



City of Culver City

Mike Balkman Council
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Staff Report Details (With Text)

File #: 19-790 **Version:** 1 **Name:** CC Hillside ZTA and Grading Ordinance
Type: Public Hearing **Status:** Public Hearing
File created: 1/11/2019 **In control:** City Council Meeting Agenda
On agenda: 2/4/2019 **Final action:**
Title: CC - PUBLIC HEARING - Introduction of an Ordinance 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/Hillside Overlay (-CC) and Establishing Development Standards for Hillside Neighborhoods.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 19-02-04_ATT 1_Ordinance Zone Code Amendments Hillside.pdf, 2. 19-02-04-ATT NO 2_Culver Crest Overlay Area Map.pdf, 3. 19-02-04-ATT NO 3_JKA Large Single Family Home Study.pdf, 4. 19-02-04-ATT NO 4_Public Comment.pdf

Date	Ver.	Action By	Action	Result
2/4/2019	1	City Council Meeting Agenda		
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CC - PUBLIC HEARING - Introduction of an Ordinance 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/Hillside Overlay (-CC) and Establishing Development Standards for Hillside Neighborhoods.

Meeting Date: February 4, 2019

Contact Person/Dept: William Kavadas/Assistant Planner

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Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

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

Commission Action Required: Yes ☒ No ☐ **Date:** January 9, 2019

Public Notification: (E-Mail) Meetings and Agendas - City Council (1/30/19); (Posted) City Website (1/17/19); Culver Crest Neighborhood Hillside Study List Serve (1/25/19); Gov Delivery (1/17/19); (Published) in Culver City News (1/17/19).

Department Approval: Sol Blumenfeld, Community Development Director (01/29/19)

RECOMMENDATION

Staff recommends the City Council introduce an ordinance 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 Zone (-CC) and establishing development standards for hillside neighborhoods.

PROCEDURES

1. The Mayor calls on staff for a staff report and City Council poses questions to staff as desired.
2. The Mayor opens the public hearing, and receives comments from the general public.
3. The Mayor seeks a motion to close the public hearing after all testimony has been presented.
4. City Council discusses the matter and arrives at its decision.

BACKGROUND

The City Council adopted Urgency Ordinance No. 2017-005 on March 20, 2017, establishing a 45-day moratorium on the issuance of any new building permit for development and construction in the Lower and Upper Culver Crest Hillside neighborhoods. On April 18, 2017, the City Council adopted Ordinance No. 2017-006, extending the moratorium by 10 months and 15 days and reducing the area and properties subject to the moratorium. Ordinance No. 2018-006 was subsequently extended, extending the moratorium by an additional 12 months. The moratorium was extended in order to allow the City adequate time to research options for development and construction standards in the Culver Crest hillside area and to prepare related regulations for Planning Commission and City Council consideration. The moratorium will expire on March 19, 2019.

On May 30, 2017, the City Council approved an agreement with John Kaliski Architects (JKA) to prepare a study of hillside design and development standards (the Study).

During the preparation of the Study, safety issues related to the development of Accessory Dwelling Units (ADUs) in the hillside were identified. As a result, the City Council adopted Urgency Ordinance No. 2017-017 on November 27, 2017 to immediately address the issues and prohibit ADUs in the hillside. The Study's findings related to hillside ADUs included:

- (1) Existing substandard roadway widths coupled with curvilinear roadway configuration that may limit or prohibit emergency vehicle access or delayed response time during an emergency;
- (2) The eastern half of the Culver Crest neighborhood is a "Very High Fire Hazard" area; and
- (3) The area contains potential liquefaction zones and potential surficial landslide hazards.

On January 22, 2018, JKA's preliminary findings were presented to the City Council and included establishment of a Culver Crest Hillside Overlay Zone with the following zoning recommendations:

- Reduction of the maximum Floor Area Ratio (FAR) for all properties within the proposal overlay zone through the implementation of a Slope Band Methodology (the relationship between degree of slope and amount of lot development) to better regulate, on a property-by-property basis, the maximum floor area allowed on sloping lots.
- Increase of second-story front yard setbacks and first-floor side yard setbacks
- Introduction of second-story side yard supplemental setbacks
- Introduction of the allowable floor-to-floor height of individual stories and/or maximum height of allowed floor plate heights above grade
- Modification to landscape requirements for driveways, trees in street-facing front yards, and screening of retaining walls
- Adoption of voluntary best practices design guidelines

The City Council directed staff to develop a work program to incorporate the recommendations into the CCMC, including Zoning and Building Codes, and/or City policies, as applicable, in order to timely complete the work.

On June 11, 2018, the City Council reviewed various zoning code amendment proposals for further refinement. The City Council directed staff to move forward with the following changes:

- Create Culver Crest (-CC) Overlay Zone to define the area that will be subject to new regulations;
- Implement a Floor Area Ratio based on the average slope of the property;
- Increase second story front yard setbacks and side yard setbacks;
- Allow construction on slopes of greater than fifty (50) percent but limit to one (1) story maximum development on such slopes;
- Exclude landscape standards and decide such items on a city-wide basis at a later date;
- Introduce new definitions to the Zoning Code regarding single family design and construction specific to the overlay; and
- Introduce a minimum allowable building area for all parcels in the -CC Overlay.

On January 9, 2019, the Planning Commission reviewed draft zoning code amendments for the Upper Culver Crest. Planning Commission agreed with the zoning code amendments but suggested the following revisions to be made as part of the recommendation to City Council:

- Exception procedures by review of the Planning Commission to assist unique properties with hardship requests due to setback.
- Change the definition of “Attic” so it is clearer that the definition is trying to restrict attics from becoming unintended habitable spaces without meeting necessary code requirements.
- Exempt detached garages from inclusion in floor area calculations.
- Change Table 2-12 to note the following:
 - Footnote (A) to read “Minimum by-right floor area” as opposed to “Minimum allowable floor area”
 - Change Footnote (B) to Footnote (D) and update to explain Applicants can choose which setback is narrow and which setback is wide unless the subject property is a corner property in which case the street side yard is automatically the wide setback
 - Introduce new Footnote (B) establishing existing slope by way of a topographic survey of existing conditions completed prior to issuance of building permit.

- Change Footnote (C) to Footnote (E)
- Introduce new Footnote (C) to reference exception process for setbacks

During the Planning Commission hearing there were 22 public speakers. Fourteen (14) people spoke in favor of the text amendments, four (4) spoke against the text amendments, and two (2) spoke in favor of text amendments but wanted changes in the regulations.

DISCUSSION

The City Council is being asked to approve the following amendments as part of Zoning Code Amendment P2018-0223-ZCA.

Culver Crest Overlay Zone:

An Overlay Zone is a regulatory tool that creates a special zoning district, over an existing base zone with customized development standards for properties within the overlay. The Overlay Zone involves both a Zoning Code Text Amendment and Zoning Code Map Amendment. A Culver Crest Overlay Zone (Attachment No. 2) will address specific development, construction, and design concerns unique to the neighborhood.

Floor Area Ratio / Slope Band Methodology:

In the Upper Culver Crest neighborhood, Floor Area Ratio (FAR), the ratio of floor area that can be built as a percentage of the overall lot area, is proposed to be regulated by “Slope Band” Methodology (Please see Table 1). Slope Band Methodology provides a more precise method to regulate hillside building size than FAR alone and refers to incremental reductions in the maximum allowed FAR based on the average slope of the property with the intent of creating a better fit between maximum building size and mass relative to area topography.

Table 1: Proposed FAR

Dwelling Size (A)	Maximum Floor Area Allowed	
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
(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 of existing conditions prior to issuance of Building Permit.		

Recommended maximum FAR range between 0.45 for lots with a slope of less than 15 percent and 0.25 for lots with a slope of greater than 60 percent. A reduction of FAR from 0.60 to 0.45 resulted from requests from residents during the neighborhood meetings to reduce bulk and mass of homes in the Culver Crest.

Establishing a maximum FAR of 0.45 would reduce mass and bulk compared to the current 0.60 FAR standard. Slope band methodology would further take into account site constraints of steeper properties including hillside stability and viewsheds from down slope. The Study (Attachment No. 4) includes data showing the potential FAR of properties in the Culver Crest neighborhood based on their estimated average slope. In order to prevent

property owners from obtaining additional FAR, Average Slope would be established from existing conditions by topographic survey prepared prior to the issuance of Building Permit.

During the June 11, 2018 presentation of proposed text amendments to City Council, the Council directed that all properties in the Culver Crest should allow a minimum floor area of 2,500 square feet when the FAR established by the Slope Band Methodology permits less than 2,500 square feet, which will expand allowable floor area for approximately 58 homes. Otherwise, Slope Band Methodology will dictate the overall building FAR. On average, the Slope Band Methodology allows homes of up to 3,760 square feet. Table 2 provides a summary of the potential distribution of home sizes relative to slope percentage.

Table 2: Average Floor Area by Selected FAR

Proposed FAR/Slope	Number of Properties Impacted	Average Lot Size	Current Floor Area	Allowed Floor Area	Average Proposed Floor Area
.45	25	6432	3859		2894
.42	30	7950	4770		3339
.35	8	10244	6146		3585
.32	5	13863	8318		4436

Additional Setback Provisions:

Proposed modifications to setbacks would include changes to the second floor front yard setback and the side yard setbacks (Please see Table 3).

Table 3: Proposed Setbacks

Setbacks(C)	Minimum setbacks required. See Section 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 Setback): 24% of lot width, but not <12 feet and not >24 feet
Rear	15 Feet
(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 side setbacks in narrow and which is wide, but wide setback will automatically apply to a street facing side yard.	

Front-yard, second floor setbacks would increase from 25 to 30 feet. A 30 foot second floor setback will help to address the appearance of building mass along the street frontage to help maintain the existing neighborhood character.

Side yard setbacks would be based on lot width. First floor setbacks would be 10 percent of the lot width but not less than 5 feet and not more than 10 feet. Second floor setbacks would incorporate a

“narrow” setback and a “wide” setback to step-back the second floor of a structure and provide greater articulation. Property owners would have the option to choose which of their second floor side yard setbacks would be considered narrow and wide, except that a wide second floor setback would automatically apply to a street facing side yard. Narrow second floor setbacks would be established at 16 percent of the lot width, but not less than 8 feet and not more than 16 feet. Wide second floor setback would be established at 24 percent of the lot width, but not less than 12 feet and not more than 24 feet.

For all setbacks based on yard width, the property owner cannot propose a setback less than the minimum but can propose a setback larger than the maximum. These setbacks would help to reduce the mass and bulk of homes in relation to neighboring properties. Rear yard setbacks are proposed to remain at 15 feet.

Developable Area:

Portions of the Culver Crest Hillside were graded from original and natural slopes in the 1950s to establish building pads and roads. Original slope grading in the area ranged from approximately 66 percent to 100 percent. Most surficial landslide failures have occurred along these steepened slopes.

To reduce the risk of surficial landslides while still allowing property owners to construct a home of adequate building size, the City Council directed staff to draft code language allowing new construction on a hillside with greater than 50 percent slope but limiting maximum height to one (1) story. Construction of a one (1) story structure on a 50 percent slope would also protect viewsheds of those living down slope. One (1) story would also be limited to fourteen (14) feet in height.

Table 4: Proposed Height Regulations

Height Limit (E)	Slope	Height
	< 50%	Flat Roofs - 2 Stories and 26 feet
		Sloped Roofs - 2 Stories and 30 feet
	50% to 100%	1 Story and 14 Feet
(E) Any Parapet is included as part of the flat roof height standard		

Height would be measured from finished grade to top of structure including any parapet. Currently, parapet walls may extend up to five (5) feet above the maximum allowed building height, measured to the rooftop, but often increase the appearance of mass and bulk. Including parapet walls as part of maximum building height will help to reduce the mass and bulk of a structure and will be more consistent with the character of the Culver Crest Neighborhood.

New Definitions:

Staff has proposed several new or modified definitions within the Culver Crest Overlay Zone to better regulate the components of a single-family home within the Culver Crest Neighborhood.

“Attic” is proposed to help better define when attic space transitions to habitable floor space and an additional story.

- a. **Attic** - The area between roof framing and the ceiling of the rooms below that is not habitable per Building Code standard, but may be reached by ladder and used for storage or mechanical equipment. Any room with greater than 70 square feet in area per California Building Code Section 1208.3, with a finished ceiling height greater than seven (7) feet does not qualify as an attic and shall be counted towards floor area and as a story.

“Covered” is proposed to help better define “Floor Area, Residential”.

b. Covered - Any enclosed, semi-enclosed, or unenclosed building area that is covered by a solid roof.

“Dwelling Unit” is proposed to help better define what constitutes a single-family dwelling and reduce the potential for unpermitted separate living space within an existing single-family dwelling.

c. 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.

“Floor Area, Residential” is proposed to help better define what makes up the floor area of a single-family home to ensure bulk and mass of new and expanded structures is kept consistent with the intent of adopted codes.

d. 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.

“Kitchen” is proposed to help better define what constitutes a cooking area and reduce the ability for unpermitted separate living space with an existing single-family dwelling. While other jurisdictions use additional items to define a kitchen, such as garbage disposals, dishwashers, and sink drains of a certain diameter, staff believes the proposed language will help to define what makes up a kitchen without unduly restricting facilities such as wet bars in other parts of a house.

e. 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.

“Mezzanine/Loft” is proposed to help better define how a mezzanine will be counted towards floor area and story calculations when proposed as part of a single-family home.

f. 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.

“Story” is defined to help ensure bulk and massing of new and expanded structures is kept consistent with the intent of adopted codes.

g. 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 14-feet.

The proposed new definitions will help ensure consistency in reviewing proposed building modifications and new construction plans.

Exception Process:

The Planning Commission directed staff to include an exception process for setbacks during their January 9, 2019 meeting. Planning Commission was in favor of the proposed setbacks, but understood unique conditions may apply to certain properties; however, Planning Commission did not want these items to move forward as a traditional Variance.

Staff has proposed an exception process for setbacks. Applicants would need to make findings that special circumstances apply to the physical condition of the property and that approval of the exception would not be detrimental to health, safety, or general welfare. Staff would review exception proposals for consistency with findings. Any exception request by the public would be decided by the Planning Commission.

Community Input:

On September 24, 2018, Current Planning Division staff sent a notice to Culver Crest residents, informing them that the Zoning Code Amendments were under review and the Planning Division was available to meet with interested parties on an appointment basis to discuss the proposals. Several groups and individuals showed interest and three (3) meetings were held with City Staff during the first week of October.

There was concern among a large group of citizens regarding the definition of slope and when and how it would be determined if a site was regraded. For example, it was argued that a more steeply sloping lot could be subject to less restrictive standards if the lot was regraded to be less than a fifteen percent (15%) slope (allowing a larger house home to be constructed). JKA believes that the regrading of properties in the Culver Crest would be a beneficial outcome for the stability of the hillside over the long-term but that if there was concern about the regrading of parcels to maximize building size, the City could further constrain the allowable building height, mass, and bulk on slopes. This concern is also addressed in the proposed draft grading ordinance which recommends prohibiting grading for more than 500 cubic yards. The draft grading ordinance will be considered by City Council when the subject Zoning Code amendment is also heard.

While some residents wanted more restrictive standards, others felt the standards would restrict their development rights. For example there was concern expressed that the additional second floor setbacks would unnecessarily restrict second floor construction due to engineering constraints while not truly creating the desired architectural variation and value. One (1) citizen was concerned that houses south of Drakewood, Ranch, Tellefson, and Bernardo would become too restricted if they were considered part of the overlay zone and suggested that those homes be removed from the final Culver Crest Overlay.

On December 5, 2018, Current Planning Division staff was invited to speak a Culver Crest Neighborhood Association (CCNA) meeting to discuss the proposed Zoning Code Amendment language. The attendees shared their concerns that second floor side yard setback and FAR standards were too restrictive. Some residents also had concerns about viewsheds and the value of properties with a lower allowable FAR. Upon conclusion of the meeting, planning staff invited members of the public to meet at City Hall if they had any more questions they wanted to discuss with staff.

On December 13, 2018, Current Planning Division Staff met with four (4) members of the CCNA at City Hall to discuss their concerns regarding the proposed regulations. The members stated that they thought the FAR sliding scale should begin at 0.6 instead of 0.45 to be consistent with other R-1

neighborhoods in Culver City. They also disagreed with the proposed side yard setback and wanted the setback to be set a minimum of five (5) feet for both floors but to have an additional foot of setback for every ten (10) feet in height of the building. The members also wanted a first floor front yard setback that was based on prevailing setback and a second floor front yard setback being five (5) feet more than the prevailing condition. Many of those in opposition felt that the reduced floor area and increased setbacks would devalue their property. Responding to the concern staff has confirmed that:

- The average existing FAR in the Culver Crest is 0.26 which is much lower than the proposed allowable FAR in the draft ordinance.
- Approximately 26 homes in the Culver Crest would be considered legal non-conforming due to the proposed FAR slope band methodology. This represents approximately 9.7% of the total number of homes in the proposed “H” designated area.
- There is inconclusive evidence that home size directly correlates with home value as there are many variable such as age of structure, building condition and site amenities that influence home prices.

On January 17, 2019, the Culver Crest Neighborhood Association formally withdrew their recommendations regarding the Culver Crest Overlay Zoning Code Amendment.

Hillside Grading Ordinance

In addition to the above Zoning Code amendment, JKA’s Study provides recommendations for hillside development standards related to building design and construction. A proposed Building Code amendment that reflects the recommendations of the Zoning Code Amendment will be considered separately by the City Council.

Conclusion:

Staff has worked closely with the consultant, community, and City Council over the last 20 months and believes the proposed recommendations reflect the sum of community feedback, and address many of the major neighborhood concerns. The proposed zoning standards are sensitive to area topography and other hillside conditions and will help ensure appropriate area development. Pending City Council approval of the proposed Zone Code Amendments, staff will concurrently introduce language to immediately repeal Ordinance No. 2018-006 that enacted the Hillside moratorium.

ENVIRONMENTAL DETERMINATION

The proposed Zoning Code Amendment P2018-0223-ZCA is considered exempt pursuant to Section 15061(b) (3) of the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the Project to amend Zoning Code Chapter 17.260 - Overlay Zones will have a significant effect on the environment. The Project by itself, does not result in any physical changes in the environment because it will only amend the Zoning Code to regulate development standards for the Culver Crest Neighborhood and does not result in an intensification of development beyond what the Zoning Code already currently allows. . Any development project constructed pursuant to the regulatory standards established by the proposed Zoning Code Amendment will undergo a separate environmental review, in accordance with the requirements of CEQA.

FISCAL ANALYSIS

There are no fiscal impacts related to this item.

ATTACHMENTS

1. Proposed Ordinance, including Exhibit A: proposed amendments in “strikethrough/underline” format
2. Culver Crest Overlay Area Map
3. JKA Large Single Family Home Study for the Culver Crest Neighborhood
4. Written Public Comments received by the Planning Division

MOTION

That the City Council:

1. Introduce the proposed Ordinance, 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 Zone (-CC) and establishing development standards for hillside neighborhoods.