SPECIAL MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

April 18, 2017
8:30 p.m.

Call to Order & Roll Call

Mayor Clarke called the special meeting of the City Council to order at 8:59 p.m. in the Mike Balkman Chambers at City Hall.

Present: Jim B. Clarke, Mayor
Jeffrey Cooper, Vice Mayor
Göran Eriksson, Council Member
Meghan Sahli-Wells, Council Member
Thomas Small, Council Member

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Community Announcements by City Council Members/ Information Items from Staff

None.

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Joint Public Comment - Items Not on the Agenda

Mayor Clarke invited public comment.

No cards were received and no speakers came forward.

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Receipt and Filing of Correspondence

MOVED BY COUNCIL MEMBER SAHLI-WELLS, SECONDED BY COUNCIL MEMBER ERIKSSON AND UNANIMOUSLY CARRIED THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE RECEIVED BY 4:00 P.M. APRIL 18, 2017.

Jeremy Green, City Clerk, reported that two pieces of correspondence had been received for the public hearing.

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Action Items

Item A-1
(Out of Sequence)

CC - Adoption of Respective Resolutions Amending City Council Policy Statements 2301 (Use of Veterans' Memorial Auditorium), 3204 (Agendizing Items for Discussion), and 3402 (Council Recognition: Procedures for Approval and Administration), as Recommended by the Ad Hoc City Council Policies Subcommittee

Heather Baker, Assistant City Attorney, provided a summary of the material of record and highlighted changes from the old policy to the new policy.

Serena Wright-Black, Administrative Services Director, clarified that three votes did not mean that the City Council is approving an item, but rather that the City Council is placing the item on the agenda.

Discussion ensued between staff and Council Members regarding extended hours; the appendix; availability on the website and distribution to the City Council of items handled by the City Clerk and the Mayor that appear on agendas; appreciation to the subcommittee and staff for their work on the item; a suggestion to brand the Certificates of Recognition; clarification regarding the term Councilmanic; and clarification of a typographical error under the Statement of Policy that should indicate follow up instead of follow on.

MOVED BY COUNCIL MEMBER ERIKSSON, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL: ADOPT RESPECTIVE RESOLUTIONS AMENDING CITY COUNCIL POLICY STATEMENTS 2301 (USE OF VETERANS' MEMORIAL AUDITORIUM, 3204 (AGENDIZING ITEMS FOR DISCUSSION), AND 3402 (COUNCIL RECOGNITION: PROCEDURES FOR APPROVAL AND ADMINISTRATION).

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Public Hearings

Item PH-1

CC - (1) Adoption of a Resolution Approving and Issuing a Report on Measures Taken in Relation to Ordinance No. 2017-005 Establishing a Temporary Moratorium on Hillside Development in the Lower and Upper Culver Crest Neighborhoods (Moratorium); (2) Consideration of a Reduction in the Area or Properties that are Subject to the Moratorium and Modified Scope of the Moratorium as Deemed Appropriate; and (3) Consideration of the Adoption of an Ordinance Extending for an Additional 10 Months and 15 Days the Moratorium, and Declaring the Urgency Thereof and that it Shall Take Effect Immediately (or Alternately, Consideration of the Adoption of such Ordinance with a Modified Scope) (Four-Fifths Vote Required for Item #3)

MOVED BY COUNCIL MEMBER SAHLI-WELLS, SECONDED BY COUNCIL MEMBER SMALL AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL RECEIVE AND FILE THE AFFIDAVIT OF PUBLICATION AND POSTING OF NOTICES AND CORRESPONDENCE.

Sol Blumenfeld, Community Development Director, provided a summary of the material of record.

Heather Baker, Assistant City Attorney, clarified that the date listed in the ordinances should indicate March 19, 2018, noting that after an extension of 10 months and 15 days the moratorium would be in place for a full year.

Mayor Clarke received clarification that while the ordinance could be extended for 10 months and 15 days, a 4/5 vote of the City Council could end the moratorium if earlier resolution is achieved.

Further discussion ensued between staff and Council Members regarding the time frame indicated by the consultant; the process for granting individual exemptions within the designated zones; projects ready for permit issuance; projects in the pipeline; consideration of slope; examination of the original moratorium area; the hillside grading policy; elimination of the lower Culver Crest area that did not meet the criteria that the lots be sloped or abut a steeply sloped hillside; a request that the process be expedited; examination of zoning development standards and construction standards; the extent of development and amount of grading on a lot; the location and number of retaining walls; mapping slopes in excess of 20%; identification of which parts of a lot are most or least developable; working with the community to get input on

development related standards; identification of the extent of development on a lot; allowable area for development; grading; the process of creating development parameters for hillsides; preparation of draft ordinances; clarification on what the moratorium applies to; slope and soil composition; aggregated map work; lot by lot information; and aerial information.

MOVED BY COUNCIL MEMBER SMALL, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING.

Mayor Clarke invited public comment.

The following members of the audience addressed the City Council:

Bard Dorros indicated that he was seeking relief on the moratorium as he wanted to add a pool to his property; he reported obtaining the permits previous to the moratorium; indicated that grading would not be needed; he felt that the moratorium did not apply to his parcel; and he hoped to be grandfathered in before the moratorium noting that they were not adding any square footage.

Discussion ensued between staff and Council Members regarding the fact that a pool is considered to be a structure; the draft change in the moratorium map that excludes Mr. Dorros' property; the replacement of an existing retaining wall that needs repair; and language to indicate that a retaining wall directed for public safety would not be included.

Sean Veder expressed support for Plan B of the moratorium; wanted to see a moratorium imposed on ADUs and the development of homes beyond the footprint in the Upper Crest until studies are completed with homes in the Lower Crest are included that could be impacted from upper homes falling on them; he felt that flat areas should not be included as that could be overreach; and he expressed appreciation for the process.

Nicholas Cregor expressed support for Plan B of the staff recommendation; wanted to see the plans from the Jackson project released; expressed concern with the unresponsiveness of staff; felt there was no point in doing geological surveys all over the Crest; he discussed the

history of the area; the Culver City Hazard Mitigation Plan; identification of landslide hazard zones in the City; he suggested that a detailed analysis of previous slides would reveal trouble spots and save taxpayer money, supplemented by an on foot review by a qualified individual; he proposed not allowing ADUs on identified trouble spots; and discussed limited access to the Crest.

Sol Blumenfeld, Community Development Director, indicated that staff was happy to accept any information the public wished to share; he asserted that a slope analysis was necessary; he indicated that there was no proposal to do individual geotechnical studies; and he stated that the portions of the Crest that are steeply sloped should be identified to help inform development standards.

Mayor Clarke received clarification that the public can view plans for the Jackson project at the City Hall counter.

Paul Asai urged the City Council to approve the extension of the moratorium; he did not want the City Council to lose sight of the goal to improve public safety in the hillside areas; he asked what progress had been made to amend regulations for hillside building; he questioned when the next report would be made to update the City Council on progress made; he wanted to see a timetable for progress reports; he asked if there had been any provisions for public input; questioned whether the new state law contained a provision to prohibit ADUs in certain areas due to impacts to public safety; and he asked for the opportunity for the public to give input.

Walt Shubin indicated that the Jackson project is next door to his home; expressed support for the need for the moratorium; discussed previous slides; the red tagging of his house; the layer of clay sloping downhill adjacent to his property; previous studies done that did not indicate the presence of clay; educated guesses; assurances by geologists and engineers; ambiguity in geologists' findings; the history of repeated failures; he wanted to see a review of building codes and increased safety; asserted that the factor of safety should be raised before building is allowed; discussed actions by the City of Laguna Hills; and he asked that a comprehensive study be conducted and new building codes be established to protect public safety.

Robin Turner reported providing a copy of the 1979 state emergency response to Baldwin Hills slope failure issues to the Planning Director at the time; she asserted that 1/3 of the houses in the new plan had already failed in 1980; she noted that Planning staff had not gone by the City General Plan when they approved the Jackson project; she asserted that one cannot just visually look at a building to know what is there; and she wanted to see the City take the issue seriously and not address it in a piecemeal fashion.

Jennifer Merlis thanked the City for imposing the moratorium and wanted to see the extension; discussed research done on the hill; she asked that residents be allowed in the process of creating the new development standards, and if further study is necessary, she suggested that residents be allowed to help in the process of finding independent scientists to conduct research and alleviate the burden on staff; she asked that building be prohibited on the steepest slopes; did not want fancy new technology used to make it work; she asked that the like for like retaining wall on Cranks not have a small building attached to it; and she suggested replacing or repairing the delicate microphone.

Discussion ensued between staff and Council Members regarding the status of the code change; assistance of the consultant; status on public outreach after the scope of work is done; clarification that the draft development standards would be done in concert with the public and neighbors; application of new state law prohibitions in hillside areas with respect to ADUs; the public safety argument against the development of ADUs; hillside conditions; the need to complete the study; responses to questions submitted by residents and agreement to submit responses to the City Council and those who asked them this week; the history of repeated slope failures and the need to inform the building codes; whether the City is following development rules; compliance with more restrictive standards if adopted; clarification that there is no building attached to the retaining wall; the 1980 report; the non-applicability of glare, wind and shadow requirements; discretionary review and single family homes; and adopting a code change for more restrictive measures.

MOVED BY COUNCIL MEMBER SMALL, SECONDED BY VICE MAYOR COOPER AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

Additional discussion ensued between staff and Council Members regarding clarification that staff does not have a recommendation, and a correction to the title on the ordinance set forth on 2B to be consistent in the final ordinance.

MOVED BY COUNCIL MEMBER SMALL, SECONDED BY COUNCIL MEMBER SAHLI-WELLS AND UNANIMOUSLY CARRIED, THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION APPROVING AND ISSUING A REPORT ON MEASURES TAKEN IN RELATION TO ORDINANCE NO. 2017-005 ESTABLISHING A TEMPORARY MORATORIUM ON HILLSIDE DEVELOPMENT IN THE LOWER AND UPPER CULVER CREST NEIGHBORHOODS; AND

2B. ADOPT AN ORDINANCE EXTENDING, FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS, A MORATORIUM ON THE ISSUANCE OF ANY NEW BUILDING PERMITS FOR DEVELOPMENT AND CONSTRUCTION ON PROPERTIES THAT DIRECTLY ABUT STEEP HILLSIDE CONDITIONS AND/OR ARE STEEPLY SLOPED AND REQUIRE RETAINING WALLS FOR BUILDING ADDITIONS OR STRUCTURES (AS "BUILDING" AND "STRUCTURE" ARE DEFINED IN THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE) WHICH PROPERTIES ARE IDENTIFIED ON THE MAP, ATTACHED TO THE PROPOSED ORDINANCE AS EXHIBIT

A, AND DECLARING THE URGENCY THEREOF AND THAT IT SHALL TAKE EFFECT IMMEDIATELY. (THIS ITEM REQUIRES A FOUR-FIFTHS VOTE.)

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Public Comment - Items Not on the Agenda

Mayor Clarke invited public comment.

No cards were received and no speakers came forward.

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Items from Council Members

None.

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Adjournment

There being no further business, at 9:51 p.m., the City Council adjourned its meeting to Monday, April 24, 2017 at 7:00 p.m.

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Jeremy Green
CITY CLERK of Culver City, California
EX-OFFICIO CLERK of the City Council
Culver City, California

JIM B. CLARKE
MAYOR of Culver City, California