



# City of Culver City

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## Staff Report

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**File #:** 19-156, **Version:** 2

**Item #:** PH-3.

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**CC - PUBLIC HEARING:** Introduction 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:** October 22, 2018

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

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

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☒

**Action Item:** ☐

**Attachments:** ☒

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

**Department Approval:** Sol Blumenfeld, Community Development Director (10/17/18)

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### **RECOMMENDATION**

Staff recommends the City Council, after conducting a public hearing, introduce an ordinance (Attachment No. 1) approving 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. The Mayor seeks 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 declare the public hearing open 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**

### **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 was 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 in effect and 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 previously hampered by many municipalities that consequently added cost-prohibitive local regulations to discourage the construction of ADUs. The recent bills make significant changes to the ability of local municipalities to regulate such units. Notable provisions include mandating that local municipalities allow an accessory dwelling unit that is created by converting existing space on any single-family and multi-family zoned property, changes to 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 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 as it intends 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 adopted Ordinance No. 2017-007, which amended the review process and development standards for ADUs found in Section 17.400.095 of the Culver City Municipal Code, and the expanded land use table for Residential Zones. 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.

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

### **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.

### **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**

<b>Provisions</b>	<b>Amendment</b>
<b>Unit Size</b>	Clarifying maximum unit size for attached, detached, and ADUs located entirely within existing structures.
<b>Zoning</b>	Permitted in: R1, R2, R3, <u>RLD, RMD, and RHD (previously only allowed in R1, R2, and R3 Zones).</u>
<b>Parking</b>	<ul style="list-style-type: none"> <li>• One parking space, which may be covered, <u>uncovered, and, or tandem</u> shall be required for an ADU.</li> <li>• Off Street Parking in fulfillment of ADU requirements can occupy setback areas.</li> </ul>
<b>Occupancy</b>	The property owner shall reside in either the primary or the accessory dwelling unit onsite.
<b>Location</b>	ADUs are prohibited on the second floor of a garage, accessory structure, and single family dwelling; with the exception of ADUs that are constructed entirely within the existing floor area of a single family dwelling.

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 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 regulation only allow ADUs in the R1, R2, and R3 Zones. In compliance with State law, the amendment extends the application of ADU 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 provide the parking as specified by these standards were deterred from the process. 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 tandem parking; provided that the parking spaces meet the standards in Section. 17.320.035 - Parking Design and Layout Guidelines of the Culver City Municipal Code.

### **Owner Occupancy**

A common community concern is that ADU development may impact existing neighborhood characteristics if the properties with ADUs are not properly maintained by owners and/or renters. Another concern is attributed to individual speculator practices, who may purchase and develop multiple homes with ADUs, thus aligning with the former issue by altering the characteristics of low density neighborhoods. By requiring that the homeowner must occupy either the primary or the accessory unit, the expectation is that homeowners will be more likely to maintain and upkeep the property if they also reside there; and by limiting ADUs to owner-occupancy, individual speculators are prevented from building multiple units. This amendment which allows for new housing opportunities, while protecting the existing neighborhood characteristics is consistent with the Land Use Element of the Culver City General Plan and in compliance with state law.

### **Location**

Since the current ordinance permits detached ADUs to be built above garages, planning staff has observed an increase in ADU applications that use this provision to maximize the allowable building height, and to expand on the building floor area. In order address this growing pattern which may accumulatively impact existing neighborhood characteristics; ADUs will be prohibited on the second floor of existing single family dwellings, garages, and accessory structures. The only exception will be the construction of ADUs entirely within the existing building floor area of an existing single family dwelling.

### **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.

**MOTION:**

That the City Council:

Introduce 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.

**ATTACHMENTS:**

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