

1 moratoria related to land uses and other activities that occur or may occur within the City's
2 jurisdiction, and is not reliant solely on the authority of Government Code Section 65858.

3 C. In adopting the Moratorium, the City Council made the following
4 findings:

5 1. Over the last several months, including at its meetings of
6 January 13 and February 27, 2017, the City Council has received significant
7 comments and testimony from residents who expressed concerns regarding the
8 extent of construction in Culver Crest hillside neighborhoods and the stability of the
9 hillside, in light of the history of portions of the hillside sliding on several occasions,
10 including most recently in February 2017. These concerns have been heightened
11 due to the recent heavy rains and slide, and predictions for higher than normal
12 rainfall during the coming months; and

13 2. In response to such concerns, the City Council directed staff to
14 study methods to better regulate development and construction on the Lower and
15 Upper Culver Crest hillside to ensure the public health, safety and welfare.

16 3. The Moratorium will provide City staff with time to thoroughly
17 research options for regulating the development and construction on the hillside and
18 prepare and present recommended regulations to the Planning Commission for
19 recommendation to the City Council.

20 D. On April 18, 2017, consistent with the provisions of Government Code
21 Section 65858 (d), the City Council, by Resolution No. 2017-R034, which is hereby
22 incorporated by this reference, approved and issued a report setting forth actions and
23 measures taken to alleviate conditions which led to the adoption of the Moratorium, which
24 included, but were not limited to, the City's efforts to:

25 1. Review and analyze other cities' hillside development and
26 construction standards. There are different types of regulations that may be
27 warranted, depending on site, geological and topographical conditions, and staff is
28

1 in the process of vetting various provisions to determine what is appropriate for
2 Culver City.

3 2. Evaluate potential geotechnical and planning consultants to
4 assist with studying and evaluating various hillside development and construction
5 standards in order to make recommendations that are appropriate for the hillside
6 neighborhoods.

7 3. Study possible revisions to the Culver City Municipal Code
8 (CCMC), Title 17, Zoning, and Title 15, Building Code, which would appropriately
9 balance the rights of property owners to develop their property, with the preservation
10 of the health, safety and welfare of the surrounding residents and their properties.

11 E. Also on April 18, 2017, the City Council, adopted Ordinance No. 2017-
12 006 entitled "An Urgency Ordinance of the City of Culver City, California, (1) Extending for
13 an Additional 10 Months and 15 Days the Temporary Moratorium Established by
14 Ordinance No. 2017-005; (2) Reducing the Area and Properties Subject to Such
15 Moratorium to Those Properties Directly Abutting Steep Hillside Conditions and/or Steeply
16 Sloped Properties; and (3) Declaring the Urgency Thereof and that it Shall Take Effect
17 Immediately," in order to allow the City additional time to continue studying options for
18 regulating the development and construction on the hillside and preparing and presenting
19 recommended regulations to the Planning Commission for recommendation to the City
20 Council.

21 F. On February 26, 2018, consistent with the provisions of Government
22 Code Section 65858 (d), the City Council, by Resolution No. 2018-R___, which is hereby
23 incorporated by this reference, approved and issued a report setting forth actions and
24 measures taken to alleviate conditions which led to the adoption of the Moratorium (the
25 "February 2018 Report"), which include, but are not limited to:

26 1. Continued review and analysis of other cities' hillside
27 development and construction standards. There are different types of regulations
28

1 that may be warranted, depending on site, geological and topographical conditions.
2 Staff retained a consultant to assist with studying and evaluating various hillside
3 development and construction standards in order to make recommendations that
4 are appropriate for the hillside neighborhoods.

5 2. Continued study of possible revisions to the Culver City
6 Municipal Code (CCMC), Title 17, Zoning, and Title 15, Building Code, which would
7 appropriately balance the rights of property owners to develop their property, with
8 the preservation of the health, safety and welfare of the surrounding residents and
9 their properties.

10 3. While the study was in process and continued to look at design
11 guidelines for the hillside area, the consultant provided staff with some preliminary
12 recommendations specifically regarding the construction of accessory dwelling units
13 (ADUs), based on the following findings: (a) existing substandard roadway widths in
14 the area coupled with curvilinear roadway configuration that may limit or prohibit
15 emergency vehicle access or response time during an emergency; (b) the eastern
16 half of the Culver Crest neighborhood is in a "Very High Fire Hazard"; and (c) the
17 area contains potential liquefaction zones and potential surficial landslide hazards.
18 On November 27, 2017, the City Council adopted Urgency Ordinance No. 2017-017
19 to amend the Zoning Code to prohibit ADUs in the Culver Crest Neighborhood.

20 4. On January 22, 2018, the City Council received and filed the
21 complete study recommendations for the *R-1 Neighborhood Hillside Development*
22 *Standards Report*, and provided direction to proceed with further analysis and the
23 appropriate amendments to the City's Zoning and Building Codes.

24 G. By its own terms, the Moratorium shall expire and be of no further
25 force and effect on March 19, 2018, unless extended by four-fifths vote of the City Council.
26
27
28

1 H. On February 26, 2018, the City Council held a duly noticed public
2 hearing to consider extending the Moratorium for an additional 12 months through and
3 including March 19, 2019.

4 I. The findings set forth in this Section 1 are true and correct and are
5 adopted as the City Council's findings.

6 **SECTION 2. MORATORIUM ON NEW BUILDING PERMITS FOR**
7 **DEVELOPMENT AND CONSTRUCTION IN THE LOWER AND UPPER CULVER**
8 **CREST HILLSIDE NEIGHBORHOODS.**

9 Based on the findings set forth in Section 1, the Moratorium, established by
10 Ordinance No. 2017-005 and extended by Ordinance No. 2017-006, is hereby extended
11 for an additional 12 months, from the date of March 20, 2018 through and including March
12 19, 2019, during which period no building permit or land use determination or entitlement
13 shall be granted for, nor shall any application for a subdivision, use permit, variance,
14 building permit, or land use determination or entitlement required to comply with the
15 Culver City Municipal Code, including any appeals, be accepted or processed for, any
16 improvement to any property that directly abuts steep hillside conditions and/or are steeply
17 sloped and require retaining walls for building additions or structures (as "building" and
18 "structure" are defined in the 2016 Edition of the California Building Code), as identified on
19 Exhibit A, attached to this Ordinance and made a part hereof, unless that improvement
20 will not expand the footprint of any improvements, or add square footage of development,
21 on the subject property that existed before the effective date of this Ordinance. For the
22 purpose of this Ordinance, "building permit" shall not include plumbing, mechanical and
23 electrical permits for existing structures. The extension of the Moratorium established
24 herein will allow the City time to complete its preparation of Zoning and Building Code
25 amendments related to hillside development and construction, which will enable the City
26 to adequately and appropriately balance the rights of property owners to develop their
27 property with the preservation of the health, safety and welfare of the surrounding
28 residents and their properties.

1 **SECTION 3. URGENCY MEASURE.**

2 Based on the findings set forth in Section 1, the City Council finds and
3 declares there is a current and immediate threat to the public health, safety and welfare of
4 the community and upon that basis has determined that an urgency ordinance pursuant to
5 the provisions of Government Code §65858 and Culver City Charter Section 614 is
6 warranted, and shall take effect immediately upon adoption by a four-fifths vote of the City
7 Council.

8 **SECTION 4. LEGAL, OPERATIONAL AND PLANNING STUDY.**

9 City staff is directed to prepare Zoning and Building Code amendments,
10 based on the recommendations set forth in the R-1 Neighborhood Hillside Development
11 Standards Report, for consideration by the Planning Commission and City Council, as
12 applicable.

13 **SECTION 5. CEQA.**

14 The City Council finds that this Ordinance is not subject to the
15 California Environmental Quality Act ("CEQA") pursuant to CEQA guidelines,
16 California Code of Regulations, Title 14, Chapter 3, §15060(c)(2) [the activity will
17 not result in a direct or reasonably foreseeable indirect physical change in the
18 environment] and §15060(c)(3) [the activity is not a project as defined in §15378]
19 because it has no potential for resulting in physical change to the environment,
20 directly or indirectly; rather it prevents changes to the environment pending the
21 completion of the contemplated study and preparation of recommended code
22 amendments.

23 **SECTION 6. EFFECTIVE DATE.**

24 Pursuant to Section 614 of the City Charter, this Ordinance shall be
25 introduced and adopted at one and the same meeting and shall become effective
26 immediately. This Ordinance shall be of no further force or effect after May 19, 2019.

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECTION 7: SEVERABILITY.

The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this Ordinance.

SECTION 8: PUBLICATION.

The City Clerk shall certify as to the adoption of this Ordinance and, pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of 15 days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

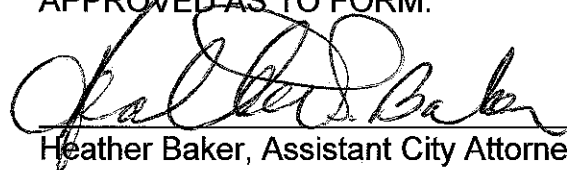
APPROVED and ADOPTED this _____ day of _____ 2018.

JEFFREY COOPER, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY GREEN, City Clerk


Heather Baker, Assistant City Attorney

A18-00109