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RESOLUTION NO. 2017-P006

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT (P2017-0052-ZCA) AMENDING CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE) SECTION 17.210.015 – RESIDENTIAL ZONING DISTRICT LAND USES AND PERMIT REQUIREMENTS, TABLE 2-2 – ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS; AND SECTION 17.400.095 – RESIDENTIAL USES – ACCESSORY DWELLING UNITS.

(P2017-0052-ZCA)

WHEREAS on March 22, 2017 the Planning Commission conducted 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, Table 2-2 – Allowed Uses and Permit Requirements for Residential Zoning Districts; and Section 17.400.095 – Residential Uses – Accessory Dwelling Units, in order to allow accessory dwelling units through a ministerial approval and modifying the development standards to be in compliance with current State housing law, fully considering all reports, studies, testimony, and environmental information presented; and

WHEREAS, following conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission determined, by a vote of \_\_\_ to \_\_\_, to recommend to the City Council approval of Zoning Code Amendment P2017-0052-ZCA, as set forth herein below.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

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

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

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

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

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

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

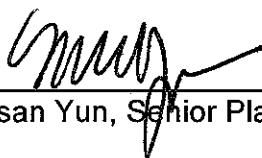
5 Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act  
6 (CEQA), Zoning Code Text Amendment (P2017-0052-ZCA) is within the scope of the  
7 Culver City General Plan Update Program EIR approved on September 24, 1996  
8 (PEIR 1) and the Culver City Redevelopment Plan Amendment and Merger Program  
9 Subsequent EIR approved on November 16, 1998 (PEIR 2). The circumstances under  
10 which PEIR 1 and PEIR 2 were prepared have not significantly changed and no new  
11 significant information has been found that would impact either PEIR 1 or PEIR 2;  
12 therefore, no new environmental analysis is required.  
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15 **SECTION 2.** Pursuant to the foregoing recitations and findings, the  
16 Planning Commission of the City of Culver City, California, hereby recommends to the  
17 City Council approval of Zoning Code Amendment P2017-0052-ZCA, as set forth in  
18 Exhibit A attached hereto and made a part thereof.  
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20 APPROVED and ADOPTED this 22<sup>nd</sup> day of March, 2017.

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24 DAVID VONCANNON, CHAIRPERSON  
25 PLANNING COMMISSION  
26 CITY OF CULVER CITY, CALIFORNIA

27 Attested by:

28   
29 \_\_\_\_\_  
30 Susan Yun, Senior Planner

**EXHIBIT A  
RESOLUTION NO. P2017-P006  
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.**

<b>TABLE 2-2</b> 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 <u>P</u>	AUP <u>P</u>	AUP <u>P</u>	-	-	-	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 5,000 ~~6,000~~ 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 within an existing structure.

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

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

**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 ~~the R1, R2 and R3~~ Zones on lots containing an existing a single-family dwelling.

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

**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.** ~~Accessory dwelling units shall be located behind the primary dwelling.~~ Accessory dwelling units shall be either attached to an existing dwelling or located within the living area of the existing dwelling, or detached from and on the same lot as the existing dwelling, subject to compliance with front, side, and rear yard setback standards, except as provided in Sections K and L below.

**H. Parking.** ~~One uncovered, non-tandem parking space shall be required for an accessory unit. Off street parking areas may be within setback areas, in locations determined by the Director, or through tandem parking, unless parking within the setback area or tandem parking is not feasible based upon site or regional topographical or fire and life safety conditions, as determined by the Culver City Fire Department. Parking shall not be required if the accessory dwelling unit is (i) located within one-half mile of public transit; (ii) within a historic district; (iii) part of entirely within an existing primary residence or an existing accessory structure; (iv) in an area where on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit; or (v) located within one block of a car share area. Required parking may not be located within the front setback area leading to the required covered parking. No tandem parking is permitted unless it is adjacent to an alley. If access to parking for the accessory dwelling unit is provided from an alley, the City may require the applicant shall to pay a pro-rata share for the paving of an unpaved alley. Parking for the primary residence must be maintained.~~

**I. Habitability.** Accessory dwelling units shall be fully habitable, and shall include kitchen and bathroom facilities. A maximum of one separate bedroom shall be permitted per 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 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, except that no setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

**L. Conversion of Nonconforming Structure.** Except as provided in Subsection K, W(i) 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; and (ii) Legal nonconforming setbacks must be brought into conformance with the zoning regulations in effect at the time the unit is converted.

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

~~**N. Additional Standards.** All other standard requirements shall apply according to the zone in which the subject property is located; including but not limited to, open space, building height and distance between structures.~~

**N. Exception to Standards.** An accessory dwelling unit constructed within the existing space of a single-family residence 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 the standards set forth in Subsections A, B, C, D, F, G, H, I, K, L, and through M, above, and shall only be required to comply with the Building Code.