



City of Culver City

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Staff Report

File #: 18-0835, **Version:** 1

Item #: A-3.

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) and Ordinance No. 2017-006 Extending the Moratorium; and (2) PUBLIC HEARING: Adoption of an Ordinance Extending for an Additional 12 Months the Moratorium, and Declaring the Urgency Thereof and that it Shall Take Effect Immediately (Four-Fifths Vote Required).

Meeting Date: February 26, 2018

Contact Person/Dept: Michael Allen / Planning Manager
Sol Blumenfeld / Community Development Director

Phone Number: 310-253-5727

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing: **Action Item:** **Attachments:**

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

Public Notification: (E-Mail) Meetings and Agendas - City Council (2/20/18); Notify Me - Culver City Weekly Digest Bulletin (02/13/18); Hillside Topic Page Publication (2/19/18), Hillside Study Community Group E-mail (2/19/18).

Department Approval: Sol Blumenfeld, Community Development Director (02/15/18)

RECOMMENDATION

Staff recommends 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 (Moratorium) and Ordinance No. 2017-006 extending the Moratorium; and (2) conduct a public hearing and adopt an Ordinance extending for an additional 12 months the Moratorium, and declaring the urgency thereof and that it shall take effect immediately (**requires a four-fifths vote.**)

PROCEDURE:

1. The Mayor seeks motion to receive and file the affidavit of mailing and posting of public notice.

2. The Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired.
3. The Mayor seeks a motion to declare the public hearing open and the City Council receives public comment.
4. The Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. The City Council discusses the matter and arrives at its decision.

BACKGROUND

In order to address on-going concerns regarding development in the Culver Crest hillside neighborhood, on March 20, 2017 the City Council adopted Urgency Ordinance No. 2017-005, establishing a 45-Day Moratorium on the issuance of any new building permit for development and construction in the Lower and Upper Culver Crest hillside neighborhoods.

On April 18, 2017 the City Council adopted Ordinance No. 2017-006, extending the temporary moratorium by 10 months and 15 days (including a reduction in the area and properties subject to the moratorium) in order to allow the City time to thoroughly research options for regulating the development and construction on the hillside and prepare and present recommended regulations to the Planning Commission for recommendation to the City Council.

On November 27, 2017 while the Study continued to look at design guidelines for the hillside area, City Council adopted Urgency Ordinance No. 2017-017 to address the following immediate issues related to hillside development density and ADUs which surfaced during the study:

- (1) Existing substandard roadway widths coupled with curvilinear roadway configuration that may limit or prohibit emergency vehicle access or response time during an emergency.
- (2) The eastern half of the Culver Crest neighborhood is in a “Very High Fire Hazard”; and
- (3) The area contains potential liquefaction zones and potential surficial landslide hazards.

On January 22, 2018, the City Council received and filed the *Recommendations for R-1 Neighborhood Hillside Development Standards Report* as presented by the project team, and provided direction to proceed with further analysis and the appropriate amendments to the City’s Building and Zoning Codes.

DISCUSSION

Report on City Actions Taken in Relation to Moratorium

Consistent with the provisions of Government Code Section 65858 (d), at least 10 days prior to the

expiration or any extension of the Moratorium, the City Council must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Moratorium. Further, issuing a report on the actions and measures taken by the City since the adoption of the Moratorium will help keep the affected property owners and residents, and the community, well-informed on this matter.

As set forth in the Report, attached to the proposed Resolution (Attachment 1), such measures include, but are not limited to, the City's efforts to:

- Review and analyze other cities' hillside development and construction standards. There are different types of regulations that may be warranted, depending on site, geological and topographical conditions.
- Staff retained a consultant to assist with studying and evaluating various hillside development and construction standards in order to make recommendations that are appropriate for the hillside neighborhoods.
- In studying possible revisions to the Culver City Municipal Code (CCMC), Title 17, Zoning and Title 15, Building Code, the City has considered potential regulations that would appropriately balance the rights of property owners to develop their property, with the preservation of the health, safety and welfare of the surrounding residents and their properties.
- While the study was in process and continued to look at design guidelines for the hillside area, the consultant provided staff with some preliminary recommendations specifically regarding the construction of accessory dwelling units (ADUs), based on the following findings: (1) existing substandard roadway widths in the area coupled with curvilinear roadway configuration that may limit or prohibit emergency vehicle access or response time during an emergency; (2) the eastern half of the Culver Crest neighborhood is in a "Very High Fire Hazard"; and (3) the area contains potential liquefaction zones and potential surficial landslide hazards.
- On November 27, 2017, the City Council adopted Urgency Ordinance No. 2017-017 to amend the Zoning Code to prohibit ADUs in the Culver Crest Neighborhood.

The City is pursuing its study, review and preparation of recommended code amendments as expeditiously as is practicable.

Urgency Ordinance Extending the Moratorium

By its own terms, the Moratorium expires and will be of no further force and effect after March 19, 2018, unless extended by four-fifths vote of the City Council.

Per the City's Council's direction at its January 22, 2018 meeting, staff is proceeding to prepare Zoning and Building Code amendments, based on recommendations set forth in the *R-1*

Neighborhood Hillside Development Standards Report, for consideration by the Planning Commission and City Council, as applicable. A copy of the *R-1 Neighborhood Hillside Development Standards Report* is attached to the Proposed Resolution (see Attachment 1).

In order to accomplish the recommended amendments to the City's Building and Zoning Codes, it will take additional time to develop a work program and timeline for implementation. To provide sufficient time to implement the appropriate code amendments, City staff recommends an extension to the existing Moratorium, which is set to expire March 19, 2018.

Without an extension of the Moratorium, the City may be required to accept and process applications for new or expanded development and construction on hillside properties under the existing Zoning and Building Codes.

Declaration of Urgency

If the City Council desires to extend the Moratorium, the necessary findings to preserve the quality of life and protect the health, safety, and welfare of the community, continue to be relevant. The 10-month and 15 day extension to the Moratorium was enacted with the intention of giving staff adequate time to review and study potential Zoning and Building Code amendments in order to adequately and appropriately balance the rights of property owners to develop their property, with the preservation of the health, safety and welfare of the surrounding residents and their properties. The review and study of the hillside areas is recently completed, however there has been insufficient time to develop the appropriate code amendments; therefore, the City Council may still find that the Moratorium is warranted and may wish to extend it by an additional 12 months.

Extension of Moratorium

If the City Council adopts the proposed Ordinance (Attachment 3), the Moratorium will be extended through and including May 19, 2019, during which time no building permit or land use determination or entitlement shall be granted for, nor shall any application for a subdivision, use permit, variance, building permit, or land use determination or entitlement required to comply with the Culver City Municipal Code, including any appeals, be accepted or processed for, any improvement to any property located within the Lower and Upper Culver Crest Neighborhoods, as identified on Exhibit A, attached to the proposed Ordinance, unless that improvement will not expand the footprint of any improvements, or add square footage of development, on the subject property that existed before the effective date of the Moratorium. For the purpose of the Moratorium, "building permit" shall not include plumbing, mechanical and electrical permits for existing structures.

The extension of the Moratorium will allow the City time to prepare and implement the recommendations in the *R-1 Neighborhood Hillside Development Standards Report*, in order to adequately and appropriately balance the rights of property owners to develop their property, with the preservation of the health, safety and welfare of the surrounding residents and their properties.

Legal Authority

The proposed urgency ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA guidelines, California Code of Regulations, Title 14, Chapter 3, §15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and §15060(c)(3) [the activity is not a project as defined in §15378] because it has no

potential for resulting in physical change to the environment, directly or indirectly; rather it prevents changes to the environment pending the completion of the contemplated study.

The procedures set forth in Government Code Section 65858 for the imposition and extension of a moratorium, which the City has followed, provide that after notice and a public hearing, the Moratorium may be extended for an additional 12 months. This would be the final extension authorized by state law.

Culver City Charter Section 614, provides additional authority for the City Council to adopt an ordinance as an urgency measure for preserving the public peace, health or safety by a four-fifths vote.

FISCAL ANALYSIS

There are no fiscal impacts related to continuance of the public hearing.

ATTACHMENTS

1. Proposed Resolution (Including Report Describing Measures Taken in Relation to the Moratorium and *R-1 Neighborhood Hillside Development Standards Report*)
2. Proposed Ordinance

MOTION

That the City Council:

1. Adopt a Resolution Issuing 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

2. Adopt an Ordinance extending, for an additional 12 months, a moratorium on the issuance of any new building permits for development and construction in the Upper Culver Crest hillside neighborhoods as identified on the map, attached to the proposed Ordinance as Exhibit A, and declaring the urgency thereof and that it shall take effect immediately (requires a four-fifths vote);