

## ORDINANCE NO. 2018-

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

(Zoning Code Amendment, P2018-0052-ZCA)

WHEREAS, on March 22, 2017, after conducting a duly noticed public hearing on City-initiated Zoning Code Amendment (P2017-0052-ZCA) amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section 17.210.015 – Residential Zoning District land Uses and Permit Requirements, and Zoning Code Section 17.400.095 – Residential Uses – Accessory Dwelling Units, including full consideration of all reports, studies, testimony, and environmental information presented, the Planning Commission adopted, by a vote of 5 to 0, Resolution No. 2016-P006, recommending to the City Council approval of Zoning Code Amendment P2018-0052-ZCA, as set forth herein below; and

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

WHEREAS on July 25, 2018 the Planning Commission conducted a duly noticed public hearing on City-initiated Zoning Code Amendment (P2018-0052-ZCA) to consider further amendments to Zoning Code Section 17.400.095 – modifying the development standards as it relates to accessory dwelling units in compliance with recently adopted State law that went into effect on January 1, 2018. After fully considering all reports, studies,

1 testimony, and environmental information presented, and following conclusion of the public  
2 discussion and thorough deliberation of the subject matter, the Planning Commission  
3 determined, by a vote of 5 to 0, to recommend to the City Council approval of Zoning Code  
4 Amendment P2018-0052-ZCA, as set forth herein below; and

5  
6 WHEREAS, on October 22, 2018, after conducting a duly noticed public hearing  
7 on Zoning Code Amendment P2018-0052-ZCA, including full consideration of the Planning  
8 Commission's recommendation, and all reports, studies, testimony, and environmental  
9 information presented, the City Council, by a vote of \_\_\_ to \_\_\_, introduced an ordinance  
10 approving Zoning Code Amendment, ZCA P-2018-0052-ZCA (the "Ordinance"), as set forth  
11 herein below.

12  
13 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,  
14 CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

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

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

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

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

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

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

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

21                   **SECTION 2.** Pursuant to the foregoing recitations and findings, the City Council of  
22                   the City of Culver City, California, hereby introduces the Ordinance approving Zoning  
23                   Code Amendment ZCA P-2018-052-ZCA amending Culver City Municipal Code (CCMC),  
24                   Title 17 – Zoning (Zoning Code) Section 17.210.015 – Residential Zoning District land  
25                   Uses and Permit Requirements, and Zoning Code Section 17.400.095 – Residential Uses  
26                   – Accessory Dwelling Units as outlined in Exhibit "A" and Exhibit "B," attached hereto and  
27                   incorporated herein by reference.

28                   **SECTION 3.** The City Council hereby declares that, if any provision, section,  
29                   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

1 reason of any preemptive legislation, then the City Council would have independently  
2 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases  
3 or words of this ordinance and as such they shall remain in full force and effect.  
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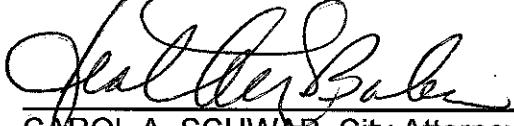
5 APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
6  
7

8  
9 THOMAS AUJERO SMALL, Mayor  
10 City of Culver City, California

11 ATTESTED BY:

12 APPROVED AS TO FORM:

13  
14 JEREMY GREEN, City Clerk

15  CAROL A. SCHWAB, City Attorney  
16 *for*

17 A18-00699  
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Exhibit A

**ZONING CODE AMENDMENT  
P2018-0052-ZCA**

**Proposed Zoning Code Amendment**

The proposed Zoning Code Amendment (ZCA) will amend Section 17.400.095 as follows:

**§ 17.400.095 RESIDENTIAL USES – ACCESSORY DWELLING UNITS.**

This Section establishes the standards for the development of an Accessory Dwelling Unit in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards):

- A. Minimum Lot Size.** A minimum lot size of 5,000 square feet shall be required for the construction, use and maintenance of accessory dwelling units. No minimum lot size shall be required for an accessory dwelling unit located entirely within the an-existing space of a single-family dwelling or accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing single-family dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department, and where no new floor area is created.
- B. Maximum Unit Size.** The maximum permitted unit size, either attached or detached, may be up to 50% of the gross square footage of the primary dwelling unit on the lot, but shall not exceed 600 gross square feet in floor area. There shall not be a maximum unit size when the accessory dwelling unit is located entirely within an existing single-family dwelling or accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing single-family dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department. In no event shall the FAR be exceeded for the primary dwelling unit.
- C. Minimum Unit Size.** The minimum unit size shall be 220 gross square feet. No minimum unit size shall be required for an accessory dwelling unit located within the existing space of a single-family dwelling or accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing single-family dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department.
- D. Zones in which Accessory Dwelling Units may be Constructed.** The construction, use, and maintenance of accessory dwelling units shall only be permitted in Residential Zones indicated in Table 2-3, on lots containing at least one a detached single family dwelling unit. This provision shall not apply to lots containing a duplex or triplex only.

**E. Density.**

1. Except as provided in this Section, no more than one accessory dwelling unit is allowed on a property.
2. Accessory dwelling units shall be prohibited in the hillside areas shown on Map 4-2.

**F. Minimum Room Dimensions.** Minimum room dimensions, including ceiling heights, floor area and width, shall meet the Uniform Building Code regulations in effect at the time of construction.

**G. Location.**

1. Accessory dwelling units may ~~shall~~ be located:

a. either a Attached to, or detached from and on the same lot as, an existing single-family dwelling; ~~located entirely within the living area of an existing dwelling, garage, or accessory structure; or detached from and on the same lot as the existing dwelling,~~ and subject to compliance with front, side, and rear yard setback standards; or

b. Entirely within the existing space of a single-family dwelling or accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing single-family dwelling or accessory structure, and the side and rear setbacks are sufficient for fire safety, as determined by the Culver City Fire Department ~~unless otherwise provided in this Section.~~

2. Unless located entirely within an existing two-story single family dwelling unit, accessory dwelling units shall not be constructed above, or as a second story to, an existing single-story structure, single-family dwelling, garage or other accessory structure.

**H. Parking.**

1. One ~~(4)~~ parking space, which may be uncovered, covered, or tandem, shall be required for an accessory dwelling unit, subject to the minimum parking stall dimensions established by ~~consistent with~~ Section 17.320, except as provided below.
2. When existing off-street parking for the primary dwelling unit is demolished in conjunction with the construction of an accessory dwelling unit, the parking for the primary dwelling unit shall be replaced and provided in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces or tandem spaces, subject to the minimum parking stall dimensions established by ~~in compliance with~~ Section 17.320. Parking required in relation to accessory dwelling units can be located within property setbacks.
3. Parking for an accessory dwelling unit shall not be required if said unit is:

- a. Located ~~wherein the public accessible path to~~ within ½ mile of a public transit stop ~~is no more than one-half mile;~~
- b. Within an architecturally and historically significant historic district;
- c. Located entirely within ~~the an-existing~~ space of a single-family dwelling ~~primary residence—or an-existing~~ accessory structure, ~~where no additional floor area is created;~~
- d. In an area where on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit; or
- e. Located within one ~~(4)~~ block of a car or bike share facility.

**I. Habitability.** Accessory dwelling units shall be fully habitable, and shall include kitchen and bathroom facilities. A maximum of one ~~(4)~~ bedroom shall be permitted per accessory dwelling unit.

**J. Occupancy Restrictions.** Owner occupancy is required for either the primary single-family dwelling or the accessory dwelling unit. Accessory dwelling units may not be sold separately from the primary residence, and may not be used for rentals of terms of 30 days or less.

**K. Setbacks.**

- 1. Any additional floor area created with the construction of a new attached or detached accessory dwelling unit shall abide by the setback requirements of the zone in which it is located. ~~An accessory dwelling unit constructed entirely within the existing floor area of a single-family residence, garage, or accessory structure, which has independent exterior access from the existing residence, and side and rear setbacks that are sufficient for fire safety, as determined by the Culver City Fire Department, shall not be subject to setback standards for new development.~~
- 2. An accessory dwelling unit constructed entirely within the existing space of a single-family dwelling or accessory structure, which has independent exterior access from the existing single-family dwelling or accessory structure, and side and rear setbacks that are sufficient for fire safety, as determined by the Culver City Fire Department, shall not be subject to setback standards for new development. ~~A setback of five (5) feet from the side and rear lot lines shall be provided for an accessory dwelling unit that is constructed above a garage.~~
- 3. ~~Any additional floor area created with the construction of a new attached or detached accessory dwelling unit within an existing single-family residence, garage, or accessory structure shall abide by the setback requirements of the zone in which it is located.~~

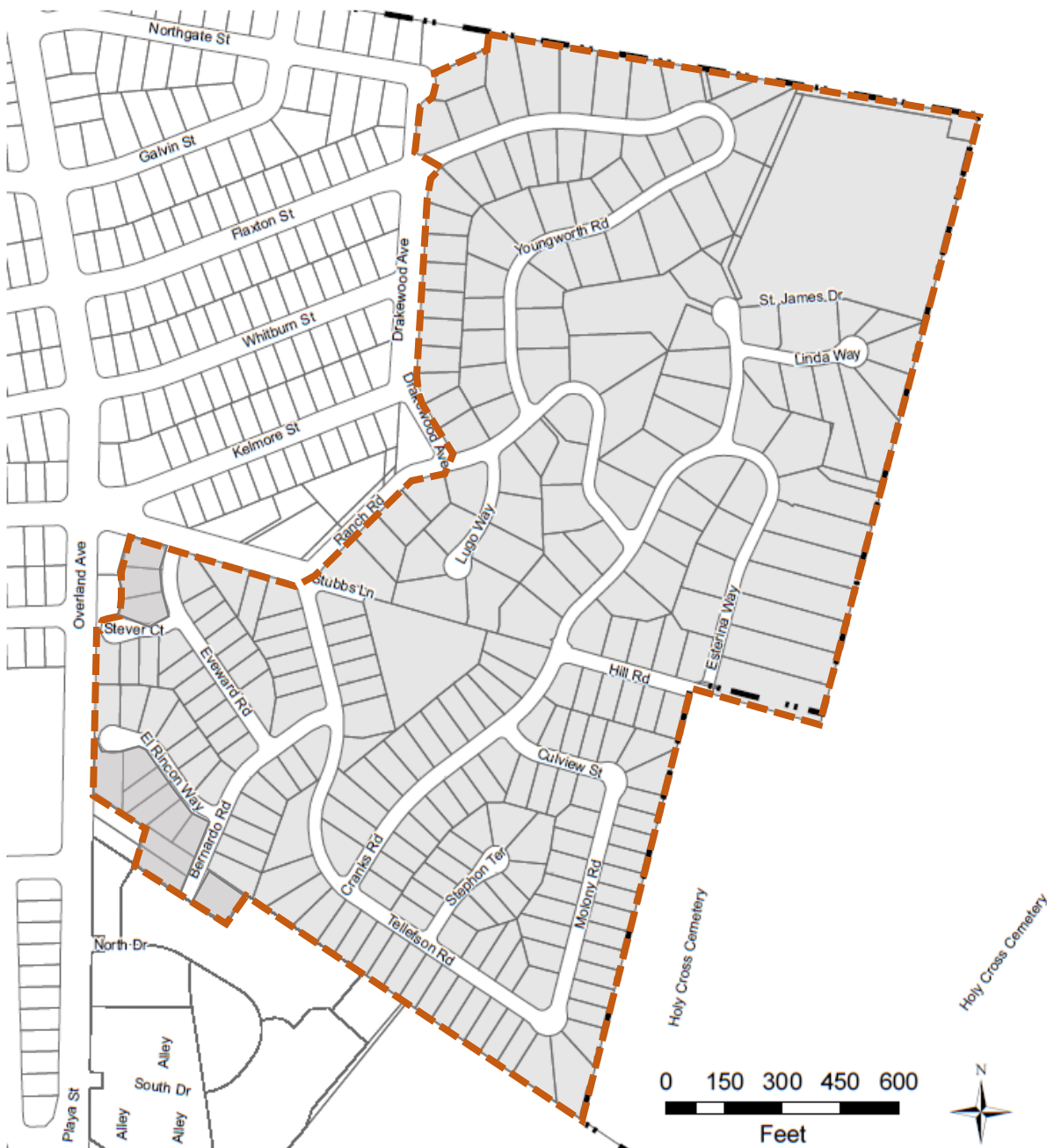
**L. Design Standards.** To encourage design ~~compatible~~ compatibility with the existing primary single-family dwelling and other structures on-site, and to protect the

privacy of adjacent properties, specific design standards may be applicable to the accessory dwelling unit project. This subsection shall not apply to an accessory dwelling unit constructed entirely within the existing space of a single-family dwelling or accessory structure.

**M.** Unless stated in this Section, all other development standards ~~requirements~~ shall apply according to the zone in which the subject property is located; including but not limited to, setbacks, building height, and distance between structures.

**N. Application Process.**

1. Applicant shall submit complete plan sets to the Building Safety Division. In order to be deemed complete, plans shall comply with all current applicable development standards, any applicable Division handout, and any additional information required by the Director in order to conduct a thorough review.
2. Prior to Building Permit issuance, applicant shall submit an Address Assignment Request Fee and Application to the Planning Division.
3. Prior to Building Inspection Final, applicant shall file with the Los Angeles County Recorder's Office a Property Restriction Covenant prepared by the Planning Division.



## Accessory Dwelling Units Prohibited Map 4-2

### Legend

- City Boundary
- ADUS Prohibited

## Exhibit B

The proposed Zoning Code Amendment (ZCA) will amend Section Table 2-2 of Section 17.400.015 as follows:

### § 17.400.015 RESIDENTIAL ZONING DISTRICT LAND USES AND PERMIT REQUIREMENTS.

|  |                             |    |    |          |                                    |          |                               |
|--|-----------------------------|----|----|----------|------------------------------------|----------|-------------------------------|
| <b>TABLE 2-2</b><br>Allowed Uses and Permit Requirements<br>for Residential Zoning Districts |                             |    |    | P        | Permitted Use                      |          |                               |
|  |                             |    |    | CUP      | Conditional Use Permit             |          |                               |
|  |                             |    |    | AUP      | Administrative Use Permit Required |          |                               |
|  |                             |    |    | -        | Use Not Allowed                    |          |                               |
| <b>LAND USE (1)</b>  | Permit Required by District |    |    |          |                                    |          | See Specific Use Regulations: |
|  | R1                          | R2 | R3 | RLD      | RMD                                | RHD      |                               |
| Residential  |                             |    |    |          |                                    |          |                               |
| Accessory Dwelling Units   | P                           | P  | P  | <u>P</u> | <u>P</u>                           | <u>P</u> | 17.400.095                    |