



City of Culver City

Staff Report

File #: 24-615, Version: 1

Item #: PH-1.

CC - PUBLIC HEARING: Introduction of an Ordinance repealing Ordinance No. 2020-010 and amending the following sections of Title 17 (Zoning) of the Culver City Municipal Code (CCMC): 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).

Meeting Date: January 22, 2024

Contact Person/Dept: William Kavadas/Assistant Planner
Emily Stadnicki/Current Planning Manager

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

Fiscal Impact: Yes No

General Fund: Yes No

Attachments: Yes No

Public Notification: (Posted) City Website (01/04/2024); Gov Delivery (01/04/2024); (Published in) Culver City News (01/04/2024); (E-Mail) Meetings and Agendas - City Council (01/17/2024).

Department Approval: Mark E. Muenzer, Planning and Development Director (1/11/2023)

RECOMMENDATION:

Staff recommends the City Council adopt an ordinance repealing Ordinance No. 2020-010 and amending the following sections of Title 17: 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.

PROCEDURES:

1. The Mayor seeks a motion to receive and file the affidavit of publication and posting of the public hearing notice.
2. The Mayor calls on staff for a brief staff report and City Council poses questions to staff.
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:

Ordinance No. 2020-010 was adopted on July 13, 2020 to reduce instances of new construction single-family dwellings that were largely out of scale with existing development patterns. After the adoption of the Ordinance, the City was sued by Yes In My Backyard (YIMBY), which alleged that some of the development standards imposed by Ordinance No. 2020-010 were inconsistent with SB 330 because they reduced the intensity of land use in R1 zoned neighborhoods. The City disagreed with YIMBY's position and defended the lawsuit accordingly. However, on October 27, 2023 the Court of Appeal found the reduction of Floor Area Ratio (FAR) in Ordinance No. 2020-010 violated SB 330. The City is now required to repeal Ordinance No. 2020-010 by February 2024. This action would repeal Ordinance No. 2020-010 and reintroduce limited code modifications to Title 17 that are consistent with SB 330.

Due to the short timeframes required by the Court to implement these changes, the item was not reviewed by the Planning Commission. However, the limited amendments proposed in this Ordinance are consistent with the more comprehensive amendments previously reviewed by the Planning Commission prior to adoption of 2020-010. The Planning Commission will be informed of the Court order and modifications will be a part of future adoption of the General Plan and Zoning Code updates.

DISCUSSION:**Items Subject to Repeal**

With the repeal of Ordinance 2020-010, the following items related to land use intensity will revert to their previous iterations:

- 0.45 FAR will revert to 0.60 FAR.
- The 45 degree clear zone starting 18 feet above the side property line will revert to a uniform five-foot side yard side yard setback.
- Flat roof height will revert from 27 feet to 26 feet, but parapets will now be allowed to exceed building height by 5 feet.
- The Residential Hillside Overlay will revert to the Culver Crest Overlay and only apply to the Culver Crest Neighborhood.
- Specific definitions will be removed from the R1 Zone to rely on existing definitions in Article 7 - Definitions of the Zoning Code.

Items Subject to Reintroduction

Staff suggests the following items be reintroduced to the Zoning Code, which are consistent with SB 330:

- Roof Decks shall require a five-foot setback from the building edge along a side yard to protect privacy.
- Grading consistency is required for new construction on streets with a slope of five percent or greater to reduce instances of significant changes in natural grade as a result of new

construction.

- Front yard parking shall be fully covered and enclosed if located beyond 15 feet of one side of a property line.
- Accessory Residential Structures will have the same four-foot setbacks as accessory dwelling units when adjacent to residential zones. This will facilitate future ADU conversions if desired by property owners.

PUBLIC OUTREACH

CCMC Section 17.630.010 requires public notification via a publication in the Culver City News, a minimum of fourteen (14) days prior to the formal public hearing. Accordingly, a public notice was published in the Culver City News and posted on the City website and distributed electronically via GovDelivery on January 4, 2024. As of the writing of this report, no comments have been received.

CONCLUSION:

The repeal of Ordinance No. 2020-010 is necessary to comply with a Court order. The limited items subject to reintroduction are consistent with SB 330. Planning staff will study the reintroduction of additional items related to R1 zoning as part of the overall Zoning Code Update, consistent with the adoption of the General Plan Land Use Element and consistent with applicable State Law.

ENVIRONMENTAL DETERMINATION:

The proposed Zoning Code Amendment, P2023-0330-ZCA, is considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3). This section is the "common sense exemption" that states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. If the Lead Agency can determine with that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed repeal of Ordinance No. 2020-010 and the reintroduction of the limited items will not have a significant effect on the environment because they make minimal changes to the development capacity on parcels in the R1 neighborhood. Any individual development project would be studied for significant impacts on the environment.

FISCAL ANALYSIS:

There is no fiscal impact associated with the adoption of the proposed ordinance approving the subject Zoning Code Amendment.

ATTACHMENTS:

1. 2024-01-22_ATT 1 - Proposed Ordinance, including Exhibit A Proposed Code Amendments

2. 2024-01-22_ATT 2 - Ordinance 2020-010

MOTION:

That the City Council:

Introduce Ordinance approving City-Initiated Zoning Code Amendment P2023-0330-ZCA repealing Ordinance No. 2020-010 and amending Title 17 (Zoning) of the Culver City Municipal Code (CCMC): 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.