



City of Culver City

Staff Report

File #: 20-456, Version: 1

Item #: PH-3.

PC: Consideration of a Zoning Code Amendment, P2019-0265-ZCA, Amending the Zoning Code Section 17.400.095 as it Relates to the Standards and Requirements for Accessory Dwelling Units.

Meeting Date: November 13, 2109

Contact Person/Dept: Michael Allen / Current Planning Manager

Phone Number: 310-253-5727

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing: **Action Item:** **Attachments:**

Commission Action Required: Yes No **Date:**

Public Notification: (Posted) City website (11/07/19), (E-Mail) Meetings and Agendas - Planning Commission (11/07/19), (Published) Culver City News (10/24/19).

Department Approval: Sol Blumenfeld, Community Development Director (11/07/19)

RECOMMENDATION

Staff recommends the Planning Commission adopt a resolution (Attachment No. 1) recommending to the City Council approval of Zoning Code Amendment (P2019-0265-ZCA), amending Culver City Municipal Code (CCMC), Title 17 - Zoning Code Section 17.400.095, Residential Uses - Accessory Dwelling Units (ADU), to remove barriers to current standards and in anticipation of new California State standards for accessory dwelling units effective January 2020.

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/DISCUSSION:

In response to the new State law effective 2017, City Council adopted Ordinance No. 2017-007, which established a ministerial review and approval process and refined existing development standards for ADUs found in Section 17.400.095 of the Culver City Municipal Code (CCMC), and the expanded land use table for Residential Zones intended to bring existing City ADU regulations into compliance with State law.

The City Council adopted Ordinance No. 2018-015 including clarifications and refinements to the City’s ADU development standards related to unit size, permitted zoning, parking requirements, occupancy requirements, location and covenant requirements.

To further reduce barriers to the development of ADUs in Culver City and provide additional housing options to address the lack of affordable housing the City Council directed staff to study and present potential amendments to current ADU development standards. Staff surveyed the over 160 existing ADU permits in Culver City and developed the following list of potential amendments that reflect obstacles to ADU project permits or prevented interested property owners from pursuing the conversion of existing space or construction of a new ADU on their property:

| Standard | Barrier | Consideration |
|--|---|---|
| Minimum lot size | Minimum 5,000 square foot lot size has been prohibitive for some single-family zoned properties that range from 4,000 to 4,999 square feet due to original subdivision layout. | Reduce minimum lot size for ADU’s since overall lot coverage or floor area ratios address open space concerns regardless of lot size. |
| Required parking for ADU and/or replacement parking for primary dwelling unit. | Spacing constraints due configuration of existing structures (i.e. primary dwelling unit, garage) make siting/locating off street parking accommodations difficult due to minimum parking stall dimensions and back up requirements. | Eliminate required parking for ADU since most of City is exempt under State law due to proximity to transit, and relax or eliminate required replacement parking for primary dwelling unit due to proximity to transit. |
| Minimum setback requirements | New ADUs (or new floor area) must comply with setbacks of underlying zone, resulting in difficulty due to location of existing structures on property. ADUs above a garage or other accessory structure, 5 foot setback from side and rear property lines, create barrier due to structural requirements. | Relax setbacks for ADUs consistent with setbacks for accessory residential structures. Relax second story ADU setbacks and develop alternative measures to address bulk, mass, and privacy concerns. |

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|---|--|---|
| Distance between structures | Requirements for 8 feet between ADU and primary dwelling unit, and 5 feet between ADU and any accessory structures, create constraint due to location of existing structures on property. | Reduce required distance between structures from five feet to three |
| ADU square footage allowance: Maximum 600 square feet. | Generally not a barrier, however, many have expressed a desire to build larger than 600 square feet. | Establish larger ADU square footage maximum related to lot size, primary dwelling unit size, floor area ratio, etc. |
| Limitation to one bedroom. | Generally not a barrier, however, many have expressed a desire to build ADU with more than one bedroom to support State initiatives to address housing costs and supply. | Allow more than one bedroom to expand potential housing options for families. |
| ADU eligibility for properties with single family dwelling unit only. Properties with a duplex, triplex, etc. only are not eligible for an ADU. | Properties without a detached single family dwelling unit are not eligible for ADU. | Allow ADU on any residential property, regardless of existing development. |
| Owner occupancy and mandatory covenant requirement for either the primary unit or ADU. | Discourages property owners from building ADU's should their future plans include moving but keeping the property for rental purposes. | Eliminate ownership requirement. Explore alternative measures to preserve single family neighborhood character. |
| Mechanical equipment encroaching into setbacks. | Due to site configurations, ADUs are often built to the setbacks, or within existing accessory structures in the underlying zone setbacks. Because of limitations on how far mechanical equipment can encroach into setbacks, siting equipment can be difficult or located in un-slightly areas of the ADU, rather than out of the way and hidden. | Allow mechanical equipment to encroach into setbacks so long as minimum 3 foot life safety clearance is provided. |

In October 2019, the following California State Assembly Bill's 881 and 68, 670, 587, and 671, and Senate Bill number 13, were passed and are effective as of January 1, 2020:

Assembly Bill 881 and 68: Prohibits local agencies from adopting ADU ordinances that impose minimum lot size requirements for ADUs; set certain maximum ADU dimensions; require replacement off-street parking when a "garage, carport or covered parking structure" is demolished or converted to construct the ADU. Notably, the new law allows for an ADU as well as a "junior" ADUs where certain access, setback and other criteria are met. The new law has also explicitly identified opportunities for ADUs in multifamily buildings, including storage rooms, boiler rooms, etc., where building standards are met.

Assembly Bill 670: Prevents homeowners' associations from barring ADUs. Many single-family neighborhoods

in California were established as common-interest developments under the Davis-Stirling Common Interest Development Act. These properties are typically governed by a set of Covenant, Conditions and Restrictions (CC&Rs), which often restrict the types of construction that can occur within and adjacent to a member's home. AB 670 makes unlawful any HOA condition that "prohibits or unreasonably restricts" the construction of ADUs on single-family residential lots.

Assembly Bill 587: Provides that local agencies may now allow ADUs to be sold or conveyed separately from a primary residence if certain conditions are met. This law, is expected to increase the ability of affordable housing organizations to sell deed-restricted ADUs to eligible low-income homeowners.

Assembly Bill 671: Requires local governments to include in their General Plan housing elements plans to incentivize and promote the creation of affordable ADUs.

Senate Bill 13: Owner-Occupancy Prohibitions and Fee Limitations provides, until Jan. 1, 2025, that cities may not condition approval of ADU building permit applications on the applicant being the "owner-applicant" of either the primary dwelling or the ADU. Additionally, agencies cannot impose impact fees on ADUs under 750 square feet.

In response to City Council direction provided on September 23, 2019 to further remove barriers to the development of ADUs in Culver City, and in preparation for the updated ADU laws in January 1, 2020, staff has provided an update to the existing ADU standards in Exhibit A to the draft Resolution.

FISCAL ANALYSIS

There are no fiscal impacts related to this discussion.

ATTACHMENTS

1. Resolution and Exhibit A

MOTION

That the Planning Commission:

1. Approve the attached resolution recommending to the City Council approval of Zoning Code Amendment P-2019-0265-ZCA regarding Accessory Dwelling Units.