

ORDINANCE NO. 2019-____

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

(Zoning Code Amendment, P2019-0265-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 P2018-0052-ZCA, as set forth herein below; and

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

1 WHEREAS, on October 17, 2017, John Kaliski Architects (JKA) issued a
2 memorandum outlining immediate considerations and recommendations for Accessory
3 Dwelling Units (ADUs) in the Culver Crest Neighborhood, based upon review of the existing
4 Zoning Code, City documents, other cities' zoning codes and standards, and recent State
5 legislation. As outlined in the findings of the memorandum, the hillsides in the Culver Crest
6 Neighborhood are prone to fire, flooding and liquefaction, which conditions are exacerbated
7 by substandard roadway widths that may prevent emergency access and response. Based
8 on these findings, particularly the overlap with a Very High Fire Hazard Severity Zone, an
9 area where liquefaction of soils needs to be considered, potential for surficial landslides that
10 could close emergency vehicle access and response to portions of the community, and
11 potentially substandard street right-of-ways that may constrain emergency response during
12 hazard events, JKA recommends the City consider limiting or prohibiting additional density,
13 specifically with respect to the location of ADUs; and
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17 WHEREAS, on November 15, 2017, after conducting a duly noticed public
18 hearing on City-initiated Zoning Code Amendment (P2017-0224-ZCA), and environmental
19 information presented, the Planning Commission, by a vote of 5 to 0, adopted Resolution No.
20 2017-P019, recommending to the City Council approval of Zoning Code Amendment P2017-
21 0224-ZCA; and
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23 WHEREAS, on December 11, 2017, after conducting a duly noticed public
24 hearing on City-initiated Zoning Code Amendment, P2017-0224-ZCA, amending Culver City
25 Municipal Code, Title 17 – Zoning Section 17.400.095 – Residential Uses – Accessory
26 Dwelling Units, to prohibit accessory dwelling units in certain hillside areas, including full
27 consideration of the Planning Commission recommendation, as well as all reports, studies,
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1 testimony and environmental information presented, the City Council, by a vote of 5 to 0,
2 approved an urgency Ordinance No. 2017-017; and

3 WHEREAS on May 9, 2018 the Planning Commission conducted a duly noticed
4 public hearing on City-initiated Zoning Code Amendment (P2018-0052-ZCA) to further
5 amend Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section
6 17.400.095 – modifying the development standards as it relates to accessory dwelling units
7 in compliance with recently adopted State law that went into effect on January 1, 2018, fully
8 considering all reports, studies, testimony, and environmental information presented; and
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10 WHEREAS, on November 12, 2018, the City Council considered the Planning
11 Commission's recommendation and adopted Ordinance No. 2018-015, which amended the
12 development standards for ADUs found in Section 17.400.095 of the Culver City Municipal
13 Code; and
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15 WHEREAS on November 13, 2019 in response to the 2019 California State
16 legislative housing package regarding new standards for Accessory Dwelling Units effective
17 January 1, 2020, the Planning Commission conducted a duly noticed public hearing on City-
18 initiated Zoning Code Amendment (P2019-0265-ZCA) amending Culver City Municipal Code
19 (CCMC), Title 17 – Zoning (Zoning Code) Section 17.400.095 – modifying the development
20 standards in compliance with State law, fully considering all reports, studies, testimony, and
21 environmental information presented; and
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24 WHEREAS, following conclusion of the public discussion and thorough
25 deliberation of the subject matter, the Planning Commission determined, by a vote of 3 to 0,
26 to defer any decision on the Zoning Code Amendment P2019-0265-ZCA to the City Council,
27 stating its opposition to the State's newest mandates on the City's permitting of accessory
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1 dwelling units, due to the substantial impacts on the character of single family residential
2 zones; and

3 WHEREAS, on December 9, 2019, the City Council, after conducting a duly
4 noticed public hearing on City-initiated Zoning Code Amendment, P2019-0265-ZCA,
5 amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section
6 17.400.095 – modifying the development standards in compliance with State law, including
7 full consideration of all reports, studies, testimony, and environmental information presented,
8 the City Council, by a vote of ____ to ____, introduced an ordinance approving Zoning Code
9 Amendment, P2019-0265-ZCA (the “Ordinance”), as set forth herein below.
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11 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
12 CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:
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14 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the Culver
15 City Municipal Code (CCMC), Title 17, Section 17.620,030.A, the following findings for a
16 Zoning Code Amendment are hereby made:
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18 **1. The proposed amendment(s) ensure and maintain the internal**
19 **consistency with the goals, policies and strategies of all elements of the**
20 **General Plan and will not create any inconsistencies.**

21 The proposed Zoning Code Amendment will create consistency between the
22 General Plan and Zoning Code relative to accessory dwelling units. Objective 4
23 Housing Access of the General Plan Housing Element calls to improve access to
24 quality housing for all members of the community by eliminating discrimination,
25 reducing physical constraints, increasing the number of affordable housing units,
26 and supporting access to emergency shelters. The proposed Amendment is
27 intended to comply with current State housing law in an effort to create new
28 affordable housing opportunities. The proposed Amendment will create
29 consistency between the General Plan and the Zoning Code relative to accessory
dwelling unit requirements and will help promote housing opportunities for families
of all income levels to help maintain the family-oriented character of the City in the
future (Housing Element Policy 4.B).

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

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

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

13 The proposed Zoning Code Amendment is exempt from the California Environmental
14 Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15282(h), as set forth in
15 Section 21080.17 of the Public Resources Code, which pertains to the adoption of an
16 ordinance regarding accessory dwelling units in a single-family or multifamily
17 residential zone to implement the provisions of Government Code Sections 65852.1
18 and 65852.2. In addition, per CEQA Guidelines Section 153303(a), Class 3
19 Categorical Exemption, the development of second dwelling unit is exempt from
20 environmental review, as that type of project has been determined not to have a
21 significant effect on the environment.

22 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City Council of
23 the City of Culver City, California, hereby introduces the Ordinance approving Zoning
24 Code Amendment P2019-0265-ZCA, amending Culver City Municipal Code (CCMC), Title
25 17 – Zoning (Zoning Code) Section 17.400.095 – modifying the development standards in
26 compliance with State law, as set forth in Exhibit "A" attached hereto and incorporated
27 herein by reference.

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SECTION 3. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED and ADOPTED this _____ day of _____, 2019.

MEGHAN SAHLI-WELLS, Mayor
City of Culver City, California

ATTESTED BY:

JEREMY GREEN, City Clerk

A19-00818

APPROVED AS TO FORM:

CAROL A. SCHWAB, City Attorney

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.

1. The maximum permitted unit size, ~~either of an attached accessory dwelling unit, or an accessory dwelling unit located entirely within a proposed or existing primary dwelling unit or accessory structure, shall not exceed 850 square feet for a one-bedroom unit or 1000 for a two or more-bedroom unit, or~~ or detached, may be up to 50% of the gross square footage of the primary dwelling unit on the lot, whichever is less. ~~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.~~
2. The maximum permitted size of a detached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1000 square feet for a two or more-bedroom unit.
3. Nothing in this Section shall prohibit an attached or detached accessory dwelling unit that is at least 800 square feet, 16 feet in height, with four-foot side and rear yard setbacks, provided that the accessory dwelling unit is constructed in compliance with all other development standards of this Title.

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, and in multi-family dwelling units provided in Section 17.400.095.E.3, ~~on lots containing at least one detached single-family dwelling unit.~~

E. Density. 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 a proposed or existing primary 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 primary 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.
 - b. Maximum building height of each unit shall not exceed 16 feet.
 - c. Each unit shall maintain a minimum of four feet side and rear yard setbacks.

- 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. 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.
 - 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.
- 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.

~~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 may be located:~~

- 1. Accessory dwelling units may be Attached to, or detached from and on the same lot as, ~~an a proposed or~~ 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 proposed or existing primary ~~single-family~~ dwelling unit or accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing ~~single-family~~ primary dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department.
- 3. Accessory dwelling units, including junior accessory dwelling units, shall be prohibited in the hillside areas shown on Map 4-2.

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.~~

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.~~ 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.**

1. An accessory dwelling unit shall have side and rear yard setbacks of at least four feet from lot lines, and ~~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~~ a proposed or existing ~~space of a single-family~~ primary dwelling unit or accessory structure, which has independent exterior access from the proposed or existing ~~single-family primary~~ unit 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.

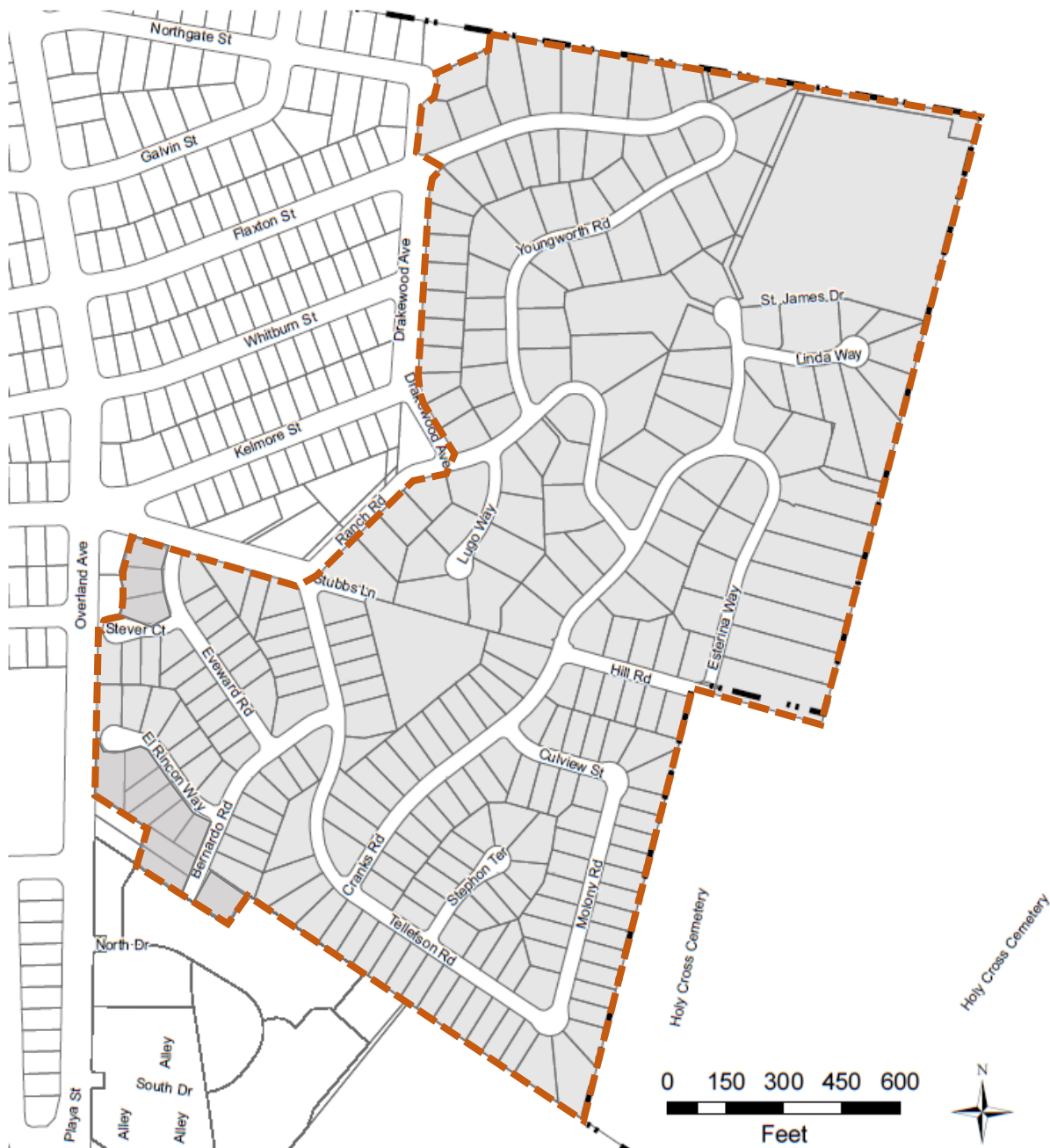
3. An accessory dwelling unit constructed above, or as a second story to, an existing garage or other accessory structure shall be setback a minimum of ~~five~~ four feet from side and rear lot lines and abide by the front yard setback requirements of the zone in which it is located.

~~**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.~~

M. L. Unless stated in this Section or California Government Code Section 65852.2, 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.

N. M. 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