



City of Culver City

Staff Report

File #: 19-509, **Version:** 1

Item #: A-3.

CC - Adoption of an Ordinance Amending Title 17, Zoning, of the Culver City Municipal Code (CCMC), Section 17.210.015, Table 2-2 and Section 17.400.095 as it Relates to the Standards and Requirements for Accessory Dwelling Units (P2018-0052-ZCA).

Meeting Date: November 12, 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: []

Action Item: [X]

Attachments: [X]

Public Notification: (Email) Meetings and Agendas - City Council (11/06/18); (Posted) City website (10/18/18); (Published) Culver City News (10/04/18).

Department Approval: Sol Blumenfeld, Community Development Director (10/30/18)

RECOMMENDATION

Staff recommends the City Council adopt an ordinance (Attachment No. 1) approving Zoning Code Amendment (P2018-0052-ZCA), amending Title 17, Zoning, of the Culver City Municipal Code (CCMC), 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.

BACKGROUND/DISCUSSION:

Planning Commission Recommendation

Consistent with the most recent 2018 state law changes, on April 17, 2018, the Planning Commission adopted Resolution No. 2018-P002 recommending to the City Council approval of the Zoning Code Amendment related to ADUs. The Commission further refined the proposed text amendment to include the following clarifications or refinements:

- Added language to ensure the floor area ratio is observed when the ADU is located within an existing primary dwelling unit.

- Clarified that ADUs may not be constructed above, or as a second story to, and existing single-story structure, single-family dwelling, garage or other accessory structure.
- Clarified that ADU parking shall not be required when located within ½ mile of public transit, or located within one block of a car or bike share facility.

City Council First Reading and Introduction

On October 22, 2018, the City Council, after opening public comment and discussing proposed changes, introduced the proposed Ordinance (4-0).

Discussion included deliberation of occupancy, setbacks, location, parking, and ADU size limitations. Subsequently, City Council introduced the proposed Ordinance, after eliminating the proposed location requirements as they relate to the prohibition of ADUs built above garages and accessory structures. In this regard, staff has also clarified in Section K that an ADU constructed above a garage must be setback a minimum of five feet from side and rear lot lines.

It was also requested that City staff seek additional information from the California Department of Housing and Community Development (HCD) as it relates to the separation requirement for an ADU from the primary dwelling unit. HCD indicated that they are silent on the matter of connections between an ADU and dwellings and that the only item of relation in the current law is that an ADU must meet Building Code requirements as it relates to fire walls between two separate dwellings, and the ADU and primary dwelling unit would need to comply with that Code.

The State law, and CCMC define an ADU as an attached or a detached residential dwelling unit which provides complete independent living facilities. This would be evident by a physical, permanent separation between dwelling units. Alternatively, an opening or through passage between an ADU and primary dwelling unit would be considered an expansion/addition to the primary dwelling unit, and would be subject to the development standards applicable to the subject primary dwelling unit based on the zone that it is in. In some cases, the development standards applied to an addition to a dwelling unit may differ than the standards applied to an ADU (i.e. square footage, floor area ratio and parking).

The proposed Ordinance, including the directed changes and clarification, is presented for adoption.

ENVIRONMENTAL DETERMINATION:

Adoption of an Ordinance relating to zoning text amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to several CEQA exemption provisions, including CEQA Guideline Section 15282(h) as set forth in Section 21080.17 of the Public Resources Code that pertains to the adoption of an ordinance regarding accessory dwelling units in a single-family or multifamily residential zone to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code. Per Section 153303(a) of the CEQA Guidelines, the development of second dwelling units is a Class 3 exemption from environmental review. Furthermore Section 15061(b) (3) of the CEQA Guidelines, which provides that where it can be seen with certainty that there is no possibility that a project may have a significant effect on the environment, the project is not subject to CEQA. The Ordinance does not create or substantially alter any existing development standard.

FISCAL IMPACT:

There is no fiscal impact associated with the introduction of the proposed Ordinance.

ATTACHMENTS:

1. Ordinance, including Exhibit A - Draft Zoning Code Text Amendments and Exhibit B - Table 2-2

MOTION:

That the City Council:

Adopt an ordinance approving Zoning Code Amendment P-2018-0052-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.