

MEETING DATE: 03.26.13

AGENDA ITEM: Adoption of an Ordinance Amending Title 17, Zoning, of the Culver City Municipal Code, Section 17.400.100 – Residential Uses – Accessory Residential Structures and Section 17.610.020 – Nonconforming Structures (Zoning Code Amendment ZCA P-2011100)

ATTACHMENTS

	<u>Pages</u>
1. Proposed Ordinance, including Exhibit A – Proposed Text Changes	1 - 8

ORDINANCE NO. 2013-____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), SECTION 17.400.100 – RESIDENTIAL USES – ACCESSORY RESIDENTIAL STRUCTURES AND SECTION 17.610.020 – NONCONFORMING STRUCTURES AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO.

(Zoning Code Amendment P-2011100)

WHEREAS, on October 12, 2011 and December 14, 2011 the Planning Commission conducted study sessions regarding staff recommendations to amend the Zoning Code related to accessory residential structures and nonconforming structures to address issues related to impacts on adjacent properties from additions to nonconforming structures and additions to existing accessory residential structures and construction of new residential accessory structures; and

WHEREAS, on January 25, 2012, after conducting a duly noticed public hearing on City-initiated Zoning Code Amendment, ZCA P-2011100 regarding accessory residential structures and nonconforming structures, including full consideration of all reports, studies, testimony, and environmental information presented, the Planning Commission, adopted Resolution No. 2011-P006 recommending to the City Council approval of Zoning Code Amendment, ZCA P-2011100; and

WHEREAS, on March 11, 2013, after conducting a duly noticed public hearing on Zoning Code Amendment, ZCA P-2011100, including full consideration of all reports, studies, testimony, and environmental information presented, the City Council, by a vote of 5 to 0, introduced, for first reading, the Ordinance approving Zoning Code Amendment, ZCA P-2011100, as set forth herein below; and

1 WHEREAS, on March 11, 2013, 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
6
7 SECTION 1. Pursuant to the foregoing recitations and the provisions of the
8 Culver City Municipal Code (CCMC), Title 17, Section 17.620.030, the following findings for a
9 Zoning Code (Text) Amendment are hereby made:

- 10
11 **1. The proposed amendment ensures and maintains internal consistency with the**
12 **goals, policies and strategies of all elements of the General Plan and will not**
13 **create any inconsistencies with this Title, in the case of a Zoning Code**
14 **Amendment.**

15 ZCA P-2011100 ensures and maintains internal consistency with the goals, policies,
16 and strategies of the General Plan and will not create any inconsistencies with the
17 Zoning Code. The amendments to Zoning Code Section 17.400.100 regarding
18 accessory residential structures and Zoning Code Section 17.610.020 regarding
19 nonconforming structures are consistent with the General Plan goals of providing a
20 variety of dwelling types while maintaining the character of the City's residential
21 neighborhoods by providing opportunities for modest additions to accessory
22 residential structures and construction of new small accessory residential structures
23 that are incidental and subordinate to the primary dwelling unit and is consistent with
24 the Zoning Code's height and setback provisions.

- 25
26 **2. The proposed amendment would not be detrimental to the public interest,**
27 **health, safety, convenience or welfare of the City.**

28 ZCA P-2011100 is not detrimental to the public interest, health, safety, convenience
29 and welfare of the City. The amendments to Zoning Code Section 17.400.100
regarding accessory residential structures will reduce the overall size of accessory
residential structures and their potential impacts to adjacent properties and reduce
the possibility that these structures can be used as separate residential units, while
still providing opportunities for modest additions to accessory residential structures
and construction of new small accessory residential structures that are incidental and
subordinate to the primary dwelling unit. The amendments to Zoning Code Section
17.610.020 regarding nonconforming structures will enable property owners to
maintain existing nonconforming conditions, but will eliminate the current allowance to
expand nonconforming setbacks. This will be accomplished by prohibiting

1 nonconforming setbacks to be extended and requiring all new construction to a
2 nonconforming structure to meet applicable setback and height requirements in
conformance with the current CCMC.

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

5 Pursuant to Sections 15162 and 15168 of the CEQA Guidelines, ZCA P-201170 is
6 within the scope of the Culver City General Plan Update Program EIR approved on
7 September 24, 1996 (PEIR), the circumstances under which the PEIR was prepared
8 have not significantly changed and no new significant information has been found that
would impact the PEIR. Therefore, no new environmental analysis is required.

9 SECTION 2. Pursuant to the foregoing recitations and findings, the City
10 Council of the City of Culver City, California, hereby introduces, for first reading, the
11 Ordinance approving Zoning Code Amendment, ZCA P-2011100, as set forth in Exhibit "A"
12 attached hereto and incorporated herein by reference.
13

14 SECTION 3. Pursuant to Section 619 of the City Charter, this Ordinance shall
15 take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621
16 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City
17 Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City
18 News and shall post this Ordinance or a summary thereof in at least three places within the
19 City.
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1 SECTION 4. The City Council hereby declares that, if any provision, section,
2 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
3 invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason
4 of any preemptive legislation, then the City Council would have independently adopted the
5 remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this
6 ordinance and as such they shall remain in full force and effect.
7

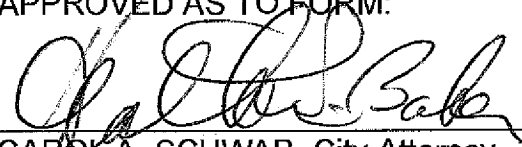
8
9
10 APPROVED and ADOPTED this _____ day of _____, 2013.
11
12

13 _____
14 Andrew Weissman, MAYOR
15 City of Culver City, California

16 ATTEST:

17 APPROVED AS TO FORM:

18 _____
19 MARTIN R. COLE, City Clerk

20 
CAROL A. SCHWAB, City Attorney
21 

22 A13-00112
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EXHIBIT A
Zoning Code Amendment ZCA P-2011100
Ordinance No. 2013-_____

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 ~~Residential~~ 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 ~~residential~~ accessory structures are specified in Table 4-4 (Maximum Heights for ~~Residential~~ Accessory Structures in Residential Zoning Districts), below.

Table 4-4
Maximum Heights for ~~Residential~~ 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.	<u>2 stories and 26 ft</u>
Low density Multiple-Residential (RLD), Medium Density Multiple-Residential (RMD) and High Density Multiple-Residential (RHD) zoning districts.	<u>2 stories and 30 ft</u>

3. Allowable setbacks.

- a.** The accessory structure shall have a setback of at least 2 feet from every perimeter property line, except that the setback shall be the same as 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:
 - 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.

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- d.** Second story additions to existing accessory structures will not be permitted unless: 1) the existing accessory structure is a garage; and 2) 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
- 4. Site coverage.** Roofed accessory structures shall not occupy more than 50% of the required rear or side setbacks, provided that the Director may approve additional coverage where a replacement open area equivalent to the additional coverage over 50% is substituted elsewhere on the site, provided that:
- a.** The Director determines that the usability and location of the substitute area is equally satisfactory.
 - b.** The substitute area does not exceed a slope of 10%, and has no dimension less than 15 feet.
- 5. Allowable Floor Area.** The cumulative floor area for all accessory structures on a lot in a residential zone shall not exceed 800 square feet. The floor area of garages shall be included in such calculation; however, the floor area of other non-habitable accessory structures (including carports) shall not. See Figure 4-10
- 6. Additional Standards.** The following additional standards shall apply to accessory structures:
- a.** No more than one $\frac{3}{4}$ bathroom shall be permitted in any accessory structure.
 - b.** Wet bars are prohibited in accessory structures.
 - c.** Kitchens are prohibited in accessory structures.
 - d.** Only a sink and drain (wash basin) are permitted in garages.

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Figure 4-10

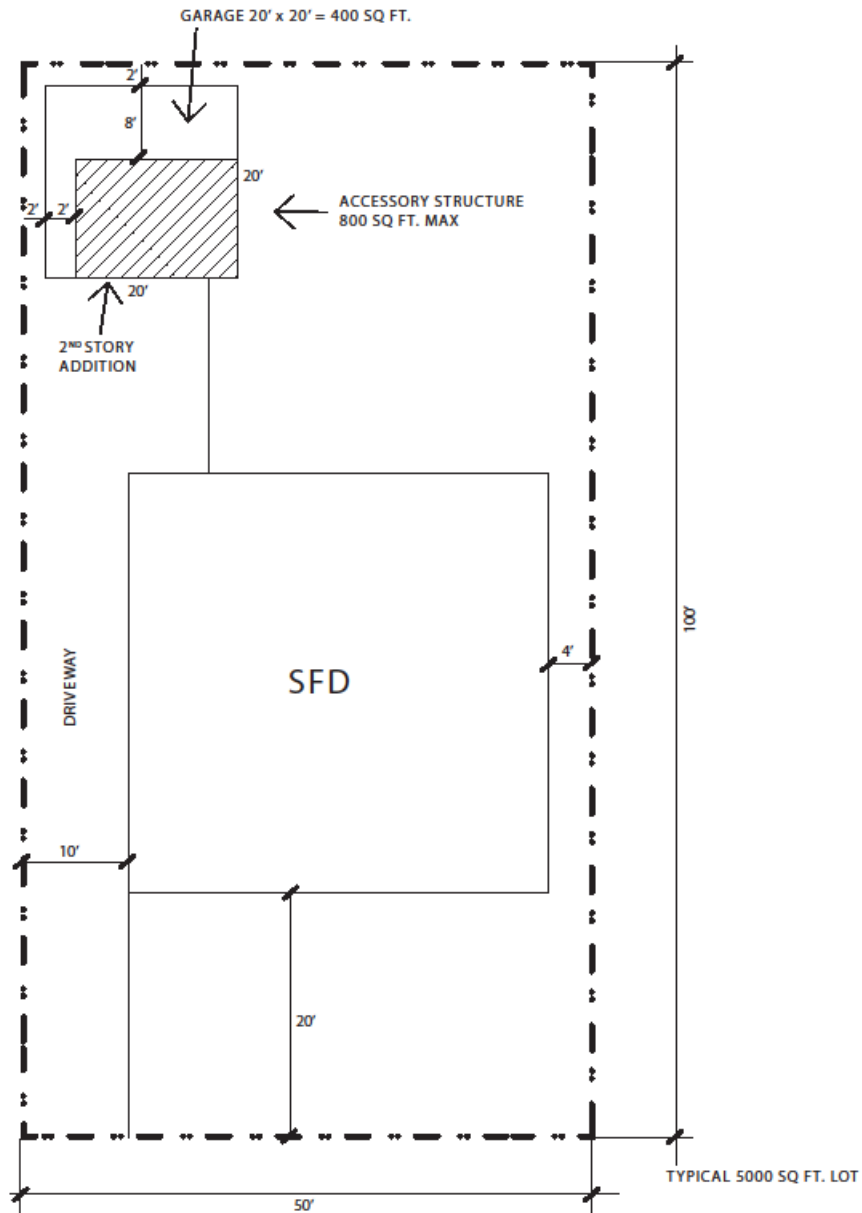


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17.610.020 - Nonconforming Structures

- A. **Alterations or Additions.** The construction, enlargement, expansion, extension, or reconstruction of a nonconforming structure shall be subject to the following:
1. **Increase in area.** The work shall be allowed if it results in an increase or enlargement of the area, space, or volume of the structure only if the structure is nonconforming with respect to setbacks, height, distance between structures, architectural projections, staircase and landing area encroachments, and the requirements of the Uniform Building Code are met. New additions, replacement structures or alterations shall ~~not increase existing nonconformities (e.g., the construction may comply with the existing nonconforming setbacks but shall not propose any further encroachment in the required setbacks)~~ meet the setback and height requirements of the zoning district in which the nonconforming structure is located.