



# City of Culver City

## Staff Report

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File #: 20-506, Version: 1

Item #: PH-1.

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**CC - PUBLIC HEARING: Introduction of an Ordinance Amending Zoning Code Section 17.400.095 as it Relates to the Standards and Requirements for Accessory Dwelling Units (P2019-0265-ZCA).**

**Meeting Date:** December 9, 2019

**Contact Person/Dept:** Michael Allen/Current Planning Manager

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

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

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

**Public Hearing:** [X]

**Action Item:** [ ]

**Attachments:** [X]

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (12/03/19); (Posted) City website (12/03/19); (Published) GovDelivery (11/21/19); (Published) Culver City News (11/21/19).

**Department Approval:** Sol Blumenfeld, Community Development Director (11/19/2019)

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### **RECOMMENDATION**

Staff recommends the City Council, after conducting a public hearing, introduce an ordinance (Attachment 1) approving 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. The Mayor seeks a motion to receive and file the affidavit of mailing and posting of public notice.
2. The Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired.
3. The Mayor seeks a motion to open the public hearing and the City Council receives public comment.

4. The Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. The City Council discusses the matter and arrives at its decision.

## **BACKGROUND/DISCUSSION**

In April 2017, in response to the new state law, 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.

Subsequently, in December 2017, the City Council adopted Urgency Ordinance No. 2017-017, designating areas prone to fire, flooding and liquefaction, with conditions that are exacerbated by substandard roadway widths that may prevent emergency access and response. Based on these conditions, particularly the overlap with Very High Fire Hazard Severity Zone, an area where liquefaction of soils needs to be considered, potential for surficial landslides that could close emergency vehicle access and response to portions of the community, and substandard street rights-of-way that may constrain emergency response during hazard events, ADUs were prohibited in areas identified in Map 4-2 (See Attachment 1) in order to preserve public health, safety and welfare.

In November 2018 additional clarifications and refinements to the City's ADU development standards were adopted by City Council Ordinance No. 2018-015 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. On September 23, 2019, staff presented findings from the over 160 existing ADU permits in Culver City and developed a list of potential amendments that reflected 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. (See Attachment 2 for the September 23, 2019 City Council staff report.)

In October 2019, California State Assembly Bills 68, 587, 670, 671 and 881, and Senate Bill number 13, were passed and are effective as of January 1, 2020. The following is a summary of each of these Bills:

Assembly Bills 68 and 881: 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" ADU (JADU) 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 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 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 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 proposed Ordinance (See Attachment 1).

### **Planning Commission Recommendation**

On November 13, 2019, the Planning Commission considered Resolution No. 2019-P012 recommending to the City Council approval of the Zoning Code Amendment related to ADUs. (See Attachment 3 for November 13, 2019 Planning Commission staff report.) The Commission took no action on the proposed Resolution and expressed concern regarding impacts of the new state law on the character of the existing single-family residential zone. The Commission passed a motion to defer any decision on the Zoning Code Amendment to the City Council and provided the following refinements to the recommended standards:

- Reduce maximum unit size for two or more-bedroom units from 1,200 square feet, to 1,000 square feet.
- Eliminate the provision allowing separate conveyance of an ADU.
- Increase the required side and rear yard setback from 2 feet to 4 feet and modify the CCMC side and rear yard setback standards for accessory residential structures and garages from 2 feet to 4 feet.

Note, the above modifications are within the discretion of the City, and the Zoning Code Text Amendment, with such modifications, will remain consistent with state law.

### **Proposed Zoning Code Text Amendments**

In order to further remove barriers to the development of ADUs in Culver City and address the recent bills adopted by the State, effective January 1, 2020, staff has prepared the following updates to the City’s ADU standards (which includes the above modifications recommended by the Planning Commission):

<b>Lot Size:</b>	Remove minimum lot size requirements.
<b>Unit Size:</b>	Attached ADUs: Maximum 850 s.f. (one-bedroom), 1,000 s.f. (two or more-bedroom); or  50% floor area of primary dwelling unit.  Detached ADUs: Maximum 850 s.f. (one-bedroom), 1,000 s.f. (two or more-bedroom).  Minimum Unit Size of 150 s.f. (efficiency unit), and at no time shall at least an 800 s.f. ADU be allowed*.  <i>*Note: City staff has requested clarification from the California State Department of Housing and Community Development regarding the potential conflict between the allowance of a maximum floor area of 50% of the primary dwelling unit and prohibition of limiting an attached ADU to less than 800 s.f. when 50% results in less than 800 s.f.</i>
<b>Location:</b>	Permitted in any residentially zoned property, inclusive of multi-family residential as part of a mixed-use development
<b>Occupancy:</b>	Owner occupancy requirement removed. Separate conveyance of ADU still prohibited.
<b>Density:</b>	One ADU per lot; except:  1 ADU + 1 JADU (defined by State law) all within/attached to existing primary dwelling unit; or  1 ADU + 1 JADU (defined by State law) detached from primary dwelling unit  Multi-Family Dwelling – 25% of originally permitted units within existing space, and maximum of 2 detached ADUs
<b>Parking:</b>	Parking requirements removed.
<b>Habitability:</b>	Limitation to one-bedroom removed.
<b>Setbacks:</b>	First story reduced to four-foot setback from side and rear yard.  Second story reduced to four-foot setback from side and rear yard.  Front yard setback established by underlying zone.
<b>Design Standards:</b>	Removed.
<b>Application Process:</b>	Removed covenant requirement.

**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 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.

### **FISCAL IMPACT**

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

### **ATTACHMENTS**

1. 2019-12-09\_ATT - Proposed Ordinance with Exhibit A (Zoning Code Amendment)
2. 2019-12-09\_ATT - September 23, 2019 City Council Report
3. 2019-12-09\_ATT - November 13, 2019 Planning Commission Report

### **MOTION**

That the City Council:

Introduce an ordinance approving Zoning Code Amendment P-2019-0265-ZCA amending Culver City Municipal Code (CCMC), Title 17 - Zoning Code Section 17.400.095, Residential Uses - Accessory Dwelling Units, to remove barriers to current standards and in anticipation of new California State standards for accessory dwelling units effective January 2020.