



City of Culver City

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Staff Report

File #: 16-751, Version: 1

Item #: A-2.

THIS AGENDA ITEM WILL BE HEARD NO EARLIER THAN 7:00PM: CC - Adoption of an Ordinance Establishing a 45-Day Moratorium on the Issuance of Any New Building Permits for Development and Construction in the Lower and Upper Culver Crest Hillside Neighborhoods as Identified on the Attached Map and Declaring the Urgency Thereof and that it Shall Take Effect Immediately.

Meeting Date: March 20, 2017

Contact Person/Dept: Sol Blumenfeld, Community Development
Phone Number: 310-253-5700

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☐

Commission Action Required: Yes ☐ No ☒

Public Notification: (E-Mail) Meetings and Agendas - City Council; and Notify Me - Culver City News and Events (03/07/17; and 03/14/17); (Publication) Culver City News (03/09/17)

Department Approval: Sol Blumenfeld, Community Development Director (03/14/17)

RECOMMENDATION

Staff recommends the City Council adopt an Ordinance establishing a 45-day moratorium on the issuance of any new building permits for development and construction in the Lower and 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. **(This item requires a four-fifths vote.)**

BACKGROUND

On December 20, 2016, Community Development Department and Public Works Department staff met with approximately 15 residents in the Culver Crest hillside neighborhood 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 Culver Crest 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 on a future agenda for further discussion. On February 27, 2017, after hearing significant public comment from residents in the Culver Crest neighborhood, and discussing the concerns expressed by residents concerning the safety of the hillside, the City Council directed staff to agendize, for Council's consideration on March 20, 2017, a proposed temporary 45-day moratorium on new development and construction in the Lower and Upper Culver Crest areas in order to further study the matter.

DISCUSSION

The City Council has received testimony from residents who expressed concerns regarding the extent of construction in Culver Crest hillside neighborhoods in light of the history of portions of the hillside sliding in this area on several occasions, including most recently in February 2017. These concerns have been heightened due to the recent heavy rains and slide, and predictions for higher than normal rainfall during the coming months. In response to such concerns, the City and has directed staff to study methods to better regulate development and construction on the Lower and Upper Culver Crest hillside to ensure the public health, safety and welfare. The 45-day moratorium will provide City staff with 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.

The proposed moratorium provides that for a period of 45 days from the date of adoption, no building permits for development and construction shall be issued for any improvement to any property located within the Lower and Upper Culver Crest Neighborhoods, as identified on Exhibit A of 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 Ordinance. Further the proposed moratorium excludes plumbing, mechanical and electrical permits issued for existing structures.

If the City Council adopts the proposed Ordinance, City staff should be directed to study and analyze issues related to hillside development in the Culver Crest neighborhoods, as identified on Exhibit A to the proposed Ordinance, including methods of construction and zoning regulations. Staff will then make recommendations to the Planning Commission on proposed construction and regulatory measures, which will then proceed to City Council for consideration.

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.

Government Code Section 65858 provides that an urgency ordinance may be adopted without prior public notice or public hearing by a four-fifths vote of the legislative body upon a finding that the action is required to protect the public safety, health and welfare. Such ordinance shall have no further force and effect 45 days from the date of its adoption. However, after notice and a public hearing, such ordinance may be extended for a period of ten months and 15 days, and subsequently extended for an additional 12 months. Not more than two extensions may be adopted.

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

The adoption of the Ordinance may impact the issuance of building permits and collection of building permit fees; however because it is speculative to determine the exact number of applications the City may have received or could have received during the period of the moratorium, it is difficult to determine the fiscal impact at this time.

ATTACHMENTS

1. Proposed Ordinance

MOTION

That the City Council:

Adopt an Ordinance establishing a 45-day moratorium on the issuance of any new building permits for development and construction in the Lower and 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. (This item requires a four-fifths vote.)