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ORDINANCE NO. 2017-\_\_\_\_\_

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE) SECTION 17.400.095 – RESIDENTIAL USES – ACCESSORY DWELLING UNITS, TO PROHIBIT ACCESSORY DWELLING UNITS IN CERTAIN HILLSIDE AREAS, AS SET FORTH IN EXHIBIT “A” ATTACHED HERETO.

(Zoning Code Amendment, P2017-0224-ZCA)

WHEREAS, on March 20, 2017, the City Council adopted Ordinance No. 2017-005, entitled “An Urgency Ordinance of the City of Culver City, California, Establishing a 45-Day Moratorium on the Issuance of Any New Building Permits for Development and Construction in the Lower and Upper Culver Crest Hillside Neighborhoods and Declaring the Urgency Thereof and that it Shall Take Effect Immediately” (hereinafter the “Moratorium”), in order to allow the City time to thoroughly research options for regulating the development and construction on the hillside and prepare and present recommended regulations to the Planning Commission for recommendation to the City Council; and

WHEREAS, the Moratorium was adopted and immediately effective pursuant to the authority set forth in Culver City Charter Section 614 and in conformity with the timing and processing requirements of Government Code Section 65858; and

WHEREAS, in adopting the Moratorium, the City Council made the following findings:

1. Over the last several months, including at its meetings of January 13 and February 27, 2017, the City Council has received significant comments and testimony from residents who expressed concerns regarding the extent of construction in Culver Crest hillside neighborhoods and the stability of the

1 hillside, in light of the history of portions of the hillside sliding on several  
2 occasions, including most recently in February 2017. These concerns have  
3 been heightened due to the recent heavy rains and slide, and predictions for  
4 higher than normal rainfall during the coming months;

5  
6 2. In response to such concerns, the City Council directed staff to  
7 study methods to better regulate development and construction on the Lower  
8 and Upper Culver Crest hillside to ensure the public health, safety and welfare;

9  
10 3. The Moratorium will provide City staff with time to thoroughly  
11 research options for regulating the development and construction on the hillside  
12 and prepare and present recommended regulations to the Planning  
13 Commission for recommendation to the City Council; and

14 WHEREAS, on April 18, 2017, consistent with the provisions of Government  
15 Code Section 65858 (d), the City Council, by Resolution No. 2017-R034 approved and  
16 issued a report setting forth actions and measures taken to alleviate conditions which led to  
17 the adoption of the Moratorium, which included, but were not limited to, the City's efforts to:

18  
19 1. Review and analyze other cities' hillside development and  
20 construction standards. There are different types of regulations that may be  
21 warranted, depending on site, geological and topographical conditions, and  
22 staff is in the process of vetting various provisions to determine what is  
23 appropriate for Culver City;  
24

25 2. Evaluate potential geotechnical and planning consultants to assist  
26 with studying and evaluating various hillside development and construction  
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standards in order to make recommendations that are appropriate for the hillside neighborhoods;

3. Study possible revisions to the Culver City Municipal Code (CCMC), Title 17, Zoning, and Title 15, Building Code, which would appropriately balance the rights of property owners to develop their property, which the preservation of the health, safety and welfare of the surrounding residents and their properties; and

WHEREAS, on April 18, 2017, the City Council held a duly noticed public hearing to consider extending the Moratorium for an additional 10 months and 15 days through and including March 19, 2018. During the hearing, the City Council determined to reduce the area and properties that are subject to the Moratorium to those properties that directly about steep hillside conditions and/or are steeply sloped; and

WHEREAS, on July 6 and August 17, 2017 community meetings were held to study, research, and evaluate potential geotechnical and planning development and construction standards in order to make recommendations that are appropriate for the hillside neighborhoods; and

WHEREAS, on October 17, 2017, City's consultant, John Kaliski Architects (JKA), issued a memorandum outlining immediate considerations and recommendations for Accessory Dwelling Units (ADUs) in the Culver Crest Neighborhood, based upon review of the existing Zoning Code, City documents, other cities' zoning codes and standards, and State law, which allows a local agency to designate areas within its jurisdiction where accessory dwelling units may be permitted based on criteria, that may include, the impact of ADUs on public safety; and

1           WHEREAS, as outlined in the findings of the JKA memorandum, the hillsides in  
2 the Culver Crest Neighborhood are prone to fire, flooding and liquefaction, which conditions  
3 are exacerbated by substandard roadway widths that may prevent emergency access and  
4 response. Based on these findings, particularly the overlap with a Very High Fire Hazard  
5 Severity Zone, an area where liquefaction of soils needs to be considered, potential for  
6 surficial landslides that could close emergency vehicle access and response to portions of  
7 the community, and potentially substandard street right-of-ways that may constrain  
8 emergency response during hazard events, JKA recommends the City consider limiting or  
9 prohibiting additional density, specifically with respect to the location of ADUs; and  
10

11           WHEREAS, on November 15, 2017, after conducting a duly noticed public  
12 hearing on City-initiated Zoning Code Amendment (P2017-0224-ZCA), amending Culver City  
13 Municipal Code, Title 17 – Zoning (Zoning Code) Section 17.400.095 – Residential Uses –  
14 Accessory Dwelling Units, to prohibit accessory dwelling units in certain hillside areas,  
15 including full consideration of all reports, studies, testimony and environmental information  
16 presented, the Planning Commission, by a vote of 5 to 0, adopted Resolution No. 2017-  
17 P019, recommending to the City Council approval of Zoning Code Amendment P2017-0224-  
18 ZCA, as set forth herein below; and  
19  
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21           WHEREAS, on November 20, 2017, the City Planning Division received a plan  
22 submittal for an ADU to be located on property within the Culver Crest Neighborhood; and  
23

24           WHEREAS, this Ordinance is immediately required to preserve the public  
25 health, safety and welfare and should be adopted immediately as an urgency ordinance, to  
26 make certain that building permits for ADUs are not issued in areas where the location of  
27 ADUs may create an impact to public safety; and  
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29

1 WHEREAS, there is a current and immediate threat to the public health, safety  
2 and welfare of the City and its community, thereby necessitating the immediate enactment of  
3 this Ordinance, in that the issuance of building permits for ADUs in the Culver Crest hillside  
4 area may create an impact to public safety, based on the findings of the JKA memorandum  
5 as set forth herein above; and  
6

7 WHEREAS, on December 11, 2017, after conducting a duly noticed public  
8 hearing on City-initiated Zoning Code Amendment, P2017-0224-ZCA, amending Culver City  
9 Municipal Code, Title 17 – Zoning (Zoning Code) Section 17.400.095 – Residential Uses –  
10 Accessory Dwelling Units, to prohibit accessory dwelling units in certain hillside areas,  
11 including full consideration of the Planning Commission recommendation, as well as all  
12 reports, studies, testimony and environmental information presented, the City Council, by a  
13 vote of \_\_\_ to \_\_\_, adopted an urgency ordinance, as set forth herein below.  
14

15 **NOW, THEREFORE,** the City Council of the City of Culver City, California,  
16 **DOES HEREBY ORDAIN** as follows:  
17

18 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the  
19 Culver City Municipal Code (CCMC), Title 17, Section 17.620,030, the following findings for a  
20 Zoning Code Amendment are hereby made:  
21

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

25 The proposed text amendment, will create consistency between the General  
26 Plan and Zoning Code relative to hillside safety as it relates to development. Goals  
27 established by the General Plan Public Safety Element call for the protection of life  
28 and property, as well as reducing the adverse economic, environmental, and social  
29

1 conditions resulting from fires and geologic hazards. Further policies of the  
2 General Plan Public Safety Element mandate the establishment and enforcement  
3 of standards and criteria to reduce unacceptable levels of fire and geological risk,  
4 develop stringent site criteria for construction in areas with fire and/or geologic  
5 problems and prohibit construction if these criteria are not met, strengthen existing  
6 codes and ordinances pertaining to fire and geologic hazards, and improve  
7 programs and practices for dealing with land subsidence and erosion. The  
8 proposed amendment is intended to advance these goals and objectives, reflective  
9 of recent findings as a result of the ongoing Hillside Development and Design  
10 Study. The proposed amendment will create consistency between the General  
11 Plan and the Zoning Code relative to development within the Culver Crest  
12 neighborhood and will help promote the protection of life and property, and reduce  
13 adverse economic, environmental and social impacts from fires and geologic  
14 hazards (Public Safety Element Goals (V.) and Policies (VI)).

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

20 The proposed Zoning Code Amendment considers the suitability of  
21 substandard roadway widths as it relates to potential hazardous events, including  
22 high fire susceptibility, liquefaction, and surficial landslides, and prohibits further  
23 intensification of land uses located within subjected areas in support of the public  
24 interest, health, safety, convenience and welfare of the City.

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

3                   Pursuant to Sections 15162 and 15168 of the California Environmental Quality  
4                   Act (CEQA), Zoning Code Text Amendment (P2016-0224-ZCA) is within the scope of  
5                   the Culver City General Plan Update Program EIR approved on September 24, 1996  
6                   (PEIR 1) and the Culver City Redevelopment Plan Amendment and Merger Program  
7                   Subsequent EIR approved on November 16, 1998 (PEIR 2). The circumstances under  
8                   which PEIR 1 and PEIR 2 were prepared have not significantly changed and no new  
9                   significant information has been found that would impact either PEIR 1 or PEIR 2;  
10                  therefore, no new environmental analysis is required.

11                  **SECTION 2.** Pursuant to the foregoing recitations and findings, the City  
12                  Council of the City of Culver City, California, hereby adopts this urgency Ordinance approving  
13                  Zoning Code Amendment P2017-0224-ZCA, amending Culver City Municipal Code (CCMC),  
14                  Title 17 – Zoning (Zoning Code) Section 17.400.095 – Residential Uses – Accessory  
15                  Dwelling Units, as outlined in Exhibit “A,” attached hereto and incorporated herein by  
16                  reference.

17                  **SECTION 3.** Based on the recitals set forth herein above, the City Council  
18                  finds and declares this Ordinance to be necessary for the immediate preservation of the  
19                  public health, safety and welfare, and upon that basis has determined that an urgency  
20                  measure, pursuant to Government Code Section 36937(b) and Culver City Charter Section  
21                  614, is warranted.

22                  **SECTION 4.** Pursuant to Section 614 of the City Charter, this Ordinance shall  
23                  be introduced and adopted at one and the same meeting and shall take effect immediately  
24                  upon its adoption by a four-fifths vote of the City Council. Upon adoption of this Ordinance,  
25

1 the Zoning Code Amendment (P2017-0224-ZCA) shall apply to all pending ADU projects,  
2 which are currently in plan check and have not been issued a building permit as of the date  
3 of adoption of this Ordinance.

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

9           **SECTION 6.** The City Council hereby declares that, if any provision, section,  
10 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared  
11 invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason  
12 of any preemptive legislation, then the City Council would have independently adopted the  
13 remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this  
14 ordinance and as such they shall remain in full force and effect.  
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18           APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
19  
20

21 \_\_\_\_\_  
22 JEFF COOPER, MAYOR  
23 City of Culver City, California

24  
25 ATTESTED BY:

26  
27 \_\_\_\_\_  
28 JEREMY GREEN, City Clerk

29 APPROVED AS TO FORM:

\_\_\_\_\_  
HEATHER BAKER, Assistant City Attorney

A17-00809



**EXHIBIT A  
ZONING CODE AMENDMENT  
P2017-0224-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 an existing structure, and where no new floor area is created.
- B. Maximum Unit Size.** The maximum permitted unit size may be up to 50% of 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 Zones indicated in Table 2-3, on lots containing a detached single family dwelling unit. This provision shall not apply to lots containing a duplex or triplex only.
- E. Density.**

  - 1. Except as provided in this Section, No more than one accessory dwelling unit is allowed on a property.
  - 2. Accessory dwelling units shall be prohibited in the hillside areas shown on Map 4-2.
- 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 either attached to an existing dwelling; located entirely within the living area of an existing dwelling, garage, or accessory structure; or detached from and on the same lot as the existing dwelling, and subject to compliance with front, side, and rear yard setback standards, unless otherwise provided in this Section.
- H. Parking.** One (1) parking space, which may be uncovered, shall be required for an accessory unit, consistent with Section 17.320, except as provided below.

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.

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

- i. Located wherein the public accessible path to a public transit stop is no more than one-half mile;
- ii. Within a historic district;
- iii. Located entirely within an existing primary residence or an existing accessory structure, where no additional floor area is created;
- 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 (1) block of a car share facility.

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

**J. Occupancy Restrictions.** 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.** 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.

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.

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. 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.

**M.** Unless stated in this Section, all other standard requirements 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.



Accessory Dwelling Units Prohibited  
Map 4-2

- Legend**
-  City Boundary
  -  ADUS Prohibited