Staff Report Details (With Text)

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Title:	CC - (1) Discussion of Potential Hillside Development and Construction Standards; and (2) Direction to the City Manager as Deemed Appropriate.				
Sponsors:					
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Date	Ver.	Action By	Action	Result

CC - (1) Discussion of Potential Hillside Development and Construction Standards; and (2) Direction to the City Manager as Deemed Appropriate.

Meeting Date: February 27, 2017

Contact Person/Dept: Sol Blumenfeld/CDD

Phone Number: (310) 253-5700

Fiscal Impact: Yes [] No [X] **General Fund:** Yes [] No [X]

Public Hearing: [X] **Action Item:** [] **Attachments:** []

Commission Action Required: Yes [] No [X] **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (02/22/17);

Department Approval: Sol Blumenfeld, Community Development Director (02/20/17)

RECOMMENDATION:

Staff recommends the City Council (1) discuss potential hillside development and construction standards; and (2) provide direction to the City Manager as deemed appropriate.

BACKGROUND:

On December 20, 2016, Community Development Department and Public Works Department staff met with approximately 15 residents in order to discuss their concerns regarding the single family home under construction and a proposed Accessory Dwelling Unit (ADU) at 10753 Cranks Road. Among their concerns were the height of the home, the safety of building on the slope, the condition of the slope relative to prior slope stabilization on the site and in the area, the proposed ADU design, the location of the ADU on the slope, concerns regarding the safety of constructing a pool on the property, and the need for additional development and building standards for hillside development and construction.

At the January 13, 2017 City Council meeting, several members of the neighborhood presented these concerns during the public comment period. At that time, the City Council directed staff to place the issue of hillside development and construction standards on a future agenda for further discussion.

Summary of Single Family Home Project at 10753 Cranks

The project is subject to the R1 development standards that were in place prior to the recent adoption of the "Mansionization" Ordinance. The project plans were approved on December 16, 2015. As summarized below, the project is a remodel of an existing 1,428 sq. ft. house with a 3,752 sq. ft. addition and is being constructed in compliance with the Zoning and Building Codes.[1]

Current Zoning Code Development Standards for Hillsides

The Zoning Code does not have specific development standards for residential hillside development. The development standards related to building size (FAR), setbacks, height, and parking are the same for all R1 zones in the City, regardless of location. Therefore, the subject property at 10753 Cranks Road was subject to the R1 development standards in place at the time of review in December 2015. (See Note 1 at the end of the report for further detail).

Current Building Code Development Standards for Hillsides

Hillside building requirements are generally found within Geotechnical Investigations, Section 1803 and Excavation, Grading and Fill, Section 1804 of the 2013 Edition of the California Building Code. (See Note 1 at the end of the report for further detail).

Current Hillside Grading Policies

Cities may adopt more restrictive Building Code requirements and in 2006, the City Council adopted Resolution No. 2006-R037, which established policies and procedures for the issuance of building permits for all proposed significant foundation work on hillsides in Culver City. The policies and procedures requires that any building permit application for significant foundation work on hillsides in Culver City must be accompanied by a geotechnical report and also requires the following prior to issuance of a building permit:

- The permit applicant must submit an evaluation by an independent State licensed geotechnical engineer of the applicant's geotechnical report.
- The geotechnical engineer must review all of the project structural plans and

specifications.

- The geotechnical engineer must provide field note inspections of foundations forms and reinforcement prior to placement of concrete.

- The geotechnical engineer must approve final site grading prior to final of the building permit.

- A State licensed landscape architect must prepare a landscape plan for the project.

Geotechnical Engineer Review of the 10753 Cranks Project

A geotechnical report was provided by the property owner in conformance with 2013 California Building Code Section 1803 Geotechnical Investigations. The owner's geotechnical report was reviewed by the City's geotechnical engineer consultant and subsequently approved, after the consultant's comments were addressed. The structure of the house was designed by a California licensed structural engineer in conformance with the 2013 California Building Code Chapter 16 Structural Design. The Public Works Department Engineering Division also reviewed the plans related to a former slope stabilization project that included the slope of the 10753 Cranks property.

The structural design and geotechnical report address the weight of the different structural materials. The structural plans, including the roof framing plan, the floor framing plans, the foundation plan, and all structural details, were designed by a California licensed structural engineer, to conform with the structural provisions of the 2013 California Building Code Chapter 16, Structural Design. The foundation plan and foundation details were designed to carry all dead loads from the wood and steel house structure, and all live loads, per the 2013 California Building Code Chapter 18, Foundations. The foundation plan and details were further designed to comport with the specific geotechnical report for the property prepared by the California licensed geotechnical engineer. The specific geotechnical report for the property was also reviewed and approved by an independent geotechnical peer review by a separate California licensed geotechnical engineer. The house foundation plan was also reviewed and approved, and stamped and signed by the geotechnical engineer. The City is going beyond these requirements and will have a 3rd party geotechnical engineer review and advise on construction field conditions prior to building permit final.

Accessory Dwelling Unit Requirements

In 2014, the 10753 Cranks property owner originally submitted single-family dwelling remodel plans for the property to the Planning Division for preliminary review including construction of an accessory dwelling unit (ADU). At that time, the ADU location was referred to the BZA and subsequently to the Planning Commission for a Zoning Code Interpretation related to building location and it was recognized that the City's Zoning Code, which allows an ADU to be constructed in R1, R2 and R3 Zones with the issuance of an Administrative Use Permit (AUP) (Zoning Code Section 17.210.015) is in conflict with State housing law and must be approved ministerially and is subject only to certain development standards including, but not limited to parking, height, setback, lot coverage, architectural review and maximum unit size.

The implications of this issue on the current ADU application is that it will need to be processed

ministerially, is a permitted use, and is not subject to an Administrative Use Permit. The ADU is proposed to be constructed on a slope and an update to the geotechnical report will be required to address slope stability related specifically to the ADU.

More recently, further updates to state ADU law went effect on January 1, 2017. Cities are still required to process ADU applications ministerially. In addition, other changes were made to state law putting further limitations on how cities process ADU applications. Staff has included the requisite Zoning Code Amendment in the Planning Division 2015-2016 and 2016-2017 work plans and has recently begun the process to amend the Zoning Code to be consistent with state law. The proposed Zoning Code Amendment is tentatively scheduled for consideration by the Planning Commission on March 8, 2017. It is anticipated that the Planning Commission's recommendation will be presented to City Council for consideration at its March 27th meeting.

DISCUSSION:

Potential New Hillside Construction Restrictions

The City Council may want to establish additional zoning and construction standards. The following suggested measures will require additional study and may be used to address hillside development conditions.

Additional Hillside Zoning Restrictions

Additional restrictions/regulations could include, but not be limited to:

1. Site Plan Approval by Planning Commission for all hillside new construction and major additions that exceed 50% of the current size of the home on the lot;
2. Planning Commission review of preliminary grading plans to create new building pads for hillside areas; [2]
3. Maximum building size of 3,000 sq. ft.;
4. Minimum front yard setback of 25';
5. Minimum side yard setbacks of 10';
6. Native landscaping materials used for street trees, parkways and front yard setback within hillside area developments. The Community Development Department would maintain a list of approved landscape material for hillside areas; and
7. Exterior lighting designed and shielded to minimize view while allowing for pedestrian and vehicular safety.

Additional Hillside Building Code Restrictions

Additional restrictions/requirements could include, but not be limited to:

1. Hillside grading (cut and fill) to create flat building pads no greater than 50% of the

pad length and width;

2. Maximum height of cut and fill slopes restricted to 20 feet in height as measured from the base of the slope on the lot;

3. Soil compaction required for entire building pad impacted by grading; and

4. Drainage system design approved by the City Engineer to convey all building pad drainage to the public way in a non-erosive pipe.

Staff recommends the City Council discuss these and other options as it deems appropriate and provide direction to the City Manager regarding next steps.

MOTION:

That the City Council:

1. Discuss potential hillside development and construction standards;and

2. Direct the City Manager as deemed appropriate.

NOTES:

1. Zoning Code Requirements

   The existing single-story house totaled 1,428 square feet and the proposed addition is 3,752 square feet for a total square footage of 5,180 square feet exclusive of the attached two car garage. Based on the prior Zoning Code in place at the time of the building permit application, the property owner is permitted a total building area of 5,815 square feet not counting the garage (based on the prior Zoning Code maximum building size allowance of 60% of the lot area). The lot area is 9,691 square feet which allows a maximum dwelling size of 5,815 square feet (9,691 sq. ft. x .60 = 5,815 sq. ft.). Therefore, the building size conforms to the Zoning Code. Under the current R1 development standards the building would be subject to a .60 Floor Area Ratio (FAR) which would result in the same 5,815 sq. ft. maximum building area as the prior Zoning Code development standards. However, under the current Zoning Code the attached garage area would count towards the FAR, thus resulting in 388 sq. ft added to the 5,180 sq. ft. dwelling unit size for a total dwelling size of 5,568 sq. ft. which is still within the allowable FAR of 5,815 sq. ft.

   The building setbacks are 20 feet in the front and a minimum of four feet on the sides which are in compliance with provisions of the prior Zoning Code. Under the updated R1 development standards, the building setbacks would have been 25 feet for the front due to the flat roof design of the structure and five feet on the sides.

   The house is two stories with a maximum height of 30 feet (as permitted under the prior Zoning Code) to the top of the flat roof which has been verified recently by field measurement. The current Zoning Code would have required a maximum height of 26 feet for a flat roof design. The Building Safety Division will also survey the elevation of rough framing to confirm the building height in addition to current field measurements. There is also a 4.6-foot high parapet wall (in conformance with the 5-foot height allowed). There is a mezzanine or loft on the second story (between the

second story floor and the roof). Mezzanines or lofts are permitted and do not count as stories as long as they are no more than one third the area of the room to which they are connected. There is an elevator that will be used to access the second story and mezzanine levels. There are outdoor decks that are above and adjacent to the proposed ADU that are currently being redesigned.

Building Code Requirements

The project geotechnical report provided for the use of spread footings. The foundation design was reviewed by the City's outside geotechnical consultant, and was subsequently approved after the consultant's comments were addressed and incorporated in the project plans. The owner's geotechnical engineer signed the structural engineer's foundation plan. The structure of the house was designed and stamped approved by a licensed structural engineer, and was reviewed and subsequently approved by Culver City Building Safety after plan check comments were addressed. During foundation construction, in addition to Culver City Building Safety inspections, the owner's geotechnical engineer and the owner's structural engineer performed site inspections, and approved the foundation work.

The structural design and geotechnical report address the weight of the different structural materials. The structural plans, including the roof framing plan, the floor framing plans, the foundation plan, and all structural details, were designed by a California licensed structural engineer, to conform with the structural provisions of the 2013 California Building Code Chapter 16, Structural Design. The foundation plan and foundation details were designed to carry all dead loads from the wood and steel house structure, and all live loads, per the 2013 California Building Code Chapter 18, Foundations. The foundation plan and details were further designed to comport with the specific geotechnical report for the property prepared by the California licensed geotechnical engineer. The specific geotechnical report for the property was also reviewed and approved by an independent geotechnical peer review by a separate California licensed geotechnical engineer. The house foundation plan was also reviewed and approved, and stamped and signed by the geotechnical engineer.

Chronology of the Single Family Home Permit:

7-30-15:	Building permit application was submitted for an addition of 680 sq. .ft. to the first floor of an existing single family dwelling, a 3072 sq. ft. 2nd floor addition, and an addition of 23 sf. to the existing garage. 6 sets of architectural plans and 3 sets of structural plans are submitted. Plans are distributed to Building Safety, Engineering, Fire Prevention, and Planning Divisions.
12-16-15:	Building permit is issued.
2-22-16:	Foundation inspection by Ralph Stone & Co. (geotechnical engineer).
3-11-16:	Foundation inspection partial approval by Building Safety inspector.
3-17-16:	Foundation inspection by Ralph Stone & Co.
4-18-16:	Foundation inspection by Ralph Stone & Co.
4-27-16:	Structural inspection by Niver Engineering (structural engineer).
5-5-16:	Foundation approved by building safety inspector.
11-18-16:	Structural inspection by Niver Engineering.
11-30-16:	Roof nailing inspection approved
1-2-1-16:	Building safety inspector measured heights of house structure.

2. Planning Commission approval of project grading based upon factual findings that:

    a) The proposed grading is the minimum necessary to allow use of the site; and
    b) The proposed grading will not significantly increase erosion or flooding, or endanger the stability

of the site or any adjacent properties;

c) The proposed grading, when completed, will be visually compatible with surrounding land; and

d) The proposed grading preserves trees on site to the extent possible.