



# City of Culver City

## Staff Report

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**File #:** 18-01148, **Version:** 1

**Item #:** 1.

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**PC: Consideration of a Zoning Code Amendment, P2018-0052-ZCA, amending Zoning Code Section 17.210.015, Table 2-2 and Section 17.400.095 related to the development standards for Accessory Dwelling Units.**

**Meeting Date:** July 25, 2018

**Contact Person/Dept:** **Michael Allen**/Current Planning Manager  
**Christina Nguyen**, Planning Intern

**Phone Number:** (310) 253-5710

**Fiscal Impact:** Yes [ ] No [X]

**General Fund:** Yes [ ] No [X]

**Public Hearing:** [X]

**Action Item:** [ ]

**Attachments:** [X]

**Public Notification:** (Email) Master Notification List (7/5/18); (Posted) City website (7/19/18); (Published) Culver City News on 7/5/18.

**Department Approval:** **Sol Blumenfeld, Community Development Director** (7/12/18)

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### **RECOMMENDATION**

Staff recommends the Planning Commission adopt a resolution (Attachment No. 1) recommending to the City Council approval of Zoning Code Amendment (P2018-0052-ZCA), amending Culver City Municipal Code (CCMC), Title 17 - Zoning Code Section 17.210.015, Table 2-2 - Allowed Uses and Permit Requirements for Residential Zoning Districts and Section 17.400.095, Residential Uses - Accessory Dwelling Units in order to allow Accessory Dwelling Units in compliance with current State housing law.

### **PROCEDURES**

1. Chair calls on staff for a brief staff report and Planning Commission poses questions to staff as desired.
2. Chair opens the public hearing, providing the applicant the first opportunity to speak, followed by the general public.
3. Chair seeks a motion to close the public hearing after all testimony has been presented.
4. Commission discusses the matter and arrives at its decision.

## **BACKGROUND**

### **State Law**

In 2017 and 2018, the State of California enacted a series of new regulations for Accessory Dwelling Units (ADUs) in residential zoning districts in an effort to better address housing demand and affordability across California. These laws went into effect for cities and counties in California on January 1, 2017 and were amended on January 1, 2018:

#### **2017**

Senate Bill (SB) 1069

Assembly Bill (AB) 2299

#### **2018**

Senate Bill (SB) 229

Assembly Bill (AB) 494

The Senate and Assembly Bills referenced above builds upon the default State law passed in 2002, which allows property owners to build ADUs in backyards and other available land on their property. The laws were intended to facilitate the construction of ADU's as a source of affordable housing. The recent bills make significant changes to, and impose additional limitations on, the ability of local municipalities to regulate such units. Notable provisions include mandating that local municipalities ministerially approve ADUs that are created by converting the existing space of a single-family residence or accessory structure, changing the parking requirements for accessory dwelling units, and nullifying local accessory dwelling unit ordinances if they do not fully comply with the newly amended State law. Local municipalities are still authorized to adopt certain additional restrictions as long as the additional restrictions do not conflict with established State law.

### **Existing Culver City Regulations**

In response to the new State law, on March 22, 2017, the Planning Commission adopted Resolution No. 2017-P006 recommending City Council approval of Zoning Code Amendment P2017-0052-ZCA, which was intended to bring existing City regulations on ADUs into compliance with State law. Resolution No. 2017-P006 was further revised by the Planning Commission for clarity and to address community concerns that were previously raised.

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 CCMC Section 17.400.095, and the expanded land use table for Residential Zones set forth in Section 17.210.015. Previously, the City's Zoning Code allowed ADUs to be built with the issuance of an Administrative Use Permit, which is a discretionary action that requires certain findings for approval. In accordance with State law, the Ordinance established that ADU applications shall be processed ministerially and without discretionary review. The Ordinance further reduces existing barriers to the development of ADUs by reducing the minimum lot size requirement and providing a waiver for parking requirements if certain conditions are met.

Subsequently, as part of a study which evaluated various hillside development and construction standards to ensure the public's health and safety, the City's consultant, John Kaliski Architects (JKA) found that hillsides in the Culver Crest Neighborhood are prone to fire, flooding and liquefaction, which conditions are exacerbated by substandard roadway widths that may prevent emergency access and response. Based on these findings, JKA recommended limiting or prohibiting additional density, specifically with respect to the location of ADUs

Based on these recommendations, on December 11, 2017, the City Council adopted Ordinance No. 2017-017, which amended the Zoning Code to prohibit ADUs in certain hillside areas, as set forth in Zoning Code Section 17.400.095.E.2 (Map 4-2).

Since the adoption of these Ordinances, the City has issued 14 building permits for new ADUs and existing building conversions.

**BACKGROUND**

**Proposed Zoning Code Text Amendments**

In order to accommodate technical clarifications and address the clean-up bills adopted by the State, effective January 1, 2018, staff has prepared the following updates to the City’s ADU standards.

Revised Draft ADU Ordinance Specific Standards

Provisions	Amendment
Lot Size	Clarifying no minimum lot size requirement for ADUs located entirely within existing structures.
Unit Size	Clarifying maximum and minimum unit size for attached, detached, and ADUs located entirely within existing structures.
Zoning	Permitted in: R1, R2, R3, <u>RLD, RMD, and RHD</u> (previously only allowed in R1, R2, and R3 Zones).
Parking	• One parking space, which may be covered, <u>uncovered or tandem</u> , shall be required for an ADU. • Off street parking in fulfillment of ADU requirements can occupy setback areas.
Occupancy	The property owner shall reside in either the primary or the accessory dwelling unit onsite.
Location	ADUs shall not be constructed above an existing single-story garage, accessory structure, or single family dwelling.
Application Process	Clarifying the submittal requirements, documents, and process for a ministerial review.

The revised provisions of the ADU ordinance shown in the table above are analyzed below.

**Unit Size**

Consistent with State law, the maximum ADU unit size was clarified to differentiate between the maximum 50% or 600 square foot requirement for new detached/attached ADUs, and no maximum or minimum unit size requirement for ADUs located entirely within an existing accessory structure or single family dwelling unit.

**Allowed Zones**

The primary intent of the new State law is to allow one ADU on lots containing one existing single family unit in single family and multi-family residential zones. Current City regulations only allow ADUs in the R1, R2, and R3 Zones. In compliance with State law, the amendment extends the application of ADUs to the RLD, RMD,

and RHD Zones. This would allow a broader range of housing options for single family homeowners in multifamily zone districts.

### **Parking**

The current ADU ordinance requires parking spaces for ADUs, or replacement parking related to ADUs to be covered, or uncovered, and not located within the property setbacks. ADU applicants, who were unable to meet this standard were deterred from constructing ADUs. Recent amendments to State law addresses parking requirement barriers by removing the option for local municipalities to prohibit off street parking in setback areas, and allowing for uncovered and tandem parking; provided that the parking spaces meet the standards in Zoning Code Section. 17.320.035 - Parking Design and Layout Guidelines.

### **Owner Occupancy**

Preserving neighborhood character is a concern of many city residents. By requiring owner occupancy for either the primary or the accessory unit, the expectation is that homeowners will be more likely to maintain an ADU property if they also reside on the lot; and by limiting ADUs to owner-occupancy, individual speculators are prevented from building multiple units. The proposed amendment, allows for new housing opportunities, while protecting existing neighborhood characteristics.

### **Location**

Since the current Ordinance permits detached ADUs to be built above garages, Staff has processed an increasing number of ADU applications that use this provision to maximize the allowable building height, and to expand on the building floor area. In order to address this development pattern, which may cumulatively impact neighborhood character, staff recommends the construction of ADUs be prohibited above an existing single-story, single-family dwelling, garage, or accessory structure.

### **ENVIRONMENTAL DETERMINATION:**

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

### **MOTION:**

That the Planning Commission:

Adopt the proposed Resolution recommending to the City Council approval of the Amendment P-2018-0052-ZCA regarding Accessory Dwelling Units.

### **ATTACHMENTS:**

1. Planning Commission Resolution
2. Exhibit A - Draft Zoning Code Text Amendments

3. Exhibit B - Table 2-2