

1 RESOLUTION NO. 2017-P019

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 CULVER CITY, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL
4 APPROVAL OF ZONING CODE AMENDMENT (P2017-0224-ZCA) AMENDING
5 CULVER CITY MUNICIPAL CODE, TITLE 17 – ZONING (ZONING CODE)
6 SECTION 17.400.095 – RESIDENTIAL USES – ACCESSORY DWELLING
7 UNITS.

8 (P2017-0224-ZCA)

9 WHEREAS, on March 20, 2017, the City Council adopted Ordinance No. 2017-
10 005, entitled “An Urgency Ordinance of the City of Culver City, California, Establishing a 45-
11 Day Moratorium on the Issuance of Any New Building Permits for Development and
12 Construction in the Lower and Upper Culver Crest Hillside Neighborhoods and Declaring the
13 Urgency Thereof and that it Shall Take Effect Immediately” (hereinafter the “Moratorium”), in
14 order to allow the City time to thoroughly research options for regulating the development
15 and construction on the hillside and prepare and present recommended regulations to the
16 Planning Commission for recommendation to the City Council; and

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18 WHEREAS on March 22, 2017 the Planning Commission conducted a duly
19 noticed public hearing on City-initiated Zoning Code Amendment (P2016-0077-ZCA)
20 amending Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code) Section
21 17.400.095 – Allowing accessory dwelling units through a ministerial approval and modifying
22 the development standards in compliance with State law, fully considering all reports,
23 studies, testimony, and environmental information presented; and

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25 WHEREAS, the Moratorium was adopted and immediately effective pursuant to
26 the authority set forth in Culver City Charter Section 614 and in conformity with the timing
27 and processing requirements of Government Code Section 65858. In addition, as a charter
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1 city of home rule, and as provided through the police powers enumerated in the State
2 Constitution, the City may enact laws related to municipal affairs, including adopting
3 moratoria related to land uses and other activities that occur or may occur within the City's
4 jurisdiction, and is not reliant solely on the authority of Government Code Section 65858; and

5 WHEREAS, in adopting the Moratorium, the city Council made the following
6 findings:
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- 8 1. Over the last several months, including at its meetings of January 13 and
9 February 27, 2017, the City Council has received significant comments and
10 testimony from residents who expressed concerns regarding the extent of
11 construction in Culver Crest hillside neighborhoods and the stability of the
12 hillside, in light of the history of portions of the hillside sliding on several
13 occasions, including most recently in February 2017. These concerns have
14 been heightened due to the recent heavy rains and slide, and predictions for
15 higher than normal rainfall during the coming months;
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- 17 2. In response to such concerns, the City Council directed staff to study methods
18 to better regulate development and construction on the Lower and Upper
19 Culver Crest hillside to ensure the public health, safety and welfare;
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- 21 3. The Moratorium will provide City staff with time to thoroughly research options
22 for regulating the development and construction on the hillside and prepare and
23 present recommended regulations to the Planning Commission for
24 recommendation to the City Council; and
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26 WHEREAS, on April 18, 2017, consistent with the provisions of Government Code
27 Section 65858 (d), the City Council, by Resolution No. 2017-R034, which is hereby
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1 incorporated by this reference, approved and issued a report setting forth actions and
2 measures taken to alleviate conditions which led to the adoption of the Moratorium (the
3 “Report”), which included, but were not limited, the City’s efforts to:

- 4 1. Review and analyze other cities’ hillside development and construction
5 standards. There are different types of regulations that may be warranted,
6 depending on site, geological and topographical conditions, and staff is in the
7 process of vetting various provisions to determine what is appropriate for Culver
8 City;
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- 10 2. Evaluate potential geotechnical and planning consultants to assist with studying
11 and evaluating various hillside development and construction standards in
12 order to make recommendations that are appropriate for the hillside
13 neighborhoods;
14
- 15 3. Study possible revisions to the Culver City Municipal Code (CCMC), Title 17,
16 Zoning, and Title 15, Building Code, which would appropriately balance the
17 rights of property owners to develop their property, which the preservation of
18 the health, safety and welfare of the surrounding residents and their properties;
19 and
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22 WHEREAS, on April 18, 2017, the City Council held a duly noticed public hearing to
23 consider extending the Moratorium for an additional 10 months and 15 days through and
24 including March 19, 2018. During the hearing, the City Council determined to reduce the area
25 and properties that are subject to the Moratorium to those properties that directly abut steep
26 hillside conditions and/or are steeply sloped, which properties were identified on Exhibit A to
27 the Ordinance; and
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1 WHEREAS, on April 24, 2017, the City Council held a duly noticed public hearing
2 on City-initiated Zoning Code Amendment (P2017-0052-ZCA) amending CCMC, Title 17 –
3 Zoning Code Section 17.210.015 – Residential Zoning District Land Uses and Permit
4 Requirements, and Zoning Code Section 17.400.095 – Residential Uses – Accessory
5 Dwelling Units, including full consideration of all reports, studies, testimony, and
6 environmental information presented, the City Council by a vote of 5 to 0, adopted the
7 Ordinance as outlined in P2017-0052-ZCA ; and
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9 WHEREAS, community meetings were held on July 6 and August 17, 2017 to
10 study, research, and evaluate potential geotechnical and planning development and
11 construction standards in order to make recommendations that are appropriate for the
12 hillside neighborhoods; and
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14 WHEREAS, on October 17, 2017, John Kaliski Architects issued a memorandum
15 outlining immediate considerations and recommendations for Accessory Dwelling Units
16 (ADUs) in the Culver Crest Neighborhood, based upon review of the existing City of Culver
17 City Zoning Code, City documents, zoning codes and standards in other cities, and recent
18 State legislation. As outlined in the memorandum, prohibition of further intensification of uses
19 within the Culver Crest neighborhood, specifically ADUs, is recommended due to overlap
20 with a Very High Fire Hazard Severity Zone, an area where liquefaction of soils needs to be
21 considered, potential for surficial landslides that could close emergency vehicle access and
22 response to portions of the community, and potentially sub-standard street right-of-ways that
23 may constrain emergency response during hazard events; and
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26 WHEREAS, following conclusion of the public discussion and thorough
27 deliberation of the subject matter, the Planning Commission determined, by a vote of __ to
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1 ___, to recommend to the City Council approval of Zoning Code Amendment P2017-0224-
2 ZCA, as set forth herein below.

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4 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF
5 CULVER CITY, CALIFORNIA, RESOLVES AS FOLLOWS:
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7 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the
8 CCMC, the following required findings for an amendment to the Zoning Code, as
9 outlined in CCMC Section 17.620.030.A, are hereby made:
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11 **1. The proposed amendment(s) ensure and maintain the internal**
12 **consistency with the goals, policies and strategies of all elements of the**
13 **General Plan and will not create any inconsistencies.**

14 The proposed text amendment, will create consistency between the General Plan
15 and Zoning Code relative to hillside safety as it relates to development. Goals
16 established by the General Plan Public Safety Element call for the protection of life
17 and property, as well as reducing the adverse economic, environmental, and social
18 conditions resulting from fires and geologic hazards. Further policies of the
19 General Plan Public Safety Element mandate the establishment and enforcement
20 of standards and criteria to reduce unacceptable levels of fire and geological risk,
21 develop stringent site criteria for construction in areas with fire and/or geologic
22 problems and prohibit construction if these criteria are not met, strengthen existing
23 codes and ordinances pertaining to fire and geologic hazards, and improve
24 programs and practices for dealing with land subsidence and erosion. The
25 proposed amendment is intended to advance these goals and objectives, reflective
26 of recent revelations as a result of the ongoing Hillside Development and Design
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1 Study. The proposed amendment will create consistency between the General
2 Plan and the Zoning Code relative to development within the Culver Crest
3 neighborhood and will help promote the protection of life and property, and reduce
4 adverse economic, environmental and social impacts from fires and geologic
5 hazards (Public Safety Element Goals (V.) and Policies (VI)).
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7 **2. The proposed amendment(s) would not be detrimental to the public**
8 **interest, health, safety, convenience or welfare of the City.**

9 The proposed Zoning Code Amendment considers the suitability of substandard
10 roadway widths as it relates to potential hazardous events including high fire
11 susceptibility, liquefaction, and surficial landslides, and prohibits further
12 intensification of land uses located within subjected areas in support of the public
13 interest, health, safety, convenience and welfare of the City.
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16 **3. The proposed amendment is in compliance with the provisions of**
17 **the California Environmental Quality Act (CEQA).**
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19 Pursuant to Sections 15162 and 15168 of the California Environmental Quality Act
20 (CEQA), Zoning Code Text Amendment (P2016-0224-ZCA) is within the scope of the
21 Culver City General Plan Update Program EIR approved on September 24, 1996 (PEIR 1)
22 and the Culver City Redevelopment Plan Amendment and Merger Program Subsequent
23 EIR approved on November 16, 1998 (PEIR 2). The circumstances under which PEIR 1
24 and PEIR 2 were prepared have not significantly changed and no new significant
25 information has been found that would impact either PEIR 1 or PEIR 2; therefore, no new
26 environmental analysis is required.
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SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby recommends to the City Council approval of Zoning Code Amendment P2017-0224-ZCA, as set forth in Exhibit A attached hereto and made a part thereof.

APPROVED and ADOPTED this 15th day of November, 2017.

DANA SAYLES, CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

Susan Yun, Senior Planner