



# City of Culver City

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## Staff Report

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**File #:** 19-406, **Version:** 1

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**PC - Consideration of Zoning Code Amendment P2018-0223-ZCA, Amending Culver City Municipal Code (CCMC) Title 17: Zoning Code; Section 17.260 - Overlay Zones, as it relates to establishing a new overlay district for the Culver Crest Neighborhood.**

**Meeting Date:** January 9, 2019

**Contact Person/Dept:** William Kavadas, Assistant Planner

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**Phone Number:** (310) 253-5706 / (310) 253-5710

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☒

**Action Item:** ☐

**Attachments:** ☒

**City Council Action Required:** Yes ☒ No ☐ **Date:** TBD

**Public Notification:** (E-Mail) Meetings and Agendas - Planning Commission (1/3/19); (Posted) City Website (1/3/19); Culver Crest Neighborhood Hillside Study List Serve (12/7/18); Gov Delivery (1/3/19); (Published) in Culver City News (10/25/18).

**Department Approval:** Sol Blumenfeld, Community Development Director (12/26/18)

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### **RECOMMENDATION**

Staff recommends the Planning Commission adopt Resolution No. 2018-P009 (Attachment No. 1) recommending to the City Council approval of Zoning Code Text Amendment P2018-0223-ZCA establishing a new overlay district regulating development standards for the Culver Crest Neighborhood.

### **PROCEDURES**

1. Chair calls on staff for a brief staff report and the Planning Commission poses questions to staff as desired.
2. Chair opens the public hearing, and receives comments from the general public.
3. Chair seeks a motion to close the public hearing after all testimony has been presented.

4. Commission 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 temporary moratorium by 10 months and 15 days (including a reduction in the area and properties subject to the moratorium), and subsequently adopted Ordinance No. 2018-006 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 expires on March 19, 2019.

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

On November 27, 2017, City Council adopted Urgency Ordinance No. 2017-017 to immediately address the safety issues related to the development of Accessory Dwelling Units (ADUs) in the hillside, which surfaced during the preparation of the Study. ADUs are otherwise approved ministerially pursuant to State law. The Study 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 City Council which included establishment of a Culver Crest Hillside Overlay Zone with the following zoning recommendations:

- Reduction of the maximum Floor Area Ratio (FAR) for overlay zone designated properties and adoption of a Slope Band Methodology (the relationship between degree of slope and amount of lot development) to better describe, 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 setbacks
- Modification of the allowable floor-to-floor height of 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 implement the recommendations into the Municipal Code, Zoning Code, Building Code, and/or City policies in order to timely complete the work.

On June 11, 2018, 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 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 allow one story maximum development;
- 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; and
- Introduce a minimum allowable building area for all parcels in the -CC Overlay.

## **DISCUSSION**

The Planning Commission is being asked to consider for recommendation to the City Council approval of the following Code Amendments:

### **Culver Crest Overlay Zone:**

An Overlay Zone is a regulatory tool creating a special zoning district over an existing base zone. The Overlay Zone involves both a Zoning Code Text and Zoning Code Map Amendment. A Culver Crest Overlay Zone (Attachment 2) will address specific development, construction, and design concerns unique to the Upper Culver Crest 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 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	FAR
	< 15%	0.45

	15% to 30%	0.40
	30% to 45%	0.35
	45% to 60%	0.30
	>60%	0.25
(A) Minimum allowable floor area in the hillside area, regardless of lot size is 2,500 square feet		

Recommended maximum FARs would 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. 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 view sheds from down slope. The JKA Study (Attachment No. 3) includes data showing the potential FAR of properties in the Culver Crest neighborhood based on their estimated average slope. Final average slope of individual properties would be determined by property specific topographic surveys completed during the Building and Safety Division plan check process.

At the June 11, 2018 City Council presentation of proposed text amendments, City Council directed that all homes in the Culver Crest should have a minimum attainable floor area of 2,500 square feet when is the FAR permissible under 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 (see Table 2 for 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 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). Setbacks refer to the minimum distance a structure must be separated from the property line.

**Table 3: Proposed Setbacks**

Setbacks	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 (B)	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
(B) An applicant can exceed minimum but cannot reduce minimum required setback	

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

New side yard setbacks would be based on lot width. First floor setbacks would be 10 percent 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 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 lot width, but not less than 8 feet and not more than 16 feet. Wide second floor setback would be established at 24 percent lot width, but not less than 12 feet and not more than 24 feet.

For all setbacks based on yard width, the homeowner 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 landslide while still allowing property owners to realize adequate building size, 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-story. Construction of a one-story structure on a 50 percent slope would also protect view sheds of those living down slope. One story would also be limited to fourteen (14) feet.

**Table 3: Proposed Height Regulations**

Height Limit (C)	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
(C) Any Parapet is included as part of the flat roof height standard		

Height would be measured from finished grade to top of structure including parapet. Parapet walls can currently extend up to five feet above the building rooftop but often increase the appearance of mass and bulk. Including parapet walls as part of maximum building height will help to reduce mass and bulk of structure and be 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 extra 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. An attic with at least 70 square feet of floor area with a ceiling height greater than seven (7) feet 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 or more persons on a long term basis. A dwelling unit shall have no more than one 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. Floor area shall be defined as the area confined from exterior wall to exterior wall. Areas within a ceiling height greater than one story, as defined by this Title, will be counted twice towards floor area. Staircases, elevator shafts, and the like, shall be counted as one 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. Some jurisdictions use additional items to define a kitchen, such as garbage disposals, dishwashers, and sink drains of a certain diameter, however, 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 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. Requirements to cover no more than one-third of the area of the story directly underneath are consistent with State Building Code requirements.

**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 in case 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 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

### **Community Input:**

On September 24, 2018, Planning Staff sent out 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 meetings were held with City Staff during the first week of October.

Many stakeholders shared similar concerns. Some citizens were concerned with the proposed definition for residential floor area including covered porches and patios as part of FAR calculations. This proposal resulted from community meetings where local citizens called for control of massing and bulk by including all covered areas. Some citizens felt that this was too restrictive. Citizens were also concerned that if attached garages are counted towards FAR, people, seeking to construct the largest house possible, would decide to build a carport which would detract from aesthetic off the neighborhood. Current R-1 standards consider attached garages part of FAR and detached garages not a part of FAR.

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 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 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 staff was invited to speak a Culver Crest Neighborhood Association (CCNA) meeting to discuss the proposed zoning language. The meeting attendees shared their concerns that second floor side yard setback and that FAR standards were too restrictive. Some residents also had concerns about view sheds 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 Thursday, December 13, 2018, Planning Staff met with four 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 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 feet more than the prevailing condition.

### **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 (Summary - Attachment 4) to the Culver City Municipal Code focuses on site grading, grading permits, bonds and agreements, plan submittal requirements geotechnical and geological report requirements, site drainage, and landscape requirements for slope stabilization.

The proposed amendments to the City's Building Code, Culver City Municipal Code (CCMC), Chapter 15.02 are summarized as follows:

1. The adoption of an "H" designation for private properties located in Culver City's hillside areas



to address the unique building conditions generally associated with hillside lots which specifically apply to the Culver Crest neighborhood and to other hillside properties that meet the criteria for "H" designation in the draft ordinance.

2. The adoption of new grading requirements in the CCMC for hillside areas to increase standards of care and safety for grading, excavations and fills, soils and foundations, and associated seismic design.
3. Adoption of requirements for issuing a grading permit and cumulative grading thresholds which require slope remediation to reduce the potential of and impacts associated with larger grading projects in hillside single-family residential neighborhoods.
4. Expansion of the scope of soils and geotechnical and geological report findings and the associated project reviews.
5. Establishment of criteria for appropriate protective drainage devices such as: interceptor terraces, diverter terraces, berms, vee channels, inlet structures, down drains and outlet structures, runoff computations, drainage dispersal walls, sub-drains, gutters, site drainage, drainage around buildings, and maintenance of drainage.
6. Landscape standards intended to prevent erosion and surficial soil movement with the requirement for preparation of a Landscape Slope Protection and Erosion Control plan submittal for all new hillside area building projects.

A detailed summary of the draft Hillside Grading Ordinance is attached for background information only and will be presented to City Council for consideration at their meeting of January 28, 2019.

### **Conclusion:**

Staff has worked closely with the consultant, neighborhood, and City Council over the last 18 months and believes the proposed recommendations reflect the sum of community meetings, 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 Planning Commission recommendation and 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 a project pursuant to the California Environmental Quality Act (CEQA). The Project is considered exempt from CEQA pursuant to CEQA Guidelines Section 15061(b) (3) 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.

### **FISCAL ANALYSIS**

There are no fiscal impacts related to this item.

### **ATTACHMENTS**

1. Draft Resolution No. P2018-P009 and Exhibit A: Proposed Zoning Code Text Amendments in “Strikethrough/Underline” format
2. Culver Crest Overlay Area Map
3. JKA Large Single Family Home Study for the Culver Crest Neighborhood
4. Summary of Draft Hillside Grading Ordinance
5. Written Public Comment received by the Planning Division

### **MOTION**

That the Planning Commission:

Adopt Resolution No. 2018-P009 recommending to the City Council approval of Zoning Code Text Amendment P2018-0223-ZCA related to establishing a new overlay district regulating development standards for the Culver Crest Neighborhood.