



## Staff Report Details (With Text)

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**Attachments:** 1. 18-06-11-ATT NO 1\_Floor Area Ratio Map.pdf, 2. 18-06-11-ATT NO 2\_Public Comment.pdf, 3. 18-06-11-ATT NO 3\_Census Bureau Data on Average Home Size.pdf

Date	Ver.	Action By	Action	Result
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### CC - Discussion and Direction on Implementation of the Culver Crest Hillside Study as prepared by John Kaliski Architects.

**Meeting Date:** June 11, 2018

**Contact Person/Dept:** William Kavadas, Assistant Planner

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**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☐

**Action Item:** ☒

**Attachments:** ☒

**Commission Action Required:** Yes ☒ No ☐ **Date:** TBD

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (6/06/18); (Posted) City Website (5/10/18); Culver Crest Neighborhood Hillside Study List Serve (4/30/18); Gov Delivery (4/30/18).

**Department Approval:** Sol Blumenfeld, Community Development Director (05/21/18)

### RECOMMENDATION

Staff recommends the City Council provide discuss and provide direction on the implementation of the Culver Crest Hillside Study as prepared by John Kaliski Architects (JKA).

## **BACKGROUND**

The City Council adopted Urgency Ordinance No. 2017-005 on March 20, 2017, 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), and subsequently adopted Ordinance No. 2018-006 extending the moratorium by an additional 12 months. The moratorium was extended in order to allow the City adequate time to research options for future development and construction on the hillside and to prepare and present hillside specific development standards and regulations that the Planning Commission can consider and provide recommendations to the City Council. The existing moratorium expires on March 19, 2019.

On May 30<sup>th</sup>, 2017, City Council approved an agreement with JKA to prepare a study of hillside design and development standards (Study). As a result, JKA submitted and proposed a comprehensive scope of work to address the various concerns expressed by Culver Crest residents.

On November 27, 2017, City Council adopted Urgency Ordinance No. 2017-017 to immediately address the safety issues related to the development of Accessory Dwelling Units (ADUs) in the hillside which surfaced during the preparation of the Study, which are generally approved ministerially pursuant to State law. The Study findings related to hillside ADUs included:

- (1) There are 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” area; and
- (3) The area contains potential liquefaction zones and potential surficial landslide hazards.

As a result of Urgency Ordinance No. 2017-017, ADUs were restricted from being constructed in the Culver Crest Neighborhood.

On January 22, 2018, staff presented to City Council, the preliminary findings and recommendations of the Study prepared by JKA. JKA suggested implementation of a Culver Crest Hillside Overlay Zone and consideration of the following Zoning related standards:

- a. Reduction of the maximum floor area ratio for overlay zone designated properties and adoption of a slope band analysis (the relationship between degree of slope and amount of lot development) to better describe, on a property-by-property basis, the maximum floor area allowed on sloping lots.
- b. Increase of second-story front yard setbacks and first-floor side yard setbacks.
- c. Introduction of second-story side yard setbacks.
- d. Modification of the allowable floor-to-floor height of stories and/or maximum height of allowed floor plate heights above grade.
- e. Modification to landscape requirements for driveways, trees in street-facing front yards, and screening of retaining walls.

## f. Adoption of voluntary and educational design guidelines.

The City Council directed staff to develop a work program to implement the recommendations into the Municipal Code, Zoning Code, Building Code, and/or City policies in order to timely complete the work. The work program has been included in the City's budget for Fiscal Year 2018-2019 and the first phase of implementing the Study is to initiate relevant Zoning Code Amendments outlined below.

## **DISCUSSION**

The City Council is being asked to provide direction on the following recommendations proposed by JKA for incorporation into the Zoning Code:

### **Culver Crest Overlay Zone:**

A Zoning Code related recommendation to resolve development, building design, and massing concerns is the creation of an Overlay Zone specifically for the Culver Crest neighborhood. An Overlay Zone is a regulatory tool that creates a special Zoning district, placed over an existing base zone. The Overlay Zone involves both a Zoning Code Text and Zoning Code Map Amendment. An Overlay Zone identifies special provisions in addition to the underlying base Zone. The adoption of a Culver Crest Overlay Zone will ensure that the unique planning and development concerns of the neighborhood are addressed.

### **Floor Area Ratio / Slope Band Methodology:**

JKA has proposed a slope band methodology to regulate Floor Area Ratio (FAR) in the Culver Crest neighborhood (refer to Table 1). Floor area ratio is the ratio of floor space that can be built based as a percentage of the overall lot area. Slope band methodology refers to incremental reductions from the maximum allowed FAR based on average slope of the property. Slope band methodology provides for constraints on maximum building size that better relate the size of new structures to the bulk and massing of existing structures as well as the buildable topography of the site.

**Table 1: Proposed FAR**

Dwelling Size	Maximum Floor Area Allowed	
Maximum Area	Slope	FAR
	$0\% \leq \text{Slope} < 15\%$	0.45
	$15\% \leq \text{Slope} < 30\%$	0.40
	$30\% \leq \text{Slope} < 45\%$	0.35
	$45\% \leq \text{Slope} < 60\%$	0.30
	$60\% \leq \text{Slope} < 100\%$	0.25
	$100\% \leq \text{Slope}$	0.00

Recommended maximum FARs would range between 0.45 for lots with a slope of less than 15 percent and 0.25 for lots with a slope of greater than 60 percent. Establishing a maximum FAR of 0.45 would reduce mass and bulk compared to the current 0.60 FAR standard. Slope band methodology would further take into account site constraints of steeper properties, hillside stability and viewsheds from down slope. Attachment No. 1 shows the proposed FAR of properties in the Culver Crest neighborhood based on their average slope.

Slope-based FAR will ensure appropriately sized construction for those lots with increased potential for surficial landslides or changes in viewsheds for residents located down slope.

### Additional Setback Provisions:

JKA proposed recommendations for increased setbacks in the front, side, and rear yard (Table 2). Setbacks refer to the minimum distance a structure must be separated from the property line.

**Table 2: Proposed Setbacks**

Setbacks	Minimum setbacks required. See Section 17.300.020 (Setback Regulations and Exceptions).
Front	20 ft - Single Story Structure
	30 ft - Second Story of Two Story Structure
Side (E)	First Floor: 10% of lot width, but not <5 ft and not >10 feet
	Second Floor (Narrower Setback): 16% of lot width, but not <8 ft and not >16 feet
	Second Floor (Wider Setback): 24% of lot width, but not <12 feet and not >24
Rear(D)	15 Feet
<p>(D) If a slope of greater than 50% is present on the property, rear setback is 15 feet from the top of said slope. (E) Narrow setback designation and wide setback designation shall be the decision of the applicant except where the subject property is a corner lot, in which case the street side yard will be the wider setback. An applicant cannot propose a setback less than the minimum but can propose a setback larger than the maximum.</p>	

A new front-yard, second floor setback would increase from 20 to 30 feet. A 30 foot setback will help to reduce the mass and bulk of homes along the street frontage and maintain the existing neighborhood character.

New side yard setbacks would be based on lot width. First floor setbacks would be 10 percent lot width but not less than 5 feet and not more than 10 feet. Second floor setbacks would further incorporate a “narrow” setback and a “wide” setback to offset the second floor of a structure and provide greater articulation. Applicants would choose which of their second floor side yard setbacks

would be considered narrow and wide except that a wide second floor setback would automatically apply to a street facing side yard. Narrow second floor setbacks would be 16 percent lot width but not less than 8 feet and not more than 16 feet. Wide second floor setback would be 24 percent lot width, but not less than 12 feet and not more than 24 feet.

For all setbacks based on yard width, the applicant cannot propose a setback less than the minimum but can propose a setback larger than the maximum. These setbacks would help to reduce the mass and bulk of homes in relation to their abutting neighbor.

Rear yard setbacks would remain at 15 feet; however, new code language could require that where a lot has a slope of 50 percent or greater in the rear, a 15 foot setback would apply to any top-of-slope area. A 15 foot rear yard setback would help to protect viewsheds of homes that are located further down slope. The rear yard setback requirement may or may not be implemented depending on City Council determination regarding developing new structures on hillsides of greater than 50 percent slope, as discussed later in this report.

### Developable Area:

JKA geotechnical recommendations included language regarding the issues caused by grading along the Culver Crest Hillside. Portions of the Culver Crest Hillside were graded from original, natural slopes in the 1950s to establish building pads and roads. Original slope grading in the area ranged from approximately 66 percent to 100 percent. Most surficial landslide failures have occurred along these steepened slopes. JKA proposed all hillside designated properties with greater than 15 percent slope meet geotechnical recommendations per proposed Building Code revisions. JKA further recommended three different options regarding allowable building area on slopes greater than 50 percent to permit appropriate development on the Culver Crest Hillsides.

**Option 1 (refer to Table 3) prohibits new construction on any hillside with greater than 50 percent slope.** Prohibition of new construction on greater than 50 percent slope would reduce building on a steep slope and protect viewsheds of neighbors further down slope. Option one would also tie in to the required 15 foot setback from top-of-slope greater than 50 percent, as discussed previously in this report.

**Table 3: Proposed Height Regulations 1**

Height Limit (C)	Slope	Height
	$0\% < \text{Slope} < 50\%$	Flat Roofs - 2 Stories and 26 ft (B)
		Sloped Roofs - 2 Stories and 30 ft
	$50\% \leq \text{Slope} < 100\%$	No New Construction
(B) Any Parapet is included as part of the flat roof standard		
(C) Maximum Floor-to-Plate height is 14 Feet		

**Option 2 (refer to Table 4) allows new construction on or above a hillside of greater than 50 percent slope with additional review and approval processes.** JKA proposed allowing construction on greater than 50 percent slope as an option to further stabilize the hillside, as opposed to allowing no construction on slopes greater than 50 percent slope which may leave a hillside unreinforced for the foreseeable future. Residents at the third community meeting expressed concerns that a prohibition on all construction on greater than 50 percent slope may be too severe

and that modern engineering and construction methods may allow for safe construction. The geotechnical consultant for JKA noted modern engineering and construction methods could allow for safe construction and this was affirmed by other hillside jurisdictions that allow for construction on steeper slopes with appropriate engineering studies. Option two will provide for a more rigorous level of hillside review than currently exists but could affect viewsheds of those living further down slope.

**Table 4: Proposed Height Regulations 2**

Height Limit (C)	Flat Roofs - 2 Stories and 26 ft (B)
	Sloped Roofs - 2 Stories and 30 ft
(B) Any Parapet is included as part of the flat roof standard	
(C) Maximum Floor-to-Plate height is 14 Feet	

Option 3 (refer to Table 5) **allows new construction on a hillside with greater than 50 percent slope but only allows a one-story structure.** Construction of only a one-story structure on a 50 percent slope would allow for more buildable area for residents while protecting viewsheds of those living further down slope. Height would be measured from finished grade to top of structure including parapet.

**Table 5: Proposed Height Regulations 3**

Height Limit (C)	Slope	Height
	0% < Slope < 50%	Flat Roofs - 2 Stories and 26 ft (B)
		Sloped Roofs - 2 Stories and 30 ft
	50% ≤ Slope < 100%	1 Story and 14 Feet
(B) Any Parapet is included as part of the flat roof standard		
(C) Maximum Floor-to-Plate height is 14 Feet		

In summary, the proposed provisions in Options 1 and Option 3 are more restrictive in regard to developable area. Option 2 allows for more developable area on a slope with more rigorous studies required to prove hillside stability but may affect viewsheds. Building-on-slope constraints would not apply to remedial and/or corrective grading projects for existing conditions or structures, which would be subject to the approval of the Building Official. The Building Code updates will also set standards for the review requirements for all new construction on Culver Crest Hillside properties.

The proposed zoning provisions would also include parapet walls as part of the maximum building height limits of a flat roof structure. Parapet walls can currently extend up to five feet above the building rooftop but often increase the appearance of mass and bulk. Including parapet walls as part of maximum building height will help to reduce mass and bulk of structure and stay consistent with the character of the Culver Crest Neighborhood.

### **Landscape Recommendations:**

Landscape recommendations included the following items:

- A minimum three-foot landscape separation between driveways and on-site paved areas shall be required to ensure landscape breaks between residences and to provide that paving does not become a prominent feature of front yards. All driveways shall have a minimum of one foot landscaped from any side property line within the front yard setback.

- Whenever an applicant constructs a new single-family dwelling or adds a second floor to an existing one-story dwelling, the applicant shall plant a minimum of one 24-inch box tree to the street facing front yard to reduce the visual impact of the second-story and to reinforce the existing landscape and tree canopy of the Culver Crest neighborhood.
- Retaining walls must be setback a minimum of one-foot six inches from front and rear property lines. The one foot six inch setback area must be landscaped to screen the walls as appropriate. Appropriateness of landscaping shall be determined by the Community Development Director or his/her designee.

These landscape recommendations are intended to promote the existing character of the Culver Crest neighborhood while also improving viewsheds towards retaining walls.

### **New Definitions:**

Recommendations also included new definitions for the terms “Residential Floor Area”, “Story”, “Dwelling Unit”, and “Kitchen”. Staff has proposed these and several other definitions to better define the components of a single-family home. The definitions below are in draft form and will be further refined before returning to Planning Commission and City Council.

- a. Floor Area, Residential - Residential floor area shall include mezzanines, covered porches, covered patios, and accessory buildings in addition to any traditional floor area within the main dwelling unit. Floor area shall be defined as the area confined from exterior wall to exterior wall. Areas with a ceiling height greater than one story will be counted twice towards floor area and staircases and elevator shafts shall be counted as one plane per floor.
- b. Story - A story shall be defined as the floor to plate height and can be no taller than 14 feet.
- c. Dwelling Unit - Dwelling unit shall be defined as a living area with only one kitchen maximum.
- d. Kitchen - any area within any structure including one or more of the following facilities that are capable of being used for the preparation or cooking of food: oven/microwave oven, stove, hotplate, refrigerator exceeding six cubic feet, dishwasher, garbage disposal, sink having a drain outlet larger than 1 ½ inch in diameter, and cabinets, counter space, or other areas for storing food.
- e. Lofts - See mezzanine.
- f. Mezzanine - An intermediate or fractional floor area between the floor and ceiling of a main story. A mezzanine floor area shall be deemed a full story in case it covers more than one-third of the area of the story directly underneath said mezzanine story or the floor to plate height exceeds 14 feet.
- g. Covered - Any enclosed building area or any semi-enclosed or unenclosed building area that is covered by a solid roof.
- h. Attic - The area between roof framing and the ceiling of the rooms below that is not

habitable, but may be reached by ladder and used for storage or mechanical equipment. An attic with at least 70 square feet of floor area with a ceiling height of greater than seven (7) feet shall be counted towards floor area and as a story.

The proposed new definitions will help ensure consistency in reviewing proposed building modifications and new construction plans

### **Culver Crest Design Guidelines:**

The JKA recommendations are intended to guide design and development by reducing building mass and bulk and by providing more restrictive measures for setbacks, building location, lot coverage and the measurement of building height with the intent of implementing these recommendations while the current building moratorium is in effect. Going forward, it may be desirable to add additional design guidelines for the area upon completion of the citywide large single family home study that will be prepared over the next several months.

### **Community Input:**

On May 4, 2018, members of Planning Staff met with members of the Culver Crest Community to review preliminary code proposals. Input from the public included the location of narrow and wide setbacks, floor area ratio impacts on existing properties, and the applicability of landscape requirements. A record of additional concerns is available in Attachment 2.

Proposed regulations regarding FAR were most the prevalent concern and the public asked if the regulations were too restrictive on steep properties. Staff researched the number of lots that were categorized by each average slope FAR and found that approximately five properties were classified with an FAR of less than or equal to 0.32. Even with the most restrictive FAR, average house size for these parcels is 4,436 square feet due to the prevalence of the larger sized lots. Houses with the least restrictive 0.45 FAR could have an average home size of 2,894 square feet. Table 6 indicates relative FAR and home sizes in the area:

**Table 6: FAR Comparisons**

Proposed FAR/Slope	Number of Properties Impacted	Average Lot Size	Current Floor Area (0.60)	Proposed Floor Area
0.45	25	6432	3859	2894
0.42	30	7950	4770	3339
0.35	8	10244	6146	3585
0.32	5	13863	8318	4436
*Numbers are approximate and final determination will be based on individual surveys provided to the City by applicants.				

### **Conclusion:**

Staff has worked closely with JKA and the neighborhood over the last several months and believes the proposed recommendations to be consistent with neighborhood concerns and good planning practice. The proposed zoning standards are sensitive to area topography and other hillside conditions and will help ensure appropriate area development.

If directed by City Council, staff will proceed with the necessary Zoning Code Amendments to



implement the JKA recommendations and present to the Planning Commission for recommendation to the City Council. Upon City Council adoption of the Zoning Code Amendments, staff will concurrently introduce language to immediately repeal Ordinance No. 2018-006 that enacted the Hillside moratorium.

### **FISCAL ANALYSIS**

There are no fiscal impacts related to this item.

### **ATTACHMENTS**

1. FAR Map
2. Public Comments
3. Census Bureau Data on Average Home Size

### **MOTION**

That the City Council:

Discuss and provide direction on the implementation of the Culver Crest Hillside Study as prepared by John Kaliski Architects.