YIMBY Law

1260 Mission St

San Francisco, CA 94103

hello@yimbylaw.org

YIMBY LAW

6/5/2020

Culver City City Council
City of Culver City - City Hall
9770 Culver Blvd.
Culver City, CA 90232

city.council@culvercity.org; michael.allen@culvercity.org; city.clerk@culvercity.org;
Via Email

Re: Proposed Changes to Development Standards in Single-family Zones (P2019-0036-ZCA)

Dear Culver City City Council,

YIMBY Law submits this letter to inform you that Culver City has an obligation to abide by all relevant state housing laws when evaluating any zoning changes that might result in a reduction in permitted intensity of residential development. In particular, we believe that the recently approved reduction in floor-area-ratio and setback modifications, currently before the City Council on the consent calendar, violates the Housing Crisis Act of 2019 (Gov Code § 66300).

California Gov Code § 66300, the Housing Crisis Act of 2019, forbids cities from enacting zoning or general plan changes that reduce the intensity of residential development permitted on a particular lot or within a particular area.

> *(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected county or an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:*
>
> > *(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B). For purposes of this subparagraph, "less intensive use" includes, but is not limited to, reductions to height, density, or* ***floor area ratio****, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing.* (emphasis added)

The law is specific in its prohibition of modifying floor area ratios or mandatory setbacks in a way that reduces the intensity of housing development. This applies equally to all land designated for residential development, including single-family zones.

The ordinance under consideration would violate this provision in two ways. First, the reduction in permitted floor-area-ratio from .60 to .45 would clearly reduce the intensity of residential use in the affected zones. Second, the changes in the method by which side and front yard setback requirements are applied to buildings of particular heights would also result in a reduction in residential intensity permitted on affected sites. Compared to the current zoning code, the proposed ordinance would demonstrably reduce permitted intensity of residential development.

The stated goal of the changes is to reduce the bulk of development in single-family zones and maintain consistency between new projects and existing homes. It is difficult to see how this could be achieved without necessarily reducing the intensity of residential development in these zones.

The law, and common sense, dictates that FAR, setbacks, and other restrictions on the size of homes that can be constructed on particular lots are detrimental to housing capacity. Lower FAR and excessive setbacks result in smaller homes with fewer bedrooms, limit options for ADU placement, and disincentivize development. It is difficult to distinguish between a "monster home" and a home that simply maximizes space for more residents. This particular ordinance is not well-crafted to make this distinction.

The only way for the city to move forward with this effort and remain in compliance with state law is to concurrently re-zone for additional capacity elsewhere. The law allows for reductions in residential intensity provided that the deficit is remedied elsewhere. As long as there is no net-loss in residential intensity or capacity the ordinance is permitted under Gov Code § 66300(i)(1).

We hope you will reconsider this particular ordinance and work towards a solution that achieves the city's goals without running afoul of state law.

Yimby Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Trauss
Executive Director
YIMBY Law