



# City of Culver City

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## Staff Report

File #: 23-1044, Version: 1

Item #: PH-1.

**CC - PUBLIC HEARING: Introduction of an Ordinance Approving City-Initiated Zoning Code Amendment P2023-0097-ZCA amending Title 17 Zoning Chapter 17.400.095 Residential Uses - 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.**

**Meeting Date:** September 11, 2023

**Contact Person/Dept:** William Kavadas/Planning and Development Department

**Phone Number:** (310) 253-5706

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Attachments:** Yes  No

**Public Notification:** (Posted) City Website (08/24/2023); Gov Delivery (08/24/2023); (Published in) Culver City News (08/24/2023); Courtesy Mailer to Culver Crest Residents (08/24/2023); (E-Mail) Meetings and Agendas - City Council (09/06/2023).

**Department Approval:** Mark E. Muenzer, Planning and Development Director (08/10/2023)

### **RECOMMENDATION:**

Staff recommends the City Council introduce an Ordinance approving City-initiated Zoning Code Text 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. 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.
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 Culver City Current Planning Division initiated an amendment to the City's ADU Ordinance based on State Department of Housing and Community Development (HCD) guidance issued to Culver City. Revisions were included to incorporate the specific State legislative language wherever possible.

### **Planning Commission Public Hearing and Recommendation**

On June 14, 2023, the Planning Commission unanimously adopted, by a 4-0 vote, Resolution No. 2023-P003 recommending to the City Council adoption of the California Environmental Quality Act (CEQA) exemption pursuant to CEQA Section 21080.17 and approval of the proposed ZCA language to clarify and update language regarding ADUs (Attachment No. 2). During the public hearing, the Planning Commission considered the staff report, supporting materials, and comments from the public. Exhibit A of the proposed Ordinance includes the proposed revisions to the ADU regulations (Attachment No. 1).

Two members of the public spoke, and two letters were submitted regarding the item during Public Hearing. Comments and letters received are further detailed in Attachment Nos. 4 and 5. Please reference the Planning Commission staff report and meeting minutes for further information (Attachments Nos. 3 and 4).

## **DISCUSSION:**

### **Accessory Dwelling Unit Height and Floor Area Clarification**

State legislation that took effect January 2023 updated the ADU minimum allowable height from 16 feet to 18 feet for a detached unit and 25 feet for an attached unit. In other words, the City cannot require ADU building heights to be less than 18 feet for an attached unit or 25 feet for a detached unit. An applicant however can choose to build an ADU below the minimum allowable height if desired. The ADU minimum allowable height standard is consistent with current Culver City building height limits, as the maximum height limit for all ADUs is 27 feet for a flat roofed structure in the R1 zone and 30 feet in all other residential zones. The proposed zoning code amendment explicitly reflects the State minimum allowable height requirements for ADU's.

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 must 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, for a total of four possible units. 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. The proposed Code Amendment goes further by allowing the new construction ADU to be attached in-lieu of detached.

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*

In the existing ADU ordinance, ADUs are prohibited in the hillside areas of the Culver Crest neighborhood. Based on direction from HCD staff, this prohibition has been removed in the proposed ordinance to allow ADUs city-wide, including in the hillside areas of the Culver Crest neighborhood.

#### *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 City will not charge impact fees on ADUs that are less than 750 square feet due to their reduced size and negligible impact on City services. The application process is proposed to include more detailed information.

#### *Impact on SB 9*

At the October 24, 2022 City Council meeting, the City Council voted to prohibit SB 9 projects in the same areas as ADUs and JADUs based on the memoranda prepared by JKA and directed staff to return with an ordinance to that effect. The [staff report and attachments <https://culver-city.legistar.com/LegislationDetail.aspx?ID=5871020&GUID=9811C3C1-B3A1-41D7-8542-](https://culver-city.legistar.com/LegislationDetail.aspx?ID=5871020&GUID=9811C3C1-B3A1-41D7-8542-), including the memoranda prepared by JKA, are available on the City website.

Staff has not yet prepared an ordinance prohibiting SB 9 projects in areas where ADUs and JADUs are prohibited, pending the decision on the proposed ZCA. If the ZCA related to ADUs is adopted, ADUs and JADUs will be allowed in all areas of Culver City, superseding the prior direction of the City Council on ADUs. SB 9 developments will continue to be prohibited in very high fire hazard severity zones.

## **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 August 24, 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 received one public comment that was opposed to allow additional ADU. This email was forwarded to City Clerk for inclusion in the public comment for this item.

## **CONCLUSION:**

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 City Council introduce the ordinance approving the City-initiated Zoning Code modifications.

## **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 implementing the provisions of Government Code Section(s) 65852.1 and 65852.2.

## **FISCAL ANALYSIS:**

There is no fiscal impact associated with the introduction of the proposed ordinance approving the subject Zoning Code Amendment.

## **ATTACHMENTS:**

1. 2023-09-11\_ATT 1 - Draft City Council Ordinance No. 2023- and Exhibit A Proposed Code Amendments.
2. 2023-09-11\_ATT 2 - Planning Commission Resolution No. 2023-P003
3. 2023-09-11\_ATT 3 - Planning Commission Staff Report, dated June 14, 2023 (without attachments)
4. 2023-09-11\_ATT 4 - Planning Commission Comments Received
5. 2023-09-11\_ATT 5 - Planning Commission Draft Minutes, dated June 14, 2023

## **MOTION:**

That the City Council:

Introduce an Ordinance approving City-Initiated Zoning Code Amendment P2023-0097-ZCA amending Title 17 Zoning Chapter 17.400.095 Residential Uses - 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.