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YES IN MY BACK YARD
SONJA TRAUSS

SUPERIOR COURT – STATE OF CALIFORNIA

COUNTY OF LOS ANGELES – UNLIMITED CIVIL JURISDICTION

20STCV43253

YES IN MY BACK YARD, a California nonprofit corporation; and SONJA TRAUSS, Petitioner and Plaintiff, vs. CITY OF CULVER CITY; CITY COUNCIL OF THE CITY OF CULVER CITY; and DOES 1-25, Respondents and Defendants.	Case Number: **PETITION FOR WRIT OF MANDATE, PROHIBITION, OR OTHER EXTRAORDINARY RELIEF; COMPLAINT FOR DECLARATORY RELIEF; AND REQUEST FOR IMMEDIATE STAY** [CCP § 1085; Gov. Code § 65009; Gov. Code § 66300; CCP § 1060]

Petitioners and plaintiffs Yes In My Back Yard and Sonja Trauss (collectively, "Petitioners") by and through their attorneys, Zacks, Freedman & Patterson, PC, file this petition for writ of mandate and complaint for declaratory relief against respondents and defendants CITY OF CULVER CITY, THE CITY COUNCIL OF THE CITY OF CULVER CITY, and DOES 1-25 (collectively, "Respondents"), to compel Respondents to comply with their duties under state housing law pursuant to Gov. Code § 66300, as further set forth below. In addition to the aforesaid writ of mandate and declaratory relief, Petitioners also seek issuance of an immediate stay. Petitioners allege as follows:

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PARTIES TO THE ACTION

1. Petitioner and Plaintiff Yes In My Back Yard ("YIMBY") is a § 501(c)(3) nonprofit corporation; YIMBY is the litigation affiliate of YIMBY Action, a § 501(c)(4) nonprofit corporation, whose membership cuts across socioeconomic lines, including members with very low, low, moderate, middle, and higher incomes ("YIMBY Members"). YIMBY's mission is to increase the accessibility and affordability of housing in California by enforcing state housing laws, including Gov. Code § 66300, and by advocating for increased access to housing for households of all income levels, including for YIMBY Members who reside in, or wish to reside in, the City of Culver City. YIMBY has a direct and substantial interest in ensuring that Respondents' decisions are in conformity with the requirements of law, that those requirements are properly executed, and that Respondents' duties are enforced. YIMBY Members, as well as the general public, will be adversely affected by the acts described herein and are aggrieved by the acts, decisions, and omissions of Respondents as alleged in this Petition and Complaint. YIMBY brings this Petition and Complaint on its own behalf and on behalf of others affected by Respondents' failure to comply with state law as alleged herein.

2. Petitioner and Plaintiff Sonja Trauss ("Trauss") is a natural person and a resident of the State of California, and she is the founder and director of YIMBY. Trauss has a substantial interest in ensuring that Respondents' decisions are in conformity with the requirements of law, that those requirements are properly executed, and that the public duties of Respondents are enforced.

3. Respondent and Defendant City of Culver City (the "City") is a municipality of the State of California.

4. Respondent and Defendant City Council of the City of Culver (the "Council") is the City's governing body.

5. Petitioners are not aware of the identities of respondents/defendants DOES 1-25, who are responsible for the acts and omissions alleged herein and that caused damage to Petitioners; therefore Petitioners will amend this Petition and Complaint when the true identities of DOES 1-25 are ascertained.

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6. Petitioners are informed and believe that at all times mentioned in this Petition and Complaint, all respondents/defendants were the agents or employees of their co-respondent/defendant, and in doing the things alleged in this Petition and Complaint, were acting within the course and scope of that agency and employment.

JURISDICTION AND VENUE

7. Los Angeles County Superior Court has initial jurisdiction of the matters alleged herein pursuant to Code of Civil Procedure § 1085, which authorizes the Court to issue a writ of mandate.

8. Venue is proper in this Court because the entire controversy occurred in Los Angeles County, and Respondents are situated in Los Angeles County. (Code Civ. Proc. §§ 394 & 395.)

9. This action is timely because it has been filed within 90 days of the effective date of the subject zoning ordinance. (*Arcadia Development Co. v. City of Morgan Hill* (App. 6 Dist. 2008) 86 Cal.Rptr.3d 598, 169 Cal.App.4th 253.)

10. Petitioners performed any and all conditions precedent to filing this action to the extent required by law.

STATEMENT OF FACTS

11. In 2019, the California Legislature enacted Senate Bill 330, the Housing Crisis Act of 2019, codified at Gov. Code § 66300 et al. ("SB 330"). In enacting SB 330, the Legislature found and declared:

> California is experiencing a housing supply crisis, with housing demand far outstripping supply. In 2018, California ranked 49th out of the 50 states in housing units per capita. . . . The housing crisis harms families across California and has resulted in all of the following:
>
> > (A) Increased poverty and homelessness, especially first-time homelessness.
> >
> > (B) Forced lower income residents into crowded and unsafe housing in urban areas.

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> (C) Forced families into lower cost new housing in greenfields at the urban-rural interface with longer commute times and a higher exposure to fire hazard.
>
> (D) Forced public employees, health care providers, teachers, and others, including critical safety personnel, into more affordable housing farther from the communities they serve, which will exacerbate future disaster response challenges in high-cost, high-congestion areas and increase risk to life.
>
> (E) Driven families out of the state or into communities away from good schools and services, making the ZIP Code where one grew up the largest determinate of later access to opportunities and social mobility, disrupting family life, and increasing health problems due to long commutes that may exceed three hours per day. . . .

The housing crisis also harms the environment by doing both of the following:

> (A) Increasing pressure to develop the state's farmlands, open space, and rural interface areas to build affordable housing, and increasing fire hazards that generate massive greenhouse gas emissions.
>
> (B) Increasing greenhouse gas emissions from longer commutes to affordable homes far from growing job centers.

12. The Legislature enacted SB 330 to encourage the creation of housing across the state. In particular, SB 330 prohibits the enactment of policies at the municipal level that suppress the production of housing. SB 330 prohibits, inter alia,

> 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 . . . . For purposes of this subparagraph, **"less intensive use" includes, but is not limited to, reductions to height, density, or floor area ratio . . . or anything that would lessen the intensity of housing**.

(Gov. Code § 66300(b)(1)(A), emph. added.)

SB 330 makes no exception for single-family zoning districts.

13. Respondents violated SB 330's explicit prohibition against "reducing the intensity of land use" by enacting an ordinance that reduces "floor area ratio." Respondents' Zoning Code defines floor area ratio ("FAR") as follows, in pertinent part:

> The floor area ratio (FAR) is the ratio of floor area to total lot area. The maximum floor area permitted on a site shall be determined by multiplying the floor area ratio (FAR) by the total area of the site (FAR x Site Area = Maximum Allowable Floor Area).
>
> (Culver City Municipal Code, Tit. 17, Art. 7, § 17.700.010.)

In plain English, a zoning district's FAR sets the allowable size of a building depending on the size of lot. FAR regulates the overall size of a permitted building. If a zoning district's FAR is reduced, less can be built on each lot in the district.

14. On July 13, 2020, the Council enacted Ordinance No. 2020-010, approving Zoning Code Amendment P2019-0036-ZCA (the "Ordinance," attached hereto as Exhibit A). The Ordinance reduces the R1 (single-family) zoning district's FAR from 0.6 to 0.45.

15. As stated in the Ordinance, "The proposed Zoning Code Amendment was initiated as a result of public concerns that new construction in single-family neighborhoods is affecting quality of life for existing residents due to large homes." (Ordinance, § 1(1).) In other words, the Ordinance's explicit purpose is to "reduc[e] the intensity of land use within an existing . . . zoning district." (Gov. Code § 66300(b)(1)(A).) The Ordinance reduces the allowed intensity of land use and suppresses the development of housing, which is prohibited by SB 330.

16. Respondents have attempted to justify the FAR reduction by pointing to the Ordinance's assertion that, "By reducing bulk and mass of a home, residents will have more opportunities for . . . development of [Accessory Dwelling Units] and [Junior Accessory Dwelling Units]." (Ordinance, § 1(2).) But SB 330 explicitly prohibits FAR reductions. Moreover, Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units

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("JADUs") are already allowed by state law *in addition* to a single-family house. (Gov. Code § 65852.150, 65852.2, & 65852.22.) Reducing the allowable FAR offers no "opportunities" for additional construction – it does precisely the opposite. Both before and after this Ordinance, state law guaranteed that up to three units – a primary residence, an ADU, and a JADU – can be constructed on each single-family lot. The Ordinance reduces the amount of permitted square footage to build these potential units.

17. The Ordinance, in addition to reducing the FAR, exempts JADUs from FAR calculations in most circumstances. Respondents claim, without evidence and without analysis, and in conflict with the findings and stated purpose of the Ordinance, that every permit applicant will build a JADU in response to the Ordinance's FAR reduction (rather than simply building a reduced single-family house). In addition, the FAR exemption for JADUs does not make up for the Ordinance's FAR reduction. For an overwhelming majority of lots, the FAR reduction in the Ordinance is a greater reduction in allowable residential square footage than the new square footage exemption offered by a JADU.

18. For a typical lot within the City, these changes combined result in the loss of two potential small bedrooms (or one large bedroom) per lot. It could also represent the loss of an entire small apartment's worth of space. Summed over all of the affected lots, **the Ordinance results in a reduction of up to three million square feet of residential capacity**. Assuming an average apartment size of 800 square feet, this is the size equivalent of a reduction in zoned capacity of 3,750 apartments. If one measures this loss of zoned capacity by bedrooms and uses a very generous size estimate of 250 square feet per bedroom, this reduction is the equivalent of prohibiting 12,000 bedrooms. A more modest bedroom size estimate of 150 square feet per bedroom yields a reduction of 20,000 bedrooms – in a city with a population of 39,214 people. This is a staggering loss of housing amidst an unprecedented housing crisis.

19. The Ordinance provides that "Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after its adoption." (Ordinance, § 3.) Petitioners made objections on the record during Council's consideration of the Ordinance. The Parties

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entered into a tolling agreement on October 7, 2020, which was terminated effective October 27, 2020.

FIRST CAUSE OF ACTION
(Writ of Mandate - CCP § 1085; Gov. Code § 66300 – Against All Respondents)

20. Petitioners incorporate here by reference the allegations contained in Paragraphs 1 through 19 of this Petition and Complaint.

21. Petitioners, YIMBY Members, and the public each have beneficial interests that have been, and will further be, severely injured and adversely affected if the Ordinance is not set aside and invalidated, if Respondents' decision to enact the Ordinance is allowed to stand, and if Respondents are allowed to enforce the Ordinance against Petitioners, YIMBY Members, and others similarly-situated. Petitioners' interests include ensuring that Respondents comply with state laws requiring that they participate in addressing the housing needs of California residents, ensuring that Respondents' actions are in conformity with the requirements of law, and having those requirements properly executed and their public duties enforced. Petitioners have a clear, present, and legal right to Respondents' performance of their legal duties as described herein, and Respondents have failed to perform their duties.

22. As detailed above, the Ordinance violates SB 330's prohibition against "reducing the intensity of land use within an existing . . . zoning district." (Gov. Code § 66300(b)(1)(A).) This prohibition includes "reductions to . . . floor area ratio." (*Id.*) The Ordinance does not allow greater density or facilitate the development of housing in the R1 zoning district; to the contrary, it suppresses the creation of housing. Respondents enacted no concurrent increase in allowable intensity of use on other lots to offset this prohibited reduction of residential capacity.

23. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law to challenge the Ordinance, and a writ of mandate under Code of Civil Procedure § 1085 is the prescribed remedy for violations of this type. Petitioners have performed all conditions precedent to the issuance of a writ of mandate. Petitioners seek an immediate stay to enjoin Respondents from enforcing the Ordinance.

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SECOND CAUSE OF ACTION
(Declaratory Relief - Code Civ. Proc. § 1060 – Against All Respondents)

24. Petitioners incorporate here by reference the allegations contained in Paragraphs 1 through 23 of this Petition and Complaint.

25. An actual controversy has arisen and now exists between Petitioners and Respondents concerning the obligations and duties of Respondents under California statutory law. As set forth herein, Petitioners contend that SB 330 prohibits Respondents' enactment and enforcement of the Ordinance. Petitioners are informed and believe, and on that basis allege, that Respondents contend in all respects to the contrary. A judicial determination and declaration as to the applicability of SB 330 to the Ordinance and other similar ordinances, and of the resulting legal obligations of Respondents, is therefore necessary and appropriate.

WHEREFORE, Petitioners demand judgment against Respondents for the following:

1. For writ of mandate or other appropriate relief, including an injunction, declaration, and/or order, declaring Ordinance No. 2020-010 null and void;

2. For writ of mandate or other appropriate relief, including an injunction, declaration, and/or order, commanding Respondents to refrain from enforcing Ordinance No. 2020-010's reduction of FAR;

3. For writ of mandate or other appropriate relief, including an injunction, declaration, and/or order, commanding Respondents to review and process building permit applications according to state standards and the Zoning Code as it existed without amendment by Ordinance No. 2020-010, without applying the Ordinance's reduction of FAR to such building permit applications;

4. For costs of suit herein;

5. For reasonable attorneys' fees under Code of Civil Procedure § 1021.5; and

6. For any other relief that the Court deems just and proper.

Dated: October 28, 2020

ZACKS, FREEDMAN & PATTERSON, P.C.

By: Ryan J. Patterson
Attorneys for Petitioners

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VERIFICATION

I, Sonja Trauss, declare as follows:

1. I am a natural person and a resident of the State of California. I am a petitioner in this action and the founder of petitioner Yes in My Back Yard ("YIMBY"). I am authorized to verify this Petition for Writ of Mandate, Prohibition, or Other Extraordinary Relief; Complaint for Declaratory Relief; and Request for Immediate Stay on behalf of YIMBY.

2. I have read the foregoing Petition for Writ of Mandate, Prohibition, or Other Extraordinary Relief; Complaint for Declaratory Relief; and Request for Immediate Stay and know its contents. The matters stated in the Petition for Writ of Mandate, Prohibition, or Other Extraordinary Relief; Complaint for Declaratory Relief; and Request for Immediate Stay are true of my own knowledge from having reviewed Ordinance 2020-010.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 28, 2020

Sonja Trauss

Exhibit A

ORDINANCE NO. 2020-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING ZONING CODE AMENDMENT P2019-0036-ZCA, AMENDING CULVER CITY MUNICIPAL CODE (CCMC) TITLE 17: ZONING CODE; SECTION 17.200 – ESTABLISHMENT OF ZONING DISTRICTS, ADOPTION OF ZONING MAP, 17.210 – RESIDENTIAL ZONING DISTRICTS, 17.260 – OVERLAY ZONES, 17.300 – GENERAL DEVELOPMENT STANDARDS, 17.320 – OFF-STREET PARKING AND LOADING, AND 17.400.100 – RESIDENTIAL USES – ACCESSORY RESIDENTIAL STRUCTURES, TO MODIFY SINGLE FAMILY ZONE DEVELOPMENT STANDARDS.

(ZONING CODE AMENDMENT, P2019-0036-ZCA)

WHEREAS, on January 22, 2020, after conducting a duly noticed public hearing on City-initiated Zoning Code Text Amendment (P2019-0036-ZCA), amending Culver City Municipal Code (CCMC) Title 17: Zoning Code; Section 17.210 – Residential Zoning Districts, 17.260 – Overlay Zones, 17.320 – Off-Street Parking And Loading, and 17.400.100 – Residential Uses – Accessory Residential Structures, to modify Single Family Zone development standards, fully considering all reports, studies, testimony, and environmental information presented, the Planning Commission, (i) by a vote of 5 to 0, recommended to the City Council approval of Zoning Code Amendment P2019-0036-ZCA (with the exception of the amendment to CCMC Section 17.210.020.A, Table 2-3, Maximum Area, related to Floor Area Ratio (FAR), which was considered by a separate vote); and (ii) by a vote of 3 to 2, recommended to the City Council approval of a modification to CCMC Section 17.210.020.A, Table 2-3, Maximum Area, to reduce Residential Floor Area Ratio from 0.60 to 0.50 as part of Zoning Code Amendment P2019-0036-ZCA, as set forth herein below; and

WHEREAS on May 26, 2020, after conducting a duly noticed public hearing on City-initiated Zoning Code Text Amendment (P2019-0036-ZCA) amending Culver City Municipal

Code (CCMC), Title 17: Zoning Code; Section 17.200 – Establishment of Zoning Districts, Adoption of Zoning Map, 17.210 – Residential Zoning Districts, 17.260 – Overlay Zones, 17.300 – General Development Standards, 17.320 – Off-Street Parking And Loading, and 17.400.100 – Residential Uses – Accessory Residential Structures, to modify Single Family Zone development standards, fully considering the Planning Commission's recommendation and all reports, studies, testimony, and environmental information presented, the City Council determined (i) to modify the Planning Commission recommended Floor to Area Ratio (FAR) from 0.50 to 0.45 to better reflect the input received by the community; (ii) to include additional text to ensure that building pads in hillside neighborhoods remain consistent with the rise or fall of the slope of the street; and (ii) by a vote of 5 to 0, to introduce, with the foregoing modifications, an ordinance to approve Zoning Code Amendment P2019-0036-ZCA (the "Ordinance"), and

WHEREAS on July 13, 2020, the City Council by a vote of 5 of 0, adopted the Ordinance as set forth herein below.

NOW, THEREFORE, the City Council of the City Of Culver City, California, DOES HEREBY RESOLVE as follows:

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

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

The proposed Zoning Code Amendment is intended to reduce incompatible mass and bulk of new single-family housing Culver City. The amendments will improve the Zoning Code's implementation of the goals, objectives, and policies of the General Plan. The existing Zoning Code language allows for single-family homes

construction that does not fit existing neighborhood character. The proposed Zoning Code Amendment will modify single family residential zone standards to regulate buildings that are more compatible with existing surroundings. The proposed Zoning Code Amendment is consistent with General Plan Goals and Policies that call for the preservation of existing single-family neighborhoods. Therefore, the proposed Zoning Code Amendment does not conflict with the goals, policies, and strategies of any elements of the General Plan, nor create any inconsistencies.

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

The proposed Zoning Code Amendment was initiated as a result of public concerns that new construction in single-family neighborhoods is affecting quality of life for existing residents due to large homes. The proposed Zoning Code Amendment provides new regulations to better fit new homes within existing single-family zones consistent with prevailing FAR in adjacent cities, and provide opportunities for the creation of additional housing development through the construction of accessory dwelling units (ADUs) and junior accessory dwelling unit (JADUs). By reducing bulk and mass of a home, residents will have more opportunities for light and air access, privacy, maintenance of existing single-family neighborhood character, and development of ADUs and JADUs.

New regulations will allow for existing single family dwelling units averaging between 1,200 and 1,800 square feet to further develop and expand to approximately 2,250 square feet. Further, consistent with Government Code Section 66300, the proposed Zoning Code Amendment facilitates the preservation of existing development and development of additional dwelling units through the construction of ADUs and JADUs; restricts the over-development of single family parcels, which has traditionally limited the ability to develop additional units via ADUs or JADUs; provides additional opportunities to construct ADUs and JADUs, effectively increasing the housing supply and reducing the costs of housing development; and does not propose any changes which result in a net loss of residential capacity. In addition, with respect to hillside development standards for the Residential Hillside Overlay shown in Exhibit A, the proposed changes maintain consistency with the Culver Crest Overlay Zone, which were previously implemented in response to unique life safety conditions in the hillside areas. Based on the foregoing, the Zoning Code Amendment will not be detrimental to the public interest, health, safety, convenience, and welfare of the City.

3. The proposed amendment is in compliance with the provisions of 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 the Zoning Code will have a significant effect on the environment. The proposed Zoning Code Amendment, modifying single family

home development standards, by itself does not result in any physical changes nor any significant effects on the environment, and does not result in an intensification of development beyond what the Zoning Code already currently allows. Furthermore, the proposed Zoning Code Amendment is not in conjunction with the specific approval of any existing development or use permit applications. Therefore, any projects seeking approval subsequent to the proposed Zoning Code Amendment, would be subject to appropriate CEQA analysis at that time of any such application.

SECTION 2. Pursuant to the foregoing recitations and findings, the City Council of the City of Culver City, California, hereby introduces the Ordinance approving Zoning Code Amendment P2019-0036-ZCA, amending Culver City Municipal Code (CCMC), Title 17: Zoning Code; Section 17.200 – Establishment of Zoning Districts, Adoption of Zoning Map, 17.210 – Residential Zoning Districts, 17.260 – Overlay Zones, 17.300 – General Development Standards, 17.320 – Off-Street Parking And Loading, and 17.400.100 – Residential Uses – Accessory Residential Structures, as set forth in Exhibit A attached hereto and made a part thereof.

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

SECTION 4. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason or any preemptive legislation, then the City Council would have

independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall remain in full force and effect.

APPROVED and ADOPTED this 13th day of July, 2020.

GORAN ERIKSSON, Mayor
City of Culver City, California

ATTESTED BY:

JEREMY GREEN, City Clerk

APPROVED AS TO FORM:

CAROL SCHWAB, City Attorney

A20-00189

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		
Zoning Map Symbol	***Zoning District Name***	***General Plan Land Use Classification Implemented by Zoning District***
Overlay Zones		
-RH	Residential Hillsides Overlay	

§ 17.210.020 RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS.

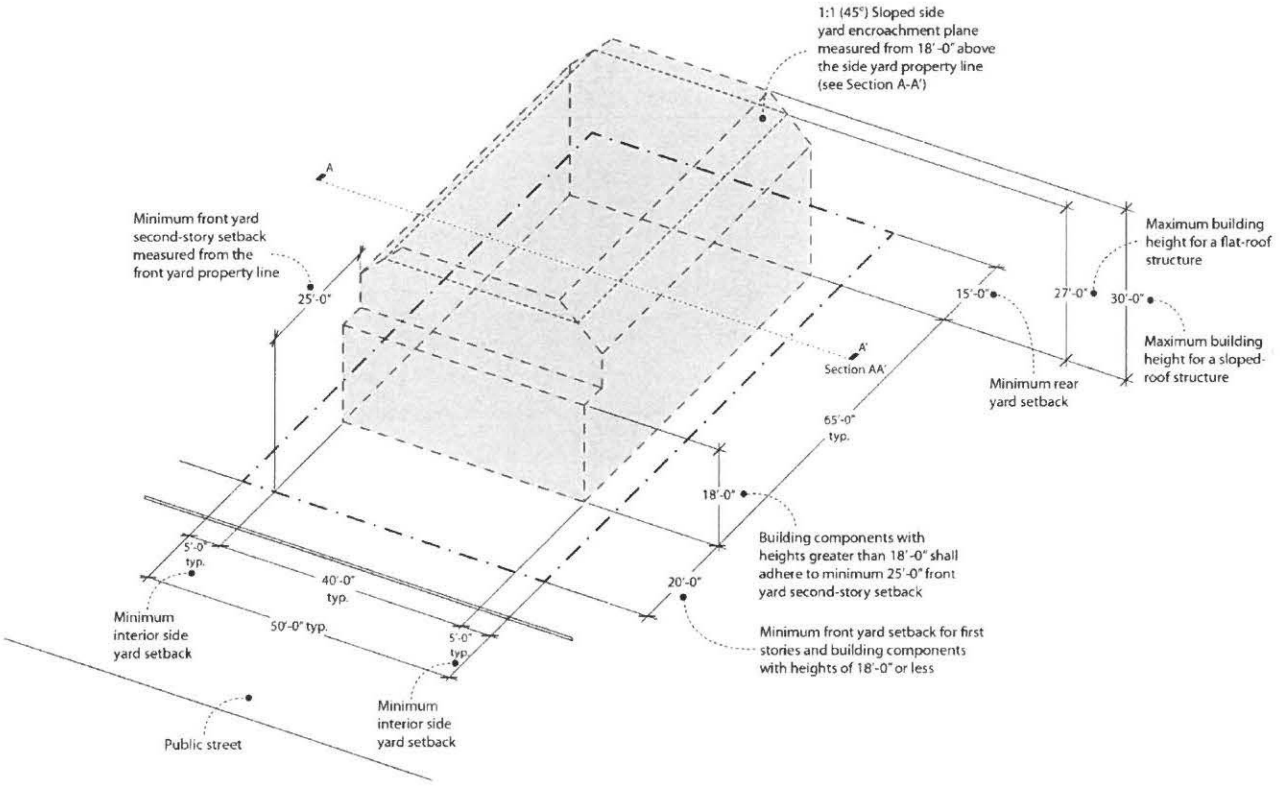
A. **General Requirements.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures in the R1, R2 and R3 zones shall conform to the requirements in Table 2-3 (Residential Districts Development Standards - R1, R2, R3). Subdivisions, new land uses and structures, 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)			
Development Feature	***Requirement by Zoning District***		
	R1	***R2***	***R3***
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	***Maximum and minimum allowed floor area.***	***Maximum and minimum allowed floor area, not including any garage or other non- habitable space.***	
Maximum area	~~.60~~ .45 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)	*Minimum setbacks required. See § 17.300.020* (Setback Regulations and Exceptions).		
Front	Single story structures - 20	15 feet	10 feet or one half the building height,

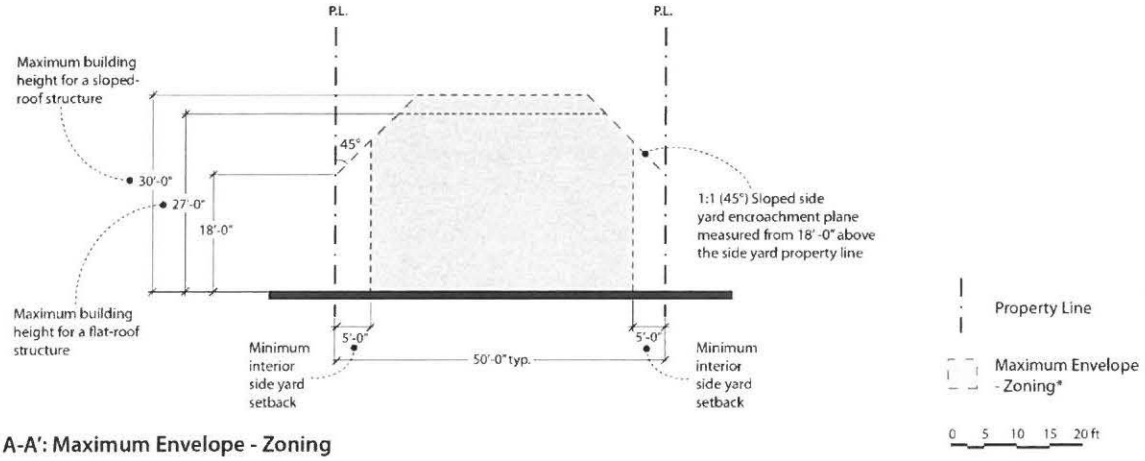
	feet ~~- single story structures~~ Two story structures - 20 feet; 25 feet for second story, as defined by this Title, or any roof or portion of a roof, parapet wall, or front yard-facing façade that exceeds a height of 18 feet ~~- two story structures; plus minimum 5 feet stepback for second floor~~ ~~25 feet - two story structures without minimum 5 feet second floor stepback~~		whichever is greater.
Interior sides (each)	5 feet minimum. No structure shall encroach upon a 1:1 upward- and inward-inclining setback plane starting from 18 feet above any interior side lot line.	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; 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 (less than a 3:12 slope) - 2 stories and ~~26 feet~~ 27 feet Sloped roofs (equal to or greater than a 3:12 slope and equal to or less than a 1:1 slope) - 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 be primary structure shall be included in the FAR. Detached garages shall not be included in the FAR.~~	
(~~7~~6) The floor area of basements shall not be included in the FAR.	
~~(8) Sloped roofs equal to or grater than a 3:12 slope; flat roofs less than 3:12 slope.~~	

Figure 2-A Maximum Envelope – Zoning



AXONOMETRIC VIEW: Maximum Envelope - Zoning



SECTION A-A': Maximum Envelope - Zoning

* The 1:1 (45°) upward- and inward-inclining plane constraining placement of roof-mounted and upper-story mechanical equipment and structures housing mechanical equipment is not illustrated in this Figure. Refer to Figure 2-C (1:1 Allowable Placement for Roof-Mounted and Upper-Story Mechanical Equipment).

Figure 2-B Cumulative R1 Development Standards

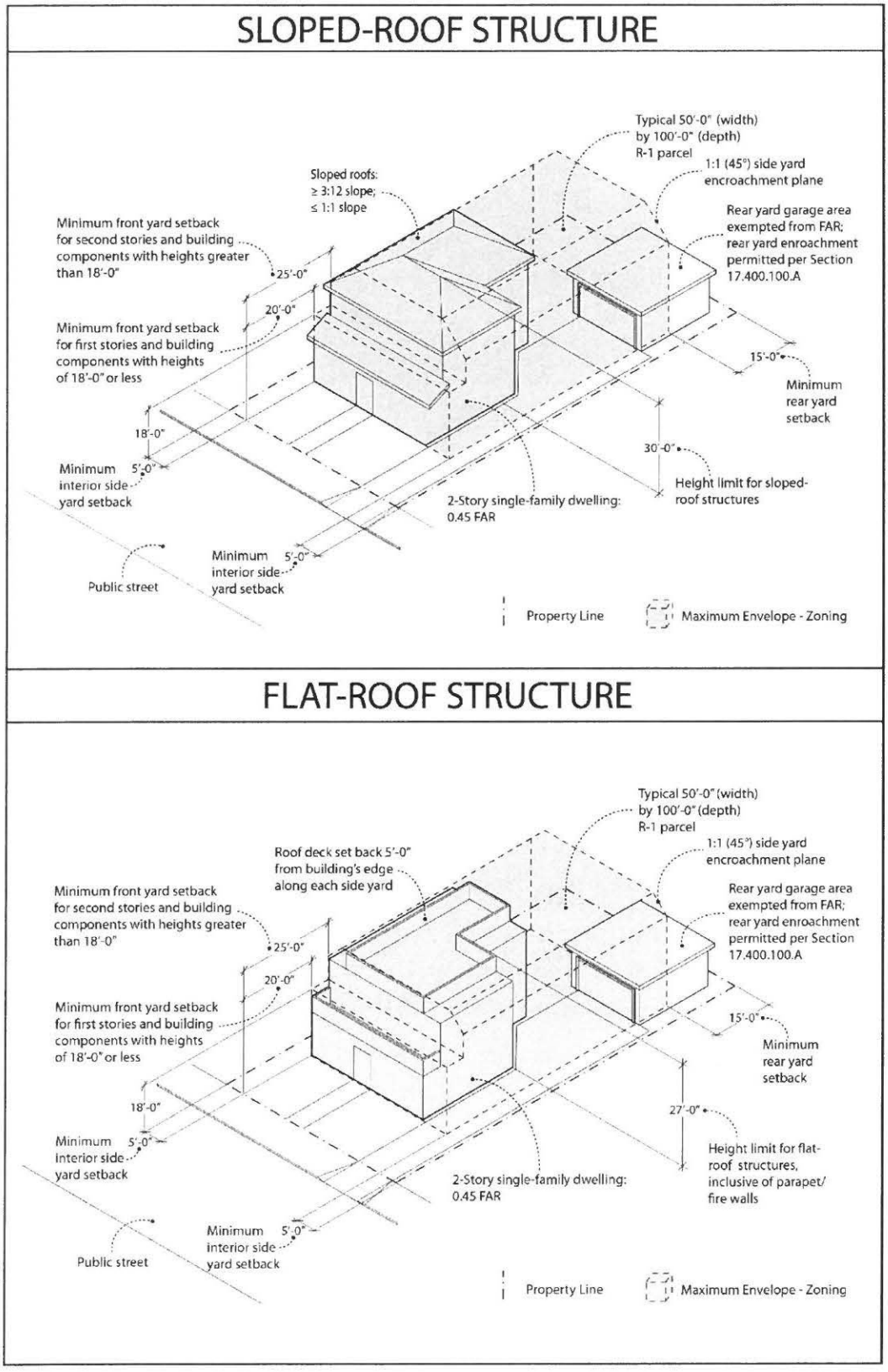
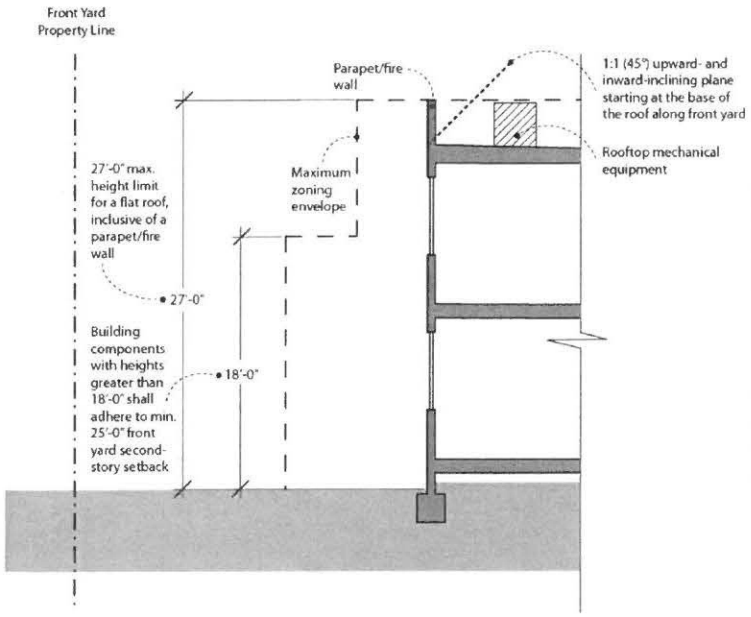
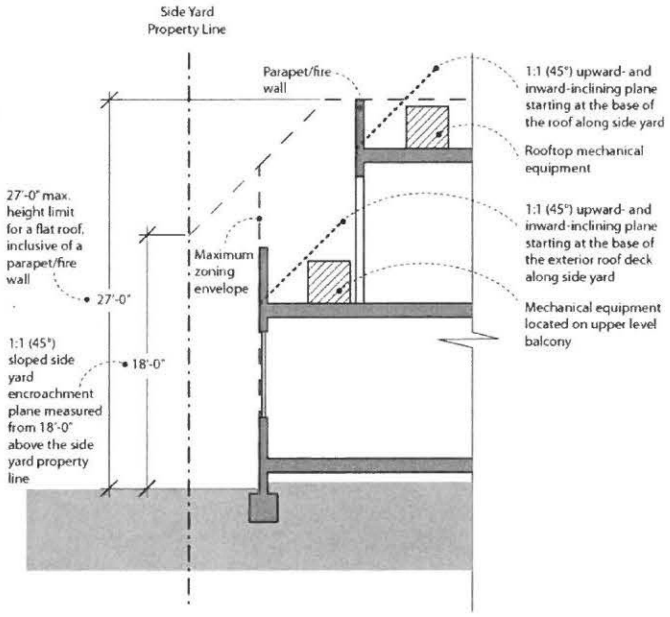


Figure 2-C 1:1 Allowable Placement for Roof-Mounted and Upper-Story Mechanical Equipment



Section Showing Front Yard-Facing Façade



Section Showing Side Yard-Facing Façade

§ 17.210.025 DEFINITIONS FOR THE R1 ZONE.

The following definitions shall apply to residential zoned property:

1. Attic. The area between roof framing and the ceiling of the rooms below that is not habitable per Building Code standards, but may be reached by ladder and used for storage or mechanical equipment. Any room with less than 70 square feet in area or less than 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. A dwelling unit shall have no more than one (1) kitchen.

4. Floor Area, Residential. In the R1 Zone, residential floor area shall include any floor area, confined from exterior wall to exterior wall, within the main dwelling unit, accessory structures, and garages, with the exception that accessory dwelling units shall not be counted towards FAR and garages located in the rear one-half (1/2) of the lot shall not be counted towards FAR. On a typical lot type defined by Figure 7-1 (Examples of Lot Types), the "rear one-half (1/2) of the lot" shall be defined as the area between the rear property line and the midline between the front and rear yard property lines. On any lot type not represented in Figure 7-1, the garage exemption from FAR shall be determined by the Community Development Director. Interior areas with ceiling heights greater than 14 feet shall be counted twice towards the floor area with the exception that the first 250 square feet of such areas shall be counted only once towards the floor area.

5. Kitchen. Any room or space within a structure containing a combination of the following facilities that are capable of being used for the cooking or preparation of food: oven/microwave oven, stove, refrigerator exceeding 6 cubic feet, and sink.

6. Mezzanine/loft. In the R1 Zone, a mezzanine/loft shall be defined as an intermediate or fractional floor area between the floor and ceiling of a main story that is open to the floor below. 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 area exceeds 14 feet.

§ 17.260.040 ~~CULVER CREST~~/RESIDENTIAL HILLSIDES OVERLAY ~~(-CC)~~ (-RH).

A. Purpose. The purpose of establishing the ~~Culver Crest~~/Residential Hillsides Overlay ~~(-CC)~~ (-RH) is to provide ~~the~~ area-specific zoning regulations necessary for the incremental improvement and 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~~ -RH 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 a~~A~~rea, r~~R~~esidential.** Residential floor area shall include mezzanines, covered porches, covered patios, and accessory buildings in addition to any floor area, confined from exterior wall to exterior wall, within the main dwelling unit ~~but shall not include detached garages~~. Garages shall be included in the floor area with the exception that up to 200 square feet of attached and front-facing garages shall be exempted from floor area. ~~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.~~ Interior areas with ceiling heights greater than fourteen (14) feet shall be counted twice towards the 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 2-12 (Residential Hillsides Overlay Development Standards). Wherever the ~~-CC~~ -RH Overlay zone is silent on a matter, the corresponding regulation of the underlying zone shall apply.

Table 2-12
~~Culver Crest~~/Residential Hillside~~s~~ Overlay Development Standards ~~(-CC)~~ (-RH)

Development Feature	***Requirement by ~~-CC~~ -RH Overlay***	
Maximum Number of Dwelling Units Allowed per Parcel (1)	1 Unit	
Dwelling Size (A2)		
Maximum Area	Slope (~~B~~3)	FAR
	<15%	0.45
	15% to 30%	0.40
	>30% to 45%	0.35
	>45% to 60%	0.30
	>60%	0.25
Setbacks (~~C~~4)	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~~5)	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~~6)	Slope	Height
	<50%	Flat Roof - 2 stories and ~~26~~ 27 feet
		Sloped Roof - 2 stories and 30 feet
	50% to 100%	1 Story and 14 feet

Notes:

(1) For standards for Accessory Dwelling Units, see § 17.400.095.

(~~A~~2) Minimum by-right floor area in the hillside area, regardless of lot size, is 2,500 square feet.

(~~B~~3) Existing slope is to be established with topographic survey and slope analysis of existing conditions prior to issuance of Building Permit.

(~~C~~4) For exceptions to setback standards, see § 17.260.040.E.

(~~D~~5) 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~~6) 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.

F. **Parking.** Uncovered, ½ covered, and fully covered parking shall be permitted in the Hillsides Overlay Zone. Any uncovered parking located behind the front yard setback line shall be placed within fifteen (15) feet of a maximum of one (1) interior side yard 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 fifteen (15) feet of a side yard shall be fully covered and enclosed. See Figure 3-11 (Allowable Residential Uncovered Parking Placement) provided in § 17.320.035.

§ 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.

c. In single-family residential zones, mechanical equipment located on roofs, upper level terraces, patios and balconies, and structures housing mechanical equipment shall not exceed the maximum zoning envelope and shall not encroach upon a 1:1 upward- and inward-inclining plane starting at the base of the roof or exterior deck surface along front and side yard-facing façades.

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. In the R1 Zone, the height limit shall be inclusive of fire or parapet walls.

§ 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. In single-family residential zones, mechanical equipment located on roofs, upper level terraces, patios and balconies, and structures housing mechanical equipment shall not exceed the maximum zoning envelope and shall not encroach upon a 1:1 upward- and inward-inclining plane starting at the base of the roof or exterior deck surface along front and side yard-facing façades.

§ 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. Parking spaces in the R1 Zone shall comply with Footnote 1 of Table 3-5 of Subsection 17.320.035.N.3 (Residential Covered Parking Requirements).

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.** ~~Within single-family, duplex and triplex developments,~~ In R2 and R3 Zones, 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. In the R1 Zone, front-facing garages shall be set back at least 25 feet from the front property line.

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), or unless such paving involves a circular driveway that is otherwise in compliance with Subsection 17.320.040.C. (Circular Drive). 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, or on a circular driveway.

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

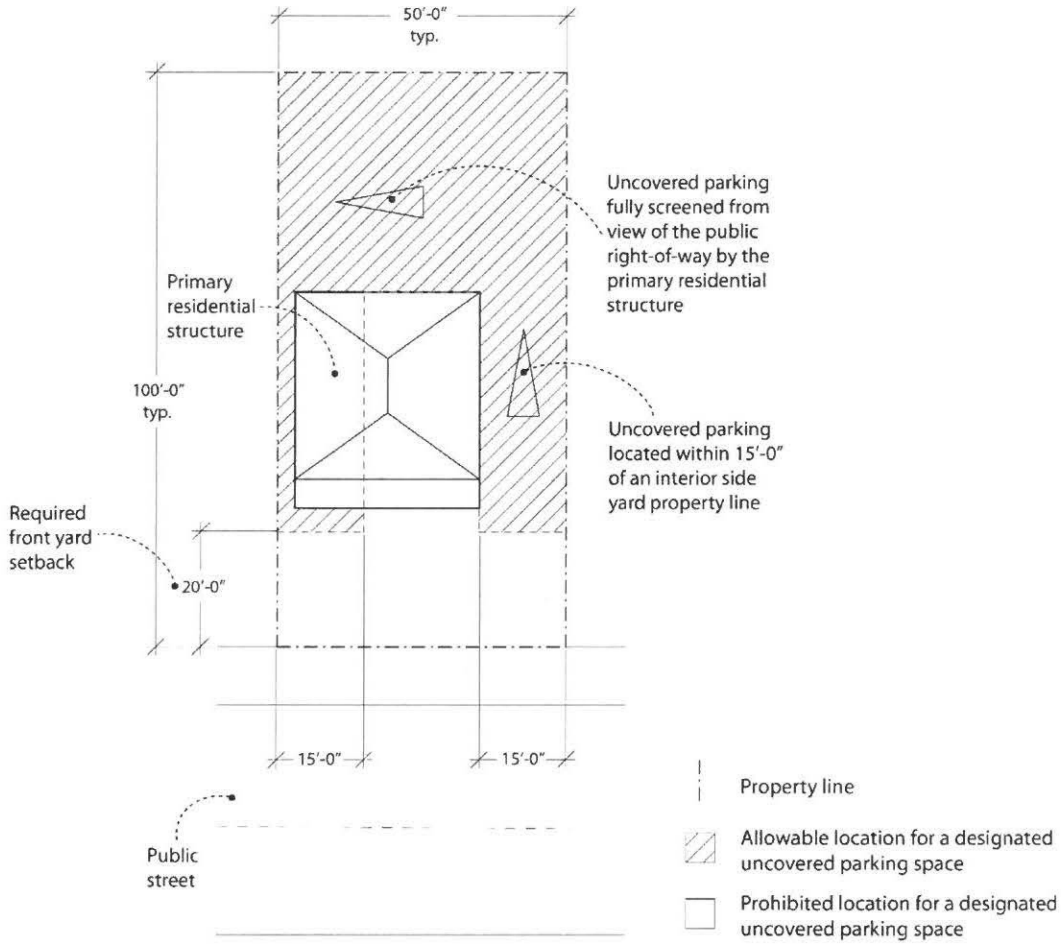
Table 3-5 Residential Covered Parking Requirements

Zoning District	*Residential Unit(s)*	*Uncovered*	*1/2 Covered*	*Fully Covered*
R1 Zone (1)	Single family dwelling	[x]	[x]	[x]
R2, R3, RLD, RMD and RHD Zones	Single family dwelling (alone)			[x]
R2, R33, RLD, RMD and RHD Zones	Single family dwelling (plus one or more detached SFD, duplex or triplex)		[x]	
R2, R3, RLD, RMD and RHD Zones	Duplex or triplex		[x]	
RLD, RMD and RHD Zones	Multiple family (4 or more units)		[x]	
CN, CG, CC, CD, and EWO Zones	Residential portion of a mixed use project			[x]
CN, CG, CC, CD, and EWO Zones	Live work unit		[x]	
All	Guest parking	[x]		

Notes:

(1) In the R1 Zone, 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.

Figure 3-11 Allowable Residential Uncovered Parking Placement



§ 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.

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
Maximum Heights for Accessory Structures in Residential Zoning Districts

Applicable Zoning District	*Maximum Height*
Single-Family Residential (R1), Two-Family Residential (R2) and Three-Family Residential (R3) Zoning Districts.	2 stories and ~~26~~ 27 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 when the setback is adjacent to a commercial zone 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. 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).

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

d. Second story additions to existing accessory structures will not be permitted unless:

i. The existing accessory structure is a garage;

ii. The second story satisfies the same setback requirements that would be applicable to a primary dwelling in the applicable zoning district. See Figure 4-10.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CULVER CITY)

Certification of Ordinance No. 2020-010

I, Jeremy Green, City Clerk of the City of Culver City, do hereby certify that the foregoing Ordinance was duly passed, approved, and adopted at a regular meeting of the City Council, which was held on the 13th day of July 2020, at the Mike Balkman Council Chambers by the following vote:

AYES: Eriksson, Fisch, Lee, Sahli-Wells, Small

NOES: None

ABSENT: None

ABSTAIN: None

Certified on this 13th day of July 2020, at the City of Culver City.

Jeremy Green, CMC, City Clerk
Ex-Officio Clerk of the City Council
City of Culver City, State of California