



# City of Culver City

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## Staff Report

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**File #:** 20-289, **Version:** 1

**Item #:** A-6.

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**CC - (1) Discussion of a Zoning Code Amendment to Modify the City's Existing Accessory Dwelling Unit (ADU) Standards; and (2) Direction to the City Manager as Deemed Appropriate.**

**Meeting Date:** September 23, 2019

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

**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 (09/17/19), (E-Mail) Meetings and Agendas - City Council (09/17/19).

**Department Approval:** Sol Blumenfeld, Community Development Director (09/12/19)

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### **RECOMMENDATION**

Staff recommends the City Council (1) discuss a potential Zoning Code Amendment to modify the City's existing accessory dwelling unit standards; and (2) provide direction to the City Manager as deemed appropriate.

### **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 regulations on ADUs into compliance with State law.

Further refinements to State Law effective 2018 resulted in City Council adopted Ordinance No. 2018-015 (Attachment 1) which included the following clarifications or refinements to the City's previously adopted ADU development Standards:

Provisions	Amendment
<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</u> , <u>RMD</u> , and <u>RHD</u> (previously only allowed in R1, R2, and R3 Zones).
<b>Parking</b>	<ul style="list-style-type: none"> <li>One parking space, which may be covered, <u>uncovered</u>, and, <u>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>	ADU's are prohibited on the second floor of a garage, accessory structure, and single family dwelling; with the exception of ADU's that are constructed entirely within the existing floor area of a single family dwelling.
<b>Covenant Requirement</b>	Prior to Building Inspection Final, a Property Restriction Covenant to be recorded with the Los Angeles County Recorder's Office is required to establish the secondary unit as the ADU not subject or conforming to the underlying zoning standards, ensure ADU is maintained as a fully functioning dwelling unit compliant with local and State Law, and ensure future buyers are informed that the property is not a multi-family property/duplex.

The City Council has requested staff to further study and present potential amendments to existing ADU development standards in order to further reduce the barriers to the development of ADUs in Culver City, provide additional housing options and to address the overall housing supply in the City.

Staff has surveyed all existing ADU permits (over 120 since 2017) and developed the following list of potential amendments that City Council may want to consider. The potential amendments involve obstacles with development standards and site configurations that make permitting an ADU more difficult or prevent the potential conversion of existing space into an ADU or the construction of a new ADU.

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.	Eliminate/reduce minimum lot size. Requirements for overall lot coverage or floor area ratios will help address the preservation of lot open space or permeable surface.
Required parking for ADU and/or replacement parking for primary dwelling unit.	Constraints due to configuration of existing structures (i.e. primary dwelling unit, garage) make siting/locating off street parking difficult with minimum parking stall dimensions and back up requirements.	Eliminate required parking for ADU since most of City is already exempt under State law due to proximity to transit. Relax or eliminate required replacement parking for primary dwelling unit due to proximity to transit consistent with State law.
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 design 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.
Distance between structures	Requirements for 8-foot separation between ADU and primary dwelling unit, and 5-foot separation between ADU and any accessory structures, create constraint due to location of existing structures on property and compliance with setbacks.	Reduce required distance to three feet for standard life safety access; or require ADU to be attached if separation requirements are prohibitive.
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. ADU maximum square footage may be 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, including eligibility for an ADU on properties supporting only a duplex, or triplex.
Owner occupancy requirement for either the primary or ADU.	Discourages property owners from building ADU should their future plans include moving but keeping the subject property as income property.	Eliminate ownership requirement. Explore alternative measures to preserve character of single family neighborhoods (i.e. design standards related to bulk and massing, window placement, exterior balconies, and rooftop balconies).
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 unsightly 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 from the property line.

## FISCAL ANALYSIS

There are no fiscal impacts related to this discussion.

## ATTACHMENTS

1. 2019-09-23\_ATT - Existing ADU Ordinance

**MOTION**

That the City Council:

1. Discuss potential Zoning Code Amendment to modify the City's existing accessory dwelling unit standards; and
2. Provide direction to the City Manager as deemed appropriate.