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ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE) SECTION 17.210.015 – RESIDENTIAL ZONING DISTRICT LAND USES AND PERMIT REQUIREMENTS, AND ZONING CODE SECTION 17.400.095 – RESIDENTIAL USES – ACCESSORY DWELLING UNITS AS SET FORTH IN EXHIBIT “A” ATTACHED HERETO.

(Zoning Code Amendment, P2017-0052-ZCA)

WHEREAS, on March 22, 2017, after conducting a duly noticed public hearing on City-initiated Zoning Code Amendment (P2017-0052-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section 17.210.015 – Residential Zoning District land Uses and Permit Requirements, and Zoning Code Section 17.400.095 – Residential Uses – Accessory Dwelling Units, including full consideration of all reports, studies, testimony, and environmental information presented, the Planning Commission adopted, by a vote of 5 to 0, Resolution No. 2016-P006, recommending to the City Council approval of Zoning Code Amendment P2017-0052-ZCA, as set forth herein below; and

WHEREAS, on April 11, 2017, after conducting a duly noticed public hearing on City-initiated Zoning Code Amendment (P2017-0052-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section 17.210.015 – Residential Zoning District land Uses and Permit Requirements, and Zoning Code Section 17.400.095 – Residential Uses – Accessory Dwelling Units, including full consideration of all reports, studies, testimony, and environmental information presented, the City Council, by a vote of 5 to 0, introduced an ordinance approving Zoning Code Amendment, ZCA P-2017-052-ZCA (the “Ordinance”), as set forth herein below; and

1 WHEREAS, on April 24, 2017, the City Council, by a vote of ____ to ____,
2 adopted the Ordinance as set forth herein below.

3 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
4 CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

5 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the Culver
6 City Municipal Code (CCMC), Title 17, Section 17.620,030, the following findings for a
7 Zoning Code Amendment are hereby made:
8

9 **1. The proposed amendment(s) ensure and maintain the internal**
10 **consistency with the goals, policies and strategies of all elements of the**
11 **General Plan and will not create any inconsistencies.**

12 The proposed text amendment, will create consistency between the General Plan
13 and Zoning Code relative to accessory dwelling units. Objective 4 Housing Access
14 of the General Plan Housing Element calls to improve access to quality housing for
15 all members of the community by eliminating discrimination, reducing physical
16 constraints, increasing the number of affordable housing units, and supporting
17 access to emergency shelters. The proposed amendment is intended to comply
18 with current State housing law in an effort to create new affordable housing
19 opportunities. The proposed amendment will create consistency between the
20 General Plan and the Zoning Code relative to accessory dwelling unit requirements
21 and will help promote housing opportunities for families of all income levels to help
22 maintain the family-oriented character of the City in the future (Housing Element
23 Policy 4.B).
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27 **2. The proposed amendment(s) would not be detrimental to the public**
28 **interest, health, safety, convenience or welfare of the City.**
29

1 The proposed Zoning Code Amendment will ensure compliance with current State
2 housing law, which mandates that accessory dwelling units be considered
3 ministerially without discretionary review. The proposed amendment provides an
4 effective means of affordable housing in Culver City. Additionally, the proposed
5 amendment considers acceptable living conditions including unit size, room
6 dimensions, habitability, and design standards in support of the public interest,
7 health, safety, convenience and welfare of the City.

8
9 **3. The proposed amendment is in compliance with the provisions of the**
10 **California Environmental Quality Act (CEQA).**

11 Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act
12 (CEQA), Zoning Code Text Amendment (P2017-0052-ZCA) is within the scope of the
13 Culver City General Plan Update Program EIR approved on September 24, 1996
14 (PEIR 1) and the Culver City Redevelopment Plan Amendment and Merger Program
15 Subsequent EIR approved on November 16, 1998 (PEIR 2). The circumstances under
16 which PEIR 1 and PEIR 2 were prepared have not significantly changed and no new
17 significant information has been found that would impact either PEIR 1 or PEIR 2;
18 therefore, no new environmental analysis is required.

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21 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City Council of
22 the City of Culver City, California, hereby introduces the Ordinance approving Zoning
23 Code Amendment ZCA P-2017-052-ZCA amending Culver City Municipal Code (CCMC),
24 Title 17 – Zoning (Zoning Code) Section 17.210.015 – Residential Zoning District land
25 Uses and Permit Requirements, and Zoning Code Section 17.400.095 – Residential Uses
26 – Accessory Dwelling Units as outlined in Exhibit “A,” attached hereto and incorporated
27 herein by reference.
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1 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall take
2 effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of
3 the City Charter, prior to the expiration of fifteen days after the adoption, the City Clerk
4 shall cause this Ordinance, or a summary thereof, to be published in the Culver City News
5 and shall post this Ordinance or a summary thereof in at least three places within the City.
6

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

15 APPROVED and ADOPTED this _____ day of _____, 2017.
16
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18
19 _____
20 JIM B. CLARKE, MAYOR
21 City of Culver City, California

22 ATTESTED BY:
23

24 _____
25 JEREMY GREEN, City Clerk

26 APPROVED AS TO FORM:
27

28 _____
29 CAROL A. SCHWAB, City Attorney

A17-00212

EXHIBIT A
ZONING CODE AMENDMENT
P2017-0052-ZCA

Proposed Zoning Code Amendment

The proposed Zoning Code Amendment (ZCA) will amend Section Table 2-2 of Section 17.210.015 and Section 17.400.095 as follows:

§ 17.210.015 RESIDENTIAL ZONING DISTRICT LAND USES AND PERMIT REQUIREMENTS.

TABLE 2-2 Allowed Uses and Permit Requirements for Residential Zoning Districts		P Permitted Use CUP Conditional Use Permit Required AUP Administrative Use Permit Required - Use not allowed					
LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Specific Use Regulations:
	R1	R2	R3	RLD	RMD	RHD	
RESIDENTIAL							
Accessory Dwelling Units	AUP P	AUP P	AUP P	-	-	-	17.400.095

§ 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 ~~6,000~~ 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 an existing structure, and where no new floor area is created.

1 **B. Maximum Unit Size.** The maximum permitted unit size may be up to 50% one-half of
2 the gross square footage of the primary dwelling unit on the lot, but shall not exceed
3 600 gross square feet in floor area.

4 **C. Minimum Unit Size.** The minimum unit size shall be 220 gross square feet.

5 **D. Zones in which Accessory Dwelling Units may be Constructed.** The construction,
6 use, and maintenance of accessory dwelling units shall only be permitted in the R1,
7 R2 and R3 Zones only be permitted in Residential Zones indicated in Table 2-3, on
8 lots containing a detached single family dwelling unit. For purposes of this Subsection,
9 a single family dwelling unit shall not include a duplex or triplex.

10 **E. Density.** ~~Accessory dwelling units shall be permitted on properties with no more than~~
11 ~~one existing dwelling unit currently on the site. No more than one accessory dwelling~~
12 ~~unit is allowed on a property.~~

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

16 **G. Location.** ~~Accessory dwelling units shall be located behind the primary dwelling~~
17 ~~either attached to an existing dwelling; located entirely within the living area of an~~
18 ~~existing dwelling, garage, or accessory structure; or detached from and on the same~~
19 ~~lot as the existing dwelling, and subject to compliance with front, side, and rear yard~~
20 ~~setback standards, unless otherwise provided in this Section.~~

21 **H. Parking.**

22 1. One (1) uncovered, non-tandem parking space, which may be uncovered, shall
23 be required for an accessory unit, consistent with Section 17.320, except as
24 provided in this Subsection H. Required parking may not be located within the
25 front setback area leading to the required covered parking. No tandem parking is
26 permitted unless it is adjacent to an alley. If access to parking for the accessory
27 dwelling unit is provided from an alley, the applicant shall pay a pro rata share for
28 the paving of an unpaved alley.

29 2. When existing off-street parking 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 compliance with Section 17.320.

3. Parking for an accessory dwelling unit shall not be required if said unit is:

a. Located wherein the public accessible path to a public transit stop is no
more than one-half mile;

b. Within a historic district;

- c. Located entirely within an existing primary residence or an existing accessory structure, where no additional floor area is created;
- 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 (1) block of a car share facility.

I. Habitability. Accessory dwelling units shall be fully habitable, and shall include one (1) kitchen and one (1) bathroom facilities. A maximum of one (1) separate bedroom shall be permitted per accessory dwelling unit.

J. Occupancy Restrictions. ~~There shall be no occupancy restrictions on the accessory unit; however, the applicant for an accessory unit pursuant to this section must be a resident property owner.~~ 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.

K. Setbacks. ~~The setback requirements for an accessory dwelling unit shall be the setback requirements of the zone in which the dwelling unit is located.~~

1. An accessory dwelling unit constructed entirely within the existing floor area of a single-family residence, garage, or accessory structure, which has independent exterior access from the existing residence, 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.

2. A setback of five (5) feet from the side and rear lot lines shall be provided for an accessory dwelling unit that is constructed above a garage.

3. Any additional floor area created with the construction of a new attached or detached accessory dwelling unit within an existing single-family residence, garage, or accessory structure shall abide by the setback requirements of the zone in which it is located.

L. ~~Conversion of Nonconforming Structure.~~ ~~When an existing nonconforming accessory structure is converted to an accessory dwelling unit, the required setbacks for the zone in which the unit is located must be provided. Legal nonconforming setbacks must be brought into conformance with the zoning regulations in effect at the time the unit is converted.~~

M. Design Standards. To encourage design compatible with existing structures on-site and to protect the privacy of adjacent properties, specific design standards may be applicable to the project, ~~as determined by the Administrative Use Permit process.~~

1 **M. N. Additional Standards.** ~~All other standard requirements shall apply according to~~
2 ~~the zone in which the subject property is located; including but not limited to, open~~
3 ~~space, building height and distance between structures. Unless stated in this Section,~~
4 ~~all other standard requirements shall apply according to the zone in which the subject~~
5 ~~property is located; including but not limited to, setbacks, building height, and distance~~
6 ~~between structures.~~
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