

1 RESOLUTION NO. 2019-P012

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 CULVER CITY, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL
4 APPROVAL OF ZONING CODE AMENDMENT (P2019-0265-ZCA) AMENDING
5 CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE)
6 SECTION 17.400.095 – RESIDENTIAL USES – ACCESSORY DWELLING
7 UNITS.

8 (P2019-0265-ZCA)

9 WHEREAS on March 22, 2017 the Planning Commission conducted a duly
10 noticed public hearing on City-initiated Zoning Code Amendment (P2017-0052-ZCA)
11 amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section
12 17.400.095 – allowing accessory dwelling units through a ministerial approval and modifying
13 the development standards in compliance with State law, fully considering all reports,
14 studies, testimony, and environmental information presented; and

15 WHEREAS, on April 24, 2017, the City Council considered the Planning
16 Commission's recommendation and adopted Ordinance No. 2017-007, which amended the
17 review process and development standards for ADUs found in Section 17.400.095 of the
18 Culver City Municipal Code, and the expanded land use table for Residential Zones set forth
19 in Section 17.210.015; and

20 WHEREAS on May 9, 2018 the Planning Commission conducted a duly noticed
21 public hearing on City-initiated Zoning Code Amendment (P2018-0052-ZCA) to further
22 amend Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section
23 17.400.095 – modifying the development standards as it relates to accessory dwelling units
24 in compliance with recently adopted State law that went into effect on January 1, 2018, fully
25 considering all reports, studies, testimony, and environmental information presented; and
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1 WHEREAS, on November 12, 2018, the City Council considered the Planning
2 Commission's recommendation and adopted Ordinance No. 2018-015, which amended the
3 development standards for ADUs found in Section 17.400.095 of the Culver City Municipal
4 Code; and

5
6 WHEREAS on November 13, 2019 in response to the 2019 California State
7 legislative housing package regarding new standards for Accessory Dwelling Units effective
8 January 1, 2020, the Planning Commission conducted a duly noticed public hearing on City-
9 initiated Zoning Code Amendment (P2017-0265-ZCA) amending Culver City Municipal Code
10 (CCMC), Title 17 – Zoning (Zoning Code) Section 17.400.095 – modifying the development
11 standards in compliance with State law, fully considering all reports, studies, testimony, and
12 environmental information presented

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14 WHEREAS, following conclusion of the public discussion and thorough
15 deliberation of the subject matter, the Planning Commission determined, by a vote of __ to
16 __, to recommend to the City Council approval of Zoning Code Amendment P2018-0265-
17 ZCA, as set forth herein below.

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20 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
21 CULVER CITY, CALIFORNIA, RESOLVES AS FOLLOWS:
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23 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the
24 CCMC, the following required findings for an amendment to the Zoning Code, as
25 outlined in CCMC Section 17.620.030.A, are hereby made:
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27 **1. The proposed amendment(s) ensure and maintain the internal**
28 **consistency with the goals, policies and strategies of all elements of the**
29 **General Plan and will not create any inconsistencies.**

1 The proposed text amendment, will create consistency between the General Plan
2 and Zoning Code relative to accessory dwelling units. Objective 4 Housing Access
3 of the General Plan Housing Element calls to improve access to quality housing for
4 all members of the community by eliminating discrimination, reducing physical
5 constraints, increasing the number of affordable housing units, and supporting
6 access to emergency shelters. The proposed amendment is intended to comply
7 with current State housing law in an effort to create new affordable housing
8 opportunities. The proposed amendment will create consistency between the
9 General Plan and the Zoning Code relative to accessory dwelling unit requirements
10 and will help promote housing opportunities for families of all income levels to help
11 maintain the family-oriented character of the City in the future (Housing Element
12 Policy 4.B).

15 **2. The proposed amendment(s) would not be detrimental to the public**
16 **interest, health, safety, convenience or welfare of the City.**

18 The proposed Zoning Code Amendment will ensure compliance with current State
19 housing law, which mandates that accessory dwelling units be considered
20 ministerially without discretionary review and development standards related to
21 size, location, and parking. The proposed amendment provides an effective means
22 of affordable housing in Culver City. Additionally, the proposed amendments
23 consider acceptable living conditions including unit size, room dimensions,
24 habitability, and design standards in support of the public interest, health, safety,
25 convenience and welfare of the City.
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1 **3. The proposed amendment is in compliance with the provisions of the**
2 **California Environmental Quality Act (CEQA).**

3 The proposed Zoning Code Amendment is exempt from the California
4 Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section
5 15282(h), as set forth in Section 21080.17 of the Public Resources Code, which
6 pertains to the adoption of an ordinance regarding accessory dwelling units in a
7 single-family or multifamily residential zone to implement the provisions of
8 Government Code Sections 65852.1 and 65852.2. In addition, per CEQA
9 Guidelines Section 153303(a), Class 3 Categorical Exemption, the development of
10 second dwelling unit is exempt from environmental review, as that type of project
11 has been determined not to have a significant effect on the environment.
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14 **SECTION 2.** Pursuant to the foregoing recitations and findings, the Planning
15 Commission of the City of Culver City, California, hereby recommends to the City
16 Council approval of Zoning Code Amendment P2019-0265-ZCA, as set forth in
17 Exhibit A attached hereto and made a part thereof.
18

19 APPROVED and ADOPTED this 13th day of November 2019.
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21

22 _____
23 ANDREW REILMAN, CHAIRPERSON
24 PLANNING COMMISSION
25 CITY OF CULVER CITY, CALIFORNIA

26 Attested by:

27 _____
28 Susan Herbertson, Senior Planner
29

Exhibit A

**ZONING CODE AMENDMENT
P2019-0265-ZCA**

Proposed Zoning Code Amendment

The proposed Zoning Code Amendment (ZCA) will amend Section 17.400.095 as follows:

§ 17.400.095 RESIDENTIAL USES – ACCESSORY DWELLING UNITS.

This Section establishes the standards for the development of an Accessory Dwelling Unit in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards):

A. Minimum Lot Size. ~~A minimum lot size of 5,000 square feet shall be required for the construction, use and maintenance of accessory dwelling units. No minimum lot size shall be required for an accessory dwelling unit located entirely within the existing space of a single-family dwelling or accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing single-family dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department.~~

B. Maximum Unit Size. The maximum permitted unit size of an attached accessory dwelling unit shall not exceed 850 square feet, ~~, either attached or detached, may be up to 50% of the gross square footage of the primary dwelling, or 50% of the gross square footage of the primary dwelling, whichever is less. unit on the lot, but shall not exceed 600 gross square feet in floor area. There shall not be a maximum unit size when the accessory dwelling unit is located entirely within an existing single-family dwelling or accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing single-family dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department. In no event shall the FAR be exceeded for the primary dwelling unit. The maximum permitted unit size of a detached accessory dwelling unit is as follows:~~

1. One-bedroom unit shall not exceed 850 square feet.

2. Two or more-bedroom unit shall not exceed 1200 square feet.

C. Minimum Unit Size. ~~The minimum unit size shall be 220 gross square feet. No minimum unit size shall be required for an accessory dwelling unit located within the existing space of a single-family dwelling or accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing single-family dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department. The minimum unit size of an attached or~~

detached accessory dwelling unit shall be at least 150 square feet, including a partial kitchen and bathroom.

D. Zones in which Accessory Dwelling Units may be Constructed. The construction, use, and maintenance of accessory dwelling units shall only be permitted in Residential Zones indicated in Table 2-3 of Chapter 17.210 of this Title., ~~on lots containing at least one detached single family dwelling unit.~~

~~E.~~ _____ **Density.**

~~F.~~ _____

~~G.E.~~ _____ Except as otherwise provided in this Section, no more than one accessory dwelling unit is allowed on a property. More than one accessory dwelling unit shall be allowed on a property under one of the following circumstances:

1. One accessory dwelling unit and one junior accessory dwelling unit, as defined by California Government Code Section 65852.22, shall be allowed on a property subject to the following conditions:

- a. Both units are located entirely within the existing space of a single-family dwelling unit or accessory structure and do not include an expansion of more than 150 square feet beyond the same physical dimensions as the existing accessory structure for purposes of accommodating ingress and egress.
- b. Both units have exterior access from the proposed or existing single-family dwelling unit.
- c. Both units maintain side and rear setbacks sufficient for fire and safety.
- d. The junior accessory dwelling unit complies with the requirements of California Government Code Section 65852.22.

2. ~~One detached, new construction, accessory dwelling unit and one detached junior accessory dwelling unit, as defined by California Government Code Section 65852.22, shall be allowed on a property subject to the following conditions:~~

~~a.~~ _____ The combined total floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed 850 square feet.

~~a.~~ _____

~~b.~~ _____

~~c.~~ b. Maximum building height of each unit shall not exceed 16 feet.

~~d.~~ c. Each unit shall maintain a minimum of four feet side and rear yard setbacks.

~~e.~~ d. The accessory dwelling unit and the junior accessory dwelling unit may be separate detached structures or combined as one detached structure containing both units.

~~3.~~
~~4.~~

5.3. Accessory dwelling units shall be allowed within existing space of a lot containing multifamily dwelling units subject to the following conditions:

- ~~a.~~ The number of accessory dwelling units shall not exceed 25 percent of the originally permitted units.
- ~~a.b.~~ 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.
- ~~c.~~ Each accessory dwelling unit must comply with state building standards for dwellings.

6.4. A maximum of two detached accessory dwelling units shall be allowed on a lot with an existing multifamily dwelling, with a maximum building height of 16 feet and minimum side-yard and rear-yard setbacks of four feet.

H.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.

I.G. Location.

- 1. Accessory dwelling units may be attached to, or detached from and on the same lot as, an existing single-family dwelling, or multi-family dwelling, and subject to compliance with front, side, and rear yard setback standards; or
- 2. Accessory dwelling units may be located entirely within the existing space of a single-family dwelling or accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing single-family dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department.

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

J.H. Parking.

- ~~1. One parking space, which may be uncovered, covered, or tandem, shall be required for an accessory dwelling unit, subject to the minimum parking stall dimensions established by Section 17.320, except as provided below.~~
- ~~2. When existing off-street parking for the primary dwelling unit is demolished in conjunction with the construction of an accessory dwelling unit, the parking for the primary dwelling unit shall be replaced and provided in any configuration on the same lot as the accessory dwelling unit, including, but not limited to,~~

~~covered spaces, uncovered spaces or tandem spaces, subject to the minimum parking stall dimensions established by Section 17.320. Parking required in relation to accessory dwelling units can be located within property setbacks.~~

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

- ~~a. Located within ½ mile of a public transit stop;~~
- ~~b. Within an architecturally and historically significant historic district;~~
- ~~c. Located entirely within the existing space of a single-family dwelling or accessory structure;~~
- ~~d. In an area where on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit; or~~
- ~~e. Located within one block of a car or bike share facility.~~

K.I. Habitability. Accessory dwelling units shall be fully habitable, and shall include kitchen and bathroom facilities. ~~A maximum of one bedroom shall be permitted per accessory dwelling unit.~~

J. Occupancy Restrictions. ~~Owner occupancy is required for either the primary single-family dwelling or the accessory dwelling unit.~~

- 1. Except as otherwise provided in this Section, accessory dwelling units may not be sold separately from the primary residence, and may not be used for rentals of terms of 30 days or less.
- 2. An accessory dwelling unit may be sold or conveyed separately from the primary residence to a qualified buyer if the requirements of California Government Code Section 65852.26 are satisfied.

L.K. Setbacks.

- 1. An accessory dwelling unit shall have a side and rear yard setback of at least two feet from lot lines, and shall ~~Any additional floor area created with the construction of a new attached or detached 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 the existing space of a single-family dwelling or accessory structure, which has independent exterior access from the existing single-family dwelling or accessory structure, and 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.

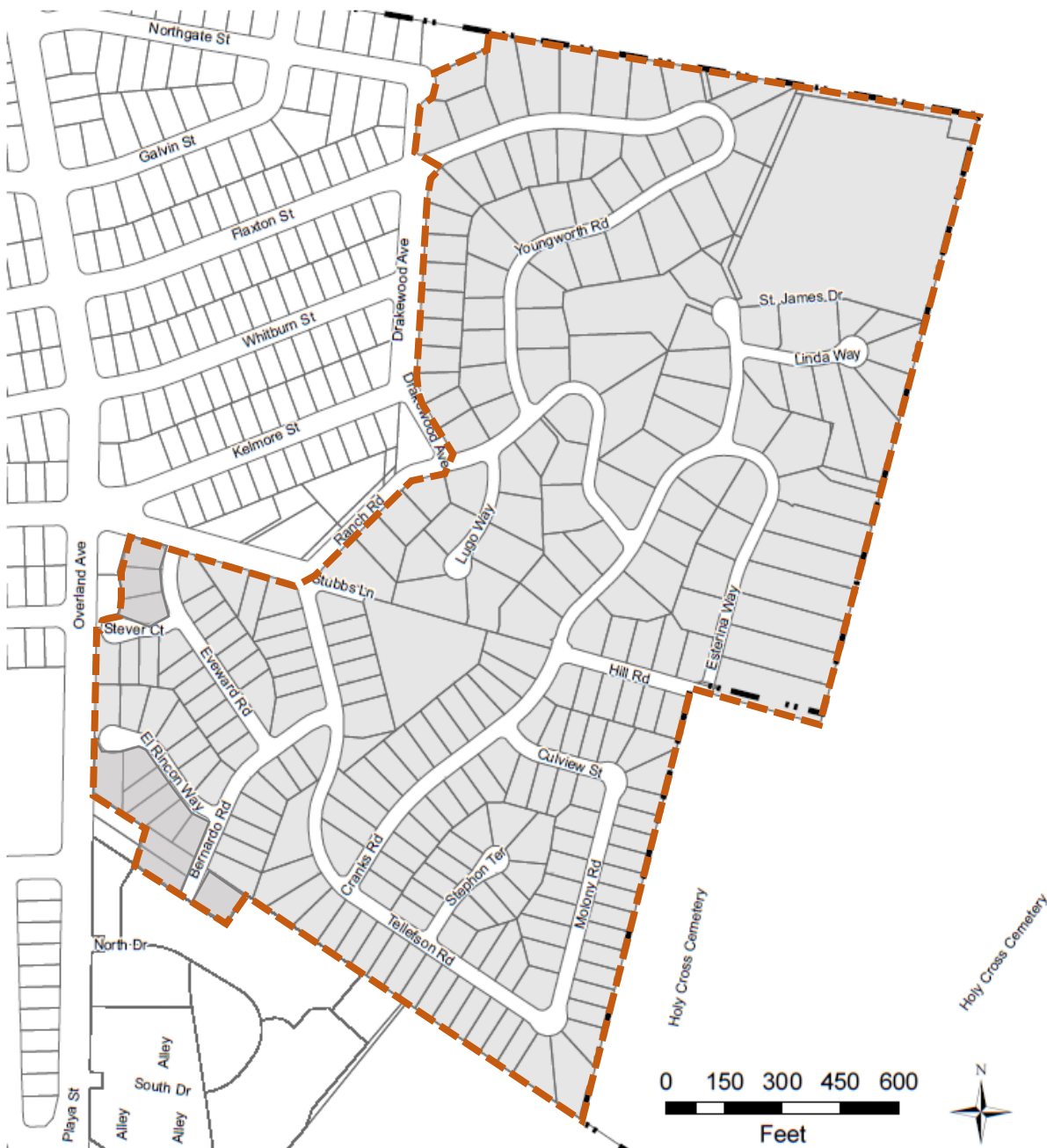
3. An accessory dwelling unit constructed above, or as a second story to, an existing garage or other accessory structure shall be setback a minimum of ~~five~~four feet from side and rear lot lines and abide by the front yard setback requirements of the zone in which it is located.

M.L. Design Standards. To encourage design compatibility with the existing primary single-family dwelling and other structures on-site, and to protect the privacy of adjacent properties, specific design standards may be applicable to the accessory dwelling unit. This subsection shall not apply to an accessory dwelling unit constructed entirely within the existing space of a single-family dwelling or accessory structure.

N.M. Unless stated in this Section, all other development standards 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.

O.N. Application Process.

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 handout, and any additional information required by the Director in order to conduct a thorough review.
2. Prior to Building Permit issuance, applicant shall submit an Address Assignment Request Fee and Application to the Planning Division.
- ~~3. Prior to Building Inspection Final, applicant shall file with the Los Angeles County Recorder's Office a Property Restriction Covenant prepared by the Planning Division.~~



Accessory Dwelling Units Prohibited
Map 4-2

Legend

- City Boundary
- ADUS Prohibited