

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE) SECTION 17.400.100 – RESIDENTIAL USES – ACCESSORY RESIDENTIAL STRUCTURES, 17.400.115 – TEMPORARY STORAGE CONTAINERS, AND CHAPTER 17.520 TEMPORARY USE, SPECIAL EVENT, AND TEMPORARY EVENT PERMITS, AS SET FORTH IN EXHIBIT “A” ATTACHED HERETO.

(Zoning Code Amendment, P2017-0100-ZCA)

WHEREAS on June 14, 2017, after conducting a duly noticed public hearing on a City-initiated Zoning Code Amendment (P2017-0100-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code), Sections 17.400.100 – Residential Uses – Accessory Residential Structures, 17.400.115 – Temporary Storage Containers, and Chapter 17.520 – Temporary Use, Special Event, and Temporary Event Permits, and fully considering all reports, studies, testimony, and environmental information presented, the Planning Commission adopted by a vote of 4 to 0, Resolution No. 2017-P010, recommending to the City Council approval of Zoning Code Amendment P2017-0100-ZCA, as set forth herein below; and

WHEREAS, on August 14, 2017, after conducting a duly noticed public hearing on a City-initiated Zoning Code Amendment (P2017-0100-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code), Sections 17.400.100 – Residential Uses – Accessory Residential Structures, 17.400.115 – Temporary Storage Containers, and Chapter 17.520 – Temporary Use, Special Event, and Temporary Event Permits, fully considering all reports, studies, testimony, and environmental information presented, the City Council, by a vote of 5 to 0, introduced an ordinance approving Zoning Code Amendment P2017-0100-ZCA (the “Ordinance”), as set forth herein below.

1 WHEREAS, on September 11, 2017, the City Council, by a vote of __ to __,
2 adopted the Ordinance as set forth herein below.

3 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
4 CALIFORNIA, RESOLVES AS FOLLOWS:

5 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the
6 Culver City Municipal Code (CCMC), the following required findings for an amendment
7 to the Zoning Code, as outlined in CCMC Section 17.620.030.A, are hereby made:
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9 **1. The proposed amendment ensures and maintains internal consistency**
10 **with the goals, policies and strategies of all elements of the General Plan and**
11 **will not create any inconsistencies.**

12 The proposed Zoning Code Amendment is intended to correct ambiguities and
13 internal consistency across different sections within the Zoning Code Sections
14 specified, in order to improve the implementation and enforcement of the Zoning
15 Code, which implements the goals, objectives, and policies of the General Plan.
16 The existing Zoning Code language addresses the subject of portable storage
17 sheds and temporary storage containers. The proposed amendment will simply
18 provide further clarification, and will provide a more streamlined procedure and
19 practical standards for processing temporary storage container requests. The
20 proposed amendments create internal consistency and guidelines consistent with
21 General Plan Land Use Element Objective 4, *Neighborhood Conditions*; in that by
22 specifying restrictions for portable sheds and storage including size, location, and
23 design, maintains the quality living environment throughout the City. Therefore the
24 proposed Zoning Code Amendment does not conflict with the goals, policies and
25 strategies of any elements of the General Plan, nor create any inconsistencies.
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2 **2. The proposed amendment would not be detrimental to the public**
3 **interest, health, safety, convenience or welfare of the City.**

4 The proposed Zoning Code Amendment will help ensure that the Zoning Code is
5 clear and internally consistent with regard to moveable/portable accessory
6 residential structures. It will also provide for a streamlined process for temporary
7 storage containers proposed under specific criteria. The amendment will serve to
8 improve the implementation and enforcement of the Zoning Code. Further, the
9 proposed amendment will continue to apply specific necessary development
10 standards and restrictions to ensure moveable/portable accessory residential
11 structures and temporary storage containers are allowed and approved in a
12 manner consistent with the orderly and character desired for the City, and in
13 support of the public interest, health, safety, convenience and welfare of the City.
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17 **3. The proposed amendment is in compliance with the provisions of the**
18 **California Environmental Quality Act (CEQA).**

19 Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act
20 (CEQA), Zoning Code Text Amendment (P2017-0100-ZCA) is within the scope of the
21 Culver City General Plan Update Program EIR approved on September 24, 1996
22 (PEIR 1) and the Culver City Redevelopment Plan Amendment and Merger Program
23 Subsequent EIR approved on November 16, 1998 (PEIR 2). The circumstances
24 under which PEIR 1 and PEIR 2 were prepared have not significantly changed and no
25 new significant information has been found that would impact either PEIR 1 or PEIR 2;
26 therefore, no new environmental analysis is required.
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2 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
3 Council of the City of Culver City, California, hereby introduces the Ordinance
4 approving Zoning Code Amendment P2017-0100-ZCA, amending Culver City
5 Municipal Code (CCMC), Title 17 – Zoning Code, Sections 17.400.100 – Residential
6 Uses – Accessory Residential Structures, 17.400.115 – Temporary Storage
7 Containers, and Chapter 17.520 – Temporary Use, Special Event, and Temporary
8 Event Permits, as set forth in Exhibit A attached hereto and made a part thereof.
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10 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
11 take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
12 and 621 of the City Charter, prior to the expiration of fifteen days after the adoption,
13 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in
14 the Culver City News and shall post this Ordinance or a summary thereof in at least
15 three places within the City.
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SECTION 4. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED and ADOPTED this _____ day of _____, 2017.

JEFFREY COOPER, MAYOR
City of Culver City, California

ATTESTED BY:

APPROVED AS TO FORM:

JEREMY GREEN, City Clerk

CAROL SCHWAB, City Attorney

17.400.100 - Residential Uses - Accessory Residential Structures

This Section provides standards for accessory structures allowed in residential zoning districts in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards):

A. General Requirements for Accessory Structures in Residential Zoning Districts.

1. **Relationship of accessory use to the main use.** Accessory uses and structures shall be incidental to and not alter the residential character of the site.
2. **Allowable heights.** The maximum allowable heights of accessory structures are specified in Table 4-4 (Maximum Heights for Accessory Structures in Residential Zoning Districts), below.

Table 4-4
Maximum Heights for Accessory Structures in Residential Zoning Districts

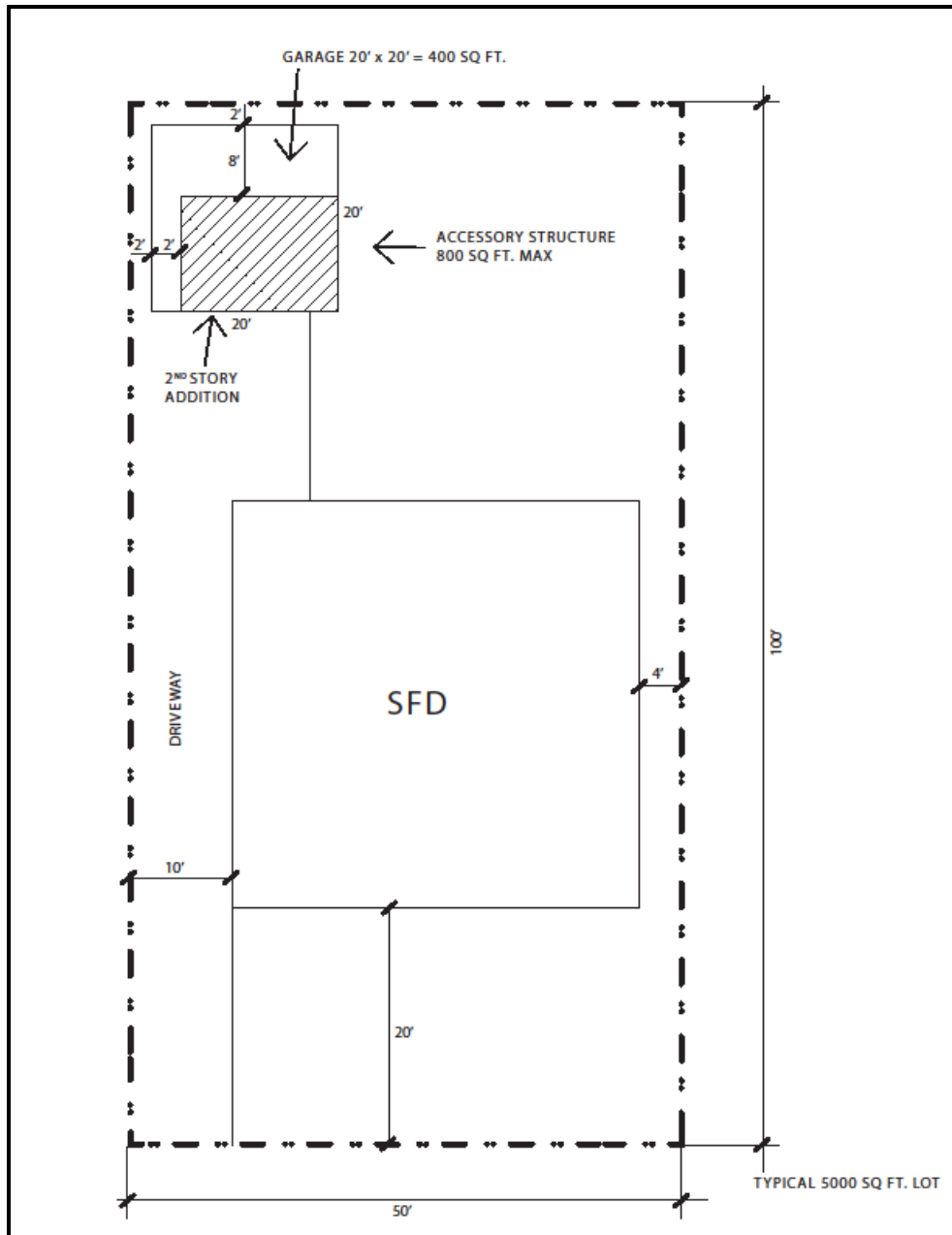
Applicable Zoning District	Maximum Height
Single-Family Residential (R1), Two-Family Residential (R2) and Three-Family Residential (R3) zoning districts.	2 stories and 26 ft
Low density Multiple-Residential (RLD), Medium Density Multiple-Residential (RMD) and High Density Multiple-Residential (RHD) zoning districts.	2 stories and 30 ft

3. Allowable setbacks.

- a. The accessory structure shall have a setback of at least 2 feet from every perimeter property line, except that the setback shall be the same as required for the primary dwelling in the zoning district in which the accessory structure is located whenever the accessory structure:
 - i. Exceeds 12 feet in height; or
 - ii. Is within a setback facing a public street right-of-way.
- b. If the accessory structure is a carport or garage, it shall be set back from a public street right-of-way as necessary to conform with the requirements of Subsection 17.320.035.N. (Special Parking Requirements for Residential Uses).
- c. Exceptions. The following structures are exempt from the accessory structure setback requirements, with a cumulative limit of two (2) maximum of any combination of such accessory structures on one (1) property:
 - i. Movable structures not exceeding 12 feet in height, including children's play equipment, pet shelters, and similar structures, may be placed within a required side or rear setback without limitation on location.
 - ii. Portable storage sheds which are prefabricated, do not exceed eight (8) feet in height if flat roofed, nor twelve (12) feet in height with eaves at a maximum of eight (8) feet for slope roofed, and are up to 120 square feet in area, may be

iii. Trash enclosures may be placed within a required rear or side setback without limitation on location.

Figure 4-10



17.400.115 - Temporary Storage Containers

This Section provides location, development, and operating standards for temporary storage containers, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

- A. Approval by the Director.** Temporary storage containers shall be allowed subject to approval of a Temporary Storage Container application or Temporary Use Permit as required in Chapter 17.520. ~~Use Permit, see Chapter 17.520 (Temporary Use and Special Event Permits) by the Director, and subject to all of the provisions of the applicable zoning district.~~
- B. Applicability.** Temporary storage containers may be allowed if unusual circumstances exist that require the use of a temporary storage container, as determined by the Director. Unusual circumstances include, but are not limited to, construction, business relocation, ~~and~~ natural disasters, and residential rehabilitation activities).
- C. Development Standards for Temporary Storage Containers.**
 - 1. A temporary storage container shall:
 - ~~a. Not be visible from a public street;~~
 - ~~a.b.~~ Not be located in a required parking ~~or landscape area; or, unless a Temporary Use Permit is obtained;~~
 - ~~b.e.~~ Not be located in a landscaped area; unless a Temporary Use Permit is obtained;
 - c. Be located on-site not more than 180 days during any consecutive twelve-month period, ~~unless an extension is granted by the Director.~~
 - d. Require the submittal of a Temporary Use Permit with the Planning Division, in accordance with Chapter 17.520 if proposed for more than 180 days during any consecutive twelve-month period.
 - 2. Fences, walls, and/or landscaping, or other methods approved by the Director shall be required to properly screen the temporary storage container from a public street, right-of-way, or adjacent residential zoning districts.
 - 3. No signs, other than the operating company identification, shall be allowed on a temporary storage container.
 - 4. The use of a temporary storage container for seasonal storage shall be prohibited.

Chapter 17.520 - TEMPORARY USE, SPECIAL EVENT, AND TEMPORARY EVENT PERMITS

Sections:

- 17.520.005 - Purpose
- 17.520.010 - Applicability
- 17.520.015 - Allowed Temporary Uses, Special Events, and Temporary Events
- 17.520.020 - Review Authority
- 17.520.025 - Application Filing and Processing
- 17.520.030 - Conditions of Approval
- 17.520.035 - Development and Operating Standards
- 17.520.040 - Post Approval Procedures

17.520.005 - Purpose

This Chapter provides a process for reviewing proposed temporary uses, special events and temporary events to ensure that basic health, safety, and community welfare standards are met, while approving suitable temporary uses and special events with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A Temporary Use Permit, Special Event Permit, or Temporary Event Permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of their temporary nature. These activities are regulated to avoid incompatibility between the proposed activity and surrounding areas.

17.520.010 - Applicability

- A. Permit Requirement.** A Temporary Use, Special Event Permit, or Temporary Event Permit approved by the applicable review authority shall be required for all uses identified in Section 17.520.015 (Allowed Temporary Uses, Special Events, and Temporary Events), and shall be issued before the commencement of the activity.
- B. Exempt Activities.** The following temporary uses and events are exempt from the requirement for a Temporary Use, Special Event Permit, Temporary Event Permit, and other city approval. Uses other than the following shall comply with Section 17.520.015 (Allowed Temporary Uses, Special Events, and Temporary Events).
 - 1. On-site contractor's construction yards, in conjunction with an approved construction project. The activity shall cease upon completion of the construction project, or the expiration of the companion building permit, authorizing the construction project.
 - 2. Temporary storage containers less than 180 days, subject to approval of a Temporary Storage Container application as provided in CCMC Section 17.400.115.

- ~~3.~~ ~~2-~~ Events which occur in meeting halls, theaters, or other permanent indoor or outdoor public assembly facilities subject to all applicable regulations of the CCMC.
- ~~4.~~ ~~3.~~ Promotional activities related to the primary product lines of a retail business, and similar activities (e.g. book readings and signings at book stores, opening receptions at art galleries).
- ~~5.~~ ~~4.~~ Emergency public health and safety activities.

17.520.015 - Allowed Temporary Uses, Special Events, and Temporary Events

The following temporary uses, special events or temporary events may be allowed, subject to the issuance of a Temporary Use, Special Event Permit, or Temporary Event Permit by the applicable review authority. Uses other than the following shall comply with the use and development regulations and permit requirements that otherwise apply to the property, except uses that are exempt from the provisions of this Chapter in compliance with Section 17.520.010 (Applicability).

A. Allowed Temporary Uses.

- 1. Construction yards.** Off-site contractor construction yards, in conjunction with an approved construction project. The permit shall expire upon completion of the construction project, or the expiration of the companion building permit, authorizing the construction project.
- 2. Residence.** A mobile home as a temporary residence of the property owner when a valid building permit for a new single-family dwelling is in force. The Temporary Use Permit may be approved for up to one year, or upon expiration of the building permit, whichever occurs first.
- 3. Seasonal sales lots.** Seasonal sales activities (for example, Halloween, Christmas) including temporary residence or security trailers, on non-residential properties. The sales activity may be approved for a maximum of 30 days or a length of time determined to be appropriate by the applicable review authority.
- 4. Storage.** Enclosed temporary storage, unrelated to a construction project, or exceeding 180 days, but in no case exceeding. ~~The use may be approved for~~ a maximum of one year. See Section 17.400.115 (Temporary Storage Containers) for specific standards.
- 5. Temporary real estate sales offices.** A temporary real estate sales office may be established within the area of an approved development project, solely for the first sale of homes. A permit for a temporary real estate office may be approved for a maximum of one year.
- 6. Temporary structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 18 months from the date of approval, as an accessory use or as the first phase of a development project.
- 7. Temporary work trailers.** A trailer or mobile home as a temporary work site for employees of a business may be allowed:

- a. During construction or remodeling of a permanent commercial or manufacturing structure, when a valid building permit is in force; or
- b. Upon demonstration by the applicant that this temporary work site is a short-term necessity, while a permanent work site is being obtained.

The permit for a temporary trailer may be granted for up to one year.

- 8. **Similar temporary uses.** Similar temporary uses which, in the opinion of the Director, are compatible with the zoning district and surrounding land uses.

B. Allowed Special Events and Temporary Events.

- 1. **Outdoor events.** The following outdoor events may be allowed:

- a. **Entertainment and assembly events.** Outdoor entertainment and assembly events, including carnivals, circuses, concerts, fairs, farmers' markets, festivals, flea markets, food events, fund-raisers, live entertainment, parades, outdoor sporting events, public relations activities, rummage sales, second hand sales, swap meets and other similar events designed to attract large crowds and which are held on private or public property, for up to 12 days per calendar year or as determined appropriate by the applicable Review Authority.
- b. **Display or exhibit events.** Outdoor display or exhibit events, including art, cultural, and educational displays and arts and crafts exhibits on non-residential properties, when not a part of the established primary use of the site, for up to 12 days per calendar year.
- c. **Outdoor sales events.** Special events related to an existing business with temporary outdoor sale of merchandise in any commercial zoning district, in compliance with the following provisions:
 - i. There shall be no more than 4 sales in any calendar year.
 - ii. Each sale shall be limited to 3 consecutive days.
 - iii. The merchandise displayed shall be that customarily sold on the site.
 - iv. The site is utilized for a permanently established business holding a valid business tax certificate as required.

- 2. **Similar special events.** Similar special events and temporary events, either indoor or outdoor, which, in the opinion of the Director, are compatible with the zoning district and surrounding land uses for up to 12 days per calendar year or as determined appropriate by the applicable Review Authority.

17.520.020 - Review Authority

- A. Director Review.** The Director shall be responsible for the review and approval of all permits for temporary uses, special events, and temporary events not reviewed by the Committee on Permits and Licenses, identified in Section 17.520.015 (Allowed Temporary Uses, Special Events, and Temporary Events), and the extension of these permits.
- B. Committee on Permits and Licenses.** The Committee shall be responsible for the review and approval of all permits for special events and temporary events, unless reviewed by the Director, identified in Section 17.520.015.B. (Allowed Temporary Uses, Special Events, and Temporary Events), and the extension of these permits.