



# City of Culver City

## Staff Report

File #: 20-964, Version: 1

Item #: PH-2.

**CC - PUBLIC HEARING: Introduction of an Ordinance Approving a Zoning Code Amendment, Amending Various Sections of the Culver City Municipal Code, Title 17: Zoning Code, Related to Residential Development Standards, Family Daycare Homes, Commercial Setbacks Abutting Alleys, Parking Requirements, and Smoking in Outdoor Dining and Retail Areas.**

**Meeting Date:** June 22, 2020

**Contact Person/Dept:** Michael Allen/Current Planning Manager  
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**Phone Number:** (310) 253-5727 / (310) 253-5757

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**

**Action Item:**

**Attachments:**

**Planning Commission Action Required:** Yes  No  **Date:** 4/22/2020

**Public Notification:** Public Notification: (E-Mail) Meetings and Agendas - City Council (6/04/2020) and (06/18/2020); (Posted) City Website (05/14/2020); Gov Delivery (05/14/2020); (Published) Culver City News (05/14/2020).

**Department Approval:** Sol Blumenfeld, Community Development Director (06/11/2020)

### **RECOMMENDATION**

Staff recommends the City Council introduce an Ordinance approving a Zoning Code Amendment amending various sections of the Culver City Municipal Code (CCMC), Title 17: Zoning Code, related to residential development standards, family daycare homes, commercial setbacks abutting alleys, parking requirements, and smoking in outdoor dining and retail areas.

### **PROCEDURES**

**The following procedures were completed at the meeting of June 8, 2020:**

1. The City Council adopted a motion to receive and file the affidavit of publication and posting of the public hearing notice.
2. The City Council opened the public hearing and continued it to June 22, 2020.

**The following procedures are to be completed at the meeting of June 22, 2020:**

1. The Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired.
2. The Mayor announces the public hearing was opened on June 8<sup>th</sup> and continued to June 22<sup>nd</sup>, and the City Council receives public comment.
3. The Mayor seeks a motion to close the public hearing after all testimony has been presented
4. The City Council discusses the matter and arrives at its decision

**BACKGROUND**

The Current Planning Division has identified several unintended discrepancies in the Zoning Code that require corrections and updating. These include:

1. Family Day Care Home Related Amendments
  - Family Daycare Home Regulations: Provide consistency with State law.
2. Residential Standards Related Amendments
  - Residential Basements in R1: Permit basement allowances consistently through all residentially zoned areas;
  - Front Building Setback Area: Clarify paving standards for pedestrian pathways in residential front yard setbacks;
  - Minimum Building Separation: Clarify minimum distances between detached primary dwelling units and accessory dwelling units;
  - Parking: Update parking ratio for single room occupancy units consistent with micro units.
3. Commercial and Industrial Related Amendments
  - Building Setbacks: Provide consistent application of alley credits for building setback requirements for mixed use and commercial structures;
  - Outdoor Dining Areas: Allow outdoor dining in Industrial Zones.
4. Smoking Regulation Related Amendments.
  - Outdoor Dining and Retail Displays Areas: Provide consistent smoking regulations in outdoor dining retail display areas.
5. Commercial Parking Related Amendments
  - Parking Exclusive Use: Establish exclusive on-site parking use.
  - Wheel Stops: Eliminate use of wheel stops.

On April 22, 2020, the Planning Commission recommended the City Council adopt the comprehensive Zoning Code Amendment with a minor revision. To provide consistency in terminology in the Zoning Code, the Planning Commission modified the reference to “residential maximum area” to be referenced as “floor area” as it relates to basements in residential zones. This revision is reflected in the proposed Ordinance.

## **DISCUSSION**

### ***Recommendations Related to Family Day Care Homes***

Senate Bill 234 (SB 234), signed into law on September 5, 2019, amended the California Health and Safety Code relating to Family Day Care Homes. SB 234 requires local jurisdictions to consider Family Day Care Homes, large and small, solely as residential uses subject to only those restrictions that apply to other residential uses of the same type in the same zone. The recommended amendments to the Zoning Code relating to Family Day Care Homes will result in compliance with SB 234

Amendments to the land use tables list Day Care Homes as an allowed residential use in all zones that allow such a use. Further, it eliminates Family Day Care Homes from the Service portion of the land uses tables. In commercial zones residential uses are only allowed as part of mixed-use developments and Family Day Care Homes will also be subject to the same restriction. Parking amendments result in Family Day Care Homes subject to the same parking requirements as other residential uses of the same type (single, two, three, and multifamily homes and mixed use). Amendments to the definitions are consistent with the State law definitions.

The elimination of the Child Daycare Centers standards stated in Article 4 are required because these standards only address Large Family Daycare Homes which cannot be regulated with Zoning standards pursuant to SB 234. State regulation and licensing of Child Daycare Homes will continue.

### **Family Day Care Home Recommended Amendments**

The Zoning Code Amendment includes amendments to the following Zoning Code Sections relating to Family Day Care Homes:

**Section 17.210.015.A.Table 2-2 (Allowed Uses and Permit Requirements for Residential Zoning Districts):** Allows large and small family day care homes by right in all residential zoning districts.

**Section 17.220.015.A.Table 2-5 (Allowed Uses and Permit Requirements for Commercial Districts):** Allows large and small family day care homes by right in all commercial zoning districts, with the exception of CRR and CRB districts.

**Section 17.260.035.C.Table 2-11 (Allowed Uses and Permit Requirements for the East Washington Boulevard Overlay):** Allows large and small family day care homes by right in the East Washington Boulevard Overlay zone.

**Section 17.320.020.H.Table 3-3B (Parking Requirements by Land Use):** Adds large and small family day care homes to the parking table for residential and commercial districts.

- **Section 17.400.035 (Child Day Care Facilities):** This Section is recommended for deletion.

**Section 17.700.010 (Definitions):** Modifies definitions for Child Day Care Facilities, including Large Family Day Care Home and Small Family Day Care Home.

(See Exhibit A of Attachment 1 for detailed amendments.)

### ***Recommendations Related to Residential Standards***

The proposed amendments address a series of Zoning standards related to residential uses that will result in more consistent language regarding basements, Accessory Dwelling Unit and Accessory Residential Structure separation from primary dwelling units, pedestrian pathways in the front setback area, and Single Room Occupancy parking requirements.

The R1 Zone currently establishes a maximum dwelling size of a 60% Floor Area Ratio (FAR) including a basement allowance. Basements complying with the Zoning Code basement definition are not counted towards FAR in the R1 Zone. The proposed amendment extends the allowance to the R2 and R3 Zones that also have maximum dwelling size limits.

The structure separation amendment extends the 5-foot separation for accessory residential structures such as garages and tool sheds, to accessory dwelling units (ADUs). ADUs are sometimes built on top of garages or to the side of garages as separate structures. Although ADUs are habitable units, their minimal size and allowance beyond Zoning density maximums, renders them “accessory” to primary dwellings. The 5-foot distance will result in consistent separation standards for both ADUs and garages and conforms to the building separation requirements in the building code.

The Zoning Code currently restricts front setback paving to a maximum of 25% for the R1, R2, and R3 Zones to accommodate driveways. The remaining 75% must be landscaped. A larger paved area is permitted for a driveway leading to a garage in the front because in those cases, a driveway needs to be at least 16 feet wide. The Code is silent for paved pedestrian pathways leading from the sidewalk to the front door and in cases where a 16-foot wide driveway is required, the 25% maximum limit precludes the ability to provide such pathways. The amendments to those portions of the landscaping and off-site Zoning Code sections governing the 25% paving limit allow additional pedestrian pathway paving. The pathway is limited to 4-feet in width and requires a minimum 3-foot landscaped separation between the driveway and the pathway, thereby assuring the largest landscape area possible in the front setback.

The SRO parking amendment of 0.5 spaces per unit with no parking required if located in the TOD District is compatible with the recently adopted parking requirements for micro studio units. The Code required micro unit area range is 350 to 500 square feet and requires only 0.5 spaces per unit. An SRO unit measures 200 to 350 square feet and requires 1 parking space, the same as studio units which are larger than both SROs and micro units. Adoption of SRO standards predate the micro unit amendments and because SRO units are smaller than micro units the parking standard should be the same for both.

### **Residential Standards Recommended Amendments**

**Section 17.210.020 Table 2-3 (Residential Districts Development Standards (R1, R2, R3):**  
Extends the allowance for basements in FAR to the R2 and R3 Zones that also have maximum dwelling size limits. Also, modifies requirements for minimum distance between

structures.

**Section 17.210.020 Table 2-4 (Residential District Development Standards (RLD, RMD, RHD):** Modifies requirements for minimum distance between structures.

**Section 17.310.020.A (Landscape Area Requirements - Setbacks):** Modifications to landscaping requirements to allow additional pedestrian pathway paving.

**Section 17.320.035.N.2 (Special Parking Requirements for Residential Uses):** Modifications to requirements to allow additional pedestrian pathway paving.

**Section 17.320.020 Table 3-3A (Parking Requirements by Land Use):** Changes to parking requirements for single room occupancy units.

**Section 17.400.106.G (Single Room Occupancy Units):** Changes to parking requirements for single room occupancy units.

(See Exhibit A of Attachment 1 for detailed amendments.)

### **Recommendations Related to Commercial & Industrial Standards & Uses**

Current zoning setback requirements for non-mixed-use commercial developments in both the commercial and industrial zones allow the width of an alley to be credited towards the setback requirement for those developments abutting alleys adjacent to residential zones. This differs from the standard for a mixed-use commercial development that allows only half the alley width to be credited towards an alley frontage setback adjacent to a residential zone. The half width alley standard shifts the mixed-use development further from a residential neighborhood than a non-mixed-use development of similar massing. The amendment ensures the same separation from residential zones for both mixed-use and non-mixed-use commercial developments (e.g. 10 feet of a 20-foot-wide alley separating a proposed development from residential may be credited towards the development setback requirement from residentially zoned properties).

The Industrial Zones allow restaurant uses like commercial zones yet do not list outdoor dining as an allowed use. The proposed amendment allowing outdoor dining in Industrial Zones will make the Industrial Zones consistent with other zones that allow both restaurants uses and outdoor dining ancillary to a restaurant.

### **Commercial and Industrial Recommended Amendments**

The Zoning Code Amendment includes the following amendments relating to commercial and industrial zones:

**Section 17.230.015.A Table 2-8 (Allowed Uses and Permit Requirements for Industrial and Special Purpose Zoning Districts):** Allows outdoor dining in industrial and special purpose zoning districts with an Administrative Use Permit.

**Section 17.220.020 Table 2-6 (Commercial District Development Standards, CN, CG, CC,**

**CD):** Modifies the allowance of setback credits for alleys.

**Section 17.220.020 Table 2-7 (Commercial District Development Standards, CRR, CRB):** Modifies the allowance of setback credits for alleys.

**Section 17.220.020 Table 2-9 (Industrial District Development Standards):** Modifies the allowance of setback credits for alleys.

(See Exhibit A of Attachment 1 for detailed amendments.)

### **Recommendations Related to Smoking Regulations in Outdoor Dining & Retail Areas**

The proposed amendments to Outdoor Dining require compliance with the smoking regulations in Chapter 9.11 assuring consistency with smoking restrictions within Outdoor Dining Areas. Chapter 9.11 makes specific reference to Outdoor Dining but does not have similar language for Outdoor Retail Sales and Display. The amendment to the Outdoor Retail section requires Outdoor Retail Sales and Display to comply with the regulations pertaining to Outdoor Dining Areas as set forth in Chapter 9.11. Chapter 9.11 of the CCMC regulates smoking in outdoor spaces and amendments to the Zoning Code sections governing outdoor dining and outdoor retail sales and display will reference Chapter 9.11.

#### **Outdoor Dining and Retail Zoning Recommended Amendments**

The Zoning Code Amendment includes the following additions to the Zoning Code relating to smoking regulations in outdoor dining and retail areas:

**Section 17.400.070.D (Conformance with Chapter 9.11: Smoking Regulations):** New section requiring outdoor dining areas to comply with CCMC Chapter 9.11, Smoking Regulations.

**Section 17.400.075.B (Conformance with Chapter 9.11: Smoking Regulations):** New section requiring outdoor retail sales and display areas to comply with CCMC Chapter 9.11, Smoking Regulations.

(See Exhibit A of Attachment 1 for detailed amendments.)

### **Recommendations Related to Parking Regulations**

The proposed amendments establish that all on-site parking in the city is assumed to be for the exclusive use of the site the parking is located on. Exceptions are made if previous agreements allow off-site uses to access the parking or if new agreements are made pursuant to the Zoning Code's alternative parking provisions that allow off-site or shared parking with a covenant. The amendments also prevent a developer from claiming that parking can be used for an off-site use because there is no record of the on-site parking established for use by the site the parking is located on.

The proposed amendments also eliminate wheel stops along property line edges of commercial developments to ensure that these edges will either be treated with a continuous, 2-foot wide landscaped area or with a raised curb strip. Additionally, the space between the property line and wheel stop creates an area where debris can accumulate, and a continuous 2-foot wide curbing will reduce the potential for that accumulation.

### Parking Regulation Recommended Amendments

The Zoning Code Amendment includes amendments to the following Zoning Code Sections relating to parking regulations:

**Section 17.320.015.H (Off-street On-Site Parking Exclusive Use):** New section clarifying that, with certain exceptions, all off-street on-site parking is for the exclusive use of the development, uses, and/or structure(s) that are located on the property that the on-site parking is located.

**Section 17.320.035.D.1 (Curbing and Wheel Stops):** Amending heading and section to eliminate the use of wheel stops as an alternative to curbing

**(See Exhibit A of Attachment 1 for detailed amendments.)**

### **Summary**

Proposed amendments will clarify various sections of the Zoning Code, create consistency for various standards, and makes the code consistent with state law. Staff believes findings can be made and recommends the City Council adopt the amendments.

### **Public Notification**

CCMC Section 17.630.010 requires public notification via a publication in the Culver City News, a minimum of fourteen (14) days prior to the formal Public Hearing. Accordingly, a public notice was published on May 14, 2020. In addition, the public notice was posted on the City website and distributed electronically on the same day. As of the writing of this report, staff has not received any public comments, in writing or in any other form, in response to the public notice.

### **Environmental Determination**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b) (3), the proposed Project is exempt, because it can be seen with certainty that there is no possibility that the Project will have a significant effect on the environment. The Project by itself, does not result in any physical changes in the environment because it only clarifies and updates various discrepancies in the Zoning Code, and does not result in changes to existing land use, density or an intensification of development beyond what the Zoning Code currently allows. Future, projects incorporating the

amendments specified will be reviewed individually pursuant to CEQA as may be applicable.

### **FISCAL ANALYSIS**

There is no fiscal impact associated with the adoption of the proposed ordinance.

### **ATTACHMENTS**

1. 2020-06-08\_ATT - Proposed Ordinance including Exhibit A - Proposed Zoning Code Text Amendments
2. 2020-06-08\_ATT - Planning Commission Resolution No. 2020-P005 with Exhibit A: Proposed Zoning Code Text Changes
3. 2020-06-08\_ATT - Planning Commission Minutes for April 22, 2020

### **MOTION**

That the City Council:

Introduce an Ordinance approving Zoning Code Amendment P2020-0078-ZCA, amending various sections of Title 17, Zoning, of the Culver City Municipal Code related to residential development standards, family daycare homes, commercial setbacks abutting alleys, parking requirements, and smoking in outdoor dining and retail areas.