

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, REPEALING ORDINANCE NO. 2020-010 AND APPROVING CITY-INITIATED ZONING CODE AMENDMENT P2023-0330-ZCA AMENDING CULVER CITY MUNICIPAL CODE (CCMC) TITLE 17: ZONING CODE; SECTION 17.210 – RESIDENTIAL ZONING DISTRICTS, 17.300 – GENERAL PROPERTY DEVELOPMENT AND USE STANDARDS, 17.320 – OFF-STREET PARKING AND LOADING, AND 17.400 – STANDARDS FOR SPECIFIC LAND USES.

(Zoning Code Amendment, P2023-0330-ZCA)

WHEREAS, On July 13, 2020, the City adopted Ordinance No. 2020-010 which updated the development standards in R1 neighborhoods in Culver City; and

WHEREAS, the adoption of Ordinance No. 2020-010 was challenged and on October 27, 2023, the Court of Appeal found that certain sections of Ordinance No. 2020-010 violated SB 330; and

WHEREAS, the City is now required to repeal Ordinance No. 2020-010 by February 2024; and

WHEREAS, with the repeal of Ordinance No. 2020-010, the amendments made by Ordinance No. 2020-010 are no longer in effect; and

WHEREAS, in addition to revising development standards in R1 neighborhoods, Ordinance No. 2020-010 made clarifying changes to Section 17.210 – Residential Zoning Districts, 17.300 – General Property Development and Use Standards, 17.320 – Off-Street Parking and Loading, and 17.400 – Standards for Specific Land Uses which are consistent with SB 330 and which are necessary for City staff's continued processing of development applications; and

1 WHEREAS, this Ordinance readopts those limited changes to Section 17.210 –
2 Residential Zoning Districts, 17.300 – General Property Development and Use Standards,
3 17.320 – Off-Street Parking and Loading, and 17.400 – Standards for Specific Land Uses as
4 shown in Exhibit A; and

5 WHEREAS, on January 22, 2024, after concluding the duly noticed public hearing
6 on City-initiated Zoning Code Text Amendment (P2023-0097-ZCA), repealing Ordinance No.
7 2020-010 and amending Culver City Municipal Code (CCMC) Title 17: Zoning Code; Section
8 17.210 – Residential Zoning Districts, 17.300 – General Property Development and Use
9 Standards, 17.320 – Off-Street Parking and Loading, and 17.400 – Standards for Specific
10 Land Uses, fully considering all reports, studies, testimony, and environmental information
11 presented, the City Council, by a vote of __ to __, introduced an ordinance to approve Zoning
12 Code Amendment P2023-0330-ZCA, as set forth herein below.

13 **NOW, THEREFORE,** The City Council of the City of Culver City, California,
14 DOES HEREBY ORDAIN as follows:

15 **SECTION 1. ZONING CODE AMENDMENT** Pursuant to the foregoing recitations
16 and the provisions of the CCMC, the following required findings for an amendment to the
17 Zoning Code, as outlined in CCMC Section 17.620.030.A, are hereby made:

18 **1. The proposed amendment ensures and maintains internal consistency**
19 **with the goals, policies, and strategies of all elements of the General Plan and**
20 **will not create any inconsistencies.**

21 The proposed Zoning Code text amendments are intended to reintroduce
22 certain Zoning Code sections that protect neighborhood integrity and which are
23 consistent with SB 330. These amendments are consistent with General Plan
24 Objective 1 to protect the low- to medium-density character of residential
25 neighborhoods throughout the City. The proposed Zoning Code Text Amendments
26 do not conflict with the goals, policies, and strategies of any elements of the
27 General Plan, or create any inconsistencies.

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

3 The amendments will reintroduce certain items to the Zoning Code that will help
4 protect residential privacy and reduce aesthetic impacts from automobiles parking
5 in front yard setbacks. The amendments also reintroduce sections that facilitate
6 accessory residential construction and future conversion to ADU. The
7 amendments support the public interest, health, safety, convenience, and welfare
8 of the City.

9 **3. The proposed amendment is in compliance with the provisions of the**
10 **California Environmental Quality Act (CEQA).**

11 The Project is considered exempt from CEQA pursuant to CEQA Guidelines
12 Section 15061(b)(3) because it can be seen with certainty that reverting the Code
13 to previous standards to comply with court order and reintroducing limited sections
14 will not have a significant effect on the environment.

15 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
16 Council of the City of Culver City, California, hereby adopts the Ordinance approving Zoning
17 Code Text Amendment (P2023-0330-ZCA), repealing Ordinance No. 2020-010 and
18 amending Culver City Municipal Code (CCMC) Title 17: Zoning Code; Section 17.210 –
19 Residential Zoning Districts, 17.300 – General Property Development and Use Standards,
20 17.320 – Off-Street Parking and Loading, and 17.400 – Standards for Specific Land Uses as
21 set forth in Exhibit “A” attached hereto and made a part thereof.

22 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
23 take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the City
24 Charter, prior to the expiration of 15 days after the adoption, the City Clerk shall cause this
25 Ordinance, or a summary thereof, to be published in the Culver City News and shall post this
26 Ordinance or a summary thereof in at least three places within the City.

27 **SECTION 4.** The City Council hereby declares that, if any provision,
28 section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered
29

1 or declared invalid or unconstitutional by any final action in a court of competent
2 jurisdiction or by reason or any preemptive legislation, then the City Council would have
3 independently adopted the remaining provisions, sections, subsections, paragraphs,
4 sentences, phrases, or words of this Ordinance, and as such they shall remain in full
5 force and effect.
6

7
8 APPROVED and ADOPTED this _____ day of _____ 2024.
9

10
11 _____
12 Yasmine-Imani McMorris, Mayor
City of Culver City, California

13 ATTESTED BY:
14

15 APPROVED AS TO FORM:
16

17 _____
18 JEREMY BOCCHINO, City Clerk
19

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21 _____
22 HEATHER BAKER, City Attorney
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EXHIBIT A

§ 17.200.010 ZONING DISTRICTS ESTABLISHED.

Culver City shall be divided into zoning districts which implement the General Plan. The zoning districts described in Table 2-1 (Zoning Districts) are hereby established, and shall be shown on the official Zoning Map adopted (§17.200.025).

Table 2-1 Zoning Districts		
<i>Zoning Map Symbol</i>	<i>Zoning District Name</i>	<i>General Plan Land Use Classification Implemented by Zoning District</i>
Overlay Zones		
-CC	Culver Crest/Hillsides Overlay	

§ 17.210.020 RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS.

- A. General Requirements.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures in the R1, R2 and R3 zones shall conform to the requirements in Table 2-3 (Residential Districts Development Standards - R1, R2, R3). Subdivisions, new land uses and structures, and alterations to existing land uses and structures in the RLD, RMD and RHD zones shall conform to the requirements in Table 2-4 (Residential District Development Standards - RLD, RMD, RHD). In addition, the applicable development standards in Article 3 (Site Planning and General Development Standards) apply to all residential zoning districts.

Table 2-3 Residential Districts Development Standards (R1, R2, R3)			
<i>Development Feature</i>	<i>Requirement by Zoning District</i>		
	<i>R1</i>	<i>R2</i>	<i>R3</i>
Minimum lot area (1)	5,000 square feet or the average area of residential lots within a 500-foot radius of proposed subdivision, whichever is greater.		
Lot width (2)	50 feet		
Lot depth	100 feet		
Maximum number of dwelling units allowed per parcel (3)	1 unit	2 units	3 units
Dwelling size	<i>Maximum and minimum allowed floor area.</i>	<i>Maximum and minimum allowed floor area, not including any garage or other non-habitable space.</i>	
Maximum area	.60 Floor Area Ratio (FAR) (6)(7)	1,500 square feet plus 40% of net lot area for parcels less than 8,000 square feet; 60% of net lot area for parcels 8,000 square feet or more.	
Minimum area	1,000 square feet on the ground floor.	1,000 square feet for a single-family unit; 750 square feet/unit in a duplex.	1,000 square feet for a single-family unit; 750 square feet for a duplex or triplex.
Setbacks (4)	<i>Minimum setbacks required. See § 17.300.020 (Setback Regulations and Exceptions).</i>		

Front	20 feet - single story structures - two story structures; plus minimum 5 feet stepback for second floor 25 feet - two story structures without minimum 5 feet second floor stepback	15 feet	10 feet or one half the building height, whichever is greater.
Interior sides (each)	5 feet	4 feet	5 feet
Street side (corner)	5 feet single story structures 5 feet - two story structures; plus minimum 5 feet stepback for second floor 10 feet - two story structures without minimum 5 feet second floor stepback		
Rear	15 feet	10 feet	
Minimum distance between structures	5 feet between accessory residential structures and accessory dwelling units; 5 feet between primary dwelling units and accessory residential structures and accessory dwelling units; 8 feet between detached dwelling units.		
Open space	Minimum area of a site to remain uncovered by structures, in compliance with § 17.400.100 (Residential Uses - Accessory Residential Structures).		
Private	None required other than setbacks.		
Common	None required.		
Height limit (4)(5)(8)	Flat roofs - 2 stories and 26 feet Sloped roof - 2 stories and 30 feet	2 stories and 30 feet	
Roof decks	Rooftop decks shall be set back 5 feet from the building edge along a side yard.	Permitted, subject to other provisions in this Title.	
Landscaping	As required by Chapter 17.310 (Landscaping).		
Parking	As required by Chapter 17.320 (Offstreet Parking and Loading).		
Signs	As required by Chapter 17.330 (Signs).		
Notes:			
(1) Minimum lot area for parcels proposed in new subdivisions and lot line adjustments. 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 this Chapter.			
(2) Minimum required width measured at the street property line, except as otherwise provided by § 15.10.700. (Subdivision Design Standards) for curved lot frontages and flag lots.			
(3) For standards for Accessory Dwelling Unit, see § 17.400.095.			
(4) For standards for Accessory Residential Structures, see § 17.400.100.			

(5) For standards for Height Measurement and Height Limit Exceptions, see § 17.300.025.
(6) Garages attached to the primary structure shall be included in the FAR. Detached garages shall not be included in the FAR.
(7) The floor area of basements shall not be included in the FAR.
(8) Sloped roofs equal to or greater than a 3:12 slope; flat roofs less than 3:12 slope.

§ 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 residential 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 (1/3) 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. 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)

<i>Development Feature</i>	<i>Requirement by -CC Overlay</i>	
Maximum Number of Dwelling Units Allowed per Parcel	1 Unit	
Dwelling Size (A)		
Maximum Area	Slope (B)	FAR
	<15%	0.45
	15% to 30%	0.40
	>30% to 45%	0.35
	>45% to 60%	0.30

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

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.

§ 17.300.025 HEIGHT MEASUREMENT AND HEIGHT LIMIT EXCEPTIONS.

C. Exceptions to Height Limits. Exceptions to the height limits identified in this Title shall apply in the following manner, except where otherwise required by the Building Code:

1. Notwithstanding any other regulation of this Title, the Council, after consideration of recommendation by the Commission, may by resolution establish a maximum building height for new construction in the Redevelopment Project Area Component Areas 1 through 3, consistent with the Design for Development established by the Redevelopment Agency.

2. Roof-mounted structures for the housing of mechanical equipment, antennas, elevators, stairways, tanks, towers, ventilating fans, or similar equipment required to operate and maintain the structure, shall be allowed as follows, except that where the requirements for screening pursuant to Section 17.300.035.C.1. conflict with the requirements of this Section 17.300.025, such conflict shall be resolved at the discretion of the Director.

a. In multiple-family residential zones, up to a maximum of 13 feet 6 inches above the height of a building. Any roof mounted structure or equipment exceeding the parapet height shall be set back 5 feet from the edge of the structure, except stairs shall not be required to be set back from the edge of the structure.

b. In non-residential zones, up to a maximum of 13 feet 6 inches above the height of a building; except that elevators shall be allowed up to a maximum of 19 feet 6 inches above the height of a building.

3. Fire or parapet walls may extend up to 5 feet above the building height limit of the structure, and as may otherwise be required by the California Building Code.

§ 17.300.035 SCREENING.

C. Mechanical Equipment, Loading Docks, and Refuse Areas.

1. Mechanical equipment (e.g., air conditioning, heating, exhaust, and ventilation ducts, and the like), loading docks, refuse and recyclable materials storage areas, and utility services shall be screened from public view from adjoining public streets and rights-of-way, and surrounding area(s) zoned for residential or open space uses as determined by the Director.

§ 17.300.045 GRADING CONSISTENCY.

When a property is located in a residential zone along a sloping street of 5% or greater, elevation of the new building pad construction shall be consistent in rise along the street and shall be the average elevation of the adjoining lots calculated as the sum of the adjoining lot elevations divided by two, unless otherwise prescribed by the Building Official.

§ 17.320.035 PARKING DESIGN AND LAYOUT GUIDELINES.

A. Access to Parking Areas and Parking Spaces.

1. **Access to parking areas.** Parking areas shall be designed to prevent access at any point other than at designated access drives.
2. **Parking space location.** Parking spaces shall not be located within 10 feet of an access driveway, measured from the property line. See Figure 3-8 (Parking Space Location) below.
3. **Internal maneuvering area.** Parking areas shall provide suitable maneuvering room so that vehicles enter the street in a forward direction, except for single-family homes, duplexes or triplexes on non-arterial streets, which may be designed to permit backing a vehicle into a public street right-of-way.

N. Special Parking Requirements for Residential Uses.

1. **Driveway length.** Except as otherwise allowed by this Title, within residential zoning districts, access for every required parking space shall be provided by a paved driveway not less than 20 feet in length, measured from the end of the parking space to the nearest public or private street right-of-way line from which access to parking is provided, except uncovered spaces which may be located in accordance with Figure 3-11.
2. **Paving of street-facing setback.** Within residential zoning districts, no more than 25% of any required setback facing a street shall be paved to provide access to on-site parking, unless paving of a larger area is required to comply with Subsection 17.320.035.C. (Parking Space and Lot Dimensions) above (e.g., to provide a standard 16-foot, double-wide driveway for a two-car garage within the 20-foot front setback area), to comply with Table 3-5 of Subsection 17.320.035.N.3 (Residential Covered Parking Requirements). In addition to any required driveway paving in single-family, two-family and three-family residential projects, additional paving may be allowed for a pedestrian pathway leading to the entrance of the development provided the pedestrian path is not more than 4 feet in width. If the pedestrian path is not connected to the driveway, it shall be separated from the driveway by a minimum of 3 feet and landscaped. If the pedestrian pathway is connected to the driveway, the maximum length of the connection shall not exceed four feet. Vehicles shall not be parked between the street property line and the front or side of a residential unit except on a driveway leading to a garage or carport, on a designated uncovered parking space.

3. Covered parking. All required parking shall comply with the requirements of Table 3-5 Covered Parking Requirements.

Table 3-5 Residential Covered Parking Requirements

<i>Zoning District (1)</i>	<i>Residential Unit(s)</i>	<i>Uncovered</i>	<i>1/2 Covered</i>	<i>Fully Covered</i>
R1 Zone	Single family dwelling	☒	☒	☒
R2, R3, RLD, RMD and RHD Zones	Single family dwelling (alone)	☒	☒	☒
R2, R3, RLD, RMD and RHD Zones	Single family dwelling (plus one or more detached SFD, duplex or triplex)	☒	☒	☒
R2, R3, RLD, RMD and RHD Zones	Duplex or triplex		☒	
RLD, RMD and RHD Zones	Multiple family (4 or more units)		☒	
CN, CG, CC, CD, and EWO Zones	Residential portion of a mixed use project			☒
CN, CG, CC, CD, and EWO Zones	Live work unit		☒	
All	Guest parking	☒		
Notes:				
(1) In all residential zones and on properties developed with stand-alone residential uses, any uncovered parking located behind the front yard setback line shall be placed within 15 feet of a maximum of one interior side yard property line and/or shall be fully screened from view of the public right-of-way by the primary structure. Front yard-facing parking not located within 15 feet of an interior side yard property line shall be fully covered and enclosed. See Figure 3-11 (Allowable Residential Uncovered Parking Placement) below.				

§ 17.400.100 RESIDENTIAL USES - ACCESSORY RESIDENTIAL STRUCTURES.

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

A. General Requirements for Accessory Structures in Residential Zoning Districts.

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. A covenant may be required to be executed and recorded to ensure the accessory use and structure is identified and maintained consistent with the City's approval, in accordance with Section 17.595.045 (Covenants).

2. Allowable heights. The maximum allowable heights of accessory structures are specified in Table 4-4 (Maximum Heights for Accessory Structures in Residential Zoning Districts) below.

Table 4-4 <i>Maximum Heights for Accessory Structures in Residential Zoning Districts</i>	
<i>Applicable Zoning District</i>	<i>Maximum Height</i>
Single-Family Residential (R1), Two-Family Residential (R2) and Three-Family Residential (R3) Zoning Districts.	2 stories and 26 feet
Low Density Multiple-Residential (RLD), Medium Density Multiple-Residential (RMD) and High Density Multiple-Residential (RHD) Zoning Districts.	2 stories and 30 feet

3. Allowable setbacks.

a. The accessory structure shall have a setback of at least 2 feet from every perimeter property line abutting a non-residential zone, street, or alley and shall have a setback of at least 4 feet from every perimeter property line when the setback is adjacent to a residential zone, except that the setback shall be the same as that required for the primary dwelling in the zoning district in which the accessory structure is located, whenever the accessory structure:

- i Exceeds 12 feet in height; or
 - ii. Is within a setback facing a public street right-of-way.
- b.** A single story, ground-level accessory residential structure containing a second story accessory dwelling unit shall be subject to

setback requirements for accessory dwelling units. Any portion of an accessory residential structure that exceeds 12 feet in height, located on the second floor, or is within a setback facing a public street right-of-way shall comply with the same setbacks required for the primary dwelling in the corresponding zoning district.

c. If the accessory structure is a carport or garage, it shall be set back from a public street right-of-way as necessary to conform with the requirements of Subsection 17.320.035.N. (Special Parking Requirements for Residential Uses).

d. Partial reconstruction and additions to existing legal non-conforming accessory residential structures on through lots with frontages on both Charles Avenue and Milton Avenue shall be subject to provisions of Section 17.610.020.A.3.c (Alterations or Additions)

e. Exceptions. The following structures are exempt from the accessory structure setback requirements, with a cumulative limit of 2 maximum of any combination of such accessory structures or 1 property.

i. Movable structures not exceeding 12 feet in height, including children's play equipment, pet shelters, and similar structures, may be placed within a required side or rear setback without limitation on location.

ii. Portable storage sheds which are prefabricated, do not exceed 8 feet in height if flat roofed, nor 12 feet in height with eaves at a maximum of 8 feet for slope roofed, and are up to 120 square feet in area, may be placed within a required side or rear yard setback without limitation on location, except that they shall comply with Subsection 4 (Site Coverage) and 5 (Allowable Floor Area) as specified below.

iii. Trash enclosures may be placed within a required rear or side setback without limitation on location.

f. Two story accessory residential structures will not be permitted unless:

i. Only one story is the accessory residential structure and the other story is a garage and/or accessory dwelling unit;

ii. The second story satisfies the same setback requirements that would be applicable to a primary dwelling in the applicable zoning district, unless the second story is an accessory dwelling unit only. See Figure 4-10.