



# City of Culver City

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## Staff Report

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**File #:** 21-882, **Version:** 1

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### **..title**

**PC- PUBLIC HEARING: Consideration of a City-Initiated Zoning Code Amendment Clarifying Development Standards for the Single-Family (R1) Residential Zone, Accessory Dwelling Units (ADUs), and Micro-Units.**

**Meeting Date:** April 28, 2021

**Contact Person/Dept:** Michael Allen/Current Planning Manager  
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**Fiscal Impact:** Yes ☐ No ☒ **General Fund:** Yes ☐ No ☒

**Public Hearing:** ☒ **Action Item:** ☐ **Attachments:** ☒

**Public Notification:** (E-Mail) Meetings and Agendas - Planning Commission (4/22/21); (Posted) City Website (04/01/21); Gov Delivery (04/01/21); NextDoor (04/01/21); (Published in) Culver City News (04/01/21).

**Department Approval:** Sol Blumenfeld, Community Development Director (04/14/2021)

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### **RECOMMENDATION:**

Staff recommends the Planning Commission adopt a resolution recommending to the City Council approval of a Zoning Code Text Amendment clarifying development standards for the Single-Family (R1) Residential Zone, Accessory Dwelling Units (ADUs), and Micro-Units.

### **PROCEDURES:**

1. Chair calls on staff for a brief staff report and the Planning Commission poses questions to staff as desired.
2. Chair opens the public hearing and receives comments from 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**

The purpose of the proposed Zoning Code Amendment is to clarify existing zoning development standards for the Single Family Residential (R-1) Zone, Accessory Dwelling Units (ADUs), and Micro-Units in Mixed-Use projects to streamline the review and approval process.

On January 1, 2020, City Council adopted Zoning Code Amendments to modify development standards for Accessory Dwelling Units (ADUs) to address changes in State law as well as further remove barriers to the development of ADUs. The amendment relaxed regulations to allow larger ADUs, narrower setbacks, and overall, more flexible configurations for ADUs in all residential zones in accordance with the State policy of encouraging ADU construction.

On July 12, 2020, City Council adopted Zoning Code Amendments to modify development standards for the Single-Family Residential (R-1) Zone. The amendment was prompted by community concerns regarding new home construction that was larger in mass and bulk than typical older homes. The amendment was adopted following a two-year process including a citywide study that began in June 2018. The amendment resulted in R-1 development standards that introduced a smaller floor area ratio and additional setback and reduced height requirements while relaxing parking regulations and creating more site area to build an ADU.

On February 8, 2021, City Council adopted Zoning Code Amendments to modify mixed-use development standards to require a mandatory percentage of affordable housing as part of new mixed-use development projects with additional project density permitted under local and state density bonus law.

### **Text Amendments Related to The R1 Zone Development Standards**

1. **§ 17.210.020.A Table 2-3 Residential Districts Development Standards** - Rooftop deck standard is revised to clarify that a rooftop deck is required to be set back from any building edge alongside yards to provide more privacy to neighboring properties.
2. **§ 17.210.025 Definitions for The R1 Zone** - Clarifying that floor area of Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) do not count towards permitted residential floor area, whether attached or detached.
3. **§ 17.300.025 Height Standards; 17.300.030 Fences, Hedges, and Walls; 17.300.035 Screening** - Figure 3-4 was added to Section 17.300.025 and a Figure 3-6 was added to Section 17.300.035 to better clarify location regulations of roof mounted mechanical equipment and Figure 3-4 in Section 17.300.030 is modified to fit the new numbering scheme.
4. **§ 17.320.035.N.1. Parking Design and Layout Guidelines** - Driveway length is revised to specify the minimum driveway length requirement for parking configuration other than front-facing garages in the R1 zone.

5. **§ 17.700.010.B Definitions** - A balcony is defined as an accessible extension from a building facade with no additional support to differentiate the structure from a “deck.”

Text Amendments Related to Accessory Dwelling Units

1. **§ 17.320.020.H Table 3-3** - Revised to show the correct parking requirement for accessory dwelling units and distinguish between ADU and JADU. Please also see “Parking Requirement for Junior Accessory Dwelling Units” below for further comments regarding the parking requirement for JADUs.
2. **§ 17.400.100.3.a. Residential Uses-Accessory Residential Structures** - Setbacks are revised to establish that Accessory Residential Structures (ARS) built as part of an ADU or a JADU (e.g. garage, storage room) require the same setbacks as an ADU or JADU.
3. **§ 17.400.095 RESIDENTIAL USES - Accessory Dwelling Units** - Revised to clarify permitted location, density, habitability, occupancy, and fee requirements. JADUs are distinguished from ADUs. References to the State Code have been removed and development standards are stated explicitly since Culver City’s regulations for JADUs are more relaxed.
4. **§ 17.700.010.A Definitions** - Accessory Dwelling Unit definition is revised to better reflect recent changes to State law, and a specific definition is now included for Junior Accessory Dwelling Units.

Text Amendments Related to Micro-Unit Development Standards as part of Mixed-Use Development

1. **§ 17.400.065.E.3.b - Studio Micro-Unit Community Benefit Density** - Updated to clarify the number of micro-units required in a project to receive a density bonus on a sliding scale between 6.5% and up to 14%.
2. **§ 17.400.065.G.2 - Unit size mix** - Updated to reflect the maximum number of micro-units per development across the City is no greater than 25%. Incorporates City Council and Planning Commission direction to ensure that a variety of housing types are available in mixed-use projects city-wide.

Other Proposed Amendments

1. **ADU Setbacks on Through Lots** - Consideration of easing restrictions on ADU setbacks on through lots. A through lot is defined by CCMC as a lot with frontages on two generally parallel street rights-of-way. Additionally, CCMC considers both through lot street frontages as “Front Lot Lines”. Per State Law, ADUs must be granted reduced setbacks along rear and side property lines, but defaults to local jurisdiction standard’s within front yard setbacks. However, this means that through lots have two front yard setbacks that could limit an ADU.

There are approximately 84 through lots existing in Culver City. However, many of these properties have a generally accepted “front yard” and “back yard”. As an example, properties on the east side of the 11200 block of Grayridge Drive all have front doors on Grayridge Drive and most have garage access from Grayridge Drive. The other front setback is along Overland Avenue, but all properties within this block treat this frontage as a “back yard” with 6-foot-tall walls

that shield the yard area from street view. Another example is the 5300 block of Blanco Way. Properties on the south side of the street all have front doors that open onto Blanco Way and a mix of front -loaded garages accessed from Blanco Way or rear-loaded garages accessed from Sawtelle Boulevard. The Sawtelle Boulevard frontage is also treated as a “back yard” with six (6) foot tall walls that shield the yard area from street view.

Language relaxing setback standards could apply to the property line opposite the primary dwelling unit entrance. In the case of irregularly shaped properties or properties with multiple primary dwelling unit entrances, the Community Development Director could determine appropriate setbacks.

- 2. Basement Floor Area and ADU Floor Area Calculation:** Consideration to revise ADU standards to specify basements are not counted towards floor area. In Residential Zones, housing with basements do not count towards maximum floor area because they are below grade and do not contribute to bulk and mass of a structure. The Zoning Code does not specify whether basements of ADUs are counted towards maximum ADU floor area. Currently, the maximum area for one-bedroom ADUs is 850 square feet and two-bedroom ADUs is 1,200 square feet. JADUs are limited to 500 square feet. The Zoning Code definition states basements cannot exceed the perimeter of the walls above them. A code amendment would increase the maximum allowable area of ADUs. The maximum area of a one-bedroom ADU would increase from 850 sq ft to 1,700 sq ft (850 square feet at grade above 850 square foot basement). Basements of ADUs may situate closer to property lines, resulting in more amount of excavation close to neighboring properties.
- 3. Parking Requirement for Junior Accessory Dwelling Units:** Per California Government Code Section 65852.2, local agencies are prohibited from requiring replacement parking for ADUs. However, JADUs are not offered the same provision. The proposed Zoning Code Amendment specifies JADUs must provide replacement parking. Issues and concerns are raised if JADUs are not required to replace parking as it results in more complexity and uncertainties in implementing and administering the City’s ADU and JADU standards. The more lenient State ADU regulations allow JADUs to share sanitary facilities with the main house. An unintended side effect may include property owners converting required parking to a JADU with shared bathroom facilities but using the JADU as a recreational room or den extension to the main home as opposed to independent living facilities that help to alleviate the state housing crisis.
- 4. Owner Occupancy of Junior Accessory Dwelling Units:** Per California Government Code Section 65852.2, owner occupancy of properties with ADU is not required; however, per California Government Code 65852.22 owner occupancy is required for JADUs. Current proposed text amendment language does not require owner occupancy for ADUs or JADUs in order to promote additional housing stock.

### Zoning Code Map Amendment

The subject amendment includes a Zoning Code Map Amendment to memorialize the Residential Hillside Overlay Zone adopted by City Council on June 12, 2020 and effective on August 13, 2020. This component updates the Zoning Code Map to reflect the Overlay Zone as shown in Attachment 2.

**PUBLIC COMMENT:**

A public notice notifying of the comment period was posted in the Culver City News on April 1, 2021. The notice was also mailed to owners and occupants in the Culver Crest, Blair Hills, and Hetzler Road Neighborhoods on April 7, 2021 to inform of the Zone Code Map Amendment to illustrate the Residential Hillside (-RH) Overlay that was adopted in July 2020. At the time of agenda finalization, no public comment had been received.

**CONCLUSION:**

In accordance with CCMC Section 17.620.030, Exhibit A to Attachment 1 references the five necessary findings all made in the affirmative to approve the Zone Code Amendments.

**ENVIRONMENTAL DETERMINATION:**

The Project is considered exempt from CEQA pursuant to CEQA Guidelines Section 15061(b) (3) because it can be seen with certainty that there is no possibility that the Project to amend the Zoning Code and Zoning Code Map will have a significant effect on the environment. The proposed Zoning Code Amendment, modifying single family home, accessory dwelling unit, and micro-unit development standards, by itself does not result in any physical changes nor any significant effects on the environment, and does not result in an intensification of development beyond what the Zoning Code currently allows. Furthermore, the proposed Zoning Code Amendment is not in conjunction with the specific approval of any existing development or use permit applications. Therefore, any projects seeking approval subsequent to the proposed Zoning Code Amendment, would be subject to appropriate CEQA analysis at that time of any such application. The update of the Zoning Code Map to illustrate a previously approved Zoning Code Amendment will also not have a significant effect on the environment.

**FISCAL ANALYSIS:**

There is no fiscal impact related to this item.

**ATTACHMENTS:**

1. 2021-04-28\_ATT - Planning Commission Resolution No. 2021-P004 and Exhibit A Proposed Code Amendments
2. 2021-04-28\_ATT - Residential Hillside Overlay Zone Map

**MOTION:**

That the Planning Commission:

Approve the resolution recommending City Council adoption of Zoning Code Text Amendments modifying development standards for the Single-Family (R1) Residential Zone, Accessory Dwelling Units, Micro-Units and other related Sections of the Zoning Code, including a Zoning Code Map Amendment to reflect the Residential Hillside (-RH) Overlay Zone.