



Culver CITY

MIKE BALKMAN COUNCIL CHAMBERS
9770 CULVER BOULEVARD
CULVER CITY, CALIFORNIA 90232-0507
CITY HALL Tel. (310) 253-5710
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**PLANNING COMMISSION
MEETING AGENDA
WEDNESDAY, AUGUST 13, 2014
7:00 P.M.**

PUBLIC COMMENT

The Planning Commission will listen to the public on any item on the agenda or item of interest that is not on the agenda. The Planning Commission cannot legally take action on any item not scheduled on the agenda. Such items may be referred for administrative action or scheduled on a future agenda.

If you wish to speak to the Commissioners, please complete a Speaker's Card and present it to the Secretary before the agenda item is called. You will be called to the podium by name when it is your turn to speak to the Commissioners.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Persons wishing to speak on agenda items will be called at the time the agenda item is brought forward. Comments will generally be limited to five minutes per speaker; however, a three-minute limit may be declared by the Chairperson for agenda items for which many Speaker Cards have been submitted.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

A total of twenty minutes shall be devoted to audience participation at the beginning of the agenda. Speakers will be called on in the order cards were received by the Secretary. If additional time is needed, the Chairperson will allow for same at the end of the agenda.

When the Secretary calls your name, please advance to the podium and state your name and city of residence. Speakers must limit their comments to five minutes. A three-minute limit may be declared by the Chairperson if there is a large number of individuals desiring to address the Commissioners.

NOTE: AT OR ABOUT 11:00 P.M., COMMISSION MEMBERS WILL DETERMINE WHETHER TO CONTINUE WITH DISCUSSION OF REMAINING ITEMS ON THE AGENDA OR TO CARRY SOME/ALL OF THE ITEMS OVER TO A FUTURE MEETING DATE.

CELL PHONES AND OTHER DISTRACTIONS

Use of cell phones, pagers and other communication devices is prohibited while the Planning Commission Meeting is in session. Please turn all devices off or place on silent alert and leave the Chambers to use. During the meeting, please refrain from applause or other actions that may be disruptive to the speakers or the conduct of City business.

City Council/Agency/Commission meetings can be viewed live on Channel 35 by Time Warner subscribers. To view the Planning Commission meetings on line please visit <http://www.culvercity.org/webcast>

ALD

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Culver **CITY**

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www.culvercity.org

AGENDA
Planning Commission
Wednesday, August 13, 2014
7:00 p.m.
Mike Balkman Council Chambers

CALL TO ORDER & ROLL CALL

Scott Wyant, Chair
Linda Smith-Frost, Vice Chair
Kevin Lachoff, Commissioner
Dana Amy Sayles, Commissioner
David VonCannon, Commissioner

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT – Items Not On The Agenda

ACTION ITEMS

- A-1** Administration of the Oath of Office to Appointed/Re-Appointed Commission Member Dana Sayles
- A-2** Election of Officers and Appointment of Committees
- A-3** Zoning Code Interpretation 2014-01: Board of Zoning Adjustment Referral of Zoning Code Interpretation Regarding Section 17.400.095 – Accessory Dwelling Units
- A-4** Review of Culver City Commission, Committee, and Board Application Form

PUBLIC HEARINGS

NONE

CONSENT CALENDAR *Note: Consent Calendar items are considered to be routine in nature and may be approved by one motion. Public requests to discuss Consent Calendar items must be filed with the Secretary before the Consent Calendar is called.*

C-1. Approval of Minutes of June 11, 2014.

ITEMS FROM STAFF

ITEMS FROM PLANNING COMMISSION

ADJOURN

Upcoming Public Meeting Schedule –(Tentative) – 2014

Date	Day	Time	Location
<i>City Council</i>			
<i>August 25</i>	<i>Monday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Civil Service Commission</i>			
<i>September 3</i>	<i>Wednesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Cultural Affairs Commission</i>			
<i>September 9</i>	<i>Tuesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Parks & Recreation Commission</i>			
<i>September 2</i>	<i>Tuesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>
<i>Planning Commission</i>			
<i>September 10</i>	<i>Wednesday</i>	<i>7:00PM</i>	<i>Council Chambers</i>

Meetings may be added or changed.

City of Culver City, California
Planning Commission Agenda Item Report

Meeting Date: August 13, 2014	Item Number: <u> A-2 </u>
AGENDA ITEM: Election of Officers and Appointment of Committees	
Contact Person/Dept.: Thomas Gorham Planning Manager	Phone Number: (310) 253-5727
Public Hearing: ☐	Action Item: ☒ Attachments: ☒
Public Notification: None	
Planning Approval: Thomas Gorham August 5, 2014	
Planning Commission Bylaws establish the first regular meeting after July 1, and seating of any new members, as the time to choose officers. Committee appointments are also made at this time. The list of officers and committees are listed below. The current Chairperson conducts the election of the new Chairperson. The new Chairperson then conducts the election of the Vice-Chairperson and committee appointments. For reference, Attachment No. 1 lists current Planning Commission officers and committees, basic committee meeting information, and the past year's appointees. Attachment No. 2 provides a brief description of each committee. A. Planning Commission: Chairperson Vice-Chairperson B. Board of Zoning Adjustment: 2 members C. Community Development Block Grant Advisory Committee: 1 member 1 alternate <u>ATTACHMENTS:</u> 1. Planning Commission Officer and Committee Listing 2. Description of Committees	
Page 1 of 1	

Planning Commission Officer and Committee Listing

<i>What</i>	PLANNING COMMISSION	7/1/13 - 6/30/14	7/1/14 - 6/30/15
<i>When:</i>	As determined by Council and Planning Commission.	Second Wednesday of the month at 7:00 p.m.; fourth Wednesday and other days/times as needed.	
<i>Where:</i>	Mike Balkman Council Chambers		
<i>Chairperson:</i>	Selected by Commission	Scott Wyant	
<i>Vice Chairperson:</i>	Selected by Commission	Linda Smith-Frost	
<i>Members:</i>	Appointed by City Council for four-year (staggered) term	Scott Wyant Linda Smith-Frost Kevin Lachoff Dana Sayles David Voncannon	Scott Wyant Linda Smith-Frost Kevin Lachoff Dana Sayles David Voncannon
	Planning Manager	Thomas Gorham	
<i>Telephone:</i>	Planning Division	310/253-5710	
<i>FAX:</i>	Planning Division	310/253-5721	

<i>What:</i>	BOARD OF ZONING ADJUSTMENT	7/1/13 - 6/30/14	7/1/14-6/30/15
<i>When:</i>	As needed		
<i>Where:</i>	Skelton Conference Room (second floor, Planning)		
<i>Members:</i>	Selected by Commission	Dana Sayles David Voncannon	
<i>Staff Contact:</i>	Planning Manager	Thomas Gorham	
<i>Telephone:</i>	Planning Division	310/253-5710	
<i>FAX:</i>	Planning Division	310/253-5721	

<i>What:</i>	COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE	7/1/13 - 6/30/14	7/1/14-6/30/15
<i>When:</i>	Fall/Winter annual meeting(s) at 7:00 p.m.		
<i>Where:</i>	Dan Patacchia Conference Room (first floor)		
<i>Members:</i>	Selected by Commission	Scott Wyant	
<i>Alternate:</i>	Selected by Commission	Linda Smith Frost	
<i>Other committee members are representatives from the following:</i>	Park, Recreation & Human Services Commission Neighborhood Preservation Program Committee Disability Advisory Committee Culver City Homeowners Association		
<i>Staff Contact:</i>	Economic Development Manager	Todd Tipton	
<i>Telephone:</i>	Administration	310/253-5783	
<i>FAX:</i>	Administration	310/253-5783	

Attachment No. 2

**PLANNING COMMISSION
DESCRIPTION OF COMMITTEES
2014-2015**

The following is a brief description of the committees to which Planning Commissioners are appointed. As noted in the descriptions, some meet on a regular basis and others only as needed.

STANDING COMMITTEES

Board of Zoning Adjustment (BZA)

Established under Section 3.03.235 of the Culver City Municipal Code, the Planning Commission appoints two of its members to hear appeals involving interpretation of the Zoning Ordinance; CCMC Title 17. Decisions of the BZA are appealable to the Planning Commission. The BZA meets as needed.

Community Development Block Grant (CDBG) Advisory Committee

The CDBG Advisory Committee convenes to broaden the base for decision-making regarding allocation of the City's limited CDBG funds. The first meeting is an orientation; the second meeting is to conduct the first CDBG public hearing and make funding recommendations to City Council. The City Council then holds the second hearing. The public hearing date is set by the CDBG Advisory Committee members at their first meeting.

The committee generally meets two times between November and January of each year.

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Meeting Date: August 13, 2014		Item Number: A-3	
AGENDA ITEM: Zoning Code Interpretation 2014-01: Board of Zoning Adjustment Referral of Zoning Code Interpretation Regarding Section 17.400.095 – Accessory Dwelling Units			
Contact Person/Dept.: Joshua Williams, Associate Planner		Phone Number: (310) 253-5706	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Public Meeting Posted at City Hall and to the City's Web site on August 7, 2014.			
Planning Approval: Thomas Gorham, Planning Manager		Department Approval: Sol Blumenfeld, Community Development Director	

RECOMMENDATION:

That the Planning Commission:

1. Pursuant to Zoning Code Section 17.120.015 – Procedures for Interpretations, make an Official Interpretation of Zoning Code Section 17.400.095.G related to the location of accessory dwelling units in the R1 and R2 zones, as outlined in Draft Zoning Code Interpretation 2014-01 (Attachment No. 1).

PROCEDURES:

1. The Chair calls on staff for a brief staff report and the Commission poses questions to staff as desired.
2. The Chair provides an opportunity for anyone from the public to comment.
3. The Commission discusses the matter and arrives at its decision.

BACKGROUND:

On February 18, 2014, Mr. Troy Jackson submitted preliminary plans (Attachment No. 2) to the Planning Division of the Community Development Department for remodel and addition to a single family dwelling located at 10753 Cranks Road (Project). The plans include an accessory dwelling unit (ADU). The Planning Division reviewed the preliminary plans and met with Mr. Jackson and determined that the proposed Project was inconsistent with Section 17.400.095 of the Zoning Code - Accessory Dwelling Units.

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On April 14, 2014, Mr. Troy Jackson requested the Director make a Zoning Code Interpretation of Section 17.400.095.G regarding locational requirements for accessory dwelling units. Section 17.120.010 provides the Director with the authority to determine the meaning or applicability of any requirement of the Zoning Code at the written request of any interested person, or at the Director's discretion. The Director reviewed Mr. Jackson's preliminary project plans (Attachment No. 2) and correspondence, related Zoning Code provisions, and the file containing the draft and final text amendment and related Planning Commission and City Council minutes regarding accessory dwelling units and found ambiguities in the Zoning Code and the legislative record. Pursuant to Zoning Code Section 17.120.015.C, the Director exercised his discretion to refer the interpretation of Zoning Code Section 17.400.095.G to the Board of Zoning Adjustment for a determination.

On June 2, 2014, the Board of Zoning Adjustment, comprised of Planning Commissioners Dana Amy Sayles and David VonCannon, held a public meeting to review all available information provided by staff and the applicant regarding the language and legislative intent of the Accessory Dwelling Unit (ADU) section of the Culver City Municipal Code. Following a recitation of the facts of the applicant's request, the Board concluded the public testimony and began deliberation. The Board agreed that the code is silent on the conversion of floor area in the primary dwelling unit to an ADU and it is difficult to understand what the intent of the policy makers was at the time the ordinance was drafted. Further, the Board could not decide if the design of the ADU, located to the side and partially behind the primary structure, met the intent of the word "behind," and questioned if the intent of "behind" is that the ADU is not visible from the street and was toward the rear of the primary dwelling. (These issues are discussed in detail below in the "Discussion" section of this report).

The Board requested that the item be agendized for a Planning Commission meeting to discuss policy implication of allowing the conversion of floor area in a primary dwelling unit and to make the Zoning Code Interpretation on the meaning of "behind" as it relates to the placement of ADUs in relation to primary dwelling units.

Mr. Jackson has submitted his research and background information for the Planning Commissions consideration. (Attachment No. 5)

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DISCUSSION:

Accessory Dwelling Units

Pursuant to California Government Code Section 65852.2 State law mandates the inclusion of Accessory Dwelling Units in Residential zones. Pursuant to Section 17.17.700 of the Zoning Code, Accessory Dwelling Units are defined as:

Accessory Dwelling Unit. Attached or detached residential dwelling unit, which provides complete, independent living facilities for one or more persons, and that contains permanent provisions for sleeping, eating, cooking, and sanitation on the same parcels as single-family and duplex dwellings.

Zoning Code Section 17.400.095, authorizes the construction of Accessory Dwelling Units in the Single Family (R1) and Two Family (R2) Zones with a minimum lot area of 6,000 square feet. State law does not prohibit a local jurisdiction from requiring a discretionary review as part of its permit process and Culver City requires approval of an Administrative Use Permit in order to construct an accessory dwelling unit in the R-1 and R-2 Zones. Specific development standards may be applied in order to ensure neighborhood compatibility.

Proper siting of such uses is an important development consideration given the potential impacts accessory dwelling units may have on a residential neighborhood. In order to ensure that this housing type is well integrated with the surrounding residential neighborhood, Accessory Dwelling Units require the following development standards pursuant to Section 17.400.095:

17.400.095 - Residential Uses - Accessory Dwelling Units

- A. Minimum Lot Size.** A minimum lot size of 6,000 square feet shall be required for the construction, use and maintenance of accessory dwelling units.
- B. Maximum Unit Size.** The maximum permitted unit size may be up to 1/2 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.

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D. Zones in which Accessory Dwelling Units may be Constructed.

The construction, use, and maintenance of accessory dwelling units shall only be permitted in the R1, R2 and R3 Zones.

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.

H. Parking. One uncovered non-tandem parking space shall be required for an accessory unit. 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 applicant shall pay a pro-rata share for the paving of an unpaved alley.

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.

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.

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. Specific design standards to encourage design compatible with existing structures on-site and to protect the privacy of

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adjacent properties may be applicable to the project as determined by the 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.

The definition of accessory dwelling unit and the above Zoning Code Section 17.400.095.G indicate that such units are attached or detached and must be located behind the primary dwelling unit. The proposed Project is not detached or attached to the existing single family dwelling unit; rather, it is part of the existing dwelling unit floor area and within the existing footprint of the primary unit. In addition, it is not literally behind the existing dwelling unit but is part of the primary unit. The relevant development standards, "G" and "M" above, require that the "dwelling unit be located behind the primary structure" and the unit "encourage design compatibility with existing structures on site and the privacy of adjacent properties..." respectively.

Planning Commission and City Council Comments in Text Amendment

The Planning Commission and City Council conducted a series of hearings from 2002-2004 on proposed Zoning Code Amendment ZCA P2002-014 pertaining to accessory dwelling units and adopted Ordinance No. 2004-016 (Attachment No. 3) on November 22, 2004 approving Zoning Code Amendment ZCA P2002-014, which is codified in Zoning Code Section 17.400.095 and authorizes the construction of Accessory Dwelling Units in the Single Family (R1) and Two Family (R2) Zones with a minimum lot area of 6,000 square feet.

The City Council in December 2002 considered the ZCA after several months of public meetings and a Joint Commission and City Council meeting to discuss and analyze the impacts of accessory units (second units) upon the character of the City. The major issues considered for accessory units during the City Council hearing in December 2002 pertained to:

- Increased minimum lot size, lot dimensions and/or setback requirements.
- Required property owner occupancy of the primary dwelling on the lot.
- Limiting occupancy to owners or seniors.
- Increased parking requirements and restricting car ownership for units.
- City services, joint utility and metering of service and required off-site improvements.

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- Restrictions on property sales after development of units.
- Locational requirements for parking and in lieu parking requirements.
- Application processing and noticing requirements.
- Separate entrances for attached units.
- Locational requirements for the units to protect the character of neighborhood development (i.e. behind the primary unit).

The City Council introduced the Ordinance approving the proposed text amendment but did not consider it for a “second reading” normally required for Zoning Code Amendments. Instead, an Ordinance with a revised text amendment was reintroduced and subsequently adopted in November 2004. The substantive changes with the revised adopted Ordinance included:

- Accessory dwelling units shall be located behind the primary dwelling unit.
- If access to the required parking spaces for the accessory dwelling unit is provided from an alley, the applicant shall pay a pro-rata share of the paving for an unpaved alley.
- Setbacks shall be the same as the primary unit in the zone.
- Legal nonconforming setbacks for the primary structures shall not apply to accessory units which are required to conform to current zoning regulations.

There appears to be evidence in the staff reports, meeting minutes and adopted resolutions and ordinances to support the finding that an ADU must be entirely located behind the primary structure. Item No. 7 of the final adopted ordinance specifically deletes “may not be located between the front lot line and the building line of the primary dwelling unit” and instead substitutes “shall be located behind the primary dwelling unit.” That change illustrates an intent to preclude the ADU from locating anywhere but behind the primary unit. The staff report recommendations reflected in the final adopted Ordinance also include wording that the ADU must be located behind the primary unit and not in front of the primary unit.

There is also evidence that the intent of the ordinance was to allow ADUs as new attached or detached units only, and not to allow the conversion of a part of an existing dwelling unit. This intent is demonstrated by 1) the definition of an ADU—states that it is an “attached or detached residential dwelling unit,” meaning it must be “attached to” or “detached from” another structure and not “part of” that structure; and 2) the absence of language in the regulations specifically allowing for the conversion of a part of an existing primary dwelling unit.

Notwithstanding the above, there is uncertainty as to whether the intent of the regulations was to preclude an accessory dwelling unit from locating partly along

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the side and partly behind a primary dwelling unit; and if in all cases such units were intended to be attached or detached.

ALTERNATIVE OPTIONS:

The following alternative actions may be considered by the Planning Commission:

1. Approve Draft Zoning Code Interpretation ZCI 2014-01.
2. Approve Draft Zoning Code Interpretation ZCI 2014-01 with additional or different language if deemed necessary to meet the intent of the Zoning Code.
3. Continue the Agenda Item if necessary to request staff to conduct additional research prior to arriving at a final decision.

ATTACHMENTS:

1. Draft Zoning Code Interpretation ZCI 2014-01
2. Troy Jackson Project Plans for 10753 Cranks Road
3. Ordinance No. 2004-016
4. Meeting Minutes, Board of Zoning Adjustment, June 2, 2014.
5. Correspondence from Troy Jackson



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9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

ZONING CODE INTERPRETATION ZCI 14-01

Date: August 13, 2014

Subject: Location of Accessory Dwelling Units

Code Section(s): 17.400.095 – Residential Uses – Accessory Dwelling Units
 17.700.010 – Definitions of Specialized Terms and Phrases

Issue: The definition of accessory dwelling unit indicates that such units are “attached or detached” and Section 17.400.095.G indicate that accessory dwelling units must be located behind the primary dwelling unit.

Discussion: There is evidence that the intent of the ordinance establishing provisions for accessory dwelling units (ADU’s) was to allow ADUs as new attached or detached units only, and not to allow the conversion of a part of an existing dwelling unit. This intent is demonstrated by 1) the definition of an ADU—states that it is an “attached or detached residential dwelling unit,” meaning it must be “attached to” or “detached from” another structure and not “part of” that structure; and 2) the absence of language in the regulations specifically allowing for the conversion of a part of an existing dwelling unit.

Determination: Pursuant to Zoning Code Section 17.120.015 (Procedures for Interpretations), the following is recorded as an Official interpretation of Zoning Code Sections 17.400.0095

Accessory Dwelling Units must be either attached or detached to and located behind the Primary Dwelling Unit meaning they must be constructed as a separate structure (detached) or as an addition to an existing structure (attached) and in no instance can an Accessory Dwelling Unit be a conversion of part of an existing Primary Dwelling Unit.

Approved by Planning Commission

Date: August 13, 2014

SYMBOL LEGEND	
1	ELEVATION / SECTION KEYNOTE
2	WALL TYPE
AA	WINDOW SYMBOL
03	DOOR SYMBOL
C/L	CENTERLINE
D	DIAMETER OR ROUND
@	AT
PERP	PERPENDICULAR
ADJ	ADJUSTABLE
AFF	ABOVE FINISH FLOOR
CLR	CLEAR
DIA	DIAMETER
DN	DOWN
EA	EACH
EQ	EQUAL
FIN	FINISH
FLUOR.	FLUORESCENT
FP	FINISH FACE, FINISH FLOOR
F.O.S.	FACE OF STUD
FV	FIELD VERIFY
GA	GAUGE
GYP.	GYP SUM BOARD
HR	HOUR
HVAC	HEATING, VENTILATION & AIR CONDITIONING
MAX.	MAXIMUM
M.C.	MEDICINE CABINET
MIN.	MINIMUM
MTD	MOUNTED
N/A	NOT APPLICABLE
N.I.C.	NOT IN CONTRACT
NO.	NUMBER
NOM.	NOMINAL
N.T.S.	NOT TO SCALE
O.A.	OVERALL
O.C.	ON CENTER
O.D.	OUTSIDE DIMENSION
PL	PLATE
PLYWD.	PLYWOOD
RAD.	RADIUS
REQ.	REQUIRED
RM	ROOM
R.O.	ROUGH OPENING
SIM.	SIMILAR
SPEC.	SPECIFICATION
SQ.	SQUARE
STL	STEEL
TYP.	TYPICAL
U.N.O.	UNLESS NOTED OTHERWISE
V.I.F.	VERIFY IN FIELD

PROJECT DIRECTORY

ARCHITECT:
WILLIAM ADAMS ARCHITECTS
670 MOULTON AVE. #5
LOS ANGELES, CA 90031
P: 323.441.9070 F: 323.441.9058

CIVIL ENGINEER:
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MECHANICAL/ ELECTRICAL/ PLUMBING:
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LANDSCAPE ARCHITECT:
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PROJECT DATA

LEGAL DESCRIPTION:
LOT 41 IN BLOCK 3 OF TRACT 6450 IN MAP BOOK 68 PAGES 81-85 COUNTY OF L.A.

ASSESSOR'S PARCEL NO. (APN):

PROJECT DESCRIPTION:
REMODEL AND ADDITION TO AN EXISTING 2-STORY SINGLE FAMILY RESIDENCE

SITE ADDRESS:
3056 DURAND DRIVE, LOS ANGELES, CA 9006

PROPERTY SUMMARY:			
ZONE			R1-1
LOT SIZE (SQ. FT.)	50' X 150'		7,367
LOT COV. SPEC. PLAN (SQ. FT.)	29.7%		2,191
LOT COV. HILLSIDE ORD. (SQ. FT.)	32.3%		2,380
PAVING COVERAGE (%) (SQ. FT.)	11.6%		852
LANDSCAPE COVERAGE (%) (SQ. FT.)	54.3%		4,000

BUILDING SUMMARY:
APPLICABLE CODE = 2007 CBC

	EXISTING	DEMO	NEW	TOTAL	ZONING CODE*
UPPER LEVEL	777	-13	479	1,243	?
LOWER LEVEL	937	0	788	1,725	?
TOTAL	1,714	-13	1,267	2,968	?
GARAGE	371	0	250	621	?
TOTAL (SF)	?	?	?	?	?

OCCUPANCY
R-2, TYPE V-B
2 STORIES
FULLY SPRINKLERED

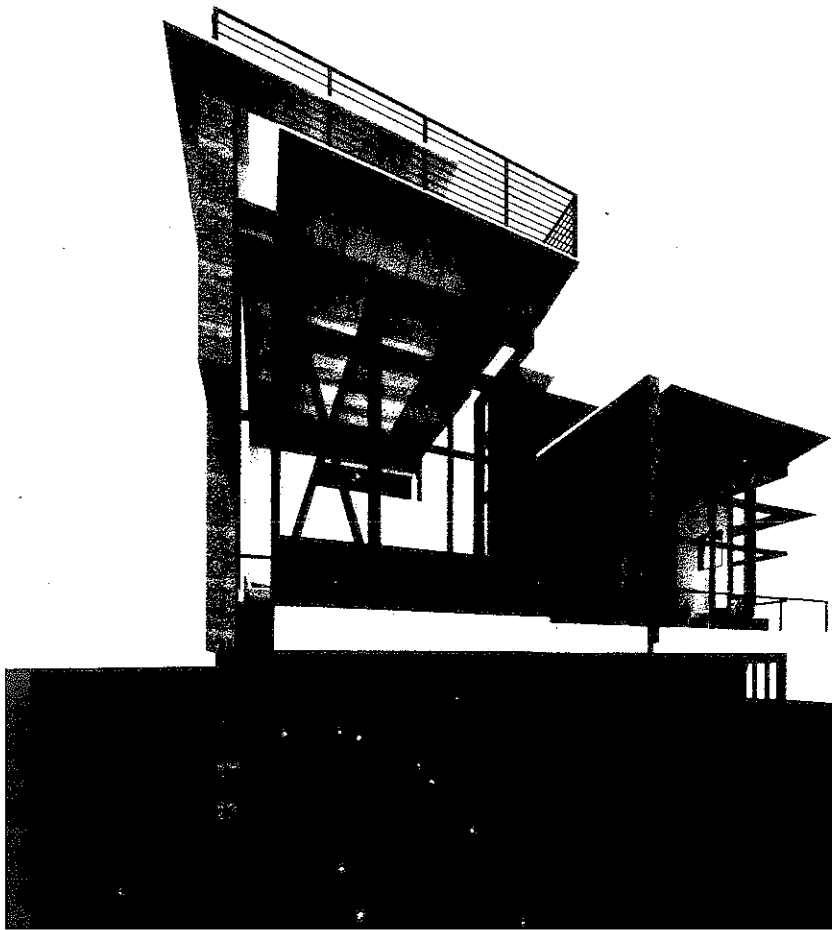
CUT (CUBIC YARDS)	0
FILL (CUBIC YARDS)	0
IMPORT (CUBIC YARDS)	0
EXPORT (CUBIC YARDS)	0
MAXIMUM HEIGHT OF CUT	12'-0"

*ZONING CODE AREA CALCULATIONS ARE TO INSIDE OF WALLS

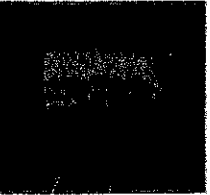
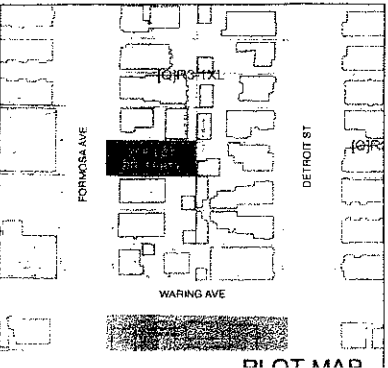
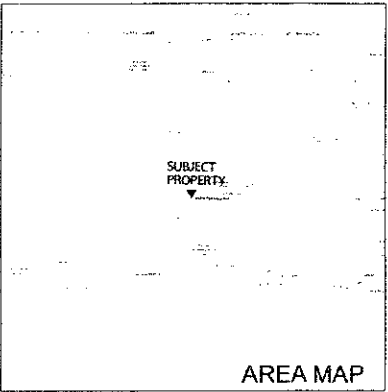
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A7.2	SECOND FLOOR FINISH PLAN
A7.3	FIRST FLOOR REFLECTED CEILING PLAN
A7.4	SECOND FLOOR REFLECTED CEILING PLAN
A8.1	KITCHEN DETAILS
A8.2	BATHROOM DETAILS
E1.1	FIRST FLOOR ELECTRICAL PLAN
E1.2	SECOND FLOOR ELECTRICAL PLAN
L-01	LANDSCAPE PLAN

NOTE: DESIGN BASED ON 2010 CBC / 2009 IRC
NOTE: DESIGN BASED ON 2010 CRC / 2009 IRC



JACKSON RESIDENCE
10753 CRANKS RD, CULVER CITY, CA



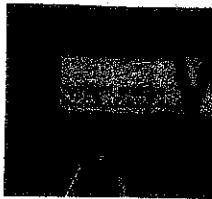
670 moulton ave
los angeles, ca 90031
v. 323.441.9070
f. 323.441.9058

CRANKS RD
10753 CRANKS ROAD
CULVER CITY, CA 90230

OWNER:
TROY JACKSON
CLIENT ADDRESS (STREET)
CLIENT ADDRESS (CITY, CA)

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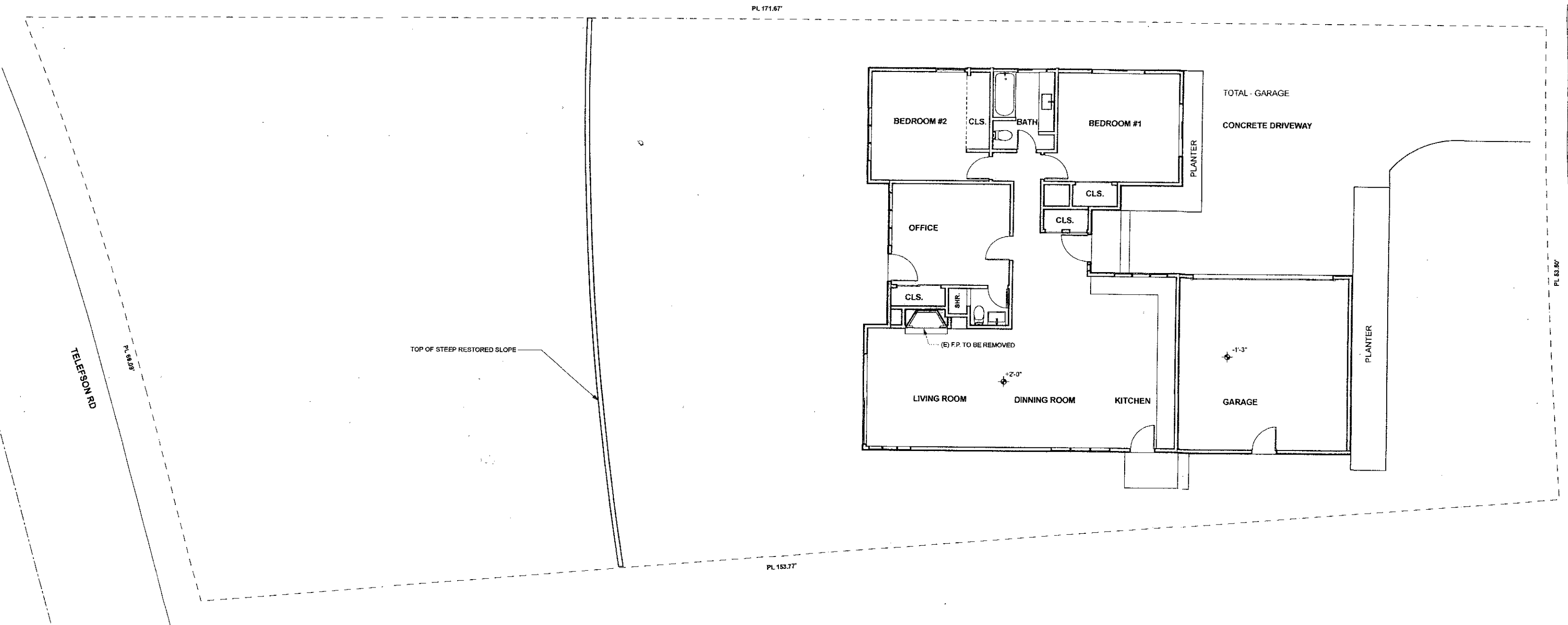


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los angeles, ca
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WALL LEGEND

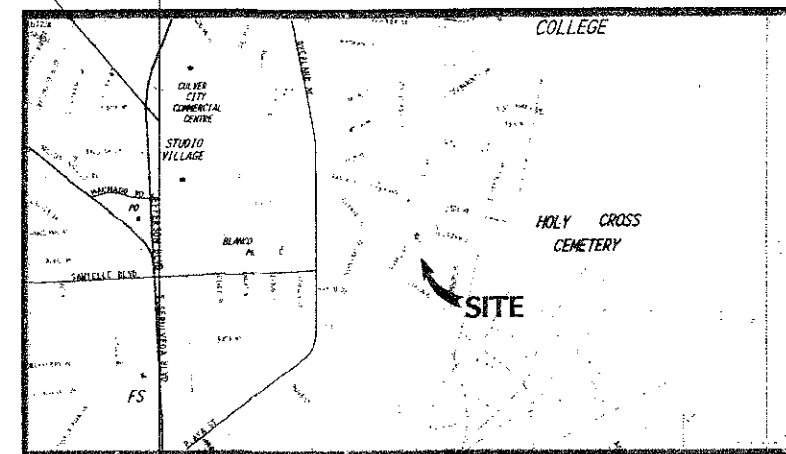
- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED

CRANKS RD
10753 CRANKS ROAD
CULVER CITY, CA 90230



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PROPERTY LINE

WOOD SHED

BLDG

5.4'

4.3'

CONC. 1004.56

CONC. 1004.56

BLDG

10.38'

6'21/24"

1001.36 TW

992.55 FS
© BLDG

992.59 FS

SCALE: 1" = 1'

PREPARED BY:



chris nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS
31238 Via Colinas Suite C, Westlake Village, CA 91382
Voice: 818.991.1040 Fax: 818.991.0614

PREPARED FOR:
TROY JACKSON
10753 CRANKS ROAD
CULVER CITY, CA. 90230

ALL LOCATION
00, TRACT NO.
6780000000
100 1000000000
MB 490-1518
10753 CRANES ROAD
CULVER CITY, CA 90230

CRANKS RD
10753 CRANKS ROAD
GULVER CITY, CA 90230

OWNER:
TROY JACKSON
CLIENT ADDRESS (STREET)
138 MOORE ST
138 MOORE ST, CA

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NOTES:

1. BOUNDARIES SHOWN HEREON ARE FROM RECORD INFORMATION.
2. THE ELEVATIONS SHOWN HEREON ARE ON AN ASSUMED DATUM. LOWER ALL ELEVATIONS BY 846.21' TO ACHIEVE ELEVATIONS AS REFERENCE ON R.S. 364-42

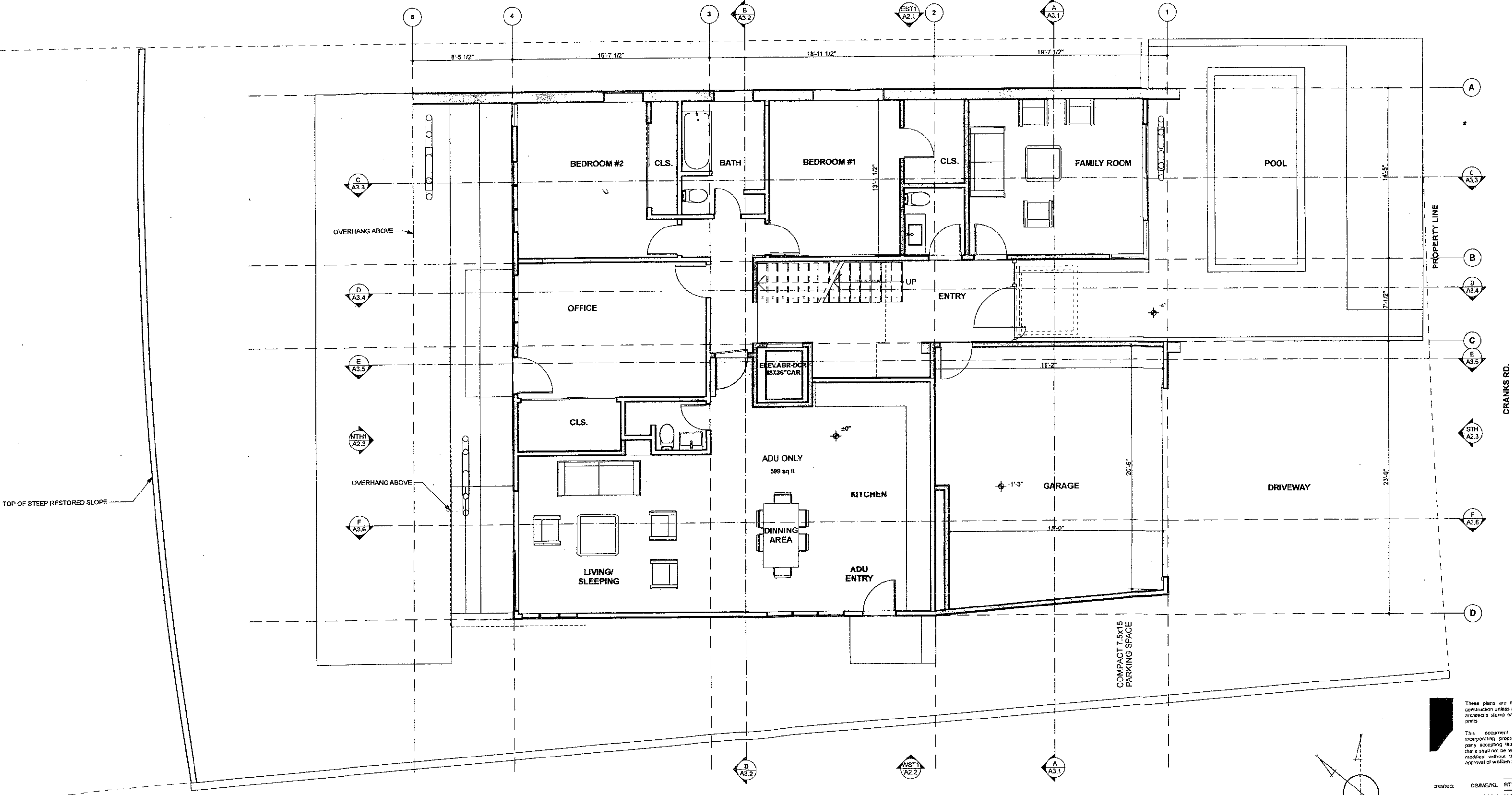


670 moulton ave unit
los angeles, ca 900
v. 3 2 3 . 4 4 1 . 9 0 7
f. 3 2 3 . 4 4 1 . 9 0 5

WALL LEGEND

- EXISTING WALL TO REMAIN
NEW WALL

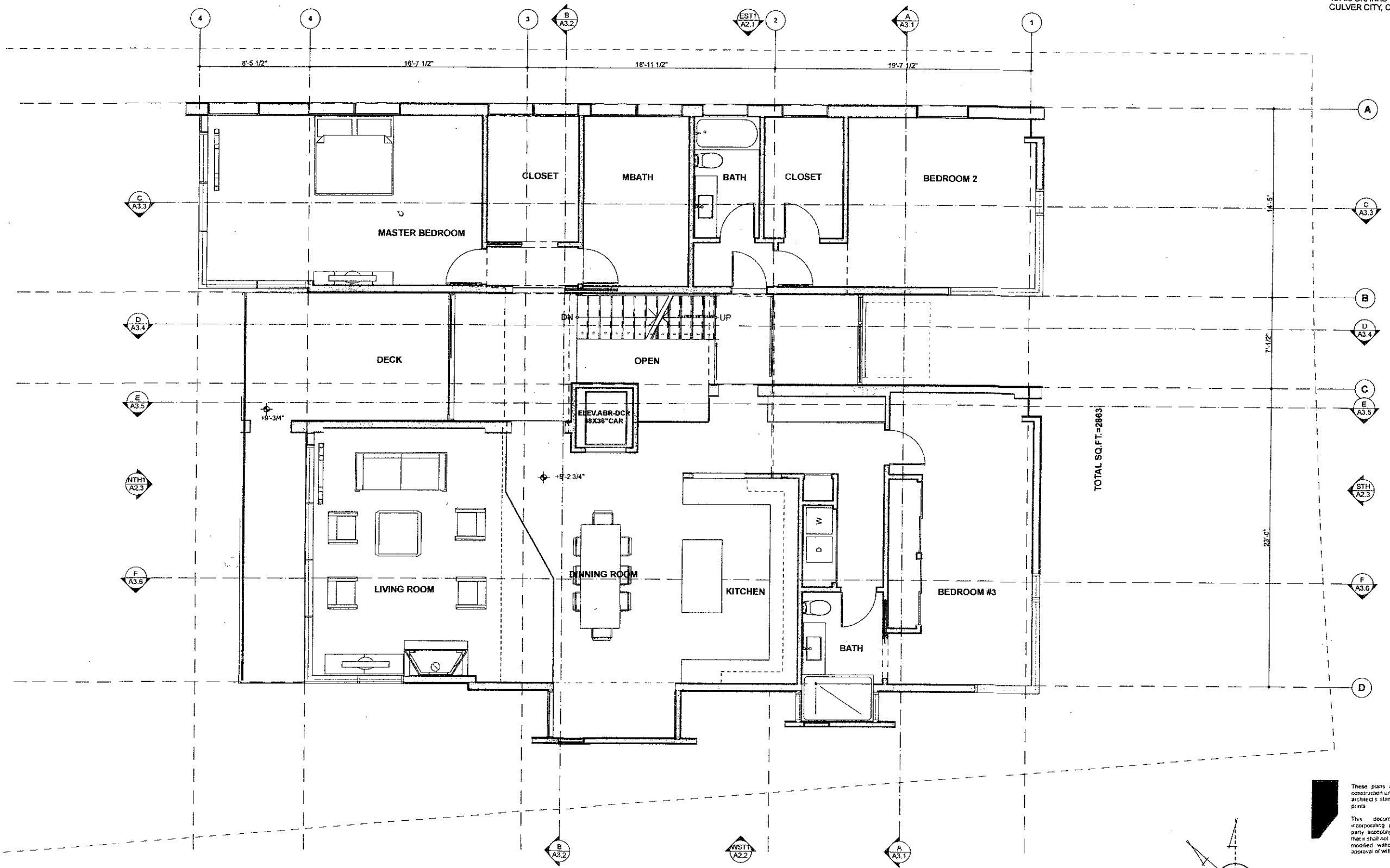
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10753 CRANKS ROAD
CULVER CITY, CA 90230



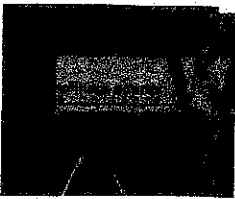
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670 moulton ave
los angeles, ca
v. 3 2 3 . 4 4 1 . 9
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CRANKS RD
10753 CRANKS ROAD
CULVER CITY, CA 90230

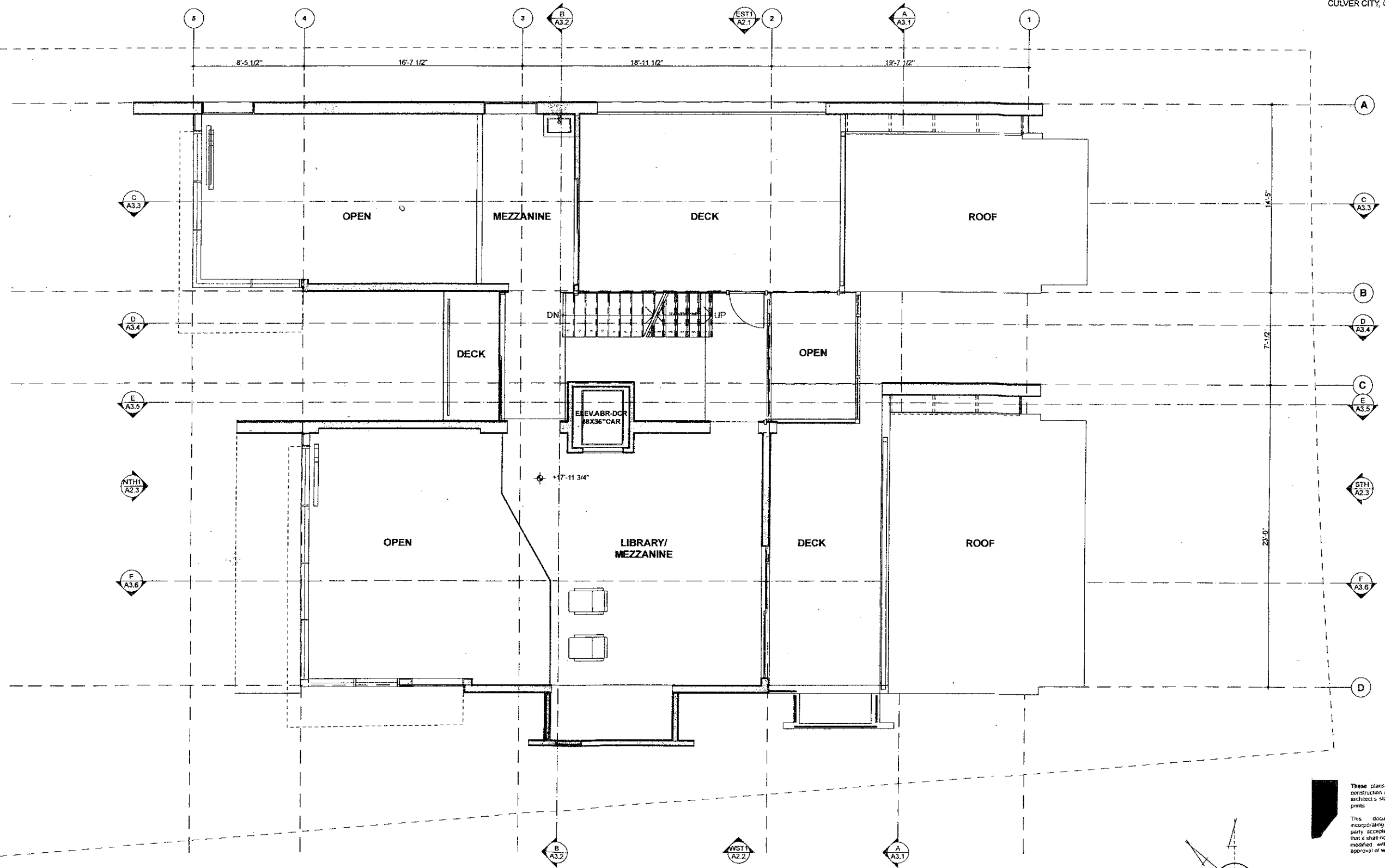


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670 moulton ave
los angeles, ca 90
v. 3 2 3 . 4 4 1 . 9 0
f. 3 2 3 . 4 4 1 . 9 0

CRANKS RD
10753 CRANKS ROAD
CULVER CITY, CA 90230



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ORDINANCE NO. 2004-016

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING SECTIONS OF TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), REGARDING REQUIREMENTS AND STANDARDS FOR THE CONSTRUCTION AND MAINTENANCE OF SECOND (ACCESSORY) DWELLING UNITS IN THE SINGLE-FAMILY (R-1 & R-1a) AND TWO-FAMILY (R-2) ZONES.

(Zoning Code Amendment, ZCA P-2002014)

WHEREAS, Zoning Code Amendment, ZCA P-2002014 was initiated by the City to develop requirements and standards to regulate the construction of second (accessory) dwelling units in the Single Family (R-1 & R-1a) and Two Family (R-2) zones; and

WHEREAS, Zoning Code Amendment, ZCA P-2002014 is consistent with the City's General Plan in that it implements Goal/Objective 2 of the Housing Element which states: *"Provide a variety of housing opportunities that complement and enhance the City's goals for continued economic vitality and prosperity."*

WHEREAS, a Negative Declaration was recommended for adoption by Planning Commission for Zoning Code Amendment, ZCA P-2002014 based upon no significant environmental effects having been identified as a result of its implementation, no further environmental review is necessary pursuant to the California Environmental Quality Act; and

WHEREAS, on January 9, 2002, the Planning Commission opened discussion on ZCA P-2002014 and continued to February 27, 2002, and April 10, 2002; and

WHEREAS, on May 8, 2002, the Planning Commission conducted a duly noticed public hearing and following consideration of staff reports and all testimony presented, recommended approval of City-initiated Zoning Code Amendment, ZCA P-2002014 by the City Council; and

1 WHEREAS, on June 10, 2002, the City Council conducted a duly noticed public
2 hearing on Zoning Code Amendment, ZCA P-2002014, during which it fully considered all
3 reports and public testimony regarding such regulations and denied the proposed ordinance
4 based upon concerns that the proposed standards did not adequately address potential
5 impacts to the character of affected neighborhoods; and

6 WHEREAS, on July 1, 2002, the City Council held a joint meeting with the
7 Planning Commission to discuss the recommended standards and regulations and how they
8 could be strengthened to offer an additional measure of protection to neighborhood character
9 and still meet the intent of State law regarding second units; and

10 WHEREAS, staff was directed to revise the proposed ordinance to include
11 specific standards that would limit the impact of second units, and also to revisit the Initial
12 Environmental Study Checklist prepared for the ordinance; and

13 WHEREAS, the proposed ordinance, as revised, reflects the items agreed
14 upon by a consensus of City Council and Planning Commission members attending the joint
15 meeting, and the Initial Environmental Study Checklist has been revised to adequately reflect
16 potential impacts and duly renoticed pursuant to CEQA guidelines; and

17 WHEREAS, the proposed ordinance is in compliance with State law regarding
18 second units.

19 NOW, THEREFORE, the City Council of the City of Culver City, California,
20 DOES HEREBY ORDAIN as follows:

21 SECTION 1. Pursuant to the foregoing recitations and findings, the City
22 Council of the City of Culver City, California, hereby approves Zoning Code Amendment ZCA
23 P-2002014, as set forth in Exhibit A, attached hereto and thereby made a part hereof.

24 SECTION 2. Pursuant to Charter Section 512, prior to expiration of fifteen (15)
25 days from the adoption hereof, the City Clerk shall cause this ordinance to be published in
26
27
28

1 the Culver City News. Additionally, the City Clerk shall post this ordinance in at least three
2 public places within the City pursuant to Section 517 of the City Charter.

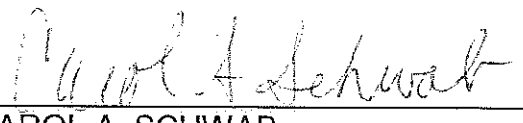
3 APPROVED and ADOPTED this 22nd day of November 2004.

4
5
6 
7 STEVEN J. ROSE, MAYOR
8 City of Culver City, California
9

10 ATTEST:

APPROVED AS TO FORM:

11 
12
13 CHRISTOPHER ARMENTA,
14 City Clerk

15 
16
17 CAROL A. SCHWAB,
18 City Attorney
19

20 ozc-title17

(lp)

EXHIBIT A TO ORDINANCE NO. 2004-016

Amend Chapter 17.01 Zoning Code as follows:

1. Section 37-2 is hereby amended to include the following definition in appropriate alphabetical order:

“Accessory Dwelling Unit”. An Attached or detached residential dwelling unit, which provides complete independent living facilities for one or more persons; and that contain permanent provisions for sleeping, eating, cooking, and sanitation on the same parcels as single-family dwellings.”

2. Section 37-9.2 is hereby amended to read as follows:

Section 37.9.2 Uses Subject to a Use Permit.

- (a) Large family daycare homes, subject to compliance with the conditions and provisions set forth in Section 37-11(a).
- (b) Accessory dwelling units, subject to compliance with the conditions and provisions set forth in Section 37-11.1.

3. Section 37-11.1 is hereby added to read:

Section 37-11.1 Accessory Dwelling Unit Development Regulations.

Accessory dwelling units shall be subject to the following development criteria and approval of an Administrative Use Permit:

1. Minimum Lot Size. A minimum lot size of six thousand (6,000) square feet shall be required for the construction, use and maintenance of accessory dwelling units.
2. Maximum Unit Size. The maximum permitted unit size may be up to one-half ($\frac{1}{2}$) the gross square footage of the primary dwelling unit on the lot, but shall not exceed 600 gross square feet in floor area.
3. Minimum Unit Size. The minimum unit size shall be 220 gross square feet.
4. Zones in Which Accessory Dwelling Units may be Constructed. The construction, use, and maintenance of accessory dwelling units shall only be permitted in the Single-Family Dwelling (R-1 & R-1a) and Two Family Dwelling (R-2) Zones.

5. 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.
6. Minimum Room Dimensions. Minimum room dimensions, including minimum ceiling heights, floor area, and width, shall meet the Uniform Building Code regulations in effect at the time of construction.
7. Location. Accessory dwelling units shall be located behind the primary dwelling.
8. Parking. One uncovered non-tandem parking space shall be required for an accessory unit. 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 applicant shall pay a pro-rata share for the paving of an unpaved alley.
9. 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.
10. 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
11. Setbacks. The setback requirements for an accessory dwelling unit shall be the setback requirements of the Zone in which the dwelling unit is located.
12. 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.
13. Design Standards. Specific design standards to encourage design compatible with existing structure on-site and to protect the privacy of adjacent properties may be applicable to the project as determined by the Administrative Use Permit Process.
14. 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.

4. Section 37-16.2 is hereby amended to read as follows:

1 Section 37-16.2 Uses Subject to an Administrative Use Permit.

- 2 (a) Large family daycare homes, subject to compliance with the conditions and
3 provisions set forth in Section 37-11(a).
4 (b) Accessory dwelling units, subject to compliance with the conditions and provisions
5 set forth in Section 37-11.1.
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MEETING OF THE
BOARD OF ZONING APPEALS
CULVER CITY CALIFORNIA

June 2, 2014
4:00 PM

Call to Order

Present: Dana Amy Sayles, Commissioner
David VonCannon, Commissioner

Public Hearing

ZONING CODE INTERPRETATION 2014-01: DIRECTOR REFERRAL OF ZONING CODE
INTERPRETATION REGARDING SECTION 17.400.095 – ACCESSORY DWELLING UNITS

Sol Blumenfeld, Community Development Director, provided a summary of the material of record.

The Board invited Troy Jackson, the owner of the property at 10753 Cranks Road, to present information related to his request to add an accessory dwelling unit to his property. Mr. Jackson stated that he moved into the house with his family and would like more space for his family in the long term, including possibly bringing his mother to live in the accessory dwelling unit (ADU) in the future. His lot meets the 6,000 square foot minimum size requirement, however due to the hillside location of his home, not all of that area is usable, and placement of a detached ADU behind the home would require it to be cantilevered over a retaining wall.

Discussion

The Board then initiated a summary of their understanding of the facts of the proposed development, the intent of the ADU section of the Zoning Code, and the questions that required interpretation, as discussed in the letter dated May 2, 2014 from Sol Blumenfeld to Troy Jackson.

Specific issues included 1) the definition and intent of the word “behind” when discussing the required location of the ADU in relation to the primary dwelling unit, and 2) whether an ADU can be created from the existing floor area of a primary dwelling unit.

In response to the Board questions, Sol Blumenfeld stated that the Zoning Code is prescriptive, and if it does not state you can do something, then it is not permitted. Therefore, it cannot be presumed that having the ADU “partially behind” the primary unit would be permitted. Thomas Gorham, Planning Manager, added that the State Law regarding ADU’s allowed construction of an ADU within the footprint of the primary dwelling unit, but that provision was not included in the language of the City’s ordinance. Sol Blumenfeld concluded that if the Board’s determination is to permit the ADU within the floor area of the primary dwelling unit, then the action is more

than an interpretation and becomes a policy discussion, which could be scheduled for public hearing before the Planning Commission.

Troy Jackson stated that he believes there is ambiguity in the zoning code related to “attached” ADUs, as based on the Planning Division’s interpretation of the code his proposal would not be considered “attached” or “detached”, but would fall into a third category.

Commissioner Sayles raised several issues with staff, including: if the ADU would be allowed with design changes, specifically relocating the ADU from the side of the primary dwelling to the rear; the difference between an attached ADU and a duplex; and how neighboring cities regulate ADUs.

Staff responded that a design change to reorient the ADU from the side of the primary dwelling to the rear would eliminate the need for an interpretation of whether “behind” meant “partially behind” or “fully behind”, as the ADU would now conform to staff’s interpretation of the Zoning Code. However, the issue of allowing the conversion of floor area in the primary dwelling unit would remain.

Troy Jackson felt that because the Zoning Code allows for the conversion of floor area for a conforming or non-conforming accessory structure to an ADU, it should not matter whether the floor area being converted belongs to a primary or accessory structure.

Deliberation

The Board agreed that the code is silent on the conversion of floor area in the primary unit to an ADU and it is difficult to understand what the intent of the policy makers was at the time the ordinance was drafted. Commissioner Sayles asked staff if Troy Jackson’s project were to come in as new construction, with the ADU attached to the rear in the same location, would it be approved. Staff responded that it would be approved because it would not be a conversion of existing floor area. The project, as proposed, would be a “remodel” not “new construction” because it would maintain several walls of the existing structure.

The Board felt that the design of the ADU, located to the side and partially behind the primary structure, may meet the intent of “behind” as it was not visible from the street and was toward the rear of the primary dwelling.

The Board requested that the item be agendaized for a Planning Commission meeting to discuss policy implication of allowing the conversion of floor area in a primary dwelling unit and to make the zoning code interpretation on the meaning of “behind” as it relates to the placement of ADUs in relation to primary dwelling units.

Adjournment

There being no further business, at 5:30 p.m., the Culver City Board of Zoning Appeals adjourned.

ATTACHMENT 5

May 30, 2014

Dear Commissioners Sayles and VonCannon,

I am writing to provide additional information you may wish to consider regarding the matters that the Director has referred to you for a determination relating to a proposed accessory dwelling unit ("ADU").

First, to clarify, by sending the attached May 19 e-mail (Attachment B), I did not intend to request a code interpretation. I merely intended to ask the Director what his May 12, 2014 (Attachment A) letter represented in order for me to respond appropriately. The Director clarified in the attached May 20, 2014 letter (Attachment C) that his May 12, 2014 letter was not an official interpretation, but instead represented a referral to the Zoning Board related to my specific case. If still available, I am ok with the Director's original approach to resolve issues as a referral relating to my particular case because I believe it may be more productive to discuss the specific facts & circumstances of my case rather to arrive at a resolution rather than to take up all the issues needed to support an official interpretation for general application.

That said, the Director's May 12 letter responded to my proposal to include an attached, accessory dwelling unit ("ADU") pursuant to CCMC section 17.400.95 as part of a single family home expansion located three doors down from the recently-sold, city-owned vacant lot on Cranks road in the Culver Crest neighborhood. In addition to providing more space for our immediate family, my goal was also to provide a dwelling unit on the ground floor that my elderly mother can use; whereas my mother now resides in an upstairs unit above a family member's detached garage located in Las Vegas.

I am grateful to planning staff, who reviewed preliminary versions of the concept over the counter, and especially to the planning manager, Thomas Gorham, who at the outset carefully reviewed the plans and proposed helpful alternatives. I am also grateful to Yohana "Jo" Coronel in the City Clerk's office for graciously tracking down difficult-to-find and even more difficult-to-convert audio cassette VHS recordings of key 2002 City Council sessions when the related ADU ordinance was discussed and passed.

I share the Director's concerns raised in the May 12th letter regarding ambiguities relating to certain issues raised about the proposed ADU. Having reviewed hours of recordings as well as reading the relevant state law, Culver City zoning code, minutes & other materials, I respectfully disagree with staff's reasoning and conclusions about the following issues summarized in the attached exhibits. In short, it appears the evidence supports an alternate interpretation:

Exhibit 1 Interpretation of "attached" & "detached"

Exhibit 2 Conversion of existing space

- Exhibit 3 Interpretation of “behind”
- Exhibit 4 Preservation of open space ; Consistency & integration with existing architecture
- Exhibit 5 Discretionary review

In addition to complying with all the major requirements of CCMC 17.400.95, the attached exhibits clearly show that the proposed ADU represents an “attached” unit as understood in state law and defined in the Culver City zoning code (Exhibit 1). It also fully complies with the development standards in 17.400.95.G and 17.400.95.M since it is located “behind” the primary dwelling based on the required common dictionary definition while at the same time observing the underlying intent of the requirement (Exhibit 3). Finally, it is clear that the conversion of existing space is expressly allowed in the ordinance and also intended (Exhibit 2) in order to avoid inconsistencies & achieve many underlying objectives voiced by the City Council from 2002 (Exhibit 4).

In addition, the objectives of the ADU ordinance are also a concern to the current City Council, who approved the most recent Housing Element approved in January, 2014. This Housing Element, like the prior one, specifically identified the ADU ordinance as a means to facilitate additional housing consistent with the City’s General Plan. Although there has not been an avalanche of ADU applications, and only one detached ADU has ever been approved, it still represents a modest & cost effective means for the City to create affordable housing.

Please note: no attached ADUs have ever been approved in Culver City.

So, it would be especially beneficial to both the City and the homeowner, in this case, if a way can be found to obtain approval for an attached accessory dwelling unit from the planning department. Thank you for your help & consideration.

Sincerely,



Troy Jackson

EXHIBIT 1

ISSUE: INTERPRETATION OF “DETACHED” AND “ATTACHED”

Staff interpretation	Alternate interpretation consistent with State Law or Culver City Zoning Code
Staff interprets “ attached to ” and “ located within ” to be mutually exclusive characteristics, but no reference source is cited.	State law specifies that attached units are “ attached to the existing dwelling and located within the living area of the existing dwelling...” (CA code section 65852.2.b.1.D with emphasis added). State law appears to be a more relevant, commonly accepted precedent that conveys the defining characteristics of an “attached unit”. This is especially true considering that Culver City adopted nearly word-for-word, its definition of “Accessory Dwelling Unit” from the state’s definition of terms found in CA code section 65852.2.
Staff defines “attached” and “detached” in terms of “building footprints” that are either together (“attached to”) or apart from (“detached from”) one another. (pg. 2 of May 12, 2014 letter). No source is cited.	Culver City Zoning Code section 17.700.010.D defines “detached” as follows: Detached. Any structure that does not have a wall or roof in common with another structure. By contrast, therefore, “attached” is also defined to be any structure that does have a wall or roof in common with another structure. Definitions found in (or, in this case directly derived from) the Culver City Zoning Code is mandatory per section 17.700.005. Therefore, “attached” should be defined only in terms of sharing a common wall or roof rather than having a building footprint adjacent to (“attached to”) another building footprint.

EXHIBIT 2

ISSUE: CONVERSION OF EXISTING SPACE

Staff interpretation	Alternate interpretation consistent with Culver City Zoning Code and the intent of the City Council that adopted the ADU ordinance
Staff states there is “the absence of language in the regulations specifically allowing for the conversion of part of an existing dwelling unit.”	The opposite is true. The ADU ordinance, itself, allows the conversion of existing space. Prior to conversion, detached structures cannot be considered separate units, therefore they represent the conversion of an accessory part of an existing dwelling unit. Culver City Zoning Code section 17.700.010.L.: L. <u>Conversion</u> of Nonconforming Structure. When an existing nonconforming accessory structure is <u>converted</u> 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 <u>converted</u>. (emphasis added)
“...the intent of the ordinance was...not to allow the conversion of a part of an existing dwelling unit.” (draft ZCI 14-01)	The intent of the ordinance is to allow conversion. In the December, 2002 City Council meeting in response to Mayor’s Gross’s requested change resulting in the provision 17.700.010.L. noted above, Mark Wardlaw, Interim Community Development Director, restated the following for clarification: “so, for my understanding, if an existing building is being <u>converted</u>, it will have to be modified to meet the current code.” (emphasis added)
	The intent of the ordinance is to allow conversion. In July, 2002, Linda Tatum, planning staff, addressed the joint council /planning commission and informed them of the possible conversion of existing units identified under Culver City’s amnesty and bootleg programs as long as the prescribed ADU requirements are met (ie required parking, lot size, etc). Her comments are, in relevant part, as follows: “...some of those units...may actually be eligible...to <u>convert to</u> legal units without necessarily having to demolish them or tear them out.” (emphasis added) In response, the council voiced no objection and did not introduce language prohibiting conversion of existing spaces- either attached or detached.

EXHIBIT 3

ISSUE: INTERPRETATION OF "BEHIND"

Staff interpretation	Alternate interpretation consistent with Culver City Zoning Code and the intent of the City Council that adopted the ADU ordinance
Staff does not cite a definition of "behind".	Rules of Interpretation found in CCMC 17.120.010.B.2 require that the zoning code be interpreted as follows: "if not specifically defined...then words of common use shall be defined as found in standard dictionaries". As such, Merriam Webster's dictionary defines the preposition "behind" as follows: in or to a place at the back of or to the rear of (someone or something) Therefore, if a proposed ADU is located at the rear corner of the ground floor, it is clearly in "a place at the back of or to the rear of" the primary dwelling.
Without justification, staff adopts the meaning of "entirely behind" rather than basing a meaning on the sole word "behind" that is found in the ADU regulations.	The definition & application of the word "behind" is different than the phrase "fully behind" which is used elsewhere in the zoning code (CCMC 17.330.025.G.6.c), but is intentionally NOT used in the ADU regulations. Therefore, the word should not be interpreted beyond the meaning of the specific wording used.
Staff's current interpretation of the word "behind" risks losing sight of the purpose of the requirement, which is to ensure compatibility with the surrounding residential neighborhood.	In Dec, 2002, Mark Wardlaw, Interim Community Development Director, provided a staff report summary to the City Council in which he stated the locational requirement for ADU's was changed to its current wording in order to preserve "neighborhood aesthetics" and avoid having second units "fronting on the street". Therefore, if an attached unit "located partly along the side and partly behind" a primary dwelling satisfies this underlying intent, it calls into question what purpose "entirely behind" serves (as opposed to being "merely behind")?

EXHIBIT 4

ISSUE: PRESERVATION OF OPEN SPACE

Staff interpretation	Alternate interpretation more consistent with the intent of the City Council that adopted the ADU ordinance
Staff's interpretation would deny all attached ADU designs that are partially or fully integrated into the existing footprint of the primary dwelling, and instead require a design that necessarily eliminates 220 sf – 600 sf of otherwise open space.	Mayor Gross's testimony at the Dec, 2002 City Council meeting: “if memory serves me, one of the issues staff was trying to address in the ordinance was the maintenance of open space as much as possible, which is why we didn't go totally against going on top of garages.” Clearly, staff & council at the time of adoption were concerned with the preservation, where possible, of open space as a desirable neighborhood characteristic. Therefore, it would seem contradictory twelve years later, to impose restrictions that require all attached ADU designs to eliminate open space in all cases. As such, an attached unit that is also partially or full “located within the living area of the existing dwelling” is preferred in the sense that it will keep the intent of the adopting Council & preserve open space.

ISSUE: CONSISTENCY AND INTEGRATION WITH EXISTING ARCHITECTURE

Staff interpretation	Alternate interpretation more consistent with the intent of the City Council that adopted the ADU ordinance
Staff's interpretation appears to be at odds with one of the very findings of the Administrative Use Permit, which is to ensure consistency & integration with existing architecture. Rather than allowing an architect to integrate an attached ADU partially or fully into the existing structure, instead the interpretation requires that the 220 – 600 sf volume project out from the back of the structure making it inherently more difficult to achieve a harmonious integration.	In the July, 2002 joint city council / planning commission hearing, Council members Corlin, Vera, & Silbiger all specifically indicated their preference for attached ADU units compared to detached ADUs. Based on listening to the testimony, the reason is because of the opportunity to achieve an integrated appearance. Therefore, it seems contradictory not only to impose more restrictive requirements on attached ADUs (ie. conversion allowed for detached per CCMC 17.400.95.L; and not allowed for attached per ZCI 14-01), but also to contradict the very attribute that made them desirable to the Council members: integration. Given this evidence, a position that allows the physical integration of an attached ADU into the existing footprint of the primary dwelling is preferred.

EXHIBIT 5

ISSUE: DISCRETIONARY REVIEW

Staff interpretation	Alternate interpretation more consistent with State Law
"State law does not prohibit a local jurisdiction from requiring a discretionary review as part of its permit process..." pg 2 of 7 Agenda Board of Zoning Adjustment meeting 6/2/14	"...the State legislature amended the accessory unit legislation to include a provision that prohibits cities from requiring discretionary review of accessory unit applications." Pg 3 of 39 City Council Agenda Item G-1 Report meeting 12/9/02
	California code section 65852.2.a.3: "When a local agency receives its first application... the application shall be considered ministerially <u>without discretionary review</u> or a hearing...." (emphasis added)

ATTACHMENT A



CITY OF CULVER CITY

9770 Culver Boulevard, Culver City, California 90232

Sol Blumenfeld
Community Development Director

310 253-5700
310 253-5779 Fax

May 12, 2014

Troy Jackson
10753 Cranks Road
Culver City 90232

Subject: Interpretation of Zoning Code Section 17.400.095 – Residential Uses –
Accessory Dwelling Units in the Single Family (R-1 and Two Family (R-2)
Zones

Dear Mr. Jackson:

I am writing to follow up on our meeting of April 14, 2014 where we discussed the requirements for constructing accessory dwelling units in the Single Family (R-1) and Two Family (R-2) zones. At the meeting you disagreed with Planning Division staff's interpretation of the accessory dwelling Zoning Code provisions and I indicated I would research the matter and provide a written response to your questions and comments.

I have reviewed your preliminary plans submitted to the Planning Division and the relevant Zoning Code provisions. I have also reviewed the Planning Division files related to the Zoning Code text amendments approving accessory units in the subject zones and discussed the matter with Planning Division staff.

Zoning Code Section 17.400.095, authorizes the construction of Accessory Dwelling Units in the Single Family (R1) and Two Family zones (R2) with a minimum lot area of 6,000 square feet. The City Council adopted this provision in December 2002 after several months of public meetings and a Joint Commission and City Council meeting to discuss and analyze the impacts of accessory units (second units) upon the character of the City.¹ The major issues considered for accessory units during the City Council hearing in December 2002 pertained to:

- Increased minimum lot size, lot dimensions and/or setback requirements.
- Requirement for property owner occupancy of the primary dwelling on the lot.
- Limiting occupancy to owners or seniors.
- Increased parking requirements and restricting car ownership for units.

- City services, joint utility and metering of service and required off-site improvements.
- Restrictions on property sales after development of units.
- Locational requirements for parking and in lieu parking requirements.
- Application processing and noticing requirements.
- Separate entrances for attached units.
- Locational requirements for the units to protect the character of neighborhood development (i.e. behind the primary unit, if detached).

The City approved the proposed text amendment but did not take it for a "second reading" normally required for Zoning Code Amendments and instead adopted a revised reintroduced ordinance November 2004. The substantive changes with the revised draft ordinance included:

- Accessory dwelling units shall be located behind the primary dwelling unit.
- If access to the required parking spaces for the accessory dwelling unit is provided from an alley, the applicant shall pay a pro-rata share of the paving for an unpaved alley.
- Setbacks shall be the same as the primary unit in the zone.
- Legal nonconforming setbacks for the primary structures shall not apply to accessory units which are required to conform to current zoning regulations.

The relevant Zoning Code section related to determining if your proposed project qualifies as an accessory dwelling unit (ADU) is Section 17.400.095 – "Residential Uses- Accessory Dwelling Units" and the Zoning Code definition of Accessory Dwelling Unit. An ADU is defined as an "attached or detached residential dwelling unit ... on the same parcels as a single-family dwelling." Section 17.400.095.G. "Location" requires the accessory dwelling unit to be located behind the primary dwelling unit. Your proposed project is not detached or attached to the existing single family dwelling unit. It is part of the existing dwelling unit floor area and within the existing footprint of the primary unit. In addition, it is not behind the existing dwelling unit but is part of the primary unit.

The central questions related to your proposed project are:

- 1.) Whether an ADU can be part of an existing dwelling unit (within the existing footprint of the primary unit); or
- 2.) Whether it can be attached as part of a new project; and if so
- 3.) Whether an ADU must be located behind the primary dwelling unit on the lot under all conditions or only if detached.
- 4.) What constitutes "behind" the primary dwelling unit.
- 5.) Where the proposed entrance to the accessory unit must be located.

There is also evidence that the intent of the ordinance was to allow ADUs as new attached or detached units only, and not to allow the conversion of a part of an existing dwelling unit. This intent is demonstrated by 1) the definition of an ADU—in order to be considered an “attached or detached residential dwelling unit,” it must be “attached to” or “detached from” another structure and not “part of” that structure; and 2) the absence of language in the regulations specifically allowing for the conversion of a part of an existing dwelling unit.

Notwithstanding the above, there is uncertainty as to whether the intent of the regulations was to preclude an accessory dwelling unit from locating partly along the side and partly behind a primary dwelling unit; and if in all cases such units were intended to be attached or detached.

Therefore, pursuant to Zoning Code Section 17.120.015.C, I am referring the interpretation of Zoning Code Section 17.400.095.G (Location of an ADU) and Zoning Code Section 17.700.010.A (Definition of an ADU) to the Board of Zoning Adjustment for a determination. I will schedule the matter for consideration and notify you of the date and time for their meeting.

Sincerely,


Sol Blumenfeld,
Community Development Director

C. Board of Zoning Adjustment: Commissioners Sayles and Von Cannon
Thomas Gorham, Planning Manager

Notes:

1. City Council Staff Report Dated 12-9-02, Pages 2 and 3.
2. Exhibit A - Underline/Strikethrough draft Ordinance No. 2004 – Page 5.

Meeting Date: 12/09/02		Item Number: G-1
AGENDA ITEM:		
Introduction of an Ordinance to Amend Culver City Municipal Code, Title 17, Zoning, to Establish Requirements and Standards for Accessory Dwelling Units in the Single-Family Dwelling (R-1 & R-1a) and Two-Family (R-2) Zones.		
Contact Person/Dept.: Linda F. Tatum	Phone Number: (310)253-5726	
Fiscal Impact: Yes ☐ No ☒	General Fund: Yes ☐ No ☒	
Public Hearing: ☒	Action Item: ☐	Attachments: ☒
Public Notification: By letter dated November 21, 2002, notice of this meeting was sent to the Culver City Homeowners Association, East Culver City Neighborhood Alliance, the Rancho Higuera Neighborhood Association, and all speakers at previous Planning Commission and City Council public hearings on this item. Notice was also published in the <i>Culver City News</i> on November 28, 2002; and sent to the e-contact list.		
Department Approval: Mark Wardlaw	12/2/02	CAO Approval: Mike Thompson
City Controller Approval: N/A		12/4/02

RECOMMENDATION:

That the City Council adopt a Negative Declaration finding and approve Zoning Code Amendment, ZCA P-2002014, amending Title 17, Zoning, of the Culver City Municipal Code (CCMC) to establish requirements and standards for accessory dwelling units in the Single-Family Dwelling (R-1 & R-1a) and Two-Family (R-2) Zones.

PROCEDURE:

1. Mayor seeks motion to receive and file affidavit of mailing and publishing of public notice.
2. Mayor calls on staff for a brief report and City Council poses questions to staff as desired.
3. Mayor declares the public hearing open, providing the general public an opportunity to speak.
4. Mayor seeks a motion to close the public hearing after all testimonies have been presented.
5. City Council thoroughly discusses the matter and arrives at its decision.

City of Culver City, California
City Council Agenda Item Report

BACKGROUND:

The California Government Code allows the development of second units (or "accessory units") in single family and/or multiple family residential zones using State standards. In the absence of local ordinances, cities are required to process applications for accessory units using the State standards. The California Government Code also permits local governments to adopt ordinances to provide for the creation of accessory units in single family and/or multiple family residential zones. Culver City has opted to adopt its own local standards rather than deferring to the State's standards in order to maintain existing neighborhood character and to minimize the impacts of accessory units on adjacent properties.

Draft standards for accessory units were presented to the Planning Commission for consideration during three study sessions and a public hearing held on May 8, 2002, at which time the Planning Commission voted 4-1 to recommend that City Council adopt the proposed standards. (Planning Commission staff reports for these meetings are available upon request).

On June 10, 2002, the City Council conducted a public hearing to consider the standards recommended by the Planning Commission. The City Council expressed concerns about the potential impacts of the proposed standards and requested a joint meeting with the Planning Commission to consider the proposed ordinance in more detail.

The joint meeting was held on July 1, 2002 and Councilmembers and Commissioners discussed a wide range of ideas, issues, and requirements that could make accessory units compatible with the character of the City. Staff was directed to analyze this information and to revisit the environmental impacts of the proposal.

Public notices regarding a November 25, 2002 public hearing on this item were mailed and published. Staff was not able to complete the necessary work for this date; therefore, the City Council continued the public hearing to the next regularly scheduled meeting on December 9, 2002. Public notices for the December 9, 2002 public hearing for this item were mailed on November 25 and published in the *Culver City News* on November 28, 2002.

City of Culver City, California
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8. Consider establishing minimum lot dimensions and increasing setback requirements.
9. Consider requiring separate entrances for attached units.
10. Consider the appropriate level of City review and public notification for accessory units.
11. Require properties to adjoin a street with a minimum width to reduce the impact of increased on-street parking.
12. Consider the impact of additional units on City services.
13. Consider limiting car ownership of occupants.
14. Prohibit sale of property by owner after an accessory unit is developed.
15. Require utilities to be jointly metered.
16. Establish off-site and alley improvements where appropriate.

Staff Analysis

Staff evaluated the 16 criteria listed above to determine which of them would best protect the single-family character of Culver City neighborhoods and meet the intent of State law. It is staff's opinion, that if all of the 16 criteria were applied, it would be virtually impossible to build an accessory unit without violating State law, and therefore create a risk of legal challenge to the City's standards.

Staff recommends adding these 4 criteria to the proposed ordinance because they will adequately protect the community and comply with State law:

1. Restrict applications for accessory units to property owners. (The City Attorney has determined that restriction of occupancy of the primary or accessory unit is unconstitutional based upon recent court rulings).
2. Require a minimum lot size of 6,000 square feet.
3. Require one uncovered parking space, which may be located in the driveway leading to the required parking area. This space must be behind the front setback and may not be tandem unless the parking area is accessible from an adjacent alley.
4. Require that the accessory dwelling be located behind the primary unit and not in front of the primary unit.

The application of these criteria are shown in attachments 7, 8 and 9, which illustrate the reduction in the potential areas of applicability based upon the recommended increase in lot size from 5,000 to 6,000 square feet. Attachment No. 7 shows all Single-Family Residential (R-1, R-1a) and Two-Family Residential (R-2) zoned properties in the City (including school and park properties which are zoned R-1, but are not eligible for accessory dwelling units). Attachment No. 8 contrasts all R-1 and R-1a zoned properties against the proposed eligible R-1 and R-1a zoned properties

DISCUSSION:

State of California Accessory Unit Standards

After the joint meeting on July 1, 2002, the State legislature amended the accessory unit legislation to include a provision that prohibits cities from requiring discretionary review of accessory unit applications. No other standards regarding accessory units were modified by this legislation. The State development standards for accessory units are listed on Page 8 of Attachment No. 6 and are summarized below:

1. The unit is not intended for sale, and may be rented.
2. The lot is zoned for single-family or multi-family use.
3. The unit is attached to the existing dwelling, or detached and located on the same lot.
4. The floor area of an attached unit shall not exceed 30 percent of the existing living area.
5. The total square footage for a detached unit shall not exceed 1,200 sq. ft.
6. The unit shall comply with height, setback, lot coverage, architectural review, fees, changes, and other generally applicable zoning requirements.
7. Compliance with local building code requirements for second units.
8. Approval by health officer for private sewage disposal systems, if applicable.

City Council & Planning Commission Discussion

The major issue and objective discussed by the City Council and Planning Commission during the July 1, 2002 joint meeting was: **"How to best protect the character of single-family neighborhoods in Culver City while still meeting the intent of State law?"**

Then the Council and Commission discussed how to achieve that objective and developed the following criteria:

1. Increase the minimum lot size required for an accessory unit.
2. Require occupancy of the primary or accessory dwelling unit by the property owner.
3. Limit occupancy to owners or senior citizens.
4. Require an appropriate amount of onsite parking.
5. Require onsite parking to be provided in an appropriate location, i.e., on-site, tandem in driveway or tandem only if from alley access, and covered.
6. Consider an in-lieu fee for parking.
7. Ensure the appropriate location of accessory units to protect the pattern and character of a neighborhood, i.e., require units to be attached or behind the primary unit if detached.

City of Culver City, California
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based upon the 6,000 square foot minimum lot area recommended. Attachment No. 9 contrasts all R-2 properties and eligible R-2 properties.

Conclusion

It was determined that the inclusion of the above standards along with the remainder of the development standards initially proposed, substantially address the concerns of neighborhood character and potential impacts to adjacent properties. Further, the proposed standards provide the opportunity for additional housing as envisioned by State law, and as identified for implementation as a key objective of the Housing Element of the City's General Plan.

Environmental Analysis

After a thorough review of the potential environmental impacts of the proposed ordinance, we determined that there are more categories that could be checked as having "No Significant Impact" as opposed to "No Impact". However, the revised environmental analysis did not result in a change of the original determination of a Negative Declaration finding for the proposed ordinance. A Negative Declaration finding is typical for a code amendment that is not project/site specific and does not include project level environmental analysis.

ATTACHMENTS:

1. Proposed Ordinance No. 2002-____.
2. Recommended Negative Declaration/Initial Environmental Study.
3. Planning Commission Resolution No. 2002-P006.
4. Survey of Standards and Requirements for Accessory Dwelling Units – Selected Cities
5. Comparison of CCMC R-1; R-1a, and R-2 Development Standards and Proposed Standards.
6. Recently Adopted State Law/Standards for Accessory/Second Dwelling Units.
7. Map of all R-1, R-1a, and R-2 Zoned properties in the City of Culver City.
8. Map of all R-1/R-1a Zoned Properties and Eligible R-1 and R-1a Zoned Properties.
9. Map of all R-2 Zoned Properties and Eligible R-2 Zoned Properties.
10. Joint City Council – Planning Commission Staff Report, July 1, 2002.
11. Planning Commission Minutes Excerpt, January 9, 2002.
12. Planning Commission Minutes Excerpt, February 27, 2002.
13. Planning Commission Minutes Excerpt, April 10, 2002.
14. Planning Commission Minutes Excerpt, May 8, 2002.

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MOTION:

That the City Council:

1. Adopt a Negative Declaration finding that Zoning Code Amendment, ZCA P-2002014 will not have a significant adverse impact on the environment; and
2. Introduce Ordinance No. 2002- , approving Zoning Code Amendment, ZCA P-2002014 to establish requirements and standards for accessory dwelling units in the Single-Family (R-1/R-1a) and Two-Family (R-2) Zones.

Attachment No. 2

ORDINANCE NO. 20024-

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING SECTIONS OF TITLE 17, ZONING, OF THE CULVER CITY MUNICIPAL CODE (CCMC), REGARDING REQUIREMENTS AND STANDARDS FOR THE CONSTRUCTION AND MAINTENANCE OF SECOND (ACCESSORY) DWELLING UNITS IN THE SINGLE FAMILY (R-1 & R-1a) AND TWO FAMILY (R-2) ZONES.

(Zoning Code Amendment, ZCA P-2002014)

WHEREAS, Zoning Code Amendment, ZCA P-2002014 was initiated by the City to develop requirements and standards to regulate the construction of second (accessory) dwelling units in the Single Family (R-1 & R-1a) and Two Family (R-2) zones; and

WHEREAS, Zoning Code Amendment, ZCA P-2002014 is consistent with the City's General Plan in that it implements Goal/Objective 2 of the Housing Element which states: *"Provide a variety of housing opportunities that complement and enhance the City's goals for continued economic vitality and prosperity."*

WHEREAS, a Negative Declaration was recommended for adoption by Planning Commission for Zoning Code Amendment, ZCA P-2002014 based upon no significant environmental effects having been identified as a result of its implementation, no further environmental review is necessary pursuant to the California Environmental Quality Act; and

WHEREAS, on January 9, 2002, the Planning Commission opened discussion on ZCA P-2002014 and continued to February 27, 2002, and April 10, 2002; and

WHEREAS, on May 8, 2002, the Planning Commission conducted a duly noticed public hearing and following consideration of staff reports and all testimony presented, recommended approval of City-initiated Zoning Code Amendment, ZCA P-2002014 by the City Council; and

1 WHEREAS, on June 10, 2002, the City Council conducted a duly noticed public
2 hearing on Zoning Code Amendment, ZCA P-2002014, during which it fully considered all
3 reports and public testimony regarding such regulations and denied the proposed ordinance
4 based upon concerns that the proposed standards did not adequately address potential
5 impacts to the character of affected neighborhoods; and

6 WHEREAS, on July 1, 2002, the City Council held a joint meeting with the
7 Planning Commission to discuss the recommended standards and regulations and how they
8 could be strengthened to offer an additional measure of protection to neighborhood character
9 and still meet the intent of State law regarding second units; and

10 WHEREAS, staff was directed to revised the proposed ordinance to include
11 specific standards that would limit the impact of second units, and also to revisit the Initial
12 Environmental Study Checklist prepared for the ordinance; and

13 WHEREAS, the proposed ordinance, as revised, reflects the items agreed
14 upon by a consensus of City Council and Planning Commission members attending the joint
15 meeting, and the Initial Environmental Study Checklist has been revised to adequately reflect
16 potential impacts and duly renoticed pursuant to CEQA guidelines; and

17 WHEREAS, the proposed ordinance is in compliance with ~~recently-adopted~~
18 State law regarding second units.

19 NOW, THEREFORE, the City Council of the City of Culver City, California,
20 DOES HEREBY ORDAIN as follows:

21 SECTION 1. Pursuant to the foregoing recitations and findings, the City
22 Council of the City of Culver City, California, hereby approves Zoning Code Amendment ZCA
23 P-2002014, as set forth in Exhibit A, attached hereto and thereby made a part hereof.

24 SECTION 2. Pursuant to Charter Section 512, prior to expiration of fifteen (15)
25 days from the adoption hereof, the City Clerk shall cause this ordinance to be published in
26
27
28

1 the Culver City News. Additionally, the City Clerk shall post this ordinance in at least three
2 public places within the City pursuant to Section 517 of the City Charter.

3 APPROVED and ADOPTED this _____ day of _____ 20024.

6 _____
7 CAROL GROSS, MAYOR
8 City of Culver City, California

9
10 ATTEST:

APPROVED AS TO FORM:

11
12 _____
13 CHRISTOPHER ARMENTA,
14 City Clerk

15 _____
16 CAROL A. SCHWAB,
17 City Attorney

18
19
20
21
22
23
24
25
26
27
28
ozc-title17

(1p)

EXHIBIT A TO ORDINANCE NO 2004-

Amend Chapter 17.01 Zoning Code as follows:

1. Section 37-2 is hereby amended to include the following definition in appropriate alphabetical order:

"Accessory Dwelling Unit". An Attached or detached residential dwelling unit, which provides complete independent living facilities for one or more persons; and that contain permanent provisions for sleeping, eating, cooking, and sanitation on the same parcels as single-family dwellings."

2. Section 37-9.2 is hereby amended to read as follows:

Section 37.9.2 Uses Subject to a Use Permit.

- (a) Large family daycare homes, subject to compliance with the conditions and provisions set forth in Section 37-11(a).
- (b) Accessory dwelling units, subject to compliance with the conditions and provisions set forth in Section 37-11.1.

3. Section 37-11.1 is hereby added to read:

Section 37-11.1 Accessory Dwelling Unit Development Regulations.

Accessory dwelling units shall be subject to the following development criteria and approval of an Administrative Use Permit:

1. Minimum Lot Size. A minimum lot size of six thousand (6,000) square feet shall be required for the construction, use and maintenance of accessory dwelling units.
2. Maximum Unit Size. The maximum permitted unit size may be up to one-half ($\frac{1}{2}$) the gross square footage of the primary dwelling unit on the lot, but shall not exceed 600 gross square feet in floor area.
3. Minimum Unit Size. The minimum unit size shall be 220 gross square feet.
4. Zones in Which Accessory Dwelling Units may be Constructed. The construction, use, and maintenance of accessory dwelling units shall only be permitted in the Single-Family Dwelling (R-1 & R-1a) and Two Family Dwelling (R-2) Zones.

- 1 5. Density. Accessory dwelling units shall be permitted on properties with no
2 more than one existing dwelling unit currently on the site. No more than one
3 accessory dwelling unit is allowed on a property.
- 4 6. Minimum Room Dimensions. Minimum room dimensions, including minimum
5 ceiling heights, floor area, and width, shall meet the Uniform Building Code
6 regulations in effect at the time of construction.
- 7 7. Location. Accessory dwelling units ~~may not be located between the front lot~~
8 ~~line and the building line of the primary dwelling~~ shall be located behind the
9 primary dwelling.
- 10 8. Parking. One uncovered non-tandem parking space shall be required for an
11 accessory unit. Required parking may not be located within the front setback
12 area leading to the required covered parking. No tandem parking is permitted
13 unless it is ~~located on the rear of the property adjacent to an alley.~~ If access
14 to the required parking space for the accessory dwelling unit is provided from
15 an alley, the applicant shall pay a pro-rata share for the paving of an unpaved
16 alley.
- 17 9. Habitability. Accessory dwelling units shall be fully habitable and shall include
18 kitchen and bathroom facilities. A maximum of one separate bedroom shall
19 be permitted per unit.
- 20 10. Occupancy Restrictions. There shall be no occupancy restrictions on the
21 accessory unit however, the applicant for an accessory unit pursuant to this
22 section must be a resident property owner.
- 23 11. Setbacks. The setback requirements for an accessory dwelling unit shall be
24 the setback requirements for the Zone in which the dwelling unit is located.

25 Base Standards for New Accessory Dwelling Units:

26 One-story attached: — Side yard = four (4) feet
27 — Rearward = ~~ten~~ (10) feet

28 Two-story attached — Side yard = four (4) feet
— Rearward = ~~ten~~ (10) feet

Exceptions:

a) ~~An accessory dwelling unit may be constructed on a side or rear property~~
~~line when the property line is located adjacent to an alley, or street, and/or~~
~~adjacent to non-residentially zoned property; or~~

1 ~~b) When an existing accessory structure that is located on a side or rear~~
2 ~~property line is converted to an accessory structure, existing legally~~
3 ~~established setbacks may be maintained; or~~

4 ~~c) When an accessory dwelling unit is built above an existing accessory~~
5 ~~structure that is located on a side or rear property line, the existing legally~~
6 ~~established setback may be maintained.~~

7 12. When an existing nonconforming accessory structure is converted to an
8 accessory dwelling unit, the required setbacks for the Zone in which the unit
9 is located must be provided. Legal nonconforming setbacks must be brought
10 into conformance with the zoning regulations in effect at the time the unit is
11 constructed.

12 13. Design Standards. Specific design standards to encourage design compatible
13 with existing structure on-site and to protect the privacy of adjacent properties
14 may be applicable to the project as determined by the Administrative Use
15 Permit Process.

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

19 4. Section 37-16.2 is hereby amended to read as follows:

20 Section 37-16.2 Uses Subject to an Administrative Use Permit.

- 21 (a) Large family daycare homes, subject to compliance with the conditions and
22 provisions set forth in Section 37-11(a).
23 (b) Accessory dwelling units, subject to compliance with the conditions and provisions
24 set forth in Section 37-11.1.
25
26
27
28

**ATTACHMENT B**(This attachment contains confidential information)

Interpretation of Zoning Code, re: Residential Uses_Accessory Dwelling Units

Troy Jackson <jackson.troy@gmail.com>

Mon, May 19, 2014 at 11:51 AM

To: "Pangelinan, Lisa" <lisa.pangelinan@culvercity.org>

Cc: "Gorham, Thomas" <thomas.gorham@culvercity.org>

Hi Lisa,

I appreciate the time Mr. Blumenfeld has spent in carefully considering my request and the related issues. I received both the hard copy & pdf you sent to me last week. I also appreciate Mr. Blumenfeld referring the interpretation to the Board of Zoning Adjustment in order to get their views as well.

Related to the referral, I am wondering if the May 12 letter represents an official interpretation under CCMC 17.120.015 similar to the previously issued interpretations that are attached?

There appear to be differences. For example, the attached official interpretations contain general language that would apply to any application; there is not mention of a specific project. Whereas, the May 12 letter contains references to "your proposed project..."

If there is a separate document that contains the official interpretation related to my project, can I get a copy of it?

Should the official interpretation also be distributed to Council, Commission, City Attorney, and the City Clerk pursuant to CCMC 17.120.015.B2?

Thank you in advance for your assistance.

Troy Jackson

On Tue, May 13, 2014 at 9:39 AM, Pangelinan, Lisa <lisa.pangelinan@culvercity.org> wrote:

[Quoted text hidden]

 **Zoning Code Interpretations.pdf**
344K

ATTACHMENT C



Sol Blumenfeld
Community Development Director

CITY OF CULVER CITY

9770 Culver Boulevard, Culver City, California 90232

310 253-5700
310 253-5779 Fax

May 20, 2014

Troy Jackson
10753 Cranks Road
Culver City 90232

Subject: Interpretation of Culver City Municipal Code ("CCMC" or "Zoning Code")
Section 17.400.095 – Residential Uses – Accessory Dwelling Units in the
Single Family (R-1 and Two Family (R-2) Zones

Dear Mr. Jackson,

I am responding to your inquiry regarding my letter of May 12, 2014 wherein you ask whether it is an official code interpretation pursuant to CCMC Section 17.120.015. I would like to clarify that I have not made an official interpretation regarding Zoning Code Section 17.400.095. Rather, as stated in my letter, I have referred the interpretation of that Section to the Board of Zoning Adjustments (BZA) for a determination, pursuant to Zoning Code Section 17.120.015.C – Appeals and Referral. As noted in my prior letter, I found ambiguities in the Zoning Code and the legislative record of the text amendment and felt that it would be valuable to get a determination from the BZA regarding this matter.

The BZA is scheduled to consider your request for a code interpretation on June 2, 2014 at 4:00 p.m. in the Patacchia Room in City Hall. Please let me know if you have any further questions.

Sincerely,

Sol Blumenfeld
Community Development Director

Cc: Board Members Von Cannon and Sayles
Heather Baker, Assistant City Attorney

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
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CITY PLANNING COMMISSION

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PRESIDENT
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VICE-PRESIDENT
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CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

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INFORMATION
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December 17, 2009

To: Neighborhood Councils
City Council Members
Interested Parties

Subject: Status Report on Accessory Dwelling Unit Ordinance

Because of impending staff reductions through the Early Retirement Incentive Program and ongoing required staff furloughs, the Planning Department must reduce our policy work program.

One of the programs that will go on indefinite hold is the creation and adoption of a local ordinance for Accessory Dwelling Units.

The Department of City Planning recently began a public process to discuss issues related to the development of an Accessory Dwelling Unit (ADU) ordinance. As a first step in this process, staff held several workshops across the city to hear community views and perspectives in different parts of the city. We frequently hold such workshops at the beginning of a new planning effort as a way to gather input, to assess perspectives, and to identify issues that may be unique to different geographies or interest groups. No draft ordinance was created.

State law (AB 1866) requires that all cities allow second units by right in single family and multi family residential zones. This law establishes standards for ADUs which all cities must follow unless a city adopts its own ordinance to establish different standards (provided they do not conflict with specifically identified standards in the law). The state law is clear that in the absence of a local ordinance, the city must follow the State default standards for ADUs. The City Attorney's office advised that if the Department wanted to impose restrictions beyond the state law, an ordinance would be required.

The Planning Department began that process to develop an ADU ordinance that would be tailored to Los Angeles. However, it has become abundantly clear from the public input that this work program would be extremely time consuming and labor intensive. The Department of City Planning does not have the resources to devote to such an undertaking at this time. As such, **the Department of City Planning has put the development of a City ADU ordinance on hold indefinitely; the city will comply with the parameters established by State law.**

Sincerely,

S. Gail Goldberg, AICP
Planning Director

City of Culver City, California
Planning Commission Agenda Item Report

Meeting Date: August 13, 2014	Item Number: <u> A-4 </u>
AGENDA ITEM: Review of Culver City Commission, Committee, and Board Application Form	
Contact Person/Dept.: Thomas Gorham Planning Manager	Phone Number: (310) 253-5727
Public Hearing: ☐	Action Item: ☒ Attachments: ☒
Public Notification: None	
Planning Approval: Thomas Gorham August 5, 2014	

BACKGROUND AND DISCUSSION

The City Council is requesting that current Commission, Committee, and Board members conduct a review of the current application form being used for the interested applicants to submit in their consideration for appointment to a Commission, Committee, or Board. This process allows for the public and specifically those individuals who have been through the Commission, Committee, or Board application process to provide input into the document.

Attached is the current Culver City Commission, Committee, and Board application form. The Commission's comments, insight, and recommendations for changes, if any, on this documents are welcome and will be transmitted to the City Clerk's Office for finalization.

RECOMMENDATION

That the Planning Commission:

1. Review the Current Culver City Commission, Committee, and Board Application Form, and
2. Provide Staff, if desired, with Recommendations to Update and/or Tailor the Application Form Specifically for the Planning Commission Applicants.

Attachment:

Current Culver City Commission, Committee, and Board Application Form



OFFICE OF THE CITY CLERK
CITY OF CULVER CITY

9770 Culver Boulevard, Culver City, California 90232

Martin R. Cole, MPA
Assistant City Manager/City Clerk

**COMMISSIONS, COMMITTEES, AND BOARDS
APPLICATION INFORMATION**

Thank you for your interest in volunteering your time and expertise to the Culver City community. The information contained on this application is for use by the City in reviewing candidates to fill vacancies on City Commissions, Committees, and Boards. During consideration of applicants, the City may consider the information contained in this application, any required supplemental questionnaire, and any other publicly available information. An appointment to any Commission, Committee, or Board is at the discretion of the appointing authority.

Ethics and Avoidance of Conflicts of Interest

As a reflection of the residents of the community, Culver City prides itself on the high ethical standards adhered to by its municipal government. As a prospective applicant, we want you to be informed about potential limitations that state and local law impose on individuals who serve the community, especially where they may have a financial conflict of interest. Please consider this information before submitting an application and accepting an appointment. Further information and training regarding these limitations, as well as other legal and procedural requirements when serving on these bodies (i.e. Brown Act, ethics laws, etc.), will be provided in the event you are appointed to one of the City's commissions, committees, or boards.

State law has established regulations intended to ensure that a public official does not use his or her position for personal, financial benefit.

- The California Political Reform Act prohibits a public official (including any of the City's commission, committee, or board members) from participating in any decision or deliberation that might affect the official's own financial interests. In such a situation, the official must publicly disclose the potential conflict of interest, recuse himself or herself from the item being discussed, and leave the meeting room while the matter is considered.
- Government Code Section 1090 imposes an even stricter prohibition. It prohibits a local body from "making" a contract with one of its own members (even if the member has recused him or herself), which includes all aspects of contract formation, including such actions as influencing the contract's scope or the selection of a contractor.

A community member volunteering to sit on a City commission, committee, or board should be aware of these restrictions and take them into consideration before applying for or accepting appointment to any of these bodies.

If you have questions about this information and how it may apply to your particular situation, please contact the City Attorney's Office at (310) 253-5660.

As you complete your application, please be aware of the following:

- You may attach a resume or other supplemental information. However, at a minimum, please ensure you submit this Application form by the applicable deadline.
- If you are applying for an office on the Landlord Tenant Mediation Board, you will be required to complete a supplementary questionnaire, which will be included at the end of the general application.

If appointed to a body, please be aware that:

- **Important:** Unless a specific exception is made by the City Council, generally individuals are eligible to be appointed to serve on only one body at a time.
- All appointees will be required to attend an Ethics and Brown Act training class, which will be offered through the City Attorney and City Clerk's Offices.
- State law and the City's Conflict of Interest Code may require you to file annual financial disclosure forms.
- Meeting dates and times of the various bodies are subject to change at the City Council's discretion, staff requirements and the availability of the meeting facilities.

**APPLICATION FOR
COMMISSIONS, COMMITTEES, AND BOARDS**

(Please type or print legibly– or use the PDF fill-in form available at www.culvercity.org)

**Please be advised this document is a public record and
information contained herein may be subject to public disclosure
as required by the California Public Records Act and any other
applicable law.**

General Information:

1. Identify the Commission(s), Committee(s), and Board(s) to which appointment is desired. Please list all appointments for which you are applying:

2. Name: _____ Telephone: _____

Address _____ Zip _____

Business: _____ Telephone: _____

Address _____ Zip _____

E-mail address: _____

3. Community Service (List commissions, committees, boards, and other organizations on which you have served or currently serve and offices held and in what city those positions were or are held.):

4. Employment (Include titles and duties of current and past employment):

5. Education (Include professional or vocational licenses and certificates.):

6. Additional Information

- a. Are you a Culver City resident? YES ___ NO ___
Number of years: _____
- b. Are you a Culver City business owner/operator? YES ___ NO ___
Number of years: _____
- c. Are you registered to vote in Culver City? YES ___ NO ___
- d. Have you ever been convicted, fined, imprisoned or placed on probation for a felony or a misdemeanor? YES ___ NO ___
- e. Have you ever worked for the City of Culver City? YES ___ NO ___
(If yes, list dates of employment and names of departments.)
- f. Are you related to any current City employees or appointed officials of the City of Culver City? (If yes, indicate name and relationship.) YES ___ NO ___
- g. Have there been, or are there now, any circumstances which might reflect adversely on the propriety of your serving as a member of any body to which you might be appointed? YES ___ NO ___
- h. How many meetings of the Commission(s), Committee(s), or Board(s), to which you are interested in being appointed have you attended in the last year? _____
- i. How much time, on a monthly basis, do you anticipate spending on preparation for attendance at meetings of the body to which you desire appointment? _____
7. Please list the reasons why you are seeking appointment to a City body. (When possible, please be specific to the body's role.)

8. What is there specifically in your background, training, education or interests that qualifies you for appointment?

9. How would you help the body perform its established role, objectives, and/or goals, as established by the City Council?

10. What special qualities and/or qualifications can you bring to the body(ies) to which you seek appointment(s)?

11. Is there anything else you'd like to add that does not fit neatly into the answers to the prior questions? (You may attach supplemental information, if desired.)

REMINDER: All information on this application will become a public record and may be subject to public disclosure as required by the California Public Records Act and any other applicable law.

By checking this box ☐ or signing below, I hereby certify that the foregoing information is correct to the best of my knowledge

Signature: _____ Date: _____

You are invited to attach additional pages, enclose a copy of your resume and/or submit supplemental information which you feel may assist the appointing authority in its evaluation of your application.

Please submit your application and any attachments no later than the final filing date as announced in the Notice of Vacancy and Request for Applications to the City of Culver City:

By Mail or Hand delivery Office of the City Clerk
9770 Culver Boulevard
Culver City, CA 90232-0507

OR

By Fax: (310) 253.6010

OR

By Electronic Delivery: city.clerk@culvercity.org

If you have questions regarding the completion or filing of this application, please contact the City Clerk's Office by fax or email, as indicated above, or by phone at (310) 253-5851.

**SUPPLEMENTARY QUESTIONNAIRE
FOR COMPLETION BY APPLICANTS TO THE
LANDLORD TENANT MEDIATION BOARD**

Name: _____ Telephone: _____

Email: _____

Please check the category(ies) for which you are applying:

- | | |
|-------------------------|--------------------------|
| Tenant Representative | ☐ |
| Tenant Alternative | ☐ |
| Landlord Representative | ☐ |
| Member At-Large | ☐ |

Please ensure you meet the below qualifications for the membership category(ies) for which you are applying.

For the Landlord and Tenant positions, please provide a copy of your rental agreement to confirm your eligibility. The rental agreement is for verification purposed only and shall remain confidential.

From the City Council approved "Organization and Implementation Guidelines for the Culver City Landlord-Tenant Mediation Board:"

Tenant Representative/Tenant Alternate: shall be tenants of residential rental property within the City of Culver City, and neither the applicant nor the applicant's spouse or dependents shall have any financial interest in residential income-producing property either in Culver City or elsewhere.

Landlord Representative/Landlord Alternate: shall either own, manage or have a residential income property interest within the City of Culver City, and shall preferably be residents of the City of Culver City.

Members at-Large: shall neither be tenants nor shall they own or have an ownership interest in any residential income-producing property in Culver City. Furthermore, preferably, neither "member-at-large" applicants or their spouse or dependents shall have any direct business or financial relationship with either landlords, property managers or real estate professionals within the City of Culver City or elsewhere. "Member-at-large" applicants shall be residents of the City of Culver City.

**Please call the Housing Division at (310) 253-5780 if you have any questions
regarding eligibility for Landlord/Tenant Mediation Board positions.**