



City of Culver City

Mike Balkman Council
Chambers
9770 Culver Blvd.
Culver City, CA 90232

Staff Report

File #: 21-1114, **Version:** 1

Item #: PH-5.

..title

CC- PUBLIC HEARING: Introduction of an Ordinance Approving a City-Initiated Zoning Code Amendment Clarifying Development Standards for the Single-Family (R1) Residential Zone, Accessory Dwelling Units (ADUs), and Micro-Units; and a Zoning Code Map Amendment to Update the City Zoning Map with the Previously Adopted Residential Hillside (-RH) Overlay.

Meeting Date: June 28, 2021

Contact Person/Dept: Michael Allen/Current Planning Manager
William Kavadas/Assistant Planner
Deborah Hong/Planning Technician

Phone Number: (310) 253-5727 / (310) 253-5706 / (310) 253-5714

Fiscal Impact: Yes ☐ No ☒ **General Fund:** Yes ☐ No ☒

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

Public Notification: (E-Mail) Meetings and Agendas - City Council (06/23/2021); (Posted) City Website (06/11/2021); (Mailed) Property owners and occupants within Residential Hillside Overlay Zone (06/07/2021); Gov Delivery (06/11/2021); NextDoor (06/11/2021); (Published) Culver City News (06/10/2021).

Department Approval: Sol Blumenfeld, Community Development Director (06/17/2021)

RECOMMENDATION:

Staff recommends the City Council introduce an Ordinance approving a Zoning Code Amendment clarifying development standards for the Single-Family (R1) Residential Zone, Accessory Dwelling Units (ADUs), and Micro-Units; and approving a Zoning Code Map Amendment with the previously adopted Residential Hillside (-RH) overlay.

PROCEDURES:

1. The Mayor seeks a motion to receive and file the affidavit of publication and posting of the public hearing 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:

The purpose of the proposed Zoning Code Amendment is to clarify the zoning development standards for Single Family Residential (R-1) Zone, Accessory Dwelling Units (ADUs), and Micro-Units in Mixed-Use projects to further streamline the review and approval process. The proposed Zoning Code Map Amendment is to update the Zoning Map to reflect the previously adopted Residential Hillside (-RH) Overlay adopted in 2019.

On January 1, 2020, City Council adopted Zoning Code Amendments to modify development standards for Accessory Dwelling Units (ADUs) to comply with State laws encouraging ADU construction. The amendment relaxed regulations to allow larger floor areas, narrower setbacks, and overall, more flexible configurations for ADUs in all residential zones.

On July 12, 2020, City Council adopted Zoning Code Amendments to modify development standards for the Single-Family Residential (R-1) Zone. The amendment resulted from community concerns regarding new home construction that was mostly 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 height requirements while relaxing parking regulations and creating more area to build an ADU on properties.

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 and related development standards to seek additional project density.

On April 28, 2021, Planning Commission reviewed the proposed text amendments, including clarifications to existing code language related to R1 and accessory dwelling unit development standards and micro-unit densities. Planning Commission recommended approval of the amendments to City Council with minor edits discussed below. The full Planning Commission Staff Report and summary of all proposed code changes can be found in Attachment No. 3.

ANALYSIS:

ADU Setbacks on Through-Lots (Section 17.400.095.K.4): Staff proposes easing restrictions on

ADU setbacks on through-lots. Per State Law, ADUs must be granted reduced setbacks along rear and side property lines, but defaults to local jurisdiction standards within front yard setbacks. However, through-lots include two front yards. When applying the appropriate front yard setbacks, the feasible space available to build an ADU is significantly reduced.

There are approximately 60 through-lots existing in Culver City, most with an identifiable “front” and “back” yard. Staff proposes language that a reduced setback will apply to one front lot line that is of greater distance from the primary residence and/or the property line separating the parcel from the street of a higher classification. Director determination will be used to determine applicability on irregular lots.

Basement Floor Area and ADU/JADU Floor Area Calculation (Sections 17.400.095.B.4 and 17.400.095.L.1.a): Staff proposes to revise ADU and JADU standards to specify that basements are counted towards floor area. Consistent with California Government Code Sections 65852.2 and 65852.22, Culver City’s maximum area for one-bedroom ADUs is 850 square feet and two-bedroom ADUs is 1,200 square feet. JADUs may be up to 500 square feet.

Parking Requirement for Junior Accessory Dwelling Units (Section 17.320.020.H.1 Table 3-3A, Note 3): Per California Government Code Section 65852.2, local agencies are prohibited from requiring replacement parking for ADUs. JADUs are not offered the same relaxed provision in State law. The proposed Zoning Code Amendment, as amended by the Planning Commission, specifies JADUs are to be exempt from providing replacement parking, similar to ADUs. Because JADUs may share sanitary facilities with the main house per California Government Code Section 65852.22, and a JADU may be internally connected to the main dwelling. An unintended consequence of the JADU replacement parking waiver may include property owners converting an attached garage to a JADU that shares bathroom facilities with the main dwelling but using the JADU as a recreational room or den extension to the main home. This provision may not result in the creation of additional housing units.

Owner Occupancy of Junior Accessory Dwelling Units (Section 17.400.095.L.6): Per California Government Code Section 65852.2, owner occupancy of properties with ADU is not required; however, California Government Code 65852.22 requires owner occupancy for JADUs. Staff proposes to lift owner occupancy requirement for both ADUs and JADUs to promote additional housing stock and more flexible housing options.

The following items were not discussed by the Planning Commission, but added for City Council’s consideration as it is deemed necessary to streamline the ADU/JADU permitting process and be better aligned with the State provisions:

Conversion of Existing Structures (Sections 17.400.095.M.2 and 17.700.010): In 1997 under City Council Resolution No. 97-R067, Culver City established an Amnesty Program and Deferred Compliance standards to allow retroactive legalization of certain structures constructed without permits. The proposed Zoning Code Amendment establishes that structures eligible for such after-the-fact legalization shall be deemed as “existing” so that they may take advantage of more relaxed setback provisions allowed under Section 17.400.095.K.2.

Detached Junior Accessory Dwelling Unit Allowance: Through discussion with State of California

Housing and Community Development Department (HCD), it was determined that JADU are only permitted to be located within existing or proposed dwellings. Therefore, text amendments have been updated to follow state law to only allow JADUs in these types of situations.

Culver Crest Hillside ADU Prohibitions: In response to a complaint received regarding the current prohibition of ADUs within the Culver Crest Hillside Overlay, further discussions with HCD are in progress regarding this issue. A status update of HCD review will be provided during staff presentation.

PUBLIC COMMENT:

Public comment received prior to the staff report finalization is available in Attachment No. 6. A public notice for the comment period was posted in the Culver City News on June 10, 2021 and sent to owners and occupants in the Culver Crest, Blair Hills, and Hetzler Road Neighborhoods on June 7, 2021.

CONCLUSION:

In accordance with CCMC Section 17.620.030, Exhibit A to Attachment No. 1 references the necessary findings are made to approve the Zone Code Amendment and Zoning Code Map Amendment.

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. 2021-06-28_ATT - Draft City Council Ordinance No. 2021- and Exhibit A Proposed Code Amendment
2. 2021-06-28_ATT - Planning Commission Resolution No. 2021-P004
3. 2021-06-28_ATT - Planning Commission Staff Report dated April 24, 2021 (without attachments)
4. 2021-06-28_ATT - Planning Commission Minutes dated April 24, 2021
5. 2021-06-28_ATT - Residential Hillside Overlay Zone Map

MOTION:

That the City Council:

Introduce the Ordinance 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.