

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3
4
5
6
7
8

90

1

23

4
5
6
7
8
9
0
1

2
3
4
5
6

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 comments
7 and testimony from residents who expressed concerns regarding the extent of construction
8 in Culver Crest hillside neighborhoods and the stability of the hillside, in light of the history
9 of portions of the hillside sliding on several occasions, including most recently in February
10 2017. These concerns have been heightened due to the recent heavy rains and slide, and
11 predictions for higher than normal rainfall during the coming months; and

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

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

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

24 1. Review and analyze other cities' hillside development and construction
25 standards. There are different types of regulations that may be warranted, depending on
26 site, geological and topographical conditions, and staff is in the process of vetting various
27 provisions to determine what is appropriate for Culver City.

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

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

8 E. By its own terms, the Moratorium shall expire and be of no further
9 force and effect on May 4, 2017, unless extended by four-fifths vote of the City Council.

10 F. On April 18, 2017, the City Council held a duly noticed public hearing
11 to consider extending the Moratorium for an additional 10 months and 15 days through and
12 including March 19, 2018

13 G. The findings set forth in this Section 1 are true and correct and are
14 adopted as the City Council's findings.

15 **SECTION 2. MORATORIUM ON NEW BUILDING PERMITS FOR**
16 **DEVELOPMENT AND CONSTRUCTION IN THE LOWER AND UPPER CULVER**
17 **CREST HILLSIDE NEIGHBORHOODS.**

18 Based on the findings set forth in Section 1, the Moratorium, established by
19 Ordinance No. 2017-005, is hereby extended for an additional 10 months and 15 days,
20 from the date of May 4, 2017 through and including May 19, 2018, during which period no
21 building permit or land use determination or entitlement shall be granted for, nor shall any
22 application for a subdivision, use permit, variance, building permit, or land use
23 determination or entitlement required to comply with the Culver City Municipal Code,
24 including any appeals, be accepted or processed for, any improvement to any property
25 located within the Lower and Upper Culver Crest Neighborhoods, as identified on Exhibit
26 A, attached to this Ordinance and made a part hereof, unless that improvement will not
27 expand the footprint of any improvements, or add square footage of development, on the
28 subject property that existed before the effective date of this Ordinance. This Ordinance

1 shall not preclude the issuance of a building permit solely for the construction of a
2 retaining wall where the Building Official has determined it is necessary to protect the
3 public health and safety. For the purpose of this Ordinance, "building permit" shall not
4 include plumbing, mechanical and electrical permits for existing structures. The extension
5 of the Moratorium established herein will allow the City time to thoroughly review, study
6 and revise Zoning and/or Building Code requirements related to hillside development and
7 construction, which will enable the City to adequately and appropriately balance the rights
8 of property owners to develop their property with the preservation of the health, safety and
9 welfare of the surrounding residents and their properties.

10 **SECTION 3. URGENCY MEASURE.**

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

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

18 City staff is directed to continue to study and analyze issues related to hillside
19 development within the Lower and Upper Culver Crest neighborhoods, as identified on
20 Exhibit A attached to this Ordinance, including methods of construction and zoning
21 regulations.

22 **SECTION 5. CEQA.**

23 The City Council finds that this Ordinance is not subject to the
24 California Environmental Quality Act ("CEQA") pursuant to CEQA guidelines,
25 California Code of Regulations, Title 14, Chapter 3, §15060(c)(2) [the activity will
26 not result in a direct or reasonably foreseeable indirect physical change in the
27 environment] and §15060(c)(3) [the activity is not a project as defined in §15378]
28

1 because it has no potential for resulting in physical change to the environment,
2 directly or indirectly; rather it prevents changes to the environment pending the
3 completion of the contemplated study.

4 **SECTION 6. EFFECTIVE DATE.**

5 Pursuant to Section 614 of the City Charter, this Ordinance shall be
6 introduced and adopted at one and the same meeting and shall become effective
7 immediately. This ordinance shall be of no further force or effect after May 19, 2018,
8 unless extended in accordance with California Government §65858.

9 **SECTION 7: SEVERABILITY.**

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

16 **SECTION 8: PUBLICATION.**

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

22 APPROVED and ADOPTED this _____ day of _____ 2017.

23
24 JIM B. CLARKE, MAYOR
City of Culver City, California

25 ATTEST:

26 APPROVED AS TO FORM:

27 JEREMY GREEN, City Clerk
28 A17-00221

Heather Baker, Assistant City Attorney

