



# City of Culver City

## Staff Report Details (With Text)

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**Title:** CC - ACTION ITEM: (1) Discussion of Senate Bill 9 Application in the Culver Crest and the High and Very High Fire Hazard Severity Zones; and (2) Direction to the City Manager as Deemed Appropriate

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2022-09-12\_ATT 1\_Oct 2017 JKA Memo, 2. 2022-09-12\_ATT 2\_Jan 2018 JKA Memo, 3. 2022-09-12\_ATT 3\_Culver City Very High Fire Hazard Severity Zones.pdf, 4. ADU\_Prohibited\_Map.pdf, 5. VHFHSZ\_ADU\_OverlayMap

Date	Ver.	Action By	Action	Result
10/24/2022	1	City Council Meeting Agenda		

**CC - ACTION ITEM: (1) Discussion of Senate Bill 9 Application in the Culver Crest and the High and Very High Fire Hazard Severity Zones; and (2) Direction to the City Manager as Deemed Appropriate**

**Meeting Date:** October 24, 2022

**Contact Person/Dept.:** Erika Ramirez, Current Planning Division  
Christina Burrows/City Attorney's Office

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**Fiscal Impact:** Yes  No       **General Fund:** Yes  No

**Attachments:** Yes  No

**Commission Action Required:** Yes  No       **Date:**  
**Commission Name:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (10/19/2022)

**Department Approval:** Jesse Mays, Assistant City Manager (10/11/2022)

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### RECOMMENDATION

Staff recommends the City Council (1) discuss the application of Senate Bill 9 in the Culver Crest and

the High and Very High Fire Hazard Severity Zones; and (2) provide direction to the City Manager as deemed appropriate.

## **BACKGROUND**

Senate Bill (SB) 9 took effect on January 1, 2022. SB 9 provides for a ministerial process, without discretionary review or a public hearing, to approve two-unit residential developments (“Two-Unit Projects”) as well as lot split parcel maps (“Urban Lot Splits”) meeting certain criteria on lots in single family residential zones.

At the City Council meeting on April 25, 2022, the City Council declined to provide direction to prepare an SB 9 implementation ordinance establishing specific standards applicable to Urban Lot Splits and Two-Unit Projects. Instead, the City Council directed staff to implement SB 9 as written in state law and to return with an update about whether SB 9 developments would be prohibited in the Culver Crest or in the high or very high fire hazard severity zones.

Staff is working to complete an SB 9 fact sheet, implementation memo and application form, which will be finalized after receiving direction regarding this item.

## **DISCUSSION**

### ***High and very high fire hazard severity zones***

SB 9 contains eligibility criteria addressing environmental site constraints, such as development in high and very high fire severity zones. SB 9 developments are prohibited:

“(D) [w]ithin a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.” Government Code section 65913.4(a)(6)(D).

Most cities and counties have interpreted this to mean that SB 9 developments are prohibited in all high or very high fire severity zones. A few cities and counties are allowing SB 9 developments in high or very high fire severity zones subject to specified mitigation measures.

A significant portion of the Culver Crest neighborhood is located in a very high fire hazard severity zone, as shown in Attachment 3.

### ***Culver Crest Neighborhood***

A memorandum prepared by John Kaliski Architects (JKA) in October of 2017 found that the Culver Crest neighborhood is constrained by several existing conditions that increase safety concerns. According to JKA, these safety concerns include overlap with a Very High Fire Hazard Severity Zone,

an area where liquefaction of soils needs to be considered, potential for surficial landslides that could close emergency vehicle access and response to portions of the community, and potentially sub-standard street rights-of-ways that may constrain emergency response during hazard events. Based on the JKA study, the City Council prohibited the construction of ADUs and JADUs in the Hillside Area (Attachment 4.) The October 2017 JKA Memorandum is included as Attachment 1.

JKA also prepared a second memorandum proposing additional development standards in the Hillside Area primarily to address the construction of larger homes. These standards included limits to floor area and specified methods of measuring height related to slope. The development standards were developed to ensure development in the Culver Crest would occur in a safe manner. They were based on studies of the existing slope conditions, the geotechnical history of landslides, and currently available hillside studies. The January 2018 Memorandum is included as Attachment 2.

### ***Items for potential City Council direction***

Staff is seeking City Council direction regarding the following options:

1. Implement SB 9 to prohibit development projects in High and Very High Fire Hazard Severity Zones; or
2. Implement SB 9 to allow development projects in High and Very High Fire Hazard Severity Zones with an approved fire hazard mitigation plan; or
3. Implement SB 9 to prohibit SB 9 projects in the same areas as ADUs and JADUs based on the two JKA memoranda and return with an ordinance to that effect; or
4. Take another action.

### **FISCAL IMPACT**

There is no fiscal impact associated with the discussion of this item.

### **ATTACHMENTS**

1. JKA memorandum dated October 17, 2017
2. JKA memorandum dated January 4, 2018
3. Map of Very High Fire Severity Zones in Culver City
4. ADU Prohibited Map
5. Map of Very High Fire Severity Zone overlaid on ADU Prohibited area

### **MOTIONS**

That the City Council:

1. Discuss the application of Senate Bill 9 in the Culver Crest and High and Very High Fire Severity Zones; and
2. Provide direction to the City Manager as deemed appropriate.

