

1 RESOLUTION NO. 2023-P003

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 CULVER CITY, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL
4 APPROVAL OF CITY-INITIATED ZONING CODE AMENDMENT P2023-0097-
5 ZCA AMENDING CULVER CITY MUNICIPAL CODE (CCMC) TITLE 17:
6 ZONING CODE; SECTION 17.400.095 – RESIDENTIAL UNITS – ACCESSORY
7 DWELLING UNITS TO CLARIFY AND UPDATE EXISTING CODE SECTIONS
8 TO CONFORM TO STATE ACCESSORY DWELLING UNIT LAW.

9 (Zoning Code Amendment, P2023-0097-ZCA)

10 WHEREAS, on June 14, 2023, after conducting a duly noticed public hearing on
11 City-initiated Zoning Code Text Amendment (P2023-0097-ZCA) amending Culver City
12 Municipal Code (CCMC) Title 17: Zoning Code; Section 17.400.095 – Residential Units –
13 Accessory Dwelling Units to clarify and update existing code sections to conform to State
14 Accessory Dwelling Unit Law, fully considering all reports, studies, testimony, and
15 environmental information presented, the Planning Commission, by a vote of __ to __,
16 recommended to the City Council approval of Zoning Code Amendment P2023-0097-ZCA, as
17 set forth herein below.

18 NOW, THEREFORE, the Planning Commission of the City of Culver City,
19 California, DOES HEREBY RESOLVE as follows:

20 **SECTION 1. ZONING CODE AMENDMENT** Pursuant to the foregoing recitations
21 and the provisions of the CCMC, the following required findings for an amendment to the
22 Zoning Code, as outlined in CCMC Section 17.620.030.A, are hereby made:
23

24 **1. The proposed amendment ensures and maintains internal consistency**
25 **with the goals, policies, and strategies of all elements of the General Plan and**
26 **will not create any inconsistencies.**

27 The proposed Zoning Code text amendments are intended to update
28 regulations to be consistent with State law regarding accessory dwelling units.
29 These amendments are consistent with General Plan Objective 2 to encourage the

1 retention and creation of housing throughout the City and Objective 3 to provide
2 housing opportunities for all members of the community by facilitating the
3 development of smaller secondary units. The proposed Zoning Code Text
4 Amendments do not conflict with the goals, policies, and strategies of any elements
5 of the General Plan, nor create any inconsistencies.

6
7
8
9
10
11 **2. The proposed amendment would not be detrimental to the public
12 interest, health, safety, convenience or welfare of the City.**

13 The State continues to update accessory dwelling unit law to address the
14 housing shortage in California. The proposed Zoning Code Text Amendments will
15 help to ensure that the Zoning Code is clear and internally consistent with State-
16 mandated accessory dwelling unit laws. The amendments will serve to improve
17 Current Planning's implementation of General Plan policies and Zoning standards
18 affecting residential property owners and developers. The amendments support
19 the public interest, health, safety, convenience, and welfare of the City.

20
21
22
23 **3. The proposed amendment is in compliance with the provisions of the
24 California Environmental Quality Act (CEQA).**

25 The Project is considered exempt from CEQA pursuant to CEQA Guidelines
26 Section 21080.17 which exempts the adoption of an ordinance approving Zoning
27 Code amendments related to accessory dwelling units implement the provisions of
28 Government Code Section(s) 65852.1 and 65852.2.

29
30
31
32 **SECTION 2.** Pursuant to the foregoing recitations and findings, the Planning
33 Commission of the City of Culver City, California, hereby recommends to the City
34 Council approval of Zoning Code Amendment P2023-0097-ZCA, as set forth in Exhibit
35 A attached hereto and made a part thereof.

36 APPROVED and ADOPTED this 14th day of June 2023.

37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

Attested by:

RUTH MARTIN DEL CAMPO, ADMINISTRATIVE CLERK

§ 17.400.095 RESIDENTIAL USES - ACCESSORY DWELLING UNITS.

Subsections A. through K. establish the standards for the development of an Accessory Dwelling Unit and Subsection L. establishes the standards for the development of a Junior Accessory Dwelling Unit, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards). [Government Code Section 65852.2 and Section 65852.22 shall supersede any conflicting portions of this ordinance per Government Code Section 65852.2\(g\)](#):

A. Minimum Lot Size. No minimum lot size shall be required for an accessory dwelling unit.

B. Maximum Unit Size.

1. The maximum permitted unit size of an attached accessory dwelling unit, or an accessory dwelling unit located entirely within a proposed or existing primary dwelling unit, shall not exceed 850 square feet for a one-bedroom unit or 1,200 for a two or more-bedroom unit, or 50% of the gross square footage of the primary dwelling unit on the lot, whichever is less, [notwithstanding subsection 3 below](#).

2. The maximum permitted size of a detached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,200 square feet for a two or more-bedroom unit.

3. ~~Nothing in this Section~~ [Development standards in this Title shall apply to the extent they do not prohibit the construction of an any accessory dwelling unit of up to that is at least 800 square feet, 16 feet in height that is up to 18 feet in height if detached or 25 feet in height if attached;](#) with four-foot side and rear yard setbacks; ~~provided that the accessory dwelling unit is constructed in compliance with all other development standards of this Title.~~

4. Maximum permitted unit size shall include any [living area as defined in the California building code](#) ~~floor area including basements and lofts~~ confined from exterior wall to exterior wall.

C. Minimum Unit Size. The minimum unit size of an attached or detached accessory dwelling unit shall be at least 150 square feet, including a kitchen and at least one 3/4 bathroom.

D. Zones in which Accessory Dwelling Units may be Constructed. The construction, use, and maintenance of accessory dwelling units shall be permitted in areas zoned to allow single-family or multi-family dwelling residential use. For purposes of this Section [17.400.095](#), a multi-family dwelling unit ~~shall indicate~~ [is](#) two or more attached dwelling units on a single property.

E. Accessory Dwelling Unit Density.

[1. Accessory dwelling units are allowed on a property containing single family dwellings under the following circumstances:](#)

[a. No more than one accessory dwelling unit within the proposed or existing square footage of a single-family dwelling or accessory structure that meets specific](#)

~~requirements such as exterior access and setbacks for fire and safety. is allowed on a property containing single-family dwellings, except that an accessory dwelling unit may be combined with a junior accessory dwelling unit described in Subsection L. More than one accessory dwelling unit is allowed on a property containing multi-family dwellings under one of the following circumstances:~~

b. No more than one detached new construction accessory structure that does not exceed four-foot side and rear yard setbacks.

i. A new construction attached accessory dwelling unit may be constructed in lieu of the new construction detached accessory dwelling unit.

c. No more than one junior accessory dwelling unit within the proposed or existing space of a single-family dwelling that meets specific requirements such as exterior access and setbacks for fire and safety as described in Subsection L.

42. Accessory dwelling units are allowed on a property containing multi-family dwellings under the following conditions:

a. Accessory dwelling units shall be allowed within existing portions of multi-family or mixed use structures on a lot containing multi-family dwelling units subject to the following conditions:

ai. The number of accessory dwelling units shall not exceed 25% of the number of existing units, minimum one unit.

bii. The accessory dwelling units shall only be located within areas that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. Non-livable space used to create ADUs must be limited to residential areas within a mixed-use development, and not the areas used for commercial or other activities.

ciii. Each accessory dwelling unit must comply with state building standards for dwellings.

2b. A maximum of two detached, ~~new construction~~ accessory dwelling units shall be allowed on a property with existing multi-family dwelling units, with a maximum building height that complies with the standard established by the applicable Zoning District in which the subject property is located pursuant to Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards) and minimum side-yard and rear-yard setbacks of four feet.

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.

1. Accessory dwelling units may be within, attached to, or detached from and on the same lot as, a proposed or existing single-family dwelling, or within or detached from a multi-family dwelling, and subject to compliance with front, side, and rear yard setback

standards [notwithstanding Government Code Section 65852.2, subsection \(c\) and \(e\)](#);
or

2. Accessory dwelling units may be located entirely within a proposed or existing primary dwelling unit or [existing](#) accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing primary dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department.

[3. An ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards but this expansion shall be limited to accommodating ingress and egress.](#)

~~3. Accessory dwelling units shall be prohibited in the hillside areas shown on Map 4-2.~~

H. Parking. Parking for an accessory dwelling unit and replacement parking is not required ~~when existing off-street parking for the primary dwelling unit is demolished or converted in conjunction with the construction of an accessory dwelling unit.~~

I. Habitability. Accessory dwelling units are ~~entirely~~ fully habitable, and shall include independent kitchen and bathroom facilities. [Accessory dwelling units shall be independent from the main dwelling without internal access.](#)

J. Occupancy Restrictions. Accessory dwelling units shall not be sold separately from the primary residence, and shall not be used for rentals of terms of 30 days or less [unless established as defined in Section 65852.26](#). Owner occupancy is not required for accessory dwelling units.

K. Setbacks.

1. An accessory dwelling unit shall have side and rear yard setbacks of at least two feet from lot lines abutting a non-residential zone, street, or alley and at least four feet from lot lines when abutting a residential zone. An accessory dwelling unit shall abide by the front yard setback requirements of the zone in which it is located.

2. An accessory dwelling unit constructed entirely within a proposed or existing primary dwelling unit or accessory structure, ~~which has independent exterior access from the proposed or existing primary dwelling unit or accessory structure, and which~~ [has](#) side and rear setbacks that are sufficient for fire safety, as determined by the Culver City Fire Department, shall not be subject to setback standards for new development.

3. An accessory dwelling unit constructed above, or as a second story to, a garage or other accessory structure shall be setback a minimum of two feet from side and rear lot lines abutting a non-residential zone, street, or alley and a minimum of four feet from side and rear lot lines when abutting a residential zone. An accessory dwelling unit constructed above, or as a second story to, a garage or other accessory structure shall abide by the front yard setback requirements of the zone in which it is located.

4. **Through Lots.** An accessory dwelling unit constructed on a through lot is permitted to have a reduced setback of at least two feet from one front lot line along the

property line that is of greater distance from the primary residence and/or the property line separating the parcel from the street of a higher classification or designation. In case of irregular lots, the Director shall determine which one front lot line is eligible for reduced setback [notwithstanding Government Code Section 65852.2, subsection \(c\) and \(e\)](#).

L. Junior Accessory Dwelling Units. In addition to an accessory dwelling unit as provided in this Section, a junior accessory dwelling unit may be permitted on a property zoned for ~~a~~-single-family residences with one primary dwelling. [A junior accessory dwelling unit is permitted on a property with multiple detached single-family dwellings pursuant to Government Code 65852.22.](#) The following establishes standards for junior accessory dwelling units.

1. Maximum Unit Size. A junior accessory dwelling unit may be up to 500 square feet.

a. Maximum permitted unit size shall include any [livable space floor area, including basements and lofts](#), confined from exterior wall to exterior wall.

2. Density. No more than one junior accessory dwelling unit is allowed on a property.

3. Location.

a. A junior accessory dwelling unit shall be located entirely within a proposed or existing primary dwelling unit, subject to the following:

i. ~~A junior accessory dwelling shall be entirely within the walls of the proposed or existing single family residence.~~ A junior accessory dwelling may be in an attached garage, but may not be in a detached accessory structure.

ii. A junior accessory dwelling unit shall have separate exterior access independent from the proposed or existing primary dwelling unit.

iii. [A junior accessory dwelling unit may share significant interior connection to the primary dwelling if they are sharing a bathroom facility.](#)

~~**b.** Junior accessory dwelling units are prohibited in the Hillside Areas shown on Map 4-2.~~

4. Parking. ~~No additional parking is required for a junior accessory dwelling unit. When existing off-street parking for the primary dwelling unit is demolished or converted in conjunction with the construction of a junior accessory dwelling unit, replacement parking is not required.~~ [Parking for a junior accessory dwelling unit and replacement parking is not required.](#)

5. Habitability. Junior accessory dwelling units shall include an [efficiency kitchen which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.](#) ~~Junior accessory dwelling units attached to the primary dwelling unit may share bathroom facilities with the primary dwelling unit.~~

6. Occupancy Restrictions. Junior accessory dwelling units shall not be sold separately from the primary dwelling unit and shall not be used for rentals of terms of 30 days or less. Owner occupancy is required for junior accessory dwelling units in either the remaining portion of the primary residence or the junior accessory dwelling unit. These occupancy restrictions shall be enforced through covenant agreement recorded against the property.

M. Other Development Standards.

1. Unless stated in this Section, all other development standards for accessory dwelling units and junior accessory dwelling units shall apply according to the zone in which the subject property is located; including but not limited to, setbacks, building height, and distance between structures.

2. Conversion of Existing Structures. For the purpose of converting an existing structure into an accessory dwelling unit or junior accessory dwelling unit, an existing structure is defined as one of the following:

a. A structure that has been ~~issued a building permit and has passed a final inspection or issued a certificate of occupancy~~ erected prior to the date of adoption of the appropriate building code that does not present a threat to public health and safety or one for which a legal building permit has been issued; or

b. A structure that has been issued Deferred Compliance through the Amnesty Program or through Deferred Compliance by the Municipal Code Appeals Committee (MCAC).

3. When a garage is converted into an ADU or JADU, the garage door must be removed and replaced with windows or entry doors.

N. Application Process. The following is the application process for accessory dwelling units and junior accessory dwelling units.

1. Applicant shall submit complete plan sets to the Building Safety Division. In order to be deemed complete, plans shall comply with all current applicable development standards, any applicable ~~Division-Department~~ handout, and any additional information required by the Director in order to conduct a thorough review. The Division shall approve or deny the application within the time period required by State law. If the project is denied, the applicant will receive a compiled list of comments with remedies to correct any Code deficiencies.

2. Prior to Building Permit issuance, applicant shall submit an Address Assignment Request Fee and Application to the Current Planning Division.

3. Prior to Building Permit issuance, projects resulting in the addition of 750 square feet or more for an accessory dwelling unit located at the subject property shall pay all impact fees including the Mobility Improvement Fee pursuant to Section 15.06.515 (Calculation and Payment of Fees) and the In-Lieu Parkland Dedication Fees pursuant to Section 15.06.300 (Park Dedication or Payment of Fees) of this Code.

~~—3.— Prior to Building Permit final inspection and/or prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy, projects resulting in 750 square feet or more of cumulative residential floor area for all accessory dwelling units located at the subject property shall pay In-Lieu Parkland Dedication fees pursuant to Section 15.06.300 (Park Dedication or Payment of Fees) of this Code.~~

~~**Map 4-2 Accessory Dwelling Units Prohibited**~~



(Ord. No. 2005-007 § 1 (part); Ord. No. 2017-007 § 2 (part); Ord. No. 2017-017 § 2;
Ord. No. 2018-015 § 2 (part); Ord. No. 2020-001 § 2; Ord. No. 2021-012 § 3 (part))