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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.     During the hearing, the City Council determined to reduce the area  
14 and properties that are subject to the Moratorium to those properties that directly abut  
15 steep hillside conditions and/or are steeply sloped, which properties are identified on  
16 Exhibit A to this Ordinance.

17          H.     The findings set forth in this Section 1 are true and correct and are  
18 adopted as the City Council's findings.

19                   **SECTION 2. MORATORIUM ON NEW BUILDING PERMITS FOR**  
20 **DEVELOPMENT AND CONSTRUCTION IN THE LOWER AND UPPER CULVER**  
21 **CREST HILLSIDE NEIGHBORHOODS.**

22           Based on the findings set forth in Section 1, the Moratorium, established by  
23 Ordinance No. 2017-005, is hereby extended for an additional 10 months and 15 days,  
24 from the date of May 4, 2017 through and including May 19, 2018, during which period no  
25 building permit or land use determination or entitlement shall be granted for, nor shall any  
26 application for a subdivision, use permit, variance, building permit, or land use  
27 determination or entitlement required to comply with the Culver City Municipal Code,  
28 including any appeals, be accepted or processed for, any improvement to any property

1 that directly abuts steep hillside conditions and/or are steeply sloped, as identified on  
2 Exhibit A, attached to this Ordinance and made a part hereof, unless that improvement  
3 will not expand the footprint of any improvements, or add square footage of development,  
4 on the subject property that existed before the effective date of this Ordinance. This  
5 Ordinance shall not preclude the issuance of a building permit solely for the construction  
6 of a retaining wall where the Building Official has determined it is necessary to protect the  
7 public health and safety. For the purpose of this Ordinance, "building permit" shall not  
8 include plumbing, mechanical and electrical permits for existing structures. The extension  
9 of the Moratorium established herein will allow the City time to thoroughly review, study  
10 and revise Zoning and/or Building Code requirements related to hillside development and  
11 construction, which will enable the City to adequately and appropriately balance the rights  
12 of property owners to develop their property with the preservation of the health, safety and  
13 welfare of the surrounding residents and their properties.

### 14 **SECTION 3. URGENCY MEASURE.**

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

### 21 **SECTION 4. LEGAL, OPERATIONAL AND PLANNING STUDY.**

22 City staff is directed to continue to study and analyze issues related to hillside  
23 development within areas identified on Exhibit A attached to this Ordinance, including  
24 methods of construction and zoning regulations.

### 25 **SECTION 5. CEQA.**

26 The City Council finds that this Ordinance is not subject to the California  
27 Environmental Quality Act ("CEQA") pursuant to CEQA guidelines, California Code of  
28

1 Regulations, Title 14, Chapter 3, §15060(c)(2) [the activity will not result in a direct or  
2 reasonably foreseeable indirect physical change in the environment] and §15060(c)(3)  
3 [the activity is not a project as defined in §15378] because it has no potential for resulting  
4 in physical change to the environment, directly or indirectly; rather it prevents changes to  
5 the environment pending the completion of the contemplated study.

6 **SECTION 6. EFFECTIVE DATE.**

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

11 **SECTION 7: SEVERABILITY.**

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

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**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 \_\_\_\_ 2017.

\_\_\_\_\_  
JIM B. CLARKE, MAYOR  
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JEREMY GREEN, City Clerk

  
\_\_\_\_\_  
Heather Baker, Assistant City Attorney

A17-00221



# Properties Subject to Hillside Development Moratorium

