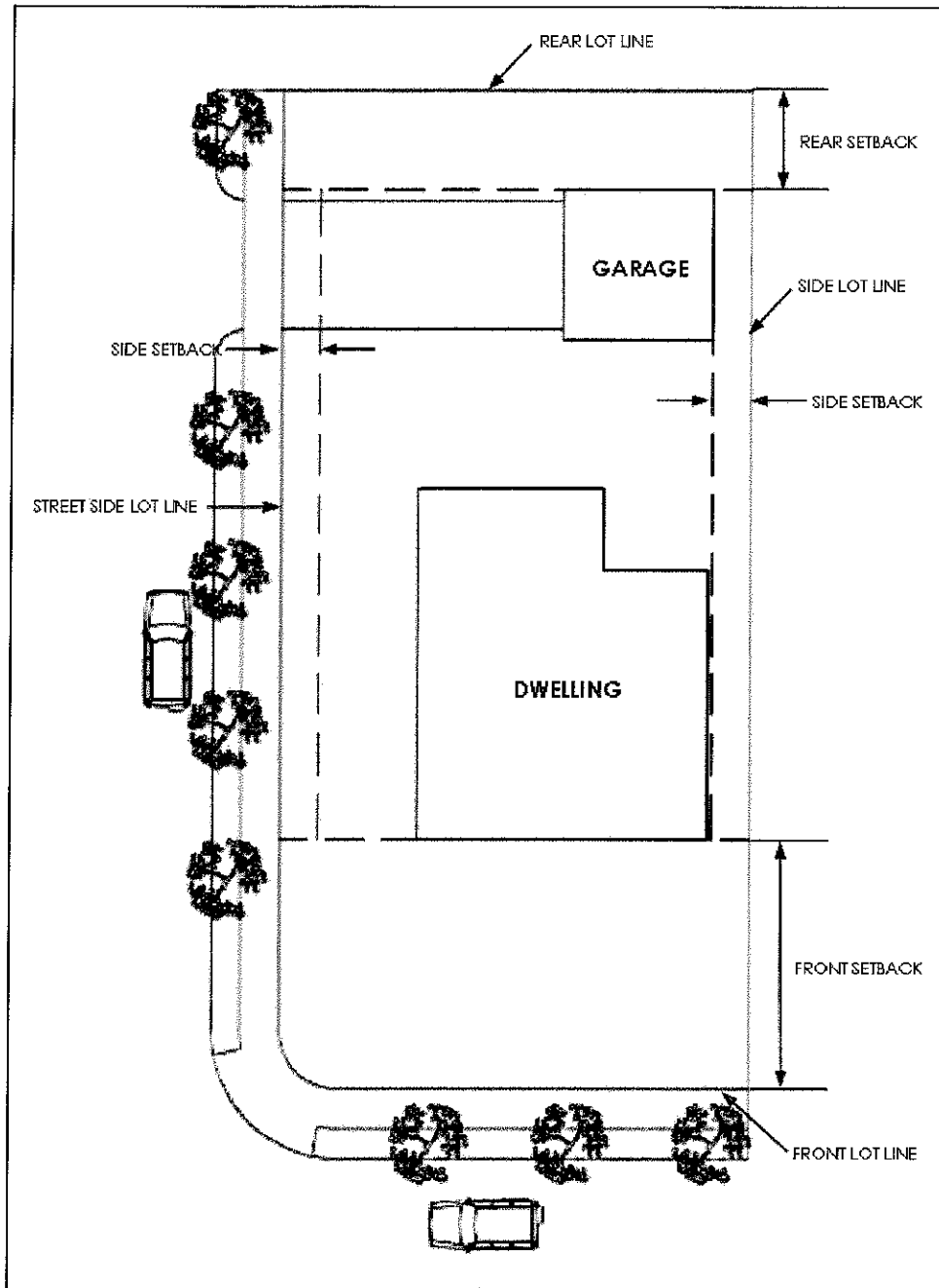
1. Fences or walls constructed within the height limitations of this Title;
2. Decks, with or without hand rails, steps, terraces, and other site design elements that are placed directly upon the finish grade and are up to 24 inches above the surrounding finish grade.

C. Limitations on Use of Setbacks. Required setback areas shall only be used as follows:

1. **Structures.** Required setback area shall not be occupied structures other than:
 - a. Structures that are exempt from setback requirements by Subsection 17.300.020.B. (Exemptions from Setback Requirements), above;
 - b. Residential accessory structures located within setback areas in compliance with Section 17.400.100 (Residential Uses - Accessory Residential Structures).
2. **Parking.** Residential parking is allowed within a required setback only on driveways in compliance with Section 17.320.040 (Driveway and Site Access Standards).
3. **Storage.** Front or street side setbacks shall not be used for the storage of inoperable vehicles, scrap, junk, or similar materials.

D. Measurement of Setbacks. Setbacks shall be measured as follows, see Figure 3-1 (Location and Measurements of Setbacks), below:

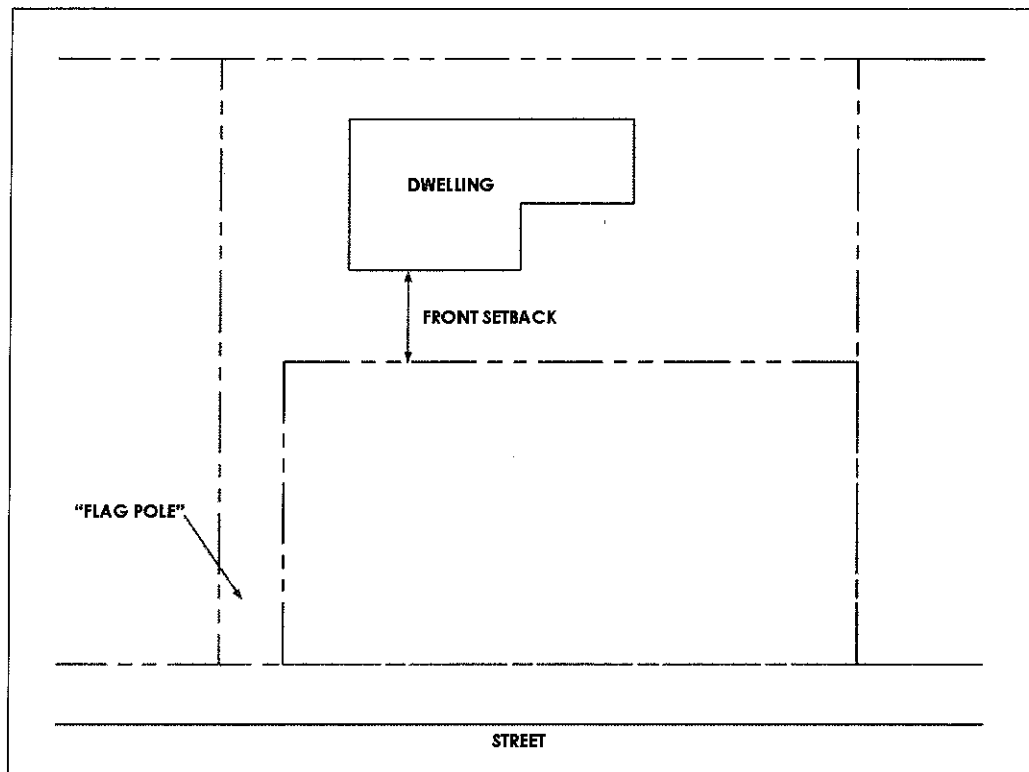
Figure 3-1
Location and Measurement of Setbacks



1. **Front setback.** The front setback shall be measured at right angles from the nearest point on the front property line to the nearest wall of the structure, except as follows:
 - a. **Corner parcels.** The setback measurement of corner parcels shall be taken from the nearest point on the structure to the nearest point of the property line adjoining the street that is opposite the rear yard.

- b. **Flag lots.** The setback measurement of flag lots shall be taken from the nearest point on the wall of the structure facing the street to the point where the access strip ("flag pole") meets the bulk of the parcel, establishing a building line parallel to the lot line nearest to the public street or right-of-way. See Figure 3-2 (Flag Lot), below:

**Figure 3-2
Flag Lot**



2. **Side and street side setback.** The side and street side setbacks shall be measured at right angles from the nearest point on the side property line to the nearest wall of the structure, establishing a setback line parallel to the side property line, that extends between the front and rear yards.
3. **Rear setback.** The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest wall of the structure, establishing a setback line parallel to the rear property line that extends between the side yards.

E. **Allowed Projections into Setbacks.** Architectural features and equipment may extend into the front, side, and rear setbacks, as well as required open space, in compliance with Table 3-1 (Allowed Projections into Setbacks), below and as determined by the Director:

Exhibit A to Ordinance No. 2017-_____

Table 3-1
Allowed Projections into Setbacks

Projecting Feature	Maximum Projection into Setback (1)(2)		
	Front	Side	Rear
Awnings, Canopies - Residential Zone	18 inches	18 inches	18 inches
Awnings, Canopies - Non-Residential Zone	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.
Stairways open and unenclosed by other than railings – Residential Zone	18 inches	18 inches	18 inches
Stairways open and unenclosed by other than railings – Non-Residential Zone	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.
Balconies, Bay Windows – Residential Zone (No wider than 9' or 25% the width of the subject wall segment on which the balcony or bay window is attached, whichever is greater).	18 inches	18 inches	18 inches
Balconies, Bay Windows – Non-Residential Zone	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.
Chimney	18 inches	18 inches	18 inches
Cornices	18 inches	18 inches	18 inches
Eaves, Roof overhangs, at least 8 ft above grade. (for primary structures; not accessory structures)	24 inches	24 inches	24 inches
Eaves and Roof Overhangs, at least 8 ft above grade (for accessory residential structures, 12 feet or less in height)	12 inches	12 inches	12 inches
Equipment – Air conditioners, ground mounted water heaters, fixed barbecues, sinks, fixed counters, and similar equipment	24 inches	None	24 inches
Equipment – Electric, Gas Meters and Wall Mounted Water Heaters	24 inches	18 inches	24 inches
Equipment - Pool and Spa	None	None	No Limit
Porch, Deck or Landing – covered but otherwise unenclosed (not higher than the first story line) with a width no greater than 9 ft or 25% of the width of the subject wall segment on which the porch, deck, or landing is attached, whichever is greater).	5 ft (including eaves or other projection)	None	5 ft (including eaves or other projection)
Porch, Deck, Landing or Ramp, uncovered, more than 2 ft above grade.	5 ft	None	None
Porch, Deck, Landing or Ramp, uncovered, 2 ft or less above grade.	No limit	No limit	No limit

Article 3 - Site Planning & General Development Standards

(Ordinance No's. 2005-007; 2008-006; 2009-001; 2009-002; 2012-005; 2013-001; 2013-004; 2013-008; 2013-010; 2014-002; 2014-007; 2016-001)

**Table 3-1
Allowed Projections into Setbacks**

Projecting Feature	Maximum Projection into Setback (1)(2)		
	Front	Side	Rear
Porte Cochere or Carport with no less than 7 ft of vertical clearance above a driveway.	None	To within 6 inches of an interior side property line only.	5 ft
Utility Risers, Rain Gutters, Downspouts, etc.	12 inches	12 inches	12 inches
Wing wall not exceeding 12 ft in height	None	To within 6 inches of an interior side property line only.	None
Wing wall higher than 12 ft in height	None	None	None
Landscape Support Structures - green screens, lattices, and similar structures	12 inches	12 inches	12 inches
<u>Freestanding Front Yard Trellis -- Residential Zones</u> <u>No more than two (2) per property, and no more than 8 feet in height, 6 feet in width, 3 feet in depth, open on all four sides</u>	<u>No limitation (3)</u>	<u>Not Applicable</u>	<u>Not Applicable</u>

Notes:

- (1) See Chapter 17.550 (Variances and Administrative Modifications)
- (2) Unless otherwise noted in the above table: For a structure with a setback of 2 feet or less, no projection into the setback is permitted. If the setback is greater than 2 feet, no projection shall encroach into the 2-foot setback.
- (3) These structures shall maintain a clearance of 5 feet from the intersection of a driveway or alley with a public street right-of-way and 15 feet from the intersection of two public street right-of-ways

- F. Setback Requirements for Specific Structures.** Hot tubs, swimming pools, spas and other water elements intended for human occupancy may be allowed within a required rear or side setback, provided that it is located no closer than 3 feet to any property line. Ponds and other water elements not intended for human occupancy and do not exceed a height of 24 inches may be placed within any required setback.