SPECIAL MEETING OF THE
CITY COUNCIL
CULVER CITY, CALIFORNIA

February 4, 2019
6:00 p.m.

Call to Order & Roll Call

Mayor Small called the special meeting of the City Council to order at 6:09 p.m. in the Mike Balkman Chambers at City Hall.

Present: Thomas Small, Mayor
Meghan Sahli-Wells, Vice Mayor
Alex Fisch, Council Member
Daniel Lee, Council Member

Absent: Göran Eriksson, Council Member

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Invocation/Pledge of Allegiance

John Nachbar, City Manager, led the invocation and the Pledge of Allegiance was led by Donna LeBlanc.

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Community Announcements by City Council Members/Information Items from Staff

Council Member Fisch noted that the green recycling bins now accept food waste which allows a reduction of waste going into the black bins.

Mayor Small announced that his son is now taking the bus to school; remarked on the friendliness of the bus drivers; noted that it provided a great alternative; and he indicated that he would be discussing *Governance in Times of Prosperity* on February 15 at the Westside Urban Forum's Annual Mayor's Panel at the Helms Bakery District Event Room.

Council Member Fisch announced a household hazardous and electronic waste roundup on February 23 at the parking lot of the Wende Museum.

Mayor Small reported receipt of an email from Eric Owen Moss on the passing of Frederick Smith and he discussed the life and legacy of Mr. Smith.

MOVED BY MAYOR SMALL AND SECONDED BY VICE MAYOR SAHLI-WELLS THAT WHEN THE MEETING IS ADJOURNED, THAT IT BE ADJOURNED IN MEMORY OF FREDERICK SMITH.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FISCH, LEE, SAHLI-WELLS, SMALL
NOES: NONE
ABSENT: ERIKSSON

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Joint Public Comment - Items Not on the Agenda

Mayor Small invited public comment.

The following members of the audience addressed the City Council:

Donna LeBlanc suggested that Culver City have a float in the Rose Parade noting that she was ready to volunteer.

Marta Zaragoza reported overhearing a conversation on January 31, 2019 at the Syd Kronenthal Center indicating that cannabis licenses could be facilitated through ex-Council Members and specific management staff; she asserted that was an FBI issue; expressed concern with corruption; discussed the process; ensuring ethical and transparent governance; undermining City values; she reported that district parking was not being enforced in east Culver City and requested a moratorium on district parking changes until impacted residents could be involved in the process; she indicated that Police Department and City staff were giving parking placards to non-residents as part of an agreement with the Lowe hotel; and she indicated that she was videotaping her comments in case she needed proof for the FBI.

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Receipt and Filing of Correspondence

MOVED BY COUNCIL MEMBER LEE AND SECONDED BY VICE MAYOR SAHLI-

WELLS THAT THE CITY COUNCIL RECEIVE AND FILE CORRESPONDENCE.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FISCH, LEE, SAHLI-WELLS, SMALL
NOES: NONE
ABSENT: ERIKSSON

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Order of the Agenda

No changes were made.

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Consent Calendar

Item C-1

CC - (1) Adoption of a Resolution Authorizing Examination of Sales and Use Tax Information by Strategic Economics for the Purpose of Preparing the City's Economic Development Implementation Plan; (2) Authorization to the City's Chief Financial Officer to Release Confidential Transient Occupancy Tax Information to Strategic Economics for the Purpose of Preparing the City's Economic Development Implementation Plan; and (3) Direction to the City Manager to Enter Into a Related Confidentiality Agreement with Strategic Economics

MOVED BY COUNCIL MEMBER FISCH AND SECONDED BY COUNCIL MEMBER LEE THAT THE CITY COUNCIL:

1. ADOPT A RESOLUTION AUTHORIZING EXAMINATION OF SALES AND USE TAX INFORMATION BY STRATEGIC ECONOMICS FOR THE PURPOSE OF PREPARING THE CITY'S ECONOMIC DEVELOPMENT IMPLEMENTATION PLAN; AND,

2. AUTHORIZATION TO THE CITY'S CHIEF FINANCIAL OFFICER TO RELEASE CONFIDENTIAL TRANSIENT OCCUPANCY TAX (TOT) INFORMATION TO STRATEGIC ECONOMICS FOR THE PURPOSE OF PREPARING THE CITY'S ECONOMIC DEVELOPMENT IMPLEMENTATION PLAN; AND

3. DIRECTION TO THE CITY MANAGER TO ENTER INTO A RELATED CONFIDENTIALITY AGREEMENT WITH STRATEGIC ECONOMICS; AND

4. AUTHORIZE THE CITY ATTORNEY TO REVIEW/PREPARE THE NECESSARY

DOCUMENTS; AND

5. AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS ON BEHALF OF THE CITY.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FISCH, LEE, SAHLI-WELLS, SMALL
NOES: NONE
ABSENT: ERIKSSON

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Public Hearings

Item PH-1

CC - PUBLIC HEARING - Introduction of an Ordinance Approving Zoning Code Amendment P2018-0223-ZCA, Amending Culver City Municipal Code (CCMC) Title 17 - Zoning (Zoning Code) Chapter 17.260 - Overlay Zones, Creating the Culver Crest/Hillsides Overlay (-CC) and Establishing Development Standards for Hillside Neighborhoods

Michael Allen, Current Planning Manager, provided a summary of the material of record.

William Kavadas, Assistant Planner, discussed Slope Band Methodology; the baseline Floor Area Ratio (FAR); consistency with surrounding jurisdictions; minimum by-right Floor Area in the hillside; average lot size; setbacks; new definitions; and community input.

Discussion ensued between staff and Council Members regarding saving the landscaping for a later date; fire safety; decoupling landscaping requirements from the grading ordinance; erosion control; life safety related issues in the grading ordinance; and next steps with Blair Hills.

MOVED BY VICE MAYOR SAHLI-WELLS AND SECONDED BY COUNCIL MEMBER LEE THAT THE CITY COUNCIL OPEN THE PUBLIC HEARING AND RECEIVE PUBLIC COMMENT.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FISCH, LEE, SAHLI-WELLS, SMALL
NOES: NONE

ABSENT: ERIKSSON

Mayor Small invited public comment.

The following members of the audience addressed the City Council:

Chak Chie discussed his house; thanked the City for their efforts; expressed support for the John Kaliski and Associates (JKA) study and asked that the City adopt it but take into consideration the FAR exclusion of detached garages, and paragraph E on setback exceptions; he discussed concerns voiced at the Planning Commission meeting; and remodeling using the existing footprint vs. new construction.

Nicholas Cregor noted that the code was not updated after the major landslide in 2005 and that the standards in place failed to recognize that hillside development is different than building on flat land; he discussed the City of Los Angeles Hillside Ordinance; loopholes in the code exposed by the developer on Cranks Road; negative effects to surrounding neighbors; he felt the JKA proposal addressed issues; pointed out that the Planning Commission had excluded the original JKA recommendation that 200 square feet be allowed for an attached garage that does not count towards the FAR; reported a petition against the exclusion with the feeling that Culver City should not be more restrictive than Los Angeles; he supported a 200 square foot allowance for attached garages, but no exemption allowed for detached garages; he discussed the process; and he thanked staff and Council Members for their work.

Susan Rosales provided background on herself and discussed her experience living in the Crest for 30 years; expressed support for consultant and staff recommendations; discussed Culver Crest stability issues and FEMA funding; the slope based FAR scale; proposed setbacks and second story step backs; premiums paid to enjoy the views; preserving the low-key charm of the neighborhood; retaining the value of the neighborhood; not taking advantage of the maximum potential to build; the Culver Crest overlay zone; and she thanked staff, the consultant and the City Council.

Daniel Mayeda provided background on himself and his experiences in the Culver Crest; noted that the area is prone to landslides, a high risk fire zone, has substandard streets, limited parking and limited access to the top; pointed out the

need for different development standards than other parts of the City; discussed the process for developing the guidelines; consistency with other hillside regulations in other parts of the state; he expressed support for the consultant recommendations for zoning and building code regulations in a Culver Crest Overlay with the exception of the exclusion of the 200 square feet for attached garages as part of the FAR; he expressed opposition to the Planning Commission recommendation for an exemption of detached garages in the FAR; expressed concern with providing an incentive to developers and remodelers to design more detached garages; and he thanked staff for the sensible adjustments to building standards in Culver Crest.

Sean Veder thanked the City Council and staff for their efforts; discussed the attached garage element; setbacks; the stepped nature of lots; limits to lighting and views; he suggested codifying allowances of detached garages and disallowing second stories on garages; and he expressed support for JKA and the process.

Paul Asai expressed support for the JKA recommendation; he noted that the existing FAR in the Culver Crest area is 0.26; discussed allowing flexibility to enlarge homes; proposed setback regulations; reducing mass and bulk; maintaining the character of the area; the definition of an attic; support for the 200 square foot exclusion for attached garages from the FAR and for the removal of the 400 square foot exemption for detached garages; expressed concern with incentivizing the building of detached garages, adding to bulk and massing, and lessening setback regulations; noted the building on 10753 Cranks Road represented current development standards and negative development; and he felt that the proposed changes were reasonable, much needed, and reflected the opinion of the majority of the neighborhood.

Jennifer Hodur discussed her experience with the 2005 Culver Crest mudslide; safety to real and personal property; and she expressed support for using the past as a guide for the future.

Jennifer Merliss provided background on herself; discussed the history of slides in the area; preserving the character of the neighborhood; she expressed appreciation to the City and the consultant for their work and for the outreach process; she agreed that there should not be an exemption for detached garages; discussed property values; other areas in California

that have adopted strict standards; support for responsible remodeling; quality of life issues; consideration of neighbors; and she urged the City Council to adopt the standards.

Lydia Pagorzeiski acknowledged the hardship created by the moratorium; expressed support for ensuring the safety of the neighborhoods; she encouraged the City Council to consider the needs of all residents; she felt that the proposed codes were too restrictive; discussed existing homes that would not comply with the regulations; concern with dictating architectural style in the name of safety; new construction with a second story; new hillside regulations in the City of Los Angeles; concern with discouraging families from locating in the area; allowing homeowners to use at least 50% of their lot for livable space; and she asked that the City Council enact reasonable building codes that benefit all homeowners in the Culver Crest.

Rich Kissel thanked the City, staff and JKA for their process and recommendations; he expressed opposition to any reduction to the standards; felt that lax standards in the hillsides would attract substandard developers; he discussed lot size and home value as compared to other areas of the City; he reported that the issue had caused him to resign his Board position on the Culver Crest Neighborhood Association (CCNA); noted that the CCNA had rescinded their position as it did not reflect that of the majority of the neighborhood; discussed flat lots in the neighborhood; and he expressed support for excluding the 200 square foot for attached garages from the FAR to encourage getting cars off the street.

Robin Turner thanked the City Council and staff for their efforts; discussed her previous efforts to enact a height initiative; concerns with being able to rebuild; and she wanted to ensure that non-conforming buildings were not allowed to be grandfathered in.

Discussion ensued between staff and Council Members regarding the non-conforming ordinance that allows rebuilding after a calamity under certain circumstances; the grading ordinance under consideration; studying how the non-conforming ordinance would work with the grading ordinance; time constraints; the process; clarification that there would be a second reading before adoption; the ability of the City Council to add clarifying language but not substantive changes after the vote and before the second reading; providing direction to staff to

make changes before the next reading; amendments as a result of the grading ordinance; having a carve-out for calamities; addressing issues in the non-conforming ordinance; potential amendments that take time to study; and the importance of adopting the ordinance before the moratorium expires.

Shane Evangelist noted that he had just bought a home; reported being assured by his attorney prior to purchase that if something happened to his house he would be able to rebuild; he stated that he would not build a duplex; and he noted that he had a vested interest.

MOVED BY COUNCIL MEMBER LEE AND SECONDED BY COUNCIL MEMBER FISCH THAT THE CITY COUNCIL CLOSE THE PUBLIC HEARING.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FISCH, LEE, SAHLI-WELLS, SMALL
NOES: NONE
ABSENT: ERIKSSON

Michael Allen, Current Planning Manager, discussed the JKA recommendation to exclude 200 square feet of attached garages from the FAR calculation; the Planning Commission recommendation to calculate the FAR to exclude detached garages; preserving the 2500 square foot minimum; adding the disclaimer that detached garages should not be counted against the FAR; and the feeling of the Planning Commission that attached garages add to overall bulk and mass.

Discussion ensued between staff and Council Members regarding setbacks for detached garages; accessory structures; vague language in defining the footprint of the garage; maximum square feet for accessory structures; two car garages with additional space; accessory space that counts toward the overall FAR; concern with encouraging developers to build more detached garages and accessory spaces; maximizing developable area; concerns expressed by members of the community; the context of the discussion; respecting the spirit of the 2500 allowance; concern for smaller lot sizes; allowing additional consideration for existing buildings that do not breach the slope band; the Planning Commission discussion; limiting the exemption to address smaller lots with smaller homes; clarification that as the total square footage increases, the exemption decreases; understanding implications and the scope of the issue; further research necessary; not allowing the carve-out until it is proven to be needed; going with the

original recommendation from JKA before the Planning Commission allowed the exemption; vetting and community meetings; number of properties impacted; the availability to examine available data; and setting the default.

Chak Chie reported that none of the lots smaller than 6000 square feet have detached garages.

Heather Baker, Assistant City Attorney, indicated that the public hearing was closed and should be reopened if additional comment is to be reflected in the record.

Nicholas Cregor noted that the Planning Commission concern was with being too restrictive.

Further discussion ensued between staff and Council Members regarding additional consideration of the carve-out issue; understanding the implications of an exemption; the choice to include the exemption or not; timelines; scheduling; text amendments; staff workload; the proposed attic definition; clarification that any room greater than 70 square feet with a greater than seven foot ceiling counts toward the FAR and is considered a story; including that language under definition of FAR rather than in the attic definition; consistency with building code definition; finished ceiling height; public review and notification; the importance of the life safety issues; and the General Plan Update.

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Recess/Reconvene

Mayor Small called a brief recess from 7:45 p.m. to 7:55 p.m.

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Item PH-1
(Continued)

CC - PUBLIC HEARING - Introduction of an Ordinance Approving Zoning Code Amendment P2018-0223-ZCA, Amending Culver City Municipal Code (CCMC) Title 17 - Zoning (Zoning Code) Chapter 17.260 - Overlay Zones, Creating the Culver Crest/Hillsides Overlay (-CC) and Establishing Development Standards for Hillside Neighborhoods

Sol Blumenfeld, Community Development Director, read language for the attic definition: "Any room less than 70 square feet that has a finished ceiling height of less than seven feet shall constitute an attic."

Discussion ensued between staff and Council Members regarding habitable space; ceiling height; the housing crisis in Los Angeles County; appreciation to everyone for their efforts in the process; the fact that hillside safety standards did not exist previously; public participation; conflicting interests; striking a balance; safety as a priority; concern with increasing instances of severe weather and fires; constraints in the interest of life and health and safety; participatory government at its best; and clarification that language regarding the attic as read by Mr. Blumenfeld would be included in the motion along with direction to staff to examine issues regarding grandfathering and examination of garage carve-outs.

MOVED BY VICE MAYOR SAHLI-WELLS AND SECONDED BY COUNCIL MEMBER LEE THAT THE CITY COUNCIL: INTRODUCE THE PROPOSED ORDINANCE, APPROVING ZONING CODE AMENDMENT P2018-0223-ZCA AMENDING CULVER CITY MUNICIPAL CODE (CCMC) TITLE 17 - ZONING (ZONING CODE), CHAPTER 17.260 - OVERLAY ZONES, CREATING THE CULVER CREST/HILLSIDES OVERLAY ZONE (- CC) AND ESTABLISHING DEVELOPMENT STANDARDS FOR HILLSIDE NEIGHBORHOODS WITH LANGUAGE REGARDING THE ATTIC AS READ BY MR. BLUMENFELD, DIRECTION TO STAFF TO EXAMINE THE GRANDFATHERING ISSUE FOR CONSIDERATION AT A FUTURE MEETING, AND EXAMINATION OF GARAGE CARVE-OUT TO BE BROUGHT BACK FOR FUTURE CONSIDERATION.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FISCH, LEE, SAHLI-WELLS, SMALL
NOES: NONE
ABSENT: ERIKSSON

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Action Items

Item A-1

Introduction of an Ordinance Adding a New Subchapter, 15.02.1300, Et Seq., "Hillside Grading Requirements and

Permitting," to Chapter 15.02, Buildings, Structures and Equipment, of the Culver City Municipal Code

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

Discussion ensued between staff and Council Members regarding public outreach; the draft summary; impacts created by the rainy season; soil stability; moisture in the soil; the drought; the amount of rain needed to raise the water table; liquefaction; excavation inspection; tree removal; landscaping; and Fire Department standards.

Mayor Small invited public comment.

The following members of the audience addressed the City Council:

Daniel Mayeda expressed appreciation to staff for their efforts to address issues and for requiring neighbor notification when grading and major changes are made.

Paul Asai questioned the relationship of the grading ordinance to the zoning code and whether additional reports would be required if grading is not done.

Discussion ensued between staff and Council Members regarding differences between the zoning code and the building code; requirements to build pursuant to the building envelope; development permits vs. building permits; separate but related code amendments; geotechnical requirements for redevelopment of a flat site previously carved out of a hill; the requirement to submit a topographical survey for parcels in the H designated area; requirements for a slope of greater than 15%; and clarification that if a parcel is located in the H designated area, it is subject to the requirements even if the parcel is not being graded, and the parcel is subject to a grading permit if the slope is 25% or more, or if there are plans to do cuts or fills.

Heather Baker, Assistant City Attorney, stated that the environmental determination was inadvertently omitted so it would be inserted before the item returns for adoption, and she indicated that the California Environmental Quality Act (CEQA) determination would be inserted and introduced with that change.

MOVED BY COUNCIL MEMBER LEE AND SECONDED BY COUNCIL MEMBER FISCH THAT THE CITY COUNCIL: INTRODUCE AN ORDINANCE ADDING NEW SUBCHAPTER 15.02.1300, ET SEQ., "HILLSIDE GRADING REQUIREMENTS AND PERMITTING" TO CHAPTER 15.02, BUILDINGS, STRUCTURES AND EQUIPMENT, OF THE CULVER CITY MUNICIPAL CODE (CCMC).

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FISCH, LEE, SAHLI-WELLS, SMALL
NOES: NONE
ABSENT: ERIKSSON

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Public Comment - Items Not on the Agenda

Mayor Small invited public comment.

No cards were received and no speakers came forward.

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Items from Council Members

Vice Mayor Sahli-Wells indicated that she had provided cards with customer service support information for the Clean Power Alliance at the back of Council Chambers noting that by the end of the month, all Culver City accounts would have 100% renewable energy procured from the Clean Power Alliance, and she announced a press conference scheduled for February 11, 2019.

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Council Member Requests to Agendize Future Items

None.

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Adjournment

There being no further business, at 8:35 p.m., the City Council adjourned in memory of Frederick Smith to a meeting on February 11, 2019.

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Jeremy Green
CITY CLERK of Culver City, California
Culver City, California

THOMAS SMALL
MAYOR of Culver City, California