



City of Culver City

Staff Report

File #: 19-817, **Version:** 1

Item #: A-1.

CC - 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.

Meeting Date: February 4, 2019

Contact Person/Dept: Sol Blumenfeld/CDD

Phone Number: (310) 253-5700

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 (01/30/19);

Department Approval: Sol Blumenfeld, Community Development Director (01/30/19)

RECOMMENDATION

Staff recommends 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) (Attachment 1).

BACKGROUND/DISCUSSION

Summary of Proposed Hillside Grading Ordinance

As part of the citywide Large Single Family Home Design Study, which included research of options for regulating the development and construction in hillside neighborhoods pursuant to the current moratorium on the issuance of building permits in the Lower and Upper Culver Crest Hillside Neighborhoods, the City's consultant prepared new zoning standards for reductions in building height, restrictions on building floor area relative to the degree of hillside slope and recommendations on hillside grading restrictions. These recommended hillside grading restrictions require amendment to CCMC Chapter 15.02, Buildings, Structures and Equipment ("Hillside Grading Ordinance").

The proposed Hillside Grading Ordinance establishes a new Hillside “H” Designation to address unique hillside building conditions on lots where the existing slope on any portion of that lot is equal to or steeper than 15% and subject to the requirement for a grading permit. The proposed restrictions apply to all properties shown on the attached Hillside Grading Map (Attachment 2), as set forth in the Hillside Grading Ordinance, and certain other hillside properties that are subject to the hillside grading requirements.

1. Hillside “H” Grading Designation

All properties shown on the Hillside “H” Grading Designation Area map and other hillside properties that are subject to the requirements of the proposed Ordinance would have the Hillside “H” Grading Designation. Such designation requires that hillside properties are designed and constructed in accordance with appropriate grading and drainage standards. The “H” designation:

- Applies to a lot where any portion of the existing slope is equal to or steeper than 15%;
- Is recorded on City building records;
- Requires a topographic survey with project plan submittal;
- Requires a geotechnical and geological report with grading plan submittal; and
- Allows a property owner to appeal the “H” designation to the Planning Commission where it can be shown, with a detailed topographic survey prepared by a licensed civil engineer or land surveyor, that said lot does not contain any slope equal to or steeper than 15%.

2. Grading Requirements

Notwithstanding any other provisions of the CCMC, total grading (cut and fill) on a lot will be limited as outlined in Section 3 below and no grading permits will be issued until a building permit is approved. All grading plans will be subject to review by a qualified geotechnical engineering consultant.

3. Thresholds for a Grading Permit

A hillside grading plan and grading permit are required when the grading exceeds 100 cubic yards cut or fill and involves one or more of the following:

- A. A cut or fill of more than three feet in vertical height below or above natural ground;
- B. Cumulative cut and fill which amounts to more than five feet; and/or
- C. An area where the natural gradient of the site is more than 4:1 (horizontal to vertical) or 25% slope.

Grading plans that do not exceed the above thresholds are subject to a building permit only and do not require a grading permit. The building permit application will include earth work calculations with cross sections to assess the extent of the proposed grading.

4. Maximum Grading Quantities

Grading for properties with a Hillside “H” Designation will be limited to a maximum amount of cut and fill. The cumulative quantity of grading, or the total combined value of both cut and fill or

incremental cut and fill, for a project will be limited to a base maximum of 500 cubic yards plus the numeric value equal to 5% of the total lot size in cubic yards.

Example: a 5,000 square-foot lot would have a maximum grading amount of 750 cubic yards (500 cubic yards for the base amount + 250 cubic yards for the 5% lot size). (Please see attached illustrations)

For projects where there is a maximum slope of 50% (2:1) or greater and/or where there is an excavation or fill that exceeds a 50% (2:1) or greater slope, no grading permit will be issued without Building Official review and approval.

The maximum grading quantities, grading percentage for cut of fill, or maximum allowable slope for grading may be appealed to the Planning Commission, where specific findings can be made, as established by resolution of the City Council.

See Attachment 3 for grading illustrations.

5. Slope Stabilization

When there is significant renovation or substantial new construction on a site, (i.e. the project exceeds 50% of the replacement value for the original structure, as determined by the Building Official) a hillside grading permit is required and the owner shall also be required to increase standards of care and safety for grading, excavations, fills, soil placement and foundations by implementing slope stabilization measures for the entire lot. The geotechnical engineer or engineering geologist will establish prescriptive measures for slope stabilization, which shall be subject to third party review, with commensurate plan review fees applied consistent with the City's fee schedule. Notwithstanding the above, the Building Official, in his or her sole discretion, may require slope stabilization measures for any project, if such measures are determined to be necessary in the interest of public health, safety or welfare.

6. Public Works Department Review

All grading projects of one acre or greater are subject to Public Works Department approvals for National Pollutant Discharge Elimination System (NPDES), Storm Water Pollution Protection Plan (SWPPP) and Low Impact Development (LID) requirements.

7. Geotechnical and Geology Report

All projects involving properties with a Hillside "H" Grading Designation and subject to a grading permit will be required to prepare and submit a geology report and a geotechnical report to address site specific geotechnical conditions.

8. Drainage Control Plan Requirements

All projects will be designed to include appropriate drainage control devices such as: interceptor terraces, diverter terraces, berms, vee channels, inlet structures, down drains and outlet structures, drainage dispersal walls, sub-drains, gutters, site drainage, drainage around buildings, and shall include a plan for maintenance of drainage devices to ensure proper site drainage. An Erosion and

Sediment Control Plan shall be prepared to address site drainage conditions during project construction.

9. Post Construction Drainage Reports and Maintenance Covenant

Annually, or when required by plan check, a drainage report shall be submitted to the Building Official indicating the condition of all drainage structures, acceptance of water from off-site properties and drainage to adjacent properties. A maintenance covenant, approved as to form by the City Attorney, shall be prepared to address required maintenance for all drainage structures.

The drainage report shall include:

- A. Hydrology map showing the drainage basin(s), the site of proposed grading, and any proposed drainage structures;
- B. Summary of the hydrology and any proposed drainage structure conditions checked; and
- C. Hydrology calculations for storm intensity requirements (up to 25 year storm) for all drainage facilities.

10. Landscape Plan

All projects located on properties with a Hillside "H" Designation or other property subject to the requirements of the Hillside Grading Ordinance will provide a Slope Protection and Fire Prevention Landscape Plan prepared by a Licensed Landscape Architect that minimizes erosion, and surficial sliding and maximizes fire prevention and which indicates proposed ground cover, shrub and tree planting, proposed water conserving irrigation, including automatic shut off valves and fire resistant planting.

Significant Tree Removal

- A. All Significant Trees as defined in the Hillside Grading Ordinance shall be identified by a Licensed Landscape Architect and shown on the grading and landscape plan with a note of intent to either remove or protect such trees. A Significant Tree is defined as a tree that is well established with a minimum caliper size of 10 inches or greater and/or a tree height and canopy spread of 20 feet or greater.
- B. Before any Significant Tree is removed, an Application to Remove Significant Trees must be filed with the Current Planning Division for approval which will indicate the reason for such removal and alternative planting to substitute for the tree(s) removed. The grading plan will be reviewed by the Current Planning Division to verify that the Significant Trees marked for removal are in conformance with the approved application.
- C. The application to remove Significant Trees must be approved prior to approval of the grading plan.

11. Grading Procedures

- A. *Bonds.* Security will be required for all hillside grading provided in the form of a surety bond,

letter of credit or cash deposit. The grading bond will be based on 50% of the cost of moving the largest amount of either cut or fill and include the cost of landscaping the slopes per the approved landscape plan. To obtain release of the bond, the landscape architect or civil engineer must submit a letter of certification that the soils, additives and amendments, weed control, planting of the slopes and the installation of the irrigation system comply with all approved plans and applicable requirements of the CCMC. The bond will be released one year after receipt of this certification if an inspection of the site determines that the landscaping has become permanently established.

B. Agreements. Agreements with adjacent property owners will be required for all of the following activities occurring outside the property boundaries of a project: grading, drainage, ingress and egress, community driveways, or other encroachment. All agreements must be in a form acceptable to the City Attorney, shall be recorded, and a conformed copy of the recorded document shall be submitted prior to approval of the grading plan.

12. Project Submittal Requirements

Additional project plan submittal requirements, including requirements for a grading plan, Erosion Sediment and Control Plan and/or Slope Protection and Fire Prevention Landscape Plan may be adopted by resolution of the City Council.

FISCAL ANALYSIS

There is no fiscal impact associated with the introduction of the Proposed Ordinance.

ATTACHMENTS

1. Proposed Ordinance
2. Hillside "H" Grading Designation Area Map
3. Grading Illustrations

MOTION

That the City Council:

1. 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).