



Staff Report

File #: 23-1023, Version: 1

Item #: PH-1.

PC - PUBLIC HEARING: Consideration of City-Initiated Zoning Code Amendment P2023-0097-ZCA amending Title 17 Zoning Chapter 17.400.095 Residential Uses - Accessory Dwelling Units.

Meeting Date: June 14, 2023

Contact Person/Dept: Erika Ramirez, Current Planning Manager
William Kavadas, Assistant Planner

Phone Number: (310) 253-5727 and (310) 253-5706

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing: **Action Item:** **Attachments:**

Public Notification: (E-Mail) Meetings and Agendas - Planning Commission (6/8/23); (Posted) City Website (5/25/23); Gov Delivery (5/25/23); (Published in) Culver City News (5/25/23); Courtesy Mailer to Culver Crest Residents (5/23/23).

Department Approval: Mark E. Muenzer, Planning and Development Director (5/30/23)

RECOMMENDATION:

Staff recommends the Planning Commission adopt a resolution recommending to the City Council approval of the City Initiated Zoning Code Amendment, P2023-0097-ZCA, modifying the Zoning Code pertaining to Accessory Dwelling Units to align with State law by revising various sections including, but not limited to, the total number of ADUs allowed on a lot citywide, including in the Culver Crest neighborhood.

PROCEDURES:

1. Chair calls on staff for a brief staff report and the Planning Commission poses questions to staff.
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:

In 2017, the City Council adopted an ordinance amending Title 17 Zoning of the Municipal Code related to Accessory Dwelling Units. The ordinance allowed one ADU by right in the R1, R2, and R3 zones, except for the Culver Crest neighborhood.

Since 2017, the State Legislature has adopted multiple updates to the State ADU law. As a result, Culver City has processed periodic amendments to various sections of the Zoning Code associated with ADUs for consistency or clarity. Such updates occurred in 2018, 2020 and 2021. In addition, as authorized by the State Legislature, the California Department of Housing and Community Development (HCD) adopts guidelines that supplement or clarify the law. Guidance is provided through an ADU Handbook. The ADU Handbook was originally issued in December 2020 and last updated in July 2022. Prior to July 2022, HCD interpreted Government Code Section 65852.2(e) to allow one ADU and one JADU by right on a lot that was zoned for single family use for a total of two additional units on a lot with a single-family residence. In its July 2022 ADU Handbook, HCD released new guidance interpreting Government Code Section 65852.2(e) to allow one ADU converted from existing space, one new construction ADU, and one JADU by right for a total of three additional units on a lot with a single-family residence.

In Spring 2023, HCD staff reviewed Culver City's ADU Ordinance and provided comments. Notably, HCD staff commented that ADUs are allowed by right in hillside areas and that up to three ADUs are allowed on a site with an existing or proposed single-family residence. This also follows an HCD comment letter released in October 2022 to the City of Berkeley regarding their ADU Ordinance determining that even if there was evidence of public safety risks, Berkeley was required to allow construction of ADUs in all parts of the City, including hillside areas.

Based on the comments issued to Culver City by HCD, Current Planning staff initiated an amendment to the City's ADU ordinance. Minor revisions were also included to incorporate the specific State legislative language wherever possible.

DISCUSSION:

Accessory Dwelling Unit Height and Floor Area Clarification

State legislation that took effect January 2023, updated the ADU minimum height from 16 to 18 feet for a detached unit and 25 feet for an attached unit. This standard already applies in Culver City as all ADUs are allowed to meet the minimum height standard of the underlying zone which is a minimum of 27 feet for a flat roofed structure in the R1 zone and at least 30 feet in all other residential zones; however, the proposed zoning code amendment reflects the explicit State minimum height requirements.

Proposed language also includes adding the definition of "living area" as defined in the California Residential Building Code. The legislative language that allows an existing accessory structure to be expanded by up to 150 square feet to accommodate ingress and egress requirements per applicable life/safety standards for the purposes of converting it to an ADU is also included.

Other proposed language aims at clarifying internal access allowances with the main residence. Specifically, that a JADU may have internal access when sharing bathroom facilities, but an ADU may not and are to be completely independent of the main residence.

Accessory Dwelling Unit Density Clarification

As noted above, the Department of Housing and Community Development (HCD) advised City staff that lots with an existing or proposed single-family residence are allowed to build one new construction detached ADU and one ADU converted from existing square footage within the main residence or of a detached accessory structure. This is in addition to a JADU. In response to these comments, Culver City's zoning code is proposed to be amended to reflect this increase in the minimum number of ADUs allowed and to allow a new construction ADU to either be attached or detached from the main residential unit.

Lots with multi-family dwellings are allowed to create ADUs by converting existing non-habitable area within the multi-family structure up to 25% of the number of existing units and construct up to two detached ADUs. The detached ADUs can either be new construction or converted from existing detached accessory structures. The code language is proposed to be updated to modify this requirement. Text is also added to clarify that if ADUs are proposed within a mixed-use development, converted non-livable space must be limited to residential areas and not those used for commercial or other activities.

Accessory Dwelling Unit Hillside Prohibition

Based on direction from HCD staff, text and exhibits related to the ADU prohibition have been removed to allow ADUs city-wide.

Conversion of Existing Structures Clarification

The definition for “existing structures” is modified for clarification.

Application Process Clarification

Proposed language includes a section stating that an ADU 750 square feet or greater is subject to City impact fees. The application process is proposed to include more detailed information.

PUBLIC OUTREACH

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 in the Culver City News and posted on the City website and distributed electronically via GovDelivery on May 25, 2023. Due to the modifications specifically impacting the Culver Crest Neighborhood, the City also posted a public notice on Next Door and sent mailers to all owners and occupants within the Culver Crest Hillside Overlay Zone. As of the writing of this report the Current Planning Division has not received any comment regarding the proposed modifications.

CONCLUSION:

Recent determinations by the State have resulted in the need to modify the zoning code to comply with State Law. The Code modifications will ensure that accessory dwelling unit regulations in Culver City comply with State law, while also providing an ability to address the state housing crisis. Staff believes findings can be made and recommends the Planning Commission recommend adoption of the amendments to the City Council.

ENVIRONMENTAL DETERMINATION:

The proposed Zoning Code Amendment, P2023-0097-ZCA, is considered exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which exempts the adoption of an ordinance approving Zoning Code amendments related to accessory dwelling units implement the provisions of Government Code Section(s) 65852.1 and 65852.2.

FISCAL ANALYSIS:

There is no fiscal impact related to this item.

ATTACHMENTS:

1. 2023-06-14_ATT - Proposed Resolution No. 2023-P003, including Exhibit A: Proposed Zoning Code Text Changes in "strikethrough/underline" format.

MOTION:

That the Planning Commission:

Adopt Resolution No. 2023-P003 recommending to the City Council approval of Zoning Code Amendment P2023-0097-ZCA, modifying Title 17 Zoning Chapter 17.400.095 Residential Uses - Accessory Dwelling Units.