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ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING CITY-INITIATED ZONING CODE AMENDMENT P2023-0097-ZCA AMENDING CULVER CITY MUNICIPAL CODE (CCMC) TITLE 17: ZONING CODE; SECTION 17.400.095 – RESIDENTIAL UNITS – ACCESSORY DWELLING UNITS TO CLARIFY AND UPDATE EXISTING CODE SECTIONS TO CONFORM TO STATE ACCESSORY DWELLING UNIT LAW.

(Zoning Code Amendment, P2023-0097-ZCA)

WHEREAS, on June 14, 2023, after conducting a duly noticed public hearing on City-initiated Zoning Code Text Amendment (P2023-0097-ZCA), amending Culver City Municipal Code (CCMC) Title 17: Zoning Code; Section 17.400.095 – Residential Units – Accessory Dwelling Units to clarify and update existing code sections to conform to State Accessory Dwelling Unit Law, fully considering all reports, studies, testimony, and environmental information presented, the Planning Commission, by a vote of 4 to 0, recommended to the City Council approval of Zoning Code Amendment P2023-0097-ZCA, as set forth herein below.

WHEREAS, on September 11, 2023, after concluding the duly noticed public hearing on City-initiated Zoning Code Text Amendment (P2023-0097-ZCA), amending Culver City Municipal Code (CCMC) Title 17: Zoning Code; Section 17.400.095 – Residential Units – Accessory Dwelling Units to clarify and update existing code sections to conform to State Accessory Dwelling Unit Law, fully considering all reports, studies, testimony, and environmental information presented, the City Council, by a vote of 5 to 0, introduced an ordinance to approve Zoning Code Amendment P2023-0097-ZCA, as set forth herein below.

WHEREAS, on October 9, 2023, the City Council, by a vote of ___ to ___ adopted the Ordinance as set forth below.

1 **NOW, THEREFORE**, The City Council of the City of Culver City, California,
2 DOES HEREBY ORDAIN as follows:

3 **SECTION 1. ZONING CODE AMENDMENT** Pursuant to the foregoing recitations
4 and the provisions of the CCMC, the following required findings for an amendment to the
5 Zoning Code, as outlined in CCMC Section 17.620.030.A, are hereby made:
6

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

10 The proposed Zoning Code text amendments are intended to update
11 regulations to be consistent with State law regarding accessory dwelling units.
12 These amendments are consistent with General Plan Objective 2 to encourage the
13 retention and creation of housing throughout the City and Objective 3 to provide
14 housing opportunities for all members of the community by facilitating the
15 development of smaller secondary units. The proposed Zoning Code Text
16 Amendments do not conflict with the goals, policies, and strategies of any elements
17 of the General Plan, nor create any inconsistencies.

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

20 The State continues to update accessory dwelling unit law to address the
21 housing shortage in California. The proposed Zoning Code Text Amendments will
22 help to ensure that the Zoning Code is clear and internally consistent with State-
23 mandated accessory dwelling unit laws. The amendments will serve to improve
24 Current Planning's implementation of General Plan policies and Zoning standards
25 affecting residential property owners and developers. The amendments support
26 the public interest, health, safety, convenience, and welfare of the City.

27 **3. The proposed amendment is in compliance with the provisions of the**
28 **California Environmental Quality Act (CEQA).**

29 The Project is considered exempt from CEQA pursuant to CEQA Guidelines
Section 21080.17 which exempts the adoption of an ordinance approving Zoning
Code amendments related to accessory dwelling units implementing the provisions
of Government Code Section(s) 65852.1 and 65852.2.

SECTION 2. Pursuant to the foregoing recitations and findings, the City
Council of the City of Culver City, California, hereby adopts the Ordinance approving

1 Zoning Code Text Amendment (P2023-0097-ZCA), as set forth in Exhibit "A" attached
2 hereto and made a part thereof.

3 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
4 take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the City
5 Charter, prior to the expiration of 15 days after the adoption, the City Clerk shall cause this
6 Ordinance, or a summary thereof, to be published in the Culver City News and shall post this
7 Ordinance or a summary thereof in at least three places within the City.
8

9 **SECTION 4.** The City Council hereby declares that, if any provision,
10 section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered
11 or declared invalid or unconstitutional by any final action in a court of competent
12 jurisdiction or by reason or any preemptive legislation, then the City Council would have
13 independently adopted the remaining provisions, sections, subsections, paragraphs,
14 sentences, phrases, or words of this Ordinance, and as such they shall remain in full
15 force and effect.
16
17


18
19 APPROVED and ADOPTED this 9th day of October 2023.
20
21

22 _____
23 ALBERT VERA, Mayor
City of Culver City, California

24 ATTESTED BY:

25 APPROVED AS TO FORM:

26 _____
27 JEREMY BOCCHINO, City Clerk

28 
29 _____
HEATHER BAKER, City Attorney

§ 17.400.095 RESIDENTIAL USES - ACCESSORY DWELLING UNITS.

Subsections A. through K. establish the standards for the development of an Accessory Dwelling Unit and Subsection L. establishes the standards for the development of a Junior Accessory Dwelling Unit, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards). [Government Code Section 65852.2 and Section 65852.22 shall supersede any conflicting portions of this ordinance per Government Code Section 65852.2\(g\)](#):

A. Minimum Lot Size. No minimum lot size shall be required for an accessory dwelling unit.

B. Maximum Unit Size.

1. The maximum permitted unit size of an attached accessory dwelling unit, or an accessory dwelling unit located entirely within a proposed or existing primary dwelling unit, shall not exceed 850 square feet for a one-bedroom unit or 1,200 for a two or more-bedroom unit, or 50% of the gross square footage of the primary dwelling unit on the lot, whichever is less, [notwithstanding subsection 3 below](#).

2. The maximum permitted size of a detached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,200 square feet for a two or more-bedroom unit.

3. ~~Nothing in this Section~~ [Development standards in this Title shall apply to the extent they do not prohibit the construction of an any accessory dwelling unit of up to that is at least 800 square feet, 16 feet in height that is up to 18 feet in height if detached or 25 feet in height if attached;](#) with four-foot side and rear yard setbacks; ~~provided that the accessory dwelling unit is constructed in compliance with all other development standards of this Title.~~

4. Maximum permitted unit size shall include any [living area as defined in the California building code](#) ~~floor area including basements and lofts~~ confined from exterior wall to exterior wall.

C. Minimum Unit Size. The minimum unit size of an attached or detached accessory dwelling unit shall be at least 150 square feet, including a kitchen and at least one 3/4 bathroom.

D. Zones in which Accessory Dwelling Units may be Constructed. The construction, use, and maintenance of accessory dwelling units shall be permitted in areas zoned to allow single-family or multi-family dwelling residential use. For purposes of this Section [17.400.095](#), a multi-family dwelling unit ~~shall indicate~~ [is](#) two or more attached dwelling units on a single property.

E. Accessory Dwelling Unit Density.

[1. Accessory dwelling units are allowed on a property containing single family dwellings under the following circumstances:](#)

[a. No more than one accessory dwelling unit within the proposed or existing square footage of a single-family dwelling or existing square footage of an accessory structure](#)

that meets specific requirements such as exterior access and setbacks for fire and safety. ~~is allowed on a property containing single-family dwellings, except that an accessory dwelling unit may be combined with a junior accessory dwelling unit described in Subsection L. More than one accessory dwelling unit is allowed on a property containing multi-family dwellings under one of the following circumstances:~~

b. No more than one detached new construction accessory structure that does not exceed four-foot side and rear yard setbacks.

i. A new construction attached accessory dwelling unit may be constructed in lieu of the new construction detached accessory dwelling unit.

c. No more than one junior accessory dwelling unit within the proposed or existing space of a single-family dwelling that meets specific requirements such as exterior access and setbacks for fire and safety as described in Subsection L.

~~4~~2. Accessory dwelling units are allowed on a property containing multi-family dwellings under the following conditions:

a. Accessory dwelling units shall be allowed within existing portions of multi-family or mixed use structures on a lot containing multi-family dwelling units subject to the following conditions:

ai. The number of accessory dwelling units shall not exceed 25% of the number of existing units, minimum one unit.

bii. The accessory dwelling units shall only be located within areas that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. Non-livable space used to create ADUs must be limited to residential areas within a mixed-use development, and not the areas used for commercial or other activities.

ciii. Each accessory dwelling unit must comply with state building standards for dwellings.

~~2~~b. A maximum of two detached, ~~new construction~~ accessory dwelling units shall be allowed on a property with existing multi-family dwelling units, with a maximum building height that complies with the standard established by the applicable Zoning District in which the subject property is located pursuant to Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards) and minimum side-yard and rear-yard setbacks of four feet.

F. Minimum Room Dimensions. Minimum room dimensions, including ceiling heights, floor area and width, shall meet the Uniform Building Code regulations in effect at the time of construction.

G. Location.

1. Accessory dwelling units may be within, attached to, or detached from and on the same lot as, a proposed or existing single-family dwelling, or within or detached from a multi-family dwelling, and subject to compliance with front, side, and rear yard setback

standards [notwithstanding Government Code Section 65852.2, subsection \(c\) and \(e\)](#);
or

2. Accessory dwelling units may be located entirely within a proposed or existing primary dwelling unit or [existing](#) accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing primary dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department.

[3. An ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards but this expansion shall be limited to accommodating ingress and egress.](#)

~~3. Accessory dwelling units shall be prohibited in the hillside areas shown on Map 4-2.~~

H. Parking. Parking for an accessory dwelling unit and replacement parking is not required ~~when existing off-street parking for the primary dwelling unit is demolished or converted in conjunction with the construction of an accessory dwelling unit.~~

I. Habitability. Accessory dwelling units are ~~entirely~~ fully habitable, and shall include independent kitchen and bathroom facilities. [Accessory dwelling units shall be independent from the main dwelling without internal access.](#)

J. Occupancy Restrictions. Accessory dwelling units shall not be sold separately from the primary residence, and shall not be used for rentals of terms of 30 days or less [unless established as defined in Section 65852.26](#). Owner occupancy is not required for accessory dwelling units.

K. Setbacks.

1. An accessory dwelling unit shall have side and rear yard setbacks of at least two feet from lot lines abutting a non-residential zone, street, or alley and at least four feet from lot lines when abutting a residential zone. An accessory dwelling unit shall abide by the front yard setback requirements of the zone in which it is located.

2. An accessory dwelling unit constructed entirely within a proposed or existing primary dwelling unit or accessory structure, ~~which has independent exterior access from the proposed or existing primary dwelling unit or accessory structure, and which~~ [has](#) side and rear setbacks that are sufficient for fire safety, as determined by the Culver City Fire Department, shall not be subject to setback standards for new development.

3. An accessory dwelling unit constructed above, or as a second story to, a garage or other accessory structure shall be setback a minimum of two feet from side and rear lot lines abutting a non-residential zone, street, or alley and a minimum of four feet from side and rear lot lines when abutting a residential zone. An accessory dwelling unit constructed above, or as a second story to, a garage or other accessory structure shall abide by the front yard setback requirements of the zone in which it is located.

4. **Through Lots.** An accessory dwelling unit constructed on a through lot is permitted to have a reduced setback of at least two feet from one front lot line along the

property line that is of greater distance from the primary residence and/or the property line separating the parcel from the street of a higher classification or designation. In case of irregular lots, the Director shall determine which one front lot line is eligible for reduced setback [notwithstanding Government Code Section 65852.2, subsection \(c\) and \(e\)](#).

L. Junior Accessory Dwelling Units. In addition to an accessory dwelling unit as provided in this Section, a junior accessory dwelling unit may be permitted on a property zoned for ~~a~~-single-family residences with one primary dwelling. [A junior accessory dwelling unit is permitted on a property with multiple detached single-family dwellings pursuant to Government Code 65852.22.](#) The following establishes standards for junior accessory dwelling units.

1. Maximum Unit Size. A junior accessory dwelling unit may be up to 500 square feet.

a. Maximum permitted unit size shall include any [livable space floor area, including basements and lofts](#), confined from exterior wall to exterior wall.

2. Density. No more than one junior accessory dwelling unit is allowed on a property.

3. Location.

a. A junior accessory dwelling unit shall be located entirely within a proposed or existing primary dwelling unit, subject to the following:

i. ~~A junior accessory dwelling shall be entirely within the walls of the proposed or existing single family residence.~~ A junior accessory dwelling may be in an attached garage, but may not be in a detached accessory structure.

ii. A junior accessory dwelling unit shall have separate exterior access independent from the proposed or existing primary dwelling unit.

iii. [A junior accessory dwelling unit may share significant interior connection to the primary dwelling if they are sharing a bathroom facility.](#)

~~**b.** Junior accessory dwelling units are prohibited in the Hillside Areas shown on Map 4-2.~~

4. Parking. ~~No additional parking is required for a junior accessory dwelling unit. When existing off-street parking for the primary dwelling unit is demolished or converted in conjunction with the construction of a junior accessory dwelling unit, replacement parking is not required.~~ [Parking for a junior accessory dwelling unit and replacement parking is not required.](#)

5. Habitability. Junior accessory dwelling units shall include an [efficiency kitchen which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.](#) ~~Junior accessory dwelling units attached to the primary dwelling unit may share bathroom facilities with the primary dwelling unit.~~

6. Occupancy Restrictions. Junior accessory dwelling units shall not be sold separately from the primary dwelling unit and shall not be used for rentals of terms of 30 days or less. Owner occupancy is required for junior accessory dwelling units in either the remaining portion of the primary residence or the junior accessory dwelling unit. These occupancy restrictions shall be enforced through covenant agreement recorded against the property.

M. Other Development Standards.

1. Unless stated in this Section, all other development standards for accessory dwelling units and junior accessory dwelling units shall apply according to the zone in which the subject property is located; including but not limited to, setbacks, building height, and distance between structures.

2. Conversion of Existing Structures. For the purpose of converting an existing structure into an accessory dwelling unit or junior accessory dwelling unit, an existing structure is defined as one of the following:

a. A structure that has been ~~issued a building permit and has passed a final inspection or issued a certificate of occupancy~~ erected prior to the date of adoption of the appropriate building code that does not present a threat to public health and safety or one for which a legal building permit has been issued; or

b. A structure that has been issued Deferred Compliance through the Amnesty Program or through Deferred Compliance by the Municipal Code Appeals Committee (MCAC).

3. When a garage is converted into an ADU or JADU, the garage door must be removed and replaced with windows or entry doors.

N. Application Process. The following is the application process for accessory dwelling units and junior accessory dwelling units.

1. Applicant shall submit complete plan sets to the Building Safety Division. In order to be deemed complete, plans shall comply with all current applicable development standards, any applicable ~~Division-Department~~ handout, and any additional information required by the Director in order to conduct a thorough review. The Division shall approve or deny the application within the time period required by State law. If the project is denied, the applicant will receive a compiled list of comments with remedies to correct any Code deficiencies.

2. Prior to Building Permit issuance, applicant shall submit an Address Assignment Request Fee and Application to the Current Planning Division.

3. Prior to Building Permit issuance, projects resulting in the addition of 750 square feet or more for an accessory dwelling unit located at the subject property shall pay all impact fees including the Mobility Improvement Fee pursuant to Section 15.06.515 (Calculation and Payment of Fees) and the In-Lieu Parkland Dedication Fees pursuant to Section 15.06.300 (Park Dedication or Payment of Fees) of this Code.

~~—3.— Prior to Building Permit final inspection and/or prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy, projects resulting in 750 square feet or more of cumulative residential floor area for all accessory dwelling units located at the subject property shall pay In-Lieu Parkland Dedication fees pursuant to Section 15.06.300 (Park Dedication or Payment of Fees) of this Code.~~

~~**Map 4-2 Accessory Dwelling Units Prohibited**~~



(Ord. No. 2005-007 § 1 (part); Ord. No. 2017-007 § 2 (part); Ord. No. 2017-017 § 2;
Ord. No. 2018-015 § 2 (part); Ord. No. 2020-001 § 2; Ord. No. 2021-012 § 3 (part))